

**PERSISTENCE OF TRADITIONAL OATHING AMONG KAMBA CHRISTIANS  
IN MACHAKOS COUNTY**

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Requirements for the Master of Arts Degree in Religious Studies of Egerton University**

**EGERTON UNIVERSITY**

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## DECLARATION AND RECOMMENDATION

### Declaration

I declare that this is my original work and to my knowledge has not been previously presented in this or any other university for any degree.

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## **DEDICATION**

This work is dedicated to my dear husband and companion, Franco Wambua, who has always stood by me and my beloved daughters Jada and Melsie.

## **ACKNOWLEDGEMENTS**

I would first of all give honour and glory to God for this far He enabled me. Secondly I would like to express sincere gratitude to my supervisors, Prof. Matthew Theuri and Prof. Reuben Matheka, for taking me through this research project. Their guidance through all the stages of the study is immensely appreciated. May God bless them abundantly. I also acknowledge the enthusiastic support from my family. I am especially grateful to my father, Dr. Patrick Muliro, for mentorship and encouragement throughout my student life. I also sincerely thank my loving husband, Franco Wambua, for his continued moral support, encouragement and understanding. To all my lecturers, colleagues and friends I say “thank you and may God bless you abundantly”. Finally, I thank my informants and all the other persons who helped me get data for the study.

## ABSTRACT

This study examined the persistence of traditional oathing (*kithitu*) among Kamba Christians in Machakos County, Kenya. It further examined circumstances under which *kithitu* is practised, ways in which *kithitu* is practised, extent of reliance on *kithitu*, and Christian teachings on oathing. The theory of functionalism guided by the reconstruction theology motif was applied in the study. This study was conducted as a qualitative case study in Machakos Town Sub-County between March 2015 and May 2015. The target population was Kamba Christians in Machakos County. Purposive sampling was done among the Kamba Christians from Mainstream churches, and those who participated were selected using snowball sampling technique. Informants identified through this sampling procedure were then subjected to interview schedules to provide primary data for the study. Primary data was collaborated and supplemented with secondary data collected from various libraries. The data collected was edited, coded and classified according to the objectives of the study. This data was then analyzed and presented using summary tables. Finally, the thesis was written in line with the research objectives and questions. The study found out that *kithitu* is an oath used as a last option in conflict resolution to punish wrongdoers. It is administered either through a *kithitu* ritual expert or personally. However, local administrative leaders warned that the use of *kithitu* is illegal and criminal. The study discovered that there are several ways *kithitu* is practised. The extent of reliance on *kithitu* is mainly influenced by the benefits it offers at both the individual and communal level. The study found out that the Mainstream Churches generally forbid the use of *kithitu*, though some are silent about it. Despite the churches barring their followers from oath-taking, the study found out from the Bible and other Christian sources that the practice is allowed although not every oath or vow is legitimate. From the findings, the researcher concluded that several factors contribute to the persistence of *kithitu*: African Traditional Religion (ATR) being pragmatic; *kithitu* has a modern meaning; continuity of some African traditional beliefs and practices; failure of the Church and government in addressing existential problems; and the oral traditions surrounding *kithitu*. The researcher consequently recommended for a reconstructive study of ATR beliefs and practices as one main source of doing African Christian theology.

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## DEFINITION OF TERMS

**Akamba:** A Bantu community in Kenya, mostly occupying the lower former Eastern Province of Kenya currently divided into Machakos, Makueni and Kitui counties.

**Curse:** A solemn utterance intended to invoke a supernatural power to inflict harm or punishment on someone or something.

**Mukamba:** Is the singular form of Akamba.

**Kikamba:** This is the language spoken by the Akamba.

**Kamba:** This is used as an adjective for describing the aspects of the community such as kamba customs and kamba culture.

**Kamba Christians:** Refers to Akamba who profess the Christian faith.

**Mainstream Churches:** Refer to the churches established by the missionaries when they came to Africa like the Roman Catholic Church, African Inland Church (AIC), and Friends Church (Quakers).

**Oath:** A solemn, formal declaration or promise to fulfill a pledge, often calling on God, a god, or a sacred object as witness. People swear oaths that they will speak the truth, perform a particular act, or keep a promise. To swear is to make an oath.

**Ritual Experts:** These are people with special skills and knowledge for conducting specific ATR rituals and ceremonies. They are considered as religious heads or leaders by members of their communities but do not hold political powers.

**Traditional oathing:** A set of ideas, theories and procedures according to which traditional oath are practised.

**Kithitu:** Refer to the traditional Kamba oathing practice. The term *kithitu* (kèðitò) means an absolute binding force. It is a supernatural entity that is believed to have the power to cause misfortunes and even death, to someone who has committed a crime, or offence among the Akamba and refuses to own up. It is mainly used to determine guilt.

**Persistence:** Endurance, continuance, preservation, maintenance, permanency, continuity, durability. In this study the term persistence is used to show how *kithitu* has continued to be practised by the Akamba despite them converting to Christianity

**Vow:** A serious promise to do something or to behave in a certain way. A vow is a solemn

promise made to the Lord. It involves dedicating oneself or some possession to an act, service, or way of life.

**Pledge:** A serious promise

## ABBREVIATIONS

ATR	-	African Traditional Religion
AIC	-	African Inland Church
Km <sup>2</sup>	-	Square Kilometres
KNBS	-	Kenya National Bureau of Statistics
NEPAD	-	New Partnership for Africa's Development

# CHAPTER ONE

## INTRODUCTION

This chapter focuses on the background of the study. It states the problem and outlines the objectives of the study. It further gives the questions that the study seeks to answer and offers a justification for the study. The scope and limitations of the study are also discussed with key terms being defined for easy understanding of the phenomenon under study.

### **1.1 Background to the study**

Long before the introduction of other world religions such as Christianity and Islam, Africans practised their different religions commonly referred to as African Traditional Religion (ATR). With the advent of Christianity, it was expected that these traditional religious beliefs and practices would decline and eventually disappear. This did not happen, because these beliefs and practices have persisted even with the spread of Christianity to most parts of Africa.

Mwaura (2007) states that Africa is a continent with mainly a triple religious heritage namely: African indigenous religion, Islam, and Christianity. Nevertheless, despite the preponderance of Christianity and Islam, African indigenous spirituality continues to survive in people's imagination influencing their value systems, self-identity, and behavior. Kinoti (1999) notes that previous efforts to replace the African traditional moral scheme with the western ethical system largely failed.

Gehman (1989) observed that the cultures of Africa today are no more what they used to be in so many areas. The traditional practices are changing technologically, educationally, politically, culturally, and to some extent religiously. Yet, we find that during times of crisis, especially death, even professing "Christians" revert to traditional beliefs and practices. Mbiti (1992) spoke of a "religious concubinage" in which people embrace "the good" in both Christianity and ATR.

This persistence has not augured well with Christian leadership worldwide, and has generated heated debates among religious leaders and theologians. Some have even hypothesized that Africa has enough tools and expertise to come up with an approach to Christianity that does not contradict the gospel as taught by Jesus Christ.

Idowu (1973) wrote that “While, as we have said, every African may wish to be regarded as connected with one or the other of the two “fashionable” religions, most are at heart still attached to their own indigenous beliefs. It is now becoming clear to the most optimistic of Christian evangelists that the main problem of the Church in Africa today is the divided loyalties of most of her members between Christianity with its Western categories and practices on the one hand, and the traditional religion on the other. It is well known that in strictly personal matters relating to the passages of life and the crises of life, African traditional religion is regarded as the final succor by most Africans”.

Djongwe (1986) affirms that ATR is a major problem in the African Christian church whenever suffering comes. Suffering and sickness lead the people back to ATR. In fact, Djongwe contends that few African Christians respond well to problems of sickness. Many feel that their ancestors are not pleased with them. Only a few African Christians have a mature biblical attitude during times of sickness and death.

This persistence has been reported across the board in Mainstream Churches started by the missionaries, African Independent churches started by African converts, and the New Apostolic churches. This persistence has led to accusations and counter-accusations and from 1960s to the 1980s; concepts of making Christianity more relevant to the African situationsuch as inculturation, incarnation, and contextualization arose. Moreover, theologies to explain the African situation such as liberation theology were introduced, and were thought to address the African existential problems better than missionaries and colonial theologies. In the 1990s, there was a paradigm shift to reconstruction theology, though some scholars still hold on to liberation theology.

According to Kamaara (2009), many of the ATRs are no longer widely practised. Nothing could be farther from the truth. She writes that Traditional African religions are widely practised all over Kenya except if one is thinking of ATR in liturgical sense in which case only about 10% of the total population of Kenyans adhere to traditional religions. She adds that:

ATRs may no longer be practised as it was in the nineteenth century, but this dynamic characteristic is common to all religions: While ATR has changed over time to adopt and adapt other religious and secular practices, ATR beliefs continue to affect the way people think and act even though they may not profess to be traditional African believers. In fact, most Christian denominations have combined aspects of Christianity and traditional religious beliefs. Those which overtly acknowledge this move are referred to as African indigenous churches and may be exemplified by Dini ya Msambwa found mostly in Western Province of Kenya. While it is difficult to enumerate the number of adherents to ATR, it is accurate to observe that most Kenyans who profess to other religions are significantly influenced by ATR.

One ATR practice that has persisted is traditional Oathing. According to Scholars like Thornton (1992), Oyugi (1994), Clough (1998), Alison (1998), Mazrui (1999), Berger and White (1999), Freston (2004), Mathai (2006), Eager (2008), and Davies (2008), oathing is a very important aspect of ATR. Oathing was used in pre-colonial Africa to promote harmony and mutual responsibility. Different African communities administered oath to ensure allegiance to the community's norms, values, interest, practices, and beliefs. Oathing was also an important aspect of the Africans judicial system. It was used to determine guilt and to solve conflicts. Oathing was mostly resorted to when secular arbitration methods had failed. The Igbo of Nigeria, the Ashanti of Ghana, the Agikuyu of Kenya, and many other African communities, still use the oath in their traditional judicial systems.

In pre-colonial and post-colonial Africa, traditional oathing continued to serve the same purposes mentioned above, but the colonialist did not allow ordeals. Traditional oathing has continued to modern Africa, and cases of Africans professing Christianity resorting to traditional oathing are not a rare occurrence. For instance, the Kamba oath has been used to solve conflicts among



the Akamba and is even recognized by modern courts. On 23<sup>rd</sup> October 2003, more than 3000 members of Kwa Mating'i Coffee Farmers Cooperatives Society in Machakos Town Sub-County administered a Kamba oath against arsonists who torched the cooperative society's more than 25 acres of coffee trees. The society's chairman, on behalf of members, applied for and received a permit from the Matungulu Sub-County Office, to administer the oath at the society's offices. Also members of a famous Sacco in Kiambu, *Mbo-i-kamiti*, forced their directors to swear on the Kikuyu oath that they would not embezzle the society's funds. The members believed anyone who broke the oath would face serious repercussions.

This study examined the traditional oathing practice among the Akamba in Machakos County. The KNBS (2009) population and housing census results indicates that the Akamba are the fifth largest ethnic group in Kenya, numbering 3,893,157. According to Gehman (1989), the Akamba were the fourth largest ethnic group in Kenya, numbering 1,725,800 in the 1979 census. The Akamba, a Bantu people, migrated from the plains around Mount Kilimanjaro. They were originally migratory pastoralists with many cattle, and no oral tradition of crop production during the early years.

Gehman (1989) writes that "When the Akamba moved to present day Eastern Kenya, the fierce Maasai led them to seek protection in the mountainous areas. Gradually, the Akamba developed sedentary life, supporting themselves with agriculture. Trading between the hinterland and the coast became an important feature of Akamba culture. The mountainous areas are fertile but much of Ukambani has poor soils and limited rainfall with Eastern Ukambani (Kitui) having large tracts of uninhabited waterless land bordering the Nyika (treeless wilderness). Today the Christian church is firmly planted in most parts of Ukambani. Primary and secondary schools dot the countryside. Cultural change has been revolutionized within the past ninety years. Yet, the deep seated values of the traditional worldview persist even within the church today".

Ndeti (1972) writes that in the Kamba customs, a human being (*mundu*) is more than a body with a spirit, *mundu* is a community. This community among the Akamba, like other African peoples,

extends beyond the living members of the clan and tribe. It incorporates those who have died and those yet to be born. *Mundu* according to the community is born, reared, married, matured, and deceased within an extended family. This community extends from smaller units to the Akamba nation as a whole. The smallest social unit among the Akamba is the *musyi* (family or home), followed by the clan, then the larger tribe. Central to the family, is the man with his wife or wives, and their children, together with the extended family with strong ties over three generations-grandparents, parents and children.

Ndeti (1972) further writes that the largest unit to which a member belongs is the whole tribe. But the clan can be sub-divided into sub-clans or minor groups within the clan, so the Akamba are generally divided into larger groupings, the Machakos or (Masaku) Akamba, the Makueni Akamba, and the Kitui Akamba. The Akamba government was a collective responsibility based on the assumption that “man is ultimately responsible for the protection of himself and whatever proceeds from him.” The Akamba were ruled by the elders in various councils called *nzama*. The elders deciding by consensus in the council, made the judicial decisions for the community, but the people executed the decisions. Crimes which threatened the whole community would be dealt with severely through collective retaliation.

According to Gehman (1989), there are widespread changes throughout Ukambani. The active presence of the Christian church has wrought a cultural revolution. The presence of schools, the introduction of money economy, industrialization, and westernization have all contributed to the transformation of traditional culture. Many traditional rituals are no longer practised as they used to be, generally speaking. Some traditions have changed, but if rituals and ceremonies are greatly changing, the deep levels of traditional world view linger on.

The African Inland church (AIC), one of the Mainstream Churches in Ukambani, has been in existence in Kenya for over a century now, having been established in 1895 by Peter Cameron Scott (1867-1896). The mission was to spread the good news of Christ in Africa. AIC has grown and is one of the largest protestant churches in Kenya with branches in most parts of the country.

The first network of the mission stations of the AIC were established in Ukambani. The first Church was started at Nzau hills, followed by Kilungu, then Sakai, and Kangundo. This indicates that many Akamba responded positively to the gospel, and became members of the AIC. Consequently, the AIC established itself as the Dominant Christian Denomination in Ukambani. The A.I.C even established a theological college, Scott Theological College, located in Machakos Town, to help train African church leaders.

According to Kasomo (2010),the Holy Ghost Fathers from France were the first ones to evangelize Ukambani in 1912. From 1912 to 1918 the only station they had was Kabaa.The first Bishop Ndingi Mwana'A Nzeki was appointed on September 1969.

The history of Catholic Church in Machakos begins with the arrival of the first Catholic missionaries in Ukambani – the land of Akamba. In 1913, Fr. Lcoute and Fr. Blais, two French Holy Ghost missionaries, came to live at Kombe, a small village at the foot of Kanzalu hills, two miles north east of Mbiuni. They built a simple house and a grass thatched church and spent a year there trying to establish the first catholic mission in Ukambani. The chief and some of the councillors were in favour of the Catholic mission. There were others who were opposed to it. However, the District Commissioner who came to see the place considered that the new Catholic mission was too near to the AIC mission at Kangundo. Therefore, the Fathers were told to move to a hill near Athi River, about four miles away, “Ni Kavaa”, they were told, “Is a better place”. Hence the new mission was called Kabaa. In 1915, the two priests built the first Catholic Church in Ukambani using sunbaked bricks. They also built a small house for the priest. They started classes for catechumens. They used the school as a means of spreading the Gospel. Rev. Fr. Horber and a Holy Ghost brother succeeded the pioneers in 1918. But they left for Kilungu to begin a new mission.

In 1924, Rev. Fr. Joseph Witte and Rev. Br. Josephat came to Kabaa. They began a central training school at Kabaa. A Catholic High School was also started with Rev. Fr. Murreu as the head teacher. As the number of the Christians around Kabaa increased, it was felt necessary to separate the mission from educational institutions. Therefore while the fathers stationed at Kabaa

took care of the spiritual needs of local Christians, the mission offices were transferred to Mwala. Rev. Fr. Timmius built the church and presbytery at Mwala in 1961. As the out-stations and the number of Christians increased, it was found good to divide the parish. Hence a new church and mission was built in Mbiuni, six kilometres away from Kabaa, in 1977. Rev. Fr. Michael Cuniffe was the first priest in charge of the mission. He was succeeded by Rev. Fr. Boran in 1979. Even though Christianity has been in Ukambani for over a century now, its prevalence has not wiped out many traditional practices like *kithitu*.

As noted above, for the Africans, oathing as an aspect of ATR has been used to promote mutual concern, responsibility, peace and harmony, among the African people. On the other hand, Africans have converted to Christianity and are thus regarded as African Christians. Therefore, there is need to study aspects of ATR, such as traditional oathing, to establish the reasons as to why they have persisted and whether this persistence is good for Christianity or not. There is also need to establish whether it is reconcilable, or irreconcilable with Christian teachings about oathing. Moreover, there is need to look at the relevance of these practices on African Christianity.

## **1.2 Statement of the problem**

Oathing is a common practice in Kenya. Government officers, for example, swear an oath of allegiance before assuming public office. In the courts, witnesses too must be under oath before they can testify. Traditional oathing too is common among African Christians, despite the fact that Christianity forbids all forms of swearing. This practice is particularly dominant among Kamba Christians in Machakos County. This current study thus used Kamba Christians in Machakos Town Sub-County, as a case study for finding out why traditional oathing has persisted among African Christians. The study also aimed at filling the gap of knowledge in the study of ATR and African Christian Theology, by examining traditional oathing as one practice that has persisted among African Christians.

### **1.3 Objectives of the study**

The main objective of the study was to examine the persistence of traditional oathing (*kithitu*) among Christians in Machakos County.

The specific objectives of the study were:

- a) To explore circumstances under which Kamba oathing (*kithitu*) is practised in Machakos County.
- b) To describe ways in which Kamba oathing (*kithitu*) is practised in Machakos County.
- c) To analyze the extent of reliance on Kamba oathing (*kithitu*) among Christians in Machakos County.
- d) To examine Christian teachings on oathing.

### **1.4 Research questions**

- a) Under what circumstances is Kamba oathing (*kithitu*) practised in Machakos County?
- b) How is Kamba oathing (*kithitu*) practised in Machakos County?
- c) To what extent is Kamba oathing (*kithitu*) relied on by Kamba Christians in Machakos County?
- d) What does Christianity teach about oathing?

### **1.5 Justification and Significance of the study**

The study was necessary for a number of reasons. First, there was need to document reasons for the persistence of traditional oathing among African Christians. This information is significant for Religious studies scholars, theologians, and historians, as it would contribute to the study of African Religious heritage. Moreover, theologians and church leaders will benefit from the information as they continue in their quest of establishing African Christian Theology.

Secondly, the Kenyan government is not against oathing. However, in the recent times, the government has faced challenges from emergent illegal groups such as Mungiki, Taliban, Sungu, and Baghdad among others. These groups involve themselves in criminal activities which have led to loss of property, rape, and even loss of lives. Memberships to these illegal groups are

usually granted after taking an oath of allegiance to the particular group. These illegal groups have made the government to be strict with people engaging in unauthorized oathing ceremonies. Therefore, the information gathered will be significant to the government in its continued efforts of investigating and curbing the activities of these illegal emergent groups. Moreover, this information is valuable to the government and policy makers, as they seek to understand traditional oathing and their impact on the people of Kenya.

The researcher chose to study oathing among the Kamba Christians in Machakos County because cases of oathing have been reported in the area. Moreover, the choice of Kamba Christians was influenced by the fact that majority of the Akamba in Machakos County profess the Christian faith. Also, the study purposively chose to concentrate on Christians from mainstream churches, because they were the first churches to be established in the area, and have existed in the area for more than a century.

## **1.6 Scope and Limitation of the study**

### **1.6.1 Scope of the study**

The study dealt with the persistence of traditional oathing among African Christians in Kenya. It focused on the Kamba oath, which has persisted in the form of *kithitu* in Machakos County. Machakos County was selected because it is predominantly inhabited by the Akamba, and cases of Kamba oathing (*kithitu*) have been reported in the area. The research design was qualitative, conducted in Machakos Town, one of the eight Sub-Counties in Machakos County.

According to Kenya National Bureau of Statistics KNBS (2009), Machakos Town Sub-County covers an area of 925.2km<sup>2</sup>, and has a total population of 199,211 people, comprising 97,449 male and 101,762 female. By the end of December 2011, the total population was estimated to have grown to 211,528 people, comprising 103,474 males and 108,054 females. Although there is no data on the number of Kamba Christians in Machakos Town Sub-County, the Sub-County survey department estimates that 99% of the total population is made up of the Akamba, with 99% of them professing the Christian faith. The Sub-County in 2009 was divided

into Kalama and Machakos Central Divisions. Kalama and Machakos Central Divisions cover an area of 292.5km<sup>2</sup> and 632.7km<sup>2</sup> respectively. Kalama and Machakos Central Division are further divided into four and nine locations respectively. The respondents were drawn from Church leaders, Kamba Christians, Kamba traditional ritual expert, and the County administrative leaders in Machakos Town Sub-County.

The case study will represent other Kamba Christians beyond the selected geographical area of the study, and the findings perceived to be similar and relevant across the board, because Kamba oath-taking (*kithitu*) is a common practice among the Akamba.

### **1.6.2 Limitations of the Study**

The study expected several limitations. First, illiteracy and language barrier, as some parts of Machakos Town Sub-County are rural, with majority of the population there speaking only Kikamba. Secondly, some of the respondents would refuse to cooperate because of the sensitivity of the subject matter under study. Thirdly, there is no data available on the number of Kamba Christians in Machakos Town Sub-County. Also, access to the ATRitual experts would be a problem. However, assistance from village elders would help in mitigating the problem.

During the study, many respondents understood English and Swahili languages, making the interviews productive. However, in case the respondents could not understand some English or Swahili words, the use of translators helped and made the interviews successful. However, due to the sensitivity of the subject matter, some of the respondents refused to cooperate and answer some questions.

Thirdly, although there was no data available on the number of Kamba Christians in Machakos Town Sub-County, it is estimated that 99% of the total population in Machakos Town Sub-County is Akamba and still 99% of them are Christians. The study was also able to get a ritual expert who cooperated during the interview.

## **1.7 Conclusion**

In this chapter, the study dealt with introduction, background of the study, statement of the problems, objectives of the study, research questions, significance and justification of the study, scope and limitations of the study. In the next chapter the researcher dealt with literature review related to the study, theoretical framework and conceptual framework.



## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

This chapter focuses on the review of literature about the persistence of ATR beliefs and practices in contemporary Africa. The main focus is traditional oathing. The major aspects of analysis include: the importance and historical development of oathing, persistence of oathing among African Christians, and Christian teachings on oathing.

#### 2.2 Persistence of African Traditional Oathing among African Christians

Religions play a vital role in any given society. Johnstone (1997) asserts that as a group phenomenon, Religion is concerned with the sacred and supernatural, involves a body of beliefs, consists of a set of practices, and contains moral prescriptions. According to Mugambi (1993), long before the introduction of other world religions, Africans practised their own religion referred to as African Religion or African Traditional Religion (ATR). ATR permeated all aspects of Africans' lives. Ezeanya (1980) writes that in Africa, life is religion and religion is life. Awolalu (1976) explains that when we speak of ATR, we mean the indigenous religious beliefs and practices of Africans.

Kirwen (2005) observes that these indigenous African religious beliefs and practices vary in detail, but they agree in essentials such as the spiritual nature of the world, the existence and remoteness of God, the role of spirits and mystical powers, the role of ancestors or the living dead, and the way humans relate to their world and to the supreme being. According to Dopamu (1991), in general, there is a regular rhythm in the pattern of the people's belief and practices, and this regular rhythm, is the universal belief in the Supreme Being, as an integral part of an African world view and practical religion. Mndende (2005) reiterates that while there are differences in some of the customs and objects used to perform rituals among different tribes in

Africa, the underlying principles remain the same, therefore, ATR should be referred to in singular form and not in plural as articulated by Mbiti (1975).

Mbiti (1977) asserts that ATR is very pragmatic and realistic, and is applied to a situation as the need arises. Awolalu (1976) in his definition of African Religion, states that ATR is not a fossil religion (a thing of the past), but a religion that Africans today have made theirs by living it and practicing it. One important aspect of ATR is oathing which has persisted among African Christians in Africa.

### **2.2.1 Circumstances under which traditional oathing is practised by African communities**

According to Thornton (1992), Oyugi (1994), Clough (1998), and Mathai (2006), oathing was an important tool of ensuring solidarity, unity, secrecy and loyalty in many African communities. Arulefela (1988) observes that Yoruba people do not have just a single word for covenant, but use several words like promise, oath, vow, bargain, or agreement.

Oathing was an important tool of liberation for the Africans during the fight against colonialism. According to Clough (1998), Alison (1998), Mazrui (1999), Berger and White (1999), Freston (2004), Eager (2008), and Davies (2008), oathing was an important aspect of the Mau movement in Central Kenya in the 1950s. It was their real leader and was considered one of the most important characteristic features of Mau Mau. This created a lot of nervousness among the colonialists and they imposed tighter controls on their organization, registration, and rituals such as oathing. Women were also part of the oathing ceremonies that tightened bonds in the liberation movements. Oathing also acted as a tool of mobilization. This Mau Mau movement is thought to have started in the Rift Valley Province of Kenya around 1947 when oathing rituals were reported in the Olengurone area. Crummey (1986) asserts that among the Giriama, oathing was used to foster rebellion and social protest against the colonialist.

Oathing was also used in political mobilization in pre- and post-colonial Africa. Cooper (1996) writes that some relatively well-educated and able leaders who tried to start a trade movement were driven across the line and turned to oathing. But during the emergency in the 1950s virtually

all trade unionist known to be associated with oathing or other radical activities were imprisoned. Oathing ceremonies were also important nuclei for expression of ethnic interests among the Agikuyu.

Schatzberg (2001) states that in the mid-1990s, an unsuccessful Kenyan election candidate, protested his loss before the courts, on the grounds that the successful opposition member of parliament had won the seat because of a powerful oathing ceremony (*khulia shilulu*) or 'eating the bitter thing'. Ahluwalia (1998) writes that the Kenyatta speeches and the use of traditional oathing technique mobilized the masses in Central Province. The oath constituted the means of consummating and of achieving political unity. Luongo (2011) also asserts that among the Akamba, the Kamba oath(*kithitu*) was used in political mobilization in Ukambani.

