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<td>Ishida, Shin-ichiro</td>
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Kyoto University
EGALITARIAN CONFLICT MANAGEMENT AMONG THE ÎGEMBE OF KENYA

Shin-ichiro Ishida

Department of Social Anthropology, Tokyo Metropolitan University

ABSTRACT In a farming community of the Îgembe (a subgroup of the Kimîrû-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 Antûambû 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 Kimîrû-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 ichiaro (institutionalised inter-clan relationships). As this paper shows, the power of ichiaro 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 Igembe society, every clan has a reciprocal ichiaro relationship with two other clans. People related by ichiaro address each other as mútanoba (brother; literally ‘son from the same father’), while biological brothers address each other as mútanochia (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 ichiaro counterparts and vice versa. Thus, the power of ichiaro is universally and equally distributed insofar as every individual is a member of a particular clan."\(^{(1)}\)

My observations of Mūringene village,\(^{(2)}\) which consists of about 40 households, are the basis of this paper, which describes how villagers manage their disputes by involving their ichiaro neighbours. My previous studies documented several cases in which ichiaro 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 ichiaro’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 Mūringene village when they were given land by their ichiaro counterpart, the Athimba clan. Since then, the ichiaro migrants have been assimilated into the local host Athimba clan, but their ascribed or biological ichiaro 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 ichiaro. 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 ichiaro linkage).

The case analysis in this paper observes the local theory of biological determinism and its practical application in the ichiaro relationship. While the power of ichiaro 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 ichiaro 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.
In Case 10, compensation for a homicide victim (the late Kîng’angi) was paid to M’Ikîrîma’s sons and others involved in the Athimba–Bwethaa inter-clan transactions. In these cases, the brothers (i.e., M’Ikîrîma’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’Ikîrîma’s sons’ status as îchiaro was assumed.

ETHNOGRAPHIC SETTING

I. The Îgembe

The Îgembe or Îeembe are a subgroup of the Ameru or Amîîrû, a Kîmîîrû-speaking 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 Amîîrû. The nine subgroups of the Amîîrû 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 Amîîrû society.

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

Ichiaro or gîchiaro refers to an institutionalised inter-clan relationship. Clans related by ichiaro share exogamous rules and reciprocal obligations. They are not allowed to marry a mwîchiaro (a partner in the ichiaro 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 ichiaro.

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 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 miraa. People normally walk

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

<table>
<thead>
<tr>
<th>Age group</th>
<th>Nding’ûri subset</th>
<th>Kobia subset</th>
<th>Kabeeria subset</th>
</tr>
</thead>
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<td>Mîchûbû</td>
<td>1933</td>
<td>1937</td>
<td>1942</td>
</tr>
<tr>
<td>Ratanya</td>
<td>1948</td>
<td>1954</td>
<td>1957</td>
</tr>
</tbody>
</table>

The circumcision years of the Kobia and Kabeeria subsets of the Lubetaa age group and those following are based on my schematic calculations.
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 mucii-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 Michûbû age group purchased land from the Neheme clan in 1951 and migrated from his natal village to Mûringene. Another elder (H38), of the Antûamûtî clan and Lubetaa age group, remembers that his grandfather (of the former Gîchûnge age group) was allocated land by an elder

### Table 2. Population 1979–2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Population of the Îgembe Districta</th>
<th>Population densityb of the Îgembe District (persons/km²)</th>
<th>Population of the Îgembe S. Eastc</th>
<th>Population densityb of the Îgembe S. East (persons/km²)</th>
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<tr>
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<td>171,307</td>
<td>88.4</td>
<td>7,367</td>
<td>117.5</td>
</tr>
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<td>1989</td>
<td>256,461</td>
<td>132.3</td>
<td>14,375</td>
<td>229.3</td>
</tr>
<tr>
<td>1999</td>
<td>364,286</td>
<td>187.9</td>
<td>18,700</td>
<td>298.2</td>
</tr>
<tr>
<td>2009</td>
<td>482,466</td>
<td>248.9</td>
<td>26,731</td>
<td>426.3</td>
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</table>


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.

