

EGALITARIAN CONFLICT MANAGEMENT AMONG THE ÎGEMBE OF KENYA

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ABSTRACT In a farming community of the Îgembe (a subgroup of the Kîmîrû-speaking people) of the Kenyan central highlands, people do not rely primarily on judgements by specialists, professionals or experts for conflict management; instead, they have recourse to conditional curses using oaths or the power of *îchiaro*. A conditional curse provides a mechanism that can be an alternative to reasoned judgement. The third party does not convict the disputants but enables them to wait for either party to recognise his or her responsibility and confess at any time in the future. In these respects, conflict management in the Îgembe community is confession-oriented. Conflict management with *îchiaro* is egalitarian and democratic to the extent that every person has the power of *îchiaro*. Theoretically speaking, the power of *îchiaro* is universally given to all individuals of the Îgembe. If one is born as a member of the Athimba clan, he or she is automatically *mwîchiaro* to the Antûambûi and Andûûne clans. Such a biological determinism is, from the local perspective, a dominant means of identifying and understanding their *îchiaro* relationships. While everyone is eligible to represent his or her clan as *mwîchiaro*, some individuals may be appreciated as more powerful *mwîchiaro* than others. Nevertheless, as shown in a case study in this paper, *îchiaro* men are not required to identify themselves as ‘experts’ in their private capacity. This biological determinism thus serves to depersonalise the *îchiaro*.

Key Words: Alternative justice; Curse; Depersonalisation; Egalitarianism; *Îchiaro*; Îgembe; Kenya; Oath.

INTRODUCTION

Based on fieldwork in a local community of Gusii people in the Kenyan western highlands, my previous paper (Ishida, 2003a) discussed the difficulties faced by elders in a lineage meeting as they attempted to manage local disputes. In these cases, judgements made by local agents did not always satisfy both disputants and the administrative chief used his authority only in a limited way. Villagers had limited access to state courts and were forced to settle their disputes by drawing on their own knowledge and skills. In some instances, their judgement created further disputes.

However, in a farming community of the Îgembe (a subgroup of the Kîmîrû-speaking people) in the Kenyan central highlands, such difficulties do not always occur. When villagers manage their disputes, a third party serves not to judge the disputants but, rather, to enable them to wait for one party to recognise and acknowledge his or her responsibility (Ishida, 2008a). While an adversarial approach is not completely avoided, elders or mediators do not decide which

party is right but, instead, settle such cases using conditional curses and the power of *îchiaro* (institutionalised inter-clan relationships). As this paper shows, the power of *îchiaro* equips people with an egalitarian and democratic means of dispute resolution in a given locality; their reliance on specialists, professionals or experts for their conflict management is reduced.

In Îgembe society, every clan has a reciprocal *îchiaro* relationship with two other clans. People related by *îchiaro* address each other as *mûtanoba* (brother; literally ‘son from the same father’), while biological brothers address each other as *mûtanochia* (brother; literally, ‘son from the same mother’). This inter-clan brotherhood has been in operation for many generations and cannot be altered, as no individual can change his or her ascribed or ‘biological’ status. Individuals are conditioned to fear all members who belong to the clan of their *îchiaro* counterparts and vice versa. Thus, the power of *îchiaro* is universally and equally distributed insofar as every individual is a member of a particular clan.⁽¹⁾

My observations of Mûringene village,⁽²⁾ which consists of about 40 households, are the basis of this paper, which describes how villagers manage their disputes by involving their *îchiaro* neighbours. My previous studies documented several cases in which *îchiaro* from distant villages were invited to serve as third-party advisors, witnesses or facilitators (Ishida, 2008a; 2008b; see also Cases 4, 5, 9 and 10 in this paper). This paper, on the other hand, illustrates how people who migrated long ago into their *îchiaro*’s community experience dispute management in their neighbourhood.

M’Ikîrîma’s sons (the late Kîng’angi, Nchee, Kîberenge, Mwaambia and Meeme; see note (2)) are among the key figures in the problematic cases discussed in this paper. They originally or biologically belong to the Antûambûi clan in Laare (see Fig. 1 for a regional map), and they migrated with their father to Mûringene village when they were given land by their *îchiaro* counterpart, the Athimba clan. Since then, the *îchiaro* migrants have been assimilated into the local host Athimba clan, but their ascribed or biological *îchiaro* status has not fully disappeared. Some Athimba clan members understand that M’Ikîrîma’s sons have become Athimba, as they have shared their neighbourhood water for a number of years, whereas others claim that the brothers are also *îchiaro*. In other words, these arguments are based on contextual considerations. Ngatûnyi (M’Ikîrîma’s brother’s son) of the Antûambûi clan, on the other hand, who remains in Laare, retains his pure status as *mwîchiaro* (a partner in the *îchiaro* linkage).

The case analysis in this paper observes the local theory of biological determinism and its practical application in the *îchiaro* relationship. While the power of *îchiaro* is based on one’s ‘biological’ status in terms of clan affiliation, social and historical processes condition the ‘biological’ status itself. In some cases described in this paper, M’Ikîrîma’s sons were not involved as third parties in the capacity of *îchiaro* but were disputants themselves. The problems of M’Ikîrîma’s family, including those described in Cases 1 (a dispute between Nchee’s wives) and 9 (a group curse placed on unknown perpetrators who attacked Nchee’s family with sorcery), were heard at the Athimba clan meeting.

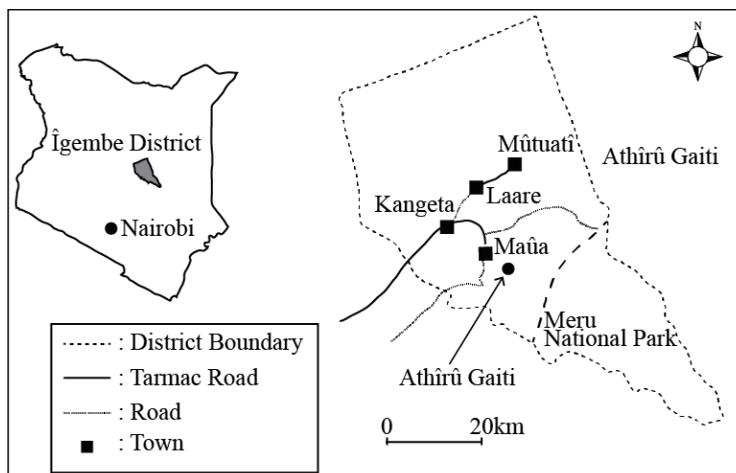


Fig. 1. Map of the Îgembe District

In Case 10, compensation for a homicide victim (the late Kîng'angi) was paid to M'Îkîrîma's sons and others involved in the Athimba–Bwethaa inter-clan transactions. In these cases, the brothers (i.e., M'Îkîrîma's sons) were not involved as *îchiaro* to the Athimba clan. In Cases 4 (land dispute), 5 (land dispute) and 9 (group curse), the Athimba clan called upon their *îchiaro* from the Andûûne clan, another *îchiaro* counterpart to the Athimba. In Cases 3 and 6, on the other hand, M'Îkîrîma's sons' status as *îchiaro* was assumed.

ETHNOGRAPHIC SETTING

I. The Îgembe

The Îgembe or Îeembe are a subgroup of the Ameru or Amûûrû, a Kîmûûrû-speaking⁽³⁾ farming (commercial as well as subsistence) people who are widely known as khat (*mîraa*) suppliers to domestic and international markets (Carrier, 2007; Ishida, 2014). The Îgembe inhabit the eastern part of the Nyambene region of the Kenyan central highlands (Fig. 1), and the Tigania inhabit the western part. Both groups recognise the similarities between them in terms of social organisation and their membership in the same ethno-linguistic family, the Amûûrû. The nine subgroups of the Amûûrû share their core socio-political institutions in that the vertical organisation of agnatic clans and the horizontal integration of age groups form the grid structure of traditional Amûûrû society.

Theoretically, the clan (*mwîrîa* or *mwîrîga*) is a rigid exogamous unit to the extent that its members are never allowed to intermarry. However, it is not easy to identify agnatic 'brothers' with the same clan affiliation because consanguineous ties do not necessarily constitute a local neighbourhood community. Indeed,

Table 1. Îgembe age groups and their circumcision year in Athîrû Gaiti

Age group	Nding'ûri subset	Kobia subset	Kabeeria subset
Mîchûbû	1933	1937	1942
Ratanya	1948	1954	1957
Lubetaa	1959~	(1964~)	(1969~)
Mîrîti	1976~	(1981~)	(1986~)
Buantai	1989~	(1994~)	(1999~)
Gîchûnge	(2005~)	(2010~)	

The circumcision years of the Kobia and Kabeeria subsets of the Lubetaa age group and those following are based on my schematic calculations.

segments of each clan were widely dispersed during a sequence of minor migrations driven by natural demographic growth (Bernardi, 1959: 11).

Îchiaro or *gîchiaro* refers to an institutionalised inter-clan relationship.⁽⁴⁾ Clans related by *îchiaro* share exogamous rules and reciprocal obligations. They are not allowed to marry a *mwîchiaro* (a partner in the *îchiaro* linkage), they are obliged to show mutual generosity and give their counterparts whatever they demand, and they are expected to be loyal to their counterparts. The Îgembe people describe the social norms governing this institution in these generalised terms. As any behaviour that violates these norms is thought to engender misfortune, they often utilise the fear of such consequences to settle their disputes. If an individual is not truthful in word and deed before his or her *mwîchiaro* (by making a false statement, for example), it is believed that he or she will be punished by the power of *îchiaro*.

