

HOMICIDE COMPENSATION IN AN ÎGEMBE COMMUNITY IN KENYA, 2001–2015: FIFTEEN YEARS OF CLAN MAKING IN A LOCAL CONTEXT

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ABSTRACT This paper describes three cases of homicide compensation in a local farming community of the Îgembe, one of nine sub-groups of the Kimîîrû-speaking people in the Kenyan central highlands. These cases were observed from 2001 to 2015. According to Îgembe indigenous law, the clan is the primary entity for transacting matters related to homicide compensation. In these cases, the agnatic Athimba clan was involved as a party in various ways. The Athimba people organised a compensation process during inter-clan negotiations with their counterpart clan, and in cooperation with the other two indigenous institutions of the Amîîrû community: the *îchiaro* brotherhood and the Njûrîincheke council of elders. While all three cases were discontinued without reaching a conclusion, the Athimba clan has accumulated knowledge of Îgembe indigenous law from its experiences with homicide compensation; at the same time, the Athimba have developed a sense of clanship over the past fifteen years. Their fifteen years of experiences were informed by a widely shared structural history, and the regional politics of the Îgembe community. While their situations required that they take action as a clan, their unity was not something already given, but something that had yet to be achieved and was often disputed.

Key Words: Homicide compensation; Clanship; Indigenous law; Îgembe, Kenya.

INTRODUCTION

Since September 2001, I have observed four cases of homicide compensation (*kûrea kîongo*; literally ‘to pay a head’) in a local farming community of the Îgembe, one of nine sub-groups of the Kimîîrû-speaking people or the Amîîrû (Ameru) in the Kenyan central highlands. Under Kenya’s criminal laws, homicide is an offense to be prosecuted and judged in the state law courts. Nevertheless, the concerned parties may seek additional means to achieve peace and justice,⁽¹⁾ especially when homicide occurs between neighbours within a locality.⁽²⁾

Lambert (1956: 115–120), Middleton & Kershaw (1965), Rimita (1988: 76–77), and M’Imanyara (1992: 91–93) provided illustrations of homicide compensation in the greater Amîîrû community. Although the above works provide information relevant to this paper, it seems that they are too generalised to be directly applicable. I agree with Richard Abel’s critical comment on rule-oriented approaches and his claims for the case method; ‘few, if any, of the numerous ethnographic accounts contain any descriptions of actual cases. Either investigators failed to observe or to inquire about cases, or else they deleted all information about the actual controversies from their reports’ (Abel, 1969: 574). Abel made this comment while quoting as an example Charles Dundas’s documentation of homicide

compensation among the Bantu-speaking communities of the Kenyan central highlands (Dundas, 1915; see also Dundas, 1921). While his case-oriented research on customary laws of wrongs focuses on court records, the present paper explores cases from the grass roots.

I observed the four cases in Mûringene village⁽³⁾ of the Athîrû Gaiti Location, in the northern corner of the Îgembe Southeast Division of Meru County. The agnatic Athimba clan was involved in the four cases in various ways as a responsible party, in order to receive or pay compensation items under the indigenous law of Îgembe. Homicide compensation is a clan affair. Athimba clan elders emphasise that their indigenous law inhibits any individual from settling homicide compensation in a private transaction. In other words, the clan is the legitimate entity that is authorised to handle articles for homicide compensation. In this context, the victim's kin should, for example, build a clan house to show the clan's unity during the process of receiving compensation items.

The first case I observed in 2001 was the Athimba's first time in fifty years of being a responsible party in the process of homicide compensation. Accordingly, they invited an expert from a faraway village to learn how to receive the items of homicide compensation under the Îgembe indigenous law. Since then, the Athimba clan of Mûringene village has accumulated knowledge on how to arrange homicide compensation. To some extent, this has led to a consistency in the way they manage transactions while adapting to a given situation.

The four cases are different in terms of the victims' social status. In Case 1, which occurred from 2001 to 2002, the Athimba clan was to receive compensation items from the offender's clan for a murdered agnate. In Case 2, which took place in 2011, the Athimba were supposed to pay compensation to a murdered woman's natal family. The victim's parents, however, did not claim homicide compensation, but rather the remaining parts of bride-price items, in order to maintain their affinal relationship. In this sense, homicide compensation was not a consequence in Case 2. Although the Athimba expected to pay compensation items, seeking reconciliation between 'brothers' rather than paying compensation became a main issue for them to consider, since one of their agnates was injured in the same incident.

In two other compensation cases, which took place in 2013 and 2015, the Athimba clan was once again supposed to receive items. However, the two cases were different from Case 1 in terms of the murdered persons' social status. The victims in the two cases were both second generation immigrants of a different clan origin, who had been assimilated for years into the Athimba clan. It is fairly common in the Îgembe community for an agnatic clan to consist of members with different backgrounds. In the following sense, a reflexive process can be seen in the two cases. The Athimba clan has developed a sense of solidarity from being involved in 'clan affairs'. Out of the two cases, I present the case observed in 2015 as Case 3, since I have already provided elsewhere the details of the other observed in 2013 (Ishida, 2014).

As opposed to the compensation case in 2013, all of the other three cases illustrated in this paper were discontinued for different reasons, without reach-

ing a final stage. While the victim's family in Case 2 declined to be compensated (as noted above), intra-clan differences resulted in Cases 1 and 3 being halted. This paper observes various contexts within which *intra*-clan differences occurred in Cases 1 and 3.

Homicide compensation is an inter-clan affair, as mentioned earlier. Nevertheless, the Athimba clan organised the compensation process, not only with their counterpart in the inter-clan negotiation, but also in cooperation with the other two indigenous institutions of the Kîmîrû-speaking community, which includes the Îgembe: the *îchiaro* brotherhood and the Njûrîncheke council of elders. *Îchiaro* refers to an institutionalised inter-clan brotherhood in which the power to impose compulsory social norms operates between 'brothers'. Elders of the Athimba clan made use of the power of their *îchiaro* counterpart several times when they faced difficulties handling their clan affairs. Njûrîncheke refers to the traditional council of elders organised hierarchically in the entire Kîmîrû-speaking ethnic community. The council's headquarters are in Nchîrû (see Fig. 1); its sub-headquarters cover each of the nine sub-ethnic communities (including the Îgembe). In terms of rank, a number of local branches fall under the sub-headquarters.

This paper explores how different entities were involved in the fifteen-year process of clan-making at the grass roots level. While all three compensation cases were discontinued without reaching a final stage, the Athimba clan has accumulated knowledge of indigenous law from its experiences, in relation to homicide compensation; at the same time, the Athimba have developed a sense of clanship over the past fifteen years. This paper also notes that their fifteen years of experiences were informed by a widely shared structural history, and the regional politics of the Îgembe community.

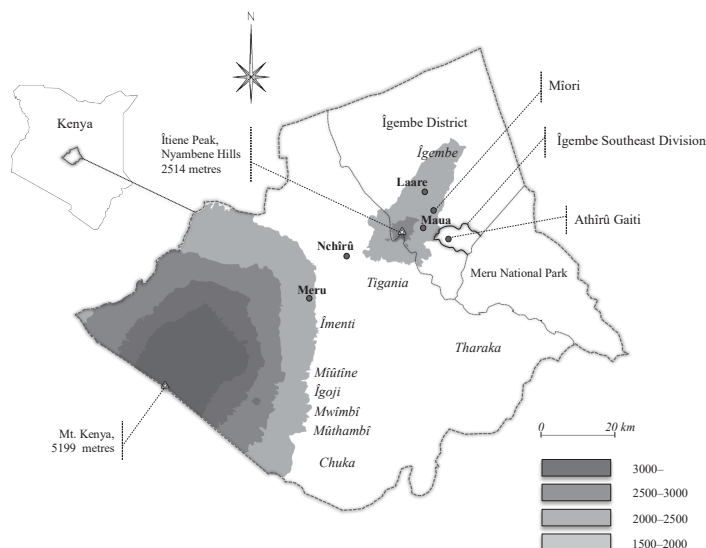


Fig. 1. Map of the greater Meru region

ETHNOGRAPHICAL SETTING⁽⁴⁾

The Îgembe or Îembe are one of the nine sub-groups of the Amîrû (Ameru), a Kîmîrû speaking farming (commercial as well as subsistence) people who are widely known as khat (*mîraa*) suppliers to domestic and international markets (Goldsmith, 1994; Carrier, 2007; Ishida, 2015). The Îgembe inhabit the eastern part of the Nyambene hill region of the Kenyan central highlands (see Fig. 1), and the Tigania (Tiania) 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 Amîrû. The nine subgroups of the Amîrû 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 Amîrû society.

Theoretically, the clan (*mwîria* 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.

Îchiaro or *gîchiaro* refers to an institutionalised inter-clan relationship (Ishida, 2014; Matsuzono, 2014). 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 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*.

While the above mentioned Njûrîincheke house in Nchîrû seems to be a symbolic monument rather than the working headquarters of the council, many of the local branches, especially those in the Îgembe and Tigania communities, are active. Athîrû Gaiti, where I conducted my research, also has one branch office. The compound itself is not very large, but a ring of trees and thick brush conceal the inside so that rituals can be performed secretly. The council is indeed exclusive to the extent that only members are allowed to enter the compound. Anyone who wishes to achieve full membership in the council needs to undergo a secret initiation ritual. Membership is strictly limited to males and there are no female initiates.

Elders of the Njûrîincheke council represent themselves as experts in traditions. They speak knowledgeably and pass on their interpretations of rituals to the younger generations. Since oratory skills are required to be a reasonable expert in traditions, those who are persuasive orators are often invited to various functions involving indigenous law. Once the person earns a good reputa-

tion as a *mûkîrîra* (knowledgeable person), he is paid a certain amount of *nchooro* (allowance) when his clients consult him. However, people believe that elders are always hiding the ‘core’ parts of their knowledge to keep their secrets among themselves (see Mwithimbû, 2014 for a general overview of the Njûrîincheke council’s present role).

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, Bwantai, Gîchûnge and Kîramunya (see 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 identified.

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 (see 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 *mîraa*. People normally walk between one and seven kilometres from their home village to the lower slope and plain to plant, weed, and harvest maize and grain legumes.

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

Age group	Year of First Circumcision		
	Nding’ûri subset	Kobia subset	Kabeeria subset
Mîchûbû	1933 (1930)	1937 (1935)	1942 (1940)
Ratanya	1948 (1945)	1954 (1950)	1957 (1955)
Lubetaa	1959 (1960)	(1965)	(1970)
Mîrîti	1976 (1975)	(1980)	(1985)
Bwantai	1989 (1990)	(1995)	(2000)
Gîchûnge	1998 (2005)		
Kîramunya	2013 (2020)		

Note: The circumcision years in parentheses are based on my schematic calculation (Ishida, 2008: 176). Table 1 in my previous paper (Ishida, 2014: 76) noted, according to my schematic calculation, that the Gîchûnge age group was first formed in 2005. Informants interviewed since then, however, have told me that their circumcisions must have occurred some years earlier. Some elders even say that this practice was performed as early as 1998. There is no agreement among informants from the community as to when the Gîchûnge and Kîramunya age groups were formed.

Table 2. Population, 1979–2009

Year	Îgembe (total)	Persons/sq. km	Îgembe S. East	Persons/sq. km
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

Notes: (1) The population of the Îgembe district in this table does not include the population of Meru National Park. (2) The population density data were calculated by me according to the record published in the latest census that the area of the Îgembe district is 1,938.7 square kilometres and that of the Îgembe Southeast Division is 62.7 square kilometres. (3) The Îgembe Southeast Division was officially Thaichû Sub-location in 1979 (Source: Central Bureau of Statistics (National Bureau of Statistics) 1981: 76; 2001: 84–88; 2010: 74–75; Office of the Vice President and Ministry of Planning and National Development 1997: 13).

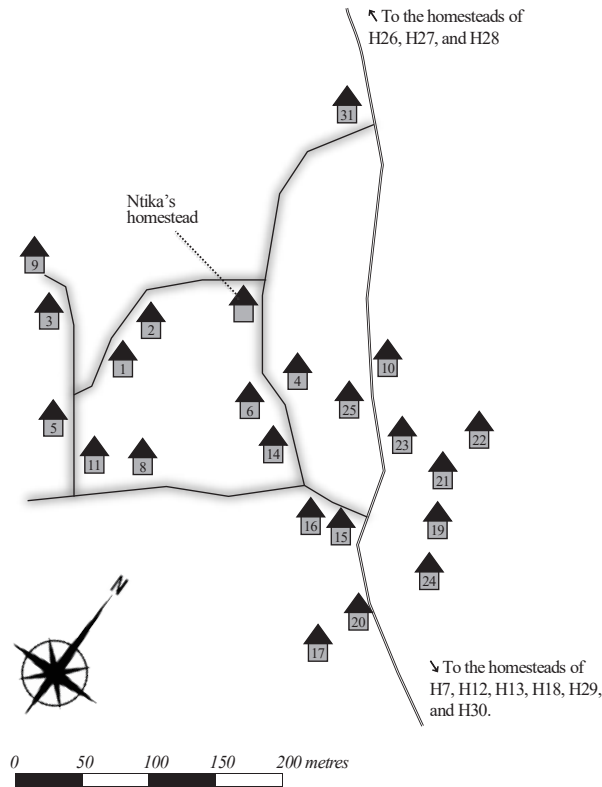


Fig. 2. Sketch map of Mûringene village

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.

Mûringene village in this paper refers to a village of about 40 households in the Athîrû Gaiti area. Although the Athimba clan seems to be dominant in this village (Fig. 2 and Table 3 show the ones of Athimba clan members only), households with other clan affiliations also live here (see Ishida, 2014: 78–79). 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 *mûchîi-jwa-Mwitari* (literally, ‘Mwitari’s house,’ meaning Mwitari’s offspring), although Mwitari is not their common ancestor, but rather one of the wealthy agnates of the former Bwantai age group, circumcised in the late nineteenth century. The Athimba people of Mûringene village do not constitute an independent segment founded by a single ancestor. Instead, the members come from different families whose genealogical links are not traceable.

