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Abstract

The purpose of the study is to establish the influence of Njuri Ncheke in Social, cultural, economic and political leadership of Meru community. Many African communities have over the years acquired a wealth of knowledge through interacting with traditional system within the environment people live. This knowledge is referred to as indigenous knowledge. The knowledge acquired through traditional system has been used by generations in various ways, such as promotion of peace, conflict resolution, agriculture, environmental conservation, weather forecasting, food preparation, and governance of a community, among others. Existing literature, which is sketchy and fragmentary fail to establish the evolution and complexity of Meru political organization and governance of Meru community. Thus, the impact of internal and external forces on the social cultural, economic and political organization of the Meru has not been established. In effect then, many gaps both in terms of available and hitherto unexplored data and their analysis exists making the study of the political organization of the Meru apriority research topic. The following are questions guiding the study: What is the sociopolitical traditional system organization of Meru people? What is the leadership structure of the Ameru people in governing Meru community? How does the Njuri Ncheke traditional government of the Meru people operate? What is the governance role of Njuri Ncheke as Non state social institution with internal structure and decision making in regulating activities of Meru community? How effective is Njuri Ncheke in addressing issues of important as social institution in Meru community? What is the influence of Njuri Ncheke in African traditional religion and culture in Meru Community? This study used both primary and secondary data. Primary data was collected by the use of questionnaires from the *Ameru Elders (Njuri Ncheke)*. Data was collected using guided interviews and semi structured questions. The interest of the researcher was guided by the need to collect in-depth data essential to qualitative research. The data was collected through a focus group discussion, documents and audio visual materials. The study found out that the success of devolution in Meru and Tharaka Counties depends on how the County governments harnesses the strengths and opportunities of the Njuri Ncheke to run the affairs of the people. The fact such an old institution like Njuri Ncheke continues to exercise considerable influence nowadays is clear proof that indigenous knowledge systems can synergize with the modern ones to address the challenges that arise from the devolved system of governance.

Keywords: *Njuri Ncheke, indigenous traditional system, social cultural economic political leadership, Meru community.*

I.0 Introduction

The Ameru have since the 17th Century been governed by elected and hierarchical councils of elders from the clan level right up to the supreme Njuri Ncheke Council. To become a member of the Njuri-Ncheke is the highest social rank to which a Meru man can aspire. The elders forming the Njuri-Ncheke are carefully selected and comprise mature, composed, respected and incorruptible members of the community. This is necessary as their work requires great wisdom, personal discipline, and knowledge of the traditions. The Njuri Ncheke is also the apex of the Meru traditional judicial system and their edicts apply across the entire community. The functions of the Njuri-Ncheke are to make and execute community laws, to listen to and settle disputes, and to pass on community knowledge and norms across the generations in their role as the custodians of traditional culture. Local disputes will invariably first be dealt with by lower ranks of the elders (Kiama), then the middle rank (Njuri) and finally the Njuri-Ncheke. However, Njuri Ncheke does not handle matters involving non-Meru people, or those that are expressly under the Kenya's common law. Interestingly, the determination of cases by the Njuri Ncheke, just like is for common law, relies a lot on case law and precedence.

A lesser known, yet important function of the Njuri-Ncheke, is the overseeing and enforcing the rules and regulations controlling the use and conservation of open grasslands, salt-licks and forests. Their work as conservators extends to the preservation of the Sacred Sites. M'Imanyara, (1992) observes that the Njuri Ncheke is also influential in the socio-economic and political decision making amongst the Meru. Lambert, (1948) and M'Imanyara, (1992) argue that the Council of Elders spearheaded the establishment of the Meru College of Science and Technology and donated 641 acres of community land in 1983 for its siting and development. Njuri Ncheke is represented in the University Council. Njuri Ncheke was a symbol of culture and unity of the Meru people, a Bantu ethnic group that inhabits the North and Eastern slopes of Mount Kenya. The name "Meru" refers to both the people and the region, which comprises nine regions, namely the Igoji, Imenti, Tigania, Mitine Igembe, Mwimbi, Muthambi, Chuka and Tharaka. As a cultural symbol, Njuri Ncheke is a major custodian of tradition and cultural values of the Ameru. As a symbol of unity, Njuri- Ncheke made and executed community laws, listened to and settled disputes, and passed on indigenous knowledge and rites across the generations. It also handled matters related to religious values, economic system, and political unity and governance of the Ameru. It is noteworthy that the Njuri-Ncheke still holds a good deal of these prerogatives hitherto. Local disputes are invariably first dealt with by the Njuri-Ncheke, and only when cases cannot be solved are they passed on to the modern Kenyan judicial system. The Njuri Ncheke council of elders among the Ameru is an example of indigenous institution that continue to influence the community notwithstanding the changes in time. Existing literature, which is sketchy and fragmentary fail to establish the evolution and complexity of Meru political organization and governance of Meru community.

M'Imanyara, (1992) argues that the Njuri Ncheke council of elders among the Ameru is an example of indigenous institution that continue to influence the community notwithstanding the changes in time. The political dimension of such institutions as 'Miiriga', 'Biana', Military setup and age-sets system has not been' adequately explored. Neither has the inter-relationship between the above institutions been established. Thus, the impact of internal and external forces on the political organization of the Meru has not been established. In effect then, many gaps both in terms of available and hitherto unexplored data and their analysis exists making' the study of the

political history of the Meru apriority research topic. Njuri Ncheke played great role in governance of Meru community.

The following are questions guiding the study: What is the sociopolitical traditional system organization of Meru people? What is the leadership structure of the Ameru people in governing Meru community? How does the Njuri Ncheke traditional government of the Meru people operate? What is the governance role of Njuri Ncheke as Non state social institution with internal structure and decision making in regulating activities of Meru community? How effective is Njuri Ncheke in addressing issues of important as social institution in Meru community? What is the influence of Njuri Ncheke in African traditional religion and culture in Meru Community? The purpose of the study is to establish the influence of Njuri Ncheke in Social, cultural, economic and political leadership of Meru community.