A key principle underpinning the organisation of Îgembe society is age. A group of men circumcised within a given period of about 15 years constitutes an age group (*nthukî*). Each age group has a particular name, which is widely shared by the Îgembe and Tigania. Current age groups in Îgembe society include the Mîchûbû, Ratanya, Lubetaa, Mîrîti, Buantai and Gîchûnge (Table 1). Furthermore, each age group theoretically consists of three subordinate sets: the Nding'ûri, Kobia and Kabeeria. Men of the Mîchûbû age group were circumcised in the years 1933 (Nding'ûri), 1937 (Kobia) and 1942 (Kabeeria). In the past, circumcision was not an annual event but was organised every four or five years. Each occasion marked the opening of a subordinate set of that particular age group. However, since 1959, when the Lubetaa Nding'ûri was circumcised, circumcision became an annual event. Therefore, the circumcision years of the Kobia and Kabeeria subsets of the Lubetaa age group and after are not clearly demarcated.

The Îgembe Southeast Division, where I have conducted anthropological research since 2001, covers a wide range of altitudes, with the land slanting to the southeast. The hilly highlands in the northwest corner are densely populated, and the lower areas, called *rwaanda*, are less than 1,000 metres above sea level and are sparsely inhabited (Table 2). Small-scale farmers in the ridgetop⁽⁵⁾ rely heavily on the lower slope and the plain areas for their food supply because the arable land resources adjacent to their homes are very limited due to demographic pressure and intensive cultivation of *mîraa*. People normally walk

Table 2. Population 1979–2009

Year	Population of the Îgembe District ^a	Population density ^b of the Îgembe District (persons/km ²)	Population of the Îgembe S. East ^c	Population density ^b of the Îgembe S. East (persons/km ²)
1979	171,307	88.4	7,367	117.5
1989	256,461	132.3	14,375	229.3
1999	364,286	187.9	18,700	298.2
2009	482,466	248.9	26,731	426.3

Source: Central Bureau of Statistics (Kenya National Bureau of Statistics), 1981: 76; 2001: 84–88; 2010: 74–75; Office of the President and Ministry of Planning and National Development, 1997: 13.

^a The population of the Îgembe District in this table does not include the population of Meru National Park.

^b I calculated the population density data according to the records published in the latest census; the area of the Îgembe District is 1,938.7 km² and that of the Îgembe Southeast Division is 62.7 km².

^c The Îgembe Southeast Division was officially Thaicu Sub-location in 1979.

between one and seven kilometres from their home village to the lower slope and plain to plant, weed and harvest maize and grain legumes.

Athîrû Gaiti, the divisional headquarters, has been developed as a trade depot and community centre. It has public and private primary schools, several denominations of churches, shops, restaurants, medical clinics, barbershops and so on. A power supply was installed in 2010, and mobile phone networks have covered parts of the area since 2003. This area has several permanent sources of water that provide secure water for everyday use.

II. Mûringene Village

Fig. 2 presents a sketch map of this village of about 40 households, which is located in the Athîrû Gaiti area and referred to as Mûringene village in this paper, and its neighbourhood. Although the Athimba clan seems to be dominant in this village, households with other clan affiliations also live here. In general, agnatic clans are not localised in the Îgembe community, and segments of a clan are dispersed over a wide area as a result of minor migrations. All segments of a clan have retained their original names; thus, members of the Athimba clan, for example, are found everywhere among the Îgembe and even in the Tigania Districts. Some members who have tracked the migrations of their relatives may maintain inter-regional communication with other branches of the Athimba clan. Otherwise, clan meetings in a certain locality attract members only from the neighbourhood. Athimba members in Mûringene village sometimes refer to themselves as *nyumba-ya-Mwitari* or *mucî-jwa-Mwitari* (literally, ‘Mwitari’s house,’ meaning Mwitari’s sons), although Mwitari is not their common ancestor.

Although Mûringene village is now densely populated, it was not widely open to immigration until the 1950s. For example, an elder (H30 in Fig. 2 and Table 3) of the Akinying’a clan and Mîchûbû age group purchased land from the Ncheme clan in 1951 and migrated from his natal village to Mûringene.⁽⁶⁾ Another elder (H38), of the Antûamûtî clan and Lubetaa age group, remembers that his grandfather (of the former Gîchûnge age group⁽⁷⁾) was allocated land by an elder