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 Michûbû age group purchased land from the Neheme clan in 1951 and migrated from his natal village to Mûringene. Another elder (H38), of the Antûamûtî clan and Lubetaa age group, remembers that his grandfather (of the former Gîchûnge age group) was allocated land by an elder
Fig. 2. Map of Mûringene village
Table 3. Households in Mûringene village and its neighbourhood

<table>
<thead>
<tr>
<th>No.</th>
<th>Clan</th>
<th>Age group</th>
<th>Birth year</th>
<th>Circumcision</th>
<th>Marriage</th>
<th>Wife’s clan</th>
<th>Land properties (acres)</th>
<th>Inheritance</th>
<th>Purchase</th>
<th>Clan</th>
<th>Other</th>
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<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Athimba' Y</td>
<td>Lub.Nd</td>
<td>1984</td>
<td>1989</td>
<td>2004</td>
<td>Antiâmùbi</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Athimba' Z</td>
<td>Lub.Nd</td>
<td>1985</td>
<td>1990</td>
<td>2005</td>
<td>Antiâmùbi</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

a The Athimba clan in the Mûringene 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 FFBSS 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.
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-njûri (literally, ‘Njûriîncheke father,’ meaning supervisor of the Njûriîncheke 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 ichiaro migrants from the Antûambûi clan was given land in Mûringene by their ichiaro counterpart, the Athimba. Nchee (H20) and his brothers, including Kîberenge (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’Ikîrîma), Athimba clan members still remember the biological origin of these brothers and fear them because of the ineradicable and tangible ichiaro 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 ichiaro clans, Antûambûi and Andûûne, they often invite Ngatûnyi, 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), Ngatûnyi 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 Kîmîîrû 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 mwîchiaro to the Athimba clan and the clan’s status of ichiaro 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 ichiaro migrant.

Case 3 illustrates the power of a mwîchiaro in the context of settling disputes among clan members. The mwîchiaro in this case was Kîberenge (H19), Nchee’s biological brother. As mwîchiaro, 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 mwîchiaro.

Cases 4 and 5 involved a mwîchiaro from the Andûûne clan (one of the two ichiaro clans of the Athimba). In Case 4, the Athimba clan elders sent the mwîchiaro 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 mwîchiaro 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 ichiaro. Specifically in Cases 2 and 7, clan members solved their land disputes through their negotiations without involving the ichiaro, 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 mwîchiaro to seek reconciliation. At the same time, they were instructed to clarify the conditions of Nchee’s mîraa-leasing contract so that a part of Nchee’s property could be appropriately allocated to Kaario. The witness (mûkûûjî)
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’Barûûngû, of the Mîchûbû age group, allocated land to his daughter’s son (of the Buantai age group), but M’Barûûngû’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’Barûûngû’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 ichiaro clan to the Athimba) and Mîrîti age group, was sent to Kînyûûrû’s residence. Kînyûûrû, of the Mîchûbû 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’Barûûngû (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 Mîchûbû age group) and Kauo (H31, of the Amwari clan), who were neighbors in Mûringene. 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 mwîchiaro, Mpuria of the Andûûne clan (Case 4) determined that Kauo should not quarrel with Ciomûthooi. However, the clan elders ordered that a mwîchiaro not be used in this case, as the land had already been demarcated. The clan said it was wrong for a mwîchiaro to interfere under these circumstances and ruled that it was wrong for a mwîchiaro to plant a cursing plant.

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

Nchee (H20, Case 1) and Mwaambia (H21) were the sons of M’Ikirîma, of the Antûambûi clan, an ičiaro clan in relation to the Athimba. They were given a piece of land in Mûringene village by the Athimba clan. However, the brothers had been negligent about their duties to assist their ičiaro clan, and were charged a bull as a fine. The clan elders said that a mwîchiaro should not be asked for a bull and, alternatively, instructed the brothers to bring nkome (a token of apology), in accordance with Kîmîîrû 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 Michûbû age group, sold land in the lower slope area that was gifted by Baitumbîrî (father to H1, H2, H3 and H4) many years ago. Baitumbîrî recruited M’Imana into Njûriîncheke, and they developed a strong friendship, as the former was an ître-wa-njûri (Njûriîncheke father) to the latter. After the death of Baitumbîrî, his son Mûtûma (H3) succeeded his father as guardian to M’Imana. When M’Imana sold the land, he brought the head of a goat (mûtwe) to Mûtûma as a token of appreciation. Mûnoru (H12), Mûrûngî (H25) and another elder claimed that M’Imana should also bring something to them. Mûtûma explained to the claimants that the land originally belonged to Baitumbîrî, 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 Mûtûma brought 500 Kenyan shillings as nkome to the clan to restore unity (ngwataniro).