Mûringene village, which is now densely populated, was widely open to immigration until the 1950s. For example, 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 Kîberenge (H19), Mwaambia (H21) and Meeme (H22), are second-generation migrants from Laare (see 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 the brothers and fear them because of the ineradicable *îchiaro* relationship (Ishida, 2014).

When Athimba clan members in Mûringene village (or *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 Ngatûnyi, Nchee’s father’s brother’s son (FBS) of the Antûambûi clan in Laare, or Mpuria and Mbiti, of the Andûûne clan. When the Athimba elders met to discuss difficult problems, Ngatûnyi was summoned as a representative of the Antûambûi clan, whose opinions should be listened to, respected, and followed by clan members. (see Ishida, 2014)

Table 3. Athimba Households in Muringene village and its neighbourhood

No.	Segment	Age group	Circumcision	Marriage	Wife's clan	Land properties by means of acquisition (acres)				
						Inheritance	Purchase	Clan	Other	
H1	A	I	Lub.Nd	1959	1968	Anjarū	3	1	5	0
H2			Mir.Nd	1976	1991	Antūanthama	4.5	0.25	4	2
H3			Mir.Ka	1985	1990	Amwari	4	0	15	0
H4			Mir.Ka	1984	1996	Antūambeti	2.75	0	0	0
H5	II		Mic.Ko	-	-	Antūambeti	2	0	0	0
H6			Lub.Nd	1959	-	Antūborū	1.25	0.5	0.25	0
H7			Lub.Nd	1959	1975	- [Gikūyū]	(1.5)	(2.5)	(1.5)	0
H8			Lub.Ko	1966	1973	Akinying'a	0.25	2.5	3.5	0
H9	III		Lub.Ko	1966	1974	Amwathi	4.5	0	0	0
H10			Mir.Nd	1990	1990	-	3.5	0	0.5	0
H11			Mir.Ka	1985	1980	Amwari	2	0.1	0	0
H12	IV		Lub.Ko	1965	1990	Antūambeti	0.5	4.25	1.5	0
H13			Lub.Ka	1972	1985	Bwethaa	7	0	3	0
H14	B		Rat.Ka	1957	1982	Amakū	3	3	0	0
H15			Rat.Nd	1949	1967	Akachiū	5.5	0	2.5	0
H16			Bwa.Nd	-	1952	Antūbalimkī	25	0	0	0
H17			Lub.Ko	1965	1969	Antūamūt	13.5	0	0	0
H18			Mir.Nd	1975	1972	Antūamūt	3	0.5	10	0.75
H19	Migrant I		Lub.Nd	1959	1993	Anjarū	6	0	0	0
H20			Lub.Nd.	-	1998	- [Tigania]	1	0	0	0
H21			Lub.Ko	1962	1978	Antūamūtūki	1	0	0	0
H22			Mir.Nd	1976	1984	Akinying'a	1	3	2	0
					1977	Anjarū	0.5	0	0	0
					1982	Antūamūt	4	0	1.5	1.5

H23	Migrant 2	Rat.Nd	1948	1956 1968	Bwethaa Athimba	0	9.5	0	0
H24	Migrant 3	Lub.Ko	-	-	Bwethaa	2.5	1.5	0	0
H25	C	Rat.Nd	1954	1963	Antũambeti	5	0	0	0
H26	D	Rat.Ka	1957	1973	Antũbochiũ	3	1	4	0.5
H27		Rat.Nd	1948	1957	Akachiũ	8	3	1	0
H28		Rat.Ko	1954	1961	Antũambeti	10	0	0	12
H29	E	Rat.Nd	-	1950s	Amwari Antũbaiga	3.5	0	9.5	2
H30		Lub.Nd	1964	1968	Antũbalĩmĩ	0	4	0.5	0.5
H31	F	Mir.Nd.	1976	1990	Antũambui	0.5	0	-	0

Notes:

(1) The Athimba clan in Mũringene village has several segments whose genealogical relations are relatively unknown. The four members of segment A-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 not known.

(2) 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.

(3) H19, 20, 21, 22, 23 and 24 are migrants of different clan origin who have been assimilated into the local host Athimba clan, but their biological status has not fully disappeared. For more households in Mũringene village, see Ishida, 2014.

FIRST EXPERIENCE OF HOMICIDE COMPENSATION, 2001–2002 (CASE 1)

A man called Îkundi, from the Aîri (Agîri) clan, killed another young man named Mûtûwîri from the Athimba clan in the 1980s. Both men were residents in the Athîrû Gaiti Location. Following the judgement of the official courts of law, Îkundi was given a prison sentence of about 10 years. Nevertheless, the victim's kin still required his relatives to pay compensation. The two parties were close neighbours in the Athîrû Gaiti Location, and the restoration of their relationship was more important than the legal punishment.

Based on my observations, this case illustrates: (1) how homicide compensation was claimed and paid under the indigenous law of the Îgembe; (2) how the substantial content of compensation was established; and (3) how the people concerned did or did not aggregate into two clans as a corporate entity. Subsection I reviews the entire process of homicide compensation. Subsection II describes in detail debates by elders on an indigenous law issue. Subsection III examines the nature of clan solidarity observed in the case.

For both the Athimba clan of Mûringene village and the people of Athîrû Gaiti, this was their first experience in the past fifty years of being a party in the process of homicide compensation. The Athimba clan members invited a well-known Kîmîrû expert from a distant village, who by then had had many experiences of being involved in homicide compensation payments. Furthermore, Mûtûma (H3) of the Mîrîti age group, the then secretary of the Athimba clan, documented every detail of the process. The clan record became an important source of information, which helped when the Athimba became involved in two other compensation cases later on, in 2013 and 2015.

I. *Kûrea kîongo*

In my interview on 11 October 2001 with an Athimba elder, he referred to an ongoing event regarding the payment of a homicide compensation case, of which he was a part. From that day onward until early January 2002, I observed all of the events that were related to the matter. After a seven-month hiatus, I resumed my research in Athîrû Gaiti in September 2002. Since Mûtûma (H3) had preserved a handwritten record of the transactions, I was able to obtain a comprehensive perspective of the reparation.

Table 4 provides a chronology of the process, which took almost twelve months. The giver and receiver in this case were the Aîri and Athimba clans, respectively.

As is shown in the table, each transaction has a particular name in Kîmîrû. In general, homicide compensation is called *kûrea kîongo*, which means ‘to pay the head [of a murdered person]’ in Kîmîrû.⁽⁵⁾ When a person of clan A kills a person of clan B, it becomes an inter-clan affair. There are some requirements in the procedure for homicide compensation between two clans.

Table 4. Chronology of homicide compensation, August 2001–August 2002

Date	Process
3 August 2001	First transaction: Messengers (<i>atûngûri</i>) from the Aîri (paying party) bring a she-goat (<i>mparika ya útumûra mooto</i>) to the Athimba (receiving party).
8 August	[Athimba] Each clan member contributes 200 shillings for preparation fees, and builds a clan house (<i>nyumba ya mwîria</i>) in which 18 elders spend their first night.
14 October	[Aîri] First meeting to organise the fundraising committee.
24 October	[Athimba] Clan meeting to achieve unity (<i>ngwantanîro</i>).
28 October	[Aîri] Committee meeting to prepare for a fundraising party.
18 November	[Aîri] Fundraising party.
24 November	[Aîri] A representative purchases animals (a ram, a ewe, a she-goat, and a heifer) at the Kangeta livestock market.
25 November	[Athimba] A ceremony to bless their unity (<i>kwîkîra nyumba mûkolo</i>), performed by elders.
26 November	[Aîri] A representative purchases a bull at the Kangeta livestock market.
29 November	[Aîri] Kalûma, a Kimîrû expert, visits Athîrû Gaiti.
5 December	Second Transaction: Messengers bring a ram (<i>ntûrûme ya útûria ina mukuû nyumba</i>) and a ewe to the Athimba clan.
7 December	Third Transaction (<i>nkiria</i>): Messengers bring a bull, a heifer and a she-goat to the Athimba.
18 December	[Aîri and Athimba] Joint meeting to discuss the payment process.
27 December	Fourth Transaction: A bull (<i>ndewa ya ûkundia rûûi</i>) is brought and slaughtered at a joint feast.
15 March 2002	[Aîri and Athimba] Advisers of both clans visit the <i>Njûrincheke</i> council at Athîrû Gaiti to discuss payment of <i>rûraachio</i> (the main part of homicide compensation).
22 March	[Aîri and Athimba] Both parties attend <i>Njûrincheke</i> meeting.
6 June	Fifth Transaction: A cow, a bull and a she-goat are paid as <i>rûraachio</i> .
20 June	Sixth Transaction: A cow, a bull and a she-goat are paid as <i>rûraachio</i> .
3 July	Seventh Transaction: A cow, a bull and a she-goat are paid as <i>rûraachio</i> .
August	[Athimba] Elders leave the clan house.

- (1) Clan elders represent both parties (clans).
- (2) A clan house should be built to accommodate the elders.
- (3) Appointed messengers conduct intermediation between the parties.
- (4) The Njûrincheke council of elders should be consulted.

In the current case, the victim's clan (the Athimba) built a clan house (*nyumba ya mwîria*) at Ntika's (the victim's father's) homestead (Fig. 2 shows the location) to show clan unity, while the accused (the Aîri) did not. The absence of a clan house for the latter brought about a controversy among the elders who were outside the two clans, but neither party minded too much, being more concerned with a speedy resolution. Since the clan house was for a limited purpose, it was simply built, covered with banana leaves and corrugated steel sheets.

The whole process of the actual transaction consisted of two phases: (1) preliminary payments, and (2) the main part of the reparation, called *rûraachio*. The first to fourth transactions in the above table represent the former, while the fifth to seventh transactions represent the latter. Strictly speaking, the transactions of the first phase are not counted as part of compensation, but rather as a presupposition to *rûraachio*; restoring a relationship between two parties is required before starting *rûraachio*. Some may reasonably understand that *rûraachio* in Kimîrû stands for the bride price in marriage transactions. Interestingly enough, the main part of homicide compensation is also termed *rûraachio* in the current case. This word is a noun derived from the verb '*kûraachia*', which means 'to bring livestock [as bride price]'.

The four preliminary transactions in the first phase have the following names:

- (1) *mparika ya ûtumûra moota* (a she-goat to lay down a bow [to be disarmed])
- (2) *ntûrûme ya ûtûria ina mûkuû nyumba* (a ram to bring the mother out of the house)
- (3) *nkiria* (a milking cow to comfort the mother)
- (4) *ndewa ya ûkundia rûûi* (a bull to give water)

In Kimîrû, *mparika* means 'she-goat'; *ntûrûme* means 'ram'; and *ndewa* means 'bull'. Thus, there was no confusion about the first, second, and fourth payments. On the other hand, the name of the third payment (*nkiria*) does not refer to a particular type or sex of an animal in the literal sense. Many elders believe that a combination of a milking cow and a calf constitutes *nkiria* in homicide compensation (Rimita, 1988: 76).

However, the above repertoire is not universal. Firstly, there are indeed variations, depending on given conditions. For example, when a homicide occurs within a clan, a bull and a cow may be paid to the victim's mother's brother (*muntwetû*). Secondly, negotiation between parties allows for a somewhat flexible interpretation regarding the contents of a transaction. This point is shown in a debate over the meaning of *nkiria* among elders, as illustrated in Subsection II.

II. A cow without a name: Elders' debate on compensation items

This subsection describes in detail a controversy that arose over the interpretation of livestock, which were offered as compensation items. The messengers (*atûngûri*) from the Aîri clan brought a small bull, a heifer, and a she-goat on 7 December 2001 (see Table 4). However, the Athimba elders argued that they

were not supposed to receive those items during that stage, but rather a milking cow and a calf (as *nkiria*).

Athimba clan elders complained that their counterparts (the Aîri) omitted *nkiria*. If they had already started the payment of *rûraachio* (the main part of homicide compensation), the animals brought on 7 December were the right choice (*rûraachio* consists of a bull, a cow and a she-goat). Thus, on 18 December, the representatives of both parties held a joint meeting to discuss this point. Seeking advice on Kîmîrû, the Athimba invited a famous Kîmîrû expert (*mûkirîra*), named Îkotha, from outside Athîrû Gaiti. The Aîri also invited another expert, named Kalûma. At the joint meeting, the two experts represented their respective clients.

The following four dialogues were derived from a pre-meeting among the Athimba, and the Athimba-Aîri joint meeting, both held on 18 December (see Fig. 3). In the following dialogue, M'Lichoro (H29) of the Ratanya age group was the principal spokesman (*mwaambi*) of the Athimba; Ntika of the Mîchûbû age group was the victim's father (and also the father of H17 and H18); M'Barûngû (the father of H12 and H13) of the Mîchûbû age group was then the eldest member and at the same time the chairman of the clan. These people were key personnel for the Athimba. They talked about the role of experts and the fact that *nkiria* had been omitted from the compensation process.

Dialogue 1. Preliminary discussion among Athimba elders

M'Lichoro: I have met Kîbaati (the offender's uncle [father's brother] and the main person responsible for payments) near his place. I am sure that he has no problem. A Kîmîrû expert known as Kalûma has arrived. Indeed, Kîbaati has also invited another elder from Maûa. The second person is from the Îthalî (age group). So, even if Kalûma fails to come, Kîbaati can proceed. He says he will pay everything as required. I told him, 'There is no discount'. Our main interest is to know why *nkiria* has been omitted.

Ntika: We can't alter our law. Mîori (the headquarters of the Njûrînceke council of the Îgembe; see Fig. 1) is the place where our law is amended.

M'Barûngû: [The law is changing.] For example, a bride's father used to be given seven cows, but now Îembe (the Njûrînceke council of the Îgembe) has reduced the number to five cows. Even in Thaichû,⁽⁶⁾ when a girl was impregnated before marriage, her father used to be given 10 goats. But nowadays, three goats are enough.