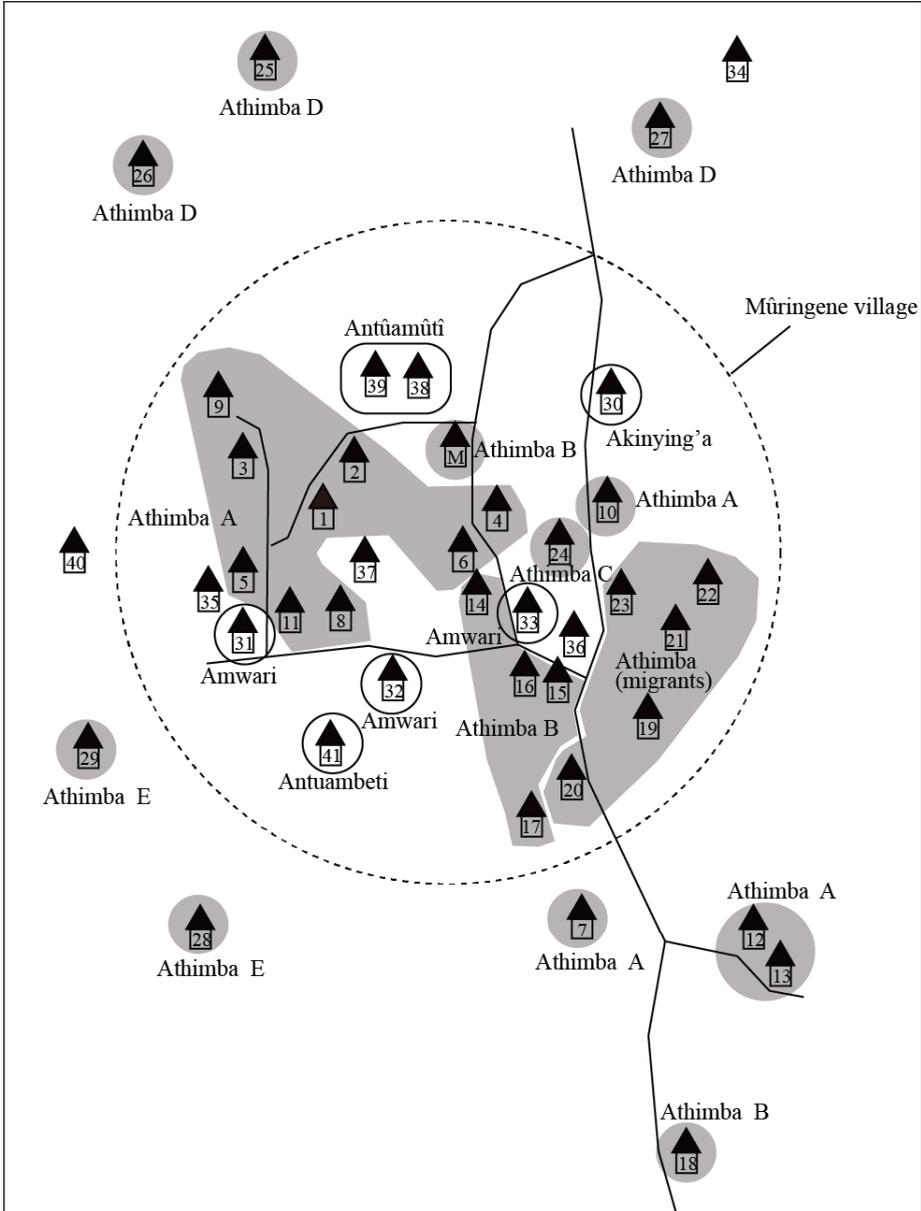


Fig. 2. Map of Muringene village

Table 3. Households in Muringene village and its neighbourhood

No.	Clan	Age group ^b	Birth year	Circumcision	Marriage	Wife's clan	Land properties (acres)				
							Inheritance	Purchase	Clan	Other	Sold
1		Lub.Nd	1944	1959	1968	Anjarũ	3	1	5	0	Plot
2	Athimba ^a A (Segment I)	Mir.Nd	1962	1976	1991	Antũanthama	4.5	0.25	4	2	2
3		Mir.Ka	1969	1985	1990	Amwari	4	0	15	0	Plot
4		Mir.Ka	1967	1984	1996	Antũambeti	2.75	0	0	0	0
5		Mic.Ko	-	-	-	Antũambeti	2	0	0	0	0
6	Athimba ^a A (Segment II)	Lub.Nd	1946	1959	-	Antũborũĩ	1.25 (1.5)	0.5 (2.5)	0.25 (1.5)	0	0
7		Lub.Nd	1948	1959	1975	(Gikũyũ)	0.25	2.5	3.5	0	1.25
8		Lub.Ko	1951	1966	1973	Akinying'a	4.5	0	0	0	0
9	Athimba ^a A (Segment III)	Lub.Ko	1950	1966	1974 1990	Amwathi -	3.5	0	0.5	0	Plot
10		Mir.Nd	1959	-	1980	Amwari	2	0.1	0	0	0
11		Mir.Nd	1969	1985	1990	Antũambeti	0.5	4.25	1.5	0	N.D
12	Athimba ^a A (Segment IV)	Lub.Ko	1949	1965	1985	Bwethaa	7	0	3	0	1
13		Lub.Ka	1952	1972	1982	Amakũũ	3	3	0	0	0
14	Athimba ^a B	Rat.Ka	1944	1957	1967	Akachiũ	5.5	0	2.5	0	Plot
15		Rat.Nd	1928	1949	1952 1969	Antũbalĩnkĩ Antũamũtĩ	25	0	0	0	0
16		Bua.Nd	1975	-	-	-	13.5	0	0	0	0
17		Lub.Ko	1950	1965	1972	Antũamũtĩ	3	0.5	10	0.75	Plot
18		Mir.Nd	1957	1975	1993 1998	Anjarũ (Tigania)	6	0	0	0	1
19	Athimba ^a (migrant A)	Lub.Nd	-	-	-	Antũamũliũki	1	0	0	0	0
20		Lub.Nd.	1950	1959	1978 1984	Akinying'a Anjarũ	1	3	2	0	0
21		Lub.Ko	1957	1962	1977	Antũamũtĩ	0.5	1	0	0	0
22		Mir.Nd	1964	1976	1982	Antũambeti	4	0	1.5	0	0
23	Athimba ^a (migrant B)	Rat.Nd	1937	1948	1956 1968	Bwethaa Athimba	0	9.5	0	0	0
24	Athimba ^a C	Rat.Nd	1937	1954	1963	Antũambeti	5	0	0	0	0
25	Athimba ^a D	Rat.Nd	1945	1957	1973	Antũbochiũ	3	1	4	0.5	0.5
26		Rat.Nd	1928	1948	1957	Akachiũ	8	3	1	0	0
27		Rat.Ko	1937	1954	1961	Antũambeti	10	0	0	12	6
28	Athimba ^a E	Rat.Nd	-	-	1950s	Amwari Antũbaiga	3.5	0	9.5	2	0
29		Lub.Nd	1949	1964	1968	Antũbalĩnkĩ	0	4	0.5	0.5	0
30	Akinying'a	Mic.Ka	1922	1942	1950	Athimba	2	6.5	0	0	1
31	Amwari	Lub.Nd	1952	1959	1972	Athimba	3.75	0	0	0	1
32	Amwari	Rat.Ko	1938	1954	1971	Akĩthĩĩ	1.25	0	0	2	0
33	Amwari	Mic.Ka	1922	1941	1949	Athimba	17	0	0	0	0
34	Antubang'ai	Mic.Ka	1922	1942	-	Ncheme	2	5	0	5	0
35	Antubang'ai	Bu.Ko	1978	1996	1998	Antuambui	2	0	0	0	0
36	Antũamũliũki	Lub.Ko	1953	1968	1975	Amwari	4	8	0	0	1
37	Antũamũliũki	Mir.Nd	1963	1972	1997	Amwari	0.5	plot	0.5	1	0
38	Antũamũtĩ	Lub.Nd	1942	1959	1981	Antũanthama	4.75	0	0	0	0.25
39	Antũamũtĩ	Rat.Nd	1933	1949	1940	Anjarũ	0.5	0	0	0	0
40	Antũbakĩthoro	Mir.Nd	1959	1974	1986	Bwethaa	3.5	0	0	0	0
41	Antũambeti	Lub.Ko	1937	1960	1992	Athimba	3.5	0	0	0	Plot

^a The Athimba clan in the Muringene village has several segments whose genealogical relations are relatively unknown. The four members of segment I are biological brothers. H6, 7 and 8 are the biological sons of H5 (deceased), who is the father's father's brother's son (FFBS) of H1, 2, 3 and 4. H9, 10 and 11 are biological brothers and FFBS of H1, 2, 3 and 4. The genealogical relationships between Athimba A and B, on the other hand, are unknown.

^b Age-group affiliation and circumcision years in this table are based on my interviews with informants. I have noticed, but not resolved, inconsistencies between data in this table and those in Table 1 in terms of the relationship between age-group affiliation and circumcision year.

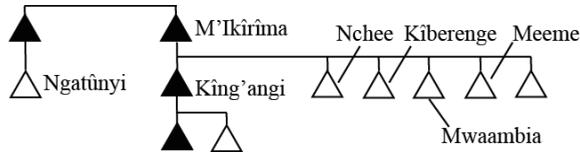


Fig. 3. M'Ikirima's sons

of the Ncheme clan due to their friendship. As the friendship between the two families continued over the generations, one of the recipient's sons (H38's father's bother) assumed the role of *ithe-wa-njari* (literally, 'Njûrîncheke father,' meaning supervisor of the Njûrîncheke initiation) to the donor's son. Furthermore, members of the Athimba clan also migrated to Mûringene. However, the Athimba in Mûringene do not constitute an independent segment founded by a single ancestor. Instead, the members come from different families whose genealogical links are not traceable.

The group of *îchiaro* migrants from the Antûambûi clan was given land in Mûringene by their *îchiaro* counterpart, the Athimba. Nchee (H20) and his brothers, including Kiberenge (H19), Mwaambia (H21) and Meeme (H22), are second-generation migrants from Laare (Fig. 1). Although more than 60 years have passed since the migration of their father (M'Ikirîma), Athimba clan members still remember the biological origin of these brothers and fear them because of the ineradicable and tangible *îchiaro* relationship (Case 3 in this paper).

When members of the Athimba (*nyumba ya Mwitari*) call a clan meeting to solve disputes among clan members and need a third party from either or both of the *îchiaro* clans, Antûambûi and Andûûne, they often invite Ngatunyi, Nchee's father's brother's son (FBS, Fig. 3) of the Antûambûi clan in Laare, or Mpuria and Mbiti, of the Andûûne clan. When the Athimba elders met to consider homicide compensation in 2001 (Ishida, 2008b: Chapter III), 2011 and 2013 (Case 10 in this paper), Ngatunyi was summoned as a representative of the Antûambûi clan, whose opinions should be listened to, respected and followed by clan members.

ATHIMBA CLAN RECORD, JUNE 2006–NOVEMBER 2007

When Athimba clan members meet in Mûringene, Mûtûma (H3), who has served as clan secretary for years, usually records the proceedings in a book in the Kîmîrû language. The record book, dated from June 12, 2006 to October 20, 2007, contains overviews of eight cases heard by clan elders.

I. Summary of Cases

Nchee (H20), who, as mentioned above, is a member of the second generation of a migrant family, was a key figure in Cases 1 and 6 (see also Case 9 in the next section). Case 1 involved a dispute between his two wives, and Nchee was asked by Athimba clan members to allocate shares of his properties to his wives. Both his status as *mwĵchiaro* to the Athimba clan and the clan's status of *ĵchiaro* to him were not relevant to the settlement of this case. In Case 6, on the other hand, Nchee himself was the defendant accused by clan members, and the problem related to his unique position as an *ĵchiaro* migrant.

Case 3 illustrates the power of a *mwĵchiaro* in the context of settling disputes among clan members. The *mwĵchiaro* in this case was Kĵberenge (H19), Nchee's biological brother. As *mwĵchiaro*, he was able to make one of the parties in this case accept responsibility in a dispute regarding a ram that was claimed by its original owner. Interestingly, a son of the responsible party confessed that he was indebted to the same owner as a result of another transaction. According to clan members, the father and son admitted their responsibility because they feared lying in front of their *mwĵchiaro*.

Cases 4 and 5 involved a *mwĵchiaro* from the Andũũne clan (one of the two *ĵchiaro* clans of the Athimba). In Case 4, the Athimba clan elders sent the *mwĵchiaro* to deal with a claim for damages lodged against a clan elder who unjustly sold clan property, but the elder refused to respond. Case 5 involved a boundary dispute in which the same *mwĵchiaro* was used under false pretences.

Although this paper does not focus on Cases 2, 7 and 8, they should not be entirely neglected because they were recorded with the other five cases in the same clan record book and an understanding of these cases contextualises our understanding of the function of *ĵchiaro*. Specifically in Cases 2 and 7, clan members solved their land disputes through their negotiations without involving the *ĵchiaro*, whereas Case 8, another land dispute, required the intervention of a state agency, another third party.

II. Difficult Cases

Case 1: Dispute between Nchee's wives, heard on June 12, 2006

Nchee (H20), of the Lubetaa age group, had two wives: Kaario, with whom he had three sons, and Miriam, with whom he had four children. Kaario, his first wife, had been separated from Nchee for 23 years beginning in 1984, and Nchee married Miriam in her absence. When the first-born son of Nchee and Kaario married, Kaario suddenly returned to her husband and sons, and Nchee gave her land. At this point, a quarrel between the two wives erupted. According to Kaario, she told Miriam to take a gourd to their in-laws (to gift their in-laws with porridge), but Miriam refused. The clan elders told the two wives to bring their own *mwĵchiaro* to seek reconciliation. At the same time, they were instructed to clarify the conditions of Nchee's *mĵraa*-leasing contract so that a part of Nchee's property could be appropriately allocated to Kaario. The witness (*mũkũũĵi*)

in this settlement was Mwaambia (H21), Nchee's brother. Twenty-eight elders including the area assistant chief attended the hearing.