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

Matî (H9) sued Chege under the jurisdiction of the land committee with regard to Matî’s plot in the lower slope area. When Matî sold a hilly part of the land, Chege took illicit steps during the transaction. Matî and Ndatû (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 Antûambûi clan, one of the two clans that had a reciprocal relationship of ičiaro
with the Athimba. As their father was given land by his ichiaro 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 ichiaro; they were sometimes disputing parties themselves. Their power of ichiaro 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 ichiaro 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 ichiaro 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 ichiaro counterparts (the Athimba clan elders) for their ignorance of their obligations as ichiaro. The Athimba elders understood that the reciprocal ichiaro 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 ichiaro 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 Michûbû 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 ichiaro 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 ichiaro 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 kilaa (mîraa 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 (mûroi) 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 ichiaro 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 mwîchiaro. Accordingly, both the men who had an ichiaro 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 Antûbakîthoro clan, Mbiti, of the Andûûne clan, and Kaumbu, of the Antûamûtî clan, were the Njûriîncheke elders.

As noted in Table 4, the first wife (Kaario) was from the Akinying’a clan, whose mwîchiaro was Nderi, from the Antûambui clan (This clan is different from the Antûambûi, to which Nchee and his brothers originally belonged). The second wife (Miriam) was from the Anjarû clan, whose ichiaro include both

<table>
<thead>
<tr>
<th>Name</th>
<th>Clan</th>
<th>Ichiaro clans</th>
</tr>
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<tbody>
<tr>
<td>Reuben</td>
<td>Antûbakîthoro</td>
<td>Amwari</td>
</tr>
<tr>
<td>Mbiti</td>
<td>Andûûne</td>
<td>Athimba</td>
</tr>
<tr>
<td>Kaumbu</td>
<td>Antûamûtî</td>
<td>Antûambeti</td>
</tr>
<tr>
<td>Nderi</td>
<td>Antûambui</td>
<td>Akinying’a and Anjarû</td>
</tr>
<tr>
<td>Njou</td>
<td>Akachiû</td>
<td>Anjarû and all the clans in Athîrû Gaiti</td>
</tr>
<tr>
<td>Kûa</td>
<td>Akachiû</td>
<td>Anjarû and all the clans in Athîrû Gaiti</td>
</tr>
</tbody>
</table>
Njou and Kiúa, 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 Antûbakîthoro clan, came as mwîchiaro to the Amwari clan; and Kaumbu, of the Antûamûtî 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 ichiaro relationship in that it has an ichiaro relationship with the Anjarû clan as well as with all the clans in the Athîrû Gaiti community.

The group of ichiaro 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. Kiberenge (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 ichiaro 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 ichiaro men were outside the homestead making arrangements, the two continued

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

First, the group of ìchiaro 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 mwìchiaro, they were instructed by Mbiti to repeat his words while holding the bundle of kamwari (cursing plant) and using it to mark a circle around the mwìchiaro’s neck. Mbiti described this as ‘to slaughter’ (ku-thîînja) or ‘to cut the neck’ (ku-iita nkingo) of the mwìchiaro (see Fig. 5). Kaario did this to her ìchiaro (Reuben and Nderi), Kabwî to his ìchiaro (Mbiti), and Miriam to her ìchiaro (Njou and Kiûa; see previous section).

The following dialogue shows how Miriam was instructed by the ìchiaro men to put both herself and her ìchiaro 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 mwìchiaro] (thîînjana) 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 mwìchiaro?
Miriam  I don’t know who is mine.
Reuben  She is from the Anjarû clan and a daughter of M’Mpara. Her i[chiaro 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 (útaîtana 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!’ (wi[yika wîta ütukû kana múthenya kana úaikía mataa ntîkûmenya ürotuikaa 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 i[chiaro men ([5] in Table 5).

3. Placing a Curse on Unknown Perpetrators

Third, the group of i[chiaro men, facing south towards a sacred volcanic hill

Fig. 6. Participants being interrogated by i[chiaro 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 İchiaro 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. İchiaro men placing a curse on unknown perpetrators while standing on one leg](image)
he should be eaten by a lion (Tumutia Kirimakieru aroriwa nii simba).

[All the ichiaro 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 (ndatitu).\(^{(12)}\)

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

Reuben Let him fall on the white grass (nyankine injaru)\(^{(13)}\) 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 ichiaro men combined the bundles of herbs that each had been holding and made one large bundle bound with a rope of ruoka \(^{(14)}\) ([7] in Table 5). They held it together and said ‘Tumukundika’ ([We tie him] and send him away to a secret place until the curse befalls him).

