

Offence and Rites of Reconciliation in African Context

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Abstract: The article under the title, "Offence and Rites of Reconciliation" seeks to explore African understanding of offence and the practice of reconciliation among community members. In this topic the objective is to reveal about African sense of guilt, something that is denied by some Western scholars. Moreover, the paper reveals about African community members concern about an offence to affect the whole clan or community of which the issue of reconciliation is not only inevitable but a concern of all community members.

The paper also tells how an offence affects secular as well as religious aspect due to the fact that in African life, there is no line of demarcation between secular and religious life. In this paper, the issue about family, although is in the form of extended, but it is related also to the departed members. In the language of the Western scholars, the departed members are known as ancestors. However, in African world view they are known as "forebears" or "elders." Since offence of an individual member affects the entire community as well as forebears and God, healing is in the form of restorative justice unlike the Western system of adversarial justice.

Keywords: sin; offence; taboo, shame; guilt; *kisiki-munu*, forebear and reconciliation.

1. INTRODUCTION

1.1. Definition of Sin

The general meaning of sin is the breaking of a religious or moral law.¹ However, when regarding sin universally, it is better to use its synonymous term "guilt." Guilt is the condition or fact of having done wrong and the anxiety or unhappiness caused by the knowledge of personal wrongdoing.² I prefer to use the term guilt when discussing a universal phenomenon because this term applies to all societies, Christian as well as non-Christian.

According to religious-ethnological view, guilt, to a great extent, has to do with the transcendental God, the creator. This concept is wide-spread in many societies, both those with "high religions" and those with "traditional religions."³ Normally, in traditional cults there are specific rules and taboos to be observed. Forebears are regarded not only as mediators, but also as guardians of the moral order. If such mysterious orders are violated, ultimately sanctions will restore the protected norms. At the same time, a sense of guilt will be experienced. According to the belief of many people, the inner stain caused by guilt can only be removed through religious public cleansing. This ritual involves atonement or reconciliatory rites, confession of sin or reparation. Failure to undergo such a process will cause the sinful state to remain forever. However, when talking about guilt in relation to man and God, it must be realized that not everybody has a precise set of concepts in his/her language to categorize sin. And everybody sees the breaking of the traditional norms as an insult to God and forebears. However, not everybody sees moral evil and fateful evil or punishment from a mysterious power and automatic effective sanctions in the same way.⁴

¹ Oxford Advanced Learners Dictionary, 1989.

² Oxford Advanced Learners Dictionary, 1989.

³ I consider high religion and traditional religion as equals, since the function of religion in any particular society is the same, whether high or traditional.

⁴ Guilty, in: Waldenfels, Hans (ed.), *Lexikon der Religion*, 1987, pp.585-586.

The experience of guilt or sin in a religious context is a phenomenon existing throughout mankind. The stress caused by guilt or sin pressurizes members of societies to develop social, socio-political, philosophical, and psychological theories that may help to overcome guilt or sin.⁵

A similar definition to the above is emphasized by Kaeser. He states that the sense of guilt is a reaction to the conscience, in which an individual reacts to the offence against norms, which have been expressly formulated by his/her culture, society or group as a law.⁶

Kaeser sees the sense of guilt in relation to the individual conscience. He argues that the foremost aspect of conscience has nothing to do with religion. Instead it has to do with a social conditioning of people, where they internalize criteria concerning right and wrong. These criteria are found in all societies, regardless of whether they are described in their holy scripture or not. To support his argument, Kaeser gives examples of two cases of theft from different societies and cultures. In the first case, a European steals money from an office, and in the second an African steals tinned meat from a store-room. After some time, both have a guilty conscience in such a way that they finally return the ill-gotten property. The European settles his problem by returning the money to the office, while the African returns the meat, settling his problem with the help of his relative. Kaeser concludes that both thieves settle the matter not only because they have committed an offence against the norms of their societies, but also against super-human authority.⁷

These examples show that every religion and society has a concept of sin. However, every society or religion has its own way of defining sin and evil: "committing sin," "guilt," "taboo," or "breaking of laws," etc.

