

Standing close, but hostile: collision between kin, affines and neighbors at Buhara, Uganda, Part I

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- 1 Problems in Social Friction

In my attempt to categorize and illustrate the tribunal records at the Magistrate court, Buhara between 1965-1974, I endeavored to manifest the nature of the tension and conflicts extensively underlying among the Chiga rural life. The investigation was, as I indicated, to follow so that we might define the possible coincidence between a specific kin, affinal or adjoining residential relation and the disposition of individual disputes raised at the court. ⁽¹⁾

Following the course of scrutinization, we had to first examine the existing particularistic social links involving the participants in a law suit: plaintiffs, defendants and witnesses from both sides. We should also pursue the contrarities in connection with certain institutional antagonism: the inevitable collisions of interest between the individual linked with specific social ties.⁽²⁾ The antagonism might have been enhanced under the effect of contemporary Westernization and urbanization. We also need to investigate Western influences upon among the normative value of the indiginous farmers.⁽³⁾

2 Tension in Kinship

1 Parent versus Son

The Chiga heritage had empowered a father to rule all of his dependants in his composite family, in which all members had to obey him unconditionally. The father had been able to retaliate upon an obstinate or negligent member with cursing, which would deprive the member of any support or cooperation from the fellow hamlet residents. No property would either be shared by the cursed member. The dissident could not, consequently, but help abdicating all the rights in the hamlet and taking refuge elsewhere.

The ongoing current of Westernization, specifically, the permeating money economy and annihilated awe to their ghosts had totally waned the former paternal authority. Any father could subsequently no longer withhold his family members, adult sons in specific, from their arbitrary demeanors. This had multiplied the raising disputes between a parent and the son at the law court. A father could scarcely regulate or mediate troubles between adult members in his compound any longer. One would rather bring one's dispute directly to the formal court without any consultation or consent of one's senior kin. Even an incapable parent could sue his or her son for legal retribution. A son would also not hesitate to file his case against either his father or own mother.

There were 73 (15.7%) cases of disputation between kin out of the whole 464 (100%) suits, which had been registered at the Third Grade Magistrate Court at Gombolola Buhara for three years from 1965 through 1967. One could categorize those litigants in concordance with their kinship: parent versus sons/daughters (23 cases, 4.9%), siblings (46 cases, 9.7%) and paternal uncles versus nephews (5 cases, 1.0%). If we should count those raised between cousins (real, not classificatory) the number might mount to denote that the local inhabitants had often been in collision

within their closely linked kin.⁽⁴⁾

Any inquiry should also be investigated not only of any existing link between the opponents but also between those participated in the dispute as witnesses, in particular. An attentive observer would readily remark that tension or hostility had underlain between the members of the same composite family or between adjoining inhabitants, both of whom reiteratively would act either the litigants or witnesses in opposition.

Case 1. (father vs. son)⁽⁵⁾

Kakumbuka's mother died while he was away in labor migration. Kakumbuka later returned home from Buganda. He had earlier, before his mother's death, been on bad terms with his father, Mushumba. Their relation became worse after Kakumbuka's mother died.

One day Kakumbuka attempted in assaulting his father Mushumba, but the father escaped into his hut. Kakumbuka endeavored to break the door with a pointed stick, but he was not successful. The father on the same day took the stick as an evidence of Kakumbuka's attempt and reported the matter to a Gombolola chief.

At the Magistrate court, Mushumba's other wife, who was Kakumbuka's stepmother, Tikanfundire stood for her husband, but she had affirmed that she did not notice any actual scuffling. Her statement consequently made the magistrate acquit the accused of the charge on account of lacking any solid evidence.

Case 2 (son vs father)⁽⁶⁾

Kazambya saw his mother struggle against his father Biteirwe and his stepmother. He hurried to the incident so that he might separate them. The incident occurred in front of his real mother's hut. His father and his stepmother appeared to be drunken. They made Kazambya fall to the ground. Miryango (Kazambya's half brother), then, struck Kazambya against his face with a stick.

Biteirwe's other deceased wife's son Silivano (aged 19) heard Kazambya's brawling with the stepmother. His hut was located facing to her's. Silivano went to the site and saw exactly what Kazambya had earlier alleged. He separated the scuffling with the help of another woman.

Kazambya accordingly filed his case against his father and Miryango for having assaulted him.

The defendant, Biteirwe had yet denied the charge, pleading as follows: he was about to enter Kazambya's mother's hut, when she impeded him and called her son. The son, Kazambya came and beat his stepmother and her son Miryango with a stick. Kazambya also struck Biteirwe down to the ground. Miryango accordingly hit Kazambya in the face.

Biteirwe had failed in rendering his witnesses to attend a hearing, for one had been fallen ill and the other had gone elsewhere. Miryango pleaded much the same as his father had done, alleging that he hit the complainant solely for self-defense.

The judge relied heavily on Silivano's account, underscoring his impartial stand: he differed in his mother's plead and also from the complainant and the defendant. It appeared that he might have no grudge to go against his father.

The magistrate subsequently ruled the case for Kazambya, penalizing Biteirwe with Shs. 50/= fines or one month of imprisonment. The judge barely scolded Miryango who had been incited by his father to commit the rough action.

There might have earlier been an acute antagonism between the father and the son as in Case 1. Kakumubuka had once been committed to prison earlier than his leave for labor migration. No other details of his earlier crime was available in the litigation record of Case 1, in which yet Kakumubuka blamed his father for having committed him to prison. He also accused his father of his mother's death. Kakumubuka had allegedly reproached his father and had even threatened to shoot him with a gun.

Even though I could not detect the concrete cause of this serious repugnance between the son and his father, Kakumbuka had undoubtedly born a grudge against his father, owing to the fact that Kakumubuka's mother was mistreated. The father, Biteirwe, might have been allured by the other wife and had neglected Kakumubuka's mother. Her frustration had supposedly caused the son to be antagonistic and aggressive to his father.⁽⁷⁾

Jealousy against any other wife increasingly swelled rancor not only of the wife but her children, who would amass their resentment against the father as exemplified in Case 2. The incident at a glance followed a simple development: a brawling between spouses including a cowife, succoring by stepbrothers and their committing assaults.

The brawl set in at the wife's clogging of her husband to enter her house. He alleged that the wife had been jealous at his marriage with another wife.

It appeared in a deliberate way to deal with the matter that Kazambya had not exerted any physical retaliation, but called on a judicial scourge, in which Silivano's evidence performed a vital role to achieve a favorable decision. As Silivano had earlier lost his real mother, he had no reason to compete either with his stepmothers or half siblings for his father's patronage. He did not necessarily stand for either of his half brothers.⁽⁸⁾

One could yet hardly understand why he had produced an unfavorable evidence for his father. He may have affirmed what he had actually observed on his arrival at the scene. One would easily foresee the resultant tensed relation between Silivano and his father, who may have irritated Silivano for standing with the opponent. A credible inducement may be a certain resentment against his father of his earlier mistreatment of his deceased mother or of sharing in property.