Reuben We tie him (Tumukundika). We send him away to Kirimakieru (Tumutaa Kirimakieru). We tie him with ruoka (Tumukundika naa ruoka)! We throw him away!

Fig. 8. An ichiaro man turning his back to the cursed object placed on the ground
After placing the large bundle of cursing herbs on the ground, the ńichiaro men lie down over the bundle one after another, saying, ‘I turn my back to him (Nkümümatira),’ 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, ńichiaro. 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 (Nkümümatira). I turn my back to him.

Mbìti
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 (nkümümatira, nkümûringîra kinya mai).

Nderi
He isn’t left by the powerful ńichiaro (Atatîlwa nû ńichiaro ńtûnga). 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 thiirii). I have left him in the wilderness of hyenas (rwaanda rwa mbiti).

Kîûa
Let him live like a rat (mbàa). I turn my back to him. Let his head be broken by his son.

Reuben
Now, ńichiaro, 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.

Mbìti
Now the corpse (kiimba) we are going to throw away (Rîu kiimba kîi 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 ńichiaros’ cursing words, shown below emphasised that each of them came as mwîchiaro, not in a private capacity. For example, Mbìti came as a representative of the Andûûne clan, not as Mbìti in person, not as a Njûriîncheke elder, and not as a skilled mediator.

Mbìti
Now we are closing the homestead. If anybody says I was here as Andûûne, his boys and girls should perish like this! [All clapped]
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Reuben  Now I say as Nkula or Antúbakîthoro. It was the clan that sent me; it was not the son of M’Thîrîbî. 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 Antùambui, we do not allow him here! [All clapped]

Kaumbu  I am saying this as Antùamûtî. 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]

Kîũa  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 ìchiaro 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 icheiro 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, icheiro 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 icheiro to neighbouring clans, including the Athimba. It is interesting that Mbiti, of the Andûûne clan, was invited in the capacity of icheiro to the Athimba clan members, who could potentially have been perpetrators. Nchee’s or his brothers’ power of icheiro 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 icheiro men were placed under a conditional curse, (2) all people present were interrogated by the icheiro men about whether they had evil intentions, (3) the icheiro men placed a curse on unknown perpetrators, and (4) everyone was cautioned with kûringa rwîî not to identify the icheiro men in their individual capacities. The first two steps were to ensure that neither the group of icheiro 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 icheiro men not only cursed all the parties but were also cursed by the parties themselves. From the icheiro men’s viewpoint, the parties were their icheiro in a reciprocal way. The fourth and final step, with kûringa rwîî, is separately discussed in the next paragraph.

Third, the ones who curse should not be identified in their personal capacity. The icheiro men emphasised that it was not themselves as individuals but their respective clans that had the power of icheiro, 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 icheiro. 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 icheiro is universally and equally distributed among the people. However, we should note that there is gender inequality in
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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 Njũriĩncheke, 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. King’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. King’angi was a second-generation migrant from the Antũambũi clan of Laare, which was allocated land by the Athimba clan, and had lived for many decades in Mũringene village. An Athimba elder (H3) remembered their history: when M’Ikĩrĩma (King’angi’s father) first came to Mũringene village, Kamanja (biological grandfather to H1, H2, H3 and H4) and his younger brother Mũmama, both of the Kiramunya age group, served as hosts, welcoming and allocating land to their *îchiaro* (this process is called *ûkilua kĩthiana*). Since then, M’Ikĩrĩma and his sons have lived among the Athimba clan. From a biological perspective, they are Antũambũi; 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 Mũringene 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 Antũambũi) 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. King’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). King’angi’s mother’s *ntai*\(^{(20)}\) [9],
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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] (King’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 Njũriũncheke council of elders. On this occasion, Ngatũnyi, of the Antũambûi clan, and Gitonga (biological brother of the suspect), of the Buwethaa clan, smeared ram’s fat on each other (waakana mauta) for a ritual cleansing. Ngatũnyi is a biological father’s brother’s son (FBS) to the late King’ang’i and his brothers (Kĩberenge (19), Nchee (H20), Mwaambia (H21) and Meeme (H22)), but he has remained in Laare as mwAntũambûi (an Antũambûi clan member) and thus maintained his biological as well as social status as mwĩchiaro to the Athimba. In this context, it appears that the Antũambûi 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 múaambi (spokesman or chief elder) of the Athimba clan and his mother was from the Bwethaa clan. Both Baariu and M’Lichoro were Njũriũncheke elders. On April 18, 2013, soon after M’Lichoro was consulted, the 11 Athimba elders met at M’Lichoro’s homestead. The clan sent Mwaambia (H21) and another elder to Laare to inform Ngatũnyi, who belonged to the Antũambûi 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 (kũ-rîa ūkũa). 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 (múaambi) of the Athimba; (2) two she-goats for Ntongai as messenger (mũtũngũrũ); (3) one she-goat for Îrukî as chief elder of Mûmama’s house; (4) one she-goat for M’Thirîbî (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 miraa 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 King’ang’i and his brothers (H19, H20, H21 and H22).