The general theoretical view of sin takes another dimension when various scholars discuss the matter from an African perspective. For example, Sundermeier discusses the African concept of sin in relation to community-based life. He argues that in Africa harmonious communal life is a vital principle. Everything which contradicts this life is bad and evil. But everything which promotes harmonious life will be praised. However, this peace is firstly outward: it is concerned with observed good relationships. This is crucial. However, what is inside a person is not justified. Sundermeier follows the argument of D. Riesman who states that the African traditional religion openly symbolized and counted important what is public.⁸

After giving a brief definition concerning sin, offence and guilt conscious, taboos, breaking of laws, in the following chapter bellow, I am going to discuss about understanding of offence among African communities and how they are conducting reconciliation procedures. This material I am going to present is a result of reading various literature and from interview done to resource persons concerning African cultural practices and beliefs. After presenting and discussion of the material the task shall be to apply to or situation today, in African Church life as well as secular life in the field of justice and cultural heritage.

2. UNDERSTANDING OF OFFENCE AMONG AFRICAN COMMUNITIES

2.1. Bena People

For Kiwovele, privacy or publicity has nothing to do with the validity of guilt; instead close relation versus non-relation determines the weight of guilt. According to the Bena people of whom Kiwovele has made a case study, one feels guilty after committing an offence against a close relative. In this situation an offender attempts to heal the violation. This healing can be done directly by the offender or indirectly by the head of the family. This healing may be done indirectly by the head of the family because the violation does not only affect the offender, but also the whole family.⁹

It is interesting to find that among the Bena, an offence against a non-family member does not make an offender feel guilty. It is difficult to understand why the Bena do not feel guilty although the effect of the violation worries them.

⁵ Ibid. 1987, p.594.

⁶ Kaeser, Lothar, *Fremde Kulturen (Foreign culture)*, 1997, p.138.

⁷ Ibid. 1997, p.132-135.

⁸ Sundermeier, Theo, *Das Unglück als Gewissen, Scham und Schuld in Afrikanischen Religionen*, in: Assmann, Jan and Sundermeier, Theo (eds.), *Schuld, Gewissen und Person*, 1997, p.203.

⁹ Kiwovele, 1981, pp. 50-51.

According to Kiwovele's report, the Bena, although they do not feel guilty after offending a non-family member, greatly fear the harm or death caused by the revenge of the victim with a diviner's help. This fear of witchcraft prevails until now among Bena people. Whenever someone gets sick, the Bena fear that the sick family member might be bewitched.¹⁰

2.2. Kinga People

Kinga people, like other communities, have a concept of sin. The term "sin" literally translated into Kikinga is *imbivi*. However, the term *imbivi* is not commonly used without a concrete reality or expression. Instead, it is used with a noun to describe an object, such as *Umbivi*, which means "a bad person," or *ikivivi* which means "a bad thing. The term *umbivi* cannot easily be used to mean a sinner since it has two different implications. The first means an ugly, or physically unattractive person, while the second means a badly behaved person. The term *imbivi* has been literally translated by Koizumi and taken for religious purposes to mean "sin" and the term *umbivi* to mean a "sinner." Koizumi adds another definition of sin as *amavivi*. This definition in the Kinga context means "bad actions."¹¹

The suitable term equivalent to sin or guilt is "taboo," *umwiko*. Among Kinga, the observance of taboos is crucial. Koizumi underlines that a taboo implies traditional values and morality. Therefore, Kinga are very careful in handling taboos since the breaking affects not only the individual concerned, but the whole community.¹²

2.2.1. Against Religious Norms

According to Kinga practice, violation of sites for worship and veneration is regarded as an offence against religious norms. Such religious places include graveyards, sacred places like certain forests, big stones, caves or certain big trees which have been consecrated for worship and veneration purposes by families or clans.

2.2.1.1 Practices

The Kinga believe that the sites for worship and veneration are sacred; therefore, one is not supposed to do corrupt practices there. Examples of violation of the places include taking the offered foodstuffs, money, and meat or playing around there. Another serious offence which insults forebears is cutting or burning trees from holy forests. Cutting trees in such forests is believed to be hurting the forebears. However, the seriousness of an offence depends on whether a person has done so on purpose or unwillingly.¹³

2.2.1.2 Redemption of Violation

If one abuses sacred places, one must pay reparation. First of all, the family concerned will be informed by the clan or community priest about the offence. The priest will inform the family of the guilty how much they are obliged to pay. If the family or a clan ignores the allegation, various plagues shall befall the family. The Kinga believe that punishment starts with other members of the clan and finally affects the offender himself. This order of punishment aims at giving the offender time to feel pity and to have the opportunity to repent.¹⁴

It is interesting to see that among the Kinga, a clan shares the punishment of the offender in terms of plagues. However, the payments are done by an individual family. This is different from other social affairs where the members share the costs which an individual has incurred.