2.0 Empirical Literature

In the Traditional Structures and Societies, “tradition” primarily has a historic meaning and relates to something that has its roots in the past. Furthermore by referring to “traditional,” we assume that there is a distinction between tradition and modernity. In their study on villages in Nigeria, Olowu and Erero (1995) make the distinction between formal and informal structures or institutions. Formal structures are defined to be directly derived from the modern state, while informal structures are not based on a constitution but nevertheless determine people’s everyday lives and the social, economic and political interaction between them. Traditional or indigenous structures are usually informal, and have a long history, tradition and culture.

It is relatively straightforward to define modern societies as societies that are based on democratic principles, which is manifested in democratic elections. Elected representatives execute power and are given the task of making legislation, while bureaucrats and administrators are expected to implement them. But it is much less clear to define traditional societies, which also refers to indigenous communities. The term “indigenous” is often used in relation to the indigenous population in Latin America, where as traditional communities in Africa are usually referred to as tribes and clans. The distinction between “indigenous” and “traditional” is therefore geographical rather than theoretical.

According to the Martínez Cobo Report to the UN Sub-Commission on the Prevention of Discrimination of Minorities (1986), indigenous peoples may be identified as follows: “Indigenous communities, peoples and nations are those which, having a historical continuity with preinvasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present monodominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.”

One of the basic problems with both definitions is that the social and economic organization of traditional societies have changed throughout pre-colonial and post-colonial times. Not only is it impossible in many cases to determine what remains from the precolonial era, it also does not adequately take into account the changes in societies over time. Thus, the definition of traditional structures cannot be narrowed to ones with roots in pre-colonial times that have maintained their structures.

The increasing focus on traditional authorities is linked to an increasing interest in and support for decentralization. Modern institutions and the modern urban elite at the national level often co-exist with traditional structures at the local level. Traditional structures in many cases survived the colonial period and continued to be an important part, or even the main reference point for large parts of the population after independence. Recent efforts of decentralization have shifted the focus to existing social and political structures at the local level. Without taking traditional structures into account, social and political engineering are likely to fail at the local level.

Traditional authority is a legitimate source of authority, because legitimacy is what people believe. Where in western states legitimacy is closely linked to democracy, in many other countries (especially at the local level in rural areas) democracy is a rather foreign concept and the legitimacy of traditional leadership is greater than the legitimacy of modern state structures. Chiefs and traditional authorities are a social reality, and development efforts at the local level have to recognize these existing structures.

One of the best ways to describe states in many developing countries is that of constitutional and legal pluralism. While most of these states have a modern constitution with elected representatives, they also have traditional structures that determine and influence people's everyday lives. Though most people would consider the two spheres separate, it is assumed that the people dealing with different authorities take into account different structures without viewing them independently of the other. The dualism is more the external view, and not so much the view of the local people.

In the era of modernity, most of indigenous knowledge systems have either been eroded or replaced by modern and formal institutions. Moreover, the indigenous knowledge systems are on the brink of extinction owing to the fact that most of them are not documented, and that the elderly custodians are fast dying. However, even in the wake of modernization, indigenous knowledge systems can be used to complement the modern institutions and technologies in solving the day to day problems. Kenya has diverse cultures and communities, each with their unique indigenous knowledge systems. The Ameru just like most Bantu communities in Africa have for generations been ruled by a council of elders constituted by the most knowledgeable members of the community who by the virtue of living for many years and interacting with the environment for long have either devised new knowledge of being custodian of knowledge passed from the earlier generations.

Fadiman, (1973) argues that historically, the Ameru people were traditionally governed by elected and hierarchical council of elders right from the clan level (known as *Kiama*) to the supreme level (known as Njuri Ncheke). Notably, Njuri Ncheke governed all the nine regions constituting the Meru and Tharaka Nithi counties. Nowadays, the council is one of the few indigenous judicial system recognized by the Kenyan government and still wields power and influence when it comes to political decision-making amongst the Ameru. They are still consulted on importance matters of governance in the community.

On matters of education and development Njuri Ncheke played a great governing role. At the onset of formal education, the Njuri Ncheke were at the forefront in campaigning and encouraging the communities to take their children to school. They even donated 641 acres of community land in 1983 for the establishment of the present day Meru University of Science and Technology. The University is located next to the Njuri Ncheke headquarters at Nchiru in Meru County. Currently, the top organ of the Njuri Ncheke has a professional group of elders' wing

which advises the others on matters concerning education and development as needs arise. Their advice helps the Meru people to bargain for economic space within government and political arena.

The Njuri Ncheke had supreme role in environmental and heritage protection. The Njuri-Ncheke oversees and enforces the rules and regulations on the use and conservation of open grasslands, salt-licks, forests, and other natural resources. The hallmark of conservation is enshrined in the Njuri Ncheke Shrine, which is located at the heart of Meru and sits on a twenty acres piece of land. Ngeno, (2010) argues that, the shrine is a symbol of the Ameru culture and heritage, and has been gazetted by the Kenyan Government as a cultural and tourist attraction. It is cylindrical in shape, symbolizing the Ameru homesteads as well as the Njuri Ncheke's supremacy in decision making process. The shrine is protected and managed by the National Museum of Kenya as a national monument of the highest importance to the national and international community. It is the headquarters of learning Meru ethnography, especially how ethics and justice were dispensed in the olden days. The monument exhibits the Ameru culture by displaying various tools, artifacts, local geology, stuffed mammals and birds. It is situated in an environment that is home to a variety of flora and fauna, thus providing a pristine retreat for visitors. Throughout its existence, the Njuri Ncheke council has been able to use it as the monument for making decision on variety of issues, environmental conservation, settling land disputes, fighting crimes, promoting human rights, among others.