One other important function of oathing in traditional African communities was in the judicial system. According to Kokwaro (2009), the Sebei used the *Chebaiwet* plant or *Senna singuena* in their oathing ceremonies to determine guilt. Olaoba (2002) observes that oathing was an important aspect of extra-judicial process of maintaining law and order in traditional African societies. Taslim (1956) writes that oathing as a method of determining judicial cases, existed among the Igbo, Akamba, Ashanti, Akan, Tharaka, Chagga and Ewe. Sarpong in an article entitled 'can Christianity dialogue with African traditional religion?' asserts that to break a verbal oath is one of the greatest felonies in Asante. Biryaho (2008) explains that the belief behind oathing is that either God or some power will punish the person who breaches the obligation of the oath. Oraegbunam (2010) asserts that in spite of Western influences, oath-taking has survived as a legitimate judicial method, which the Igbo believe as one of the assured ways of obtaining absolute justice. He further explains that oathing was applied to resolve dispute in Africa generally and the Igbo in particular.

According to the World Neighbors' Organization (2001), in many African communities, traditional oath systems were seen as the ultimate form of justice, and a person was bound to tell the truth or face serious repercussions. Yoder *et al* (1982) state that traditional use of the curse and oath is resorted to when secular arbitration methods have failed. Olaoba (2002) points out

that among the Gurage, ritual oath features prominently in their judicial process of determining guilt or innocence, while among the Ashanti, the oath is used for seeking redress for infractions of the social norms. Kiminyo (2004) writes that among the Akamba, two types of oaths, *kithitu* and *ndundu*, are used for solving serious disputes, and are well known and feared. They are used to determine guilt.

According to Taslim (1956), oathing is not restricted to Africa but is a worldwide phenomenon. He further adds that most oathing are based on the universal idea of a supernatural sanction, and that history records human reliance on one sanctified even mystic source of authority after another, which is regarded as sacred and all powerful. Ekeke and Ekeopara (2010) observe that the Supreme Being has a strong place in the African ontology. He is regarded as an uncreated, self-existent, unchanging and reliable being where power transcends all powers. They are of the view that African ontology; god-supreme being, divinities, and spirits exist and play a crucial role in that mode of existence which they belong and on humans on earth.

Ogunleye (2013) relates that in Nigeria, adherents of traditional religion are allowed to swear to Ogun (god of iron), represented by a piece of metal, while Christians and Muslims could swear with the Bible and Quran respectively. The purpose for using their religious objects is that, as sacred objects, they were believed to have the potentials to instill fear in the people who swear by them.

He further adds that however, of all the leaders that have taken oath of office, hardly can you see any one taking his oath of office in an indigenous way. They either take it in a Christian or Muslim way, knowing the nature of their God who will postpone judgement till judgement day, while African gods are capable and known for instant justice. Thus, the oath taking as a mode of security and assuring conformity as it is presently practice in Nigeria, has neither been effective nor efficacious and therefore has failed.

Ayantayo (1999) also writes that the prominent indigenous way of swearing to an oath of office and that of allegiance in Nigeria traditional setting, is the entering in to a covenant by both the

leader and followers. The purpose of this is to enhance good and adequate socio-political and ethical relation in the society. It is also to ensure that people who swear to such an oath keep tenaciously to its term.

Hobley (1967) found out that the *kithitu* of *Ukambani* was the most powerful oath recognized by the tribe, and was common to all sections of the Akamba, and corresponding to the *gikithathi* of the Agikuyu. Pkalya *et al* (2004) observe that there are also two traditional Pokot rituals that are similar to the Kamba oath (*kithitu*). These are *muma* and *mutaat*.

### **2.2.2 Ways in which traditional oath was practised in traditional Akamba community.**

Hobley (1967) contends that the Akamba had a council of elders called the *nzama*, which acted as a court for the settlement of questions of law or custom. Should the evidence on matters of fact differ materially, the only way, with the exception of very obvious cases, was for the litigants to take the traditional oath (*kuya kithitu*). Which is supposed to bring most dire consequences on perjure such as death, sickness, miscarriages or other misfortunes. If a litigant refuses to take the oath, judgment would go against him. The results of the oath were supposed to take effect within six months or a year, and should the litigant who has taken the oath survive the period, the case is given in his favor. Only one party and his witnesses are allowed to take the oath.

Yoder *et al* (1982) documents that the *kithitu* is a supernatural entity that has the power to sicken and kill. Another author, Somba (1979), describes it as an article about two inches long by two inches wide. When it comes to its use, Muthiani (1973) asserts that refusal to take it was regarded as an admission of guilt, and false witness was considered to lead to the certain death of the one who swears, his wife, or eldest son.

Durand (1970) describe *kithitu* as an object owned by some person who either bought it, generally from Tharaka, or inherited, and he receives a fee when it is used. Ndeti (1971) writes that only the old men are responsible for keeping *kithitu*. An unmarried man cannot possess a *kithitu*. Usually it is kept in desolate areas, and it is believed that rain does not fall on areas

where it is located. Its potency has power to drive away rain such that the owner of *kithitu* is told to keep moving it to prevent desiccation of life.

Penwill ((1951), Taslim (1956), Middleton and Kershaw (1965), and Ndeti (1972), outline the items which are blended to make a powerful *kithitu* composition. The mixture is normally contained in the hollow tusk of a warthog or the horn of a deer. They include: human parts such as hair or nails, earth, plants, roots, parts of the porcupine, shreds, maize, beans, *mbaeki* (raisins), the hyena's excrement, metal slug, and parts of dead animals, earthen ware balls, a curious mixture of the teeth of a hyena, the teeth of a dead man, pieces of a porcupine quill, and earth from the hearth in the hut of a dead woman. Thorp (1943) states that honeycombs are used for holding together component parts of a *kithitu*.

Ndeti (1971) points out that on no account may *kithitu* be touched with naked hands. According to Muthiani (1973), after the work of *kithitu* was over, it was placed on three stones, and touched only by a special stick of a specially selected shrub. Its carrier was supposed to warn oncoming people, so that they walked past him away from the hand that carried it.

Thorp (1943) assert that during this work, the person administering the oath may not engage in any sexual activities for a period, because it was considered a (sexual taboo). A man who has other people to help him gets them to take an oath by the *kithitu* to abstain from sexual intercourse. Precisely what relation sex has with *kithitu* is not clear, except that the fertility powers of a woman can reverse the current of *kithitu*.

Penwill (1951) writes that a woman could not be a guardian of a *kithitu* nor was she allowed to swear on it. However, women have their own ways of swearing or cursing, which are not taken lightly by their men folk. One is by striking their earthen cooking pots and another is by swearing on their loins cloths. Molnes (1973) observes that *kithitu* is feared, and during marriage rites, the husband's family checks whether the wife's family had at any time come under the influence of the curse of *kithitu*. If it is found that the wife is under *kithitu* influence, then the husband can divorce her.

Oliver (1981) notes that the person swearing on the *kithitu* is cautioned many times, and warned of the danger that would befall him, and his kinfolk for taking *kithitu* falsely. All the suspect has to do is admit the facts and make restitution. Then the *kithitu* ritual expert is authorized by the elders to perform a cleansing ceremony so that misfortunes may stop. Opoku (1978) writes that in African Traditional society what a person does in accordance with the established norms contributed to the welfare of the whole community. At the same time, his misdeeds however, can bring calamities to his immediate family, extended family, his lineage and the entire community. To avoid the shame that his misdeed will bring to his community, every African tries to live a good life.

Dime (1980) reiterates that African relations hold that man must watch strictly his conduct, so that it does not bring nor cause calamity, for him or for the society at large. Esen (1982) notes that the major crime in African traditional society include: homicide, stealing, adultery, witchcraft, and all forms of treachery. Mbon (1986) asserts that if an individual member of the community violates any of the traditional ethical norms and taboos, such as adultery or stealing, the consequences of his/her action not only affect him/her, but also his immediate family, extended family, family lineage, and entire members of the community. Omonzejele (2008) observes that in Africa traditional society, there is no me, but us, no my, but ours, it is within these perspective and context in a given traditional African society, that Africa ethics has been formulated.

### **2.2.3 Extent of reliance on traditional oath by the Akamba**

According to Munro (1975), when the elders took over responsibility for certain cases in 1911, the British permitted them to use *kithitu* but forbade ordeals. Peel (1998) states that *kithitu* was used in pre-colonial *Ukambani* for protection against witchcraft or for finding settlements to disputes. It continued to be used by the colonial administration for the purpose of local conflict resolution, and is still sanctioned by the courts when conventional judicial mechanisms fail.

Mutua (1995) contends that the threat of the administration of *kithitu*, which was believed to bring harm to those who lied, encouraged truthfulness. According to Durand (1970), *kithitu* has

been ordered by some courts, especially among the magistrates sitting in Kamba territory. The practice has continued and more startling, judges of the high court have on appeal cases sent cases down for decision through the administration of the *kithitu*.

Luongo (2011) writes that *kithitu* is usually invoked in a range of politico-judicial settings. It is also used to cleanse people of social transgressions and in settlement of disputes between individuals. She further adds that it has been a subject of social regulation among non-magical authorities. However, Gehman (2005) asserts that *kithitu* remains the final court of appeal among the Akamba, and in modern Kenya, the government recognizes this traditional method of obtaining justice. As the ultimate court of appeal, the Akamba may approach the chief of the location, who will then approve the public performance of *kithitu*. If the curse should be done privately and someone dies, then guilt will rest upon the one who initiated the use of *kithitu*. But if done publicly and officially, through the approval of the chief, then the government recognizes this as a legitimate way of settling land disputes.

#### **2.2.4 Christian teachings on oathing**

Traditional oathing has survived in spite of Christianity's dominance in Africa for more than a century. Gehman (1989) states that the number of Christians in Africa grew from 8,756,000 in 1900 to 382,816,000 in 2004, with a projected growth to 640,460,000 professing Christians by 2025. Kenya as a country has also experienced a rapid growth and spread of Christianity. The 2009 Kenya national population census results indicate that out of the total population of 38,610,097 people, 31,877,734 were Christian comprising 9,010,684 Catholics, 18,307,466 Protestants, and 4,559,584 in other denominations, while there were 635,352 traditionalists. In Machakos Town Sub-County, ninety-nine percent of the Akamba are Christians.

Gehman (1989), Idowu (1973), Mbiti (1970), Mathema (2007), Cox (2008), Kamaara (2009), and Kasomo (2010) all agree that, although Africans have embraced Christianity and Islam, they are still strongly influenced by ATR. Waliggo (1978) writes that despite the phenomenal spread of Christianity in Buganda, many expressions of ATR, such as divination and the use of healing practices, continued even though Christianity expressly forbid them. Kamwara and Katolo



(2012) also write that the Dinka concepts of health and illness are filtered and interpreted by their traditional religion and world-view. Scholars like Kunhiyop (1997), McCain (2007), and Mathema (2007), argue that the persistence of ATR is a great challenge for African Christianity. According to Conteh (2007), it has been described as "The African Christian Problem" in many parts of Africa. Karkkainen (2004) asserts that tension does exist between the persistent and growing influence of ATR beliefs, and the conservative and often fundamentalist version of Christianity brought by Western missionaries.

However, Manus (1993) observes that the key problem of a theologian is how to take seriously the divine revelations that are manifested in the indigenous religion and the command of Jesus to his followers to go and make disciples. Mbiti (1977) argues that Africa has enough tools and expertise to evolve a viable form of Christianity for African Christians. Bediako (1992) documents that at the beginning, it was not recognized that Africans could be responding to Christianity as a religious faith that appealed to them on its own terms, without the trappings of European civilization, surely it is time that this was recognized.

Kibicho (1978) argue that "the God of Africa is as good as the God of Christendom, if not better." Mndende (2005) asserts that Christianity constitutes one but not the only way to God; there are many ways and African Religion is one of them. Ekeopara (2005) says that the names by which God is called in Africa are description of his character and the reality of his existence. Mbiti (1975) states that God is no stranger to African peoples and in traditional life there are no atheists. Kanu and Paul (2011) observe that in Africa, there is widespread belief in a Supreme God, with a profound sense of sacred and mystery, thus it is difficult to separate the life of the African from his personal inclination to the divine. It is in this regard he does everything in the consciousness of God.

Magesa (1977) assert that the importance of ATR cannot be downplayed, for even the African converts to Christianity (or Islam); still retain their inner motivation for their religious life in African Religion. Mbiti (1986) argues that Africans come out of African religion, but they don't take off their traditional religiosity. They come as they are. They come as people whose world

view is shaped according to African religion. Kanu (2014) also observes that in spite of the declining numbers of followers of ATR, there seems to be reasons to conclude that ATR will continue to be a living religion in many years to come, because it continues to be a source of meaning, direction, and security, of the lives of many Africans, including followers of other well established religious traditions. Magesa (2002) writes that rituals are performed from the womb to the ancestral world, that is, once a woman becomes aware that she is pregnant, rituals would be performed for the unborn, through birth, and to its grave.

Bediako (2002) argues that a cross cultural commentary is not an option extra, but a necessity. According to Kung (1991), there will be no peace among nations, without peace among religions and no peace among religions, without greater dialogue among religions. He further adds that we need a more intensive philosophical and theological dialogue of theologians and specialists in religion, which takes religious plurality seriously in theological terms, accepts the challenge of the other religions, and investigates their significance for each person's own religion.

Magesa (1997) says the contact between Christianity and African Religion has historically been predominantly a monologue, bedeviled by assumptions prejudicial against the latter, with Christianity culturally more vocal and ideologically more aggressive. Therefore, what we have heard until now is largely Christianity speaking about African religion, not African Religion speaking for itself. Sanneh (1983) argues that it is important to assess the respective impact of Christianity and Islam through the eyes of African religions, and in so doing release these two missionary faiths from the fixed, motionless time frame in which they have been frozen and submit them to the animated surge of history where nothing stands still.

From the above discussion, the study can conclude that ATR impacts strongly on the African Christians. However, the study cannot generalize the impact that ATR poses on Christianity without exploring and analyzing, the specific ATR practices and beliefs, because not all ATR beliefs and practices are reconcilable or irreconcilable with the Christian faith. Furthermore, these specific studies will enable African Christians come up with a viable form of African

Christianity, which will deal effectively with Africa's existentially problems and needs, without contradicting or being irreconcilable with the Christian faith and teachings.

The study focused on Kamba oathing (*kithitu*), which is widely known and feared among the Akamba. Its persistence shows that it definitely has a modern meaning, influencing people in one way or another. Therefore, it was imperative to Study Kamba oathing (*kithitu*) among Kamba Christians, because they are the majority in Ukambani. There was also need to explore all types of Kamba oathing (*kithitu*), including the ones performed by women as mentioned by Penwill (1951), because all these types of Kamba oathing (*kithitu*) have persisted among Kamba Christians.

### **2.3 Theoretical framework**

The study used the theory of functionalism guided by theology of reconstruction motif in Africa. One major proponent of the reconstruction motif in Africa is Mugambi (1991, 1995, 1996 and 2003). The theological basis of reconstruction theology according to Mugambi (1990) is postexilic Biblical metaphors, as seen in the Ezra-Nehemiah text.

According to Gathogo (2007), after the post-cold war and the release of Nelson Mandela in 1990, Mugambi prods that there is a need to shift the theological emphasis, from the Exodus motif to that of a Reconstructive motif. While the former motif was Biblically modelled on Moses, and the Exodus from Egypt and the Journey to the Promised Land, the latter is biblically modelled on Nehemiah, who led the Jews in the rebuilding of the wall of Jerusalem following their return from Exile after seventy years of Babylonian captivity.

Gathogo (2007) writes that at the March 30, 1990 meeting in Nairobi, Mugambi reminded his audience that the future of the church in Africa would require a new Christian theological emphasis. He recalled that the theologians of the 1970's and 1980's had highlighted the Exodus metaphor and emphasized the theme of liberation. In so doing, African people were metaphorically likened to the people of Israel on their way from bondage in Egypt to the Promised Land in Canaan. In utilising this powerful metaphor, the Egyptian regime was equated

with the colonial regime whereas the Promised Land was seen as the liberated nation. Mugambi further notes that most African countries became independent in the 1960's and further explains that after Zimbabwe received its independence in 1980, Namibia in 1990, and the release of Nelson Mandela in 1990 paving the way for the last non-independent African nation to move towards freedom, the liberation motif should not remain as if nothing had happened to Africa. For Mugambi, Mandela was the most prominent symbol of the Exodus metaphor in African Christian theology Mugambi (1991).

Mugambi (1990) calls for African Christians to focus their energies on theological and epistemological reconstruction. Additionally, he emphasizes the need for renewed commitment towards healing, ecumenism, and proper management in all sectors of society and business. Hence, there is a dire need to reconstruct theology in the light of Christian teaching and evangelization among the people of Africa.

Mugambi (1995) writes that this theology should be reconstructive rather than destructive; inclusive rather than exclusive; proactive rather than reactive; complementary rather than competitive; integrative rather than disintegrative; programme-driven rather than project-driven; people centred rather than institution-centred; deed-oriented rather than word-oriented; participatory rather than autocratic; regenerative rather than degenerative; future-sensitive rather than past-sensitive; co-operative rather than confrontational; consultative rather than impositional.

Mugambi (2003) describes the three levels of reconstruction as being at the individual level, cultural level which includes the economic, aesthetic, political and moral/ethical reconstruction; and ecclesial level. Moreover, these three levels according to Mugambi are the biological, social, and self-fulfillment for survivals. In his view, Africa needs all the above levels of reconstruction, only will it experience the foretaste of the Kingdom of God. He however does not rule out other levels of reconstruction, for reconstruction is an all-inclusive concept whose parameters are difficult to define.

Mugambi (1995, 2003) asserts that some fundamental concerns of theology of reconstruction are the deconstruction of patriarchy, concern for the environment, and violence and domestic violence in particular. Getui and Obeng (2003) list the following as themes of reconstruction healing creation, creative stewardship, church , HIV/AIDS, liberation of women, food security in Africa, poverty alleviation in Africa, political pluralism, and the recovery of the African identity.

Gathogo (2007) lists the sources of doing reconstruction theology as: the Bible as the primary source, African culture and religious heritage, African renaissance movement, the Pan Africanist Movement, the AACC, the Christian tradition, science and technology, and Nepad. He further explains the methods of doing a theology of reconstruction as an all-inclusive approach, multi-disciplinary approach, critical re-evaluation of biblical themes of liberation and salvation, a cultural–anthropological and philosophical enquiry, a historical enquiry, storytelling, and contextual theologizing.

Vicencio (1992) writes that reconstruction theology is a positive and constructive theology concerned with social, economic, and political structures; it is concerned with building of structures. Dedji (2003) also writes that reconstruction theology is a project that aims at overhauling people’s whole existence and all the structures of a society. It is an enterprise of social, political, cultural, ecclesial, and economic re-foundation.

Gudda (2009) proposes that a functional reconstruction theology should primarily tackle the evil that Africa commits against itself. When Africa deals with this evil, it has a likelihood of bringing African people into a proper unified group that can stand together against foreign elements. He further adds that there is need for the church in Africa to undergo a reconstruction of its own, after which the church can lead in the African reconstruction.

The study has used the theory of functionalism. According to Durkheim (1912), Functionalist society is a system of iterated parts of social institutions, such as religion, the family and the economy. Society is like an organism with basic needs that it must meet in order to survive. These are met by different institutions, each performing certain functions.

For functionalist, what makes order possible is social consensus, shared norms and values by which one follows. Religious institutions take a part in creating social solidarity and value consensus. For Durkheim the key feature of religion was not a belief in gods, spirits or the supernatural, but a fundamental distinction between the sacred (things set apart and forbidden that inspire feelings of awe, fear and prohibition) and are surrounded by taboos and prohibitions, and the profane (things that have no social significance) found in all religion. Furthermore, a religion is not a set of beliefs alone, but it involves definite rituals or practices in relation to the sacred, which are collectively performed by a social group.

Powerful feelings in believers indicated to Durkheim that these are symbols representing something of great power. Durkheim suggests this can only be society itself, since society is the only thing powerful enough to command such feelings. He further added that when one worships the sacred symbols, people are worshipping society itself, unity believes into a single moral community. Durkheim believed that the essence of all religion could be found by studying the simplest form; in the simplest of society clan society.

In Durkheim's view, regular shared religions reinforce the collective conscience and maintain social interrelation. Taking part in shared rituals binds individuals together, reminding them that they are part of a single moral community to which they owe their loyalty. In this sense, religion also performs an important function for the individual by making them feel part of something greater than themselves, religion strengthens people to face life trials, and motivates them to overcome obstacles that would otherwise attempt to defeat us.

Durkheim also views religion not only as the source of social solidarity, but also of our intellectual or cognitive capacities, our abilities to reason and think conceptually, like in order to think we need categories such as time, space, cause and number. In order to share our thoughts we need to use the same categories as others. Durkheim suggests that religion is the origin of the concepts and categories we need for reasoning, understanding the world, and communications.

Parsons (1967) sees religion as helping individuals to cope with unforeseen events and uncontrollable outcomes. He identifies two other essential functions that religion performs in modern society. One, it creates and legitimates society's central values, this is done by making them sacred, this serves to promote consensus and society stability. Two, it is the primary source of meaning, It answers ultimate question about the human condition, thus religion enables people to adjust to adverse events or circumstance, and help maintain stability.

Functionalism emphasizes the social nature of religion and the positive function it performs. Critics of functionalism assert that it neglects negative aspect such as religion as a source of oppression of the poor or women. It also ignores religion as a source of division and conflict, especially in modern societies, where there is more than one religion, and where there are many religions, it is hard to see how it can unite people.

Durkheim defines religion in terms of contribution it makes to social integration, rather than to any specific belief in God or the supernatural. Milton (1970) identifies function religion performs for individuals such as answering the ultimate questions about meaning of life, and what happen after we die.

This study observes that Reconstruction in any given society is dependent on functionalism. This is because reconstruction is done on institutions in society. Societies cannot function without institutions. At the same time, institutions cannot exist without a function in societies. Therefore, society and institutions are inter-dependent. These institutions although they perform different functions in society are also inter-dependent. However, the study observed that different societies have undergone construction, destruction, deconstruction, and/or reconstruction of their institutions, because of the needs at a particular time in history. These needs are constantly changing as societies adapt and adopt to new environmental conditions. Consequently, institutions construction depended on the presence of a need in society. Institutions destruction depended on the absence of a need in society, institutions deconstruction depended on the impact of a need in society, and institutions reconstruction depended on continuity of need in society.

This observation influenced the study to adopt the functionalism-reconstruction approach in the analysis of the Kamba oath.

When we historically analyse ATR, we observe that it has undergone the process of construction, destruction, deconstruction, and in recent years reconstruction. Before the introduction of other world religions, like Islam and Christianity, Africans had their own beliefs and practices, which are commonly referred to as ATR. These ATR beliefs and practices have been handed down from one generation to another, and African societies believe these ATR beliefs and practices existed from the time their ancestors were created by God. These ATR beliefs and practices existed because they had specific functions to perform in the African society, and were connected to a Supreme Being (God) who was considered as their originator, guardian and custodian. However, when the European missionaries came to Africa, to introduce and spread Christianity, they ignored the functions of these ATR beliefs and practices, and instead they condemned and directed Africans to abandon them. Thus, ATR beliefs and practices underwent the process of destruction as the missionaries and colonialist considered them heathen, primitive and backward. Moreover, the European missionaries did not introduce Christianity but introduced Christianity which reflected their western culture, and which they felt was more superior to the ATR beliefs and practices.

Although Africans converted to Christianity and embraced the western culture; these did not resonate with Africans who realized that it was a tool of oppression, which perpetuated colonialism, instead of promoting the common good. African converts and theologians, then guided by the Exodus motif, established liberation theologies meant to counteract the effects of missionary and colonial theologies promoted by the Europeans rulers and Missionaries. During this period, ATR beliefs and practices underwent a process of deconstruction and African nations' attained independence.

However, after liberation, African nations had to continue functioning and meet the needs of its people. This was only possible if institutions in African nations underwent the process of



reconstruction. One of these important institutions is African Christianity, which African scholars and theologians advocated for a paradigm shift from liberation to reconstruction motif. This reconstruction motif was meant to make African Christianity functional, and the only way to achieve this, is by reconstructing all institutions or sources contributing to African Christianity, because they are interdependent. One of these institutions or sources is ATR beliefs and practices, which the researcher felt needed epistemological and theological reconstruction to contribute to a functional African Christianity in modern Africa.

Therefore this study adopted a functionalism-reconstruction approach in its study of traditional oath-taking an ATR practice. ATR beliefs and practices have persisted and are fundamental to the reconstruction of African Christianity, therefore, there is need to reconstruct them to respond to the current needs of the African society in order for African Christians to experience the foretaste of the kingdom of God.

The researcher observed that reconstruction in society should be a continuous process, because society is constantly changing and institutions must be reconstructed to fit in with the prevailing conditions. The researcher also adopted the functionalism-reconstruction approach because it is positive and aims at responding to the current needs of society while at the same time preparing it for the future. Human beings should understand that God is the constructor/originator, custodian and guardian of institutions in society, and human beings can only reconstruct them to be functional at a certain period of time.

This study of Kamba oath-taking fits within and relates with the theology of reconstruction motif in Africa, which calls for theological and epistemological reconstruction. Christian Missionaries to Africa condemned African beliefs and practices as heathen, primitive, and backward. African Christians, who took a positive attitude towards their heritage, were even condemned as being syncretistic. However, the study engages the Kamba oath in a dialogue and confirms that the majority in Kamba Christianity appreciate the Kamba heritage as one of the pillars of moral propriety in Ukambani. The researcher observes that Kamba Christians experience and live through continuity from their Kamba religious heritage to Kamba Christianity. They also

appreciate the continuity from the Old Testament, the New Testament, the missionary enterprise, and their contemporary Kamba Christianity.

The researcher also adhered to the reconstructive motif, which calls for ATR studies in modern society, in light of Christian teaching and evangelization among the people of Africa. The researcher strives to analyze the Kamba oath from an all-inclusive, African Christian perspective guided by the Christian teachings about oath-taking.

One aim of African Christian reconstruction theology is the promotion of justice, peace, and reconciliation, which are the core functions of Kamba oath-taking among the Kamba Christians. Therefore, the study is significant in its analysis of how Kamba oath-taking promotes justice, peace, and reconciliation among Kamba Christians. The African Christian reconstruction theology also calls for the church, as the people of God, to be involved in ongoing activities of justice, peacemaking, and reconciliation.

The study also considered all the three levels of the reconstructive motif in its analysis of the functions of the Kamba oath. In this motif, Africa has to have reconstruction at the individual, cultural, and ecclesial levels, and then only will it experience the foretaste of the Kingdom of God. According to Quenum (2015), the aim of reconstruction theology in sub-Saharan Africa, is to make God who is life for human beings, present in the world of the socio-political, cultural, economic, and legal institution. It invites Africans to value religious difference as constructive ways of being in living dialogue in search of communion with all God's creatures.