Case 2: Dispute between two brothers and their sister's son over land inheritance, heard on August 11, 2006

M'Barûngû, of the Míchûbû age group,⁽⁸⁾ allocated land to his daughter's son (of the Buntai age group), but M'Barûngû's two sons, Mûnoru (H12) and his brother (H13), of the Lubetaa age group, intended to chase the recipient away. The clan elders supported M'Barûngû's decision to allocate the land to his grandson.

Case 3: Dispute between clan members over a ram, heard on November 11, 2006

M'Thîrîbî (H15), of the Ratanya age group, ate a ram belonging to his brother's son, Îrukî (H14's brother), of the same age group, and Ncooro argued that M'Thîrîbî should replace it. Kîberenge (H19), of the Lubetaa age group was present at the hearing as a *mwîchiaro* from the Antûambûi clan, saying that he witnessed M'Thîrîbî eating Ncooro's ram. M'Thîrîbî admitted this and promised to replace Ncooro's ram. Fearing their *mwîchiaro*, M'Thîrîbî's son, Richard (H16), of the Bwantai age group, also confessed and apologised for his irresponsible behavior towards Ncooro. Specifically, Richard had leased Ncooro's *mîraa* but had neglected his duty to pluck *mîraa* from Ncooro's garden, a situation that could destroy Ncooro's *mîraa* plants unless soon rectified. That both M'Thîrîbî and his son had debts to Ncooro was coincidental. The two cases were solved simultaneously before their *mwîchiaro*, and 36 elders attended the hearing.

Case 4: Land dispute, heard on November 11, 2006

Mpuria, of the Andûûne clan (another *îchiaro* clan to the Athimba) and Mîrîti age group, was sent to Kînyûûrû's residence. Kînyûûrû, of the Míchûbû age group, had sold communal property of the clan without gaining consensus of the clan members. The clan elders sent Mpuria to Kînyûûrû for the next meeting, scheduled on November 25, 2006. However, Kînyûûrû did not attend this meeting, during which another case (Case 5) was settled and a clan election was held. At another hearing on November 29, 2006, Kînyûûrû told M'Barûngû (see note (8)) that he would not respond to the summons issued by the clan, saying that the clan should go to the land office. The case was postponed until January 2007. Soon after the hearing, however, Kînyûûrû passed away.

Case 5: Land dispute, heard on November 25, 2006

This case involved a border dispute between Ciomûthooi (H5, wife to the late M'Lichoro, of the Míchûbû age group) and Kauo (H31, of the Amwari clan), who were neighbors in Mûringene.⁽⁹⁾ They asked the clan elders to invite their *mwîchiaro* to plant a plant used to place a curse along the border to settle this dispute, as one of their neighbours (H34) from the Bwethaa clan knew the

appropriate border. Rejecting Kauo's claim, the neighbour told the Athimba elders that a tree stump designated the location of the border. As *mwġchiaro*, Mpuria of the Andũne clan (Case 4) determined that Kauo should not quarrel with Ciomũthooi. However, the clan elders ordered that a *mwġchiaro* not be used in this case, as the land had already been demarcated. The clan said it was wrong for a *mwġchiaro* to interfere under these circumstances and ruled that it was wrong for a *mwġchiaro* to plant a cursing plant.

Case 6: An uncooperative *mwġchiaro* requested *nkome* on January 27, 2007

Nchee (H20, Case 1) and Mwaambia (H21) were the sons of M'ġkĩrĩma, of the Antũambũi clan, an *ġchiaro* clan in relation to the Athimba. They were given a piece of land in Mũringene village by the Athimba clan. However, the brothers had been negligent about their duties to assist their *ġchiaro* clan, and were charged a bull as a fine. The clan elders said that a *mwġchiaro* should not be asked for a bull and, alternatively, instructed the brothers to bring *nkome* (a token of apology), in accordance with Kĩmũrũ tradition. They were told to pay 500 Kenyan shillings each (total 1,000 Kenyan shillings) to the clan.

Case 7: Dispute over land resale in Ngawa, heard on January 27, 2007

M'Imana, of the Amwari clan and Mĩchũbũ age group, sold land in the lower slope area that was gifted by Baitumbĩrĩ (father to H1, H2, H3 and H4) many years ago. Baitumbĩrĩ recruited M'Imana into Njũrĩncheke, and they developed a strong friendship, as the former was an *ĩthe-wa-njũri* (Njũrĩncheke father) to the latter. After the death of Baitumbĩrĩ, his son Mũtũma (H3) succeeded his father as guardian to M'Imana. When M'Imana sold the land, he brought the head of a goat (*mũtwe*) to Mũtũma as a token of appreciation. Mũnoru (H12), Mũrũngĩ (H25) and another elder claimed that M'Imana should also bring something to them. Mũtũma explained to the claimants that the land originally belonged to Baitumbĩrĩ, who had already received the head of a goat. According to him, the three claimants did not have any grounds for claiming that M'Imana was in their debt. Eventually, on September 22, 2007, M'Imana and Mũtũma brought 500 Kenyan shillings as *nkome* to the clan to restore unity (*ngwataniro*).

Case 8: Land dispute, heard on October 20, 2007

Matĩ (H9) sued Chege under the jurisdiction of the land committee with regard to Matĩ's plot in the lower slope area. When Matĩ sold a hilly part of the land, Chege took illicit steps during the transaction. Matĩ and Ndatũ (H18) reported this to the land office, where they were told to report this to the Maua police station so that they could get a warrant for Chege's arrest. They went to the police station, and Chege was arrested.

III. Findings

From a biological perspective, Nchee and his brothers belonged to the Antũambũi clan, one of the two clans that had a reciprocal relationship of *ġchiaro*

with the Athimba. As their father was given land by his *îchiaro* counterpart (an Athimba clan member), the family lived within Mûringene village. While Athimba elders remembered his biological origin, Nchee himself asserted to outsiders that he was a member of the Athimba clan. Nchee and his brothers were not always involved in the capacity of *îchiaro*; they were sometimes disputing parties themselves. Their power of *îchiaro* worked for dispute settlement in some cases.

In Case 1, the dispute between Nchee's wives was heard at a clan meeting. Both Nchee's status as *mwîchiaro* and the Athimba clan's status of *îchiaro* to him were not relevant to the dispute settlement, in which each wife was asked to bring her respective *mwîchiaro*. The dispute was not fully settled and returned as Case 9, in which the *îchiaro* men for the two wives and those of other concerned parties were summoned.

In Case 3, the presence of Nchee's biological brother, Kîberenge, was a catalyst for the defendants to admit their responsibility in the property disputes, as they were afraid of giving a false statement before Kîberenge. Kîberenge was feared by the Athimba not only because he was a *mwîchiaro* but also because of his personality: he had not been married for a long time and often relied on his Athimba neighbours for lodging and food. These Athimba neighbours could not refuse his requests because he was biologically a *mwîchiaro*. Some said that they found this situation to be somewhat disturbing.

In Case 6, Nchee and one of his brothers (Mwaambia) were publicly blamed by their *îchiaro* counterparts (the Athimba clan elders) for their ignorance of their obligations as *îchiaro*. The Athimba elders understood that the reciprocal *îchiaro* relationship required the brothers to respect their host clan. While no direct disciplinary action was taken against the brothers, the brothers were requested to bring cash as *nkome*.

Cases 4 and 5 show how a *mwîchiaro* from the Andûûne, another *îchiaro* clan to the Athimba, worked to settle a dispute in the Athimba clan meeting. Mpuria, whose homestead is about three kilometres from Mûringene village, served as *mwîchiaro*. Owing to this distance, Athimba clan members in Mûringene did not have daily interactions with Mpuria, and he travelled to Mûringene as *mwîchiaro* only for special situations. The late Kiwanthi, of the Mîchûbû age group, was Mpuria's biological father. Kiwanthi was widely known as 'Thirua' (a type of wildebeest) and was feared by Athimba people because they said he always appeared aggressive and stern. Due to this personality trait, he was also indispensable as *mwîchiaro* for the Athimba. Indeed, an aggressive *mwîchiaro* is more suitable than a gentle one in certain situations, especially when elders use the power of *îchiaro* against their fellow clan members. After the death of Kiwanthi, Mpuria succeeded his father in this role. However, soon after his succession, Mpuria died suddenly, and his biological brother, Mbiti, assumed this role (Case 9).

GROUP CURSING AT NCHEE'S RESIDENCE ON SEPTEMBER 7, 2012 (CASE 9)

On Friday, September 7, 2012, six *ġchiaro* men visited Nchee's homestead to place a curse. The meeting was organised to solve his problems, as his family had suffered a series of misfortunes since 2010: his first son died in 2010 after a short illness, one of his goats was lost or stolen in 2011, a *mping'o* (a cursing charm) was placed on his *kġlaa* (*mġraa* tree) by an unknown person in December 2011, and his dog was poisoned to death by an unknown person in August 2012. Nchee's first wife Kaario accused his second wife Miriam of being a sorcerer (*mġroi*) and causing these misfortunes, and Miriam denied the allegation.

The conflict between his wives observed in Case 1 resurfaced in this case. However, Cases 1 and 9 differ significantly. The latter was viewed not only as a dispute between wives but also as a case of malicious damage caused by an unknown person. Therefore, a conditional curse was directed not only towards the wives but also towards the other concerned parties.

I. Clan Affiliation of Participants

Table 4 lists the six *ġchiaro* men invited on August 5, 2012. Why were these men summoned? I examine the reasons in this section.