2.2.1.3 Purchase of Redemption

The family of the person who has violated a sacred place is obliged to pay according to the decision of the priest. In most cases the family is supposed to pay an amount of money, a number of goats, cows, etc. In most cases the priest may demand all the former mentioned articles, a burden which the family is sometimes unable to pay.¹⁵

¹⁰ Ibid. 1981, pp. 50-51.

¹¹ Koizumi, 1995, pp.112-113.

¹² Koizumi, 1995, pp.249-250.

¹³ Interview with Kasim Kitumbika, 2019.

¹⁴ Interview with Deacon Elikana Kitahenga, 18 September 2019.

¹⁵ Ibid. 2019.

2.2.1.3.1. Sacrifice – *Kisiki-Munu*

If the family concerned is unable to pay a given fine, then it is compelled to pay with a human being. This human being has to be one of the children of that family, preferably a girl older than four years. This child should not be among the orphans who live in the family, nor be physically or mentally handicapped. If a female child has been given as ransom, the “bride price”¹⁶ will pay the debt in about 16 years. If the family has no female child, a male child can be given; then the bride price from his potential daughter will pay the debt. In this case, it may take about 30 years before the debt can be paid. According to Kinga practice, the child given as ransom is called *kisiki-munu*, which means “the one who plays two roles,” a human role and forebear/God role.¹⁷

The practice of paying with a human being can be compared to slavery, but only in the sense that the child leaves her/his parents and goes to the priest. Normally, the priest cares for the child as he cares for his own children. At the priest’s home, the child will assist him in some of the priestly functions. The parents of the child are allowed to visit their child. When a female child marries, the priest can give the parents part of the bride price, but he is not obliged to do so. During the stay with the priest’s family the child will be called *kisiki-munu* as long as he/she is not married, but if she/he marries the child will be called by his/her original name.

Due to the severe punishments that can cause a family to lose a lot of wealth or one of their members, Kinga are very careful about the worshipping and veneration places. From a very early age, children are well informed about the danger of violating the holy places. According to this practice of respecting holy places, one can find many places remaining undisturbed, especially forests. The preservation of nature is found in many villages where Christianity is either not yet introduced or has been introduced only recently.

2.2.2. Against Social Relationships

The sense of guilt among Kinga is felt for secret as well as public offence. This guilt can be well understood when related to the Kinga understanding of a family. Kinga understand the family as comprised of the living as well as the departed members. Therefore, guilt affects both the living and the departed members. However, since the departed members have a higher status after achieving part of God’s power, they know what is going on in the community of the living, be it secretly or publicly. They can harm an offender or the whole clan in the case of a severe offence. In case of a murder, the forebears may cause a death plague. This plague is called *lunumbilu*. It starts with killing a distant relative, ending up with the offender himself. As I have discussed before, the killing of the offender at the end is aimed at giving him a chance to repent before the situation has escalated.¹⁸

Owing to the severe consequences of un-confessed offences, the Kinga can hardly hide these offences. Instead, whenever Kinga offend an individual secretly or publicly, whether a relative or non-relative, they will do their best to reach reconciliation. Reconciliation is important not simply for the sake of avoiding shame, but also because of fear of *lunumbilu* and to avoid destroying the relationships among the community members. Although *lunumbilu* belongs only to the Kinga heritage, the fear of it does not only exist among Kinga, but among the neighboring tribes as well, so that these tribes fear to harm Kinga as (from time to time) they have experienced the bitterness of *lunumbilu*.¹⁹

2.3. Baluba People in Congo

A similar concept of good and evil is also experienced among Baluba people in Congo. Tempels, in his research on Baluba community, analyses the claim of some Western scholars that Africans do not know the difference between good and evil. For example, according to Bantu people, theft is not evil if one is not caught. Cheating is not evil, but rather a

¹⁶ From the value of a bride price one can get enough wealth to pay a debt. Compare: G.K. Park, Kinga Bride wealth. Approach to Social Problem. Makerere Institute of Social Research, Conference Papers Part C, Jan. 1963, pp.1-2. Park reports that today a typical bride wealth has the value of something over two thousand shillings or ten cows. Many men opt to marry Kinga women despite such a high bride price because these women are characterized as independent, self-reliant, and constant. On the whole, divorce is very seldom forced upon a man by aberrant behaviour of his wife; where it occurs one may normally blame the prolonged absence, without communication, of the husband.