In the other two suits, the sons took their fathers to the Magistrate courts.⁽⁹⁾ A closer investigation of the disputes revealed at least three essential causes of the repugnance between the father and his son. The three causes are; arbitrary sharing in

property, polygyny and annihilation of patriarchy.

Inheritance commenced at a son's marriage and followed the course leading to his mother's death. At a son's marriage, a father normally had to amass livestock to pay bridewealth for the son's first wife. He also supply the new couple with a hut and plots of land to cultivate. Their custom moreover assigned the father to bear all the costs of wedding feast.

The son on the other had no control to cover these expenses, but to hang on his father. There used to be an average sum of the expenditures ; bridewealth, plots of shared land and the feast. These were largely left to arbitrary decision of individual fathers, i.e., their favors.

Any father was in reality hedged in making decision on the time and quantity of the allocation of his land on account of the number of his wives. A Chiga man used to deposit his plots to his wives for farming. His son was entitled to inherit the sole plots which had earlier been allotted to his real mother.

Earlier arable lands used to be freely available and the number of wives solely verified his wealth and power. One would then naturally endeavored to multiply his wives, which conversely affected the other wives and their children. The affected wives caused abatement of shares, especially during the contemporary shortage of arable lands in the southern Kigezi. Any wife or son yet could not effectively impede in their husband / father's mating with the other woman.

The Chiga heritage somewhat circumscribed an arbitrary delivery of lands: counterparts, space and occasions. One had to assume responsibilities as a family head to benefit his dependants and to guard the family property. Their faith in ancestral supervision had adopted the one to obey the restraint.

Current socio-economic changes in the surroundings had strikingly enervated the authority and power of the family head. Infiltrating money economy and schooling had enabled the youth to achieve certain opportunities of self-reliance, raising money themselves and lessening their dependance on paternal assistance in getting

bridewealth. Despite the changes the youth had yet remained dependent on their fathers in detached rural area where few opportunities were available for wages in employment. A labor migration at a large city would increase his self-reliance, when one may be engaged in some petty works such as sweeping, carrying or cooking services. Once having experienced the life in urbanized circumstances, one would naturally become critical against conventional ways of thinking which had commonly been retained by the rural inhabitants, specifically by those of the senior generation.

Their incompetency or inertness to cope with ongoing changes from Western influences had discredited the conventional authority which was once vested to the men in senior generation. They were yet not fully aware of their waning power of controlling their dependants, and either of them could scarcely realize the downfall of the gerontocratic sway over the rural life. Most family heads were likely to cleave to their deteriorating prestige and to compel their grown sons to obey the fathers. The youth would normally rebel against absolute commands and assume conducts appropriate to the innovated milieu. The wide cleft between the junior and the senior of their normative values and ways of behaving had risen the antagonism, which also emerged between a father and his sons.

Case 3 (real mother vs. son) ⁽¹⁰⁾

Keiheserwa sued her son Mukeira who had forcibly attempted to cultivate in her farm.

She had earlier given him some lands, in which she allegedly gave Mukeira Shs. 200/= for purchase of land in dispute at Muramubo. She had cultivated the land since then, until the son sent his wife to cultivate the land.

Mukeira pleaded that he had never received any money from his mother for the disputed land. He said that he had bought it for Shs. 400/= with the money which he had earned during his labor migration at Buganda.

The complainant could not bring any witness who would affirm her giving Shs.

200/= to the son. An adjacent farmer yet confirmed that she had been cultivating the land in the dispute for years. The judge subsequently decided the case for Keiheserwa.

Case 4 (stepmother vs. son) ⁽¹¹⁾

Nyakakobwa went to visit her parents with her husband to see her mother who was sick at Rwamwire. Her husband returned to Rwene alone, leaving his wife at her parents', but he had died owing to a disease before her arrival home at Rwene. It occurred in 1965, the previous year of the suit.

The widow, Nyakakobwa, remained at Rwene with her daughter and kept cultivating the land deposited to her. She sowed sorghum at the end of the year, but Zikamukuba later dug up whole the seeds and sowed his finger millets.

Zikamukuba claimed for the land which had insistedly been given to his son by his deceased father so that they might bury Zikamukuba's mother. His plea was denied by Kakoko who stood at the court for Nyakakobwa despite being a real brother of Zikamukuba. Kakoko affirmed that their real mother had really cultivated the land in dispute, but that it had originally belonged to the complainant.

The defendant pleaded that he would bring witnesses. The one would testify his real mother's ownership of the land. And the other two had attended his real mother's burial at the land. Either of the defendant's witnesses, however, could not show up at the court hearing. The judge consequently ruled the case for Nyakakobwa on the ground that no Bachiga heritage bestowed to anybody a land where his mother had been buried. ⁽¹²⁾

Case 5 (daughter vs stepmother) ⁽¹³⁾

After Ntanda died, his two wives left his place. His first wife wished to stay with one of her married daughters. As the husband of one of the daughters refused to support the mother, she eventually lived with her other married daughter, Miryango, until her death.

Ntanda's second wife was remarried, but impeded Miryango when cultivating the land. The stepmother insisted that the land had been given to her by Ntanda. The case was brought to court by Miryango.

Two witnesses affirmed for the plaintiff that they both had divided Ntanda's lands between the two widows after his death and the land in dispute had been the one of Miryango's deceased mother's.

The stepmother, Nyabweza, pleaded that the first wife was not eligible for any land in Ntanda's land because she had left Ntanda earlier before his death. Nyabweza failed to bring any witness to support her plea. Her witness had produced the same evidence as those of Miryango's witnesses.

The magistrate subsequently decided for the complainant. He denied the alleged divorce of Miryango's mother with Ntanda, for lacking any evidence. The judge, then, argued that Miryango's mother should have been given a share of Ntanda's property as she was his first wife.

The woman took action against her real son in Case 3. This might be seen as an extraordinary example, for the woman and her real sons were commonly thought to have the closest ties. However, an incongruity in their interest occasionally drew them into antagonism.

Keiheserwa alleged that she had given her real son Shs. 200 /= for purchase of the land. Mukeira yet insisted adversely that he had bought it with the earnings he had raised by himself. The sum, Shs. 200 /= was too much for an ordinary farmer to earn in the detached locality by selling a small livestock or some amount of farm products.⁽¹⁴⁾ The magistrate did not scrutinize how the aged mother had been able to achieve the sums.