This theory of functionalism is useful for the study in the analysis of the structure of Kamba oath-taking, and the function it performs to ensure continuity among Kamba Christians. It is useful for examining how the Kamba oath is making order possible by promoting social consensus, shared norms and values by which the Kamba Christians follow. It also looks at how the Kamba oath takes part in creating social solidarity and value consensus. It also is useful for the analysis of the sacred, taboos, prohibitions, and the profane found in Kamba oath-taking. Moreover, it guides

the study in analyzing how practical the Kamba oath is, the definite rituals involved, and the practices in relation to the sacred done by the Kamba Christians.

According to the functionalist theory, the essence of all religion could be found in studying the simplest form in the simplest of society's clan society. Therefore, the study of the Kamba oath is important in helping African Christians and Scholars, understand the core principles ensuring continuity of ATR practices among African Christians in contemporary society.

Functionalism theory further guides the study in the analysis of how Kamba oath as part of ATR practice promotes collective conscience and maintains social interrelation. Also, it guides in analyzing how taking part in Kamba oathing rituals binds individuals together, reminding them that they are part of a single moral community to which they owe their loyalty.

Functionalism is said to neglect negative aspect such as religion as a source of oppression of the poor or women, therefore, to counter this, the study is guided by the reconstructive motif. Critics of functionalism theory further state that it ignores religion as a source of division and conflict, especially in modern societies, where there is more than one religion. Critics state that where there are many religions, it is hard to see how religion can unite people. The study thus uses the principles of reconstructive motif to show that, although different specific beliefs and practices can be source of division and conflict in society, they can also be powerful tools of promoting justice, peace and reconciliation among African Christians.

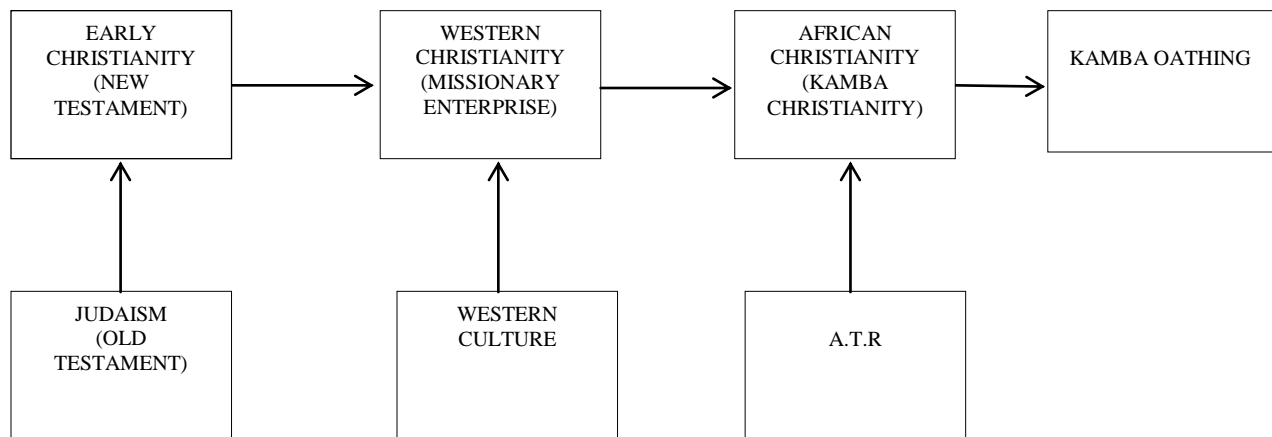
According to Quenum (2015), the main effort of reconstruction theology is to show that difference can enrich and lead to the recognition of others. So there is no need to exclude or reject others in their personal, social and cultural orientations. Differences should not separate. Difference should not be absolutized. Difference should be shared and reconciled in order to find a basic consensus. Reconstruction theology is therefore a new way of doing theology noted in modern Africa culture in the making.

Quenum further states that Reconstruction calls for restoring the best insight of the African cultural heritage. The belief system of sub-Saharan Africa must be reconstructed with the word

of God, the social teaching of the church, and the wisdom of Christian activities. The undeniable contribution of reconstruction theology to African Christian theology consist of in selecting the value of sub-Saharan Africa cultural heritage, through the process of deconstruction, in view of rebuilding something familiar and ideally suitable for the new era. The researcher thus adopted the theory of functionalism, guided by the reconstructive motif as contextualized in Africa.

## 2.4 Conceptual framework

The study used the following conceptual framework in reaching at its objectives and trying to show the interrelationship among variables discussed in the literature review. The conceptual framework in the study is that, the persistence of Kamba oathing among the Kamba Christians is influenced by the continuity of Christian teachings about oathing from Judaism, Early Christianity, Western Christianity (missionary enterprise), to African Christianity, and the continuity of ATR beliefs and practices about oathing from ATR to African Christianity. According to the framework, the independent variables are Christian teachings about oathing and ATR beliefs and practices about Kamba oathing, while the dependent variable is Kamba oathing.



**Figure 1: The conceptual frame work (Source: Author)**

## **2.5 Conclusion**

This chapter dealt with the literature review related to the persistence of African traditional oathing in contemporary Africa, as guided by the objectives of the study. It also analysed the theoretical framework, which guided the study, and the conceptual framework, which showed the interrelationship among the variables discussed in the literature review. In the next chapter, the researcher examined the research methodology that was applied in carrying out the study.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter provides a discussion on the methodology that was applied in carrying out the study. It includes research design, target population, sample size, sampling procedures, data collection procedure and data analysis, validity and reliability, and ethical considerations. Basically, it discusses the methods and tools that were used in the study, as well as the data analysis procedures, which led to maximum information relating to the subject under study.

#### **3.2 Research design**

According to Kothari (2004), research design constitutes decisions regarding what, where, when, how much, by what means concerning an inquiry or a research study is conducted. Kothari (2004) further adds that research design is the conceptual structure within which research is conducted and constitutes the blue print for the collection, measurement, and analysis of data.

Qualitative design was used in the study. Kothari (2004) writes that this type of research aims at discovering underlying motives and desires by using in-depth interviews for the purpose. It is especially important in behavioral sciences where the aim is to discover the underlying motives of human behavior. Mugenda and Mugenda (2003) outline the characteristics of qualitative research as follows: it seeks to understand people's interpretations and perceptions; reality changes with changes in people's perceptions; reality is what people perceive it to be; values have an impact and should be understood and taken into account when conducting and reporting research; a holistic picture is sought; human beings are the primary data collection instrument; focus is on design and procedures to gain real, rich and deep data; the report is normally narrative because rich descriptions of behavior and the context in which it occurs are given.

Qualitative design was therefore applied in this study; however, quantitative methods were also appropriated during the data analysis and presentations. This qualitative design was in the form of a case study. Kothari (2004) asserts that case study is a very popular form of qualitative analysis and involves a careful and complete observation of a social unit. It is a method of study in depth than in breadth. The case study places more emphasis on the full analysis of a limited number of events or conditions and their interrelationships. The case study deals with the process that takes place and their interrelationship. It is essentially an intensive investigation of the particular unit under consideration. The object of the case study is to locate the factors that account for the behavior patterns of the given unit as an integrated totality. KIM (2009) state that case study involves in-depth study and detailed description of a single entity, situation or phenomenon. Data collection in this case study was conducted between March 2015 and May 2015 in Machakos Town Sub-County, one of the eight Sub-Counties of Machakos County.

Being an exhaustive study of a social unit, the case study method enabled the researcher to understand fully the persistence of oathing (*kithitu*) among Kamba Christians. The study obtained a rich and enlightened record of personal experiences which revealed Kamba Christians motivation to continue embracing traditional oathing (*kithitu*). It made it possible to analyze social changes that have occurred in the practice. Moreover, it provided a means to understand the past about Kamba oathing because of its emphasis of historical analysis.

### **3.3 Study area and target population**

The target population in the study was all Kamba Christians in Machakos County of Kenya, while the accessible population was all Kamba Christians in Machakos Town Sub-County. Machakos Town is one of the eight Sub-Counties in the larger Machakos County. It is predominantly inhabited by the Akamba, and is situated in a region commonly referred to as Ukambani. It covers an area of 925.2km<sup>2</sup>. According to KNBS (2009), there were 199,221 people living in Machakos Town Sub-County, comprising 97,449 males and 101,762 females. It was estimated that by the end of December 2011, the total population had grown to 211,528 people, comprising 103,474 males and 108,054 females. Machakos Town Sub-County was

purposely selected because incidences of the use of the Kamba oath have been reported in the area.

KNBS (2009) report further indicates that Machakos TownSub-County is divided into two major administrative units, Machakos Central and Kalama Divisions. Machakos Central Division covers an area of 632.7 km<sup>2</sup> with a total population of 156,377, comprising 77,252 males and 79,125 females. It is estimated that by the end of December 2011 the total population had risen to 166,045, comprising 82,028 males and 84,017 females. Kalama Division on the other hand covers an area of 292.5km<sup>2</sup>with a total population of 42,834, comprising 20,197 males and 22,637 females. It was estimated that by the end of December 2011, the total population had risen to 45,483, comprising 21,446 males and 24,037 females.

KNBS (2009) report also indicates that the two Divisions are further divided into thirteen locations, four in Kalama and nine in Machakos Central Division. Most parts of Kalama Division are rural, while Machakos Central Division is mostly urban. Although there is no data on the number of Kamba Christians in Machakos Town Sub-County, the Machakos County survey department estimates that 99% of the total population is made up of the Akamba, with 99% of them professing the Christian faith. The study used the same estimates in determining the sample size.



Table 3.1. Machakos County population distribution by Gender

<b>Sub-County</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Machakos Town	97,449	101,762	199,211
Mwala	78,942	84,090	163,032
Masinga	61,106	64,834	125,940
Yatta	71,338	76,241	147,579
Kangundo	46,202	48,165	94,367
Matungulu	62,030	62,706	124,736
Athi River	76,127	63,375	139,502
Kathiani	49,945	54,272	104,217
<b>Total</b>	<b>543,139</b>	<b>555,445</b>	<b>1,098,584</b>

Source: Kenya National Bureau of Statistics (2009)

**IEBC NEW PROPOSED MAP OF MACHAKOS COUNTY**

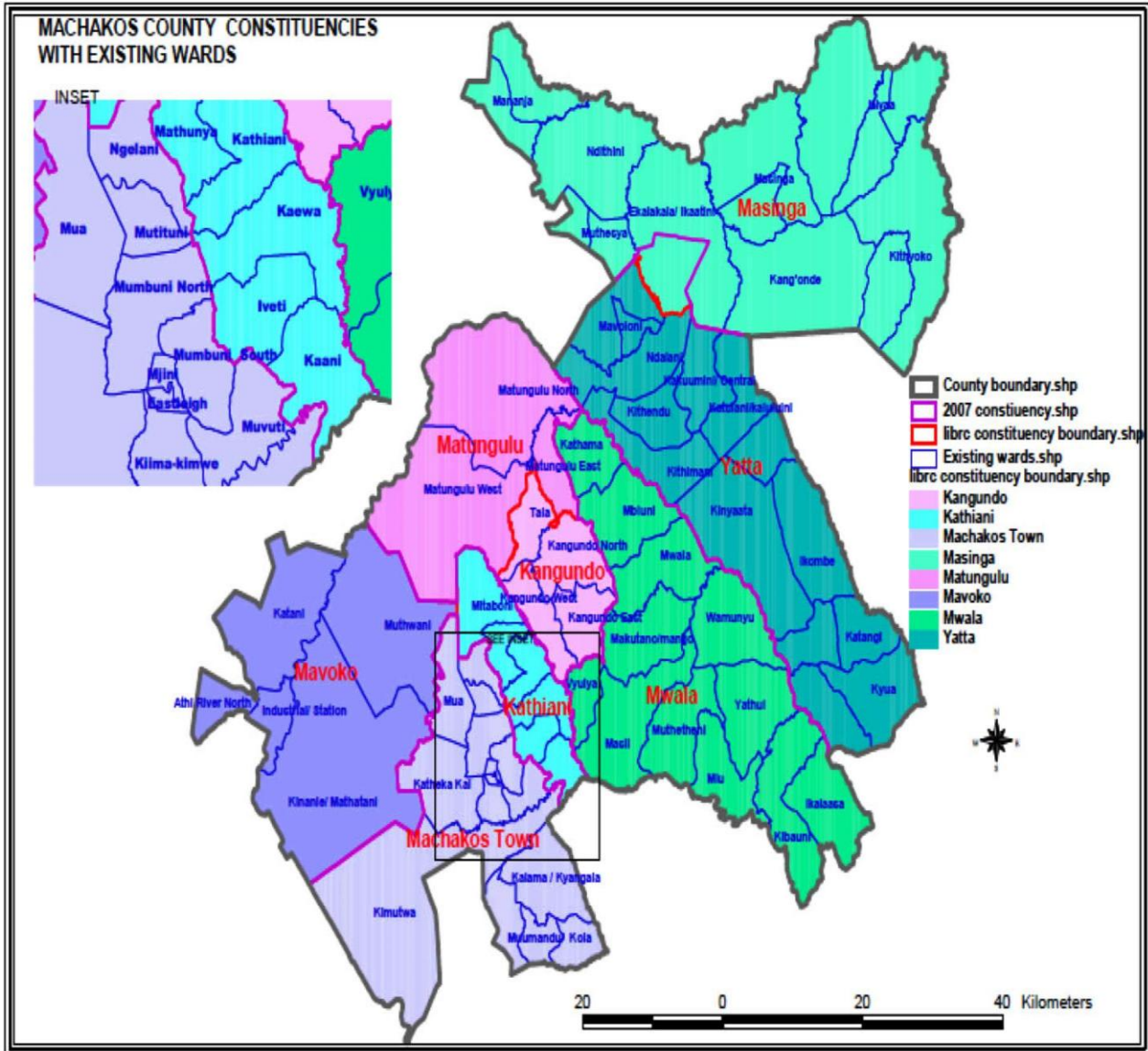


Figure 2: Map of Machakos County

Source: <http://www.kenyampya.com/userfiles/images/Proposed%20Map.jpg>

### 3.4 Sample size

The sample was determined through the approach based on precision rate and confidence level Kothari (2004). First, the study specified the precision and the confidence level, then the sample size was worked out, and because we have a finite population the formulae below was used.

$$n = \frac{z^2 \cdot p \cdot q \cdot N}{e^2(N-1) + z^2 \cdot p \cdot q}$$

$N$  = sample size of the sample = 199,211

$Z$  = the value of the standard variate at a given confidence level. (Read from the table giving the areas under normal curve) = 1.96 for a confidence level of 95

$e^2$  = acceptable error = 0.05

$p$  = standard deviate of population (confidence level). Proportion of defectives i.e. successes = 0.95

$q$  = 1-p this the proportion of non-defectives i.e. failure = 0.05

$n$  = sample size = 72

### 3.5 Sampling techniques

The Sub-County was clustered into Divisions, and the Divisions into Locations. Then simple random sampling was used to select the locations to be included in the sample. As noted above, Machakos Central has a larger population than Kalama Division; therefore, one location was randomly selected from Kalama Division, and three locations were selected from Machakos Central Division. Snowball a purposive sampling technique was applied in selecting the respondents.

According to Mugenda and Mugenda (2003), in snowball method, initial subjects with the desired characteristics are identified using purposeful sampling technique, the few identified subjects name others that they know have the required characteristics until the researcher gets the number of cases he or she requires. The study identified Kamba Christians from two Mainstream Churches, Roman Catholic and AIC, who then named others until the sample size was reached.

The same procedure was used in identifying the ritual expert. The County administrative leaders and church leaders from the selected locations were also included in the sample.

Table 3.2. Total population of Machakos Town Sub-County

<b>Machakos Town Sub-County</b>			
<b>Division</b>	<b>Location</b>	<b>Population 2009</b>	<b>Population 2011</b>
Kalama	Kalama	11155	11845
Kalama	Kola	12110	12859
Kalama	Kyangala	7094	7533
Kalama	Lumbwa	12475	13246
<b>Kalama Total</b>		<b>42834</b>	<b>45483</b>
Machakos Central	Kathekakai	17820	18922
Machakos Central	Kiima kimwe	23225	24661
Machakos Central	Kimutwa	13606	14660
Machakos Central	Mua Hills	7753	8232
Machakos Central	Mumbuni	46151	49005
Machakos Central	Mutituni	12970	13772
Machakos Central	Muvuti	9184	9754
Machakos Central	Ngelani	10970	11432
Machakos Central	Township	14698	15607
<b>Machakos Central Total</b>		<b>156377</b>	<b>166045</b>
<b>Grand Total</b>		<b>199211</b>	<b>211528</b>

As stated above, Using multi-stage clustering, Machakos Town Sub-County was clustered into two Divisions, and further into thirteen Locations. One Location and three Locations were randomly selected from Kalama Division and Machakos Central Division respectively, and coded into the letters of the alphabet A-D. The sampled locations included Lumbwa, Kimutwa,

Township, and Kiima Kimwe. Kamba Christians from the Roman Catholic and AIC Churches were then purposively sampled from the selected Locations and given codes corresponding to their respective Locations.

Views from different ages and gender were crucial in the analysis of the persistence of *kithitu* in Machakos Town Sub-County. Therefore, during the interviews, the respondent’s age and gender was noted. Moreover, this ensured the researcher was not biased in the selection of respondents. The researcher concentrated on individuals who were eighteen years and above. The table below gives a summary of the respondents’ age and gender.

Table 3.3 Age and gender of the respondents

Age	Male	Female	Number of Respondents
18-40	7	15	22
41-60	22	13	35
Above 60	3	12	15
Total	32	40	72

### 3.6 Data collection procedure

According to Mugenda and Mugenda (2003), a researcher needs to develop instruments with which to collect the necessary information. Kothari (2004) writes that there are normally two types of data to be collected, namely primary and secondary Data. The primary data are those which are collected afresh and for the first time and thus happen to be original in character. The secondary data on the other hand, are those which have already been collected by someone else and which have already passed through statistical processes.

Primary data was collected using interview schedules. These schedules were administered through personal interviews. According to Kothari (2004), Personal interviews involve an interviewer asking questions generally through face to face contact with the other person or persons. Personal interviews are particularly suitable for intensive investigations. The interview

schedules are structured, where by the interview follows a rigid procedure laid down, asking questions in a form and order prescribed.

This method is important as more information and in greater depth can be obtained. Secondly, the Interviewer can by his own skill overcome the resistance of the respondent if any. Also, there is greater flexibility under this method as the opportunity to restructure questions is always there. Moreover, observational method can as well be applied in recording verbal answers to various questions. The interviewer may also catch the informant off guard and thus secure the most spontaneous reactions than would be the case of mailed questionnaires. Furthermore, the language of the interview can be adopted to the ability or educational level of the person interviewed, and thus misinterpretation concerning questions can be avoided.

The researcher interviewed seventy two respondents. The respondents were introduced to the researcher prior to the interviews and private meetings were organized at the respondents' discretion. The respondents were interviewed at their places of work and at home. The researcher had to explain to the respondents the reason for the research and its importance. It was also important for the respondents to be assured of confidentiality of the information. The researcher wrote down the responses as they were given and where the words were hard to write the respondent were allowed to write them. The respondents were also thanked for their immense contribution and participation in the interview.

During the interviews, in most cases, the interview schedule was translated into Kiswahili for ease of understanding. The researcher was also accompanied by a translator to enable easy flow of information from kikamba language. Moreover, the researcher ensured that the respondents fully understood the questions and the significance of each question. The interview guide was pretested by interviewing people under similar conditions to the actual respondents. This was done in Kangundo one of the Sub-Counties of Machakos County.

The research used two interview guides: one was administered on the Kamba Christians while the other was administered on the religious specialist. The introductory part of the interview schedules featured the gender of the informant, age bracket, and the location. On the introduction

part also, the researcher asked the respondent to give a brief description of their understanding of *kithitu* for the researcher to know whether the respondents understood the issue under study. On the introduction part still, the researcher asked the respondents whether *kithitu* was widely used. This prepared the researcher to understand the depth of information she was likely to get from the respondent. These questions were also important in answering objective one.

The first objective was to explore circumstances under which Kamba oathing (*kithitu*) is practised in Machakos County. The respondent was to explain circumstances when people use *kithitu*, and to identify the effects associated with the use of *kithitu*.

The second objective aimed to describe the various ways in which *kithitu* is practised. The respondents were to explain whether the government allows the use of *kithitu*, the person or persons who administer *kithitu*, how *kithitu* is administered, how one is cleansed of the curse of *kithitu*, and whether the respondent had witnessed the administration of *kithitu*.

In the third objective, the researcher wanted to establish the extent of reliance on *kithitu*. The respondent was to outline the benefits associated with use of *kithitu*, when they can use *kithitu*, and when they have previously used *kithitu*. Lastly, under objective four, the respondents were to explain how *kithitu* works, and what the church teaches about oathing.

The second interview schedule was for the ritual expert. Under objective one, the respondent was to give their understanding of *kithitu*, the circumstances under which people use *kithitu*, the effects of *kithitu*, and how wide spread the practice is.

In the second objective, the ritual expert was to state whether the government allows the use of *kithitu*, to describe how he administers *kithitu*, to outline the characteristics of the religious specialist, to explain how he became a ritual expert, and to relate how one can be cleansed of the effects of *kithitu*.

In the third objective, the ritual expert was to outline benefits associated with the use of *kithitu*. In the last objective, he was to explain how *kithitu* works, and to explain the Christian teachings about oathing.

The researcher also used secondary sources, these included books, journals, newspaper articles, internet articles and government records. Secondary sources were important in identifying gaps and also in answering the research questions and objectives. Secondary sources were especially important in discussing objective four, which the researcher could not get adequate information from the respondents.

### **3.7 Data analysis**

Before processing the responses, the completed interview guides were edited for completeness and consistency. Kothari (2004) defines editing of data as the process of examining the collected raw data, to detect errors and omissions, and to correct these when possible. It involves a careful scrutiny of the completed interview guide. Editing was done to assure that the data collected was accurate and consistent with other facts gathered. Moreover, it ensured that data was uniformly entered as completely as possible and was well arranged to facilitate coding.

The data was then coded to enable the responses to be classified into categories, themes, and patterns. Kothari (2004) refers to coding as the process of assigning numerals or symbols to answers so that responses can be put into a limited number of categories. Kothari (2004) further explains Classification of data as the process of arranging data in groups or classes on the basis of common characteristics. Data can either be descriptive or numerical. Data having common characteristics are placed in one category. In this way, the entire data gets divided into a number of categories and themes. Classification can either be according to attributes mainly for descriptive data or class-intervals for numerical data. The study applied classification according to questions in the interview schedule. The questions were grouped according to the research objectives and therefore the data collected was grouped according to objectives of the study. This data was mainly descriptive in nature. Descriptive characteristics refer to qualitative phenomenon which cannot be measured quantitatively; only their presence or absence in an individual item can be noticed. The researcher ensured there was least possibility of any doubt or ambiguity concerning the answered questions.



Once the themes, categories, and patterns had been identified, the research evaluated and analyzed the data, to determine the adequacy and usefulness of information in answering the research questions. Finally the thesis report was written.

### **3.8 Validity and Reliability**

According to Mugenda and Mugenda (2003), reliability measures the degree to which a research instrument can present consistent results after several trials. To ensure reliability, the researcher made sure that the questions were based on the specified objectives. Also the researcher did the research, interviewed all the participants, and analysed the data.

Mugenda and Mugenda (2003) write that validity is the accuracy and meaningfulness of inferences which are based on research results. Kasomo (2006) refers to validity as the degree at which the procedure of the instrument used in the study presents accuracy. The study ensured validity by making sure that there is detailed data and getting feedback about data from the study group. The researcher also did a pilot study in Kangundo Sub-County to ensure validity. Kangundo Sub-County was chosen because it is one of the Sub-Counties in Machakos County.

### **3.9 Ethical Considerations**

The study adhered to all the required norms and tenets of ethical consideration in academic research. All the sources quoted were acknowledged and properly cited in the document. Government permission was sought through the National Commission for Science, Technology and Innovation (NACOSTI), Office of the County Commissioner, Office of the County Director of Education, and the University. During data collection, the researcher identified herself to the respondents, and disclosed to the respondents the real purpose of the research. The respondents were not coerced in any way to participate in the research, and they participated in the research on their own free will. The informants were assured that their identity would be kept in secret unless where one felt that his or her name could be mentioned. The researcher adhered to and for confidentiality purposes used codes and numbers instead of names of participants in the research.

### **3.10 Conclusion**

In discussing the research methodology this chapter examined the research design, target population, sample size, sampling techniques, data collection procedure, data analysis, validity and reliability, and ethical considerations. The next chapter looks at the findings and discussions.

## CHAPTER FOUR

### RESULTS AND DISCUSSION

#### 4.1 Introduction

This chapter focuses on the results and discussions. This chapter sought to analyse data from the field and to intergrate it with the secondary data. According to Mugenda and Mugenda (2003), data analysis is the process of bringing order, structure and meaning to the mass of information collected. In this study qualitative data analysis was applied. Qualitative data analysis seeks to make general statements on how categories or themes of data are related.

The researcher used interview schedules to collect data from seventy two sampled respondents. This data wasanalyzed and presented according to the objectives and research questions of the study.The research results are presented below. Each of the objectives is then critical evaluated based on the research findings and the literature review.

#### 4.2 Circumstances in which Kamba oath (*Kithitu*) is used

The first objective aimed to explore circumstances under which Kamba oathing (*kithitu*) is practised in Machakos County. Under this objective, the respondents were asked their understanding of *kithitu*, when it is used and the effects. The findings are discussed as follows.

##### **The peoples understanding of *Kithitu***

The study started by exploring the Kamba Christians understanding of *kithitu*. This information is critical in analyzing whether the perceptions and understanding influence the persistence of *kithitu*.To gauge their understanding, the respondents were asked their understanding of *kithitu*.Their responses are summarized in the table below.

Table 4.1. Kamba Christians' understanding of *kithitu*

Kamba Christians' Understanding of <i>kithitu</i>	No. of people who gave the response out of 72	Representation out of 100%
Something used to solve conflict	44	61
An oath or curse sworn by a person who has been harmed, to bring misfortune to an offender and his family.	64	89
It is a way of getting justice	51	71
Determine guilt/ reveal truthfulness	34	47
Punishment to offenders who do not want to admit guilt	68	94
Sub-religion of the Akamba	1	1

The study gathered from 89% of the respondents that *kithitu* is taken as an oath, that is used to curse or cause harm to wrongdoers or/and offenders, and thus acts as a form of punishment. Respondent RA14 said that when the oath is used, the offended utters a series of misfortunes or pronounces a curse upon the wrongdoer or offender. This was affirmed by majority of the respondents, who further added that the misfortunes or curses caused by the oath are severe and affect the wrongdoer and his or her immediate family. When the oath is not revoked, the misfortunes or curse continues through to the next generation, until the whole family is completely wiped out, or is persistently afflicted by misfortunes.