¹⁷ Interview with Ester Mwemutsi 20 May 2020.

¹⁸ Interview with Elikana Kitahenga, 2019.

¹⁹ Ibid. 2019.

symbol of cleverness. Adultery is not morally evil. However, when one is caught one must be prepared to pay for it. These scholars say that for Bantu the reality of God is vague or is too abstract, and the creator is so far from the daily life of people that they do not associate their behaviour with him.²⁰

Tempels argues that in Africa, social order and peace are very important. It is this norm which determines what is good or evil. This social order has nothing to do with so-called civilized ethical norms. In the Bantu concept of good and evil, liars, thieves, adulterers, etc. are rebuked because they offend the social order.²¹

Again, according to Tempels, the norms of evil are the same as those of good. For instance, all human actions, situations, or habits which break the source of life, life growth, or life status of Bantu are evil. Therefore, the destruction of life is seen as destroying God's plans. The *muntu*²² knows that destruction of life is an act contrary to holiness of the ontological order. All lacking of life is first ontological, then morally prohibited, and thus evil.²³

Tempels shows how the Bantu philosophy enables the Africans to differentiate between good and evil. This knowledge makes possible for human life, nature's life, human-nature and human-God relationships to be perpetuated. However, doing anything evil will disturb the life and relations of the above entities. Tempels does not discuss the African ontological concept in relation to the forebears, but directly to God. In many cases the African ontological understanding is normally associated with their forebears. These are believed to be living near God and to possess God's power; therefore, they know him better than any living member. Given this African understanding of ontology associated with forebears, one must mention the ancestors when discussing God.

2.4. Offence by Words among the Hehe

In African communities offences against social relationships can be done verbally. As the words have power to bless a member, it is also that the words can harm relationships if not carefully selected. To show this practice, an example can be derived from the Hehe people of Iringa Region in Tanzania to represent other African communities. The Hehe have great esteem for personhood, and they often feel more offended by insults than by beatings or even by being robbed. Therefore, somebody who seriously insults one of his/her peers will have to follow an entire ceremony, costly for his/her esteem, but already expected, if he/she wants to return to living in perfect harmony with the offended person.

Insults regarding the intimate parts of the body are insults which concern the parents in a particular way. An example is when a husband insults his wife by indicating a possible intimate relationship between her and her father (brothers, uncles). If the wife in turn loses her temper and insults her husband by indicating possible sexual relations with his own mother (aunts, sisters), the effect would be the same. In both of these cases, the relationships between husband and wife are completely interrupted; the two of them will no longer greet each other until the reconciliation ceremonies have been carried out. Such insults contain the hidden accusation of being an agent of destructive magic.²⁴

In these cases, every relation between offender and offended is terminated, right up to the day of the public reconciliation. If this ever delays in coming, very serious things will happen: one of the guilty parties will show himself/herself to be suffering from *maanga* (curse) or *ng'aara* (literally, cold). In the case where it was the parents insulting each other in a very serious manner, it will be one of their sons/daughters to be possessed by *maanga*, and the unfortunate child will waste away before one's own very eyes, refusing to eat, and will certainly die if the parents do not hurry and resolve the issue. If they have children who are already married, it will be up to one of them to undergo the *maanga* and probably die, if the parents do not hurry to establish peace between them.²⁵

The Hehe are convinced that also that the type of facial hemiplegia which was mentioned above cannot be healed by any

²⁰ Tempels, Placide, Bantu-Philosophie, Heidelberg 1956, p.72.

²¹ Ibid. 1956, p.73.

²² All Africans who belong to Bantu group of people call a human being "*muntu*" or they call him with slightly differences, for example, in Swahili – *mtu*, in Kikinga – *munu* etc.

²³ Tempels, 1956, p.75.