It would be more sensible for one to infer that Mukeira might have paid for the land himself. He supposedly deposited the land temporarily to his mother for her use. One can imagine that Mukeira would marry another wife with the purchased land, as

a retake of once deposited land to a woman would in common lead to a serious dissension and repugnance within a family.

In the judgment, the magistrate ruled that Keiheserwa should continue to farm the land in dispute. He yet concurrently restrained the mother to hand over the land to anybody but Mukeira. This admonition might have elucidated Mukeira's abrupt clogging of his mother's undertakings of the disputed land. He might have determined the use of land taken from his mother, whereas she might have wished to give the land to one of Mukeira's siblings, i.e., her other child.

The judgment bade Mukeira to leave his mother using the land for life time on account of her advanced age, and to inherit it posthumously. This satisfactorily evinced the fact that Mukeira had supplied the sums to purchase the land. The collision of this incident might consequently be equated between real brothers competing for property inheritance. An intimate link between the mother and her son would readily turn strained when their link became intersected with another such as between real brothers in Case 3.

A woman and her stepson contended not because of jealousy or hostility but because of their discontent of inheriting properties as seen in Case 4. Rukurubi had two wives, one of whom had passed away seven years earlier. Zikamukuba, the defendant, was her eldest son (aged 41). Rukurubi used to live with his other wife Nyakakobwa, the complainant, but Rukurubi had fallen ill and eventually died.

It may be true that Rukurubi's deceased wife had once cultivated the two plots of land in quarrel. Rukurubi had certainly instructed to bury her in the spot, but he might have not assured Zikamukuba to give the plots to him. His real brother Kakoko had produced an unfavorable evidence in court. One would normally be perplexed with the fact that Nyakakobwa had allowed the other wife to cultivate the two plots. As Zikamukuba was 41 years old at the suit, his deceased mother would have been over 50 years old when she died. One could subsequently presume that she was Rukurubi's first wife while Nyakakobwa was his second. It would be deemed, then,

that Rukurubi had actually shifted the two plots of land from his first to his second wife. The second wife, Nyakakobwa, might have withheld farming the plots owing to the entanglement. The lands appeared to have been left uncultivated after Zikamukuba's mother's burial.

Real brothers habitually participated in the collision with the stepmother and half brothers. Kakoko in Case 4, on the contrary, took side with his stepmother opposing his real brother. His evidence substantially affected the brother in loosing the suit. One could yet hardly believe in Kakoko's simple disposition for fairness or impartiality at the court hearing. He had in fact done so, being spurred with his repugnance against Zikamukuba as revealed in the other suit.⁽¹⁵⁾

Kakoko had resented Zikamukuba issues concerning their deceased mother's lands in which Kakoko claimed for his share. Kakoko's personal discontent ended at the Magistrate court with his stepmother. Zikamukuba might also have a selfish personality. He had once been sued in the case of his failure in delivering a heifer in a cattle lease.⁽¹⁶⁾

The two women arguing on land is also illustrated in Case 5. Ntanda's lands were divided between his two wives. A witness at the court had actually been at the posthumous land allotment. The first wife had two daughters, including Miryango. Miryango and her sister had already got married at Ntanda's death. The first wife was given four plots by Ntanda. The land should have been evenly divided between the two daughters after their mother's death. Miryango yet took over all four plots, because she had sheltered their aged mother most her life. The other sister did not complain but their stepmother impeded in the land inheritance.

Nyabweza, the stepmother, alleged Miryango's mother's divorce with Ntanda while she was still living. This, if being verified, would deprive Miryango's mother of any right of inheriting Ntanda's lands. Her plea had yet not proved any persuasive evidence: there could scarcely be any necessity for Miryango's mother to seek refuge at Ntanda's death, if she had earlier been divorced and then remarried. All the

witnesses, not only those for the plaintiff's, but for Nyabweza's, affirmed that the first wife had been given the lands at Ntanda's death.⁽¹⁷⁾

One, would, then, epitomize the contrarities between the mother and her children below. The mother and son relation had radically transmuted at the death of the father, which severed the most intimate and close tie between a woman and her sons. They had earlier allied to compete with their common opponents: the other wives/stepmothers and stepsons/half brothers. This was verified in Case 2. The father's death eventually removed their collective interest. The widowed mother now turned to be an agent of her deceased husband being in charge not only of raising but supervising her children.

The Chiga heritage prescribed that one of the deceased's real brothers was to assume the responsibility of the supervising. The role was yet not performed by the man but in fact by the widowed wife as seen in the dispute case on inheritance of land. The woman had to be a custodian of her deceased husband's land, which she would divide among her sons after their marriage. The time and the quota of the sharing fully relied on the mother.⁽¹⁸⁾ The custom normally caused rivalries between the siblings and eventually enhanced tension between a mother and her sons, as depicted in Case 3.

Widowhood at an advanced age would require the child to support the mother. This was yet an annoyance because she retained a few plots to grow crops for her own use. Her declining health would sooner or later circumscribe her independency. Her eldest son customarily built a hut for his mother to stay with his family.⁽¹⁹⁾ Yet it occasionally incited a conflict between the conjugal relation: wife's jealousy of the intimate tie between the mother-in-law and her husband on account of their customary devotion to the aged mother. (Edel, 1957: 39)⁽²⁰⁾

This situation is worse for an elderly widow without any son. A son-in-law, who was exempted by the custom, need not sustain his wife's mother. The mother had consequently to depend upon the son-in-law's benignancy of her living within his

compound.⁽²¹⁾ This was visible in Case 5. Owing to the guardianship to support the aged widow mother, it would readily cause a friction between those ties with the conjugal as well as among the sibling relation.

A woman and her stepsons universally kept mere a chilly relationship. The custom did not bind any woman from raising her stepchildren. Orphans were taken care of by the grandparents, mostly from the mother's side of the family throughout their childhood. Stepsons on the other were obliged to assist their widowed stepmother, customarily building her a hut and supplying her with farm tools. However, these were yet rarely to be fulfilled. No stepson would marry with his widowed stepmother. (Edel 1957 : 35-37)

Wives and their children stood in a rivalry so that they might achieve more benignancy of their husband/father which could result in a more favorable share of his property. This vividly emerged in Case 2 among domestic competition of a woman's jealousy and repugnance against the other wives. This caused conflicts extensively towards her children's enmity against their stepmothers and half siblings. Their hostility flamed out among their contention on land inheritance as illustrated in Cases 4 and 5, in which a collision between a woman and her stepsons could be equated with those between half siblings.

2 Siblings

Edel (1957: 38-44, 51-55) delineated intimate links between full siblings in the Chiga society. Children of the same woman had asserted and maintained close collaborations among other siblings all through their lives. They were raised in one hut, eating and sleeping together. Besides, they were also bound to one another with particularistic obligations after one was married. The hut then was left open to all the full brothers for their seat by the hearth at liberty, a sexual rights over the wife was to be extended to his younger brothers, and blood vengeance be executed among the

brothers.