In relation to what it does, 61% of the respondents understand *kithitu* as something used to solve conflict. It is used by an individual, personally or with the help of a ritual expert, to help them in getting justice. Also 94% of the respondents agreed that it is something used to punish offenders who do not want to admit guilt or who are unknown.

47% of the respondents said it has the potential of revealing the guilty and the innocent. It achieves this by singling out offenders and causes misfortunes to befall them and their families. RC5 stated that *kithitu* causes misfortunes to plague the offender until he or she admits guilt.

71% of the respondents reiterated the above findings by stating that *kithitu* is something used to administer justice. Majority explained that it administers justice by ensuring the offender, whether known or unknown, is punished.

One of the administrative leaders responded by referring to *kithitu* as a sub-religion of the Akamba. He stated that *kithitu* has a “pastor” (ritual expert), one must convert, and it involves traditional Akamba rituals. He further added that the *kithitu* religious specialists are revered, feared, and regarded as elders among the Akamba community.

#### **Circumstances under which *Kithitu* is used**

The respondents were asked to name a circumstance under which *kithitu* is used and they gave various responses. The researcher noted that the circumstances mentioned corresponded to their understanding of *kithitu*. The responses are presented in the table below.

Table 4.2. Circumstances under which *kithitu* is used

Circumstances under which <i>kithitu</i> is used	No. of people who gave the response out of 72	Representation out of 100%
Conflict resolution/ getting justice	51	71
Determine truthfulness/ guilt/ accused falsely	34	74
To Curse Family members/ disrespect by family members/neglect of family responsibilities/taking wife children	64	89
To threaten/ create fear	37	51
To swear like secrecy commitment	36	50
Property/Land disputes	61	85
To deter witchcraft/accused of witchcraft	44	61
To catch criminals/theft/ stealing	61	85
Murder	43	60
Debt collection/ refusing to pay debt	42	58

Different communities and societies have ways of resolving conflicts depending on form, type and magnitude. According to 71% of the responses, *kithitu* is one of the methods of conflict resolution in the Kamba community. However, RA5, RB7, RD13 and many others indicated that its use is regulated, and when it is used it is as a last resort.

According to 89% of the respondents, in incidences where an offence has been committed and the culprit cannot be identified, *kithitu* can be used to determine guilt or innocence. These circumstances include, when a person has been offended and the suspect is not known (RA1, RA10, RC15), when there is a suspect but there is no proof of guilt (RA18, RB3, RC14, RC12), when two people are accusing each other and there is no evidence showing the guilty party (RA4, RA11, RA16, RA6), and when someone claims that he or she is being falsely accused of

something (RD14, RB17, RD13). Majority agreed that one cannot cheat *kithitu*, because it has the potential of singling out the guilty party and punishing them.

According to 89% of the respondents, when women have been seriously and continuously offended by members of their families, they can use *kithitu* to curse them. According to the responses, it can be a mother cursing her own children as explained by RA4, RC2, RB9, a sister cursing her brothers, or a woman cursing relatives from her extended family as stated by RD10, RC7, RB8, and RD11. In this case, according to RA20, the affected woman swears or curses by her loin clothes or while naked that misfortunes should befall the offenders. This was reiterated by many other respondents. The ritual expert said that this type of *kithitu* is mainly used when a woman experiences neglect or persistent disrespect from the members of her family.

The research found out from 51% of the respondents that *kithitu* is sometimes used to threaten. This is because *kithitu* is associated with supernatural entities like God, benign spirits and evil spirits. RA6 and RA7 stated that this has made *kithitu* to be feared, and any threats of its use makes people admit guilt for offences they have committed.

50% of the respondents revealed that in circumstances where secrecy and allegiance is required people sometimes use *kithitu*. RD16, RC15 and RA6 said that a family, individuals or groups may have an incident or agreement which needs to be kept secret by the parties involved. In such cases, *kithitu* is administered to the parties involved so that none of the members reveals the secret. This was echoed by other respondents who said that whoever goes against the agreement or reveals the secret experiences, misfortunes befall them. The religious specialist revealed that during the public performance of *kithitu*, he usually swears on *kithitu* that he will not sleep with a woman because if he does, this will reverse the effects of *kithitu*. When he swears on *kithitu* and breaks the agreement, misfortunes befall him.

Majority of the respondents said that *kithitu* is also used as one of the methods of resolving land and property disputes. 85% of the respondents stated that it is used in circumstances where

property has been stolen, property or land has been taken forcefully, or someone is refusing to pay for damaging other people's property or crops. According to RA7, people have fraudulently sold land that belongs to others or the government to unsuspecting buyers; others have grabbed other people's land. In other cases brothers or relatives may fight over inherited land, or neighbors may fight over boundaries, and the only way to solve these cases is by using *kithitu*.

In circumstances where a robbery or crime has been committed, 85% of the respondents said *kithitu* is used as one of the methods of either identifying and/or punishing the thieves. Respondents RB12, RB10, RD7, RD16, RA19, RA17, RA8, RD8, RD4, RC11, and RC9 revealed that when a robbery has been committed, the victims give warnings or notices that they intend to use *kithitu* to recover or punish the criminals, but in other instances, victims use *kithitu* secretly.

According to 61% of the respondents, *kithitu* is used to deter people from using witchcraft and to identify people who have used it. According to RD5, RD11, RA7, RA6, RC14, RC4, in prevention of witchcraft, the husband subjects his new wife to the oath, where she swears never to engage in witchcraft related activities or misfortunes befall her. In the second instance, RA8, RA14, RB11, RB15, and RC6 said that the persons accused of engaging in witchcraft swear by *kithitu* that they have not used witchcraft, and if they are lying misfortunes should befall them.

It was stated by 60% of the respondents that *kithitu* is used to solve murder cases. Majority of the respondents said that murder is a heinous crime, and when it occurs nothing can be done to bring the person back. However, people usually seek justice for the dead person. According to RA7, RA6, RB7, and RB3, when murder has been committed and the murderers are unknown, the family uses *kithitu* to find justice for the dead person. Some of the examples given by the respondents include someone being knocked down by a vehicle and the driver speeds off (RB4, RB6, RD2, RB16), someone killed by robbers or enemies (RA7, RA6, RB1, RC1, RC2). It is said that although the driver sped off, or the murderers are unknown, once the curse of *kithitu* is pronounced, it never fails in punishing those involved.



Lastly, the study established from 58% of the respondents that in circumstances where people refuse to pay their debts *kithitu* can be used. According to RB3, RC15, RD9, RD19, RD10, and RB17, in such cases, *kithitu* is used as a form of punishment or to threaten the debtors.

### Effects of using *Kithitu*

The study found out that the use of *kithitu* is associated with several effects. During the interviews the respondents gave out the following effects associated with the use of *kithitu*.

Table 4.3. Effects of using *kithitu*

Effects of using <i>kithitu</i>	No. of people who gave the response out of 72	Representation out of 100%
Death	70	97
Conflicts in the family	9	13
Madness	33	48
Lack of prosperity/education / jobs	50	69
Misfortunes e.g. accidents	61	85
Sickness	58	81
Barrenness/ miscarriages	64	89
Unproductiveness e.g. crop failure/ animal death	67	93
Not getting married/divorce	37	51

*Kithitu* is said to have dire and serious consequences on the offender and his family. 97% of the respondents said the ultimate goal of *kithitu* is to kill. The respondents explained that *kithitu* acts by causing the offenders to suffer and then eventually kills them. The respondents reiterated that it kills them either through sickness, accidents, or mysterious events. However, before killing the

offenders, it starts by harming and killing members of their family. The family members who survive may marry or get married, but also end up losing their children.

The second effect of *kithitu* from 13% of the respondents is conflicts in the family. Respondents RA4, RA11, RA16, RA19, RA5 RA12, RA17, and RA20, agreed that the curse of *kithitu* can result into series of serious quarrels between family members. These conflicts lead to fights that result in death, divorce or separation in case of marriage, or members being chased from their homes. These conflicts also cause hatred, lack of cooperation, peace, and harmony in the home.

48% of the respondents said that some cases of madness are as a result of the effect of *kithitu*. One of the respondents, RD16, further added that madness is not a disease, but rather a condition resulting from possession by evil spirits or curses because of a wrongdoing. Majority of the respondents said that madness caused by the curse of *kithitu* can affect the offender, and his or her family, and run into generations if not stopped. Some respondents from Kalama Division, (RA1, RA9, and RA17,) gave an example of a family in the area with several mad people whose condition they attributed to *kithitu*.

It was revealed by 69% of the respondents that *kithitu* makes the people under the curse not to prosper in any activity they engage in, whether business, farming, or employment. According to RC1, RC4, RA7, RD16, RA12, RA20, RB9, RB12, and many other respondents, these can be witnessed through collapsed businesses, unproductive farms, unemployment, and problems at the work place which can lead to work place terminations or lack of promotions. They further added that *kithitu* can also affect the education of individuals or their families. This is manifested through failing exams, dropping out of school, lack of fees, discipline problems in school, falling sick during exams, or even running mad so that one does not continue with their education. This is witnessed on the immediate family members of the offender.

The study found out from 85% of the responses that *kithitu* causes misfortunes or bad luck. Respondents RA9, RA12, RA16, RB1, RB3, RC13, RA17, RD4, RD17, and many others

concluded that in these cases, the individual or his family becomes prone to accidents, which can eventually lead to death. For instance, motor vehicle accidents, that result in injuries rendering one disabled, or that lead to death. Other accidents can occur at home, in the farm, or one just falls and is badly injured. Other misfortunes include plagues that destroy crops or kill livestock, sudden fires, or being attacked by bees, or lightning striking the home or the person. These misfortunes continue to plague the family until everyone is killed unless the curse is stopped.

It was indicated by 81% of the respondents that *kithitu* may cause sickness or disease. Respondents RA1, RB15, RC4, RC7 and RD19, were in agreement that the offender and his family may be plagued by diseases and when they visit hospitals, these diseases fail to be diagnosed, despite numerous tests done using modern science and technology. Majority of the respondents concluded that the victims suffer visiting different hospitals, spending a lot of money, experiencing excruciating pain from the disease and then eventually die. The only solution available according to RA6 is for the individuals to be cleansed of the curse. Some respondents further added that in other cases, it leads to birth of abnormal children which cannot be explained scientifically.

Still connected to the above point, 89% said that *kithitu* can cause barrenness and miscarriages. According to respondents RA1, RA2, RB8, RC5, RC8, and the ritual expert, one early sign of *kithitu* is miscarriages. If the wife or immediate family member of the offender is pregnant when *kithitu* is used, they may experience a miscarriage. From then on, when they conceive they miscarry, or the baby is born dead, or dies immediately after birth. Moreover, *kithitu* leads to barrenness.

According to 93% of the respondents, another effect of *kithitu* is death of livestock. This is also taken as an early sign of the *kithitu* curse. Majority said that livestock kept in the offender's homestead like chicken, goats, sheep, cows, and any other farm animal, may start dying mysteriously, or be plagued by strange diseases and eventually die. Majority further explained that it does not affect only the livestock but also the crops which dry up or die or fail to produce

anything. The end result is unproductivity in the farm. The animals may also fail to produce or their offspring die. In other cases, the animals may become unproductive and fail to produce products like milk and eggs.

According to 51% of the respondents, *kithitu* also causes divorce and separations. Respondents RA13, RA9, RA15, and RA6 said that offenders may divorce or separate with their spouses. This can extend to their children who may get married but eventually end up divorcing or separating. In other instances, it can result in the children failing to get married, and people also choosing not to marry from the family, because the family is under the *kithitu* curse or the children may fail to find someone to marry. Their daughters may also get children before marriage.

### **A Critical Evaluation**

One fundamental question that arises from the above findings is whether *kithitu* is an oath, a curse, or both. First, when we look at the definition of an oath; when it is used, God or spirits are called upon as witnesses that the person is either saying the truth or is ready to fulfill a pledge. However in the case of *kithitu*-God or the spirits are called upon to punish, destroy or cause harm to somebody or something which are characteristics of curses.

When we analyze *kithitu* based on the Biblical illustrations of curses, *kithitu* almost qualifies to be categorized as a curse. According to Prince (2006), the main vehicle of blessings and curses are usually words. They may be words that are spoken, words that are written or simply words that are invoked quietly. However, both curses and blessings can be transferred or transmitted by physical objects. So it is not always a question of words. For instance, in the New Testament, Paul says the cup of blessing which we bless is it not the communion of the body of Christ? So through that cup, which is a physical object with the wine in it, God transmits his blessings.

Prince (2006) also argues that in the Old Testament there are various curses transmitted by objects, but particularly under the Law of Moses. For instance, if a woman was accused of being unfaithful to her husband there was a specific test. The priest would take her to the tabernacle

write out a curse and then wash off the words of the curse (the ink) into a cup of water, and the woman would be compelled to drink the water and pronounce the curse upon herself. If she was innocent, nothing bad would happen and her husband would never be free to accuse her again. But if she was guilty there would be disastrous physical consequences in her body. Thus the curse is transmitted by something physical. From the descriptions of *kithitu* above, it is a physical objects used by the Akamba to cause harm or destruction or misfortunes to wrongdoers just like in the Jewish case above.

In Deuteronomy 28:1-13, the Israelites are promised abundant blessing if they diligently obey the voice of the Lord their God and observe carefully His commandments. However, if they do contrary they are cursed in Deuteronomy 28:14-68. Looking at the effects of these Biblical curses, they are similar to the ones caused by the *kithitu* of the Akamba.

Proverbs 26:2 reads "Curses cannot hurt you unless you deserve them. They are like birds that fly by and never settle." this means that where there's a curse there's always a cause. When we look at *Kithitu*, there must be a cause for it to work, and it only affects-the guilty and their families. Those who are innocent or falsely accused cannot be affected by it.

According to Prince (2006), In the Old Testament God blesses and curses. One of the most common forms of God's judgement on disobedient people or nations is to pronounce a curse on them. And as the curse is worked out, that's the outworking of God's judgement. The same feature can be viewed in the outworking of *kithitu*; as it works, the guilty person is punished or judged.

In Exodus 20:3-5, the greatest and most common cause of curses is breaking the first two commandments. "Worship no god but me. Do not make for yourselves images of anything in heaven or on earth or in the water under the earth. Do not bow down to any idol or worship it, because I am the Lord your God and I tolerate no rivals. I bring punishment on those who hate me and on their descendants down to the third and fourth generation."

From the above scriptural reading another specific feature of a curse is observed: curses go on for at least three or four generations. Again when we look at *kithitu*, its effects go on successive generations unless cleansed. However, from a Christian point of view, can the use of *kithitu* result into a curse on Christians for breaking the first and second commandments?

In Deuteronomy 27:15-26, twelve curses are pronounced and when Israel went into the Promised Land they had to pronounce all these curses upon themselves so that if they disobeyed the Law they automatically came under the curses:

God's curse is on anyone who makes an idol of stone, wood, or metal, and secretly worships it as, the Lord Hates idolatry. And all the people will answer Amen. God's curse on anyone who dishonours his father, or mother. And all the people will answer Amen. God's curse on anyone who moves a neighbour's boundary mark. And all the people will answer Amen. God's curse on anyone who leads a blind person in the wrong direction. And all the people will answer Amen. God's curse on anyone who deprives foreigners, orphans and widows their rights. And all the people will answer Amen. God's curse on anyone who disgraces his father by having intercourse with any of his father's wives. And all the people will answer Amen. God's curse on anyone who has sexual relations with an animal. And all the people will answer Amen. God's curse on anyone who has intercourse with his sister or half-sister. And all the people will answer Amen. God's curse on anyone who has intercourse with his mother in law. And all the people will answer Amen. God's curse on anyone who secretly commits murder. And all the people will answer Amen. God's curse on anyone who accepts money to murder an innocent person. And all the people will answer Amen. God's curse on anyone who does not obey all of God's laws and teachings. And all will answer Amen.

The circumstances that prompt the use of *kithitu* correspond to the ones mentioned in the above verses. They include punishment to those who disobey the laws, those who disrespect or neglect their parents, those who take other people's land unlawfully, those who practise injustice and treachery, those who bribe, those who engage in illicit sex or sexual immorality, those who harm others secretly, and those who kill. In Zechariah 5: 1-4 it states:

I looked again and this time I saw a scroll flying through the air. The angel asked me what I saw. I answered, a scroll flying through the air; it is nine meters long and four and a half meters wide. Then he said to me, on it is written the curse that is to go out over the whole land. On one side of the scroll it says that every thief will be removed from the land; and on the other side it says that everyone who tells lies under oath will also be taken away. The lord almighty says that He will send this curse out, and it will enter the house of every thief and the house of everyone who tells lies under oath. It will remain in their house and leave them in ruins.

From the above scripture, we see God cursing thieves and perjurers together with their families. The curse destroys everything around them, the same way *kithitu* is used to punish thieves and perjurers and their families.

In 2 Kings 5, Elisha cured Naaman of leprosy without asking for payment. But Elisha's servant Gehazi went behind Elisha's back and asked for payment. When Elisha found out, he cursed Gehazi and his family with leprosy. The next day Gehazi became as white as snow with leprosy together with his family. In this case, the family of Gehazi suffered for the wrongdoing of their father. *Kithitu* possesses the same characteristic as it affects the wrongdoers and their families. Numbers 22:4-6 reads

"a people has come from Egypt (Israel): see, they cover the face of the earth and are settling next to me: therefore please come at once, curse this people for me; for they are too mighty for me: perhaps I shall be able to defeat them and drive them out of the Land: for I know that he whom you bless is blessed and he whom you curse is cursed."

In Numbers<sup>22</sup>, Moab sent elders to Balaam so he would curse the Israelites. In the same way the Akamba procure the service of a *kithitu* ritual expert to curse their enemies. Moreover they believe that if he curses wrongdoers, they are indeed affected by the curse.

From the above findings also, the concept of community in traditional African society and in particular communal punishment is observed. The family of the wrongdoer suffers because of the mistake of one individual. According to Abioye (1986), material things are owned and shared together, punishment too are shared together corporately in form of feeling of pain or sympathy. This is also similar to the Old Testament or the Sinai covenant whereby the Israelites were punished as a community by God. Moreover, in traditional African community, kinship ties were very important in promoting harmony and mutual responsibility. The family was held responsible for the actions of its members. They were responsible for teaching the children and the young the social norms and customs of the community. In the case of *kithitu*, the family is punished together with the wrongdoer for failing to teach norms, and customs of the community. So they are also held responsible for the wrongdoer's actions.

Another traditional African concept that is observed is the continued belief in the existence of spirits. In the traditional African community, Africans believed in existence of spirits who were third in the hierarchy of beings. According to Mbiti (1977), the spirits were divided into two: nature spirits and human spirits. Nature spirits were believed to inhabit water bodies, mountains, forests, and even celestial bodies like the sun. Human spirits on the other hand- came into being after the death of an individual and were referred to as ghosts or ancestors. Ancestors were believed to be active in the day today activities and lives of members of the community, and specifically their families. They were consulted in times of need and were responsible for punishing wrongdoers through curses. In the case of *kithitu*, when it is used, supernatural entities like God and spirits are invoked to come and punish the wrongdoers. The question here is whether the spirits involved are ancestral spirits.



From the findings, *kithitu* is viewed as the ultimate form of justice by the Akamba because it never fails as a tool of administering justice. Does this mean justice is elusive in the present Kenyan society? Moreover, from a Biblical perspective, God is regarded as the God of Justice. He is seen as the ultimate Judge. So when Kamba Christians refer to *kithitu* as the ultimate form of justice, can this be considered blasphemy from a Christian perspective? Or is it referred to as the ultimate form of justice because it is associated with a Supreme being-God? What about their faith as Christians? Jesus came as a judge sent by the Father. Some of the verses that depict God as just include 2Thessalonians1:8, Colossians3:25, Revelation19:2, Deuteronomy 32:4, Psalms7:1, Genesis18:25,Jeremiah7:10,Ecclesiastes12:1, Acts10:34-35, Isaiah 30:18, Isaiah 61:8, Mathew12:18, Romans12:19 Luke 6:37, psalms 58:11 and 1Timothy 5:8.

Traditional African rituals, sacred objects, beliefs, and customs, are applied during the use of *kithitu*. According to Mbiti (1975), ATR is found in rituals, ceremonies and festivals of people; shrines, sacred places, and religious objects; arts and symbols; proverbs, riddles and wise sayings; names of people and places; myths and legends; beliefs and customs; and all aspects of life. Does this mean that those Akamba who use *kithitu* are traditionalist or Christians who use *kithitu* only when the need arises are practicing religious syncretism? Does this mean that Christianity has failed to address African Christians existential problems? And is there something like a sub-religion?

As noted above, *kithitu* is used to ensure allegiance or secrecy by members of a group. If any of the members goes against the agreement, misfortunes befall them. Does this imply that *kithitu* is still a powerful tool of mobilization in present-day Ukambani politics? Could it be that *kithitu* is an oath that carries with it a curse? Or could it be that one pronounces a curse on himself or herself and if they fail to meet the obligation of the group then they become accursed? The Israelites entered into a covenant with God and they pronounced curses on themselves that if they break the covenant they will be a cursed nation.

Among the Akamba, although *kithitu* causes suffering and misfortunes, it is not viewed as evil or a form of witchcraft. In fact, it is used to deter and curb witchcraft. According to Gehman (1989), the Akamba believe their world is saturated with mystical powers. They categorise the main powers into three: evil powers (*uoi*), beneficial divine powers called *uwe*, and magic. *Uoi* is manifested through witchcraft and evil people, while *uwe* is used to counteract the powers of *uoi* and is represented by medicine men, herbalist, or prophets. Also, there are other mystical powers that do not fall under the above categories; they include blessings and curses, *kithitu*, evil tongue, and evil eye. So where can we place *kithitu* from a Christian perspective? Is *kithitu* evil or good?

In the Old Testament necromancy is forbidden. Necromancy is the consulting of mediums and diviners. Those who consulted diviners and mediums were cursed. Saul cursed himself by consulting a medium before going to war with the Philistines 1 Samuel 28. The Israelites had been warned against necromancy because it showed lack of faith in God. From a Christian perspective, is *kithitu* a form of necromancy or is it a curse or an oath? Does that mean Africans still hold strong beliefs in mystical powers, witchcraft and sorcery?

The Ultimate aim of *kithitu* as the study found out is to kill. When *kithitu* is used, can it be equated to killing from a Christian perspective? Does it go against the teachings of Jesus on vengeance and forgiveness? The Bible in Exodus 20:13 forbids killing. Romans 12:19, Romans 13:4, Revelation 21:8, Leviticus 24:17, Genesis 9:6, Numbers 35:30-31, Romans 13:1-14, John 8:3-11, Matthew 5:21, Genesis 9:5-6. When we analyse the scriptures, murder is condemned when one kills another out of anger. However, killing in the name of justice or war is allowed.

#### **4.3 The Kamba oathing practice in Machakos County**

The second objective aimed to describe the various ways in which *kithitu* is practised in Machakos County. From the respondents, the researcher was able to describe in details the various ways in which *kithitu* is practised, the persons who administer *kithitu*, how it is administered, how it works, and how one is cleansed of the effects of *kithitu*.

### **Who administers**

First, 99% of the respondents indicated that the administration of *kithitu* is done either by an offended person, or by a hired religious specialist. Majority of the respondents said that an individual may decide to use *Kithitu* privately and in secret when offended, or use the services of a *kithitu* ritual expert. However, RA7 said that using *kithitu* secretly is discouraged, and those found are punished for causing innocent deaths, because *kithitu* is said to affect the offender and innocent members of his or her family. The underlying principle here is not to punish the innocent members of his or her family.

The second method is through a ritual expert. According to 99% of the respondents, the offended person is supposed to report the offence to the local administrators and inform them of his or her intentions to use *kithitu*. The local administrators are the ones to then grant or deny permission for the use of *kithitu*. If granted permission, the offended person looks for a *kithitu* ritual expert to now administer *kithitu*. A notice of one to two weeks is given before *kithitu* is administered on the supposed offenders.

However, the interview with the local administrators revealed that the use of *kithitu* is not allowed, and they no longer issue permits for its use. Furthermore, those found using it should face the full force of the law, because the government does not allow ritual killing. Moreover, allowing its use encourages killing. Nevertheless, 72% of the respondents stated that *kithitu* is still a common practice in Machakos County, and the ritual expert even admitted to having cleansed people under the curse of *kithitu*. The local administrators further said that when there is quote of death or concrete evidence that *kithitu* has been used; then those involved are arrested.

### **The various ways Kamba oath is administered**

The study gathered that in most cases, *kithitu* is invoked by the offended party privately and in secret than by a religious specialist. Following is a summary of the various ways kamba oath is administered.

Table 4.4. Administration of Kamba oath

Administration of Kamba oath	No. of people who gave the response out of 72	Representation out of 100%
Administered through a religious specialist	57	79
Earthen ware pot ( <i>nyungu/Chungu/mbisu</i> )	72	99
Use of soil in land conflicts	46	64
Suffocating a cow ( <i>ndundu</i> )	34	47
Swearing on loin clothes (Ngumbe)	71	99
Cleansing of the Oath	57	79

In the study, 79% of the respondents could describe how *kithitu* is administered through a *kithitu* ritual expert. Majority of the respondents explained that in this type of administration, a *kithitu* ritual expert uses concoction put in a horn to curse the offender. In this case, administration is done publicly in the presence of elders, and permission must be sort from the local administrators.

The study also found out from the ritual expert that the *kithitu* ritual expert must be a married man, and of high moral standing, otherwise, the powers of *kithitu* will kill or drive him mad. Some of the respondents like RA13, RA10 and RA9 stated that the *kithitu* horn is usually kept in desolate places and is never rained on as it drives away rain. It must also be kept away from the homestead because it causes evil, and be covered by a red, black, or white cloth for identification. Furthermore, one should not come near or touch it with the naked hands. The ritual expert interviewed refused to disclose details on the ingredients of the *kithitu* horn, but insisted that he does not administer it, but cleanses those under its curse.

The respondents further explained that this type of *kithitu* is used when an offence has been committed and no one wants to admit the offence. When administered or pronounced by a ritual expert, the guilty person, wherever he may be, is haunted by the curse together with his or her family. Also, it is used when one is accused and wants to prove his or her innocence. The person is given the horn by the ritual expert, and swears publicly that if he or she is guilty, misfortunes should follow him or her and his or her family.

The study also gathered from the ritual expert that *kithitu* ritual experts receive their powers/role from their forefathers, and he personally inherited it from his grandfather. He also revealed that *kithitu* ritual experts are men, because only men are allowed to keep *kithitu*. Moreover, one is supposed to seek permission to keep *kithitu*. He further added that *kithitu* ritual experts live normal lives like the rest of the people; they marry and have children of their own. According to the ritual expert, when it was time for him to become a ritual expert, he had to resign from his casual work as a watchman, return to his home village, marry and then become a ritual expert. However, before becoming a religious specialist, a handing-over ritual ceremony must be performed in the presence of close family members.