Environmental degradation has been identified as a major challenge in Meru County. The main environmental challenges affecting the County include deforestation, soil erosion and destruction of water catchment areas. Most of these have been occasioned by human activities. Wambui, (2015) argues that Njuri Ncheke has been instrumental in promoting environmental conservation practices that were used by earlier generations. They have also championed the conservation of trees and water catchment areas. In addition, Muchui, (2013a) observes that the Njuri Ncheke has also come out strongly against retrogressive traditional practices such as the Female Genital Mutilation (FGM) which was once a widespread vice among the Ameru. They have instead proposed alternatives rites of passage for girls.

As regards Politics and Leadership Njuri Ncheke has always had political clout right from the pre-colonial, colonial and postcolonial periods. Thomas, (2003) argues that in the pre-colonial period, the Njuri Ncheke elders were in charge of the political and governance matters. In the colonial period, the Njuri Ncheke negotiated with the colonial administration to treat the Ameru as a separate entity from the neighbouring Embu and Kikuyu communities. Thomas, (2003) observes that this resulted in the recognition and involvement of the Njuri Ncheke as a critical institution in matters pertaining to colonial administration, administrative networks, native customs, and laws. This further led to the formation of the Meru Native Council in 1925 and the Meru Native Land Unit in 1953. In fact, the Njuri Ncheke was taken so seriously that was represented at the Lancaster House Conference in Mombasa (Kenya) where Kenya's independence was negotiated.

The present day political and administrative divisions of the Meru and Tharaka Nithi Counties were by and large influenced by the Njuri Ncheke. As the highest institution of social control among the Ameru, Njuri Ncheke plays a critical role in the modern day governance especially in the current devolved system of governance. When there is a crucial political decision affecting the Ameru, the Njuri meets to chart the way forward regarding the issue. Mwangiru, (2011) argues that the caliber of its members coupled with respect they command in the community make the

Njuri Ncheke exercise considerable influence regulating the norms and customs that govern the Ameru nowadays.

It is common-place that all those vying for political positions must be endorsed by the council. Mauta, (2010) argues that before a major political decision affecting the Ameru is made, the council must be consulted. Mutembei, (2014) argues that it is no surprise that even the current system of devolved government supports the efforts of Njuri Ncheke by encouraging the elders to continue with their judicial roles. Gitonga, (2013) observes that the council has been instrumental in arbitrating matters related to security, intra-county and inter-county disputes.

The current political orientation of the Ameru is anchored largely in the Njuri Ncheke. This is enabled by the fact that the Njuri Ncheke recognized the role of professionals in political milestones. For example, on the 31st of January 2015, a renowned lawyer and current Senator of Tharaka Nithi County, Mr. Kythera Kindiki, was installed as a Njuri Ncheke elder which was a great step in furtherance of Njuri Ncheke's political space. Kithuka, (2011) argues that the council also ensures that the political elite work together to achieve the unity of the Ameru and that the larger Meru region speaks in one voice especially during the national elections. Muchui, (2013b) observes that Njuri Ncheke has even taken the prerogative of appointing and installing the spokesperson of the Ameru in all political matters affecting them at the regional, national and international levels.

3.0 Research Methodology

The key idea was to examine the sources of the influence and authority of Njuri Ncheke in contemporary Meru community. The first stage involved conducting a documentary analysis and defining key words related to the practices and activities of Njuri ncheke in Meru community. The researcher paid attention to Njuri Ncheke traditional system. The study focused on Njuri Ncheke as symbol of culture and unity of Meru people. It also captured Njuri Ncheke its origin and as a council of elders. The study focused on the influence of Njuri Ncheke in social cultural and political governance of Meru community. The second stage was to review key documents on use of Njuri Ncheke is still consulted on importance matters of governance especially on education and development, environmental and heritage protection and politics and leadership in the community. However, the historical background to this study took a national approach to how different studies, have handled the traditional and modern stems of political leadership in Meru community.

This study used both primary and secondary data. Primary data was collected by the use of questionnaires from the *Ameru Elders (Njuri Ncheke)*. Data was collected using guided interviews and semi structured questions. The data was collected through a focus group discussion, documents and audio visual materials. The interest of the researcher was guided by the need to collect in depth data essential to qualitative research. The secondary data was collected through the Tangaza university library, Hekima College Library Nairobi and St. Joseph's seminary library in Langata. The research used the Tangaza University OPAC bibliographical search engines for the most important collections and databases. Medley reference manager and JSTOR provided the main online bibliographical documentation work. The online search engines connected with United Nations, UNDP, US Congress Library, Sage Publications, Taylor & Francis Online Journals, SAGE Journals, Taylor & Francis, Springer Link, Wiley Online Library, Directory of Open Access Journals (DOAJ), Emerald Journals (Emerald Group Publishing), Oxford Journals (Oxford University Press), Academic Law Reviews (LexisNexis), PMC (PubMed Central), Cambridge Journals (Cambridge University

Press), Ingenta Connect, IEEE Conference Publications, SciELO Brazil (Scientific Electronic Library Online), NDLTD Union Catalog and Springer Link Open Access. A systematic search was also carried out using other reference materials came from African journals *and others*. The Google Scholar and Google Books guided in accessing current empirical data.

After making an extensive review of these materials, there was a careful selection of those documents that deal specifically with traditional systems in general and why scholars are coming out to challenge what is presented as comparisons between traditional systems of governance and modern systems of governance. The compilation and analysis focused only that information which was relevant to the aims of the research. The headings that guided the literature selection and review were as follows: Njuri ncheke traditional system of governance. Njuri ncheke the council of elders. The sociopolitical organization of Meru Community. Njuri Ncheke the governing council and the government structure of Ameru. This study was carried out in Meru and Tharaka Nithi Counties, which are located in the former Eastern province of Kenya or the current Mt Kenya East region and it targeted Tigania Sub-County which was sampled purposively. The researcher used key informants, affected households and focus Group Discussions in Tigania Sub-County which was chosen because it has more activities of Njuri Ncheke compared to the other sub-counties of Meru evidenced by the fact that it hosts the Njuri Ncheke headquarters.

