

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

Motoyoshi Omori

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3 Opposition between Affines

I have presented some disputes between affines previously, and of which I attempted to disclose the nature of the antagonism and the ways of solving their troubles.⁽⁴⁸⁾ In this part I endeavor to depict the submerged contrarities between those linked with conjugal ties: a husband vs his wives, including the kin from both sides, laying out the emphasis of possible causes of their conflicts.

One might notice some features such as negotiations of bridewealth delivery or refundment, acquisitions of lands or cattle claimed by a wife against her husband or his kin, and commitment of violence against a wife, even though being a few as affinal disputes.⁽⁴⁹⁾

1 Husband versus wife's kin

Case 10 (husband vs. father-in-law)⁽⁵⁰⁾

Kaheruzi (aged 22) eloped Kananukaki's daughter on July 1963. Kananukaki fined Kaheruzi and Kaheruzi paid Shs. 100/= in September 1963. Kananukaki, allegedly promised to reimburse the sums as his daughter's dowry, but he did not keep his word. Besides, Kananukaki later called back his daughter from Kaheruzi's and made her remarry.

The complainant accordingly demanded for a refundment either of the paid sums of Shs. 100/= or of the wife to his father-in-law.

Kaheruzi's female cousin stood up for him at court. She affirmed that she had accompanied with him to Kananukaki's and witnessed the payment of the Shs. 100/= . She remarked that she had done so to represent his sisters in concordance to their customs. Kananukaki, the defendant, conceded that Kaheruzi came to his home after the elopement on account of bringing beer worth Shs. 20/=. The father-in-law then demanded Kaheruzi to pay Shs. 400/= as a fine and Kaheruzi promised to deliver a cow worth the sums. Kananukaki's daughter left Kaheruzi and returned to her father in early November 1963, insistently beaten by Kaheruzi.

Banyanga (aged 45) affirmed, as the defendant's witness, that he had accompanied Kananukaki to see the proposed cow but failed in obtaining any worth the sums of Shs. 400/=.

The magistrate decided the case for the defendant. He ruled that Kaheruzi had not abode their custom of marriage properly. He should have accompanied with a witness not of his sisters but of his brothers. The judge moreover confirmed that any fine imposed by a custom would not be reimbursed at the break of marriage, when one could solely demand on refundment of bridewealth. Kaheruzi did not pay any bridewealth even though he had lived with the woman for six months. He subsequently had no right to claim for the paid sums of Shs. 100/=.

In this suit negligence of bridewealth payment eventually ended in a dispute. Kaheruzi had not observed a formal sequence of Chiga marriage arrangement, but eloped the woman for arbitrary cohabitation. Even though this was also a common way of getting married, it reiteratively led to a conflict between affines; the man and the woman's father in particular.

I had earlier illustrated an incident almost parallel to this case.⁽⁵¹⁾ These cases lead us a deeper comprehension on the marriage discords; elopement, fines and divorce. These two incidents yet differed in their legal achievements: the fine was not refunded in Case 1 but was reimbursed in the other. These outcomes might arise on account of their cleavages in the ways to have arranged the marriages and in the amounts paid.

For the first the judge specifically referred, in Case 10, to the error committed by Kaheruzi who had been accompanied by a delegate of his sisters contrary to the rules of their custom. Moreover, he had paid only Shs. 100/= despite Kananukaki's demand for Shs. 400/=. Kaheruzi eventually did not deliver the required sums, having had no appropriate cow worth the sums, having had no appropriate cow worth the amount. The young man should be blamed for his defection in pursuance of the vital sequences.

Kaheruzi's insincerity consequently deprived him of any claim either for the paid sums or for Kananukaki's daughter despite their cohabitation for half a year.

The other suit was, in contrast, decided for the complainant with refundment of all the sums paid for the fine. He had done his best so that he might marry legally with the woman by having paid all the demanded sums and solicited repeatedly for marriage registration. If Kaheruzi had made a full payment of the demanded amount, i.e., Shs. 400/=: the judge would have ordered the reimbursement, having approved the money not only as a fine but as a part of bridewealth payment. The sums of Shs. 100/= was too small to be accounted to discharge any marriage debt. One was entitled to the reimbursement of bridewealth in the circumstances such as a divorce

without having raised any child, wife's death while her staying at her parent's, or a widow's permanent departure from her affine's. (Edel 1957: 77, Omori 1970b: 8, 11, Case 5). The six complainants, except for the one in Case 10, have recovered successfully their paid bridewealth. Their suits were endowed with those congruous grounds.