Ntika: What we need is seriousness. This is our fifth month [since starting negotiations with the Aîri clan]. We are getting tired. I pray to God that we will be friends again as we complete this payment. Whatever we will receive, may it be small or big, let us share please. We have negotiated with Kîbaati for a long time.

M'Lichoro: There's no need for enmity. It's just a matter of sitting down and paying things.

- Ntika: If *nkiria* came first, then we wouldn't have any problem. After *nkiria*, there should be *ndewa ya ukundia rûûû*. When we need to know more about these things, we can talk to experts. They can come and tell us what kind of animals should be paid. If there is something unfamiliar to us, experts can tell us.
- M'Lichoro: We wish our expert (Îkotha) a good journey up to this place. I heard that he is always sick. May God help him!

At noon, some two hours after the above dialogue, Îkotha, the adviser to the Athimba, arrived. It then took another two hours for the Athimba and the Aîri to decide upon a place for a joint meeting. Accordingly, the joint meeting of the two parties started at 14:30 in the Athimba headquarters at Ntika's homestead. The following dialogue was derived from the discussion at the joint meeting. The meeting commenced with an invocation to remove any evil intentions



Fig. 3. Athimba clan meeting on 18 December 2001



Fig.4. An invocation to remove any evil intentions on 18 December 2001

from the participants⁽⁷⁾ (see Fig. 4), and a Christian prayer to bless the joint meeting. Then, M'Barûngû of the Athimba referred to the main point of the meeting: Why was *nkiria* omitted? Îkotha (the Athimba's adviser) gave his opinion that a milking cow and a calf constituted *nkiria*. On the other hand, Kalûma (the Aîri's adviser), did not demonstrate his knowledge of compensation items. Rather, he only represented Kîbaati, who was interested in no more than the items required to be paid.

Dialogue 2. Experts at Athimba-Aîri joint meeting

M'Barûngû: We are the Athimba. Ntika called us to come here. He told us that the Aîri killed his son. Thus, he slaughtered *nthenge ya mbûri iîli* (a mature he-goat as big as the sum of two goats) and built a clan house. Our representative (M'Lichoro) was sent to the Aîri. We told them to pay the homicide compensation. Soon thereafter, they came with a she-goat (*mparika ya útumûra moota*) and said they accepted our claim. They asked us to wait for payment. We waited for four months. To date, we have been given a ram (*ntûrûme ya útûria ina mûkuû nyumba*). Then, the Aîri came again with a heifer and a bull, but their messenger didn't tell us what they stood for. The heifer has no name. That's why we called an adviser. This is the point we have gotten to.

Kalûma: Let me ask you this: after you were given a cow, a bull, a goat and a ram, what's next?

M'Barûngû: Since the cow has no name, they didn't follow the correct way, so I said that we should see an adviser. As I am a man of Kîmîîrû (*mûmîîrû*), I know that *nkiria* comes after a ram, and the *nkiria* consist of a cow and a calf.

Kalûma: Your adviser should tell me that.

Îkotha: I would like to thank the clan members and everyone here. My advice is only for the victim's side. Thus, I can't ask my fellow adviser (Kalûma) a question. According to Kîmîîrû, if a person kills another person, a clan house should be built [in order to organise homicide compensation]. Yet now, in your case, while one party has built their own house, the other party has not, so I can't say that things are properly arranged. I have never heard of compensation payment being made in an open field without clan houses. But I won't ask you any more about this point. I am supposed to talk about *nkiria*. They say that a ram and a goat were brought. What about *nkiria*?

Kalûma: Are you claiming that *nkiria* has not yet arrived?

Îkotha: You certainly brought certain animals, but they were not *nkiria*. *Nkiria* should be paid with a cow and a calf. The day before yesterday, there was another payment in M'Imana's village. Also, in Nthare (east of Maûa town), a payment was recently made. Furthermore, during another payment in Kîthetu (northeast of Maûa town), Kalûma and I were invited as advisers. Kîmîîrû states that advisers should teach those who do not know how to pay compensation the way to do it. They (the

Athimba) argued that they received all the animals except *nkiria*. Please tell us where it is. If you have brought it here, please say so and we will name it. I ask you this. Both parties should have discussions separately and come to a conclusion.

- Kalûma: You (Athimba clan members) should talk and tell us the number of animals you want. We will pay.
 Îkotha: Even in law courts, you can't make a judgement. A judge does it.
 Kîbaati: I want to know the number of cows or amount of money required.
 Îkotha: I am not the one to tally it. That's why I say you should talk. Do you understand my point?

After the above suggestion from Îkotha, the two parties held short discussions separately, and soon resumed the joint meeting. This started with an exchange of words between the principal agents of the two parties: Ntika of the Athimba and Kîbaati of the Aîri. As shown in the following dialogue, Ntika confessed the 'real' reason why the Athimba, who argued for *nkiria*, refused the cow without a name. They could not overlook the fact that the cow seemed weak. Thus, they were seeking another animal.

Dialogue 3. Exchange of words between the parties

- Ntika: We are going to agree with Kîbaati. The messenger could have told Kîbaati that those animals were not the best. I told the messenger that I refused the cow because it seemed very weak. It may die anytime. He told me that I should sell it [because it was in a bad state]. Furthermore, those animals were not *nkiria*.
 Kîbaati: If I can't get a milking cow with a calf, what should I do? Can you accept any cow if it is not sick?
 Ntika: Anyway, we will agree. Advisers should direct us. Kalûma and Îkotha will tell us and we will agree.
 Kîbaati: If I take back the cow and bring another one, can it be *nkiria*?

Here, some elders took Ntika and Kîbaati aside for a confidential talk (*nkilîba*).⁽⁸⁾ Elders such as Mîchûbû, M'Imaria and Ntongai appear in the following dialogue and were invited to the talk as third parties. After the short, secret conversations, Mîchûbû announced the end of the dispute as follows. The Athimba decided to accept the cow brought by the Aîri as *nkiria*.

Dialogue 4. End of the dispute

- Mîchûbû: Both Kîbaati and Ntika have talked in a good manner. We are the Meru people. Let us proceed without worrying too much about cows. If there is love, a sheep can be counted as a cow.
 M'Barûngû: I saw a small cow together with a small bull. Let us regard it (the combination) as *nkiria*. I don't mind if a milking cow is there or not. I myself agree.

- M’Imaria: I had a previous experience of being involved in a compensation payment. A heifer and a small bull were paid as *nkiria*.
- Ntika: Since many people have participated in and witnessed occasions of the same kind, I also agree.
- Ntongai: Any animal can be *nkiria*. We have agreed that *nkiria* has arrived. They are here in our place. The *nkiria* is OK. So, let us proceed to the next stage of *ndewa ya ûkundia rûûi*. After that, Kîbaati will call the Njûriincheke council of elders to discuss further steps.

The above controversy over a cow without a name is interesting for the following reasons: To some extent, the negotiation between parties allows for flexible interpretations of the law regarding its substantive contents. These are not prescribed by universal rules, but established as parties exchange views. The uncertainty of indigenous law, however, does not necessarily lead to ad hoc justice. In the current case, the two parties invited indigenous law experts from outside their villages and considered their advice. Inter-village exchanges of expert knowledge may contribute to the formation of the common-law of the Îgembe.

III. The nature of clan solidarity

This subsection compares the two clans of Aîri and Athimba in terms of the nature of clan solidarity observed in the current case. To compare the two clans at first glance, the Aîri is one of the smallest clans in Athîrû Gaiti, while the Athimba is one of the largest. It can also be said that the Aîri occupy many acres of tea plantations on the northwest hill slope of the Îgembe Southeast Division, while the Athimba have a number of fertile farms where they grow *mîraa* and food crops in the division’s southeast plain.

While the Aîri (the party responsible for paying reparations) organised the transaction via a personal endeavour by Kîbaati, the Athimba (the receiver of the compensation) represented themselves as a corporate group. The Athimba elders argued that their indigenous law required homicide compensation to be paid in a formal deal between clans. This argument was based on the elders’ interest in their share, as Ntika (the victim’s father) was going to receive many heads of cattle and other livestock. Thus, unlike the accused party, many of Ntika’s agnatic relatives assembled at the Athimba’s clan house whenever a meeting was held. In this sense, the Athimba’s argument for clan unity was, to some degree, based on their need to harmonise their personal interests. There was no emphasis on indigenous law in the Aîri clan, where such incentives did not exist.

1. The Aîri

To settle the compensation payment, Kîbaati decided to organise a fundraising party to collect a sizable amount of money. The following is the main part of a typewritten letter that he sent to his neighbours and friends in Athîrû Gaiti

and outside the location as well. Since there were very few agnatic members of the Aïri in Athîrû Gaiti, Kîbaati needed to look for support outside his clan. It was not his agnatic membership, but rather his personal network, that enabled him to find such support.

[Original Kîmîrû text] *Mbere ni nkethi ndene ya Mwathani wetû Jesû Kristo. Nîngûkûromba wîje wakwa mûchû tariki 14/10/2001 thaa kenda kûthuranîra maketha nûntû bwa kûrea kîongo 'Mûtwîri' ûria waûragîrwe ni mûthaka wetû 'Ikundi'. Kwîja waku ni kûtharimi mono. Nini waku,*

[English Translation] First of all, my sincere greetings in the name of our Lord, Jesus Christ. I ask that you come to my place on 14 October 2001 at three o'clock to arrange a fundraising event; it is for homicide compensation for Mûtwîri, who was murdered by one of our young men, Ikundi. Your attendance would be blessed. Sincerely yours,

The purpose of the meeting on 14 October 2001 was to organise a fundraising committee. Kîbaati expected that more than 200 people would visit him at this meeting, and thus prepared 100 loaves of bread as a light meal. However, only 50 people came. Those at the meeting organised a committee to hold a fundraising party on 18 November to support Kîbaati and his relatives.

At the meeting, Kîbaati and the new committee calculated the necessary amount of money required to pay for the compensation. They estimated it would be 100,000 shillings or more. Kîbaati and his relatives were required to shoulder some of this out of their own pockets. However, they could not afford to pay the total amount. Thus, Kîbaati hoped that more than 500 well-wishers would each make small contributions. The following is the content of the second typewritten letter written by Kîbaati.

[Original Kîmîrû text] *Makethene ya gûtetheeria kûrea kîongo kîria kûmba gûtumîra ta Kshs. 100,000 iria ikethîrwa îri tariki 18/11/2001 ntukû ya kûûmia. Anjarû kîanine thaa inyanya chiongwa (2.00 pm). Kwîya na kweeyana gwaku kûrî na gîtûmi mono.*

[English translation] A fundraiser to help out with the compensation payment, which may cost around 100,000 shillings, will be held on 18 November 2001, Sunday at the Anjarû open field at two o'clock (2:00 p.m.). Your attendance and contribution would be very meaningful.

The fundraising party on 18 November 2001 was indeed a large event (see Fig. 5). The committee spent about 10,000 shillings to prepare meals for the guests.⁽⁹⁾ The total amount collected at the party was 54,000 shillings. Further contributions given during the week following the party raised the total to around 70,000 shillings. Although they could not meet the target goal (100,000 shillings), Kîbaati and other Aïri members were fairly satisfied with their achieve-



Fig. 5. Fundraising party on 18 November 2001

ment. Immediately after collecting the money, a representative of the Aîri went to the Kangeta livestock market to purchase some animals on 24 and 26 November, and *ntûrûme ya ûtûria ina mûkuû nyumba* was given to the Athimba on 5 December (see Table 4).

As mentioned above, since the Aîri clan was a small minority in Athîrû Gaiti, it was impossible for Kîbaati and his relatives to pay all the money by themselves. Therefore, Kîbaati sought wider support through his personal network. Accordingly, not only well-wishers were present at the fundraising party, but also committee members, who had been invited from different clans. Although the transaction of homicide compensation was regarded as an inter-clan issue, the accused party responsible for paying was not a clan in the true sense. Kîbaati's neighbours, friends, business partners, and relatives were those who contributed money for the reparation.

2. The Athimba

The Athimba clan built a clan house (*nyumba ya mwîrîa*) on 8 August at Ntika's homestead, based on their adviser's suggestion. It was more than a symbol of their solidarity. Clan elders spent many nights sleeping inside the house, which required the assistance of junior members and the ongoing contribution of food and money to the elders. During the prolonged negotiation process, however, a lack of resources became a serious problem among clan members. However, after the first transaction on 3 August, there was no progress until mid-October (see Table 4). Ntika and some other elders such as M'Lichiro (H29, the then head spokesman or *mwaambi* of the clan) gradually became tired and dissatisfied with the uncooperative attitude of their agnates. The clan held a meeting on 24 October, where elders requested that junior members bring some more contributions. Yet the elders were not able to receive the expected amount of contributions from the clan members.

Soon afterward, Kîbaati had finished fundraising when the Athimba clan elders



Fig. 6. Athimba clan meeting on 24 November 2001

were informed that their counterpart was now ready to restart the payment process. Accordingly, the Athimba elders organised another clan meeting on 24 and 25 November 2001 (see Fig. 6), whose primary purpose was to reconfirm their unity before receiving the compensation items. However, the attendees at the meeting were still very much concerned with the treatment of the uncooperative agnates.

On the first day of the meeting, M'Lichiro and Ntika argued that clan members should make another contribution to pay various expenses. Angrily, M'Lichiro threatened his juniors by saying that the elders would curse the uncooperative agnates. Mûtethia (H26), from the same Ratanya age group, carefully helped M'Lichiro calm down, and tried to persuade his junior peers to cooperate with the elders; clan members of the Lubetaa and Mîrîti age groups accepted Mûtethia's request. The elders, however, were not fully satisfied with the response, since their juniors did not reveal how they would support the elders. Then, Ntika said that another two hundred shillings should be contributed, and that their *îchiaro* men should be sent to uncooperative agnates, if there were any. Ntika's argument was supported by Mûtethia, and concluded the meeting.