²⁴ Ibid. Crema, p. 89

²⁵ Ibid. Crema, p. 89

kind of medicine, either by traditional means or in a local hospital, but only by a rite of reconciliation with the relative.²⁶ Examples include:

1. Insults regarding the renouncing of the parentage or the clan. These are very serious expressions and pronounced with very much conviction: "You are no longer my wife/husband, my father/ mother, my son, my uncle etc."
2. Insults containing curses and slanders, especially of parents who curse their children or uncles and aunts who insult their grandchildren, and vice versa.
3. Another serious insult is slandering, affirming that one of the relatives is a witch (*mhavi*), a thief (*mhisi*), filthy person (*mwafu*), a murderer (*muwulasi*), an enticer (*mfuundi*)--he/she instructs girls of the parentage to abandon their fiancés or married women/men to leave their wives/husbands.²⁷

3. OFFENCE: CAUSES SHAME OR GUILTY CONSCIOUSNESS?

Asante claims that in African religion, shame refers to an awareness of the violation of a taboo that can cause harm to one's community if it is not dealt with through propitiation or sacrifice. The person who is responsible for the violation of the taboo is associated with grace and collective condemnation because he/she has placed the entire community at risk of retribution by the ancestors. Throughout Africa, one finds the idea of a communal sense of responsibility; that is, people live with a degree of respect for others in the society. Therefore, dishonoring the ancestors by violating a taboo, breaking rules, committing incest, cursing an elder, or attempting to harm the community produces shame.²⁸

According to Asante, shame must not be considered the same as guilt in the Western conception. Actually, in the West it is common to hear that there is no difference between guilt and shame, but this is to misunderstand the nature of shame. In Africa, because of the collective sense of responsibility, the familial ties, and the intertwining/interconnectedness of the community's life, shame carries with it the idea that someone has broken or violated the collective social values that have come down from many generations. Guilt is much more an individual and personal feeling, whereas shame is a much more collective feeling. There is no concept of guilt in African religion. However, the idea of shame carries with it the intense pressure on a person to do right as a way to protect the society.²⁹

Shame causes the person to feel responsibility rather than regret, and therefore he/she must do everything humanly possible to change the reality. Shame in Africa involves public humiliation if the act that created the violation was offensive to the public in a major way. When a society employs shame to regulate the social and ethical activities of people, it usually relies more on the shared opinions and judgments of the people. Certainly any form of related control in a communally articulated society, as most African societies are, is important in the social structure. Shame is therefore a major force in the stability of the traditional African society.³⁰

3.1. Comment to Asante's View

Regarding Asante's view when presenting the issue of shame and guilt conscious among Africans, he first of all seems to take the terms "society" and "community" as synonymous. Secondly, he seems not to consider that in Africa violation of a taboo or committing an offence depends on the nature of the case. For example, is it a minor or major offence? Is it an offence against a fellow human being or a deity? Moreover, the offence depends on the intensity. To answer the points above, we can say that when we talk of African daily life, we talk of a "community," not "society." A community covers a small area whereby its members share language, culture, and sometimes also religious belief.

In African communities, the seriousness of an offence depends first on whether the violation is against a deity or a human being. Secondly, in the case where it is against human beings, an offence depends on the extent on the damage. However, as to whether Africans feel shame or a guilty conscience, I can emphasize that the issue of type of conscience does not depend on whether the offender is African, Asian, or Western. It is the same to all human beings. However, what differs is

²⁶ Ibid. Crema, p. 89

²⁷ Ibid. Crema, pp. 89-90

²⁸ Encyclopedia of African Religion, Vol II, Molefi Kete Asante, Article: Shame, p. 611

²⁹ Ibid. Asante, pp. 611-612

³⁰ Ibid. Asante, p. 612

the means of handling the case. In this matter, one cannot claim Africans have shame and that Western people have guilt consciences. To support this we are going to see the following example from African practices:

Among Kinga people of Tanzania, it is not allowed for girls and boys to have sexual intercourse before marriage. But a boy or a girl can visit the fiancé and spend the night together. However, if it happens that a boy rapes his fiancé or they have sex by agreement, the girl will remain there and refuse to go back home. If the action took place at the house of the girl, she will follow the boy to his home when he leaves. The girl does not dare to enter her parent's home so long as she has broken the taboo, even though nobody has caught her. Regarding this issue, we can ask which type of consciousness does the girl have regarding not being willing to go home? Can we say that it is because of shame? If so, why would she feel ashamed when nobody has seen her and no effects of the offence can be vividly seen?