A local resident would normally bring his marriage discord to a Muruka chief at the residence of his father-in-law. ⁽⁵²⁾ If the chief could not reconcile the opponents, he could transfer the dispute to a Gombolola chief or a Third Grade Magistrate court. The suits on marriage conflicts would, in contrast to those of inheritance or assaulting cases, rarely have been withdrawn from the Magistrate court. Either side could scarcely relinquish his instance of the valuables such as cattle or money.

If a man was divorced, he had to recruit the other wife, for whom he urgently needed the items to pay bridewealth anew. Once received the items, on the other, the kin of the bride might have readily filled the pressing necessity such as getting a wife, purchasing lands or paying school fees. Most farmers were yet not rich enough to comply immediately with any demand of the reimbursement. ⁽⁵³⁾

Either Muruka or Gombolola chief had no compulsory power for their decision on the dispute settlement. The opponents, moreover, lived at a distance on account of their practice of hamlet exogamy and had no close daily contacts after the breach of their conjugal link. This caused the disputants hardly to compromise on their respective claims and eventually subjugate themselves to a judicial decision.

Case 11 (husband vs. wife's brother)⁽⁵⁴⁾

Tibayaga purchased from Bwagye a plot of land in Keibare for Shs. 120/=. He had cultivated the land for six years. He had sowed beans and peas that year, but later Ruchenwa's wife also sowed beans and peas. Tibayaga filed suit against Ruchenwa for compensation on damaged crops worth Shs. 100/=.

Bwagye affirmed on behalf of Tibayaga that he had inherited the land and sold it

to the complainant. Bwagye confirmed that he had given a few plots to his younger sister. He had once borrowed a plot but he had returned the land to her a year earlier, when he had torn the written agreement on the lease of land. The sold land was assertedly not of the one which Bwagye had borrowed from his sister.

Kyireju produced the same evidence as Bwagye's. Kafungyi, witness No. 3, averred that he had attended the land transaction between Bwagye and Tibayaga. He confirmed that plot was sold for Shs. 120/= six years earlier.

The defendant Rukyenwa pleaded that he had taken over the land in dispute from his wife's father in 1963, when his wife demanded Bwagye for her share in their father's lands. She had, then, inherited 14 plots in total; nine at Kyigata, one at Keibare, and four at Gongo. The disputed land was a part of these plots which she had inherited.⁽⁵⁵⁾ Rukyenwa blamed Bwagye for the illicit sale of the land while their father was absent.

Rukyenwa alleged that his wife's mother had designated the plots as those were her daughter's. He wished to ask the mother-in-law for producing her evidence. The judge accordingly adjourned the hearing until the following day. Rukyenwa did not, however, participated in the hearing on May 21st and eventually lost the case.

In this suit Rukyenwa got involved in his wife's dispute of sharing land with her full brothers. Their father had been dead earlier. The heirs did not either keep any written agreement on sharing the lands. Their mother could solely produce a firm evidence, but did not appear at court either. She might be reluctant to stand up for her son-in-law, Rukyenwa. Her inconvenience to attend hearing would be excused and a further adjournment would be granted by the magistrate.

Rukyenwa brought the compensation of Shs 100/= as ordered by court, two months later on July 25th. He might have fallen despondent in his failure for having persuaded his wife's mother for court attendance. She might have foreseen it as possible discords with her sons, Bwagye, in particular. Any favorable evidence for her son-in-

law, if produced by her, would act upon the son conversely. She might have been worried that it would cause her a deteriorating amicable relation with Bwagye if she takes side of Rukyenwa.

Kireju sided with his elder brother, colliding with his younger sister, who had married out. This might also imply to the latent incompatible interest and sentiment between siblings living in a vicinity and those at distance.