In this case, no one was able to determine who was responsible for the various problems afflicting Nchee's homestead. Although his first wife accused his second wife of practising witchcraft, this allegation was neither substantiated by evidence nor supported by their relatives and neighbours. To ensure that the real perpetrator was sanctioned, every person who was potentially involved had to be put under a conditional curse by his or her respective *mwġchiaro*. Accordingly, both the men who had an *ġchiaro* relationship with Nchee's two wives and those who had this relationship with the Athimba and other neighbouring clans were summoned. Of these five men, Reuben (H40), of the Antġbakġthoro clan, Mbiti, of the Andġġne clan, and Kaumbu, of the Antġamġtġ clan, were the Nġġriincheke elders.

As noted in Table 4, the first wife (Kaario) was from the Akinying'a clan, whose *mwġchiaro* was Nderi, from the Antġambui clan (This clan is different from the Antġambġi, to which Nchee and his brothers originally belonged). The second wife (Miriam) was from the Anjarġ clan, whose *ġchiaro* include both

Table 4. The six *ġchiaro* men summoned for the group cursing

Name	Clan	<i>ġchiaro</i> clans
Reuben	Antġbakġthoro	Amwari
Mbiti	Andġġne	Athimba
Kaumbu	Antġamġtġ	Antġambeti
Nderi	Antġambui	Akinying'a and Anjarġ
Njou	Akachiġ	Anjarġ and all the clans in Athġrġ Gaiti
Kġġa	Akachiġ	Anjarġ and all the clans in Athġrġ Gaiti

Njou and Kîûa, of the Akachiû clan, and Nderi, of the Antûambui clan, as shown in Table 4.

Mbiti, of the Andûûne clan, came as *mwîchiaro* to the Athimba clan; Reuben, of the Antûbakâthoro clan, came as *mwîchiaro* to the Amwari clan; and Kaumbu, of the Antûamûtfî clan, came as *mwîchiaro* to the Antûambeti clan. These three clans of Athimba, Amwari and Antûambeti are the major clans in Mûringene. As other minor clans also reside in Mûringene village, they had to be included in the conditional curse for it to be effective. Some people believed that the Akachiû clan has a special function in terms of the *îchiaro* relationship in that it has an *îchiaro* relationship with the Anjarû clan as well as with all the clans in the Athîrû Gaiti community.

The group of *îchiaro* men found that Nchee's second wife, Miriam, was absent and away from home ([3] in Table 5). Since her presence was indispensable for their purpose, they told Nchee to find her. Ngatûnyi, Nchee's FBS (see previous section), of the Antûambûi clan, was called but was unable to attend due to illness. Nchee's biological brothers (H19, H21 and H22) were also absent. Kîberenge (H19), one of Nchee's biological brothers, complained after the event that he was not informed about the meeting. Mwaambia (H21) and Meeme (H22) were also absent, with only Meeme's wife present. Their absence, however, was not seen as questionable.

Several attendants from the Athimba clan were also present. Kabwî (Kînyûûrû's brother's son, Case 4), the organiser of the meeting, and Mûnoru (H12), the clan chairman, attended as Athimba elders. Immediately before the meeting, Mûnoru and Kabwî began quarrelling ([2] in Table 5) because the *îchiaro* men left the compound without informing the organiser (Kabwî), and Mûnoru wanted to know why this had happened. Although they soon realised that the group of *îchiaro* men were outside the homestead making arrangements, the two continued

Table 5. Timeline of group cursing

Time	Process
14:20	Guests are served lunch at Nchee's homestead.
14:34	The group of <i>îchiaro</i> men leave the homestead to find cursing plants (<i>kûramûka kamwali</i>). [1]
15:18	Mûnoru arrives at the compound and starts quarrelling with Kabwî. [2]
15:35	The <i>îchiaro</i> men traverse Nchee's homestead for observational purposes and find that Miriam (Nchee's second wife) is absent. [3]
16:17	The <i>îchiaro</i> men order Nchee to find Miriam.
16:27	Nchee and Mbiti go together to Miriam's hut.
16:30	Miriam appears.
16:31	The group of <i>îchiaro</i> men is asked to stand in a line. Then, they are placed under a conditional curse by Nchee's wives and Kabwî. [4]
16:34	Every person, irrespective of his or her connection to sorcery, is interrogated in person by the <i>îchiaro</i> men, who hold a bundle of cursing plants. [5]
16:43	The group of <i>îchiaro</i> men place a curse on the unknown offender. [6]
16:50	The <i>îchiaro</i> men collect small bundles of cursing plants to make a large bundle. [7]
16:57	The <i>îchiaro</i> men again traverse Nchee's homestead for a final observation.
17:13	The process of placing the curse is concluded with <i>kûringa rwû</i> . [8]

to quarrel and to exchange abusive words. While Mûnoru blamed Kabwî for mismanagement, Kabwî criticised Mûnoru, saying that Mûnoru, who appeared to be drunk, had never been recognised as clan chairman. In fact, there had been disagreement about the selection of a chairman at the Athimba clan meeting in Mûringene village, and some elders of the clan recognised the need to organise an election of clan officials.

II. Exchange of Conditional Curses

Table 5 presents the timeline of the cursing process according to my observations. After being served lunch at Nchee's homestead, the group of *ichiaro* men left the homestead to find cursing plants ([1] in Table 5 and Fig. 4). The cursing plants used on that occasion included *mûroo* (*Dovyalis abyssinica*) leaves, *îoka* (a type of grass, *Cynodon dactylon*), *mûtoongu* (*Solanum incanum*) root, *mûooru* (*Pycnostachys umbrosa*) leaves and *rûthirû* (fern) leaves. The activity involved in collecting these plants was called '*kûramûka kamwali*'.⁽¹⁰⁾ The plants were tied in several bundles and then used for cursing.

According to my observations, the group cursing consisted of four parts, each



Fig. 4. Collecting cursing plants



Fig. 5. ‘Cutting the neck’ of the *mwîchiaro*

of which was indispensable because a curse can punish the real perpetrators only when all the parties concerned are equally and reciprocally affected by the conditional curse.

1. *Îchiaro* Men Placed under a Conditional Curse

First, the group of *îchiaro* men were placed under a conditional curse by Kaario (the first wife), Miriam (the second wife) and Kabwî (the organiser) ([4] of Table 5). As these three did not know how to place the curse on their *mwîchiaro*, they were instructed by Mbiti to repeat his words while holding the bundle of *kamdari* (cursing plant) and using it to mark a circle around the *mwîchiaro*'s neck. Mbiti described this as ‘to slaughter’ (*ku-thînjana*) or ‘to cut the neck’ (*ku-iita nkingo*) of the *mwîchiaro* (see Fig. 5). Kaario did this to her *îchiaro* (Reuben and Nderi), Kabwî to his *îchiaro* (Mbiti), and Miriam to her *îchiaro* (Njou and Kîûa; see previous section).

The following dialogue shows how Miriam was instructed by the *îchiaro* men to put both herself and her *îchiaro* men under the conditional curse. Initially, Miriam was not able to perform this according to Mbiti's instructions. However, with additional instruction, she was able to do it properly.

Mbiti You just slaughter [you and your *mwîchiaro*] (*thînjana*) while we are watching... [Miriam was confused as she did not understand what she should do.] What kind of woman is this? Who is your *mwîchiaro*?

- Miriam I don't know who is mine.
 Reuben She is from the Anjarû clan and a daughter of M'Mpara. Her *îchiaro* is Akachiû.
 Miriam Now listen, if I have something that can harm someone's child, let me perish! And if you secretly come at night or day, your seeds of boys and girls should be poured on the ground!
 Mbiti You have not cut him in the way we wanted (*ûtaitana bûûra tûkweenda*). Tell him, 'if you try to go at night or daytime or you spit saliva without my knowledge, you should be cut like this!' (*wiyîkia wûta ûtukû kana mûthenya kana ûaikîa mataa ntikûmenya ûrotuîkaa ûû!*)
 [Then, Miriam repeated Mbiti's words.]

2. Interrogation of All People Present

Second, all those present were personally interrogated about whether they practised witchcraft (Fig. 6). After replying 'no,' each person was asked to spit on the cursing plant that the *mwîchiaro* was holding with both hands. This meant that he or she had been put under a conditional curse by the six *îchiaro* men ([5] in Table 5).

3. Placing a Curse on Unknown Perpetrators

Third, the group of *îchiaro* men, facing south towards a sacred volcanic hill



Fig. 6. Participants being interrogated by *îchiaro* men

known as Kîrîmakîerû (meaning ‘white mountain’), uttered the words placing the curse on the unknown perpetrators ([6] in Table 5 and Fig. 7). Reuben and Mbiti were the leaders of the group placing the curse.

Reuben Please, now the sun, you rise from below, then set on the Nyambene Hill. Now I ask for witches. If you know you possess witches or charms and you are left with it, surely, I don’t leave you in this compound, but I leave you at the Kîrîmakîerû Hill. Now surely I ask for everything. I also ask for charms, and I ask with our herbs (*kaali*⁽¹¹⁾), and I ask with everything that is required in the *Kîmîîrû* tradition. Surely, if there’s someone who sends a person to this homestead using money so that this home can collapse or who likes to see this home destroyed or wants to see the home in shabby condition, surely I won’t allow him in this homestead. I exile him to Kîrîmakîerû, and I am standing on one leg (*ndakinya îruu*).

[All the *îchiaro* men repeated these words while standing on one leg.]