4. RECONCILIATION: TRIBUNAL OR RESTORATIVE

The term reconciliation means to restore friendship, to bring back to harmony, to reconcile persons who have quarreled, to restore communion, to purify or restore sacred uses after pollution has taken place.³¹

The term reconciliation has been selected as a title of this section, rather than terms like salvation, forgiveness or justification, because this section deals with African world view. As reconciliation is also a general sociological and religious term, the term shall be applied when describing ceremonies of reconciliation in an African context. The understanding of sin and reconciliation is wide-spread among African communities. John B. Ambe describes the African understanding of reconciliation and gives credit to the African practice. He gives reasons why he finds this practice worthwhile. He sees that the involvement of the whole community in correcting or punishing its offending members helps to keep alive the sense of sin in the community. The notion of sin and reconciliation has a very strong social dimension in Africa.³²

4.1. The Kinga Ceremonial of Reconciliation

According to the Kinga custom, whenever any misunderstanding or quarrel among the members occurs, it must be resolved; otherwise there will be no harmony in the community or family. Kinga are afraid to talk with an enemy, to eat together, to work together, or to pass by the enemy's home. If anything happens to an individual or family with a broken relationship with a neighbour or relative, the adversary will be the first suspect in the problem. Since no one can bear to live in such constant fear, reconciliation is sought by the Kinga.³³

Among the Kinga, when the conflict involves two individuals, the two may meet and resolve their differences without the need of a mediator, if the conflict is not severe.³⁴ However, when the conflict is great-for example, when it may cause the two individuals to fight, a third person is vital to play the role of reconciliatory. After the compromise has been reached, the two victims will do the following: chew a certain medicine and breathe in the other's face, *u kupulilanila untuguva* ("drinking alcohol from the same gourd"),³⁵ *ukupelanila ulupelo*, (eating meat after cutting it into two pieces).The harmony of a community will not be resumed until reconciliation has been reached.³⁶

³¹ The Webster's new International Dictionary of the English Language. Second edition, 1950.

³² Ambe, John B., The Meaningful Celebration of the Sacrament of Reconciliation in Africa, 1992, pp. 64-66.

³³ Interview with Ambindwile Mwambeluka at Madehani May 20th, 2019. Compare also Berglund in: Zulu Thought-Patterns and Symbolism, 1976, pp.312-313. He defines reconciliation as confession, which means a disclosing of something previously kept to oneself, a declaring and acknowledgement of an evil deed or immoral act, and particularly in the Zulu setting, a declaration of envy, suspicion, grudges and brooding anger. In Zulu society, confession plays a far greater role in life. "Confessions are, consciously or unconsciously, regarded as essential, if harmonious relations between people are to be retained. Confessions are the legitimatised safety-valves for speaking out grievances, grudges, envy etc. which lead to anger and subsequent expressions of witchcraft and sorcery."

³⁴ Ibid. Mwambeluka, 2019. Mwambeluka mentioned these conflicts, such as quarrel, misunderstanding, etc.

³⁵ This process is done by placing two fingers at the gourd outlet so as to make the outlet smaller and then pouring alcohol into a reconciled member's hands. The one who receives alcohol has to drink it from his palms. This action of letting alcohol pass through the fingers and palms of the members who are reconciling is a symbol of reviving the life which disappeared through the broken relationship.

³⁶ Ibid. Mwambeluka, 2019. Some conflicts that may cause disharmony between clans and ancestors are failure to perform thanksgiving offerings, introducing the married couple to the ancestors, failure to perform mourning and burial rituals or improper

4.2. The Hehe Ceremonial of Reconciliation

Among the Hehe, taking the first step towards reconciliation is up to the one who has committed an offence. This person goes to one of his/her relatives, or to relatives gathered together, and says: "I would like to ask forgiveness to so and so, and reconcile myself with him/her. Please go and tell him/her and express to him/her this sincere desire of mine." The relatives take the message to the offended person and arrange with him/her the date and place of the meeting for the reconciliation. If guilty children (grandchildren) reveal themselves to be reluctant to take the first step, the parents try themselves to find the most appropriate manner for the reconciliation.³⁷

On the agreed day, in the presence of relatives, the ceremony takes place in the home of the offended. Let us suppose that it is the son who has seriously offended his father. The guilty son kneels in front of his father, surrounded by the peacemakers and the whole assembly. The son joins his hands together in front of his chest with the tips of the fingers facing down and looks downwards. Then he narrates, describing all his offences committed by words and deeds, in the utmost detail and with no omissions. He already knows that if he is hiding something, the *maanga* or the *ng'aara* would fall upon him and that, if the father ever noticed, he would immediately abandon the session.³⁸