The above is a common way of using *mwîchiaro* in the Îgembe community. For example, when a certain person (A) intends to request financial support from another person (B), B's *mwîchiaro* may be sent to B as A's agent. This is because B cannot refuse his or her *mwîchiaro*'s plea (Ishida, 2014; Matsuzono 2014: 26–27 for a general picture of the *îchiaro* relationship). The Athimba clan has two *îchiaro* clans: the Antûambûi and Andûûne. Theoretically speaking, there is no difference between the two clans in terms of their social functions. The Athimba have used Andûûne for the above purpose (Ishida, 2014: 84), and the Antûambûi for different reasons (see Ishida, 2016 for further discussion).

Dialogue 5. *Îchiaro* men to be sent to uncooperative agnates

Ntika: Young people are supposed to help old people, but you are always drunk. We have waited for your response for three months; that is too long to answer a question. [In August] each of you contrib-

uted two hundred shillings, and we received a lot of money. The total amount was 11,550 shillings. For the past three months, since then, all the money has been used up. We bought two Land Rover-loads of firewood with the money. Now we don't have firewood and we don't know where we can get firewood or money to buy it. I am answering a question from the young men who ask where the money goes. I am the one who keeps track of the money, and it can't be misused until the compensation payment is complete. These are the current circumstances. Advisers told me that we need five he-goats for the messengers (*atûngûri*). We eat two today for our brothers. I have contributed six goats from my shed. The amount you contributed has been used up. Elders are using my money. I just ask my sons to give five hundred each to cater to elders. For the owner of this *mîraa* shamba, I asked him for one thousand shillings and I have never seen him. I told him to give elders some money for tea, but he never appeared. (...) So two hundred shillings should be paid, and our leader (*mwaambi*) should be keen on this. The Aîri people will soon come with livestock, and of course we will slaughter a goat for them. We will also give them honey beer. So we should know where to get money. If you agree, everything will be over. Failing that, I will go back to Antûambuî to call on our brother (*mûtanoba*).

Mûtethia: (...) We, the clan, have discussed the matter, and found that we have a lot of people who are not all that concerned with our affairs. We are very sad about what happened at Ntika's place. If you don't unite with the clan, you know that if you have any issue, you will give us a lot of problems. We have said that those who brought two hundred shillings will again add another two hundred shillings, and for those who have not contributed, they should pay four hundred shillings. Failing that, our brothers from Andûune will be taken to your homestead.

After the above conclusion at the meeting on 24 November, they performed *kwîkîra nyumba mûkolo* (to put a ram's skin-ribbon on a house) on the following day, 25 November. The ritual I observed consisted of five phases: (1) The skin of a ram that had been slaughtered the previous day was cut into a long strip in the morning. (2) Two elders poured honey (diluted with water) into the stems of castor oil plants, *mwaarîki* (*Ricinus communis*), and buried those stems individually at the front door and the four corners (both inside and outside) of the house. (3) While members were inside the house, the same two elders sprinkled black millet over all the sides (walls) of the house, both inside and outside. (4) The same elders attached the leather strip (*mûkolo*) to the house (see Fig. 7); the leather strip was fixed to the top of wooden poles (cut from a *mûtûngûû* tree⁽¹⁰⁾) and placed at the four corners of the house. (5) The same elders each held one mouthful of diluted honey and sprayed it over the walls of the house, both inside and

outside (see Fig. 8).

Through the ritual, they again demonstrated the Athimba's clan solidarity in two ways. Firstly, junior members were required to provide material assistance to senior members who stayed at the clan house. Secondly, all members were expected to reconfirm their unity before receiving and distributing a number of animals. In this sense, arguments rooted in various economic interests were formulated into a provision of their indigenous law, which says that the clan is the authorised body for managing homicide reparations.



Fig. 7. Clan house surrounded with a leather strip



Fig. 8. An elder spraying honey from his mouth over the walls of the clan house

IV. The consequences

The compensation process for this case was suddenly halted without reaching a final stage. The interruption was due to a disagreement among the Athimba clan members over how to distribute the received items. Some clan elders complained that the items were not properly distributed, but secretly disposed of and consumed among a certain circle. In order to conclude the compensation process, one bull called *ndewa ya ûkûrîra kîongo* (literally, ‘a bull to call for a head’) was supposed to be slaughtered at a joint feast of the two clans and the Njûriincheke council of elders. If they reached this stage, the Aîri clan should have brought the bull together with a ram, a he-goat, and a she-goat; also, the ram should have been slaughtered for *waakana mauta* (smearing ram’s fat) to celebrate the achievement of reconciliation between the two clans (see Ishida, 2014: 97). However, the clan house for the Athimba was demolished before the bull was brought.

Since the process was discontinued, the remaining part of a bull, a ram, and two heads of goats have not yet been paid. If they were paid to conclude the homicide compensation, the total amount of the livestock items brought to the Athimba clan would have been twenty, including ten heads of cattle, with ten heads of goat and/or sheep.⁽¹¹⁾ The same number of ten cattle and ten goats (sheep) was later claimed in Case 3. In another case in 2013 (Ishida, 2014: 95–99), on the other hand, the amount of claimed items was different since the contesting parties came to agree on a discount, taking into consideration the presence of the existing affinal relationship between them. Interestingly, the livestock items, which were paid as *rûraachio* in Case 1, had been given new names in the other two cases in 2013 and 2015. However, the total amount of claimed items remained almost the same. This shows how the Athimba clan members have accumulated and developed their knowledge of homicide compensation (based on their indigenous law) from 2001 to 2015.

Elders of the Mîchûbû age group, such as Ntika (the victim’s father), and M’Barûngû (the then clan chairman and the eldest member of the clan), passed away some years after the end of this case. In the upcoming cases, the clan elders of the Ratanya age group, such as Mûtethia (H26), M’Mauta (H27) and M’Lichoro (H29) came to supervise their junior peers in terms of handling clan issues.

A VICTIMISED AGNATE IN THE 2011 INCIDENT (CASE 2)

The second case illustrated in this section is different from the first one in several respects. Firstly, the victims of this incident included a murdered wife and an injured male relative of the offender. Accordingly, the Athimba clan members assumed their responsibility to pay compensation for the wife, and at the same time to seek a reconciliation between brothers of the same clan. Secondly, the parents of the wife did not claim reparations, but rather the remain-

ing parts of the bride price (*rûraachio*), items that the husband's father was obliged to pay. The murdered woman was buried as the offender's wife in their marital homestead. The two families of the offender and the wife agreed that transaction of items should be organised based on their inter-family (not in inter-clan) relationship.

Accordingly, the key issue (which clan elders spent many hours discussing at the clan meeting) was to seek reconciliation between 'brothers', rather than how to compensate a person from another clan. Strictly speaking, the elders were not talking about mutual reconciliation between brothers, but rather the importance of the injured agnate, named Daniel, in forgiving his 'brother' (the arrested offender) for the crime. However, it was too difficult for Daniel to accept the elders' instructions.

I. From homicide compensation to bride price payment

The offender, named Kabeeria, of the Bwantai age group (a son of Miríti [H10]) ambushed his wife and his 'brother', named Daniel and from the same age group (a son of Kamenchu [H14]). The young men were both from the Athimba clan. The incident occurred in Maûa town in January 2011. While Daniel escaped death by a hairsbreadth, the wife died due to a serious cut. Kabeeria had earlier suspected that Daniel, who was then working as a mechanic in the town, secretly had an intimate relationship with his wife. Although Kabeeria's revenge target was Daniel, the wife was coincidentally at the scene of the ambush, and became involved in the attack. Kabeeria was eventually arrested while hiding in a nearby village.

The parents of the murdered wife first visited the Athimba clan on 18 March 2011 after the incident; for the Athimba, it was the second meeting to discuss this problem. Some of the elders whom I interviewed in March 2011 were first understanding that the wife's natal family might claim homicide compensation. The parents, however, told the clan on the same day that they would only request bride price items for their deceased daughter including five goats, a ewe, a cow, and a bull. They also noted items that they had already received (as part of the marriage transaction), including a bundle of *mîraa*, a he-goat of *mîraa*, a drum of honey, a ram for the bride's mother, a he-goat for the bride's father, and two suits. The remaining items to be paid were the ones that should follow the aforementioned items in ordinary marital transactions. Upon hearing their views, the Athimba people came to understand that the victim's parents wished to perpetuate their affinal relationship with the offender's family, who were from the Athimba clan. Both parties considered the fact that the offender and his wife had a child.

Marital transactions are not a clan affair, but are rather dealt with by the concerned families. Seeking a reconciliation within the clan soon became the Athimba's main concern. Their first aim was to meet the injured agnate, Daniel, to find a way toward understanding. However, it was not easy since Daniel never wanted to forgive his 'brother'.

II. *Mwîchiaro*'s involvement in reconciliation

The following dialogue, derived from the third clan meeting on this issue, held on 28 March 2011, focused on the absence of Daniel and his father. Daniel did not appear at the previous two meetings, nor at the third meeting. It seemed that he felt too victimised to respond to a summons delivered by the clan to their meetings.

Ngatûnyi of the Antûambûi clan, a *mwîchiaro* from Laare, said he was invited by the Athimba clan members to attend the third meeting on 28 March. He visited Daniel and his father in person on 18 March (the date of the second meeting) together with the parents of the murdered woman, only to find that both the man and his father welcomed him; they said that they were soon coming to the clan meeting (see the last part of Dialogue 6). That is why, in the following dialogue, Ngatûnyi did not understand why Daniel and his father did not appear at the third meeting.

The elders speaking in the following dialogue include Mûtethia (H26, the then acting chairman of the Athimba clan), Mafî (H9, the then clan secretary, replacing Mûtûma, H3), Ntongai of the Lubetaa age group (the then clan treasurer), M'Lichoro (H29, the then eldest member), M'Mauta (H27) and Kabithi of the Ratanya age group. Ntongai, M'Lichoro and Kabithi came far away from the lower slope area.

Dialogue 6. Elders' talk about the absence of Daniel, an injured agnate

Mûtethia: I have seen him (Daniel, a man injured in the ambush) driving a vehicle.

Mafî: Yes, he was the one who was driving a vehicle, but he didn't ask for anything from us.

Ntongai: Did you call upon him to meet with clan elders?

Mûtethia: Yes, we told him to come. We didn't see the young man (*mûthaka*) today. Even the assistant chief did not [find him]. We didn't see him, and the letter said we should meet here at the clan house (*mwîrieene*). They should meet with the chief here. The messenger didn't come back to check whether the letter reached the intended person.

M'Lichoro: Was the letter eaten by rats, or what?

Mûtethia: No.

M'Mauta: Chairman (Mûtethia), let me ask you a question. If that person doesn't come with the assistant chief giving him the letter, was there any case with the chief? What happened?

Mûtethia: There is no case with the chief, but our case (*iamba*) will continue.

M'Mauta: Let the young man (Daniel) and his father be. We shall continue with our case.

Mûtethia: M'Mauta, you have asked a very good question. You have asked, do we have a case with the assistant chief? No. We have a case

with this person. Now just tell M'Mauta that we are using our assistant chief so that we can reach the person (Daniel). Now, Mr. Chairman, there is a person who can roam in the bush and continues roaming. His roaming occurs when he is alone, and when he reaches the person who has called or summoned him, his roaming ceases. Now we want him to come before us and talk with him slowly; he will calm down because we sent the assistant chief and we shall beseech him. And you, M'Mauta, you must ask: if he doesn't come to us, what shall we do?

Kabithi: Greetings to the entire clan and again, greetings. I am saying that an aggressive bull can be calmed down. As we are trying to beseech this bull, even though it is trying to kick us, we shall also kick it. You have sent me several times, and this is the third time. Now, we should try beseeching him

Ngatûnyi: Now, Mr. Chairman, we came from far away due to your calling. I always come not for my problem, and we advise each other.⁽¹²⁾ We always come here, but this time, we don't understand the reason for coming.

Since Ngatûnyi said he could not understand the situation, Mûtethia (the clan's acting chairman) briefed him on the nature of the murder case (as seen in the following dialogue). Ngatûnyi, however, was not fully satisfied with the explanation, as he already knew about the development of the case. By that point, he wanted to know about Daniel's absence. In the following dialogue, M'Lichoro of the Ratanya age group, who was the then eldest clan member, became angered by mismanagement among the clan members, which was confusing their *mwîchiaro* (Ngatûnyi). M'Lichoro advised his younger agnates that they should properly fear and treat their *mwîchiaro* well.

Mûtethia: I am wondering if you were informed of all the issues. I would like to explain the purpose of this calling, and what you are asking about. Mîriti's son (Kabeeria, the offender) married a woman in Maûa, and had a son with her. They were living in Maûa town, not at their homestead (in the village). His brother (Daniel, the injured man) used to sneak around secretly when the husband was not present. They (Daniel and Kabeeria's wife) used to stay like this. The husband became angry, and secretly crept upon Daniel and his wife with a sword, and stabbed them both. The woman died of her wounds, but the man was only injured. She died upon arriving at the hospital, but the man was discharged. After that, he planned to sue his brother for stabbing him. Our leader [of the Athimba clan] said we should contribute something big to convince the father [of the woman to pursue reconciliation], and we should visit him. We contributed something big so that we could convince the father. We should be aware of what move the father

might make, or if he might be planning to claim that the head should be paid (i.e., homicide compensation). The contribution was taken along with a he-goat.⁽¹³⁾ The father was convinced and told us that the daughter was ours, and to take and bury her at our homestead. We organised the burial ceremony back home. Yet after the burial, we heard that Daniel wanted to sue Kabeeria in the law courts. That's why we have called you (Ngatûnyi as *mwîchiaro*) to stop Daniel from prosecuting the young man (Kabeeria). [Addressing their *mwîchiaro*] Please tell him to stop this case, because Kabeeria is his brother (*mutana ithe*). Apart from this issue, there is nothing else we have called you for.

Ngatûnyi: OK, where is the person we are talking about?