4.0 Findings from Literature Review

4.1 The Njuri Ncheke governance structure of Ameru people

What is the leadership structure of the Ameru people? In Meru Traditional System the phrase Njuri Ncheke is composition of two terms, namely, Njuri and Ncheke. Literally, the former means “panel of judges” or “jury” while the latter means “thinned out” or “select council”. Thus, the phrase Njuri Ncheke connotes a selected council of adjudicators with a definite social role. As the phrase suggests, members of Njuri Ncheke were carefully selected and comprised of mature, composed, respected and incorruptible elders of the community. This was necessary because their work called for greater wisdom, personal discipline, and knowledge of the traditions. Muchui, (2013b) argues that the Njuri Ncheke is also the apex of the Ameru morality, culture, and traditions and their edicts were binding across the entire community. After selection, each member was required to pay a fee consisting usually of a number of animals that had to be sacrificed and consumed in a ritualistic feast.

The country of Meru *Mugongo jwa Meru* headed by Mugwe and elders as follows: 1 Elders and Mugwe: they formed the national council. 2 The society (*mwiriga*): the society representatives formed the national council headed by Mugwe. 3 Clans – many clans formed the society: 4 large family – some called it *murango* or door nciari. 5 Family extended – nyomba. 6 Nuclear family. The council of elders Njuri Ncheke or Njuri impere: The community (nation) was the topmost in the chain of Meru government. It was ruled by Mugwe. The society representatives however supported Mugwe. Every society gave one representative.

Elders Njuri Ncheke and Mugwe. This was the topmost council in the country of Meru. They however ruled the country with help of the Ntiba and Kiruka. These were like today’s political parties. Every party ruled for at least fourteen years and another party took over. The change of the government from party to another one was known as ntuiko. The clans: A member chosen from all the large family representatives headed the clan. The clan was very important for it was by it that people identified themselves within the tribe. Mbiti (1970) points out that, the Akamba

dispersed throughout the country but each Mukamba knows his own clan. He identifies himself when he meets another mukamba by his birth certificate, which was his clan. Meru people had the chronology of age groups, and through them, they had a sense of belonging. They were the age groups of circumcision. Those circumcised together called one another *baete*. The age had a name, which would go for a period. Some would go for twenty years. When the circumcision period approached the boys and girls from the age of twelve to thirty years old were circumcised.

The above mentioned age groups were used once but some would be repeated although they were supposed to be fifteen in all. Those were *miriti*, *kiruja* and *murungi*. Every age group had its own age set. These are *ndinguri*, *kobia*, and *kabeeria*. Clans of Meru are namely Njiru, Njeru, Ntune antu beguma and the most recent Igoki, Nkuene, boncenge, and boruku-also called Ngirani clan. The main clans of Meru came into being after they crossed the Red Sea. The people were classified according to the time they crossed. Those passed during darkness were called Njiru, similarly those crossed before sunrise were named Ntune and those after sunrise were Njeru. Antu beguma this clan consisted of the group of people separated themselves on their way from Canaan but later they realized they could not succeed without the others and they came back under the clan was the family (Nciari) also called door (*Murango*). Every person belongs to that family. It was the leader of every large family, which goes to meet or share even problems with other large family representatives. In Kikuyu, the large family is called (Mbari). Salvador Cynthia in his book, *People and Cultures of Kenya*, argues that a Mbari is a descent group which may be of considerable depth (7 or 8) known generations.

The family- Nciari: This is a larger family and it consisted of many extended families. The leader of this represented the whole family at the clan level. Extended Family: After a large family, there was another administrative part called extended family. They called (Nciari) other tribes as of Embu and Kikuyu used it to mean *Nyomba* (house). Mbiti (1970) argues that in either case, the family number may range from ten persons to even hundred where several wives belonging to one husband may be involved. The family also includes the departed relatives whom we have designated as the living. It included the unborn members who are still in the loins of the living. Nuclear Family: Parts of the Meru community such as Tharaka, Chuka and Mwimbi refer to this one as (*mucii*). Contained in a family are parents and children born and unborn. The husband heads it. The Meru people call it a household; Mbiti (1970) calls it the family at night, for it is at night that the household is really itself.

4.2 Njuri Ncheke the traditional government of the Meru people.

How does the Njuri Ncheke traditional government of the Meru people operate? The Njuri Ncheke is regarded as the traditional government of the Meru people. It has deliberative councils that meet at local and regional levels to issue orders and resolve disputes. Membership in the Njuri Ncheke is open to all adult Meru men but requires an initial financial contribution and on-going commitment to exhibiting good behavior and protecting Njuri Ncheke secrets. The criteria for joining the Njuri, elders in Igembe listed several moral qualities such as being straight dealing, honesty, generosity, good work ethic, and calm temperament.

Local Njuri Ncheke councils in Igembe have been active in settling a variety of disputes, such as land boundary disputes, inheritance disputes, family matters like marital disputes and child welfare, and small-scale crimes and misdeeds like theft. The Njuri is most well-known among

local farmers in Igembe for its ability to compel people to tell the truth by administering powerful ritual oaths. The Njuri is not involved in regulating other crops but claim a special role in managing khat (miraa) because it is Igembe's unique traditional crop. In addition, the pan-Meru Njuri council has explicitly embraced an environmental mission as part of its duty to look out for the interests of future generations of Meru.

The Kenyan government has some ambivalence about working with the Njuri, even though the Njuri is now widely accepted as a legitimate forum for alternative dispute resolution. Thomas (2003) argues that the British colonial government initially outlawed the Njuri as a witchcraft organization in the 1920s. Fadiman (1993) observes that subsequently in the 1930s and 40s through a series of sympathetic district commissioners, the colonial government came to rely on the Njuri, particularly the pan-Meru Njuri Ncheke council that meets at Nchiru, to implement government policy, particularly things like health policy, e.g., ending female circumcision and improving sanitation, and land policy, e.g., controlling soil erosion and managing the transition to individual land ownership (Fadiman 1993, Thomas 2003, Krueger and Jacobs 2016). During Kenyan independence, the Njuri sought greater local autonomy to govern in Meru, but this effort ultimately was rejected by Kenyan nationalists and the first President, Jomo Kenyatta, who insisted that Kenya could have only one government. Nonetheless, local Njuri Ncheke councils rose to prominence as a legitimate forum for resolving local property disputes during the post-independence transition from customary property to formal private property.