The son having finished his confession says: "*Nyongise. Sisambwila kangi*" (I made a mistake. I will never do it again). Then the father will answer: "Stand up and come here." The two of them shake hands, and the son kisses the back of his father's right hand. He then goes on to shake and kiss the hand of all of those present, to whom he whispers the word of rite: "*Mwahigi!*" (Thank you for conducting the process of reconciliation). If the offender is a person whose social status is superior to that of the offended, he does not kneel but shakes the hand of the offended party, saying: "*Ndala nyongise, mwali vangu. Sambwila. Ng'ani sisilage*" (I have made a mistake, my daughter/son/grandchild, let the matter be over. I repent. I will not do it again.) The daughter/son answers: "*Nga'ani mbesili sisile*" (Yes, everything is over.)³⁹

If the offended person is satisfied, he gives his hand to the offender as a sign of reconciliation. Then the relatives agree among themselves on the amount of the fine, which can be from one or two ox, sheep, or goats, with the addition of money, according to the seriousness of the offence committed. The third phase of the ceremony consists in eating corn meal porridge from the same plate, in taking a small piece of meat from the same bowl, and in drinking beer from the same wicker beaker. On some particular occasions an animal is slaughtered which, butchered in two, is hung from the branches of a tree. The two parties to the cause pass through the middle, in order to indicate that from that moment they are on a journey on the same road and that what had been divided is reunited by the fact that the animal will be eaten by all those present, first of all, by the newly-reconciled. Once the reconciliation has taken place, it is absolutely forbidden to recall the wrong which was committed. If some other breach were to be repeated, the judgment will be much more severe for the re-offender.⁴⁰

In the particular case in which the offender does not feel satisfied with the confession, either because the offender omits something or diminishes the insults or because he/she minimizes their seriousness, the offended gets up and abandons the room, pronouncing the terrible words: "*I no swela twikalage nda hiyo. Tulekine satwitang'anaga ku luganga ludung'u,*" That is: "Ok, that is enough! From now on everybody in his/her own, we have separated ourselves, we will never meet even in the red sand" (grave yard). Those present comment: "They have insulted each other in the worst way!" After such words, there is no longer any possibility of reconciliation between the two. However, if the offended does not pronounce those words, but just goes away without having forgiven, the offender or one of his children will be taken by *maanga* or by the *ng'aara*.⁴¹

In order to free himself from the *maanga* or the *ng'aara*, the affected person, or one of his/her relatives, goes to the fortune teller, *mlagusi*. He declares that the causes of the *maanga* were the words or the injurious acts committed against the parents and that they have not been forgiven. The diviner will advise the offender to prepare an ox, sheep, or goat, and

performance of the rituals etc.)

³⁷ Ibid. Crema, p. 90

³⁸ Ibid. Crema. P. 90

³⁹ Ibid. Crema, pp. 90-91

⁴⁰ Crema, p. 91

⁴¹ Crema, pp. 91-92

he/she will announce to his/her close relatives and neighbours that the diviner will come to carry out the ceremony. On the arranged day, once the invited guests have arrived, the diviner begins to insult the animal, repeating all the insults which were said by the repentant offender to the offended person, so that they may come out from him and fall back on the animal. And he concludes: "May all the insults pronounced by this person leave him and enter into this animal. May they enter and never come back out, just like the sun sets in the West and never comes back."⁴²

5. CONCLUSION

The study above has revealed understanding of offence among African community members and how offence is taken seriously. The research has revealed that offence does not only affect the victim but the whole community. Moreover, offence affects not only secular but also religious life here and afterlife. After the offence has been committed, the members feel a sense of guilt therefore, reconciliation process takes place. When doing the process the Africans, unlike Western people, apply restorative justice rather than adversarial justice. This type of justice intends to restore the broken relationship and maintain harmony rather than punishing the offender.

The research furthermore, cautions African communities that have undergone through Western colonial system of justice which was not friendly and not in line with the African world view. The justice system in the African governments can learn a lot from African system of justice and complement to the Western system. Moreover, the colonial governments were accompanied by the missionaries who were to some extent agents of colonial system. Most of the Missionaries were hostile to African culture, therefore were reluctant to contextualize the Gospel. As a matter of fact, Christianity has remained foreign to Africans until today. The result of Christianity to be alien to Africans has caused Africans to worship dual religions, Christianity as well as African religion at the same time. It is high time to African governments to value their heritage. It is also high time to the Church in African to worship the incarnated God and not to worship God through a foreign culture.

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⁴² Ibid. Crema, p.92

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