Mûtethia: He is not here.

Ngatûnyi: We went to his homestead and he was not there. Now whom shall we talk to?

M'Lichoro: As for me, I have lived many years and seen many cases. We did this when we went to build our clan house at Conguri (another name for the Akûi village in the Îgembe Southeast Division). When you go to call upon your brother (*mwîchiaro*), you must inform him of everything. I don't know whether you are thinking from a childish perspective [among you] to solve this case. Let me use the method which was used before by our forefathers of the Îthalî age groups to inform you that our brother (*mûtanoba*, meaning *mwîchiaro*) is bigger (more powerful) than the chief. The chief is employed for a period of time, then leaves the office, but our brother shall remain and can help in paying the head. As for me, I am telling you how our forefathers solved their cases.

To summon the injured man (Daniel), Ngatûnyi told Kabithi to find Daniel at his home. The Athimba elders then said that Kabithi should be sent with their *mwîchiaro*, so that Daniel could not refuse them, thus fearing the power of the *mwîchiaro*. In the following dialogue, Mûtethia argued that Daniel as well as his father (Kamenchu) should be called together, because the father truly understood the power of the *mwîchiaro*. Ngatûnyi said Daniel welcomed him when the *mwîchiaro* visited him on 18 March.

Mûtethia: The reason for calling Daniel's father, Kamenchu, is that he knows the consequences of *îchiaro*. If the son is asked about *îchiaro*, he doesn't know. Kamenchu had an elder brother. When he (Kamenchu's elder brother) was asked about *îchiaro*, he said, 'Let them fry the *îchiaro* for me, and I will eat it when it is fried and sweetened'. (Kamenchu's elder brother died soon after uttering these abusive words.) When our family is caught by *îchiaro*, every member of our family will perish. Please, let's just call upon him first, because he will call upon his son for us. Please come, and

let his presence be seen. M'Lichoro, I am telling you this.⁽¹⁴⁾ We shall not stay any longer. Otherwise, we shall make this family poor by making them always give us food [to feed the clan members who are meeting at their homestead], as if we are doing anything for them. Today, we shall find a final solution, because we shall not come here again. The solution is 'Let's go to Daniel's homestead and he will meet us, whether he accepts us or wants to chase us away'. If Daniel has been refusing to come for two weeks, and since he refuses to come today, I shall not come here again.

Ngatũnyi: I was at the place where you sent me before. I met him at his home, where you had sent me on 18th of this month. We talked with him in person, and told him that I would go back to the clan meeting to inform them that he would be coming soon. His response was good and he welcomed me.

After a while, Ngatũnyi (*mwichiaro*) and Kabithi only came back with Kamenchu (H14, the father of Daniel, the injured man); they could not bring Daniel as requested, since he was not found at his home. Then, Kabithi informed the clan members that Daniel would not come. Dialogue 7 (below) shows statements given by Mũtethia, Kamenchu, and other elders. Among other elders, Mũtethia argued that brothers should not fight each other (i.e., that Daniel should withdraw the case against his brother). The elders also requested that Kamenchu try to help his sons reconcile.

Dialogue 7. The father of the injured man speaks

Mũtethia: We were waiting for Kamenchu due to some issues behind the murder case. How can we just sit here, waiting for the two heads⁽¹⁵⁾ to die? That is why we have called you, our brother. We want to inform you that both children are yours, and if the right hand (*njara ya ũrio*) hurts the left hand (*njara ya ũmotho*), what will happen? Please tell us the solution which you can make as a parent? The one who is deceased is not a problem. Even the one who is left is not a problem. If he is arrested by the police, he can be sentenced to ten years or more, which is like being dead. But now, you (Kamenchu) are the parent of both parties. Please tell us your advice. If a son files a case against his brother, it is like killing a person.

Kamenchu: I heard that Kabeeria issued a very harsh statement that he would not survive as long as his wife died, and he would die also. Daniel remembers well how he was stabbed. Daniel is now saying, 'Why should I die? Let me sue him at the police station'. This is his statement and my son, Daniel, does not ask Kabeeria for anything. Daniel informed me that he had used twelve thousand shillings to pay the hospital bills. He said, 'I am not asking to be refunded. Please tell me what the conflict was for, because

- I am innocent’.
- M’Lichoro: Daniel was trying to figure out the real reason why his brother stabbed him, because Kabeeria had uttered some statements saying, ‘I have not done [I have not killed my enemy], but I will do’. Now we are asking you, our brother, and we are saying that when we meet here, we should find peace (*thûîrî*). Please, we are telling you that we shall pay the head together. Daniel should come so that he can know how to reconcile with his brother, because as clan members, it is your responsibility, as well as mine, to pay the head.
- Ngatûnyi: Kamenchu, I went to his homestead, but when I arrived there, he wasn’t there. But if he has come before the clan, let him tell us what is in his heart, so that we can sort things out as one unit (*kîntû kîmwe*), as a clan.
- Mûtethia: Many of us are asking why we have called upon Kamenchu. He is not the one we have a case with, and he is not the one who was stabbed. Does anyone have feelings like this? But remember, Kamenchu is an old person and has fathered many children. Young men of this age don’t understand their brothers or sisters. How does one call the other ‘my brother’ (*mûtanochia*) while they fight for a wife? This is like the right hand hurting the left hand, and he (Kamenchu) is the one who we called upon to find a solution (*kîorio*).⁽¹⁶⁾ If we come together, we can find a lasting solution. That is why we have called Kamenchu to the clan. I confirm that I will assent to what the clan agrees upon, together with our brother Kamenchu.
- Kathia: Greetings to the clan. I am saying that Kamenchu has done a good thing by responding to our summons. Kamenchu is like a bridge (*ndaracha*)⁽¹⁷⁾ that all people shall use in order to get Daniel to meet with us.

The Athimba elders, including Kamenchu, agreed that they should have another meeting with Daniel present. The next meeting was scheduled for 4 April 2011.

III. A long process of forgiveness

The fourth meeting was held on 4 April 2011 at Mîrîti’s homestead. Those in attendance included Ngatûnyi, a *mwîchiaro* from the Antûambûi clan, and Nchooro, another *mwîchiaro* from the Andûûne clan. However, Daniel did not appear. Due to his absence, the elders could not proceed with reconciliation. Inevitably, they scheduled another meeting for 8 April at Kamenchu’s homestead. They again sent Kabithi, Ngatûnyi, and Nchooro to summon Daniel for the next meeting.

Daniel finally appeared at the fifth meeting on 8 April, held at Kamenchu’s

homestead. The two *ichiaro* men, Ngatûnyi and Nchooro, were again present. Daniel said he was unable to forgive Kabeeria. He explained (as follows) how Kabeeria injured him. On the day of the incident, the murdered woman and others asked him to take her to Maûa on his motorbike. Just after he arrived there and was about to depart, he heard people screaming loudly from inside the house. He decided to go back to find out what was happening, and met Kabeeria there. As Daniel was asking him what was happening, Kabeeria suddenly stabbed him with a knife. He managed to escape death, but to his dismay, he later heard that Kabeeria had said he would not leave Daniel alone, because he claimed that Daniel had made him kill his wife. Then, Daniel was convinced that Kabeeria was his enemy.

The sixth meeting was held on 28 April. The Athimba clan elders decided to send clan members to the murdered wife's parents on 7 May 2011 to discuss a way forward with their in-laws, including the bride price payment. On the other hand, however, they could not find a way to seek reconciliation within the clan, as neither Daniel nor Kamenchu were present. The seventh meeting was held on 14 May; Nchooro (*mwichiaro*) from Andûûne was present. They received a report from the elders, who were sent to the wife's natal home, and decided that each clan member should contribute three hundred shillings for the bride price payment. A clan member, suggested that they should call Daniel and Kamenchu together with Kabeeria's father, Mîrîti. Although M'Lichoro (the eldest member) and others opposed the suggestion, some elders, including M'Lichoro, continued seeking a possible way.

At the eighth meeting on 10 June, Daniel appeared again with his father. Mîrîti (Kabeeria's father) also was present. Daniel said he was still unable to forgive Kabeeria. Along with other elders, Mûtethia (the acting chairman) strongly requested that Daniel forgive Kabeeria when he later came back to the village, and at the same time told Mîrîti to persuade his son (Kabeeria) to return. Mîrîti promised that he was going to bring his son back to the clan. Daniel finally said he would try to forgive Kabeeria. Once again, at the ninth meeting on 24 June, Daniel declared in front of fifty clan members that he had forgiven Kabeeria. Although the clan members say the brothers have reconciled with each other, to date, it remains difficult for Daniel to accept Kabeeria as his brother.

IV. Observations

The above case is different from the other two in several respects: (1) The victims were the offender's wife and 'brother'; (2) The compensation for the murdered wife was claimed in terms of bride price, rather than homicide compensation, since her parents wished to maintain their affinal relationship; (3) The key issue for clan elders was to seek reconciliation between brothers, rather than how to compensate a person from another clan.

Kabeeria (the offender) was never present at clan meetings. Clan elders repeatedly called upon the victimised agnate (Daniel) to appear at the clan meeting for reconciliation, which was very hard for him to accept. Reconciliation and

peace was the only solution the clan members desired; the elders even sent the *ichiario* men to require Daniel and his father to respond to the summons for this purpose. Although he felt too victimised, Daniel had no choice but to appear, and finally spoke a word of ‘forgiveness’.

A FAILED EXPERIMENT IN HOMICIDE COMPENSATION, 2015 (CASE 3)

Similar to another compensation case observed in 2013 (Ishida, 2014), the victim in the following situation (Case 3 in this paper) was a second generation immigrant. The victim’s father, named Karatho (H24), of the Lubetaa age group, was born in Nairobi in 1954 to a father of Mwimbî origin.⁽¹⁸⁾ At the time, Karatho’s father was working in Nairobi as an administrative officer under British colonial rule. Later, his father migrated to another village in Athîrû Gaiti Location while working as an agricultural officer. Some years after they had migrated, the Athimba clan gave his father a piece of land in his present homestead.

When I interviewed Karatho, he said that his father was the one who decided to migrate from Mwimbî to Îgembe. When they moved into their current homestead, they found M’Ikîrîma and his sons already settled in their nearby neighbourhood.

According to Athimba clan elders whom I interviewed, Karatho and his father were simply ordinary immigrants who had been assimilated into the Athimba clan. Soon after he migrated to Athîrû Gaiti, Karatho’s father married another wife from a neighbouring clan, the Antûamûtî. This woman was the mother of his younger siblings, and was like a mother to Karatho himself. After his father died in the 1960s, another Athimba member later ‘inherited’ his mother.⁽¹⁹⁾ His younger brothers and sisters recognised this man as their father in both a biological and sociological sense. Karatho and his brothers were accordingly recognised as Athimba clan members.

This section illustrates a homicide compensation case between the Athimba and Amwari clans; the case started in March 2015. Karatho, the victim’s father, built a clan house at his homestead on 25 March to receive compensation items (see Fig. 9). The two clans proceeded swiftly since by the end of April, Karatho had received five heads of cattle and five heads of goats and sheep, which was almost equivalent to half of the total claim.

However, the process grew stagnant after the two clans held a joint feast at the end of April, due to the Amwari’s financial difficulties. After a three month stasis, Karatho decided to pursue an alternative path to get revenge for his murdered son, which elders later criticised severely. He was not able to wait any longer. At the end of August 2015, Athimba clan elders ceased to work with Karatho after they noticed that he had removed the clan house from his homestead without their knowledge or permission.

This case was thus a failed experience of homicide compensation. It was obvious that Karatho was slighting Athimba’s clanship, which was no doubt a



Fig. 9. Clan house at Karatho's homestead (photographed on 10 August 2015)

central cause of the failure. While the Athimba clan had accumulated knowledge about the procedure of homicide compensation from their previous experience, Karatho had never attended the clan meetings or witnessed their activities for the past fifteen years. However, this failure should not only be attributed to Karatho's personal mistake. As this paper observes in Subsection III, another contributing factor was the issue of regional power politics over the Njûrînceke chairmanship of the entire Îgembe community, which arose in 2015.

I. Experienced elders

On 3 March 2015, the Athimba clan members had the first meeting in regard to homicide compensation for their young agnate, who was Karatho's first-born son and died while receiving medical care in late 2014. Karatho heard from neighbours that his son was found at night stealing *mîraa* in a shamba near the Kîraone market, and was severely beaten by three sons of Nkiiri, a farm owner of the Lubetaa age group from the Amwari clan. The son was later taken to hospital, but eventually died. Karatho strongly condemned Nkiiri and his three sons. At first Nkiiri and his sons denied responsibility for the death of Karatho's son, but later admitted that they had captured and beaten him in their *mîraa* shamba. Karatho claimed homicide compensation, together with all the expenses he had paid for medical care and a funeral. He also warned that he would go to the Njûrînceke council to put Nkiiri and his sons into *kîthili*⁽²⁰⁾ if they refused to pay what he claimed. Though Nkiiri believed his sons' actions were a form of self-defence against a person who was trying to steal their *mîraa*, he decided to pay the reparations.

Seeking advice, Karatho first visited a Njûrînceke elder named Kauo of the Lubetaa age group at his homestead, in another administrative division of the Îgembe South Division. After visiting the elder, Karatho called upon the Athimba clan, to which he belongs. At the first meeting on 3 March, the clan appointed Kauo to be their adviser (*mûkîrîra*), as requested by Karatho.