The Njuri's regulatory techniques are complex and indirect and draw from Meru spiritual beliefs. Traditionally, they worked with and through other Igembe social institutions like clans and age sets. Their present approach to regulation is akin to restorative justice. They help to generate consensus around wrong behaviors, hold meetings in which they identify individual wrongdoers and categories of wrongdoers, and then use curses and rituals (and, rarely, direct action) to threaten, cajole, and punish wrongdoers. Fadiman (1977) observes that a curse, for example, puts a person into a state of ritual uncleanness, which if not remedied prompts misfortunes like illness or accident, not only to the cursed person but also to those people surrounding him or her and to future lineage of the person. A curse thus causes a person to be shunned by others in the community and puts tremendous social pressure on the person to admit wrongdoing, seek ritual expiation of the curse, and come clean.

4.3 Njuri Ncheke governance, State law and social institutions of Ameru people

What is the governance role of Njuri Ncheke as Non state social institution with internal structure and decision making in regulating activities of Meru community? Social institutions, in this framework, would include professional associations, workplaces, families, and all kinds of customary groups like the Njuri Ncheke. They can be more or less structured. Cox et al. (2014) argues that non state social institutions with internal structure and decision making capabilities have been shown to be effective partners in regulating farming and, in particular, at regulating activities on shared commons. The reasons for their general efficacy and legitimacy have been established through case studies and depend on context. Noe and Alrøe (2015) argue that Such reasons include: people are more likely to obey rules that they participate in making and enforcing, social institutions offer less costly monitoring and enforcement for some problems than public or private policing professionals, and social institutions are more adaptable to complex ongoing working conditions.

The relationship between state law and nonstate social institutions is a thorny issue without a strong theoretical framework. For a long time, legal scholars insisted on separating out the state legal system as a final arbiter of other institutions' authority. Sage and Woolcock (2012) argue that the state legal system, in other words, serves as a centralized meta-institution that determines jurisdiction for all state and non-state institutions under it. Eisenberg (2019) states that this view is giving way to a more relational approach. That is, state law as a system of social control is seen to work only with the cooperation of social institutions whose rule making authority overlaps with state law. For example, a person obeys criminal law not just out of fear of going to prison, but out of fear that going to prison will harm his reputation among his peers and signal future employers not to hire him.

4.4 The Njuri Ncheke as an effective non-state decision maker of Ameru people

How effective is Njuri Ncheke in addressing issues of important as social institution in Meru community? Although the Njuri is a unique institution of the Meru, the way that the Njuri addresses issues offers important lessons for how social institutions work. The effectiveness of the Njuri is not a predetermined outcome to be explained by a set of generalizable factors, but rather comes out of an interactive process of localized decision making.

Cleaver (2002) observes that Njuri deliberated, repeatedly, over the community problems and has worked toward a consensus with other members over time. It did not make rules and impose them strictly but rather mobilized its authority and nudged people toward compliance. It is not just that the Njuri is making decisions, but also that its decision making is holistic and values-based. The Njuri did manage community problems and manage pastures and forest commons, although it has undertaken all of these jobs and more, with the help of other institutions like clans and age set councils. Fabinyi et al. (2014) argues that Njuri resolved property disputes and dealt with family tensions and marital problems. The Njuri is applying principles of justice and public good to problems in the community and working out their policy priorities with their members and the broader Igembe community in an on-going process. Other scholars writing about social institutions have made similar arguments (Cleaver 2002, Fabinyi et al. 2014).

Braithwaite (2002) argues that to focus on an institution's decision making is to apply ideas from legal theory to social institutions. Many legal scholars, although appreciating the determinism of clear rules, also appreciate that the law inevitably must allocate discretion to decision makers in complex situations). Scholars of social institutions, in contrast, tend to talk about institutions following a predetermined logic (for example, explaining when institutions will self-organize). Acknowledging decision-making processes and discretion is the better approach, in our view, and one which draws needed attention to the related issue of how we make decision makers accountable.

If institutions can be seen to be exercising some discretion, i.e., making decisions and adjusting rules and principles for specific problems, then this opens them up to discussions of accountability and improvement. The Njuri case furthermore suggests an alternative path for research interventions, with researchers helping to highlight and confirm successful management outcomes on a case-by-case basis, while leaving space for diversity and experimentation in non-state decision making.

4.5 Political leadership in Meru meant the leadership executed by the Njuri Ncheke in Ameru people

What political leadership role did Njuri Ncheke play in Meru Community? In Meru community elders are regarded as political Leaders. Political leadership in Meru meant the leadership executed by the Njuri Ncheke. At this early opportunity it is important to make a brief history of the Ameru then look at the roles of Njuri Ncheke and the proverbs developed by Njuri Ncheke which have been in use for a long time to guide its people in various situation to ensure the Ameru remain united, peaceful and people of moral integrity. A brief history of the Ameru history traces the age since the time the Ameru settled in their land. The average duration of an age set in a group (Gaaru) is close to 13 years. There are 30 age-sets since the beginning of settlement in Meru land. This totals to about 390 years up to 1928 when recording was done. This plus 57 years up to date is 447 years. So, roughly the Ameru entered Meru land in among four and half centuries ago.

The Ameru Ancestors were a small agricultural community on the Kenyan Coast near the mouth of a great river called Mbweeni on a small Island remembered as Mbwa. Stories of the Pokomo people of the coast reveal names like Nderi, Buu/Bua, which are used by Meru people. This signifies a common Ancestor. Before getting to the coastal point, they had come from Shungwaya, (the interland off the stretch from Kismayu to the river Tana) Meru's acquired traditions through contacts with an Islamized people (the Nguo Ntune) at a time when they wanted to free themselves from enslavement according to the legends which have been told.