II. Rapid Settlement of Compensation

The process of paying compensation for King’ang’i’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 King’ang’i 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 King’angi’s corpse was found in his compound. The unidentified killer was then put in kithili (23) and cursed by Ngatûnyi (King’angi’s FBS from Laare) at Njûriîncheke. 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 kithili oath performed for the King’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 kithili 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 kithili oath. Accordingly, they acknowledged ‘their’ responsibility for the murder and paid homicide compensation to King’angi’s relatives to ensure that the kithili 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 King’angi’s brothers understood that the Bwethaa members were forced by the kithili 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 King’angi was paid during the Athimba-Bwethaa inter-clan transaction. King’angi’s brothers (the second generation of ichiaro migrants from Laare to Mûringene village) and Ngatûnyi (King’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 King’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, Neche and Kiberenge 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 Kiberenge.

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 ichiaro relationship is determined by natal affiliation is also relevant to the expectation that married women respect the members of their husbands’ ichiaro 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 ichiaro. 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) Kimirũ words appearing in this paper are spelled according to the orthography found in the Kimirũ-language Bible published in 2010 (Bible Society of Kenya, 2010). I am grateful to Stephen A. Mũgambi Mwithimbũ for correcting my spelling.

(4) Previous researchers have assumed that the original meaning of ichiaro was blood brotherhood. However, it is theoretically misleading to identify the ichiaro 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 ichiaro 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 Michûbû age groups.

(8) M’Barûûngũ, 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 ichiaro oath during a witchcraft
accusation case in 2005 (Ishida, 2008a).

(10) ‘Kûramûka kamwali’ literally means ‘to go and collect a small daughter.’

(11) The word “kaalî” means a small girl. See note (10).

(12) Ndatû is a python. Ntûra is a small but poisonous snake (cobra).

(13) In this context, ‘white grass’ means Kirîmakierû (white mountain) and the plain.

(14) Rûoka is a variety of grass that can be used as a rope.

(15) The words ‘îchiaro îtûnga’ mean that the îchiaro are more powerful when they come in a group.

(16) M’Thîrîbî is Reuben’s father’s name, and ‘the son of M’Thîrîbî’ refers to Reuben in this context.

(17) There was another group cursing in the neighbourhood of the Mûringene village in August 2013. This case was interesting since Denis, of the Buantai age group, M’Ikîrîma’s last-born son and stepbrother to the late King’angi, Kiberenge (H19), Nchee (H20), Mwaambia (H21) and Meeme (H22), was invited as mwîchiaro to Athimba.

(18) Makio Matsuzono has observed in his research in the Athîrû 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) Ntaû represents a relationship between two persons who share the same name. In the traditional Amîîrû 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 ntaû relation is assumed between the child and his grandparents. One person may have several juniors (mostly grandchildren) as ntaû. In this case, King’angi’s mother’s granddaughters in the same neighbourhood were invited as ntaû for a feast.

(21) The 11 elders who met on April 18, 2013 included Kabeeria (H21), Ndatû (clan chairman, H18), Mûtûma (H3), Mûtûma’s brother (H2), Mûrûngî (25), M’Lichoro (28) and five other elders from Mumama’s house.

(22) The words ‘kû-rîa ûkûa’ (literally ‘to eat the dead’) mean that one of the surviving brothers may inherit the properties of the deceased.

(23) Kîthili is a type of oath (muuma), whose method is regarded as a secret of the Njûriîncheke council; the scene involving the administration of the kîthili oath should not be observed by nkûrûmbû (an ordinary person who is not a Njûriîncheke member). The oath is another form of conditional curse and its significance for this case is discussed in previous section.

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