Table 5. Elders appointed as *mûkirîra* and *mûtungûri* for homicide compensation

Name	Role	Age group	Clan
Kauo	<i>mûkirîra</i> for Athimba	Lubetaa Nd	Antûbochiû
Baariu	<i>mûtungûri</i> for Athimba	Lubetaa Ko	Bwethaa
Michûbû	<i>mûkirîra</i> for Amwari	Ratanya Nd	Akachiû
Kathia	<i>mûtungûri</i> for Amwari	Lubetaa Nd	Athimba

Table 6. Chronology of homicide compensation, March–April 2015

Date	Process
3 March 2015	[Athimba] First clan meeting to discuss arrangements
23 March	[Athimba] Second clan meeting to talk about building a clan house
25 March	[Athimba] Third clan meeting to build a clan house
26 March	[Athimba] Chairman sends a message through messengers to the Amwari clan to indicate that that they are ready to receive items
30 March	[Athimba] Fourth meeting
8 April	[Athimba and Amwari] First transaction at the joint meeting of both clans; the representatives of the Njûriñcheke council of elders count the compensation items
17 April	Second Transaction
27 April	[Athimba and Amwari] A bull (<i>ndewa ya ûkandia rûû</i>) is slaughtered at a joint feast

Table 5 shows the four elders appointed as *mûkirîra* (advisers) and *mûtungûri* (messengers) for this case. All these elders were members of the Njûriñcheke council of elders. Baariu, the *mûtungûri* for the Athimba, had previously served as a *mûtungûri* for the Bwethaa clan in a case in 2011 (Ishida, 2014: 97). Kathia was said to be an Akachiû clan member in terms of his biological origins, but recognised as an Athimba clan member, since he was initiated into the clan in order for the Athimba to allocate a piece of land to him. Both Baariu and Kathia were well-known personnel serving as senior officials at the divisional Njûriñcheke house of the Îgembe Southeast Division.

Table 6 provides a chronology of the process. The giver and receiver of the compensation in this case were the Amwari and Athimba clans, respectively.

At the first clan meeting on 3 March, the Athimba clan members counted the first items to be brought: a ram, a ewe, a she-goat, and *nkiria* (a pair of animals consisting of a milking cow and a calf, called *atang'atang'i*, to comfort the mother of the deceased). The clan record for that day noted, 'When these items come, the clan will build a house, attach a leather strip (*mûkolo*) to it, then seek compensation for a person (the victim).' The clan house, however, was built on 25 March at Karatho's homestead, even before the aforementioned items arrived. The basic structure was the same as the one built for Case 1. In addition, the ritual of *kwikîra nyumba mûkolo* (to put a ram's skin-ribbon on a house) and the sprinkling of finger millet and honey were performed (see Figs 7 and 8). Every clan member contributed 300 shillings each, while Karatho provided a he-goat to be slaughtered for the guests.

At the meeting on 26 March, the Athimba clan counted the total amounts of preliminary items required before the main part of the reparation, called *rûraachio*:

- (1) a she-goat (*mparika ya ûthoni*)
- (2) a ewe, a she-goat, and a he-goat
- (3) *nkiria* together with *atang'atang'i*
- (4) *ntaa kîî*⁽²¹⁾
- (5) a bull for giving the clan water (*ndewa ya ûkundia rûûî*)
- (6) a bull for the clan (*ndewa ya mwîria*)
- (7) a bull for uncles [of the victim] (*ndewa ya ba muntûoo*)

On 30 March, the clan told Karatho to provide *nthenge ya mbûri iîli* (a mature he-goat as big as two goats) and 5,000 shillings, to be taken to the Njûriîncheke council of elders.

At the joint meeting on 8 April, both parties and the representatives of the Njûriîncheke council of elders (forty-three elders in total) witnessed these items being brought by the Amwari clan including two she-goats, one ram, a milking cow and a calf, and one she-goat (the last she-goat was an item to be given to the messenger). The following payment of one bull, one cow, one heifer, and one she-goat was made on 17 April, with 29 elders in attendance. Then, on 27 April, both parties and the representatives of the Njûriîncheke council of elders met to have a joint feast with 'a bull for water' (*ndewa ya ûkundia rûûî*). Seventy-four elders in total attended.

II. Demolishing the clan house

After the aforementioned joint meeting on 27 April 2015, there was no progress for two months in regard to the payment of the homicide compensation. This was due to a financial shortage facing the Amwari clan. When I visited Karatho at his homestead on 10 August, he told me that he could not wait any longer for the Amwari clan to proceed to the next stage, and that he would be better off getting revenge for his murdered son with *kîthili*. I noticed that Karatho's anger was never easily appeased. He also said that he had already sent one of his sons to be initiated into the Njûriîncheke council of elders⁽²²⁾ under the instruction of Kauo (the Athimba's adviser). However, this action later aroused intense criticism among Njûriîncheke elders in the neighbourhood. Some elders I interviewed believed it was wrong for Karatho to send his son to be initiated in a village of the Îgembe South Division, where Kauo came from. They argued that any candidate should be initiated in his place of residence, which in this case is Athîrû Gaiti (in the Îgembe Southeast Division).

The clan house still remained at Karatho's homestead on 10 August 2015, when I first interviewed him on this issue (see Fig. 9). On 13 August, the day for which the Athimba clan meeting was scheduled, I again interviewed him two hours before the clan meeting began. He said he would attend the meeting

to demand that the Athimba clan demolish the house on his homestead. (The existence of a clan house means that the compensation process is still happening, while demolishing it means the process has ended.) Karatho did not want to wait any longer to be paid. It was better for him to demolish the house so that he would be able to proceed with *kithili* against Nkiiri and his sons.

The Athimba clan meeting on 13 August 2015 was mainly for settling another case of finger compensation (*kûrea kiara*). At the end of June 2015, a son of Kubai (of the Athimba clan) used a panga (a long-blade knife) to chop off the finger of a girl at a midnight bar in Athirû Gaiti. The girl's grandfather, named M'Anampiû (of the Lubetaa age group from the Bwethaa clan) accepted Kubai's apology, and both parties agreed that Kubai should pay 40,000 Kenyan shillings for expenses, such as hospital bills. When I visited him on 17 August 2015, M'Anampiû said he required an amicable settlement since he appreciated Kubai's sincere approach after the incident, as well as the long years of friendship between the two families. Kubai first gave M'Anampiû 20,000 Kenyan shillings, and was preparing to pay the rest as soon as possible.

The clan meeting on 13 August at Kubai's homestead was the third one for the finger compensation since they first met on 30 July 2015. The clan members had agreed at the previous meeting that every member should contribute 300 Kenyan shillings each to help Kubai pay the full amount of compensation. Their target was 40,000 Kenyan shillings, including 1,000 shillings each from Kubai and his brothers. The meeting on 13 August was then organised as the first day for contribution. Kubai prepared meals for guests, expecting many to come. All clan members were informed that they should come to Kubai's homestead by 11:00; I also attended the meeting.

However, only a few elders arrived on time; others continued coming one by one after the scheduled start time. Karatho arrived at around 12:45, and then talked briefly in person with Mûtûma, the then chairman of the Athimba clan.⁽²³⁾ The meeting finally started a few minutes before 13:00. After an opening prayer by another attendant, Mûtûma gave a chairman's speech to brief everyone on the day's agenda. In the first speech in the following dialogue, Mûtûma addressed the main issue of finger compensation, then mentioned Karatho's request that the clan house be demolished.

Dialogue 8. Addressing Karatho's request that the clan house be demolished

Mûtûma: Greetings, clan. Greetings, a person who doesn't die. Greetings, a person who eats his own. (*Mweni, mwîria. Mweni, muntû ûtikuya. Mweni, mûria biawe.*⁽²⁴⁾) I am grateful for the prayers, and I say that God shall bless the prayers among us. We started meeting here at Kubai's place on 30 July. That was when we started meeting here because his son cut M'Anampiû's daughter's finger off. That's the reason we are meeting here, even today, to help to pay the expenses that M'Anampiû has asked for, which is 40,000 shillings. As elders of the clan we said on 6 August that every clan

member to contribute 300 shillings, brothers should give 1,000 shillings each, and Kubai himself should pay 10,000 shillings. That is what we said as the Athimba clan, according to the expenses. Today is the day to contribute. The way we have come, the only path forward is to make a contribution (*marita*). I can see that some are coming to contribute. Now, we beg for forgiveness from God in terms of the way we started contributing money, without giving thanks and praises. I give many thanks to those who have reached out and even to those on their way [to the meeting]. God is able to make you reach your goal. The secretary is writing the names, and continues to record the names of those who contribute money. Even if a person sends someone [with money], the name shall be written. Karatho has an agenda. He has told me about the clan house, which he built at his compound, and he can't sleep well because of the clan house. He wants us to set a date to demolish it according to the Kîmîrû tradition, so that he will be able to proceed with his own issues. It's like a person suffering from a toothache; when you're suffering, it aches all the time. Karatho is like a person suffering from a toothache. Whenever he sees the clan house, he feels uneasy. Now, my clan, we have to deal with those matters I have told you about, and you're welcome. If anyone has other issues, you can talk and feel welcome.

Along with other women who came to help her with the cooking, Kubai started serving lunch for all the attendants while the chairman was speaking. Attendants thereafter started eating. It was at 13:15 when Mûtethia (the former acting chairman) arrived, while clan members were eating and chatting. Mûtûma again explained the day's agenda. Mwenda of the Lubetaa age group, who spoke in the following dialogue, was not an Athimba clan member, but often attended clan meetings out of curiosity, as the clan welcomed any person from outside who could help them settle their problems. He was the one who said the aforementioned opening prayer before the chairman's speech.

- Mûtûma: Today is the day for making contributions. We said that every clan member should contribute 300 shillings, Kubai's brothers should contribute 1,000 shillings each, and Kubai himself should pay 10,000 shillings. While today is a day for making contributions, Karatho also has another agenda. He wants the house at his homestead to be demolished. Karatho says he is going to bring a ram for this purpose.
- Karatho: Yes, I will buy a ram this Saturday.
- Mwenda: Karatho says that he will buy a ram this Saturday.
- Mûtethia: Now, Mwenda, I hear that we have such an issue [Karatho's case]; however, that is not an issue to be quickly resolved. Rather, as a clan, we should hold a *nkilîba* [confidential talk] slowly, then find

a solution. Today, I want the contributions to continue, because we have finished a *nkiliba* [for Kubai's case]. Now I only want contributions.

Some elders, including Mûtûma and Mûtethia, were cautious about dealing with Karatho's proposal for several reasons. Firstly, since demolishing the clan house would signify the end of the transaction, they needed to carefully consider many things. Secondly, it was their first meeting since they noticed that Karatho had made a mistake by initiating his son into the Njûriincheke council of elders. Considering these two issues, the elders understood that they needed to have a *nkiliba* (a confidential talk; see note (8)) among themselves to find a solution.

After Mûtethia's statement in the above dialogue, elders discussed the finger compensation for 1.5 hours, without addressing Karatho's proposal. Then at 15:10, key elders including Mûtûma (the chairman), Matî (the secretary), Mûtethia (the former acting chairman), Mwenda (a third party), M'Mauta (the then eldest member), and a few others went aside to hold a *nkiliba*. After forty minutes of *nkiliba*, the elders came to announce their conclusion to the attendees. Karatho did not receive a quick answer, and was told to return on 20 August (the next Thursday) to find out the date that the clan house would be demolished.

- Mwenda: We just had a *nkiliba* and listened and talked very nicely with each other. We have decided that Karatho should remain silent until the day we arranged [for him to return], Thursday, which is when we shall tell you when the house will be demolished. Then we can give you a date to remove the house. On Thursday, you should come, and the clan will set a date to demolish the house.
- Mûtethia: My friend, when a person goes to ask permission [for marriage], that is not the day to get a wife. Today you have asked permission and the clan has heard that Karatho wants the house to be demolished. That's why they say the [next] day [we will meet] will be on Thursday. They shall bring you a report. Just stay calm, the way you are [now]. Now, we are finished.

The next clan meeting was scheduled for 20 August, again at Kubai's homestead, to collect more contributions from clan members for the finger compensation. However, Karatho did not appear. Instead, by then he had demolished the clan house based on his own judgement, which made his situation worse.

The elders then stopped discussing homicide compensation for Karatho's son. At the meeting on 20 August, Mûtûma (the chairman) made a brief remark on the issue in his opening speech. He said he had received a phone call from Karatho, who told Mûtûma that he had already demolished the house. Though Karatho asked Mûtûma to visit him in person, Mûtûma refused, because he

understood that nothing should be done by personal communication if an issue concerned the entire clan.

III. Observations

The above compensation case (Case 3) was suddenly halted without reaching a final stage. The consequences were similar to those of Case 1 (which took place between 2001 and 2002) in the sense that intra-clan disagreements between the victim's father and the other Athimba clan elders caused the case to be discontinued. The context, however, was different in the following sense: According to my observations, the disagreement in Case 3 was not only rooted in mutual misunderstanding or a conflict between private and common interests. Rather, the disagreement also stemmed from regional power politics over the Njũrĩncheke chairmanship of the entire Īgembe community, an issue that arose in 2015. It seemed that this political background was another contributing factor to the sudden interruption of Case 3.

As Kenyan newspapers reported, starting in February 2015, the Njũrĩncheke council of elders (of the entire Amĩrũ community) was then involved in regional politics as they split into two factions over the issue of political leadership within the greater Meru region. According to a story published on the website of the *Daily Nation* on 13 June 2015,⁽²⁵⁾ one of the two contesting factions visited President Uhuru Kenyatta at the State House, representing the Njũrĩncheke council; at the same time, this faction's leaders had already been ousted from the council, and were replaced with a newly appointed chairman and secretary.

It seems that those involved in factional strife were becoming even more concerned with state-level politics, as it involved senators and the county governor. At the same time, it was affecting village-level social relations. The former and newly appointed chairmen of the council were both of Īgembe origin. The Njũrĩncheke elders from all the administrative divisions of Īgembe were inevitably caught up in the power struggle over the chairmanship.

It is in this context that the Athimba clan members of Mũringene village faced challenges during the process of consulting with the Njũrĩncheke council. In March 2015, the Athimba clan appointed Kauo (from the Īgembe South Division) as the adviser for homicide compensation, as requested by Karatho, the victim's father (see Subsection I). As the political confrontation heated up, however, the local branch of the Njũrĩncheke council, to which the same adviser belonged, came to be recognised as a political opponent of the elders at the Athĩrũ Gaiti branch. As noted in Subsection II, it was under the guardianship of the same adviser that Karatho sent another son to the same branch, to be initiated into the Njũrĩncheke council in August 2015. Athimba clan elders, as well as Njũrĩncheke elders from Athĩrũ Gaiti, criticised Karatho's behaviour. It seems that the aforementioned, politically influenced difference led to Case 3 being halted.