A specific link was also recognized between full siblings of different sexes. Bridewealth for getting a wife could normally be afforded only when the sister would be married out of the family and her bridewealth would need to be delivered. A man had as a reward to fulfill his ceremonial duty of her and her children's wedding. He was also expected to arrange his daughter to marry with his sister's son.

Despite the depicted ideal patterns of collaboration, tension and friction had severed the supposedly intimate relations. They were to ally, striving against their step-mothers and half siblings. They had yet concurrently to compete with one another to achieve better shares in land inheritance. Once the land having been passed down to their mother, their real rivals were no longer step, but full siblings as shown below. ⁽²²⁾

Case 6 (young vs. elder brother)⁽²³⁾

Nyehakanire sued his elder brothers, Rukeija and Kabuga. He pleaded that his brothers had illegally taken his share in the land to be inherited. The land in dispute were those six plots located at Buwanjoji, two plots at Kagina, five plots at Kashaki, one plot at Nyakabungo, and one plot at Nyamabare.⁽²⁴⁾

Nyehakanire alleged that he had been given 10 plots, in contrast to Rukeija's 20 plots and Kabuga's 14 plots. He in reality claimed for an even share.

Bikyeka, the complainant's witness No. 1, stated that Nyehakanire had failed to be present during the division of the disputed plots at Buwanjoji with the three heirs who could not reach any consensus. Bikyeka also disclosed that Kabuga had once taken Nyehakanire to the Magistrate courts at Buhara and in the town of Kabale for some troubles on the same plots at Buwanjoji.⁽²⁵⁾

Buzigye, the complainant's witness No. 2, told a similar evidence. He had been presented in the division of lands at Buwanjoji, which were to be given to Rukeija, Kabuga and Nyehakanire but Nyehakanire was absent. The defendant Rukeija insisted that the lands in the dispute were given to them by their mother. He had 20

plots of lands, including the 6 plots at Nyamabare. The other defendant, Kabuga affirmed that his mother gave all the plots presently held to him.

Their real mother Keiramirwa was on the side for the both defendants. She told the court that her husband Biruhize died while the sons were still children. She raised them and made them marry, and get their share of their father's land. She complained that Nyehakanire was the only one that was not satisfied with his share and wished to inherit more.

The judge decided the case for the defendants. As the woman, Keiramirwa, brought up her three sons, she could share the deposited lands at liberty. Nobody could compel her to divide those lands evenly among the heirs.⁽²⁶⁾ They were solely allowed to share evenly in what she had left for herself, but at her death. On these accounts the magistrate ruled that Nyehakanire had no reason of claiming for more share than he had actually been given by his mother.

Case 7 (elder vs younger brother) ⁽²⁷⁾

Kuribakanya employed his elder brother, Bakarweha to build a house in 1962. He had promised to pay Shs. 43/= per month. Bakarweha had done all the work. Kuribakanya paid solely Shs. 18/= to his brother and went away for labor migration in Buganda. Bakarweha kept urging the younger brother to clear the debt after his return. Kuribakanya promised to pay a part of the remaining balance of Shs. 9/= . He did not keep his words. The case was eventually filed at the court.

Kuribakanya alleged that he had already paid whole the sum Shs. 15/= in advance to the completion of the work and Shs. 28/= later in the beginning of 1963.

Their mother Babusherekire stood for Kuribakanya and affirmed his payment of Shs. 30/= in banknotes at her presence on an unspecified date, which she could not recollect.

Bakarweha produced a labor ticket as an evidence. It was dated on July 15th, 1961. It recorded Bakarweha's working for 28 days. He had written his receipt of

Shs. 18/= on the reverse side.⁽²⁸⁾

The magistrate ruled the case for the complainant. He reasoned that every payment should have been recorded on the ticket and one could scarcely believe defendant's alleged clearance of his debt to Bakarweha. Kuribakanya brought out the balance on July 29th, eight days after the judgment.

The brothers in Case 6 had reiteratively collided one the other earlier. Kabuga had once defeated Nyehakanire at a court on his trespassing into Kabuga's land in May 1965. He subsequently sued Nyehakanire claiming for Shs. 100/= compensation in February of 1966. Nyehakanire, on the other, took action against Kabuga's raising a suit (Case 6) in the following month, March 1966, even though he lost the case eventually. Kabuga again brought Nyehakanire to court in November 1967, complaining the latter's trespassing on his land. The last case was dismissed owing to Kabuga's failure to appear at the court hearing.

They argued in the first suit (1965 Civil Suit, No.25) over the 3 plots at Kashaki. Those plots were still in the possession of their mother. As she had retained more plots of land, as shown in Case 6, she intended to divide the three plots evenly among her three sons. Nyehakanire yet opposed her giving only one plot to him and trespassed into the one which his elder brother had taken over. In this suit their mother took side for Kabuga to confirm Nyehakanire's committing the trespass. Her evidence resulted in Kabuga's defeating Nyehakanire, who subsequently was forced to pay Shs. 100/= compensation for the suit which was raised the following year.⁽²⁹⁾

Nyehakanire persisted on equal division of lands in the inheritance. He yet appeared to have abandoned his hope of accomplishing the even share owing to the decision of the on-going suit (Case 6). Despite the legal deadlock, he ventured again to impinge on Kabuga's land, cutting down some banana plants and other trees. Kabuga subsequently sued him for Shs. 400/= worth of damage.⁽³⁰⁾ Nyehakanire appeared to be the one excessively adhered to an equal share in land inheritance.

The brothers in Case 7 had earlier appeared not to be in bad terms. Bakarweha not only helped his younger brother to build his hut, but lent him Shs. 100/=. When Kuribakanya was 26 years old, he could build the house for the purpose of getting married. When Bakarweha lent the sums of Shs. 100/= to Kuribakanya, they wrote an agreement, in which the due date of clearing the debt was May 1st, 1963. It was also written in the agreement that Kuribakanya would pay a penalty of Shs. 10/= in the case of default of the clearance. Despite the agreement he eventually neglected the clearance of the debt and paying the penalty fine for his delay.⁽³¹⁾

Their mother unduely took side with Kuribakanya with whom she lived. She might have taken account because of her reliance on him. Delay or negligence of clearing debts was common among the local inhabitants. On the contrary to their heritage, it occurred owing to general shortage either of cash crops or of labor in the rural vicinity. Bakarweha yet urged Kuribakanya to reimburse the sums due, for the other suit claiming for Bakarweha's debt clearance had been filed at the Magistrate court.⁽³²⁾ He had to collect money to cope with the matter himself.