M'Imanyara, A. (1992) observes that the history of migration has it that the first migrants came a Cross Red Sea then inlands along the Southern bank for several seasons, and then left the river, turning Northwest into what traditions speak of as a desert' area called Miri-yankanga/ngaaruni/Buuri or arid lands. They came through thorns (Miigua) up to a place near Mt. Kenya. The people of Imenti Central District are part of this lineage. Under the political set up of the Meru society, we trace that the Meru practiced a system of democracy under the leadership of a governing council that had the welfare of all the people of the land at heart. The name of the governing council is Njuri Ncheke.

Mauta, (2010) argues that to qualify for appointment and graduate to certain levels of leadership of the Njuri Ncheke, one must display these qualities. Be a honest person and incorruptible person, one with leadership qualities from his youth, one who is a peaceful person, one who provides wise counsel to couples experiencing marriage problems, one who runs a stable family and a model to copy, one who has interest in conserving the environment, one who has a proven moral history, one who has space to accommodate other people's views in the course of public discussions. The various stages (Biamma) of the Council are Ramare – the Council incharge of executing discipline passed by Njuri Ncheke – clans at the clan level in the villages. Njuri Inene – a parliament of a kind Aariki (Njuri impere) – or Incheke – most senior Council of appeal. Functions of the Njuri, are multi- disciplinary in nature. To answer the rights of all irrespective of social status were taken care of it particularly protected the poor and the weak against the rich and strong. This is evident during the administration of land cases at the local land tribunals as of today among the Ameru. The weak and the poor always get a hearing. After 1963, Kenya became a republic to be governed under National Laws contained in the constitution which was changed and promulgated on the 10th of August 2010.

Njuri Ncheke no longer passes legislation to govern the Ameru society. What it has done is to hold meetings, carrying out rituals to preach unity among the Ameru people and urge them to support the national government and follow the guidelines as set out by the national Laws that govern the country. The officials and Elders are therefore invited to join professionals and politicians when planned meetings are called under the umbrella of political leaders where they address and argue the people of Meru to unit for better future development of its people. The Elders of Njuri Ncheke also encourage its members to be good supporters of the Churches where they worship.

4.6 The Sociopolitical traditional system organization of Ameru people.

What are the practices and activities of Njuri Ncheke in Meru Community? What is the socialpolitical traditional system organization of Meru people? In the Socialization Traditional system of the Ameru the boys went through several stages of formalized instruction by the council (*kiama*) or governing body. This was particularly significant in regard to circumcision, when boys underwent a period of seclusion and education on communal obligations, military responsibilities, and sexual relations and how to govern the community. Similarly, women's councils (*ukiama*) provided teaching on acceptable behavior and marital duties to young girls. This ended during the colonial period. In the early twenty-first century the majority of socialization occurs through the extended family, schools, and churches. The Social Organization System was traditionally, social organization was based on clans and a system of age groups/sects and generation classes. Clans were exogamous social and political units governed by a council of ruling elders. The system of age sets was similar to the systems used in other central highland Bantu societies, with men included in a generation class at the time of circumcision. Each age set included several years of age, and as one generation moved to the next age grade, the following age set moved up to assume the older age set's functions. There was a ritual transfer of administrative authority between age sets (novice to warrior) in the *Ntwiko* ceremony. Each subtribe also possessed a *Mugwe*, the protector of the people, who was a central feature of Meru social structure.

Colonization and formal education diminished the significance of the *Mugwe*, the age-set system, and the clans. Churches and community development organizations have assumed many of the social functions of age sets and play an important role in people's lives although the traditional system still exist. Political Organization System traditionally, before the colonial period the Meru were governed by two political institutions: the system of alternating age sets (*Kiruka* and *Ntiba*) the governing bodies of councils. The age sets were responsible for the daily running of community affairs and adopted administrative responsibilities alternately. When one party was in power, all the boys who were circumcised during that period belonged to the party that was out of office. This age-set system formed the basis for the council system, in which each age grade formed its own council to regulate conflicts. The most important were the elders' councils, which were divided into three ranks: *Areici*, *Njuuri Ncheke*, and *Mpingiri*. The Njuri Ncheke, the highest council, was the institution responsible for executing laws, arbitrating disputes, and administering the tribe's affairs in general. After colonization the Meru were drawn into the fold of the colonial government through the, Local Native Tribunals (1913) and the Local Native Councils (1925). In the post-independence period, central government administrators and courts replaced male elder's councils.

4.7 African traditional religion and culture in Meru Community

What is the influence of Njuri Ncheke in African traditional religion and culture in Meru Community? African traditional religion and culture in Meru Community has been able to exert a force and contribute in creating new standards, morals and ethics suitable for the changing society. Mbiti, (1969) argues that African traditional religion has continued to exert its presence and influence through councils of elders and traditional rulers in Africa. *Njuri Ncheke* is one council of elders that has been fully involved in politics and social activities at the local level, and occasionally at the national level. Adeyemo, (1979) argues that all these do not make the council less religious since to an African, there is no dichotomy between the sacred and the secular. A new sort of society is emerging in Meru and Tharaka Nithi County, partly out of the old society, and partly in response to new changes in the contemporary society.

Among other responsibilities, councils of elders in various communities are endowed with the responsibilities of promoting law and order. The role of elders is very important in Kenya and they even receive recognition from the government. They continue to settle family and land disputes and are still the custodians of societal morals and traditions. *Njuri Ncheke* is one such council of elders. Their popularity and influence in contemporary society became the concern of this study. Elders were also regarded as guardians of ethics and morality. Elders spell out code of conduct for Elders (men and women). Elders spell out code of conduct for their sons. e.g. circumcised men (not married) stay in one common house (Gaaru), girls stay with mothers company until time of initiation, girls stay in their huts after initiation, girls stay away from their fiancée homes until the day of marriage. Physical cut (circumcision) is not so important. Of importance are the lessons during the period of seclusion. The youth as a requirement are to respect all older people and name them as mum/dad or father to or mother to so and so. Fathers address their daughters through their mothers and to sons directly. The other (only) time is during marriage negotiations in the presence of other Elders. Mothers address their sons rarely – and through their fathers. Sons leave their mothers hut after initiation.