The study found out from majority of the respondents that during the public administration ceremony, the head men, chief and clansmen are supposed to be present. The ritual expert may administer *kithitu* or ask the offended person or the accused to administer it. Before the administration of *kithitu*, the specialist must inform the family of the accused and the community that he wants to administer *kithitu*. This is because people fear and believe that it never fails in punishing the guilty party. Moreover, the curse of *kithitu* not only affects the accused but also his or her family. It is therefore important that members of his or her family and community know, so that they can talk to the accused, so that if he or she is guilty, he or she admits to avert evil. It is better for one to pay a fine than let the whole family bear the consequence of his or her actions.

It was agreed by 81% of the respondents that this type of *kithitu* is recognized and allowed by the government. Majority were even able to outline the steps that are followed before one can use it.

The first step is reporting the case to the chief and informing him of one's intention to administer *kithitu*. The complainant is then issued with a permit. He or she then gives notice to the people. The notice period ranges from one to two weeks. He or she also gives the venue where the administration of *kithitu* will be done, either at home or at the chief's office.

If the notice period elapses without someone admitting to the offence, then a religious specialist and the elders assemble and the meeting is chaired by the chief. The complainant is questioned by the religious specialist and the elders present. The religious specialist then places the horn containing *kithitu* concoction on the ground. The complainant is then instructed to strike the horn containing medicine, and utters words to curse the offenders. The people wait for seven days and then observe the signs of the *kithitu* curse. If the following signs are observed or occur, it confirms that one is guilty and the *kithitu* has worked: breaking of a glass or cup containing water or tea, chicks being taken by eagles, swarm of bees flying to the compound, and miscarriages.

The guilty person is then ordered to pay a fine in order to be cleansed and the evils caused by *kithitu* stopped. If the person refuses to pay the fine, then people or livestock begin to die mysteriously after a certain period of time. It is said that the oath has powers which can kill. So even if an individual suffers misfortunes, the eventual end of the individual is death. The guilty is not the first to die but his immediate family members. Usually he is afflicted by misfortune so that he feels the pain, admits the guilt, and pays fine before evil continues to befall him and his family.

According to the ritual expert, during the administration of *kithitu*, the ritual expert is supposed to refrain from bathing and having any sexual encounters with a woman for a week, otherwise the *kithitu* will not work. The complainants involved also observe the same rituals.

The study noted from the majority of the respondents that this type of *kithitu* is supposed to be performed in the presence of a chief or another administrative leader. However, as stated earlier,

local administrators maintained that the administration of *kithitu* is illegal and a crime. They also reiterated that most of the time the *kithitu* ritual is done secretly at the home of the accuser and they are never involved. Usually, the accuser warns the people verbally and the ceremony is done in the presence of the elders. Furthermore, because of poverty, the ritual experts perform the ceremonies illegally to get money.

### **Breaking of the pot**

The study gathered that 99% of the respondents are familiar with this type of *kithitu*, which involves breaking of an earthen pot also referred to as Curse of the pot (*mbisu/nyungu*). It is the most common type of *kithitu*. The respondents said that it is mainly used privately, but it can also be used publicly, and it is used when a crime has been committed and the offender is not known.

The researcher found out that the offended individual smashes an earthen pot or *nyungu* and utters words cursing the offender. The earthen pot used must have cooked food at some point. The pot is smashed completely into small pieces so that it is irreparable (*kukunania mbisu*). According to RA4, when used publicly the accused smashes the *nyungu* and swears that if he committed the crime then his life should suffer (*naanya kindu kyaku nooiwa nisu*). The strong evil words sworn by the person breaking the pot are believed to harm the offender and justice is administered.

In other cases according to RA9, RA18 and others, a special stick is used to strike the pot. As one hits the pot to break it, one pronounces the curse. This ceremony is conducted by a ritual expert and people must witness the ceremony. The offended usually states that justice be established and consequences are established to the guilt. The curse then only afflicts the guilty.

However, the ritual expert and one administrative leader said that many people perform it in secret, and it is only discovered when people start seeing misfortunes befalling a particular family concurrently. Also, people know that *mbisu* has been broken when they come across broken pieces of a pot or after consulting a religious specialist. When the person who broke the

pot is unknown, the matter is reported to the chief because it is a crime. A notice is then issued to alert the people that *mbisu* has been broken and if they know the person responsible to report the matter immediately.

### **Use of soil in land conflicts**

This is swearing that may take place when trying to solve a land dispute. 64% of the respondents said that during land conflicts *kithitu* can be used. The study found out from RA7 and RA15 that in most of these cases, the rightful owner of the land is unknown. Those involved in the tussle are supposed to go to the land in conflict and stand on it and when the soil sticks on the sole of their shoes or feet, they shake it off. As they shake the dust or soil off their feet or shoes, they each curse themselves that if the land does not belong to them let them die or misfortunes should follow them. If they lie then they place themselves and their family under a curse. Moreover, the grabbed land becomes unproductive.

### **Ngumbe**

*Ngumbe* was explained by 99% of the respondents as another type of *kithitu*. However, Penwill (1951) writes that *kithitu* is a type of kamba oath only used by men, while on the other hand swearing on loin clothes (*ngumbe*) is a form of swearing or cursing only used by women-thus implying that *ngumbe* is not a form of *kithitu*. The researcher considered it significant to document *ngumbe* because the respondents explained it as a form of kamba oath that has persisted among Kamba Christians.

As stated above, *ngumbe* is used by women only, and is rare and sensitive among the Akamba. It is mainly used by women to curse members of their family who have wronged them. According to RA10, RD16 and RA14, the woman curses her family by swearing on her loin clothes or while naked. It can be a mother cursing her children for neglecting or disrespecting her. While cursing her children, she removes her clothes in front of them and using her index finger taps her private parts or loins and utters words cursing her children. The ritual expert added that in the African community, it is a taboo to see the nakedness (private parts) of an old woman and



especially a mother. When an old woman thus removes her clothes in front of her children, already that is viewed as a curse in itself.

In other instances, according to RB11, RB3, and RC5, a woman either a widow or a woman who is not married may be mistreated by members of her extended family by either taking her property or neglecting her, and her children. Because of the pain and suffering, she decides to curse the entire family. This type of a curse is feared because it kills or can affect the whole family or clan if not reversed. It starts with her family, and then spreads to the other members of the extended family and eventually the clan. It can be done publicly or privately. RA7 said that some women because of the pain may opt to perform it privately, so that the curse is not reversed and the offenders suffer completely for the pain they have inflicted on her.

As stated earlier women who have used it usually remove all their clothes and that is why it is referred to as *ngumbe* or nakedness. The study also gathered from the respondents that some women use their index finger to tap their private parts seven times and pronounce a curse or evil on the other person while other women remove their clothes and hit their buttocks or behinds as they curse the offenders. An offended sister can also remove her clothes in front of her brothers and curse them. This type of a curse is not restricted to the family members alone. In other cases a woman may be offended by people outside her family and in rage publicly remove her clothes and curse the offenders or those who have hurt her.

The ritual experts further emphasized that *ngumbe* is feared and dangerous because it can lead to the extinction of an entire family, clan or lineage. So when such a curse has been pronounced, and it is known, the person responsible is usually called upon to reverse it. The offenders are supposed to ask for forgiveness and change their ways so that the curse is reversed.

The ritual experts explained that when the offended woman agrees to forgive the offenders, rituals are performed to cleanse the affected and reverse or stop the curse. If a mother cursed her children, they are supposed to set a date and assemble at their home. If any of the children cannot

make it, they are represented by sticks failure to which they will not be cleansed. The children come with the following items: milk, millet, and other prescribed items. The cleansing ritual is performed by a ritual expert. Those cleansed are supposed to stay for seven days without bathing or having sex.

### **Ndundu oath**

According to 47% of the respondents there is another type of *kithitu* referred to as *ndundu* oath. This type of oath is also performed publicly. However, Kiminyo (2004) assert that *kithitu* and *ndundu* oath are different. The researcher considered it also significant to document *ndundu* because the respondents explained it as a form of kamba oath that has persisted among Kamba Christians.

The study discovered that *ndundu* oath is used when people swear not to engage in some activities or swear to secrecy. 61% of the respondents said that the *ndundu* oath is used when a married woman has to swear that they will never use or buy witchcraft. Also, it is used to determine whether someone is guilty of already practising witchcraft. The accused person swears on *ndundu* that she is innocent, and has never used witchcraft or involved herself in any witchcraft related activities. *Ndundu* is mainly used to ensure that people do not involve themselves in witchcraft activities.

In the first instance, the husband instructs his wife to swear on the *ndundu* that she will never use witchcraft. If she ever tries to use witchcraft during their marriage misfortunes befall her. The respondents further explained that the practice has been there to ensure that a woman does not bewitch his people (in-laws), or induct her children into witchcraft. In the second instance, as explained by RD13 a woman is usually accused of using witchcraft or a person is accusing her of bewitching them. In such cases, the accused is told to swear on the *ndundu* oath to proof her innocence. The *ndundu* oath is also used to swear secrecy. In such cases, according to RA5 people involved in the agreement swear not to reveal the secrets of the group. If any of the members breaks the agreement, then misfortunes sworn befall them and their families.

There are two ways in which *ndundu* is performed. First, RA20 said that a cow is suffocated to death and a stick inserted into its rectum as words of curse are uttered or pronounced. In the second instance, according to RD9 a cow is slaughtered usually provided by the accused. Then the accused and the accuser are given special parts of the cow which are raw to eat. As they eat, both the accused and the accuser swear by it. As they swear by it, the true witch is afflicted by the curse of *ndundu*.

### ***Kithitu* cleansing ceremony/ (Kuusya Kithitu)**

According to 79% of the respondents, when people suspect *kithitu* has been pronounced against them or their families, they seek to make amends or restitution. When the signs are suspect people start investigating and enquiring who is responsible or seek the help of a *kithitu* religious specialist. In Most cases the persons responsible for cursing usually refuse to own up and people only find out through a *kithitu* religious specialist.

The ritual expert gave an elaborate account of how he cleanses victims who are under the spell of *kithitu*. Also, some of the respondents gave an Introduction of what they knew about the cleansing ceremony. According to the ritual expert, he usually uses special kind of medicine to cleanse the victims. During these periods of cleansing, he is not supposed to take a bath, or to have sex with a woman for seven days, which he said he observes strictly. The victims to be cleansed observe the same, and should also not talk to those who cursed them.

When the *kithitu* ritual expert arrives at the homestead of the victims, he enters the house and sprinkles water round it. He puts a stick on his mouth (*mutaa*) then spits. He uses a special twig which he referred to as *ng'ondu* to cleanse the victims. *Ng'ondu* is a plant resembling the cassava. He crashes the plant and cleanses the victims three times. The cleansing procedure starts from the head and ends at the toes. Some respondents said that cleansing is done by a ritual expert who administered the oath or another chosen religious specialist. However, in most cases those who administer the oath are not the ones who cleanse the victims.

During the cleansing ceremony, the ritual experts must carry his paraphernalia or apparatus. These includes: *nyungu* or an earthen pot also referred to as *mbisu*, three stones for holding the pot on fire (*uthaana*), the medicinal herbs from a nearby forest (*ngondu*), a special shrub called (*mutaa*) for applying the medicine, a house-like structure made of sticks (*muvatha*), sticks to represent the missing members of the family (*miti*), food which is mostly cowpeas (*nthooko*) or *isyo* and two half calabashes or *nzele*.

First, the three stones (*uthaana*) are assembled. A fire is then lit, and the pot (*nyungu* or *mbisu*) is placed on top of the three stones. The aim of the three stones is to support the pot as the food is cooking. The available food is placed in the pot and cooked slightly. The most common food used being maize and beans (*isyo*) or cowpeas (*nthooko*).

As the food cooks, the ritual expert grounds the medicine (*ngondu*) and adds it together with water to the cooking food. Then two special sticks are erected and joined together at the top to create a house like structure (*muvatha*) in front of the cooking pot, to symbolize the entrance of a house. The two calabashes (*nzele*) are then placed in front of the *muvatha*.

The victims assemble at the entrance of the house (*muvatha*), and the religious specialist applies the medicine (*ng'ondu*) on them using the (*mutaa*) as he utters some words. He starts from the head, down to the hands, chest, and finally to the legs. The victims then pass through the (*muvatha*) to symbolize entering the house. They serve food from the pot, and eat a little of the food with water because the food is only slightly cooked. The remaining food the victims return to the cooking pot.

The victims pass again through the two joined sticks (*muvatha*), and are served food from the half calabashes (*nzele*), to signify a new beginning. All the affected persons must undergo the same ritual in order to be cleansed. When the ritual expert completes the cleansing ceremony, he instructs them not to have sex, eat meat and or give anything outside the house for three days. He also observes the same rules. Seven days later, the victims will be completely cleansed of the

curse and the misfortunes stop. The above cleansing ceremony is done when a family realizes they are under a *kithituspell* and consult a ritual expert.

The ritual expert explained that the cleansing ritual has been passed from one generation to another till present. The ritual experts inherit their powers from their grandparents, who choose one of their grandsons to continue with the practice. The knowledge and powers is passed to the grandson through apprenticeship, whereby the chosen heir accompanies the grandfather when he is called upon to perform the cleansing ceremony. When the time comes for the grandparent to hand over the powers and position to his grandson, a special ceremony is conducted and the apprentice brings the following items: traditional beer (*uki*), goat (*mbui*), and a guardof traditional beer (*kimee kya uki*).

The ritual expert related his own experience as follows.He (the apprentice) prepared beer to be drunk by the grandfather and close family members. The goat was slaughtered, and the meat cooked and eaten by those present, while the blood was poured on the ground to bind them with the ancestors. Libations were also poured to appease the ancestors. Other rituals were also performed on the apprentice by the grandfather. However, the ritual expert insisted these rituals are secret and private and he cannot reveal full details.

The ritual expert stated that the chosen grandson must be morally upright otherwise *kithitu* will kill him. These sentiments were also echoed by some of the respondents, who stated that a well-known ritual expert, who was immoral, is not mentally stable, because of the effects of *kithitu*. *Kithitu* is used to fight evil, and bring peace and harmony in the community; therefore, if the ritual expert engages in evils, then it kills or makes him mad. He must also marry before becoming a ritual expert. He should not be cunning, overcharge, or lie to his clients when going to cleanse them otherwise it will kill him.

According to the respondents, when *kithitu* is used publicly and one is found guilty, one is called upon to confess, pay fine, or compensation so that he or she can be cleansed. RB7, RB13, RD19

and others said that in such cases, the victims assemble at the chief's camp or at home. The guilt parties are supposed to admit guilt and settle their differences amicably with the offended persons, who are usually present. The two parties then reconcile, and the ritual expert performs the cleansing rituals, and then the offended party is called upon to revoke the curse. The guilt party must agree to the terms of the agreement before the members present. The ritual expert and those present must also be cleansed to ward off any evil effects of the *kithitu*.

One of the administrative leaders said that the use of *kithitu* generally is prohibited. In case a permit has been issued, the chief ensures the conflict is solved before the material day, and the permit is revoked. However, *kithitu* is still used in secret and when the suspects are confronted they deny, and there is usually insufficient evidence to prove they have used it. Some elders support it and allow the ritual ceremonies to be conducted in secret. Some respondents stated that if the chief refuses, one can seek permission from the District Officer (DO), or the District Commissioner (DC).

### **Critical evaluation**

In the previous chapter, we observed that *kithitu* is administered publicly or privately, and is done individually or with the help of a ritual expert. Moreover, it is understood to never fail, and its effects are felt over time. This could mean that *kithitu* is easily available, cheap and a faster way of obtaining justice compared to the government judicial system. Moreover, its use reveals lack of confidence and faith in the local administrative leaders, police and the judicial system.

Secondly, the study observed that the Akamba are aware that the use of *kithitu* is legal and recognized by the Kenya government. However, the administrative leaders insist that it is illegal and in fact a crime. Moreover, if there is concrete evidence and quote of killing, one will be accused of murder. This reveals two things: one, the government acknowledges that *kithitu* exists, and is harmful, and thus have made using it a crime. Secondly, the Akamba people have not been informed or sensitized about this by the local government.

Interpreting *kithitu* in light of the Kenyan constitution reveals several things. First, in chapter one: Sovereignty of the people and the supremacy of the constitution, article two: Supremacy of the constitution, part four it states: Any law, including customary law that is inconsistent with this constitution is void to the extent of the inconsistency and any act or omission in contravention of this constitution is invalid. When the Akamba use *kithitu* they must consider whether it contravenes the constitution or not. If it does, it means it is void and illegal under the Kenyan constitution. The study thus observes that people have either not read or interpreted *kithitu* in line with the constitution or that those who have read do not find any inconsistency in using *kithitu*. Moreover, if the government insists it is illegal, it has not come out clearly to explain to the Akamba where the inconsistency is in the use of *kithitu*.

Secondly, in chapter ten: the judiciary, part one: judicial authority and legal system, number one hundred and fifty nine: judicial authority, it states in clause one: judicial authority is derived from the people and vests in and shall be exercised by the courts and tribunals established by or under the constitution. Clause two states that in exercising judicial authority, the courts and tribunals shall be guided by the following principles:

- a) Justice shall be done to all irrespective of status
- b) Justice shall not be delayed
- c) Alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted subject to clause (3)
- d) Justice shall be administered without undue regard to procedural technicalities and
- e) The purpose and principles of this constitution shall be protected and promote

Clause three states that traditional dispute resolution mechanisms shall not be used in a way that:

- a) Contravenes the bill of rights
- b) Is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality or

c) Is inconsistent with this constitution or any written law.

Chapter four: the bill of rights, part two: rights and fundamental freedoms article forty eight: access to justice states that the State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice.

Analyzing *kithitu* in the context of the constitution reveals that justice is either discriminating, delayed, or fees charged are unreasonable, therefore impeding access to justice by all persons. Therefore, because *kithitu* is fast, cheap, easily available, and believed to never fail, it is used to serve the purpose of a traditional dispute resolution mechanism.

When we look at the bill of rights in chapter four of the constitution, part two: rights and fundamental freedoms, article twenty six: it states that every person has the right to life. When *kithitu* is used as a traditional dispute resolution mechanism it must respect the above right of every person to life otherwise its use would mean it is contravening the constitution. Although there are many criminals in jail who have been sentenced to death, the last time someone was hanged in Kenya was in 1989.

In Chapter four: the bill of rights, part two: rights and fundamental freedoms article thirty two: freedom of conscience, religion, belief and opinion, clause one states that every person has the right to freedom of conscience, religion, thought, belief and opinion. Clause two states that every person has the right, either individually or in community with others in public or in private to manifest any religion or belief through worship, practice, teaching, observance, including observance of a day of worship. Clause four states that a person shall not be compelled to act or engage in any act that is contrary to the person's belief or religion.

Analyzing *kithitu* from the above statements the study observes that the Akamba have a right to belief, observe, practice and set a day for the performance of traditional rituals like *kithitu*. However, it is wrong for a person to be forced to take *kithitu* if he does not believe in it or does not want to because this would contravene the constitution.



Thirdly, in chapter four of the bill of rights, part two: rights and fundamental freedoms article forty four: language and culture, clause one states that every person has the right to use the language and to participate in the cultural life, of the person's choice. Clause two states that a person belonging to a cultural or linguistic community has the right, with other members of that community to enjoy the person's culture, and use the person's language or to form, join, and maintain cultural and linguistic associations and other organs of civil society. Clause three states that a person shall not compel another person to perform observe or undergo any cultural practice or rite.

From the foregoing the study asks whether the Akamba should be allowed to participate in *kithitu* as part of their cultural life and enjoy it. Is it wrong to compel another person to perform or undergo the *kithitu* rite? And thirdly does *kithitu* offer a fair and public hearing to the accused. Is it impartial? All this must be adhered to for *kithitu* to be legal under the constitution.

In Chapter one: sovereignty of the people and supremacy of this constitution, article three: defense of this constitution, clause one states that every person has an obligation to respect, uphold and defend this constitution. Therefore, the use of *kithitu* must respect, uphold and defend the constitution. It must not be repugnant to justice and morality or results in outcomes that are repugnant to justice or morality or is inconsistent with the constitution or any written law in Kenya. The Judicature Act states that all our courts shall be guided by African customary law in civil cases as long as it is not repugnant to justice and morality or inconsistent with any written law.

The New Constitution does not mention African customary law, and the judicature act is the only enactment which acknowledges the existence of largely unwritten laws, that have been derived from the tribal social practices regarded as obligatory by the communities concerned.

Looking at the penal code: part two, crimes, chapter seven, treason and allied offences, section 62 compelling another person to take an oath states in number one and two:

- a) Any person who by the use of physical force, or by threat or intimidation of any kind, compels another person to take an oath or engagement in the nature of an oath purporting

to bind the person who takes it to act or not to act in any way is guilty of a felony and is liable to imprisonment for ten years.

- b) Any person who is present at and consents to the administering, by physical force or under threat or intimidation of any kind, of any oath or engagement in the nature of an oath, to any person purporting to bind the person who takes it to act or not to act in any way is guilty of a felony and is liable to imprisonment for seven years.

Section 64 talks about presence at oath administration:

- a) Any person who is present at the administering of an oath or engagement in the nature of an oath mentioned in section 59, section 61, or section 62 shall be deemed to have consented to the administering of the oath or engagement unless, within five days thereafter or, if he is prevented by physical force or sickness, he reports to the police, or, if he is in the actual service of the disciplined forces or the police force he so reports as aforesaid, or hereports to his commanding officer, everything he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement in the nature of an oath was administered.

Section 223 talks about threats to kill:

- a) Any person who without lawful excuse utters, or directly or indirectly causes any person to receive, a threat, whether in writing or not, to kill any person is guilty of a felony and is liable to imprisonment for ten years.

Therefore, it is very important that when the Akamba administer the oath, they understand what the penal code says about oathing.

On the other hand, the study observed that traditional ritual experts are still recognized in contemporary Kenya. This means that their roles are still significant and people appreciate, and revere them. However, how do the young people view them? Are they ready to assume the role of ritual experts? Also, the study observed that *kithitu* ritual experts learn through

apprenticeship, and those who inherit the powers are grandsons- meaning they are young men. The study also reveals that apprenticeship is still an important part of learning ATR and culture. However, with formal education, it becomes a challenge because the same apprentice should go to school as stipulated by the constitution.

Other observations about *kithitu* are that the ritual experts are only men, and those involved must abstain from sex during the performance of *kithitu*. In traditional African communities, Sex is sacred because of its power to transmit life, which is a gift from God. Therefore, because *kithitu* is associated with causing evil and killing, those involved must abstain from sex. Moreover, because women are the ones to carry the child and to give birth, they cannot be allowed to keep *kithitu*, lest it affects them and makes them barren or cause miscarriages.

Another observation is that *ndundu* is mostly used to ensure women do not engage in witchcraft. So the study asks whether it is lawful for a woman to be forced to take the oath before marriage. Also can it work when the wife comes from another tribe?

Another feature of ATR that is revealed is the belief in taboos. In traditional African communities, it was a taboo for the young to see the nakedness of an old woman. Could it be the reason women remove their clothes to curse, because they know it is a taboo and taboos bring misfortune and curses? In the bible we see Noah cursing his son for seeing his nakedness. In traditional African society it was the responsibility of the members of the community to take care of old women- especially widows. Does this mean the families have neglected the old due to contemporary concepts like urbanization and Individualism? Or it is poverty and practices of living that are contributing to this?

Issues of land are sensitive and people would do anything to protect their land. One major use of *kithitu* is to resolve land disputes. This means there is a problem in the way the government and the local leaders are dealing with land disputes. Machakos is a fast developing County especially because of its proximity to Nairobi, the capital city, as well as the upcoming Konza city. Because of the above factors, the value of land has appreciated and land that was deemed unfit for

agriculture and human habitation has become even more valuable such as Konza and Malili areas. Although the value of land has appreciated, the local people especially those who are illiterate and poor are duped and conned of their land by brokers and agents. Others lose their land due to lack of title deeds. With the rising numbers of unscrupulous land dealers and corruption, the locals have been unable to access justice from the courts. Could the other alternative be the use of *kithitu*?

Cleansing ceremonies are also a common occurrence in Machakos County. It seems the Church is silent about it. Of those interviewed, none claimed of witnessing someone being cleansed of the curse of *Kithitu* in church, yet Machakos County has many Churches which conduct crusades and deliverance services. This could also mean that the Church does not recognize the inherent powers of *Kithitu* or does not consider it a threat to Christianity.

Another aspect of ATR that is observed is the pouring of libation. This means that Africans still acknowledge the existence and role ancestors' play in their lives. Pouring libation in the African community was a way of venerating the ancestors or a way of showing respect. Moreover, for Africans, the concept of community has both vertical and horizontal dimensions. Horizontal dimension comprised of immediate family members to the entire clan, while vertical dimension includes the unborn and the ancestors. Therefore, when they pour libation, they invite the ancestors who are part of the community to share in the meals and to celebrate with them.

Nyamiti (2005) asserts that there is no homogenous view on ancestors or categories for becoming ancestors in Africa. This practice belongs to a majority of African communities and portrays many elements in cosmo. This ancestral venerator is intrinsically likened to the traditional world view. Although dead an ancestor, is believed to enjoy a sacred super human status with special magico-religious powers that can be beneficial or even harmful to the earth's kin. Ancestral relationship is not simply a product of human conventions but is founded on human spiritual, bodily and societal structures.

Another traditional aspect of *kithitu* is that the ritual expert must be married and have children. In traditional African communities, one of the qualities of the elders and religious leaders was that they should be married. Moreover, in traditional African community, marriage was a rite of passage that all members of the community had to undergo. Furthermore, children were an important part of the family and any married couple was supposed to have children. Children were seen as a blessing and ensured continuity of the family and clan. Also marriage was a remedy against irresponsible sexual behavior. It showed that the individual is mature, responsible, and is ready to assume important responsibilities in the community like decision making. Furthermore, children ensured continuity of the cultural norms of the community, and the parents were fulfilling the wishes of their ancestors by venerating them through naming.

The role of Administrative leaders, chiefs, elders, Police, and the church in promoting the use of *kithitu* is observed. Earlier, the study found out that from the local administrators that *kithitu* is illegal. However, what are they doing to ensure it does not continue? Or they are the impediment to justice that is even catalyzing the use of *kithitu*. The respondents insisted that *kithitu* is a common practice, well know, in use and widely revered and feared. So far there was no single case of a person arrested for using *kithitu*. Secondly, the respondents admitted that the elders are usually present during these ceremonies, meaning they work in cohorts with the ritual experts and the people. In some areas the chiefs are also involved. The police on their part have not arrested anyone using *kithitu*, there were no ongoing investigations or a person in prison for using *kithitu* yet the practice is a common occurrence and is considered illegal.