FIFTEEN YEARS OF CLAN MAKING IN A LOCAL CONTEXT

This paper described three cases of homicide compensation that took place over the past fifteen years, from 2001 to 2015, in a farming community of the Îgembe. I witnessed how different parties were involved in each of the three cases, and how all three were discontinued without reaching a conclusion. My descriptions of the Athimba's experiences over fifteen years shows that the clan has accumulated knowledge of the indigenous laws on homicide compensation, and also developed a sense of clanship during this time. This concluding section observes that their experiences were sociohistorically conditioned in some sense; as the clan grew, its members lived in the context of the widely shared structural history and the regional politics of the Îgembe society.

On 9 August 2014, the Njûrîncheke council of elders for the Îgembe community organised a general meeting at their headquarters at Miori to commemorate the official transfer of power from the Lubetaa age group to the Mîrîti age group. On that day, I walked to the meeting with hundreds of elders. However, my admittance was denied at the gate; some elders strictly refused to allow my participation in the meeting, as I was not a member. Though more research is required to understand the function of this occasion, there are some interesting points to be explored here.

The above event indicated that the Mîrîti age group had entered the life-stage of ruling elderhood in 2014; this was one year after the first circumcision of the new Kîramunya age group began in 2013 (see Table 1). As noted in the second section of this paper, a group of men circumcised within a given period of about fifteen years constitutes an age group, and each age group moves up to a higher life stage every fifteen years thereafter. Nevertheless, it is not very clear whether the handing over of power and the creation of a new age group should coincide.⁽²⁶⁾ My informants just said that the previous transfer of power at the Njûrîncheke council occurred about fifteen years ago, though I was not able to confirm the actual date of the event.

The Athimba clan members too, have experienced such a generational change and the handing over of power to/from the Lubetaa age group over the past fifteen years. Though some elders of the Michûbû age group, such as Ntika and M'Barûngû, were still alive in the early 2000s, all of them had passed away by the mid-2000s. Elders of the Ratanya age group, such as M'Lichoro (H29) and Mûtethia (H26), became the oldest among the clan members. Mûnoru (H12), one of M'Barûngû's sons of the Lubetaa age group, was appointed as chairman in 2003, but was replaced by Ntika's son (H18) from the Mîrîti age group in November 2006. However, the clan members had been disputing the replacement for years; since the Athimba could not agree on the chairmanship (Ishida, 2014: 86–87), Mûtethia served as acting chairman for about eight years until 14 August 2014, when Mûtûma (H3) of the Mîrîti age group, who had been working as the Athimba's clan secretary and documenting every detail of the process for homicide compensation payment in Case 1, was elected clan chairman (see note (23)).

Their involvement in a series of homicide compensations over the previous fifteen years had required the Athimba people to develop their sense of clanship. It seems that two other historical events also influenced this process, namely land adjudication matters since 1989, and a dispute over the Kiraone community dispensary in 2006.

It was March 2015 when the Kenyan government started issuing official land title deeds to people in Athîrû Gaiti and its neighbouring communities. The Îgembe Southeast division, the then Athîrû Gaiti (Thaichû) Sub-location, was first declared as an adjudication section in 1966. However, due to a lack of staff, there had been no progress until 1989, when land adjudication was initiated under the Land Adjudication Act (Cap 284). In 1989 a government demarcation officer was stationed in every adjudication section to register all plots in a book, and to draw land boundaries on a map (Ishida, 2008: 135–136).

In the first phase of the adjudication process—especially in the 1990s—the clan was given a significant role in determining land boundaries in sparsely cultivated areas of the lower plain called *rwaanda*. While it was relatively easy in densely populated areas to identify land plots as ones under private ownership, it was not easy to do so in the vast virgin land of the lower plain, which was first demarcated into ‘clan lands’ and then distributed among clan members. The Athimba clan was one of several beneficiaries that claimed and received a much larger share of land as their *mbûrago* (ancestral land) than others did, and the land distribution within clans—including the Athimba—thereafter continued until the early 2000s. It was in this period of about fifteen years from 1989 to the early 2000s when the Îgembe people living in the adjudication sections that included the Athimba experienced the development of clanship, which was associated with their interests in land resources.

It was in the early 2000s when the land distribution within each clan was concluded, and, according to my observations, people started becoming less conscious of their clanship. However, the Athimba clan, contrary to other clans, has continuously developed its clanship, even after the conclusion of their land distribution among themselves. Their experience of being involved in homicide compensations between 2001 and 2002 (Case 1 of this paper) was no doubt one contributing factor, and they experienced another critical incident in 2006, as a result of which their clanship did matter even more seriously, namely, a dispute over the Kiraone dispensary.

The Athimba clan had not conducted their activities since the interruption of the homicide compensation process from 2002 until 2006, when a dispute arose over the ownership of Athîrû Gaiti’s largest public dispensary, which was located at the Kiraone market. The dispensary was first built in December 1984 with the World Bank’s financial support, and the donations of land plots, construction labour, and materials from the local community. The Maûa Methodist Hospital, which was managed by the Methodist Church of Kenya and was the most advanced medical institution in the Îgembe region, had been entrusted with the management of this dispensary for its first decade. A dispute over the ownership of the dispensary first arose in 1996, and it broke out again even more

seriously in 2006. There were spoken and unspoken confrontations between those who claimed the Methodist hospital should remain at the dispensary, and others who argued that the Methodists should leave. The latter accused the church hospital of consistently charging them large amounts of money for medical services, and they argued that the community should have the dispensary under its management with the necessary government support. However, the dispute was not as simple as a conflict between the entire community and the church. Since the church was indeed the largest and most established denomination among others in the Îgembe Southeast Division, the community could have split into two parties, either for or against the church. The dispute became more intense in 2006, when the youth set fire to several private buildings in the dispensary compound. This dispute was taken to court in 2010.

The Athimba clan were enmeshed in this strife from 2006 to 2010, and they experienced a deep and unspoken internal conflict. It was widely known that the clan was the one who had donated several acres of lands for the plot in Kîraone in 1983, and that the community had built the dispensary in 1984. When it was taken to a court of law in 2010, one of the two contesting parties stated in the courtroom that the original landowner, the Athimba clan, allotted the land plot to the church. However, the conditions of the past transaction were remembered in different ways and were much disputed. The then chairman and some others were accused by fellow clan members of taking sides with the church hospital against the will of the rest. It was in the course of this internal difference that the above-mentioned dispute in the Athimba clan over their chairmanship arose.

Though they had clan meetings from 2006 to 2007 (Ishida, 2014), the clan did not openly address this issue at their meetings, but instead addressed some other issues such as family disputes. Neither was this issue discussed at 2011 meetings, when they dealt with the homicide case in which they sought the reconciliation of two brothers (Case 2 of this paper). I came to understand that the dispute was too sensitive to be discussed as part of an open agenda.

The above observation indicates that the Athimba people have had difficult times from 2001 to 2015. While their situations, either regarding the compensation or dispensary case, required that they take action or speak as a clan, their unity and clanship itself was not something already given or known, but something that had yet to be achieved and was often disputed. For example, reaching an agreement among themselves was indeed more difficult than achieving an inter-clan reconciliation by means of compensation payments in Cases 2 and 3, which are described in this paper. Moreover, the clan chairmanship had never been determined during this period, theoretically speaking, for Lubetaa's ruling elderhood (from about 2002 to August 2014). The chairmanship question must have been largely attributed to their experience of being enmeshed in the dispensary case. It was in August 2015 when Mûtûma of the Mîrîti age group was appointed at long last as the new clan chairman.

When we observe the two circumcision periods of the Bwantai age group (from 1989) and the Gîchûnge age group (from 1998) until the start of the

Kĩramunya age group in 2013 (and the start of the Mĩrĩti ruling elderhood in 2014), we should consider another two historical experiences as well. The first was the waxing and waning of their *mĩraa* industry, as was observed from the late 1980s to 2014 (Ishida, 2015), which deeply affected the local economy and people's lives. The second historical experience was the Kenyan government's introduction of the Nyumba Kumi (which literally means 'ten houses' in Kiswahili) community-policing programme in 2013 (Matsuda, 2016), which has enhanced the significance and functions of clans in local contexts.

With regard to the first historical experience, *mĩraa*—an important source of income—enabled clan members to sustain their clan activities and make monetary contributions in Cases 1, 2, and 3, which are described in this paper. *Mĩraa* is not a newly introduced crop, but a traditional item used in various contexts by the Ĩgembe people. Kenya does not have any other regions that can produce *mĩraa* of the same quantity and quality. It was after an extreme decline in coffee prices in the late 1980s (the coffee crisis) that the Ĩgembe people began replacing coffee with *mĩraa* as the main cash crop. After the land distribution in the lower plain had been completed in the early 2000s, people began expanding *mĩraa* cultivation into the area of the plain. African communities, including Somali refugees and migrants, became the key consumers of Kenyan *mĩraa* in the UK, the Netherlands, and other European countries. With the expansion of its international exports, the *mĩraa* industry in the Ĩgembe community had developed steadily, until the UK placed a ban on *mĩraa* in June 2014 (the *mĩraa* crisis).⁽²⁷⁾ This meant that circumcisions of the Gĩchũnge age groups between 1998 and 2013 were in progress during the time the *mĩraa* business and industry were booming in the Ĩgembe community.

In reference to the second historical experience, I observed two cases of clan revival in August 2016 in the Ĩgembe Southeast division. As mentioned above, it seemed that many people started becoming less conscious of their clanship after the conclusion of the land distribution in the early 2000s, and that the Athimba clan was exceptional in this context. However, in August 2016, the two clans of Antũambui (different from Antũambũi) and Akachiũ began reorganising their groups into more active clans under the Mĩrĩti ruling elderhood. Though a detailed account of this event requires another paper, the Antũambui's case was explicitly motivated by the Nyumba Kumi community-policing programme under the government's initiative, which aims to enhance security at the grass roots while using local human resources.

ACKNOWLEDGEMENTS This work is supported by: (1) JSPS KAKENHI, Grant Number 12371005, Grant-in-Aid for Scientific Research (A) organised by Makio Matsuzono from April 2000 to March 2004; (2) JSPS KAKENHI, Grant Number 16251010, Grant-in-Aid for Scientific Research (A) organised by Masaru Miyamoto from April 2004 to March 2008; (3) JSPS KAKENHI, Grant Number 22401042, Grant-in-Aid for Scientific Research (B) organised by Shin-ichiro Ishida from April 2010 to March 2014; and (4) JSPS KAKENHI, Grant Number 26770292, Grant-in-Aid for Young Scientists (B) organ-

ised by Shin-ichiro Ishida from April 2014 to March 2016. I would like to thank Makio Matsuzono, Masaru Miyamoto, Njûgûna Gichere and Stephen Mûgambi Mwithimbû for their invaluable suggestions and support. I benefitted from the comments of the anonymous reviewers of *African Study Monographs*. My sincere thanks also goes to Paul Kilîmi Mûriûki, who assisted me with the initial transcription and translation work, and to the people of the Athîrû Gaiti community for kindly sharing their experiences and knowledge with me.

NOTES

- (1) Section 175 of the present Kenyan Criminal Procedure Code permits courts to ‘order the convicted person to pay to the injured party such sum as it considers could justly be recovered as damages in civil proceedings brought by the injured party against the convicted person in respect of the civil liability concerned’. The Code also states in section 176, ‘In all cases the court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for common assault, or for any other offence of a personal or private nature not amounting to felony, and not aggravated in degree, on terms of payment of compensation or other terms approved by the court, and may thereupon order the proceedings to be stayed or terminated’. Though the words ‘the injured party’ seem inadequate, the relatives might be awarded blood money or homicide compensation by the court under the above provisions of the Criminal Procedure Code, together with section 31 of the Penal Code, both of which were introduced in the colonial period (Morris, 1974: 107). However, the provisions, which originally derived from the other British colonies, have long been ‘a dead letter’ in colonial and post-colonial East Africa (Brown, 1966: 35; Coldham, 2000: 221–222; see also Bushe Commission, 1934: 63–66). One of the disputed parts has been ‘the mixing of criminal and civil business in a single hearing’, which is natural to African people, but not to British-oriented courts (Brown, 1966: 37). Then, the judges have discouraged lower courts from using the discretionary power to award compensation in criminal cases, though they did not forbid it (Brown, 1966: 34–35 and 39). Morris (1974: 111) noted that it would be ‘clearly advantageous if separate civil suits for blood money could be obviated by an award of compensation being made in the criminal case’. However, that has not been the case in colonial and postcolonial Commonwealth Africa: ‘sentencing was [still is] based on the principles of retribution and general deterrence and there was a marked reluctance to take into account customary notions of compensation and restitution’ (Coldham, 2000: 220). See Donovan and Assefa (2003) for more discussion on the award of homicide compensation in East Africa from the angle of legal pluralism, and Okupa (1998: 63–79) for a general discussion on compensatory justice in Africa, as well as a relevant bibliography.
- (2) Tibamanya Mwene Mushanga, an East African law professor, from his March 1970 study of the profiles of 108 offenders convicted of criminal homicide at the Kamiti Maximum Security Prison in Kenya, concludes that criminal homicide is ‘commonly committed by persons against members of their immediate families, domestic groups, friends, workmates and acquaintances’ (Mushanga, 2011: 94). Bohannan’s comparative analysis of patterns of murder and offender-victim relationships in seven African societies shows that brother-killing and uxoricide occur in all societies observed, while the patterns otherwise vary among cultures (Bohannan, 1960: 244). Yet ‘what appears

to be the same pattern in wife-killing can be given vastly different expressions' (Bohannan, 1960: 253). Komma (1997) described in detail local responses to two homicide cases within the Kipsigis community of Western Kenya, where the number of reported cases was relatively small. Comparing the social conditions of homicide in two ethnic communities of Western Kenya, Komma observed that the killing of a person developed or disclosed a structural confrontation that fell somewhere between state law and customary law among the Kipsigis on the one hand, and between politically autonomous lineages among the Isukha of the greater Luhya (Nakabayashi 1991) on the other. The nationwide age system, which cuts across clan borders, contributed to the creation of ethnic common law in the former society. Their law recognised compensation claims only for the killing of a person with the same ethnic origins (Komma, 1997).