2 Wife vs. husband's kin

Case 12 (Wife vs. husband) ⁽⁵⁶⁾

Mukakarisa filed a charge against her husband Karimunda for commitment of violence. She alleged that upon her return home at around 2 p.m. and beginning to prepare meals for her children, her husband had abruptly beaten her and kicked her down. Mukakarisa could hardly raise an alarm, for her neck had been choked by him.

The complainant's charge was dismissed owing to the lack of any witness. The judge consequently acquitted Karimunda of the charge.

They, the wife and her husband, had been through with their marriage registration at the Gombolola headquarters. They had yet been on bad terms. Mukakarisa sued Karimunda for his rough action again the following year. ⁽⁵⁷⁾ She evinced in her statement in Case 12 that her husband had the other wife Timuhwire. ⁽⁵⁸⁾ Mukakarisa's jealousy might have led her to repugnance and defiance against her husband. His iterative mistreatment to her would make Mukakarisa to leave him, thus terminating their marriage. There might have been no place left for her to take refuge concerning their conjugal troubles. It was common that wives filed suits against their spouses owing to violent conducts. The suffered women, however, rarely pursued either a judicial retribution or payment of compensation in contrast to those suits against assaulters except for some husbands. Most of these suits raised by the wives were in

fact later withdrawn on account of achievement of conciliation or, were dismissed owing to the failure in their attendance to the hearings.

As rare instances, husbands were penalized in two suits: transferred to the Second Grade Magistrate court for charging with an attempted murder, and actually fined owing to his assaulting both his wife and her father, respectively. ⁽⁵⁹⁾ In other cases housewives have appeared to deter their husbands from further mistreatment, but were not willing to inflict any severe punishments upon them. These women did not either intend to divorce. Most of the suits subsequently ended in a withdrawal or dismissal. Actual imposition of penalties such as a fine or an imprisonment, would render the couple to fall into a worse term, eventually breaking their conjugal ties.

Some women complained for illicitly attempted divorce at the court. However, I illustrated some instances in the other occasions and left out those from this section.

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Even though men normally inherited land, some women also inherited land from their parents. These inherited land became women's personal property, of which their husbands could not arbitrarily deal with. In any attempt of shifting a wife's land to another wife, a man was deterred from doing so by the court, as seen below.

Case 13 (wife vs. husband) ⁽⁶¹⁾

At Bakeishenda's marriage with Kiribata, her real father and her father-in-law each gave her some grounds. She planted coffee in these grounds. She and her husband had later purchased more land. Kiribata later married a second wife, but she left him soon after. He got a third wife and asked Bakeishenda to share the coffee with the new wife. Bakeishenda, the first wife refused his proposal. Kiribata, then, married a fourth wife and again demanded Bakeishenda to share not only coffee but her farmlands.

Bakeishenda gave some money to Kiribata to buy land for her. He purchased the land with the money but gave the land to his fourth wife. Besides, the husband sold one plot which Bakeishenda had cultivated, having not consulted the sale with her.

Kiribata did not either give her any money raised from the sale of her coffee. The neglected wife eventually filed her complaint at the Magistrate court, claiming for the two plots of land taken from her illicitly.

In the hearing, Kiribata could not plead any excuse and was ordered by the court to return the two plots to Bakeishenda.⁽⁶²⁾

One of the plots was the land which the complainant had inherited from her real mother. The other one was handed over by her husband's father at her marriage with Kiribata.⁽⁶³⁾ Even though the Chiga custom normally allowed the family head to deal with the land at his will, the judge forbade Kiribata's retrieval of the deposited plot to Bakeishenda. We see upon this reservation one's exclusive right over land inherited by parents for their marriage. The land ought to assure the food supply of a couple and their children.

Case 14 (co-wives)⁽⁶⁴⁾

Kasinduzo was inflicted upon violence by her husband and her co-wife on October 11th. The husband hit her against forehead with an iron stick. Her co-wife beat Kasinduzo, the complainant on her back four times with a long stick.

The magistrate yet dismissed the charge on account of Kasinduzo's lack of witness.