5.0 Discussion

5.1 Ameru traditional leadership with *mugwe* (Prophet) Councils of Elders influence in Meru community.

Bernadi (1959), argues that the Ameru traditional leadership with *mugwe* (Prophet) is at the top. He describes the reigning *mugwe* of the Ameru as the link between the community and the maker, interceding for people and worshipping the God of Mount *Kirimara*. The author links *mugwe* with *Njuri Ncheke*, the traditional council of elders and argues that the prophet blesses all ceremonies of the council. Bernadi (1959) also notes that as society erodes societal values in Kenya, with formal education and the media weakening the values held dear by its more than forty tribes, the Ameru traditional leadership under *Njuri Ncheke* remains strong and could be part of the communities answer to rising moral decadence. His observation informed the present study.

Parrinder (1962), in his study of traditional systems of authority notes that many of the customs are changing. Parrinder (1962) mentions the growth of towns where traditional authority no longer runs, the coming of centralized government, the introduction of democratic elections, the rise of wealthy traders and capitalists, the use of European forms of justice all have shaken the old systems. According to Parrinder (1962) most tribes in Africa had important councils of elders

and lesser chiefs who served greatly to limit the actual exercise of the chief's power. The author gives the example of Botswana where a chief was chief by the grace of the tribe and its council of elders. Parrinder (1962) argues that only by the harmonious cooperation of chief and elders would the life of the people be happy. Parrinder notes that most African chiefs were constitutional rulers as they were subject to the traditional law and any attempt to act independently of it would fail. If they injured any subject, they must make reparation and could even be arraigned and punished by their own council of elders. However, Parrinder did not address the issues of concern to the current study hence the need for the study.

5.2 Political Involvement and Influence on Njuri ncheke in Meru community.

Many ordinary respondents accused *Njuri Ncheke* elders of influencing the voting pattern in the County during general elections, an accusation that the elders totally denied. Elders had the duty as a religious institution to bless those they deem capable of leading the community, and those who have demonstrated that they have the welfare of the community at heart. The elders participated in community affairs especially development projects and they had ability to improve the community's economic status. The elder used several words to clarify the difference between blessing and imposing a leader to the community. In a nut-shell, elders had sacred duty to identify and bless the leaders of the community. Apparently the elders are not ignorant of the democratic rights entrenched in the country's constitution. The council, always leave the Meru people to elect leaders of their choice.

5.3 Historical Source of Authority and Influence of Njuri Ncheke in Meru community.

The *Njuri Ncheke* authority and influence is historical but has grown remarkably in recent years. It is clear that becoming a member of *Njuri Ncheke* was always in the highest social rank a Meru man could aspire. They were the esteemed leaders of the community and their work necessitated great wisdom, personal discipline and knowledge of the traditions. Their noble functions have always been to make and execute tribal laws, to listen to, and settle disputes and to pass on tribal knowledge and rites across the generations in their role as the custodians of the Meru traditions and customs. The study revealed that the council still holds a good deal of these prerogatives and this is what has led to its resilience.

The patriarchs, Koomenjue and Kauro-o-Bechau endowed *Njuri Ncheke* with the power and responsibility to be incharge of the community as the custodians of the Ameru religious beliefs and customs. Kauro-o-Bechau's words, *Njuri ikaura* are a clear indication that *Njuri Ncheke*, as the sole mandated institution in the Meru community is expected to continue discharging its duties authoritatively as long as the gods of the land and the ancestral spirits have not spoken otherwise. Although there were two other institutions (*Kiruka* and *Ntiba* as discussed earlier) that in the past influenced community decisions especially in matters of war, these institutions were never mandated by the patriarchs. Conclusively then, it is suffice to say that *Njuri Ncheke* authority and influence is from the patriarchs of the community and the obligation to obey the same has greatly contributed to their resilience.

Stories from elders concerning the historical source of *Njuri* authority and influence seemed to agree with Peatrik (1999). The author says that the actual rise to power of *Njuri Ncheke* had to do with H.E. Lambert, District Commissioner of Meru in 1934-1935 and 1939-1942. Peatrik argues that Lambert gave the religious institution more prominence than it perhaps originally had by regarding it as "The council of elders".

5.4 Nature of Politics in Kenya through influence of Njuri Ncheke councils of elders in Meru community.

Current trends in Kenya seem to be pushing councils of elders into resilience, *Njuri Ncheke* inclusive. It is common knowledge in Kenya today that for one to succeed in politics, support from the elders is an unavoidable prelude. Currently, local members of parliament and prominent politicians in Meru County are all members of *Njuri Ncheke*. Though it is never said out loudly, *Njuri Ncheke* membership gives one a good standing for political ambitions. This has been the case since the colonial period, as discussed earlier, when the District Commissioner by the name H.E. Lambert insisted that all Meru elders who wanted to be appointed at any level of the local administration had to belong to *Njuri Ncheke*, thus increasing initiation into the council. To date, the Meru community holds that a man who leads the community in any capacity must first be a man of *Njuri*, a factor that has made even the staunch Christians to join the council. At the same time, this belief has barred women from political participation, except for the current position of women representative. As *Njuri* elders spread all over the county, some politicians use them for the purpose of soliciting votes. However, *Njuri* elders strongly refuted the claim that they are used to campaign for politicians. *Njuri Ncheke* elder argue that the only thing they do as elders and therefore counsellors by the virtue of their status is to guard the community from electing bad leaders. This explains why *Njuri Ncheke* has become very popular among the rich and the elite who are aspiring political positions. The study found out that this is a factor that has greatly contributed to the resilience of *Njuri Ncheke*. The membership into *Njuri Ncheke* was the highest honour a man could receive. One commanded more influence and respect than a member of the ordinary council of elders. To be elected to the council, one had to be of outstanding character and wisdom, a man of firm principle, morality and authority.