- (3) The names of the village and all individuals in this paper are pseudonyms.
- (4) This section first appeared in Ishida, 2014: 75–80, and has been partly revised for the present paper. The following section (Case 1) was first published in Ishida, 2008: 156–168, and has been revised with extensive additions for publication here. The rest is original to this paper.
- (5) '*Kiongo*' means 'head', while '*kûrea*' is 'to pay'. According to Stephen A. Mûgambi Mwithimbû, a Kîmîrû expert and local historian, in his personal communication, he noted that *kûrea nyamuurû* means 'to pay compensation'. Elders of Mûringene village explained that *kûrea nyamuurû* is required by the responsible party as compensation for stolen goods, such as livestock. *Kûrea tharike* (to pay blood) is a general term for a compensation payment made due to having injured someone's body parts.
- (6) The Thaichû people have inhabited and cultivated some parts of the lower slope and the plain of the Îgembe Southeast Division for many decades. Until 1992, the present Îgembe Southeast Division was officially called the Thaichû (Athîrû Gaiti) Sub-location. The Thaichû are slightly different from the Îgembe in terms of how they pronounce Kîmîrû and its vocabulary. A white hunter who travelled in the area in the 1890s wrote that 'Laiju was one of the most deadly places in Africa for domestic animals' (Neumann, 1898: 28). The Thaichû (Laiju) people were then not able to keep livestock in the plain due to the presence of tsetse flies. Mîchûbû elders in Athîrû Gaiti told me that their ancestors had much more livestock than the Thaichû people, and that the ridgetop had abundant bananas, while the Thaichû produced a great quantity of traditional pulses. The two communities used to barter with each other.
- (7) The invocation was made by a Njûrîincheke elder and Îkotha in the way of *kwiita rwîi*, which literally means 'to cut something with palms', and refers to a single clap as a conclusion after continuous rubbing of the palms (*kwikitha rwîi*) while uttering curses.
- (8) A confidential talk (*nkilîba*) is often used when key speakers in a meeting are required to show a unanimous decision on a disputed issue.
- (9) The committee purchased food including rice (100 kg), Irish potatoes (1 sack), peas (20 kg), beef (15 kg), carrots, tomatoes, cooking fat (2 kg), salt, sugar (4 kg), tea (500 g) and milk (20,000 ml).
- (10) Any tree may be used to make a pole in this case. *Mûtûngûû* (*Commiphora zimmermannii*) is one of 'the plants that thrive well in or around places inhabited by people. These plants can be found on farms, homesteads or along pathways' (Thuku 2008: 78).
- (11) Rimita (1988: 76–78) counted the number and types of livestock that should be paid as homicide compensation as follows: 'The compensation consisted of 20 heifers, 12 goats and one cow called *nkiria*. *Nkiria* in Kimeru means the one that stops the mother

- of the deceased and other relatives from crying. This was the first payment to be made and had to be a good milker’.
- (12) This saying means that the *îchiaro* relationship between clans is always reciprocal.
 - (13) This particular he-goat is called *nthenge ya mîraa* (a he-goat of *mîraa*) in Kîmîîrû. A bundle of *mîraa* should be brought during the first stage of marriage negotiations. If the bride and her father accept the bundle, then they are supposed to receive *nthenge ya mîraa* immediately after the *mîraa* is presented.
 - (14) When a person’s speech takes a long time, the speaker may talk to all the people present, as if he is addressing another person who is most likely one of the key elders. The one who is addressed is supposed to make assent responses. Mûtethia often uses this kind of dialogue style.
 - (15) In this context, the expression ‘two heads’ refers to the murdered woman and one of the two brothers who are fighting each other.
 - (16) The Kîmîîrû word *kiorio* literally means medicine, but in this context it is a solution to a problem.
 - (17) The word *ndaracha* is a word of Kiswahili origin for ‘bridge’ in English or *ûroroo* in Kîmîîrû.
 - (18) Mwîmbî is one of the nine sub-ethnic groups of the greater Amîîrû (see Fig. 1).
 - (19) The words *kûria ûkûa* (literally ‘to eat the dead’) mean that one of the surviving brothers may inherit the properties of the deceased (Ishida, 2014: 22).
 - (20) *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 kithili oath should not be observed by *nkûrûmbû* (an ordinary person who is not a Njûriîncheke member). See also Ishida, 2014: 98.
 - (21) *Ntaa kîî*, which literally means ‘one which exorcises death’ may be paid with one head of a he-goat, ram or small bull. See Ishida (2014: 96) for the payment of *ntaa kîî* in homicide compensation in the year 2013.
 - (22) The reason for this initiation is for his son to witness *kîthili*, which is secretly administered by the Njûriîncheke council of elders.
 - (23) Mûtûma was elected clan chairman at the election on 14 August 2014, which I attended. I am now preparing another paper on the clan meeting held on that date.
 - (24) These types of greetings are commonly used, but only apply at clan meetings. While *mweni* is a general greeting used when addressing many people in an everyday context, the following phrase *muntû ûtikuya* literally denotes ‘a *single* person who doesn’t die’. These greetings can be interpreted to mean that one greets all the members present, and at the same time celebrates the well-being of his clan as one entity or a single socio-legal person.
 - (25) ‘Njuri Ncheke faction stages coup, gets President’s support’, an article published on 13 June 2015 at the *Daily Nation* website, <http://www.nation.co.ke>.
 - (26) Anne-Marie Peatrik’s observation of the handing over of power from Ratanya to Lubetaa from the late 1980s to early 1990s is very interesting; ‘At the inception of my field work [in 1986], the son of Ratanya were still being recruited into Miriti; at the end of 1993, the following generation, the sons of Lubetaa called Gwantai had started to be recruited. (...) The handing-over and its associated state of *ntuiko* has become more a way of speaking and acting. During the national election in 1988, with the introduction of the ‘queueing system’ in the KANU (Kenyan African National Union), and in 1992 when multi-partyism was introduced for the first time in Kenya, candidates used the *nthukî* idiom in a joking and boasting way, claiming that the time of Ratanya as Ruling Father was over and that it was the time of Lubetaa in the running of the country. It is

a fact that in 1992 all the newly elected members of the Parliament from Tigania-Igembe belonged to the Lubetaa generation'. (Peatrik, 2005: 294) Bernardo Bernardi aptly explained the meaning of the word 'power' in his classic ethnography; 'The age-class in power should be called the 'managing' rather than the 'ruling' age-class. Their power does not entirely exclude the elders of the other age-class'. (Bernardi, 1959: 23) David Maitai Rimita (1988: 60) also noted that the leader for an age group in power should be chosen from the retired age group.

- (27) The *mîraa* industry that followed the crisis is totally different from that which existed prior to the crisis. Many *mîraa*-packing workshops organised in the villages, in which *mîraa* twigs were sorted and packed by workers for international export, lost their business after the UK ban. While farmers are still able to sell their farm products, though at much lower prices than before, those who are economically weak and without land resources, who were employed at *mîraa*-packing workshops, suffer from joblessness. The *mîraa* crisis negatively affects the local economy of the Îgembe community, including the Mûringene village, where many people have relied on the industry in different ways for their source of income.

REFERENCES

- Abel, R.L. 1969. Customary laws of wrongs in Kenya: An essay in research method. *The American Journal of Comparative Law*, 17(4): 573–626.
- Bernardi, B. 1959. *The Mugwe, A Failing Prophet: A Study of A Religious and Public Dignitary of the Meru of Kenya*. Oxford University Press, London.
- Bohannan, P. 1960. Patterns of murder and suicide. In (P. Bohannan, ed.) *African Homicide and Suicide*, pp.230–266. Princeton University Press, Princeton.
- Brown, D. 1966. The award of compensation in criminal cases in East Africa. *Journal of African Law*, 10(1): 33–39.
- Bushe Commission. 1934. *Report of the Commission of Inquiry into the Administration of Justice in Kenya, Uganda and the Tanganyika Territory in Criminal Matters*. May, 1933, and Correspondence Arising out of the Report. H. M. Stationery Office, London.
- Carrier, N.C.M. 2007. *Kenyan Khat: The Social Life of a Stimulant*. Brill, Leiden.
- Central Bureau of Statistics (Kenya National Bureau of Statistics) 1981. *1979 Kenya Population Census, Volume I*. Central Bureau of Statistics, Nairobi.
- 2001. *1999 Population and Housing Census, Volume II*. Central Bureau of Statistics, Nairobi.
- 2010. *2009 Kenya Population and Housing Census, Volume IA*. Kenya National Bureau of Statistics, Nairobi.
- Coldham, S. 2000. Criminal justice policies in commonwealth Africa: Trends and prospects. *Journal of African Law*, 44(2): 218–238.
- Donovan, D.A. & G. Assefa 2003. Homicide in Ethiopia: Human rights, federalism, and legal pluralism. *The American Journal of Comparative Law*, 51(3): 505–552.
- Dundas, C. 1915. The organization and laws of some Bantu tribes in East Africa. *Journal of Royal Anthropological Institute*, 45: 234–306.
- 1921. Native laws of some Bantu tribes of East Africa. *Journal of Royal Anthropological Institute*, 51: 217–278.
- Goldsmith, P. 1994. *Symbiosis and Transformation in Kenya's Meru District*. A Dissertation Presented to the Graduate School of the University of Florida.
- Ishida, S. 2008. The indigenous law of the Îgembe of Kenya. In (M. Miyamoto & J.J. Baptist,

- eds.) *Legal Culture in South-East Asia and East Africa*, pp.145–239. Sabah Museum, Kota Kinabalu.
- 2014. Egalitarian conflict management among the Îgembe of Kenya. *African Study Monographs Supplementary Issue*, 50: 73–102.
- 2015. Khat production in the Îgembe district of Kenya: How the UK ban on khat affects a local industry. *The 114th American Anthropological Association Annual Meeting*, Colorado Convention Centre.
- 2016. Egalitarianism and impersonality in dispute management among the Îgembe of Kenyan Central Highlands. In (M. Matsuda & M. Hirano, eds.) *African Potentials 1: African Cultures of Settling Conflict*, pp. 93–123. Kyoto University Press, Kyoto. [in Japanese]
- Komma, T. 1997. ‘Two nations in one’ as observed through two murder cases among the Kipsigis of Kenya. In (The Kanagawa University Institute for Humanities Research ed.) *State and Ethnicity*, (in Japanese), pp. 138-169. Keiso-shobo, Kyoto.
- Lambert, H. E. 1956. *Kikuyu Social and Political Institutions*. Oxford University Press, London.
- Matsuda, M. 2016. African Potentials for Conflict Prevention: Community Policing in Kenya. In (M. Matsuda & M. Hirano, eds.) *African Potentials 1: African Cultures of Settling Conflict*, pp. 237–275. Kyoto University Press, Kyoto. (in Japanese)
- Matsuzono, M. 2014. *Îchiaro*: An Îgembe way of punishing and forgiving. In (N. Gichere, S.A.M. Mwithimbû, & S. Ishida, eds.) *Culture in Peace and Conflict Resolution within Communities of Central Kenya*, pp.17–44. National Museums of Kenya, Nairobi.
- Middleton, J. & G. Kershaw 1965. *The Central Tribes of the North-Eastern Bantu: The Kikuyu, Including Embu, Meru, Mbeere, Chuka, Mwimbi, Tharaka, and the Kamba of Kenya (Ethnographic Survey of Africa, East Africa, Part V)*. International African Institute, London.
- Morris, H.F. 1974. The award of blood money in East African manslaughter cases. *Journal of African Law*, 18(1): 104–112.
- Mushanga, T.M. 2011. *Homicide and Its Social Causes*. Law Africa, Nairobi.
- M’Imanyara, A.M. 1992. *The Restatement of Bantu Origin and Meru History*. Longman Kenya, Nairobi.
- Mwithimbû, S.A.M. 2014. Njûriîncheke: An instrument of peace and conflict resolution. In (N. Gichere, S.A.M. Mwithimbû, & S. Ishida, eds.) *Culture in Peace and Conflict Resolution within Communities of Central Kenya*, pp. 70–92. National Museums of Kenya, Nairobi.
- Nakabayashi, N. 1991. *Living with the State: Iskha Clans in Western Kenya*. (in Japanese) Seori-shobo, Yokohama.
- Neumann, A. H. 1898. *Elephant Hunting in East Equatorial Africa: Being an Account of Three Years’ Ivory-hunting under Mount Kenia and among the Ndorobo Savages of the Lorogi Mountains, Including a Trip to the North End of Lake Rudolph*. Rowland Ward, London.
- Office of the Vice President and Ministry of Planning and National Development 1997. *Nyambene District Development Plan 1997–2001*. Government Printer, Nairobi.
- Okupa, E. 1998. *International Bibliography of African Customary Law*. LIT Verlag, Hamburg.
- Peatrik, A. 2005. Old system, new conflicts: Age, generation and discord among the Meru, Kenya. In (W. James & D. Mills, eds.) *The Qualities of Time: Anthropological Approaches*, pp. 285–300. Berg, Oxford.
- Rimita, D.M. 1988. *The Njuri-ncheke of Meru*. Kolbe Press, Meru.

Thuku, M. 2008. Ameru folk plant classification and naming systems: An overview. In (N. Gichere & S. Ishida, eds.) *The Indigenous Knowledge of the Ameru of Kenya*, pp. 72–95. Meru Museum, Meru.

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