We will leave him in the wilderness, and his flesh will be eaten by vultures.

Mbiti Stand on one leg, all of you.

Reuben Surely, if anyone knows what killed a son of this family, and he knows the secret... We will exile him to Kîrîmakîerû, and



Fig. 7. *Îchiaro* men placing a curse on unknown perpetrators while standing on one leg

he should be eaten by a lion (*Tumutia Kîrîmakîerû aroriwa nî simba*).

[All the *îchiaro* men repeated, ‘He should be eaten by a lion.’]

Mbiti He should be hit by a vehicle, and the one who was sent should be hit by a motorcycle. He should be killed by a python (*ndatû*).⁽¹²⁾

[All the *îchiaro* men repeated Mbiti’s words while standing on one leg.]

Reuben Let him fall on the white grass (*nyankine înjârû*)⁽¹³⁾ and be consumed by wild animals...

[The placing of the curse continued.]

The following section describes the final part of the process by which a curse was placed on unknown perpetrators. All the *îchiaro* men combined the bundles of herbs that each had been holding and made one large bundle bound with a rope of *rûoka*⁽¹⁴⁾ ([7] in Table 5). They held it together and said ‘*Tûmûkundîka*’ ([We tie him] and send him away to a secret place until the curse befalls him).

Reuben We tie him (*Tûmûkundîka*). We send him away to Kîrîmakîerû (*Tumutaa Kîrîmakîerû*). We tie him with *rûoka* (*Tûmûkundîka naa rûoka*)! We throw him away!

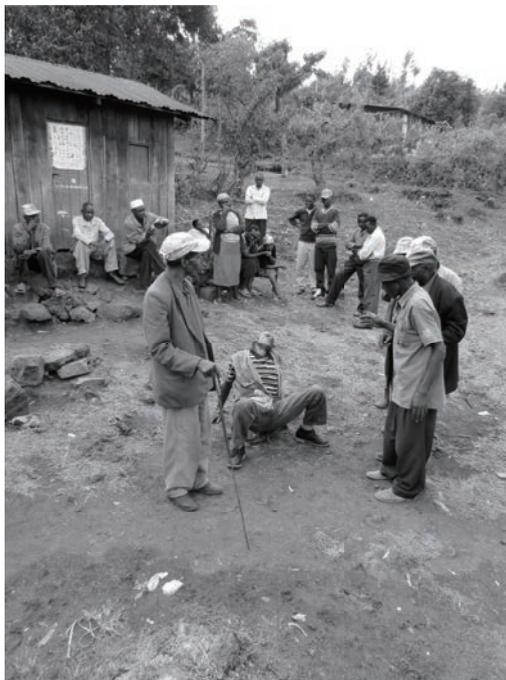


Fig. 8. An *îchiaro* man turning his back to the cursed object placed on the ground

After placing the large bundle of cursing herbs on the ground, the *îchiaro* men lie down over the bundle one after another, saying, 'I turn my back to him (*Nkûmuutatîra*),' to curse the unknown perpetrators (Fig. 8). In the following dialogue, *mpangaa* (cursed object) and *kiimba* (dead body) refer to this bundle. As they turned their backs to the cursed object (the bundle of herbs), they said,

- Reuben Come here, *îchiaro*. Let them see the cursed object (*mpangaa*). Now we are going to turn our back (*twetaa kutatira*) [to the cursed].
- Nderi Now he's in the wilderness.
- Reuben I turn my back to him (*Nkûmuutatîra*).
I turn my back to him.
- Mbiti Surely, this person is cursed. I turn my back also to his children, boys and girls. Let them perish. Surely, I turn my back to him. I even incite him to lose control of his bowels (*nkûmuutatîra, nkûmûringîra kinya mai*).
- Nderi He isn't left by the powerful *îchiaro* (*Atatîlwa nî îchiaro îtûnga*).⁽¹⁵⁾ Surely, they do not permit him here, and now the sun is going to set. Let it set with him.
- Kaumbu Surely, we turn our backs to him, and even his wife should not menstruate (*kinya mûka wake akorona mweri*). I turn my back to him.
- Njou Uui, I turn my back to him. Let him die. Let him get lost in the wilderness. Let his wife eject placenta (*mwekûrû wake aromiaa thiirîi*). I have left him in the wilderness of hyenas (*rwaanda rwa mbiti*).
- Kîûa Let him live like a rat (*mbîa*). I turn my back to him. Let his head be broken by his son.
- Reuben Now, *îchiaro*, let all come and give me this person (the cursed object). When you are lifting him, make a loud cry.
- All Uui, uui, now he's dead.
- Mbiti Now the corpse (*kiimba*) we are going to throw away (*Rîu kiimba kî tweeta ûtaa*).

4. *Kûringa rwîî* for Concluding the Placing of the Group Curse

Fourth, the cursing concluded with *kûringa rwîî* (clapping of hands) in the presence of all the people involved (Fig. 9, [8] in Table 5). The *îchiaros*' cursing words, shown below emphasised that each of them came as *mwîchiaro*, not in a private capacity. For example, Mbiti came as a representative of the Andûûne clan, not as Mbiti in person, not as a Njûrîncheke elder, and not as a skilled mediator.

- Mbiti Now we are closing the homestead. If anybody says I was here as Andûûne, his boys and girls should perish like this!
[All clapped]



Fig. 9. ‘Clapping of hands’ for concluding the group cursing

- Reuben Now I say as Nkula or Antûbakîthoro. It was the clan that sent me; it was not the son of M’Thîrîbî.⁽¹⁶⁾ Whoever says that I was the one here with this occasion, his sons and daughters, let them perish! [All clapped]
- Nderi If anybody says I was the one as Antûambui, we do not allow him here! [All clapped]
- Kaumbu I am saying this as Antûamûtî. If anybody comes back and says I was the one who was here and if he got bribed to destroy this homestead, I won’t allow him here. I will chase him to the wilderness! [All clapped]
- Kîûa I am saying this as Akachiû. I was here, but it was the clan that sent me. I won’t leave him here. I chase him out to the wilderness! [All clapped]
- Njoua I am saying this as Akachiû. I was here but it was the clan [that sent me]. I won’t allow him here! [All clapped]

After concluding the group cursing, the cursed object (the bundle of herbs) was taken away by the group of *îchiaro* men to be kept in a secret place only known to the guest. When someone comes forward to recognise his or her responsibility as the perpetrator, the victim will receive ample justice including

the compensation for damages, and the *îchiaro* men will cleanse the object to remove the power of the curse, which otherwise continues harming him and his properties.

III. Findings

There are four important findings from the analysis of Case 9.

First, perpetrators, even if unknown, should be cursed. The case resulted from a dispute between Nchee's wives observed in Case 1, wherein Kaario accused Miriam of witchcraft. Nchee was in a quandary between his two wives and was unable to resolve the issue himself. Accordingly, *îchiaro* men to the two wives, among others, were invited. However, Nchee was also a victim, as his property was maliciously damaged. He argued that the series of misfortunes was caused not by one of his wives but by unknown perpetrators from his neighbourhood. He thus attempted to resolve it by involving the group of men who were *îchiaro* to neighbouring clans, including the Athimba. It is interesting that Mbiti, of the Andûûne clan, was invited in the capacity of *îchiaro* to the Athimba clan members, who could potentially have been perpetrators. Nchee's or his brothers' power of *îchiaro* against Athimba was not used in this case.⁽¹⁷⁾

Second, a curse against unknown perpetrators should be effective against all possible targets. As described above, the group cursing at Nchee's residence consisted of four parts: (1) the *îchiaro* men were placed under a conditional curse, (2) all people present were interrogated by the *îchiaro* men about whether they had evil intentions, (3) the *îchiaro* men placed a curse on unknown perpetrators, and (4) everyone was cautioned with *kûringa rwîi* not to identify the *îchiaro* men in their individual capacities. The first two steps were to ensure that neither the group of *îchiaro* men nor any of the people present, including family members and neighbours, intended to harm anybody. The third step was against unknown perpetrators who had caused harm to Nchee's family members. With these three types of cursing, no-one was exempt from being a target of the conditional curse. Moreover, there was reciprocity in the group cursing in that the *îchiaro* men not only cursed all the parties but were also cursed by the parties themselves. From the *îchiaro* men's viewpoint, the parties were their *îchiaro* in a reciprocal way. The fourth and final step, with *kûringa rwîi*, is separately discussed in the next paragraph.

Third, the ones who curse should not be identified in their personal capacity. The *îchiaro* men emphasised that it was not themselves as individuals but their respective clans that had the power of *îchiaro*, and each of them came as representatives of their clans. Their status as third parties or executors in this case was not based on their achieved status or expertise but on their ascribed or biological status as *îchiaro*. Theoretically, any member of their respective clans could have assumed the same role in this case. As I noted in the first part of this paper, their conflict management system is egalitarian and democratic to the extent that the power of *îchiaro* is universally and equally distributed among the people. However, we should note that there is gender inequality in

this system. Women were not invited as *îchiaro* in the group cursing. I have never observed a case in which women were invited by their *îchiaro* counterparts for conflict management.⁽¹⁸⁾

Fourth, there is a strong orientation towards materialism. The bundle of herbs used in the meeting materialised the *îchiaro* men's curse against unknown perpetrators. Uttering cursing words is not enough to activate the curse's power, and such materialisation is common in the Îgembe community. Their materialism requires the visible evidence of action by third parties, such as an *îchiaro* or Njûriñcheke, rather than evidence for judgement, such as evidence of a crime.