One could easily perceive in Case 7 the account of gain and loss which surpassed any generous assistance concordant to the descent or consanguineal line. The Chiga tradition made those people closely relate in this category with one another to undertake mutual help and collaboration in various phases of daily life. They worked on a long range reciprocity and their momentary rewards had always been beer. In contrast to the heritage a man worked for his younger brother for earning wages. He did not, moreover, take any account of their bonds in filing the suit at the court as in Case 7. Here a "balanced" reciprocity was preferred to the "generalized" reciprocity by these brothers. Any debt or credit of a close descent or kinship could no longer activate their interactions in a long span of time. This is similar to marked individualism which has widely emerged in the local disputes impeding in conventional linkages, particularly on inheritance of property.⁽³³⁾ Full siblings of different sexes occasionally fought one the other over land inheritance. The matters yet were also noticed in the same nature with those arguing between full brothers.⁽³⁴⁾

Case 8 (stepbrothers) ⁽³⁵⁾

Byarugo sued Butomize. The complainant, Byarugo one day went down into a swamp to cut the grass. It was early in the morning of June 20th. Later Butomize came and tried to take away the cut grass. There Butomize knocked Byarugo down and kicked him.

Bakyene hurried to the spot in response to Byarugo's alarm. They were full brothers. Bakyene could manage to stop Butomize's rough action with help from another farmer, Bituingwaboriho.

Butomize, on the other, denied committing the violence against Byarugo. He pleaded that he had solely attempted to intercept Bakyene and Kajuga from scuffling. He had yet admitted that he had actually beaten Byarugo in return to the blows.

In the judgment of the court, Bitungwabolih's evidence played the vital role for the complainant to defeat. The magistrate eventually ordered Butomize to pay Shs. 20/= fine, or one month of imprisonment and Shs. 10/= of compensation for the cut grass.

One could enumerated five suits relevant to the one in Case 8. The brothers filed four cases among each others, one of whom sued Rukyera.⁽³⁶⁾ Rukyera was incidentally involved in a scuffle between the brothers. The series of disputation collectively disclosed the nature of their trivial incitement could readily lead the opponents into committing violence. Bakyene and Kajuga fought with *pangas*, big knives, having made each other bleed.⁽³⁷⁾ Byarugo then scuffled with Butomize.

In hearing the suit of Case 8, Byarugo alleged that Butomize had knocked him down and kicked. Byarugo counterattacked, beating Butomize against his waist with a stick and kicking him also in the back.⁽³⁸⁾

Rukyera, having been amicable with Kajuga, took part with him in their fight. Bakyene raised later the other suit against Rukyera, accusing him to have bitten Bakyene in the thumb twice. Rukyera was consequently penalized with Shs. 50/=

fine, or three months imprisonment. As Rukyera had earlier been punished at a court, a heavier penalty was inflicted upon him.⁽³⁹⁾

The real cause of their perennial collision could hardly be revealed. They had long been quarreling over some lands. Their father Kanyonyogi might have caused the trouble, allocating the disputed lands from the mother of Butomize and Kajuga to the mother of Byarugo and Bakyene.⁽⁴⁰⁾

Half brothers iteratively came into collision over land inheritance. Those in Case 8 clashed in an extraordinarily poignant strife on which counterpart one discerned occasionally between full brothers.⁽⁴¹⁾ A clear demarcation yet emerged between rough actions of these two clashes. One would be reluctant to bring his full brother to court for his violence, even though having no hesitation to do so against his half brother. (Table 1) Rough actions were normally committed between close kin, even between a father and his son. One yet rarely raise any legal action in this relation. It was universally known that the court penalized culprits of violence cases rigorously with severe retribution and a high amount of compensation. One on the other seemingly took advantage of the judicial sanction so that one might take his revenge on his half brothers.⁽⁴²⁾

Kinship Relations of the Litigants Table1.
(1965-1967)

| Complainant | Defendant | Number of Suits | | | | | | | Total |
|-------------|---------------------------|-----------------|---|---|---|----|---|---|-----------------------|
| | | A | B | C | D | E | F | G | |
| Father | Son | 2 | 1 | | | 2 | | | 5 |
| Son | Father | 3 | 1 | | | | | | 4 |
| Mother | Son (Real) | 1 | | | | 1 | | | 2 |
| Mother | Son (Step) | 3 | | | | | | 1 | 4 |
| Mother | Son (Real or Step) | 2 | | 1 | | 2 | | 1 | 6 |
| Son | Mother (Step) | 2 | | | | | | | 2 |
| | | | | | | | | | Total 23(4.9%) |
| <hr/> | | | | | | | | | |
| Brother | Brother (Real) | 12 | | | 2 | | 3 | | 17 |
| Brother | Brother (Step) | 13 | | | | 10 | 2 | | 25 |
| Brother | Brother (Real or Step) | 2 | | | | | | | 2 |
| Sister | Brother (Real) | 2 | | | | | | | 2 |
| | | | | | | | | | Total 46(9.7%) |
| <hr/> | | | | | | | | | |
| Uncle | Nephew (Paternal) | 2 | 1 | | | | | | 3 |
| Nephew | Uncle | 1 | | | | 1 | | | 2 |
| | | | | | | | | | Total 5(1.0%) |
| | | | | | | | | | Grand Total 74(15.6%) |

Notes: Reason of Suits

| | |
|--------------------|--------------------------|
| A Productive works | E Assault |
| B Residence | F Neglect of Court Order |
| C Bridewealth | G Not Clear |
| D Debt | |

3 Uncle versus Nephews

Paternal uncles were normally much more powerful in one's daily life, even though a maternal uncle performed specific conventional roles in ceremonial events. One had to live in vicinity of paternal uncles, who could be custodians of one's father's absence during labor migration. Litigation records also displayed the circumstances unmistakably, in which nobody raised any complaint against their maternal uncle. One had yet disputed reiteratively with his paternal uncle at court, mostly regarding inheritance of properties.

Case 9 (uncle vs nephew)⁽⁴³⁾

Bugyere got married in 1940 and his father gave him some land. Later in February of 1965, Kyinyata sowed millet in part of the land. As Kyinyata refused the chief's summon to settle the dispute, Bugyere filed a case at the Magistrate court.

Rwatire stood for the complainant. He affirmed that the disputed land used to belong to Bugyere's father. Bugyere's mother had cultivated the land before her death. The father subsequently gave it to Bugyere.

Barugahare (aged 49) also took side with the complainant. He was farming in an adjacent plot upper to the land in dispute. He averted the use of the land by Bugyere's mother while she was living.