#### **4.4 Extent of reliance on Kamba oathing (*Kithitu*) by Christians in Machakos County**

The third objective of the study was to analyze the extent of reliance on *kithitu*. The study observed that the extent of reliance depends on the benefits it has on the individual and the community at large. The respondents were asked the benefits associated with *kithitu*, and when the respondents can or have used *kithitu*. The respondents gave the following responses:

### Benefits associated with the use of *Kithitu*

Table 4.5. Benefits associated with the use of *kithitu*

Benefits associated with the use of <i>kithitu</i>	No. of people who gave the response out of 72	Representation out of 100%
To foster peace and harmony	20	28
To solve conflict	17	24
To encourage truthfulness to determine guilt	24	33
To solve land conflicts	17	24
To discourage witchcraft	17	24
To protect property	17	24
To deter criminals	21	29
To promote integrity	20	28
To promote respect	31	43
To administer justice	55	76
No benefits	14	19

It was stated by 28% of the respondents that the fear of *kithitu* ensures people live peacefully and harmoniously with their fellow neighbors. People fear if they offend others, they might decide to use *kithitu* on them. Therefore, fear of *kithitu* makes people to respect others and their property, thus fostering peace and harmony among the Akamba.

Secondly, 18% of the respondents said that *kithitu* is a beneficial tool of conflict resolution. Majority of these respondents agreed that it is particularly important in solving conflicts where there are no witnesses, and the only evidence is the words of the accuser and the accused. It is beneficial in solving all kinds of conflict emanating from disrespect, theft, and witchcraft. It is considered a powerful tool in conflict resolution. In some cases, the threat of its use makes

people to agree to solve the conflict amicably before it is used. Its use in conflict resolution is resorted to as a last option when other methods have failed.

According to 33% of the respondents, *kithitu* is beneficial in encouraging truthfulness. The ritual expert explained that majority of Akamba understand that *kithitu* never fails and has a way of determining who is guilty or innocent. So when people are threatened with *kithitu* they admit guilt despite the consequences of their action. It is also beneficial as it ensures that the innocent are not punished unfairly. It is beneficial in ensuring truthfulness and transparency in solving disputes. When there is no evidence, it can be relied upon to reveal the guilty.

When it comes to land conflict, the study found out from 24% of the respondents that *kithitu* is also beneficial. *Kithitu* is relied upon to the extent that it ensures land conflicts are resolved fairly, and land is retained by the rightful owner. According to one of the administrative leader, in traditional African community, land was communally owned, and therefore there were no title deeds. Moreover, some of those who have inherited from their parents have not bothered to look for title deeds. This has generated a lot of problem because one must have proof to claim the land is rightfully theirs. So when the dispute is not solved justly, people decide to use *kithitu*.

It was indicated by 24% of the respondents that *kithitu* is beneficial in discouraging witchcraft. Women are usually asked to swear they will never use witchcraft to discourage the use and spread of witchcraft. This is particularly done before marriage, so that she does not continue with the practice in her new matrimonial home, or introduce her children to the practice. The groom and his family are the ones who propose that the bride be subjected to the oath. Also, if one is a witch or has procured the services of a witch, sorcerer or wizard, secretly, and refuses to own up, *kithitu* can be used to expose them. This therefore discourages witchcraft.

The fear of *kithitu* discourages theft thus ensuring property is protected. This was stated by 24% of the respondents. People fear *kithitu* will be used to catch them and they would be punished together with their family. Moreover, majority of these respondents said it is beneficial as

it deters people from engaging in criminal activities like land grabbing, killing, embezzlement of public funds, and corruption in general.

Majority of the respondents (about 76%) were in agreement that *kithitu* can be relied upon in obtaining justice. The belief that it never fails in knowing and punishing offenders makes it a beneficial tool of administering justice. Some of the respondents even referred to it as the ultimate form of justice. Moreover, the guilty cannot escape the punishment of *kithitu* even if the offended person is not familiar to them.

However, 19% of the respondents said that *kithitu* offers no benefits to the community. They asserted that *kithitu* is a form of witchcraft because it is used to cause harm rather than good. Moreover, its use amounts to murder and those found using it should face the full force of the law. One administrative leader said that *kithitu* has no effect on the community and those who purport to use it only play with the minds of the people. Furthermore, the *kithitu* ritual experts are conmen who because of poverty want to extort money from vulnerable members of the community.

### **Extent to which *Kithitu* is used**

When the respondents were asked when they can use *kithitu* they gave the following responses.

Table 4.6 Extent to which *kithitu* is used

Extent to which <i>kithitu</i> is used	No. of people who gave the response out of 72	Representation out of 100%
Never	45	63
Property/land conflicts	27	38
Murder	6	8
Administer justice	27	38



Majority of the respondents agreed that the use of *kithitu* is associated with secrecy, fear, shame and sometimes stigma. During the interviews, some of the respondents were not willing to give all the information about it. The elderly sampled (above fifty years) were uncomfortable talking about *kithitu* than the middle aged (below fifty years). The aged were more careful and secretive about giving the information and wanted to know why the study was being conducted. They said *kithitu* is bad and people should be very careful when they decide to use it. Some were even against its use totally, while others insisted that it should be used as a last option. Moreover, the elderly stated that *kithitu* really works, and that its use must be regulated by the elders, and those found using it carelessly should be severely punished.

Majority of the 38% respondents who said they can use *kithitu* admitted they can use it if they have no other option. Many agreed that it is widely practised but the extent is hard to determine because it is mainly done in secret. As stated earlier, its use is associated with shame and stigma, especially from fellow Christians. Therefore, people resort to using it in private. In most cases, its use is known after the purported victims visit a ritual expert who reveals to them that they are under the spell of *kithitu*.

The study also gathered that people do not readily consider using *kithitu*. However, prevalent circumstances like continued injustice and crime lead people to use it. For instance according to RA6, a woman who uses it against her family must have persevered for a long time waiting for the situation to change for the better.

It was reported by 26% of the respondents that they had witnessed a *kithitu* ceremony. Majority said it is hard to witness, because for you to witness, you must be affected by it in one way or the other. Either you are the complainant, or the accused, or an immediate family member. The ritual expert reiterated that people fear *kithitu* and if people are not directly affected by its use, they prefer not to attend the ceremonies for fear of carrying the curse to their homes.

Respondent RD5 stated that she was subjected to *kithitu* after her mother in law accused her of witchcraft. She did not have a choice as her refusal would be taken as admission of guilt and she would be chased away from her matrimonial home. However, she was excommunicated from the church and some members of the community ostracized her.

Some respondents said that when people know that a certain family is under the curse of *kithitu* or is suspected to have used it, they avoid them. Before marriage, men sometimes do a background check on the family of their wife, to find out whether at one time it has come under the influence of *kithitu*. Therefore, its use as stated earlier is also associated with stigma.

The middle aged population (fifty and thirty years) on the other hand stated that they can easily use *kithitu* to solve conflict related to their personal properties. They felt that *kithitu* can be a powerful tool of getting justice and also to protect their property. They asserted that in Kenya today there is a lot of social injustice and irresponsibility, which is manifested through bribery and corruption, theft, robbery and violence, murder, cheating in business, dishonesty and even embezzlement of public funds and property. Moreover, the government cannot be relied on to give them justice. Of the respondents who said they can use *kithitu*, 38% admitted they can use in issues related to their property, while 8% said they can use it to solve murder cases, and 7% indicated they can use it in witchcraft related cases.

### **Critical evaluation**

From the above findings, we note that *kithitu* is still an important ritual among the Akamba. Its significance is based on the benefits it offers at the individual and communal level. Furthermore, these benefits determine the extent of its reliance in Machakos County.

The study also noted that the roles *kithitu* plays today are the same as those it played in traditional Akamba community. This means that although it was an ancient practice, it still has a modern meaning in the lives of the people.

The extent of reliance is also linked to prevalent social irresponsibility and injustice among the leaders and law enforcers. This is manifested by massive corruption and denial of access to justice especially by the vulnerable members of the society.

From the findings the study observed that *kithitu* is only used when there is need-meaning ATR is practical and it is only relied on when a need arises. This means that if the Akamba people could access justice and have other methods of solving their conflicts, they would not rely on *kithitu*. This could mean that Christianity and the government have failed in ensuring the citizens experience social justice and responsibility.

Another observation is that the extent of reliance is largely influenced by the general beliefs surrounding *kithitu*, such as, that it never fails, and that it is the ultimate form of justice. Moreover, its transmission to the young generations is mainly based on oral transmission, where by the young are told what *kithitu* is, and how it worked in the traditional African community. However, from the observation, fear, shame and stigma, deter people from using *kithitu* in public. So the extent that *kithitu* is relied on in public is less than in private. Most people would prefer to use it privately.

#### **4.5 Christian teachings about Oathing**

The fourth objective of the study was to examine Christian teachings about oathing. The respondents were asked what their Church and Christianity teaches about oathing. The study then through Secondary data looked at the Christian teaching about oathing. This objective is important in analysing how *kithitu* works in line with the Christian teachings about oathing. The respondents gave the following answers when they were asked how *kithitu* works.

Table 4.7. How *kithitu* works

How <i>kithitu</i> works	No. of people who gave the response out of 72	Representation out of 100%
God	10	14
Supernatural entitiesspirits/ancestor	35	49
Evil spirits	31	43

The study gathered from the respondents that *kithitu* is associated with supernatural entities like God (14%), evil spirits (43%), and ancestral spirits (49%). These supernatural entities are invoked when *kithitu* is used and respond by punishing the offender. *Kithitu* is believed to possess powers of death, and when these supernatural entities are summoned, they respond by killing and causing harm.

#### **The Church's stand on the use of *Kithitu***

According to the respondents, the Church teaches the following about the use of *kithitu*.

Table 4.8. Church's stand on the use of *kithitu*

Church's stand on the use of <i>kithitu</i>	No. of people who gave the response out of 72	Representation out of 100%
Church forbids use of <i>kithitu</i>	51	71
Church is silent about <i>kithitu</i>	22	31
<i>Kithitu</i> is evil	26	36
<i>Kithitu</i> is murder	10	14
<i>Kithitu</i> shows lack of faith	1	1
<i>Kithitu</i> shows disobedience to Christian teachings	8	11
<i>Kithitu</i> is an oath and the Bible forbids oathing	15	21
Those who use <i>kithitu</i> are sinners or worldly people	59	82
The church should punish or offer guidance to those who use <i>kithitu</i>	60	83
The use of <i>kithitu</i> is a personal choice	12	17
clergy silently fear losing members	41	57
Clergy fear being chased away from the Church	28	39
God is just so Christian should let God fight for them and not judge	27	38
Christians should forgive their enemies and love them	12	17

It was shown by 22% of the respondents that the Church is silent about the whole issue of *kithitu*. Respondent RC1 further stated that she has never heard the clergy talk about *kithitu*. 71% of the respondents were in agreement that the use of *kithitu* is wrong. However, they did not give specific reasons why *kithitu* is wrong based on Christian teachings about oath-taking. 21% responded by saying that the Bible forbids oath-taking, while 36% of the respondents said *kithitu* is evil and 14% that it is Murder.

From the findings, the Church generally is against the use of *kithitu*, but it has not specifically spelled out the reasons. One pastor stated that when a Christian uses *kithitu*, it is interpreted as lack of faith in God. 11% said it shows disobedience to the teachings of Jesus Christ. 82% of the respondents concurred that those who use *kithitu* are viewed as sinners. One respondent said they are referred to as worldly people (*watu wa dunia*) - meaning those who follow the evil ways of the world.

83% of the respondents said that the Church should respond by offering guidance and counseling or by punishing those who use *kithitu* or both. The clergy did not specify actions taken by their Churches but condemned the practice. 17% of the respondents revealed that in their Church use of *kithitu* is viewed as a personal choice. The clergy preach the word of God and from the word or Knowledge; members of the congregation are free to make their own choice.

57% of the respondents stated that some members of the clergy's fear losing members. One respondent (RA2) said there are Christians who out rightly threaten to use *kithitu* and even there are members of the clergy who were accused of using it. 39% of the respondents said that members of the clergy also fear trying to change the status quo, lest they be chased out of the church by the congregation. This is predominantly the case in Mainstream Churches where the Clergy are employed by the Church.

The members of the clergy interviewed used Bible verses to condemn the practice. They said that Christians should let God fight their battles. They believe God is just and vengeance belongs to

Him alone. 38% of the respondents said their clergy teaches them that God is the judge and the one to punish wrongdoers. One pastor further added that he encourages Christians to wait patiently upon for the Lord to offer justice. Moreover, he equates *kithitu* to murder-which is forbidden in the Bible. 17% of the respondents indicated that the Bible teaches forgiveness and love for one's enemies.

From the above findings it was clear that the Kamba Christians did not have accurate and adequate information on what Christianity teaches about oathing as to come up with a concrete and meaningful stand on the use of *kithitu*. The researcher subsequently used secondary literature and the Bible and found out the following Christian teachings about oathing.

### **Christian teachings about Oathing**

According to Sproul (2004), an oath is a promise. More particularly, an oath or promise is simply an agreement entered into between one person and another whereby, the one taking the oath explicitly or implicitly appeals to God to witness and sanction what he has said or committed himself to, and calls God to judge and avenge His name if what he said is false or what he committed to do never comes to pass.

Sproul (2004) asserts that from this definition we can see how pervasive oaths are. He goes on to give examples of modern oaths such as when one signs a form swearing that the information it contains is true; When a bride and groom promise to remain married till death do them part; When a party enters a contract; and when a courtroom witness swears to tell the whole truth and nothing but the truth. For Christians, the basis of Christian teachings about oath is the Bible: both the New and Old Testament. In the New Testament, during the Sermon on the plain, Jesus taught about oath and also quoted teachings from the Old Testament.

In Mathew 5:33-37 Jesus says “ I say to you, do not take an oath at all, either by heaven, for it is the throne of God, or by the earth, for it is his footstool, or by Jerusalem, for it is the city of the great King.”

Sproul (2004) asserts that oaths and vows are commended in scripture, but not every oath or vow is legitimate. Certainly, a vow to commit a sin must not be kept, for Christians are never to break God's law. David realized this when Abigail's action kept him from his vow to kill Nabel (1 Samuel 25). Moreover, no one should swear an oath indiscriminately or frivolously. In the Bible oaths are associated with covenants (Genesis 26:3, Psalms 132:11). They further add that Christians should make vows only in matters of great and lasting consequences, such as marriages or court proceedings.

There are some New Testament texts that seem to forbid oaths. Christians are urged to simply say yes or no (Matthew 5:37). Sproul (2004) points out that however, the early Christians did not understand Jesus words as prohibiting all oaths. Paul took vows during his ministry (Acts 18:18) and John records his vision of an angel who swore an oath (Revelations. 10:5-6).

According to Sproul (2004) it is important for Christians to understand common first century Jewish practices to be able to see what Jesus was getting at in His teaching on oaths and vows? His aim was to keep people from breaking the Lords rules regarding their promises (Numbers 30:1-2). Jewish teachers and leaders invented a system by which they could determine whether a vow had to be kept. Extra-Biblical literature indicates that many rabbis did not consider it a sin to break a vow if it was not made explicitly in the name of God. Oaths made in the name of heaven or even the gold of the temple were regarded as ultimately binding. This led to people making oaths by persons or objects other than God to give them a way out in case they did not keep their words.

According to Sproul (2004), Jesus' teaching leads Christians to conclude that it is better not to make a vow than to swear an oath that they have no intention of keeping. It also reinforces the point that oaths and vows should not be made on just any occasions, but they should be reserved only for occasions of great import and lasting significance. In other cases, Christians should let their yes be yes and their no be no. But in all circumstances, they must strive to keep their word.



In Leviticus 19:12, God commands “you shall not swear by my name falsely” and in Numbers 30:2, if a man makes a vow to the Lord or swears an oath to bind himself by some agreement, he shall not break his word; he shall do according to all that proceeds out of his mouth.

In Mathew 5:34-36, Jesus gives a list of things not to swear by: Heaven, God’s throne, the earth, Jerusalem or the hair on one’s head. Each example would be an oath that would have been considered to be non-binding. Thus, Jesus is forbidding the making of non-binding oaths, or hypocritical oaths.

According to Hamilton (2009), when Jesus said “swear not at all,” He was not forbidding all oaths. The Bible contains several examples of proper oaths. God swore an oath to Abraham based on himself (Hebrew 6:13-17). God did not do this because His words were not trustworthy but He placed His reputation on the line to prove to the world His faithfulness. Jesus was under oath when He was on trial (Mathew 26:62-64). Paul took a vow while in Antioch (Acts 18:18). These oaths were acceptable because those taking the oaths meant to keep their promises. Making an oath with no intention of carrying it out would be lying.

According to Hamilton (2009), oaths are not needed by Christians. The reason people feel the need for an oath is because of Satan’s activity in the world. Satan is the father of all lies and liars (John 8:44). It is because worldly people lie that those in the world insist on something more than a simple yes or no.

Hamilton (2009) further writes that the entire chapter of Numbers 30 deals with the subject of vows. Even when the oath was detrimental to the swearer, it was to be kept (Psalms 15:4). Oaths to God are not a separate category, but emphasized as especially important to keep (Ecclesiastes 5:4-6). However, oaths were not required under the Mosaic Law for agreements to be binding. Israelites were expected as a matter of course to deal honestly with their fellow men. “You shall not steal nor deal falsely nor lie to one another”(Leviticus 19:11). God has been consistent in his attitude towards falsehood (Proverbs 12:22). These are the things you shall do: speak each man the truth to his neighbor; give judgment in your gates for truth, justice, and peace; let none of you

think evil in your heart against your neighbor; and do not love a false oath. For all these things I hate says the lord.

James 5:12 echoes Jesus teaching by saying what he said. Hamilton (2009) asserts that oaths are unnecessary for the Christian because Christians are commanded not to lie (Colossians 3:9, Ephesians 4:25). If everyone told the truth then there would be no need for oaths.

Hamilton (2009) further argues that the world might require oaths from Christians because they are dealing with liars. But the existence of an oath will not change a Christian's behavior. He will carry out his word regardless of whether a vow accompanied it or not.

The New Testament contains several examples of oaths sworn in God's name. For God is my witness (Romans 1:9, Philippians 1:8). "I call God as a witness against my soul"(2 Corinthians 1:23); "Before God I do not lie"(Galatians 1:20). Hamilton (2009) thus concludes that one can swear by God's name but must be aware that as God warned the Israelites, their performance will reflect on God. Therefore Christians should swear rarely and with care since they know so many things are beyond their control (James 4:13-16).

According to Hagopian (1990), when studying oaths from a Christian perspective, the Scriptural point of departure is the third commandment which is translated in the King James Version as "Thou shalt not take the name of the Lord thy God in vain: for the Lord will not hold him guiltless that takes his name in vain." Exodus 20:7. Many Christians incorrectly assume that this verse merely teaches that Christians should not curse using the name of God. Indeed, the third commandment does teach that Christians should not curse using the name of God. But it teaches so much more.

Hagopian (1990), writes that in the third commandment, the phrase "the name of the Lord thy God" does not refer only to the literal name of God. Rather, the name of God refers comprehensively to God, including God's literal name, anything by which God makes Himself known, and ultimately, God Himself. In short, to call on the name of God is to call on God Himself. While the name of God is used comprehensively to refer ultimately to God Himself, the

phrase translated in vain means "falsely" (Isaiah 59:4). So the verse could be translated in at least two different ways: Thou shalt not swear (utter) the name of God to a lie, or Thou shalt not swear (utter) the name of God falsely. The basic meaning is the same: we should refrain from appealing to the name of God to confirm or bear witness to a falsehood (Hodge; 1940).

Hagopian (1990) thus concludes that the third commandment, then, primarily forbids appealing to God to confirm a falsehood. But as with all of the Ten Commandments, the greater includes the lesser. The sixth commandment, for example, does merely prohibit unjustified killing; it also prohibits murderous and malicious feelings (Matthew 5:21-24). In the same way, the command not to call upon God to bear witness to a falsehood also forbids all lesser forms of irreverence for the name of God. Thus, the third commandment prohibits any lack of fear, honor and reverence for God and any profanation or abuse of anything by which God makes Himself known, especially in our speech. Christians should refrain from doing anything which detracts from the glory due the name of God in our lives. But the third commandment not only forbids certain conduct; it also affirmatively requires that Christians at all times fear, honor and reverence God and His most holy name as well as His titles, attributes, ordinances and works, especially in our speech. The third commandment, therefore, primarily requires Christians to honor their oaths and forbids them from violating them. When Christians appeal to God by means of oaths, they must honor God by honoring their oaths.

Hagopian (1990) writes that through the years, some Christians have taught that the third commandment in particular and Scripture in general forbid all oaths. To bolster this contention, they marshal forth passages such as Matthew 5:33-37 and James 5:12 wherein we find the often quoted command "swear not at all." And at first blush, these passages appear to forbid all oaths. However, Christ was merely correcting Pharisaical and scribal abuses and misinterpretations of God's standards when it comes to oaths. When interpreted in light of the general context of scripture as a whole and in light of the particular context, we see that far from forbidding all oaths, Christ (and James) forbade only unlawful (unbiblical) oaths.

Hagopian (1990) argues that the general context of Scripture, when studied carefully, reveals that God does not forbid all oaths. First, Scripture commands us to swear by the name of God on certain occasions. In Deuteronomy 6:13, for example, Scripture commands God's people "You shall fear only the Lord your God; and you shall worship Him, and swear by His name." Far from prohibiting all oaths, Isaiah 65:16 tells us that "he who swears in the earth shall swear by the name of God". God sanctions lawful oaths to such an extent that He promises to build up those who swear by His name (Jeremiah 12:16). Even in the mundane affairs of life, such as confirming the truth between disputing neighbors, God commands His people to swear before Him (Exodus 22:10-11). Because Scripture commands God's people to swear by His name, it cannot forbid all oaths. God does not command what He simultaneously condemns.

Secondly, Hagopian (1990) writes that Scripture teaches that swearing is an act of confession and religious worship. In Deuteronomy 6:13, God commands us to swear in His name precisely because swearing in God's name is but one way to worship and fear Him Deuteronomy 10:20. Isaiah confirms this connection between swearing and worship when he prophesies about the Assyrians and Egyptians coming into a covenantal relationship with God; he says that they will swear in the name of God. Isaiah 19:18. Calvin (1960) explains that by swearing in the Lord's name, they will profess his religion.

Hagopian (1990) further explains that when Christians duly swear in God's name, they confess several things about God. To begin with, they confess that God exists. Moreover, they confess several of God's attributes as revealed to in Scripture: they testify that He is omnipresent and omniscient, that He is eternal and immutable, that He is just and true, that He is powerful and wrathful. By confessing His existence and attributes, they also confess that He is the Supreme Judge over all the earth and that they are accountable to Him for all that they do and say. Though the word of men may fail, the word of God never fails. Though men may fail, God never fails. By taking oaths in God's name, they confess God to be the ultimate arbiter of truth, and they worship the true God in spirit and in truth.

According to Hagopian (1990), the Scripture offers Christians many examples of those who swore, examples Christians are commanded to follow. God Himself swears. David, anticipating the eternal priesthood of Christ exclaims under the inspiration of the Spirit, "The Lord has sworn and will not change His mind, Thou art a priest forever..."(Psalms 110:4). The author of Hebrews tells us that God swore not only by demonstrating that what the Psalmist anticipated in (Psalms 110:4) had been fulfilled in Christ (Hebrew 7:21), but also by telling us that God swore when He made His covenant with Abraham: "For when God made the promise to Abraham, since He could swear by no one greater, He swore by Himself" (Hebrew 6:13).

Hagopian (1990) argues that while it is true that human beings will never be perfect in this side of eternity, they are nonetheless commanded to imitate the perfection of God and to be like God (Matthew 5:48, Ephesians 5:1). If God upheld His Word with oaths in His name, and if Christians are commanded to imitate God, then if the occasion arises, Scripture permits them to swear lawfully in the name of God. As such, Scripture cannot, without contradicting itself, forbid all oaths. What is true of God the Father is equally true with respect to God the Son for three reasons. First, the deity of Christ implies that what is true of God is true of Christ; hence since God swore, Christ swore.

Second, Hagopian (1990), writes that if one reads Psalms 110:4 and Hebrews 7:21, referred to above, one would observe that in Psalms 110:4, God swears that He will provide an eternal high priest (anticipation) while in Hebrews 7:21, God has honored His oath (fulfillment). God the Father made the oath; God the Son fulfilled it. Thus, the very life of the Son was the very fulfillment of an oath made by the Father.

Christ actually took an oath when questioned by Caiaphas, the high priest as recorded in the gospel of Matthew. After Christ remained silent during the accusation phase of his trial, Caiaphas charged Christ, exclaiming, "I adjure You by the living God, that You tell us whether You are the Christ, the Son of God. Jesus said to him, You have said it yourself..." (Matthew 26:63-64a). Literally translated, Caiaphas said to Christ "I swear You (call on you to swear)" or "I charge You." In the rabbinical form of directly affirming an oath, Christ responded to

Caiaphas. In other words, by answering Caiaphas' adjuration, Christ undertook an oath that what He was saying was true. Thus, by virtue of His deity, priesthood, and trial, Christ swore.

Hagopian (1990) thus writes that just as Christians are commanded to imitate God, so Christians are commanded to imitate Christ. "The one who says he abides in Him," writes John, "ought himself to walk in the same manner as He walked" (1 John. 2:6). The example of Christ teaches us that under some circumstances, we may take oaths. Since the Living Word perfectly abided by the written word, and since the Living Word swore, the written word cannot forbid all oaths.

The Word of God not only records the examples of the Father and the Son; it also records for our benefit and instruction the example of the Apostle Paul who often supported what he said with oaths: "For God...is my witness..." (Romans 1:9, Philippians. 1:8); "But I call God as witness to my soul..." (II Corinthians. 1:23); "God is witness..." (I Thessalonians 2:5); "you are witnesses, and so is God..." (I Thessalonians. 2:10); and "I adjure you by the Lord..." (I Thessalonians. 5:27).Hagopian (1990) reiterates that there is no shortage of Biblical proof that Paul took oaths. But the Bible doesn't record the example of Paul for idle theological speculation. Rather, Christians are commanded to imitate Paul as he in turn imitated Christ (I Corinthians. 4:16, 11:1). If the need arises, Scripture permits oaths.

According to Hagopian (1990), what is true of the general context of Scripture as a whole is also true of the particular context of the passage in question(Matthew 5:33-37): this passage proves beyond doubt that Christ is simply correcting Pharisaical abuses of and glosses on the Law. Christ constantly contrasts what the ancients said about the Law with what God says about the Law by repeating the formula: "Ye have heard that it was said...But I say unto you...source" The Pharisees, for example, taught that the Law only forbade murder; Christ taught that the Law, properly understood, also forbade hate. The Pharisees taught that the Law only forbade adultery; Christ taught that the Law, properly understood, also forbade lust. The Pharisees taught that one was to love his neighbor and hate his enemy when the law affirmed the former but never even taught the latter.