HOMICIDE COMPENSATION, APRIL 2013–JUNE 2013 (CASE 10)

In May 2013, the Athimba clan received homicide compensation from the neighbouring Bwethaa clan. Kîng'angi, who was killed in the late 1990s, was the eldest biological brother of Nchee (H20), Mwaambia (H21) and Meeme (H22). The payment process was completed within two months, which is considered a short period of time in this context.

This case is interesting as it illustrates the process by which compensation for the homicide of an *îchiaro* migrant should be paid. Kîng'angi was a second-generation migrant from the Antûambûi clan of Laare, which was allocated land by the Athimba clan, and had lived for many decades in Mûringene village. An Athimba elder (H3) remembered their history: when M'Ikîrîma (Kîng'angi's father) first came to Mûringene village, Kamanja (biological grandfather to H1, H2, H3 and H4) and his younger brother Mûmama, both of the Kîramunya age group, served as hosts, welcoming and allocating land to their *îchiaro* (this process is called *ûkîlua kîthiana*). Since then, M'Ikîrîma and his sons have lived among the Athimba clan. From a biological perspective, they are Antûambûi; from a sociological perspective, they are Athimba. As shown in Cases 3 and 6 of this paper, their biological status remained pertinent. However, it was said that the brothers' status as *îchiaro* had weakened and that they had been assimilated into the Athimba clan as they had shared water with neighbouring members of the Athimba clan in Mûringene for many decades.

I will provide detailed descriptions and a comparative analysis of the payment process elsewhere; this paper focuses on only two questions: (1) Who or which clan (Athimba or Antûambûi) should receive the homicide compensation in this case? (2) Why and how was the payment of the homicide compensation completed so quickly (in less than two months)?

I. Clan Affiliations of the Deceased and His Family

Table 6 shows all the items paid in the transaction between April and May 2013. Kîng'angi's close relatives were given five of eight head of cattle⁽¹⁹⁾ brought by the Bwethaa clan. The numbers in square brackets are for identifying individuals in the genealogy below (Fig. 10). Kîng'angi's mother's *ntai*⁽²⁰⁾ [9],

Table 6. Distribution of compensation items

Date	Items	Recipient
April 2013	One she-goat for a chief elder (<i>mparika ya mûaambi</i>)	M'Lichoro (H28) (<i>mutunguri</i>) [Athimba]
May 13	A bundle of miraa (<i>nchoolo ya mîraa</i>) [paid in cash, 5,000 Kenyan shillings]	Distributed among clan members [Athimba]
	One ram for respect (<i>ntûrûme ya uthoni</i>)	Kîng'angi's mother's <i>ntaû</i> [9] c/o Mwaambia
	One ewe for respect (<i>mwafi ya ûthoni</i>)	Meeme [4]
	One she-goat for respect (<i>mparika ya ûthoni</i>)	Ntongai (<i>mûtângûri</i>) [Athimba]
May 14	One milking cow with a calf (<i>nkiria na atang'atangi</i> [<i>muuma ya ng'ombe na kîana kiayo</i>])	Mwaambia [2] (<i>atang'atangi</i> for Ngatûnyi from Laare [1])
	One heifer (<i>mwari</i>)	Kîng'angi's son [8]
	One she-goat (<i>mparika</i>)	Îrukî [Mûmama's house] [Athimba]
May 17	One bull for giving water (<i>ndewa ya râûji</i>)	Slaughtered for a joint feast at a clan house [Athimba and Bwethaa]
	One calf for the clan (<i>njaû ya mwîrîa</i>) [paid in cash, 16,000 Kenyan shillings]	Distributed among clan members [Athimba]
	One she-goat (<i>mparika</i>)	M'Thîribi (H15) [Athimba]
May 28	One small bull for exorcising death (<i>ntaa kîî</i>)	Ndatu [6]
	One heifer (<i>mwari</i>)	Kajuuju [Kîng'angi's son's wife] [7]
	One she-goat (<i>mparika</i>)	Murithi (Kîng'angi's sister) [5]
May 30	One bull for calling for a head (<i>ndewa ya ûkûrîra kîongo</i>)	Slaughtered at Njûrînceke (hide given to Mwaambia's wife [3])
	One ram for smearing fat (<i>ntûrûme ya waakana mauta</i>)	Slaughtered at Njûrînceke
	One he-goat (<i>nthenge</i>)	Slaughtered at Njûrînceke
	One she-goat (<i>mparika</i>)	Ntongai (<i>mûtângûri</i>) [Athimba]

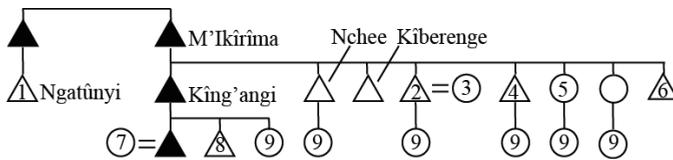


Fig. 10. Distribution of compensation items among M'Ikîrîma's sons

for example, who were given a ram to share, included her six granddaughters, as shown in Fig. 3. The ram was slaughtered at Mwaambia's homestead for a feast among the granddaughters. One calf, called *atang'atangi*, received by Ngatûnyi [1] (Kîng'angi's FBS) in this case, should have accompanied a milking cow called *nkiria* (Ishida, 2008b: 161–162), which was given to Mwaambia [2]. Apart from individual distributions, one of the bulls was slaughtered for a feast at Mwaambia's homestead, where a hut was built as a clan house (*nyumba ya mwîrîa*) for elders awaiting payment of compensation (discussed below). The last head was slaughtered on the day of the 'calling for a head' (*ûkûrîra kîongo*),

when both parties met to reconcile in the presence of the Njûrînceke council of elders. On this occasion, Ngatûnyi, of the Antûambûi clan, and Gitonga (biological brother of the suspect), of the Bwethaa clan, smeared ram's fat on each other (*waakana mauta*) for a ritual cleansing. Ngatûnyi is a biological father's brother's son (FBS) to the late Kîng'angi and his brothers (Kîberenge (19), Nchee (H20), Mwaambia (H21) and Meeme (H22)), but he has remained in Laare as *mwAntûambûi* (an Antûambûi clan member) and thus maintained his biological as well as social status as *mwîchiaro* to the Athimba. In this context, it appears that the Antûambûi clan members received the homicide compensation. However, the following shows that the Athimba clan was assumed to be its recipient.

In April 2013, Baariu, an elder from the Bwethaa clan, was sent with a she-goat to an Athimba elder, M'Lichoro (H 28, see note (6)). M'Lichoro was consulted because he was regarded as a *mûaambi* (spokesman or chief elder) of the Athimba clan and his mother was from the Bwethaa clan. Both Baariu and M'Lichoro were Njûrînceke elders. On April 18, 2013, soon after M'Lichoro was consulted, the 11 Athimba elders⁽²¹⁾ met at M'Lichoro's homestead. The clan sent Mwaambia (H21) and another elder to Laare to inform Ngatûnyi, who belonged to the Antûambûi clan. The Athimba clan record dated April 25, 2013 noted that Kamanja's and Mûmama's sons (descendants) would receive the inheritance of the deceased (*kû-ria ûkûa*⁽²²⁾). This meant that the Athimba clan members were 'brothers' of the victim and were thus supposed to receive compensation. The items given to the Athimba elders included (1) one she-goat for M'Lichoro as chief elder (*mûaambi*) of the Athimba; (2) two she-goats for Ntongai as messenger (*mûtûngûri*); (3) one she-goat for Îrukû as chief elder of Mûmama's house; (4) one she-goat for M'Thîrîbî (H15), who contributed a he-goat for a feast at Mwaambia's homestead; and (5) 21,000 Kenyan shillings in cash (5,000 Kenyan shillings paid as a bundle of *mira* and 16,000 Kenyan shillings paid in the form of a calf) to be shared among the clan members. Apart from these items, Athimba elders meeting at the clan house were treated to the meat of two he-goats and a bull, both of which were slaughtered at Mwaambia's residence.

The above shows that a large portion of the key items for homicide compensation were distributed to close relatives of the victim, whereas the details of homicide compensation were negotiated in inter-clan transactions between the Athimba and Bwethaa clans. This case also reflects the dual identity of Kîng'angi and his brothers (H19, H20, H21 and H22).

II. Rapid Settlement of Compensation

The process of paying compensation for Kîng'angi's homicide was completed in less than two months, a significantly shorter period than that for another homicide case from 2001 to 2002 that involved the Athimba clan as recipients (Ishida, 2008b: Chapter III). Why was the Kîng'angi case settled so quickly? The answer to this question is simple. The suspect in this case, who belonged

to the Bwethaa clan, denied responsibility after Kîng'angi's corpse was found in his compound. The unidentified killer was then put in *kîthili*⁽²³⁾ and cursed by Ngatûnyi (Kîng'angi's FBS from Laare) at *Njûrînceke*. Over the next several years, serious misfortunes befell the suspect and his family: the suspect was murdered in a robbery in 2006, his brothers were seriously injured in a traffic accident and two of his family members (one of his brothers and his son) passed away due to different reasons. According to the Athimba clan members, the brothers of the suspect began to believe that the *kîthili* oath performed for the Kîng'angi murder case was responsible for the deaths and injuries of their family members. The brothers, on the other hand, argued that they did not know the real perpetrator and the *kîthili* was not responsible for the family's misfortune. Nevertheless, they agreed that they should pay the compensation to repair their poor reputation. They disliked local rumours that interpreted their misfortunes as the outcome of the *kîthili* oath. Accordingly, they acknowledged 'their' responsibility for the murder and paid homicide compensation to Kîng'angi's relatives to ensure that the *kîthili* oath would be removed as soon as possible. The suspect's brother was wealthy and managed to pay the items required by the victim's clan.