The defendant Kyinyata pleaded that his wife's father Kakomo had given the land to him. Kakomo had lived about 1.6 km off from the land in dispute. He had yet migrated to Rwanda in 1939, when he allegedly left the land to Kyinyata.⁽⁴⁴⁾

Kyinyata had insistedly cultivated the land previously but left it in 1951. He resumed to farm it, planting sweet potatoes in 1965. Soon after Bugyere's sons came to uproot the plants.

The defendant's father Kakomo stated that the local government urged them to drain the swamps to grow sweet potatoes. He cleared a part of the swamp and contin-

ued farming for following years. The land (or the right to use the land) was given to Kakomo, who later divided it among his four wives.

Karimari, Kyinyata's full brother, also produced evidence for the defendant. He unfolded that Kakomo had been given not two but four and a half plots. According to Karimari, their father Kakomo had not four but three wives, and Kakomo migrated to Rwanda twenty-one years earlier.

Nyakabwe, the other witness for the defendant, released that the disputed land used to be Kakomo's, but he migrated in 1947. He asserted that the land had been covered with grasses and left as a bush until Kyinyata started sowing millet there.

All the complainant's witnesses coincided with each other in their statements. The defendant's witnesses on the contrary failed in producing coherent evidences. After having inspected the disputed sites, the magistrate ruled for the complainant.⁽⁴⁵⁾

It was manifest that Kakomo had a farm in the swamps before his migration to Rwanda. In their tradition the Chiga did not cultivate anywhere in the swamps, lacking any idea of constructing mounds for drainage. They used exclusively the lands on hill side for farming. The colonial government nationalized all the lands in swamps and later leased them for herding and cultivating because of the increasing demand for arable lands in the southern Kigezi.

The Chiga farmers used to be able to migrate anywhere without any restriction. Their population had been scarce and there had been abundant arable lands. When migrating, they left normally their farmlands to their kin or neighbors.⁽⁴⁶⁾

It might be certain that Kakomo had left his lands to Kyinyata, whose plea Kakomo did not disavow. Kyinyata could not, however, establish the transference, lacking any firm evidence. Kyinyata's witnesses were his full brothers whose statements might be less affirmative because of possible nepotism. Those brothers' allegation could scarcely coincide with one the other on the period of migration, or the number of Kakomo's wives. Buggyere was, on the contrary, supported by his half brother and

an adjacent cultivator who would have produce more equitable evidences.

Bugyere was the younger brother of Kyinyata's deceased father, Mugarura. Bugyere should have stood in for Mugarura, for they were taking care of his nephew, Kyinyata. In reality Bugyere yet came into collision with the nephew at court. It occurred commonly that a paternal uncle and his nephew took action against each others at the Magistrate court over land inheritance.

One would readily be doubtful of his paternal uncle regarding his deceased father's lands, if the one had lost his father early during his childhood and had been raised with his remarried mother. Number of suits were in fact raised at the Magistrate court, charging paternal uncle's illicit refusal of delivering his nephew's deceased father's lands.⁽⁴⁷⁾

Notes

- (1) Moore (1969: 396,398). She elucidated the cleft between ideal norms and actually taken conducts based on her studies on the Lango in Uganda. Her contention was that any descent bestowed on a wide range of rights and duties, which would yet be circumscribed in reality on account of actual circumstances such as residence, mutual contacts and accomplished collaborations in advance. She asserted that one could cope with these circumstances with the law.
- (2) Burridge (1957: 763-780) , Nader (1964: 404-419). They both made use of dispute cases to manifest these prevalent institutional conflicts between the individual linked with their kin or affinal ties.
- (3) Prominent scholars had so far elucidated the contrarities between social institutions within a society; Wilson (1951), Nadel (1952), Turner (1957) and Fortes (1960).

Gluckman (1959: 2) specifically remarked that a society itself might instigate opposing and collecting action between its component members in order to accomplish resultant reinforcement of its social integration.

- (4) It was not easy to identify any kinship relation between the litigants, if not having been referred to in the paragraphs of the individual litigation records. I had reiteratively made inquiries to the court clerk and local chiefs to make a distinction between half or full sibilings who had been involved in law suits. The Chiga people used "uncle", "cousin", "step-brother/step-sister" extensively referring to those in classificatory kin categories.
- (5) 1966 Criminal Suite, No. 45, filed on August 29th. The both litigants lived in Muruka Buhara, but not at the trading centre. There were two more suits in which a father had brought his son to the Magistrate court, individually owing to a residential troubles (Omori 1970: 13) and a trespassing on father's land (1965 Civil Suit, No. 34).
- (6) 1965 Criminal Suit, No.45, filed on August 19th. The complainant Kazambya (aged 29), his opponents Biteirwe (aged about 50) and Miryango (aged 13) were all the inhabitants at Nyabusika, Muruka Rwene. Kazambya and Miryango were half brothers. Biteirwe was their father. The incident took place around 3 p.m. on August, 2nd.

Kazambya produced a medical certificate issued at Kabale Hospital, in which Kazambya had been treated as an outpatient for 11 days from the 4th through 16th of August. He did not yet file any civil suit demanding any compensation or any costs for medical treatment such as the traffic fees for comuting to Kabale.

- (7) I made this assumption on the ground of my actual participant observation undertaken during my stay with a Chiga polygynous family near Kabale for three months in 1968.

The family head Tishekwa (aged about 60) had three wives, the first of whom had already departed from him. Her son (aged 28) and two daughters (aged 26 and 23) had also lived separately outside of Tishekwa's compound.

His second wife (aged 44) had three sons and a daughter, among whom the eldest son had left Tishekwa's. The third wife (aged around 37) had two sons and four daughters, but

the eldest daughter (aged 16) had lived outside.

I attempted to learn every detail of their attitudes and feeling held mutually in the course of their interactions with the other family members: husband, real/stepmother vs. sons/daughters, and full/half siblings. I was accommodated in a room of the second wife's hut. Her second son (aged 17) helped me as an informant and an interpreter within and around the compound.

The second wife had been on bad terms with Tishekwa for a few years after his marriage with the third wife. Her eldest son was not either in good terms with his father. He had worked for a bus company as a clerk, raising Shs. 170/= as monthly wages. He had yet not given any share of his income to his father, even though he usually bought a chicken or something else for his real mother. She was charged for her ignorant trespassing on a sold land at a Magistrate court. The eldest son paid Shs. 100/= fine for the mother. The incident made the father-son relation worse, for Tishekwa had sold the land without notifying his second wife to whom the land used to be deposited. This sale of land virtually lessened the possible share of her sons in inheriting Tishekwa's lands.

- (8) As Kazambya was already 29 years old, he might have got married and lived in a separate, but an adjacent hut to his mother's.
- (9) A man was sued for having cut trees grown on the land which he had earlier given to his son. (Omori 1970, Case 1) A man, in the other incident, sued his father, claiming for a land which the father had given to the complainant's half brother. (Omori 1970b, Case 11)
- (10) 1965 Civil Suit, No. 29, filed on May 22nd. The complainant Keiheserwa and the defendant Mukeira were both inhabitants at Kabahesi, Muruka Rwene. Keiheserwa was Mukeira's real mother. Mukeira had a brother, probably a younger one.