Hagopian (1990) further writes that likewise, Christ corrected Pharisaical misconceptions about oaths. From this passage, it appears that the Pharisees thought that one could swear as often as he wished as long as he did not do so falsely and as long as he did not swear in the literal name of God. Christ's opponents appeared to swear frequently and roundabout. Christ attacks both of these errors head on by showing the Pharisees that heaven, earth, Jerusalem, and even their own heads have their ultimate reference point in God: heaven is the throne of God; the earth is His footstool; Jerusalem is the city of the Great King; and it is that King who controls even the hair on one's head. In other words, when they swore by heaven, they swore by the God of heaven because the universe and everything in it is stamped with His glory. By swearing in those ways, the Pharisees failed to see that one still takes the name of God in vain no matter how he wishes to dress up his words.

In the New Testament Greek, the genitive case is used when Christ says that anything beyond yes and no is "of evil." What Christ means is that anything beyond yes and no (an oath or a vow) has its origin in evil. In other words, oaths arose as a result of evil or the Fall. According to Calvin (1988) it is distrust, dishonesty, and inconsistency which make oaths necessary in the first place. If there were no sin, oaths would be unnecessary. But just because oaths are occasioned by the Fall does not necessarily make them evil in and of themselves. To suggest that this is the case is to commit the genetic fallacy, assuming without proof that what is true of the genesis (origin) of something is true of the thing itself. After all, civil government became necessary only after the Fall (to restrain the social manifestations of sin). Yet, civil government is not evil because of that fact. In the same way, just because oaths became necessary after the Fall as a result of evil, does not mean that oaths are evil (Hagopian: 1990).

Hagopian (1990) writes that the Scripture provides Christians with clear guidelines so that they can distinguish lawful from unlawful oaths both as to whether they should undertake oaths and if they do undertake oaths, what the content of their oaths should be. As to whether Christians should undertake oathing the Bible offers the following guidelines:

- a) The object of the oath must be Biblical. It almost goes without mentioning that one cannot bind himself to do that which Scripture forbids, since no one can bind himself to sin.
- b) What you are about to say must be true, or you must do what you are about to promise. In addition to undertaking a Biblical objective, you must also speak the truth and do what you say you will do. "If a man makes a vow to the Lord, or takes an oath to bind himself with a binding obligation, he shall not violate his word; he shall do according to all that proceeds out his mouth" (Number 30:2). If, therefore, you know that you are about to utter a falsehood or you know that you have no intention of absolutely honoring your word, and then you should not take an oath.
- c) The oath must be necessary. Even if what you say is true or you will honour what you promise, you should not swear if swearing is unnecessary (Exodus 20:7). Scripture forbids all superfluous oaths (Matthew 5:33-37, 23:16-2). There must be an adequate reason why appealing to God is necessary (Exodus 22:10, 11). We should purge from our vocabulary sayings such as "swear to God" or "honest to God" unless the occasion is so serious and solemn as to necessitate swearing.
- d) You must be prepared to abide by your oath no matter how your personal interests or circumstances may change. In addition to having a Biblical objective, intending to keep your word, and making sure that your oath is necessary, you should also realize that you must honour an oath no matter how your personal interests or circumstances may change Psalms. 15:4, 24:4. If you are not prepared to stand steadfastly by what you have promised, no matter what happens, then you should not oath.

Provided that you abide by the Biblical guidelines for taking oaths, you should make sure that the content of your oath abides by the following principles.

- a) The oath must appeal to God alone. Scripture emphatically commands us to swear only in the name of God (Deuteronomy 6:13, 10:20; Jeremiah 5:7; Zephaniah 1:4, 5). In no uncertain terms, God forbids swearing by other gods because swearing is an act of religious worship; when people swear by other gods they violate the second



commandment. God is so angry with those who swear by other gods that He declares that He will "cut off" those who do so (Zephaniah. 1:4, 5).

Hagopian (1990), further explains that although oaths must appeal to God alone, there are a variety of ways in which one can appeal to God in the context of an oath: "give glory to the God of Israel" (Joshua 7:19); "as the Lord lives" (Judges. 8:19; Ruth 3:13, 1Samuel 14:39; II Samuel. 2:27; Jeremiah. 38:16); "The Lord do so to me and more also" (Ruth 1:17; I Samuel. 14:44; II Samuel. 3:9, 35; 1Kings, 2:23; II Kings, 6:31); "May the Lord be true and faithful witness" (Jeremiah. 42:5); "I adjure you by the living God..." (Matthew. 26:63); "I adjure you by the Lord..." (I Thessalonians 5:27); "But I call God as witness to my soul..." (II Corinthians.1:23) "...God is witness..." (I Thessalonians. 2:5); "You are witnesses and so is God..." (I Thessalonians. 2:10).

- b) The language of the oath must be unequivocal and unambiguous so as to be clearly understood by all parties. Hagopian (1990) writes that the great Reformed theologian, Charles Hodge, alludes to the story of a commander who swore to citizens of a besieged city that if they surrendered, not a drop of their blood would be shed. After securing their surrender, the commander then burned them all at the stake. We should never secure oaths by means of linguistic chicanery.

On breaking of Oaths, Hagopian (1990) argues that to break an oath is to violate the third commandment and to trample on the holy name of God. As with many divine commands, there is no shortage of wasted genius when it comes to cunning excuses and self-serving rationalizations for breaking oaths. He points out that if one were to abide by the Biblical criteria for oathing, one would never find self in the position of renegading their oath.

Hagopian (1990) explains three illegitimate reasons for breaking oaths. First is change in Circumstances. As strange as it may seem, some claim that changing circumstances exonerate them from honouring oaths previously made. Nothing could be more contrary to the entire tenor of Scripture when it comes to oaths. In Psalms 15:4 and 24:4, for example, David asks "who can

ascend to and dwell on the hill of God"? In addition to having integrity, being righteous, speaking truth, and refusing bribes (just to name a few) the one that has sweet fellowship with God is the one who "swears to his own hurt, and does not change" and the one who "has not sworn deceitfully." If you make a vow, no matter how your circumstances may change, you are to do "all that proceeds out of ((your) mouth" (Numbers 30:2, Deuteronomy 23:23).

Hagopian (1990), further argues that not only is this excuse unbiblical but it is also illogical because it flies squarely in the face of the very reason why we take oaths in the first place: we take stock of our circumstances and bind ourselves to the truth of our word or to a particular course of action, knowing full well that our circumstances may change with time.

According to Keil and Delitzsch (1988) if ever there was a Biblical character who could have used this cop out, it was Jephthah. But instead of violating his oath to consecrate his daughter to temple service, he rightly declared, "I have given my word to the Lord, and I cannot take it back" (Judges 11:35). This excuse is also untenable because the initial oath could have provided for possible contingencies. Just because it did not, one cannot unilaterally claim to be released from his obligation. The conclusion simply does not follow on the basis of the premise John (1988).

According to Hagopian (1990), the second reason given is that an oath which is impossible to Perform. Perhaps the one who argues that changing circumstances free him from his obligation to honour his oath is really saying that the oath is impossible to perform and consequently, he cannot perform it. The danger of this argument, though, is that it is particularly susceptible to rationalization: most people say something is impossible (that which cannot objectively be done) when they really mean that it is undesirable (that which one subjectively does not want to do). Obviously, one cannot violate an oath simply because he does not desire to perform his obligations under the oath.

So Hagopian (1990) argues that the real question becomes: when, if ever, does impossibility properly defined excuse performance of an oath? To answer that question effectively, it is important to distinguish between two different situations. First, the easy case: if one knows the

oath will be impossible to perform before he makes it, he should not make it and cannot thereafter seek recourse in this excuse. It is sinful both to make and break such an oath.

Second, Hagopian (1990), states the difficult case: what if the oath is possible when made but subsequently is rendered impossible? As stated above, before you ever make an oath, you should think through any possible contingencies ahead of time and provide for them. Some contingencies are so obvious that if you did not provide for them, you should nonetheless be held accountable to perform your oath. Aside from planning ahead for possible contingencies, perhaps you will still find yourself in a situation where the oath, as promised, is technically impossible to perform like when the beneficiary of the oath has died. In such a situation, you should consider whether there is another course of action which will fulfill the intent of the oath like performing the oath for the benefit of the beneficiary's heirs(Dabney:1985).

According to Hagopian (1990), the third excuse given for breaking an oath is that violation of an oath negates the oath. The claim that violating an oath negates the oath in its entirety is completely without Biblical warrant. Nowhere in Scripture will one find support for this kind of sophistic reasoning. In fact, this excuse can easily be reduced to absurdity. If a courtroom witness, for instance, swears to tell nothing but the truth and subsequently utters false testimony, is he thereafter free to perjure his testimony to his heart's content? If a secret agent swears to secrecy and thereafter violates his oath by committing a single act of treason, is he then free to commit treason without restraint? If a spouse violated his marriage oaths and vows by committing a single act of adultery, is he thereafter free to multiply his adulterous acts? How absurd it is to be precise.

According to Edmiston (2005) in Matthew 5:33-37, Matthew 23:16-22, James. 5:12, Ecclesiastes 5: 1-7), vows lay a trap for Christians in creating a burden that they, in their weakness and finiteness cannot keep. He gives a number of reasons for this:

- a) Vows are about actions in the future, and the future is something over which human beings have little or no control.

- b) Vows are solemn and sacred and involve powerful heavenly realities that Christians should not mess with.
- c) Some people like the Pharisees, use vows to make people trust them so they can trick and cheat others.
- d) Breaking a vow can result in judgment (James) and the destruction of the work of our hands (Ecclesiastes).
- e) A person may make a vow that depends on the actions of another person, and that person may act in such a way to make fulfilling the vow impossible such as a vow to be responsible for another person's debts.
- f) Circumstances may change so that one cannot keep the vow or pledge like. One may lose a job and be unable to pay the pledge to the church.
- g) People may construct the vow in absolute terms using words such as 'always" or "never" and in reality life is too complex to say will "always" do X or "never" do Y. One may make an open-ended vow that traps them with its consequences using terms such as "whatever".

Edmiston (2005) also writes that there are three very foolish vows recorded in Scripture. In Matthew 14: 6-12, Herod makes an open-ended vow "whatever she might ask" and when Herodias' daughter asks for the head of John the Baptist on a silver platter, Herod has to reluctantly comply; The Jewish Assassins in Acts 23:20-24 bound, themselves with an absolute oath "that they will neither eat nor drink till they have killed Paul" and if they kept their oath they would have starved to death since Paul was rescued. In Jephthah's case, this oath depended on the actions of others and on circumstances remaining constant which they did not (Judges 21:30-40). This tragic oath came about because it was open-ended "whatever comes out of the doors of my house to meet me, when I return in peace". Unfortunately it was his daughter. There is some debate as to whether Jephthah actually sacrificed his daughter as a burnt offering or simply kept her single like a nun all her days.

According to Edmiston (2005), rash oaths, vows and pledges can bring Christians into tragedy and judgment. The biblical principle is that promises to God must be fulfilled even at great cost

and because we are fallen and finite, it is better not to make such promises at all. (Proverbs 6:1-5) tells Christians what to do when they have made a promise that they cannot keep: The principle is: "go and humble yourself; plead with your friend ..." and do it as soon as possible. Do not remain under a foolish vow, for pride's sake, any longer than necessary. Go to the friend, the church, the relative or whoever and humble yourself and ask to be released from your vow.

Christians, when asking to be released from a vow they have made to God can also use this principle. God, through the cross, has become our Friend and we can plead with Him on such matters, and so when we have made a wrong vow to God, we need to quickly humble ourselves before Him and ask for forgiveness and release from the vow.

Edmiston (2005) further adds that there is a very sinister kind of vow people make and that is making a pact with the Devil. The Devil makes offers to people and even made a Satanic offer to Jesus (Matthew 4:8-10). The Devil can make people very prosperous, famous, wealthy and powerful - but always at the cost of their souls, which is why Jesus said in Matthew 16:26 "For what is a man profited if he shall gain the whole world and lose his own soul"? Or what shall a man give in exchange for his soul?

Edmiston (2005) asserts that socially Christians are asked to make vows in three areas: pledging loyalty to the flag, marriage vows, and vows in court. Both Jesus and James tell Christians to simply make their Yes, Yes and their No, No. Christians should be reliable people whose word is as good as their bond. Christians should be people who are honest in every aspect, and who do not need oaths, vows or pledges to keep them on track.

### **Critical evaluation**

From the above findings under objective four, the study gathered that there is still a very strong presence of ATR and culture in Africa. The concept of God, spirits, and ancestors has not changed much. This is seen in the way *kithitu* is associated with supernatural entities like God, spirits, and ancestors.

Secondly, there are no specific teachings on *kithitu* by the Church. The clergy has not come out to explain to its members why they should not use *kithitu*. There are only generalized teachings on ATR beliefs. Moreover, some term it as witchcraft. This means that the clergy do not take the use of *kithitu* as a serious matter, and do not have a clear understanding of what *kithitu* means for Kamba Christians. This in turn affects the way the Church responds to the issue of *kithitu*.

The church's response to *kithitu* is wanting, inadequate and insufficient. When an individual is ex-communicated from the Church and has not been given genuine reasons as to why his or her sins warrant excommunication then the Church has not helped the person. Moreover guidance and counselling becomes meaningless and ineffective if it is not based on Christian teachings about oath-taking. One needs to understand why the practice is forbidden in Christianity so that he or she can repent or stop the practice.

Moreover, when the clergy fails to condemn evil for fear of being rejected and opposed, it shows that they the clergy are not demonstrating and practising the qualities of true discipleship, (Luke 6:20-49) and the duties and privileges of discipleship (Luke 9:51-62). As servants of God, the clergy must persevere in the face of persecution, have unwavering faith in Jesus, love their enemies, obey Jesus teachings, be implementers of Jesus teachings, be generous, exercise self-criticism before judging others, and show compassion to others. They should be committed to God's work, be loyal to him, and be ready to suffer for His sake. In return, the clergy have the privilege of becoming part of the Kingdom of God, assurance of eternal life, and the joy of winning others to the Kingdom of God.

Another observation is that most members of the clergy teach their congregation that oath-taking is bad in its totality. However, the study noted that this is a misinterpretation of the scriptures.

The study also observed that there are more than one hundred instances in the Bible where oaths are mentioned, both in the Old Testament and the New Testament. However, majority of Christians do not have a clear understanding of oath-taking. For them, Jesus condemned swearing;

and the third commandment clearly condemns swearing. However, they are called to swear during weddings, oaths of loyalty and in courts.

The study also noted that the Bible does not forbid all forms of oathing. Therefore, for one to understand the scriptural teaching about oathing, they must analyse the context in which it is used or forbidden. For instance, Jesus condemned oathing because during that time the teachers of law and the Pharisees were misusing oaths and he wanted to emphasize the need of being truthful at all times. Moreover, He wanted to help a person to refrain from breaking oaths which is a sin.

The study notes that Christianity teaches that all oaths are binding because God is omnipresent and omniscient: and all these objects are made by God and he dwells in them. Therefore oathing should only be reserved for serious occasions. However, Christians should always strive to keep their words.

The study also noted that Christianity teaches that swearing falsely and breaking of genuine oaths is wrong and a sin. Vows made in God's name must be kept because they reflect on God and honour Him. Therefore they must be done rarely because many things are beyond human control.

Another observation is that Christianity teaches that Christians do not require oaths. Oathing arose as a result of evil and the Fall. However, oaths are not evil by themselves. They are only a necessity because people lie. If there were no sin oaths would be unnecessary. Furthermore, oathing cannot change the behavior of an individual. Christians must understand that swearing is an act of confession and religious worship. It is allowed during occasions like wedding, loyalty oaths and ordination.

Analyzing *kithitu* from the Christian teachings about oathing reveals several things. First of all, the basis for analysing Christian teachings about oathing should be based on the Bible. When the

Kamba Christians decide to use *kithitu*, they must first analyse it based on Christian teachings about oathing.

When *kithitu* is analyzed based on Christian teachings about oathing, the study observes the following characteristics similar to Biblical oaths. First of all, it is understood as something that is used to ensure that individuals tell the truth or keep their words. When they go against it, it leads to serious consequences.

The circumstances that prompt the use of *kithitu* are similar to those discussed in the Bible: conflict resolution; determining truthfulness of a matter; cursing wrongdoers; making covenants; and ensuring justice.

Thirdly, just like Biblical oath, *kithitu* is binding and those who break it are liable to punishment. Moreover, *kithitu* is used to ensure peace and harmony. When it is broken, the consequences affect the individual and his family from one generation to the other unless stopped.

Just like Biblical oaths, the *kithitu* oath is sworn individually or by use of a ritual expert and one has a choice of either using it or not. Also *kithitu* powers are believed to be supernatural and connected to the spiritual beings. And when one swears on the *kithitu* he or she must tell the truth at all cost.

*Kithitu* is used to ensure justice. *Kithitu* is a cause of misfortunes when it is abused or broken. It is also used to ensure secrecy and allegiance to a particular course, that one will not break and when broken there are serious consequences. *Kithitu* is also taken seriously and should be used with caution as a last resort, just like Biblical teachings on oaths where Christians are advised to use oaths with caution.

In *kithitu* people swear using items other than the name of God, such as the meat of a cow, breaking of pot, swearing on loin clothes, and use of soil. These are accompanied by words. In



biblical oaths, we saw people swearing using objects like the temple, the city of Jerusalem, other than God's name. However the items used under *kithitu* are not sacred object from a Christian perspective. Furthermore Christianity teaches that oaths should be made only in God's name.

The Akamba oath (*kithitu*) has elements that are irreconcilable with some Christian teachings. First, when *kithitu* is used the intention is to cause harm to the offender. However the Bible, especially the New Testament talks about forgiveness. Secondly, *kithitu* is associated with supernatural entities like God, spirits and ancestors, while in the Bible; it is God who avenges for breaking the oath. Moreover, the Akamba associate *kithitu* with evil spirits but in the Bible God is holy.

*Kithitu* is used indetermining and encourage truthfulness, while the Bible encourages a yes or no answer and discourages the reliance on oaths to encourage truthfulness. *Kithitu* is also regarded as the greatest form of justice while in Christianity God is God of justice and is the one who avenges. He is the only judge.

Moreover, *kithitu* is in most cases used for cursing, but in the Bible oaths are used to ensure people keep their words. Another point is that *kithitu* is used with a ritual expert who invokes supernatural entities like spirits. However, in the Bible the use of spirits to perform works of divination is regarded as necromancy and is forbidden (Jeremiah 14:14,27:9, 29:8-9, Leviticus 19:31, Deuteronomy 18:10-11, Leviticus 20:6, 1 Samuel 28:3-25, 2Kings 21:6).

Biblically, it is not encouraged for one to use *kithitu* to cause harm to others. Moreover, when taken as a sub-religion, it amounts to idolatry which is forbidden in the Bible. Oath is a ways of worshipping God, therefore total reliance on *kithitu* by Christian's shows lack of faith in God (Yahweh).

When we analyse breaking of earthenware pot and swearing on loin clothes, they qualify to be regarded as curses more than oaths. The oath administered by elders, use of soil and *ndundu* are

the only one similar to Biblical oath, but still from a Christian perspective we question in whose name?

Lastly in both when broken there is a way out. However, in the Bible forgiveness comes from God while on the other hand, for one to be cleansed of the curse of *kithitu*, one reconciles with human beings they have harmed.

#### **4.6 Conclusion**

This chapter dealt with the analysis of the results collected from the field. The results were presented and critically analysed according to the research objectives and the research questions of the study. The next chapter presents the summary of the findings, and gives the conclusions and recommendations made by the researcher on the issues identified during the research.

## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Introduction

In this chapter, the researcher makes a summary of the findings, draws conclusions, and gives recommendations. The research examined the persistence of traditional oathing (*kithitu*) among Kamba Christians in Machakos County. The objectives of the study were: to explore circumstances under which *kithitu* is practised, to describe ways in which *kithitu* is practised, to analyse the extent of reliance on *kithitu* in Machakos County, and to examine Christian teachings on oathing.

#### 5.2 Summary

From the discussions in Chapter four, the study has established that *kithitu* is understood as an oath that carries with it a curse. It is considered as an important mechanism for punishing wrongdoers, and is mainly used to determine guilt and innocence. It is also regarded as a severe form of punishment among the Akamba, and which a wrongdoer cannot escape from. It punishes wrongdoers and their families from one generation to another if not stopped.

The Akamba oath (*kithitu*) is associated with supernatural entities like God, spirits, and ancestors. When *kithitu* is used, these supernatural entities are summoned to help human beings in solving conflicts. It is also regarded as the ultimate form of justice because it never fails in identifying and punishing offenders and wrongdoers. Others view it as a sub religion of the Akamba, because it has a ritual expert, who is feared and revered, and those who use it believe in the rituals, ceremonies, and customs associated with it.

The study also found out and explained circumstances under which it is used. From the study, *Kithitu* is mainly used as the last option in conflict resolution, cursing wrongdoers, determining

guilt, threatening, ensuring secrecy and allegiance, a tool of political mobilization, in solving land and property conflict, punishing criminals, murderers and robbers, and to deter witchcraft. *Kithitu* is used at the individual level, or in consultation with a *kithitu* ritual expert.

Majority of the respondents were of the view that the effects of *kithitu* include: death, conflicts in the family, poverty, sickness, madness, misfortunes and bad luck, barrenness and miscarriage, divorce and separation, death of livestock, and fear. These effects are taken as punishment to wrongdoers when they are pronounced by the user of *kithitu*. When the families of the accused experience the above, they suspect it is as a result of *kithitu*. The effects are on the wrongdoers' family or property first, before eventually killing him or her. Wrongdoers must therefore make restitution, and be cleansed, for the effects of *kithitu* to stop.

The study learnt that *kithitu* is administered either through a ritual expert or individually. This is done publicly or privately depending on the reasons that prompted its use. However, local administrative leaders warned that the use of *kithitu* is illegal and considered a crime by the government. Moreover, those found using it will be charged for breaking the law and with causing death or murder.

From the findings, the researcher also discussed the several types and ways kamba oath is practised in Machakos County. These ways include: public performance by a ritual expert, *ndundu* oath for swearing secrecy and deterring witchcraft, breaking of the earthen pot (*mbisu/nyungu*) - which is the most common, swearing on the loin clothes or on one's private parts by women (*ngumbe*), and the use of soil in land conflict. However, when an offender makes restitution, pays fine, or discovers they are under the curse, they can seek the help of a ritual expert who can cleanse them of the curse.

The study also explained the procedure and process of becoming a *kithitu* ritual expert. The study found out that the ritual expert must be a man, inherits his role from his grandparents, must also be morally upright, acquires his skills through apprenticeship, and must marry. Moreover, a

religious ceremony is conducted accompanied with rituals for him to be official made a ritual expert by his predecessor.

The study also established the benefits associated with the use of *kithitu*. Although majority of the respondents gave numerous benefits of *kithitu*, there are those who felt that it was not good, and that the practice should be stopped or used as the last option. The benefits cited include: that it fosters peace and harmony, it helps to solve conflicts, it encourage truthfulness, it help to solve land disputes, it discourage witchcraft, it helps protect property, it deters criminals, it promotes integrity, it promotes respect, and helps administer justice.

The researcher discovered that the extent of reliance on *kithitu* is mainly influenced by the benefits it offers at both the individual and communal level. However, it is normally relied on when a need arises, and as a last option. Majority of the respondents said they had never used *kithitu*. One respondent said she was forced to swear on the *ndundu* oath when she was accused of witchcraft. As to whether they can use it in future, some revealed they can use it to solve land and property conflict, murder, and to administer justice. Majority however said they can never use it.

The study also noted how prevalent social injustice and irresponsibility contributes to the extent of reliance on *kithitu*, and although people use it, it is associated with a lot of fear, secrecy, and stigma. Therefore, many people using it in prefer to do so in secret making it hard to measure the extent of reliance on it.

The study found out from the respondents that *kithitu* is associated with supernatural entities like God, spirits, and ancestral spirits. These supernatural entities are invoked or called upon when it is used. These supernatural entities respond and through *kithitu* punish the wrongdoers or offenders.

From the study the Church generally forbids the use of *kithitu*, however, some Churches are silent about the use of *kithitu*. Churches that are against *kithitu* argue that it is evil and murder. Some members of the clergy argued that its use shows lack of faith, and is an act of disobedience to Jesus' teachings. Other respondents said they are against *kithitu* because it is an oath, and the Bible forbids oathing.

The respondents also stated that those who use *kithitu* are regarded as sinners. The researcher further established that Churches respond to the issue by punishing, and/or offering guidance and counselling. However, some Churches view it as a personal choice, while others are silent about it for fear of losing members or being chased away by the congregation.

Majority of the respondents were in agreement that the Church teaches that God is a just God and Christians should let God fight their battles. Some also teach about forgiveness. However, the researcher did not get concrete Christian teachings about oathing from the respondents. Therefore, the researcher relied on the Bible and secondary sources for Christian teachings about oathing. These teachings are important in analyzing *kithitu* from a Christian perspective and in answering objective four.

The study found out that the Bible is the basis for Christian teachings about oathing. The Bible allows oaths and vows, but not every oath or vow is legitimate. Jesus main teaching about oathing found in His sermon on the plain. In this sermon, Jesus did not forbid all oaths, but making of non-binding oath, and His aim was to keep people from breaking the Lord's rule regarding oathing promises.

Analysing the Bible revealed that some New Testament text seems to forbid oathing and call Christians to say yes or no. However, to understand these teachings, one must analyze them from their particular context. Early Christians for instance did not read Jesus word as forbidding all oaths.

The Bible teaches that all oaths must be made in God's name. However, oaths to commit sin are forbidden, and when Christians choose to make oaths, they must be ready to abide by them because all oaths are binding. Moreover, the Bible forbids breaking of oaths.

In the Bible there are records of many incidents of God's servant who made oaths like Paul, moreover, oaths are associated with covenants. Therefore, oathing is not forbidden in the Bible. But the researcher discovered that oaths should not be used unnecessarily but only on matters of great and lasting consequences. Furthermore, oaths of loyalty and of solving conflicts are allowed but must be made in God's name. Also, God is omnipresent, and thus everywhere, and in all objects used for oathing, because God made these objects.

The researcher learnt that Christians are discouraged from swearing falsely and more so in God's name. Furthermore, non-binding oaths are a misuse of God's name. Oaths are also not necessary for Christians, especially when determining truthfulness, there yes or no is enough. Therefore, they should not rely on oaths to determine truthfulness because ultimately they do not change the behavior of an individual.