5.5 Politics and Leadership influence of Njuri Ncheke in Meru community

Njuri Ncheke has always had political clout right from the pre-colonial, colonial and postcolonial periods. In the pre-colonial period, the *Njuri Ncheke* elders were in charge of the political and governance matters. In the colonial period, the *Njuri Ncheke* negotiated with the colonial administration to treat the Ameru as a separate entity from the neighbouring Embu and Kikuyu communities. This resulted in the recognition and involvement of the *Njuri Ncheke* as a critical institution in matters pertaining to colonial administration, administrative networks, native customs, and laws. This further led to the formation of the Meru Native Council in 1925 and the Meru Native Land Unit in 1953. Thomas, (2003) argues that the *Njuri Ncheke* was taken so seriously that was represented at the Lancaster House Conference in Mombasa (Kenya) where Kenya's independence was negotiated.

The present day political and administrative divisions of the Meru County were by and large influenced by the *Njuri Ncheke*. As the highest institution of social control among the Ameru, *Njuri Ncheke* plays a critical role in the modern day governance especially in the current devolved system of governance. Mwagiru, (2011) argues that when there is a crucial political decision affecting the Ameru, the *Njuri* meets to chart the way forward regarding the issue. The caliber of its members coupled with respect they command in the community make the *Njuri Ncheke* exercise considerable influence regulating the norms and customs that govern the Ameru nowadays.

Mauta, (2010) argues that it is common-place that all those vying for political positions must be endorsed by the council. Before a major political decision affecting the Ameru is made, the council must be consulted. Mutembei, (2014) argues that it is no surprise that even the current system of devolved government supports the efforts of Njuri Ncheke by encouraging the elders to continue with their judicial roles. Gitonga, (2013) points out that the council has been instrumental in arbitrating matters related to security, intra-county and inter-county disputes.

The current political orientation of the Ameru is anchored largely in the Njuri Ncheke. This is enabled by the fact that the Njuri Ncheke recognized the role of professionals in political milestones. For example, on the 31st of January 2015, a renowned lawyer and current Senator of Tharaka Nithi County, Mr. Kithure Kindiki, was installed as a Njuri Ncheke elder which was a great step in furtherance of Njuri Ncheke's political space. Kithuka, (2011) observes that the council also ensures that the political elite work together to achieve the unity of the Ameru and that the larger Meru region speaks in one voice especially during the national elections. Muchui, (2013b) argues that the Njuri Ncheke has even taken the prerogative of appointing and installing the spokesperson of the Ameru in all political matters affecting them at the regional, national and international levels.

5.6 Advocacy for incorporation of traditional system of governance in Meru Community leadership.

More outcome-focused research is needed on social institutions in governance, with greater tolerance for their diversity of approaches. Important but tricky theoretical issues include: One, how to promote human rights norms without overly constraining nonstate institutions' autonomy; two, how to get state officials, who have a vested interest in their own professional authority, to delegate some of their regulatory power to non-experts; and three, how to pursue rational policy goals in situations of great complexity and unpredictability, in which rule interventions, by the state or by social institutions, will have many unintended side effects. Since its inception, the Njuri Ncheke council has been instrumental in promoting peace and unity not only among the Ameru, but also their neighbouring communities. Nowadays, the council continues to play major role in the devolved system of governance in Meru County in Kenya. The devolved system of governance in Kenya is meant to bring leadership closer to the people at the grassroots level. The implementation of the system has presented challenges and opportunities, but nevertheless, the Ameru like many other Kenyans are excited that devolution will fulfill the economic potential that they so yearned since independence. The success of devolution in Meru and Tharaka Nithi Counties depends on how the County governments harnesses the strengths and opportunities of the Njuri Ncheke to run the affairs of the people. The fact such an old institution like Njuri Ncheke continues to exercise considerable influence nowadays is clear proof that indigenous knowledge systems can synergize with the modern ones to address the challenges that arise from the devolved system of governance. If institutions can be seen to be exercising some discretion, i.e., making decisions and adjusting rules and principles for specific problems, then this opens them up to discussions of accountability and improvement. The Njuri case furthermore suggests an alternative path for research interventions, with researchers helping to highlight and confirm successful management outcomes on a case-by-case basis, while leaving space for diversity and experimentation in non-state decision making.

6.0 Conclusion and Recommendations

Since its inception, the Njuri Ncheke council has been instrumental in influencing and promoting peace and unity not only among the Ameru, but also their neighbouring communities. Nowadays, the council continues to play major role in the devolved system of governance in Meru Community in Kenya. The devolved system of governance in Kenya is meant to bring leadership closer to the people at the grassroots level. The implementation of the system has presented challenges and opportunities, but nevertheless, the Ameru like many other Kenyans are excited that devolution will fulfill the economic potential that they so yearned since independence. The success of devolution in Meru and Tharaka Counties depends on how the County governments harnesses the strengths and opportunities of the Njuri Ncheke to run the affairs of the people. The fact such an old institution like Njuri Ncheke continues to exercise considerable influence nowadays is clear proof that indigenous knowledge systems can synergize with the modern ones to address the challenges that arise from the devolved system of governance. This study stresses both the importance and the difficulty of creating a state law framework within which nonstate institutions can monitor and enforce rules. If successful problem solving by social institutions is idiosyncratic, as with the Njuri, it can nonetheless be evaluated empirically by researchers, as we have done. Such private standards, even with government subsidies, are still very expensive to administer and do not have the same coercive and normative potential of public accountability to neighbors as well as to consumers. What makes them attractive over indigenous institutions like the Njuri is simple bias in favor of that which seems technocratic and modern. The state should not be biased either way, either for or against corporate standards, or for or against the Njuri.

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