This case was heard on April 10th, 1967, almost two years after its registration. There might have been a specific reason of the delay, for the other suits were normally tried at most one year after their registration. The reason of the delay could not be specified.

- (11) 1966 Civil Suit, No. 1, filed on January, 3rd. Nyakakobwa brought the other wife's son, Zikamukuba (aged 41). The complainant's witness Kakoko was the defendant's full brother. All the three lived in Rwene.
- (12) One might be able to explain on account of the Chiga heritage why the mother's burial site could not belong to her son. The Chiga people feared pollution caused by the dead. They burnt every instrument used for a funeral and performed a purifying ritual for all the participants. No mark was left at the burial site, which was left unvisited until having turned to be a bush. The burial site was eventually unidentified after a few years.

The Chiga people used to believe in their ghosts whose power would affect on the descendants inflicting certain diseases or misfortunes. Every family head had, then, to propitiate his ancestors, constructing small shrines and offering meat and milk. This was, however, done not at their burial sites but within a compound. The dead were commonly buried somewhere in distance from the family compounds. (Edel 1957: 130-140)

- (13) 1966 Civil Suit, No. 78, filed on September 12th. The complainant Miryango was a daughter of another wife of the defendant, Nyabweza. Miryango had already married out. Both were inhabitants at Rwene.
- (14) The sums, Shs. 200/= was almost equivalent to US \$ 29.00 at that time. Any ordinary farmer in this locality could yet hardly raise the sums, unless the one should have sold his cattle or land, or undertaken some labor at a distance.
- (15) Zikamukuba brought Kakoko to the court two years after the present suit.(1968 Civil Suit, No. 7, filed on January 30th) Zikamukuba charged Kakoko for having trespassed seven plots of farmland and defeated the defendant. They had conceivably been disputing on lands for these years, which might have led Kakoko standing for his stepmother in Case 4.
- (16) 1965 Civil Suit, No.47, filed on August 9th. Zikamukuba was defeated in the suit and delivered a heifer to his opponent on January 19th of the following year.
- (17) Two days after Miryango's filing for the civil suit, Nyabweza registered in opposition to an action against Miryango and her husband accusing their violence. (1966 Criminal Suit, No. 48, filed on September 14th) They might have scuffled at the farm in dispute. Her claim was yet dismissed owing to their not attending the trial held on November 15th. As Nyabweza had already lost her civil suit at the court hearing on September 22nd, she might have been in wane of her zeal to fight further.
- (18) The magistrate ruled that nobody could impede on an widowed mother's allocation of lands to her grown sons, rejecting a claim for even share by a son. (Case 6, 1966 Civil Suit, No.32)
- (19) Some married men took care of their widowed mothers in their compounds respectively, as seen in case of Tishekwa, and the other men (Omori 1968, Figure 5,5 &15). In the latter case, a woman stayed with her second son.
- (20) 1965 Civil Suit, No.65. Birakwate (aged 30) supported his mother, to whom his wife became jealous and quarreled with Birakwate iteratively. They were subsequently divorced two years later. The divorced wife sued Birakwate at the Magistrate court, complaining her divorce.
- (21) In Case 5, Barugahare, the complainant's witness, had asked her daughters' husbands individually for supporting their mother-in-law. Miryango's husband eventually allowed her to stay with his family.
- (22) Along with farmlands, school fees would be one of the major issues among the sons not only in a polygynous but in a monogamous family. It became a common understanding that one could solely be eligible for any wageworking for affluent income, if having accomplished high level of education and qualifying examination; the A level or higher.

Few ordinary farmers could, however, afford to pay the necessary costs to have his son go through the secondary education leading to the O level qualification, owing to their multiple number of children; 7 or 8 per family. A competition for drawing school fees from a father became much higher among the full as well as half siblings.

- (23) 1966 Civil Suit, No. 32, filed on March 12th. Nyehakanire took action against his full brothers Rukeija and Kabuga. All three lived in Kigugo, Muruka Buhara. Their real mother Keiramirwa took part with the defendants.

The first hearing was opened on June 15th, but postponed because all three were not attending the court, until July 19th, when all the litigants turned up at the trial. The judge paid the visit to the other three sites before the magistrate set up to hear the case at his court on October 17th.

- (24) Buwanjoji was located about 2 km south to the Buhara trading centre. Kashaki was a part of Muruka Rwene, and Nyamabare was within Muruka Kitanga. Nyakabungo belonged to the other gombolola, Kyanamira, which was adjacent to Kabale town. Kajina was not detected on the map (1: 50,000).
- (25) No litigation record, i.e., any individual case file, was available for the suit, which had been tried before 1965. Kabuga took action against Nyekahanire at the Magistrate court in 1965. They disputed on the farmland at Kashaki. (1965 Civil suit, No.25)
- (26) The court clerk Otebwa (aged 42) told me as follows: A father gave lands to his sons when they were getting married. He did not necessarily give even shares, more to some, less to the others, depending on his affection to individuals. The father normally retain a few plots for himself. These lands would be shared in posthumously by all his sons.
- (27) 1966 Civil Suit, No. 39, filed on April, 12th. Bakarweha (aged 30) sued his full younger brother Kuribakanya (aged 26), claiming for unpaid wages. Their mother Babusherekire took the part of the defendant. All these were residents at Kitundugu, Muruka Ntarabana.
- (28) This was a light green thick card (7 cm in length, 8 cm in width), on which an employer and an employee filled up the items such as their names, the place of working, supply of meals, the date of working, details of the labor services and the amount of wages.

The labor ticket had initially been in use at the government departments, but later became commonly used by the public, who purchased the tickets at a general shop in a rural trading centre and made use of it when employing anybody for a temporary wagework.

- (29) Kabuga estimated the damage of trespassing as much as Shs. 400/=, which the judge yet curtailed to Shs. 100/=. Nyehakanire paid the sums to the complainant at the Magistrate court on October, 6th.
- (30) Kabuga did not turn up at the hearing for his suit, which was subsequently dismissed. He lost then, Shs. 25/= registration fee. Any specific reason was not given to explain his failure in attending the court.
- (31) 1966 Civil Suit, No. 44, filed on April 19th. The suit in Case 7 (1966 Civil Suit, No.39) was on the other filed on April 12th and heard on July 21st. The above case (1966 Civil Suit, No. 44) was heard on August 29th, in which Kuribakanya was ordered to repay Shs. 110/= on account of their written agreement. Kuribakanya brought Shs. 85/= to the Magistrate court on January 27th, of the following year. There was no specification on the balance Shs. 25/=.