The study also found out that oaths are not evil in themselves, but arose as a result of evil. It is distrust, dishonesty, and inconsistency, which makes oaths necessary, and the reason Christians feel they need oaths is because of Satan's activities in the world: Satan is the father of lies and liars. However, the Bible emphasizes honesty more than oaths, because ultimately oaths cannot change a Christian's behavior.

The researcher also discovered that oaths reflect on God, and should be used wisely putting in mind that the future is beyond human beings control. Swearing on oaths should only be done in God's name. Moreover, oaths are an act of worship, and although Swearing in God's name is allowed, it must be truthful, the object of oath must be Biblical, one must be ready to fulfill the promise, and one must abide regardless of the future. The researcher also found out that if oaths

do not appeal to God, it is a form of idolatry, because oaths amount to worship and confession to God.

The study further discovered that when oaths are made, they must be clearly understood by both parties, and not a tool of injustice, or deceit, or blackmail. Christians must also be cautious when using oaths, because they can also lay trap for Christians. Moreover, they should refrain from making foolish oaths, and if one cannot keep a promise, one should go and humble self, and plead with their friend, and do it as soon as possible.

The researcher also learnt that change in circumstance, and oath that is impossible to perform, are illegitimate reasons for breaking oaths. Therefore, Christians must understand that it is dangerous to make oaths, because God does not have patience with fools who make promises they cannot keep, and He will destroy the works of their hands. Moreover, vows and oaths are solemn, and involve powerful heavenly realities that Christians should not mess with.

The researcher found out that socially Christians are asked to make vows in three areas, pledges of the flag, marriage, and vows in courts. Moreover, vows and oaths should only be made in matters of great and lasting consequence.

### **5.3 Conclusion**

From majority of the respondents, the performance of *kithitu* is strongly linked to supernatural entities like God, benign spirits, evil spirits, and ancestral spirits. Moreover, ancestors are still being venerated today. These findings made the researcher to conclude that the African concept of spirits has not changed, and spirits are still feared, and revered in the African societies by African Christians and for the Akamba, this understanding of spirits contributes to the persistence of *kithitu* in Machakos County. This information is significant for African theologians and scholars when discussing African Christology, because some theologians and scholars are of the view that Jesus should be regarded as the great ancestor, because Africans value the role of ancestors.



The study also concludes that it is not wrong for physical objects to be used during the performance of *kithitu*. However, from a Christian perspective and Biblically, some of the objects used in administering *kithitu* are not sacred. Therefore, when African Christians use traditional oaths, they must analyse the physical objects used in the administration of the oath to make sure they are sacred.

Moreover, from the findings, *kithitu* has numerous similarities with oaths and curses as indicated in the Bible, but there still exists some inconsistencies. For instance, the Bible teaches that all oaths must be sworn in the name of God (Yahweh), So when Kamba Christians swear in any other name or object, this amounts to breaking the first, second and third commandments.

The study also concludes that *kithitu* is a powerful tool used for justice administration. However, this does not mean that *kithitu* is being equated to God; this simply means that *kithitu* is highly regarded when it comes to justice administration by the Akamba community.

The researcher however disagreed with the understanding of *kithitu* as a sub-religion of the Akamba. The researcher therefore concluded that *kithitu* cannot be a religion by itself because it does not have the characteristics of a religion; nevertheless, it is a fundamental aspect of ATR that has persisted among the Kamba Christians.

The researcher further concluded that *kithitu* as an oath has persisted because it is an important tool of ensuring allegiance and secrecy. However, this is not unique to *kithitu*, but is a significant function of oaths universally, especially in political mobilization, unification, and ensuring accountability.

The study revealed the continuity of traditional African concepts of community, communal punishment, and kinship ties. This made the researcher to conclude that ATR plays a significant role in contemporary African society. Moreover, *kithitu* owes its persistence to the above concepts. Therefore, it is imperative that when scholars analyse specific ATR practices, they do

so from an all-inclusive approach, because ATR beliefs and practices are inter-dependent. Other ATR beliefs and practices that influence the use of *kithitu* include African concept of God, belief in spirits, observance of taboos, roles of ritual experts/ elders, ancestor hood, African morality, and rites of passage.

The researcher also concluded that elusive justice, and failure of the Church in addressing African existential problem has significantly contributed to the persistence of *kithitu*. *Kithitu* is used as the last option when other methods have failed. If the Church and government institutions solved African Christians existential problems, they would not rely on ATR beliefs and practices.

When the researcher analysed the categorization of *kithitu*, the fact that it is not categorized under witchcraft or divination has considerably influenced its persistence. According to Gehman (1989), there are two main types of mystical powers among the Akamba: (*uwe*) divination which is beneficial and (*uoi*) witch craft which is evil. However, there are various types of mystical powers which exist among the Akamba, which do not fall under divination or witchcraft such as *kithitu*, curses, evil eye, and evil tongue. Nevertheless, this does not justify the use of *kithitu* among Kamba Christians, because a Christian must be guided by Biblical and Christian teachings. If the ATR practice is inconsistent or irreconcilable with Biblical and Christian teachings, it should not be practised by African Christians. .

The researcher also concludes that *kithitu*, and *ndundu* are kamba oaths. However, although *ngumbe* and breaking of a pot privately involve swearing, they qualify to be categorized under curses. Therefore, the Church and government must be conversant with characteristic of curses and oaths to be able to critically analyse inconsistencies or irreconcilable differences *kithitu* may have with the Bible and the constitution. The researcher further concludes that although *kithitu* is illegal, it is a common practice among the Akamba and the government officials in the area are aware of its continuity.

When it comes to the different ways of administering *kithitu*, the researcher concludes that it can be administered through the use of a ritual expert, individually by breaking an earthenware pot, and the use of soil in land conflict. The researcher also agrees with Kiminyo (2004) that *ndundu* is another type of kamba oath. The researcher further concurs with Penwill (1956) that *ngumbe* is a form of kamba oath used by women to curse family members.

The researcher also affirms Hitoshi's (1977) assertions that the Akamba categorize uoi into two parts *uoi wa munduume* (uoi of a man) and *uoi wa mundu muka* (uoi of women). He further categorized *kithitu* to belong to *uoi* of man. However, the study concludes that *kithitu* in its totality cannot be categorized as uoi of a man, because the use of soil in land conflict and breaking of pot are not specific to any gender. What needs to be clarified is that only men can become *kithitu* ritual experts and are allowed to keep *kithitu* paraphernalia.

The presence of *kithitu* ritual experts has immensely contributed to the persistence of *kithitu*. Therefore, it can be concluded that the role of ATR ritual experts is still recognized in modern Africa, and specifically among the Akamba. If the ritual experts were not revered, and their roles respected and acknowledged, these ATR beliefs and practices like *kithitu* would not exist today.

The researcher concludes that kamba oaths qualify to be used as a traditional dispute mechanism so long as they respect, uphold, and defend the constitution of Kenya. They must not be repugnant to justice and morality, or result in outcomes that are repugnant to justice or morality, or are inconsistent with the constitution or any written law in Kenya.

The researcher concurs with Mbiti (1977) that ATR is indeed pragmatic and applied when a situation arises. The study found out from majority of the respondents that *kithitu* is not used on a daily basis, but only when a need arises. Specifically, people do not think of using *kithitu*, but when a need arises, it can be relied upon to solve the problem in its entirety. This is a

contributing factor to the persistence. Moreover, when a Christian decides to use it, there is no need for conversion from Christianity to a traditionalist.

From the findings, the researcher concludes that oral tradition is a fundamental instrument for the persistence of kamba oathing among the Kamba Christians. The researcher found out that general beliefs about kamba oathing, which are transmitted orally, greatly influence the use of kamba oaths by Kamba Christians. The researcher observed that the respondents' knowledge of kamba oaths was not acquired from books or written materials but was transmitted to them orally. However, fear, shame, and stigma deter them from using them publicly, nonetheless, this has not hindered the use of *kithitu* in private.

From the findings, it can also be concluded that the Church generally is against kamba oathing, but it has not come out specifically to give concrete reasons based on Biblical and Christian teachings on oathing. Moreover, there is inaccurate interpretation of the scriptural teachings on oathing by some members of the clergy. It should be emphasized that Christianity does not forbid oathing, but oathing among African Christians should be done only in God's name (Yahweh), and should not be broken under any circumstance. Nevertheless, not all oaths are legitimate.

The researcher further agrees with Hagopian (1990) and Hamilton (2009) that Jesus did not condemn oathing, but He condemned misuse, and breaking of oaths. The researcher further agrees that the Bible discourages the use of oathing, which should be done rarely, because so many things are beyond human control, and oathing should be reserved for special occasions only. The researcher still concurs that Christians do not require oaths, and that they are unnecessary for Christians because Christians are commanded not to lie. Moreover, oathing will not change a Christian's behavior. Furthermore, oaths in themselves are not evil. The researcher is also in agreement with the Biblical guidelines on oaths provided by Hagopian (1990).

The researcher concludes that there are no specific teachings on kamba oathing; however, the Bible has sufficient teachings and guidelines that African Christians can use in their analysis of

traditional oathing systems. The researcher also concludes that the response to kamba oathing by members of the clergy is inadequate. The members of the clergy in Africa need to practise qualities of true discipleship, be ready to bear the cost of discipleship, and understand the duties and privileges of discipleship. This is demonstrated by the fact that majority are either silent or shy away from discussing pertinent issues affecting their Churches.

Looking at the conceptual framework of the study, it shows that the persistence of kamba oath among Akamba Christians is influenced by both ATR beliefs about kamba oath transmitted orally, and the Christian teachings about oathing. From the findings, it is noteworthy that kamba oath has not changed form and practise. The practices and beliefs associated with kamba oath have remained undeterred even with the massive growth and spread of Christianity. Guided by both the theoretical and conceptual frameworks, the researcher thus concludes that the majority in Kamba Christianity appreciate the Kamba heritage as one of the pillars of moral propriety in Ukambani. Furthermore, Kamba Christians experience and live through continuity from their Kamba religious heritage to Kamba Christianity. They also appreciate the continuity from the Old Testament, the New Testament, the missionary enterprise, and their contemporary Kamba Christianity.

#### **5.4 Recommendations**

The researcher made the following recommendations based on the findings and the conclusions of the study. First, the researcher established and concluded that oathing as an important part of ATR has persisted among African Christians. The researcher thus recommends a study of these traditional forms of oathing in different African Communities. We find that those who practise traditional oathing adhere to other world religions like Christianity. Therefore, a reconstructive study of motivations behind their use is paramount. Also, oaths are a universal phenomenon; consequently, a comparative study of traditional oathing from different communities and nations is significant. The research also gathered that there is a close link between oaths and curses in traditional African communities and thus recommends further study of the same.

From the above study, we find that appreciation of ancestorhood is an important belief among the African people. Moreover, its contribution to the continuity of ATR should be underscored. The researcher thus recommends an analysis of the same from the African Christians perspective. Some African Christian theologians have discussed Jesus as the great ancestor in their study of Christology.

Kenya is a multi-party state with most of its political parties aligned to tribal or ethnic groupings. From the study, traditional oaths have been used in political mobilization and ensuring allegiance. Could these tribal alignments of majority of political parties in Kenya be attributed to some extent to traditional oath-taking? The researcher recommends a study of traditional oath-taking from this perspective. The researcher further recommends that policy makers and scholars undertake specific analysis of ATR beliefs and practices in relation to the national constitution. Subsequently, they need to engage the citizens in forums and civic education to sensitize them on the same.

The researcher also found out that traditional cleansing ceremonies are still being practised by African Christians. In recent times, Churches have also engaged in deliverance services which involve healing and exorcism of African Christians believed to be possessed by demons, evil spirits, or under the powers of witchcraft. Therefore, the researcher recommends a comparative study of traditional cleansing ceremonies and deliverance services done in church, in order to examine the similarities and differences, because they both concern African Christians.

The researcher also recommends for the continued oral transmission of ATR beliefs and practices, and especially among the youth. This is because ATR is an important source of morality for African Christianity and Christian ethics in general. It should be noted that although Africans embraced Christianity, they are and will remain African Christians, and ATR did not only lay a good foundation for the spread of Christianity, it is also a pillar of rich African morality which largely contributes to the behavior of majority of the African people. However, ATR should undergo a reconstruction of its own, in order for it to function efficiently and effectively, and deal with the African existential problems.

A prior understanding of ATR is also important for members of the clergy serving in Africa. Therefore, the researcher recommends that members of the clergy attend theological colleges, to enable them thoroughly and systematically interpret ATR concepts from Biblical and theological, and African Christian points of view. Members of the clergy must understand that for them to have an impact on the congregation or Christians they serve, they must be able to analyse and deal with contemporary issues affecting them effectively. Moreover, members of the Clergy need to define and understand their role in contemporary society.

The researcher also recommends a study of traditional African dispute resolution mechanisms in contemporary African societies. As stated earlier, different African communities had their own conflict resolution mechanisms which depended on their beliefs and practices. Some of these conflict resolution mechanisms have continued and are practical in Contemporary societies. Therefore an analysis and adoption of the same is significant.

Lastly the study recommends a continued study of African Christian theology. The tension between Christianity and ATR must be eliminated, because Africans live in continuity from ATR to African Christianity, and this must be appreciated by both the Church and theologians. Moreover, Africans have not yet been liberated from their existential problems; therefore, there is need for a functional-reconstruction theology in Africa. This is because problems like murder, miscarriages, madness, injustice, corruption, crime, domestic violence and conflicts, misfortunes, war, sickness, barrenness, death, and poverty still plague Africans. Moreover, globalization and science and technology have posed new challenges, to African Christianity and Christianity in general, which must be addressed urgently and with a lot of inclusivity and dialogue.

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## APPENDICES

### **Appendix I: Interview guide for the informants**

My name is Monica N. Muliro a student in the Department of History, Philosophy and Religion, Egerton University. I have been mandated to carry out a research on the use of *Kithitu* among the Christians and the people of Machakos County. You have been sampled as one of my respondents and this kindly asks you to kindly respond to the following questions. Your responses will be treated with the highest confidentiality they deserve. Thank you for your time and responses.

#### **Personal information:**

Gender:

Age: 18-40

41-60

Above 60

Location:

#### **1. Circumstances under which Kamba oathing (*Kithitu*) is practised in Machakos County.**

- a) What is your understanding of *Kithitu*?
- b) How wide spread is use of *Kithitu* practice?
- c) Under what circumstance do people use *Kithitu*?
- d) What are the effects of *Kithitu*?

#### **2. Ways in which Kamba oathing (*Kithitu*) is practised in Machakos County**

- a) Does the government allow the use of *Kithitu*?
- b) Who administers *Kithitu*?
- c) How is *Kithitu* administered?
- d) How is one cleansed of the effects of *Kithitu*?
- e) Have you ever witnessed *Kithitu* ritual? If yes, how is it performed?

**3. Extent of reliance on Kamba oathing (*Kithitu*) is practised in Machakos County.**

- a) How beneficial is *Kithitu* to the community?
- b) When can you use *Kithitu*?
- c) When did you use *Kithitu*?

**4. Christian teaching on oathing.**

- a) How does *Kithitu* work?
- b) What does your church teach about oathing?

## **Appendix II: Interview guide for Sampled *Kithitu* Specialists**

My name is Monica N. Muliro a student in the Department of History, Philosophy and Religion, Egerton University. I have been mandated to carry out a research on the use of *Kithitu* among the Christians and the people of Machakos County. You have been sampled as one of my respondents and this kindly asks you to kindly respond to the following questions. Your responses will be treated with the highest confidentiality they deserve. Thank you for your time and responses.

### **Personal information**

Gender:

Age: 18-40

41-60

Above 60

Location:

### **1) Circumstances under which Kamba oathing (*Kithitu*) is practised in Machakos County.**

- a) What is your understanding of *Kithitu*?
- b) How wide spread is the practice?
- c) Under what circumstance do people use *Kithitu*?
- d) What are the effects of *Kithitu*?

### **2) Ways in which Kamba oathing (*Kithitu*) is practised in Machakos County.**

- a) Does the government allow the use of *Kithitu*?
- b) How do you administer *Kithitu*?
- c) What are the characteristics of the religious specialist?
- d) How did you become a religious specialist?
- e) How is one cleansed of the effects of *Kithitu*?

### **3) Extent of reliance on *Kithitu***

- a) When did you use *Kithitu*?
- b) How beneficial is *Kithitu* to the community? When can you use *Kithitu*?

c) When did you use *Kithitu*?

**4) Christian teaching on oathing**

a) How does *Kithitu* work?

b) What does your church teach about oathing.

### Appendix III: List of informants

No	Division	Location	Location Code	Respondents Code	Gender	Age
1	Kalama	Lumbwa	A	RA1	Male	41-60
2	Kalama	Lumbwa	A	RA2	Female	18-40
3	Kalama	Lumbwa	A	RA3	Male	41-60
4	Kalama	Lumbwa	A	RA4	Female	41-60
5	Kalama	Lumbwa	A	RA5	Female	Above 60
6	Kalama	Lumbwa	A	RA6	Male	18-40
7	Kalama	Lumbwa	A	RA7	Male	41-60
8	Kalama	Lumbwa	A	RA8	Male	41-60
9	Kalama	Lumbwa	A	RA9	Female	18-40
10	Kalama	Lumbwa	A	RA10	Male	41-60
11	Kalama	Lumbwa	A	RA11	Female	41-60
12	Kalama	Lumbwa	A	RA12	Female	Above 60
13	Kalama	Lumbwa	A	RA13	Male	41-60
14	Kalama	Lumbwa	A	RA14	Female	18-40
15	Kalama	Lumbwa	A	RA15	Male	41-60
16	Kalama	Lumbwa	A	RA16	Female	41-60
17	Kalama	Lumbwa	A	RA17	Female	Above 60
18	Kalama	Lumbwa	A	RA18	Male	41-60
19	Kalama	Lumbwa	A	RA19	Female	41-60
20	Kalama	Lumbwa	A	RA20	Female	Above 60
21	Machakos Central	Kimutwa	B	RB1	Male	41-60
22	Machakos Central	Kimutwa	B	RB2	Male	18-40
23	Machakos Central	Kimutwa	B	RB3	Female	18-40
24	Machakos Central	Kimutwa	B	RB4	Female	Above 60
25	Machakos Central	Kimutwa	B	RB5	Male	Above 60

<b>No</b>	<b>Division</b>	<b>Location</b>	<b>Location Code</b>	<b>Respondents Code</b>	<b>Gender</b>	<b>Age</b>
26	Machakos Central	Kimutwa	B	RB6	Female	Above 60
27	Machakos Central	Kimutwa	B	RB7	Female	18-40
28	Machakos Central	Kimutwa	B	RB8	Male	18-40
29	Machakos Central	Kimutwa	B	RB9	Female	Above 60
30	Machakos Central	Kimutwa	B	RB10	Male	41-60
31	Machakos Central	Kimutwa	B	RB11	Male	41-60
32	Machakos Central	Kimutwa	B	RB12	Female	18-40
33	Machakos Central	Kimutwa	B	RB13	Male	Above 60
34	Machakos Central	Kimutwa	B	RB14	Female	Above 60
35	Machakos Central	Kimutwa	B	RB15	Male	18-40
36	Machakos Central	Kimutwa	B	RB16	Female	Above 60
37	Machakos Central	Kimutwa	B	RB17	Male	Above 60
38	Machakos Central	Township	C	RC1	Female	18-40
39	Machakos Central	Township	C	RC2	Male	41-60
40	Machakos Central	Township	C	RC3	Male	41-60
41	Machakos Central	Township	C	RC4	Female	18-40
42	Machakos Central	Township	C	RC5	Male	18-40
43	Machakos Central	Township	C	RC6	Male	41-60
44	Machakos Central	Township	C	RC7	Female	18-40
45	Machakos Central	Township	C	RC8	Male	18-40
46	Machakos Central	Township	C	RC9	Male	41-60
47	Machakos Central	Township	C	RC10	Male	18-40
48	Machakos Central	Township	C	RC11	Female	18-40
49	Machakos Central	Township	C	RC12	Male	41-60
50	Machakos Central	Township	C	RC13	Female	18-40
51	Machakos Central	Township	C	RC14	Male	41-60

No	Division	Location	Location Code	Respondents Code	Gender	Age
52	Machakos Central	Township	C	RC15	Female	18-40
53	Machakos Central	Kiima Kimwe	D	RD1	Male	41-60
54	Machakos Central	Kiima Kimwe	D	RD2	Female	18-40
55	Machakos Central	Kiima Kimwe	D	RD3	Female	41-60
56	Machakos Central	Kiima Kimwe	D	RD4	Female	41-60
57	Machakos Central	Kiima Kimwe	D	RD5	Female	Above 60
58	Machakos Central	Kiima Kimwe	D	RD6	Female	41-60
59	Machakos Central	Kiima Kimwe	D	RD7	Male	41-60
60	Machakos Central	Kiima Kimwe	D	RD8	Female	41-60
61	Machakos Central	Kiima Kimwe	D	RD9	Male	41-60
62	Machakos Central	Kiima Kimwe	D	RD10	Female	18-40
63	Machakos Central	Kiima Kimwe	D	RD11	Female	41-60
64	Machakos Central	Kiima Kimwe	D	RD12	Female	41-60
65	Machakos Central	Kiima Kimwe	D	RD13	Female	Above 60
66	Machakos Central	Kiima Kimwe	D	RD14	Female	41-60
67	Machakos Central	Kiima Kimwe	D	RD15	Female	18-40
68	Machakos Central	Kiima Kimwe	D	RD16	Male	41-60
69	Machakos Central	Kiima Kimwe	D	RD17	Female	Above 60
70	Machakos Central	Kiima Kimwe	D	RD18	Female	41-60
71	Machakos Central	Kiima Kimwe	D	RD19	Male	41-60
72	Machakos Central	Kiima Kimwe	D	RD20	Female	41-60

Key: Lumbwa –A

Kimutwa –B

Township-C

Kiima Kimwe-D



## Appendix IV: Request for Research Permit Letter

**EGERTON**  
Tel: Pilot: 254-51-2217620  
254-51-2217877  
254-51-2217631  
Dir.line/Fax: 254-51-2217847  
Cell Phone



**UNIVERSITY**  
P.O. Box 536 - 20115  
Egerton, Njoro, Kenya  
Email: [bpgs@egerton.ac.ke](mailto:bpgs@egerton.ac.ke)  
[www.egerton.ac.ke](http://www.egerton.ac.ke)

OFFICE OF THE DIRECTOR, GRADUATE SCHOOL

Ref:.....AM14/2322/09.....

Date:.....23<sup>rd</sup> March, 2015

The Secretary,  
National Commission for Science Technology and Innovation,  
P. O. Box 30623-00100  
**NAIROBI.**

Dear Sir,

**RE: REQUEST FOR RESEARCH PERMIT – MS. MONICA NASAMBU  
MULIRO – REG. NO. AM14/2322/09**

This is to introduce and confirm to you that the above named student is in the Department of Philosophy History & Religious Studies, Faculty of Arts & Social Sciences.

She is a bona-fide registered M.A. student in this University. Her research topic is “Persistence of Traditional Oathing Among Kamba Christians in Machakos County”

She is at the stage of collecting field data. Please issue her with a research permit to enable her undertake the studies.

Your kind assistance to her will be highly appreciated.

Yours faithfully,

  
**Prof. M. A. Okiror**  
**DIRECTOR, BOARD OF POSTGRADUATE STUDIES**

MAO/vk

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*Transforming Lives Through Quality Education*  
*Egerton University is ISO 9001:2008 Certified*

## Appendix V: NACOSTI Research Authorization Letter



### NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: +254-20-2213471,  
2241349, 310571, 2219420  
Fax: +254-20-318245, 318249  
Email: secretary@nacosti.go.ke  
Website: www.nacosti.go.ke  
When replying please quote

9<sup>th</sup> Floor, Utalii House  
Uhuru Highway  
P.O. Box 30623-00100  
NAIROBI-KENYA

Ref: No.

Date:  
**10<sup>th</sup> June, 2015**

**NACOSTI/P/15/2577/6390**

Monica Nasambu Muliro  
Egerton University  
P.O Box 536-20115  
**EGERTON.**

#### **RE: RESEARCH AUTHORIZATION**

Following your application for authority to carry out research on "*Persistence of traditional oathing among Kamba Christians in Machakos County*," I am pleased to inform you that you have been authorized to undertake research in **Machakos County** for a period ending **30<sup>th</sup> September, 2015**.

You are advised to report **the County Commissioner and the County Director of Education, Machakos County** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.

  
**SAID HUSSEIN**  
**FOR: DIRECTOR GENERAL/CEO**

Copy to

The County Commissioner  
Machakos County.

The County Director of Education  
Machakos County.

*National Commission for Science, Technology and Innovation is ISO 9001: 2008 Certified*

## Appendix VI: County Commissioner Research Authorization Letter



**THE PRESIDENCY  
MINISTRY OF INTERIOR AND COORDINATION  
OF NATIONAL GOVERNMENT**

Telephone: 21009 and 21983 - 90100  
Email Address: [countycommasaku@gmail.com](mailto:countycommasaku@gmail.com)  
Fax No. 044-21999

OFFICE OF THE  
County Commissioner  
P.O. Box 1 - 90100  
**MACHAKOS.**

When replying please quote

REF CC ADM 5/9 VOL I /97

3<sup>rd</sup> June 2015

All Deputy County Commissioner  
**MACHAKOS**

**RE: RESEARCH AUTHORIZATION**

This is to confirm that Monica Nasambu Muliro of Egerton University has been authorized to carry out a research on "***Persistence of traditional oathing among Kamba Christians in Machakos County***" for a period ending 30<sup>th</sup> September 2015.

Kindly accord her the necessary support to enable her achieve her goal.

Thank you

A G Kimani  
For: County Commissioner  
**MACHAKOS**

## Appendix VII: County Director of Education Research Authorization Letter

**MINISTRY OF EDUCATION, SCIENCE & TECHNOLOGY**  
STATE DEPARTMENT OF EDUCATION

Telegrams: "SCHOOLING" Machakos  
Telephone: Machakos (  
Fax: Machakos  
Email - [cdemachakos@yahoo.com](mailto:cdemachakos@yahoo.com)  
**When replying please quote**



OFFICE OF THE  
COUNTY DIRECTOR OF  
EDUCATION  
P.O. BOX 2666-90100,  
**MACHAKOS**

MKS/ED/CD/U/1/VOL.1

11th June, 2015

Monica Nasambu Muliro  
Egerton University  
P.O Box 536 - 20115  
**LIMURU**

**RE: RESEARCH AUTHORIZATION**

In reference to a letter Ref: **NACOSTI/P/15/2577/6390** dated **10<sup>th</sup> June, 2015** from the National Commission for Science, Technology and Innovation regarding the above subject, you are hereby authorized to carry out research on, "**Persistence of traditional oathing among Kamba Christians in Machakos County**" for a period ending **30<sup>th</sup> September, 2015**.

Chacha C. Mwita  
**County Director of Education**