III. Observations

This case of homicide compensation is a good illustration of the key issues discussed in this paper, and it facilitates three important observations.

First, an orientation towards 'confession-based' conflict management is observed. The Athimba clan members and Kîng'angi's brothers understood that the Bwethaa members were forced by the *kîthili* oath to confess their guilt. However, the story is not as simple when viewed from a different angle. As the suspect was already deceased, the ones who decided to meet 'their' responsibility to pay homicide compensation were his brothers.

Second, the compensation for the late Kîng'angi was paid during the Athimba-Bwethaa inter-clan transaction. Kîng'angi's brothers (the second generation of *îchiaro* migrants from Laare to Mûringene village) and Ngatûnyi (Kîng'angi's FBS left in Laare as an Antûambûi clan member) were given key items (four head of cattle) as they were close relatives of the victim. Nevertheless, the Athimba clan elders assumed their responsibility as 'clan representatives,' and Kîng'angi was regarded in this case as an Athimba member by Bwethaa clan members.

Third, compensation is not a simple process of unilateral payment. Mwaambia, one of their younger brothers, was regarded by the Athimba elders as the family representative in this case and was requested to provide the elders with a shelter (clan house) and food at his homestead. Accordingly, he was then given the largest share of the items brought by the Bwethaa clan. On the other hand, Nchee and Kîberenge were not given any items in the homicide compensation process. This was simply because the two brothers did not provide any items to the elders. In the payment process of homicide compensation, the victim's

family members are not only the receivers of compensation items but also providers of various items, particularly for the clan elders (Ishida, 2008b: Chapter III). For them, their expenditures may equal the value of the compensation items they receive. When I interviewed Mwaambia, he told me that he would share the items with his elder brothers, Nchee and Kîberenge.

CONCLUSION: LOCAL THEORY OF BIOLOGICAL DETERMINISM

In the Îgembe community examined in this paper, people do not rely primarily on judgements by human agents for conflict management; instead, they have recourse to conditional curses using oaths or the power of *îchiaro*. They do not rely on specialists, professionals or experts for conflict management. Cases are not judged in the context of a unilateral relationship between accuser and accused or arbitrator and disputant. A conditional curse provides a mechanism that can be an alternative to judgement based on human reasoning. The third party does not convict the disputants but enables them to wait for either party to recognise his or her responsibility and confess at any time in the future. In these respects, conflict management in the Îgembe community is confession-oriented. Harmony is created but not enforced against the benefit of contesting parties.

Conflict management with *îchiaro* is egalitarian and democratic to the extent that every person has the power of *îchiaro*. Theoretically speaking, the power of *îchiaro* is universally given to all individuals of the Îgembe. If one is born as a member of the Athimba clan, he or she is automatically *mwîchiaro* to the Antûambûi and Andûûne clans. Such a biological determinism is, from the local perspective, a dominant means of identifying and understanding their *îchiaro* relationships. Some individuals such as Ngatûnyi, of the Antûambûi clan, or Mbiti, of the Andûûne clan, may be appreciated as more powerful *mwîchiaro* than others. In other words, though everyone is eligible to represent his or her clan as *mwîchiaro*, particular individuals are more commonly invited. However, as shown in Case 9, *îchiaro* men are not required to identify themselves as ‘experts’ in their private capacity. This biological determinism thus serves to depersonalise the *îchiaro*.

The knowledge of clan affiliation is central to such determinism. The clan affiliation is conditioned by socio-historical facts and, at the same time, is circumstantially interpreted by local people. In other words, *îchiaro* is a generalised theory or set of norms for democratising conflict management, and it has proven to be justified in both their history and everyday experiences.

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NOTES

- (1) The fact that the *îchiaro* relationship is determined by natal affiliation is also relevant to the expectation that married women respect the members of their husbands’ *îchiaro* clans, as the latter’s supernatural powers might otherwise cause problems for their children. Nevertheless, even after marriage, women retain their natal status with respect to their *îchiaro*. Accordingly, when a married woman takes a *muuma* (oath) before a *mwîchiaro*, she is required to swear before the *mwîchiaro* of her father rather than the *mwîchiaro* of her husband (Ishida, 2008a).
- (2) The names of the village and individuals in this paper are pseudonyms.
- (3) Kîmîrû words appearing in this paper are spelled according to the orthography found in the Kîmîrû-language Bible published in 2010 (Bible Society of Kenya, 2010). I am grateful to Stephen A. Mûgambi Mwithimbû for correcting my spelling.
- (4) Previous researchers have assumed that the original meaning of *îchiaro* was blood brotherhood. However, it is theoretically misleading to identify the *îchiaro* of the past with the ‘blood brotherhood’ in other African societies. The concept of blood brotherhood is applicable to the current use of this term only in its procedural dimension, that is, as an exchange of blood. However, there is no proof that the exchange of blood is the primary element of this social institution or that its contribution should be considered to the neglect of other relevant factors. I have made the case elsewhere that *îchiaro* should not be identified as a remnant of previous blood-brotherhood phenomena for purposes of comparison (Ishida, 2003b).
- (5) This paper follows Fadiman’s terminology of ‘ridgetop’ (Fadiman, 1993: 70). The definitions of the ridgetop, lower slope and plain coincide with the common agro-ecological zone classifications of Upper Medium 3 (Marginal Coffee Zone), Lower Medium 3 (Cotton Zone) and Lower Medium 4 (Marginal Cotton Zone), respectively. Whereas the government has identified the lower slope and plain as potential areas for cotton cultivation (Lower Medium 3 and 4 zones), people in the Îgembe Southeast Division have not yet exploited most of the area for cotton production.
- (6) His wife is a cousin (father’s brother’s daughter: FBD) of M’Lichoro (H28), who is an Athimba elder of a different village. M’Lichoro was involved in the homicide compensation processes observed in 2001–2002 (Ishida, 2008b: Chapter III) and 2013 (Case 10 in this paper).
- (7) Each age-set appears, theoretically, every 120 years, as the Gîchûnge was previously created at the end of the 19th century and was revived at the beginning of the 21st century. The former Gîchûnge age group was followed by the Kîramunya, then the Îthaliî, and then finally the present Mîchûbû age groups.
- (8) M’Barûngû, who passed away in 2010, was also involved as a chief elder of the Athimba in the homicide compensation process during 2001–2002 (Ishida, 2008b: Chapter III).
- (9) Kauo is the husband of a woman who took an *îchiaro* oath during a witchcraft

- accusation case in 2005 (Ishida, 2008a).
- (10) ‘*Kūramūka kamwali*’ literally means ‘to go and collect a small daughter.’
 - (11) The word “*kaali*” means a small girl. See note (10).
 - (12) *Ndatū* is a python. *Ntuīra* is a small but poisonous snake (cobra).
 - (13) In this context, ‘white grass’ means *Kīrīmakierū* (white mountain) and the plain.
 - (14) *Rūoka* is a variety of grass that can be used as a rope.
 - (15) The words ‘*īchiaro itūnga*’ mean that the *īchiaro* are more powerful when they come in a group.
 - (16) M’Thīribī is Reuben’s father’s name, and ‘the son of M’Thīribī’ refers to Reuben in this context.
 - (17) There was another group cursing in the neighbourhood of the Mūringene village in August 2013. This case was interesting since Denis, of the Buntai age group, M’Ikīrīma’s last-born son and stepbrother to the late Kīng’angi, Kīberenge (H19), Nchee (H20), Mwaambia (H21) and Meeme (H22), was invited as *mwīchiaro* to Athimba.
 - (18) Makio Matsuzono has observed in his research in the Athīrū Gaiti community that women are not invited for this purpose, although it might be theoretically possible.
 - (19) The eight head of cattle here include a calf that was paid in cash (16,000 Kenyan shillings) by the Bwethaa, as shown in Table 6.
 - (20) *Ntaū* represents a relationship between two persons who share the same name. In the traditional Amīrū naming systems, a child is named after one of his or her elder relatives. When a first-born son, for example, is named after his paternal grandfather, a *ntaū* relation is assumed between the child and his grandparents. One person may have several juniors (mostly grandchildren) as *ntaū*. In this case, Kīng’angi’s mother’s granddaughters in the same neighbourhood were invited as *ntaū* for a feast.
 - (21) The 11 elders who met on April 18, 2013 included Kabeeria (H21), Ndatū (clan chairman, H18), Mūtūma (H3), Mūtūma’s brother (H2), Mūrūngī (25), M’Lichoro (28) and five other elders from Mumama’s house.
 - (22) The words ‘*kū-rīa ūkūa*’ (literally ‘to eat the dead’) mean that one of the surviving brothers may inherit the properties of the deceased.
 - (23) Kīthili is a type of oath (*muuma*), whose method is regarded as a secret of the Njūrīncheke council; the scene involving the administration of the *kīthili* oath should not be observed by *nkūrūmbū* (an ordinary person who is not a Njūrīncheke member). The oath is another form of conditional curse and its significance for this case is discussed in previous section.

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