- (32) 1966 Civil Suit, No. 54, filed on May 27th. Rwegyema, an inhabitant of Muruka Ntarabana, charged Bakarweha for clearing debt of Shs. 96/=. The case was heard on July 21st and the judge ordered Bakarweha to pay Shs. 80/= in addition to the registration fee of Shs. 10/=. Bakarweha paid the sum of Shs. 90/= on that day.
- (33) The conspicuous disposition of individualism in this suit might have become prevalent with the infiltrating money economy. Heirs might have iteratively collided on sharing in properties earlier, even though Edel did not remark. Any enduring repugnance could yet scarcely rise while abundant arable lands were open to the cultivators and no land was transacted between them. One used to lend solely cattle, hoes or agricultural products earlier, when the due dates of borrowed items might not be rigorously kept.
- (34) Omori 1969a, Case 1, pp. 34-35. A woman trespassed on the land, claiming for the land to her full younger brother. She alleged that their grandfather had given the land to her. She defeated her brother at the Magistrate court.
- (35) 1965 Criminal Suits, No. 33, filed on July 13th. Byarugo and Butomize were both Kanyonyozi's sons but of his different wives. The two litigants lived in Ntarabana.
- (36) 1965 Criminal Suits, Nos. 33, 35, 67, 68, 75, of which the suit, No. 75 was depicted in Omori 1970, Case 20.
- (37) Kajuga brought Bakyene to the court, but the suit was dismissed owing to bilateral illicit conducts ; assaulting one the other. (1965 Criminal Suit, No.67)
- (38) Butomize also took action against Byarugo for committing violence. The suit was dismissed owing to Butomize's failure in attending the court trial. (1965 Criminal Suit, No. 68)

Bakyene, on the other, sued Kajuga and Rukyera charging them for rough actions. Bakyene alleged that he had been beaten on his right arm, bitten on his thumb of the left hand and inflicted injury on his forehead. This suit was also dismissed but the reason was not specified. (1965 Criminal Suit, No. 35)

- (39) 1965 Criminal Suit, No. 75, filed on December 31st. Byarugo stood for the complainant and Kajuga sided with the defendants at the hearing. The medical certificate of the Kabale hospital dated on September 26th was submitted as an evidence, which proved that Bakyene had been admitted as an outpatient between June 21 and August 23rd., being intermittently treated for 22 days.

Bakyene raised the other claim for Shs. 135/= compensation for the injuries. The sums were paid on an agreement of both sides. (1966 Civil Suit, No.12) Byabameisho, Bakyene's witness, affirmed at the court that Butomize's compound was located on the top of "our fathers". If their father had died, the compound should have been divided among his sons or inherited by one of them, Byabameisho would not use such an expression (1967 Civil Suit, No. 16).

- (40) In the first suit (1962 Civil Suit, No. 42), Kajuga sued Byarugo. But the litigation record was not kept. The detail of their dispute and the legal decision on the suit were not clear.

The later development yet made it manifest that Kajuga might have lost the case, for his suit (1965 Civil Suit No. 19) was dismissed on the reason that the case had already been decided at the Magistrate court. Kajuga again brought Byarugo to the court in the other action (1965 Civil Suit, No. 40), which was appealed to an upper grade court at Kabale owing to his loss of the case.

Butomize also appealed to the upper grade court in his loss of a suit. (1966 Civil Suit, No. 45) He was yet defeated in the other suit at the Third Grade Magistrate Court, Buhara. (1967 Civil Suit, No.16)

In the development of their disputes Butomize and Kajuga had incessantly defied Byarugo and Bakyene to quarrel over the lands by means of legal or illegal devices; law suit, trespassing or cutting down trees. Butomize and Kajuga had not yet been successful in any of the court hearings.

Butomize and Kajuga could, assumably, not help relinquishing their claim for the lands which they might indicate that Kanyonyozi had got married with the mother of Butomize and Kajuga earlier than he had done with the mother of Byarugo and Bakyene.

- (41) Omori 1969a, 1966 Criminal Suit, No. 60, pp. 40-42.
- (42) I have already introduced to the legal procedures to follow for violence cases and the common consciousness of the Buhara inhabitants about committing violence and judicial retribution. (Omori 1969b; 42, Omori 1970: 18-19)
- (43) 1965 Civil Suit, No. 16, filed on March 1st. Bugyere (aged 44) sued Kyinyata for trespassing. Both lived in Muruka Muyebe. The disputed 2 plots of land was located at Nyakatunda, Gombolola Kyanamira, around 5 km northeast to Muyebe. The magistrate inspected the site on a day but the date was unspecified.
- (44) Kakomo immigrated to Rushaki, Mukaranje village in Rwanda.
- (45) The defendant Kyinyata lost his case. The judge ordered him to stop cultivating the disputed farm and to pay all the cost of the suits; the registration fee and the cost of inspecting the land in dispute, amounting to Shs. 52/=. The magistrate also ruled that the finger millets sowed by Kyinyata should be taken over by Bugyere.
- (46) Omori 1970, Case 4, pp. 8-11.
- (47) Omori 1970, Cases 5 & 10, pp. 8, 13, 14, Notes 23 & 28, pp. 10-11.

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近きも敵——ウガンダ プハラ村の近親、姻戚、隣人との軋轢
(第1部)

大森元吉

東アフリカ高地の「もろこし」栽培民チガの日常は、自然豊かな平穏な営みと映る。しかし内実は異なり、近親、姻戚、隣人間に利害対立と反目が潜んで、千々の葛藤にかく乱される。

現地聴取と村裁判所の訴訟記録(英文1965-1974年)を手がかりに、特定の社会紐帯にそれぞれ対応する特殊な緊張と相克を究明する。本稿ではとりわけ親子、兄弟、おじ甥で争われた訴訟を検討する。

父親と息子の反目は財産分与、多妻婚、父権凋落が複合して導かれる。父親は息子の初婚、自らの多妻婚を契機に耕地を分与する。しかし複数の妻、息子たちへの分与順位と分与高は父親の恣意による。この慣行が父親への不満と反発を助長する。

異母兄弟は、母親間の嫉妬が増幅する敵意を投げ合う。耕地配分をめぐる実の兄弟の確執も根深い。異母兄弟とは結束して対決する実の兄弟も、耕地取得には骨肉の争いも辞さない。

父方おじは早世した兄弟の家族を後見する。耕地を管理し甥の成人を待って相続させる。しかし意図的な引き渡し遅延が紛争を引き起こす。遺産横領の疑惑が残り、父方おじへの不信は強い。

引き続き別稿で夫婦、姻戚、隣人間の訴訟を検討する。