There were four suits on violence committed by the co-wife of the complainant. In the two instances including the Case 14, the assaulted took action against their husbands and cowives, respectively. Their custom urged every polygynous husband to treat wives impartially. One could yet scarcely observe the ideal pattern of behavior, being preoccupied with his new wife. Elderly wives and their children had ordinarily been inured to their husband's unfairness and negligence.⁽⁶⁵⁾ Any trivial brawl would readily induce furious scuffling owing to persistent rancor and wrath held by

those who were forsaken. Any junior wife, on the other, also became envious of properties already acquired by the senior wives.

The scuffle in Case 14 evinced distress and resultant impingement between the co-wives as well as found in the other cases. ⁽⁶⁶⁾

A culprit of any violence, if convicted, had to bear a heavy fine and/or imprisonment. A wife rarely got herself any witness of her husband's or co-wife's rough action, for the actions commonly took place within a compound. A sole spectator would occasionally loathe to side with either of the opponents at a court hearing. All these four suits were eventually dismissed owing to lack of evidence, conciliation out of the court or failure in court attendance.

Most co-wives were on bad terms with one the other, but it occurred that a few of them collaborated in suits. (Omori:1969, Case 3) Three co-wives in this incident joined to collide with their brother-in-law, charging him with rough action. He allegedly beat one of the wives with a stick, and her co-wives, having separated them at the fighting, took the part as the assault at the hearing. They allied in opposition against their foe in favor of security.

There was no dispute filed at the Magistrate court on land between co-wives. Instead, a wife normally took action against her husband to retrieve once deposited land. Three other wives filed complaints on land trespassing. Their other co-wives might have encroached on the farms, respectively, but anyone of these co-wives was brought to court. ⁽⁶⁷⁾

If a man practiced a polygamy, it mostly strained his relationship with the other wives and their children. His rearrangement of land allocation and shift of deposited land directly affected upon his wives' and children's interest in cropping and inheritance. Any wife would demur at husband's casual retrieval of the land, filing trouble at a court.

4 Collisions in Daily Contacts

1 Neighbors/adjacent cultivators

People lived extensively by keeping in touch with their kin, affines and adjacent farmers. A *muruka* or a *mutongole* was one's normal extent of daily activities. One would go beyond the circumscribed territory only when the one visited some farmlands dispersed at a distance, an administrative or judicial headquarters, a hospital or relatives inhabiting far off.

It was indicated (Table 1, Pt. I) that the closer they lived, the more iteratively people collided in law suits: 78% within a *muruka* and almost 90% within the same *gombolola*.⁽⁶⁸⁾

Case 15 (neighbors)⁽⁶⁹⁾

Kaburabuza and Rukuku lived in the same compound. Tibeizihirwa lived in another compound about 130 meters off. The two compounds were divided by Kaburabuza's coffee and Tibeizihirwa's maize field.

Kaburabuza's children trespassed on Tibeizihirwa's maize farm on November 6th. Tibeizihirwa threatened to retaliate upon it. In the following night Kaburabuza saw somebody cutting coffee plants on his farm. It was seen by the moonlight. He hurried to the spot with his elder brother and identified Tibeizihirwa who ran away toward his own house. The brothers found eight coffee plants cut down, causing Shs.32/= damage.

Kaburabuza reported the incident to a Gombolola chief, but failed in persuading the chief to make the case for trial. He then, talked to an *askari* residing in the Gombolola headquarters. The resident policeman arrested Tibeizihirwa and sent him to a Muruka chief. But they eventually brought the matter to the Magistrate court.

Rukuku, the complainant's brother affirmed, although being inconsistently, that

they had caught up with Tibeizihirwa on Kaburabuza's coffee farm, and found 26 coffee trees cut down. The judge sent a policeman of the District Police Station to inspect the scene. ⁽⁷⁰⁾ The police acknowledged that eight coffee trees had been cut down on the farm. The policeman subsequently committed the suspected, Tibeizihirwa, to Remanding Prison at Kabale.

The Magistrate, Ntegamahe, acquitted Tibeizihirwa on account of a false information. ⁽⁷¹⁾ The judge argued that Kaburabuza and his elder brother had cut down coffee trees themselves in conspiracy so that Tibeizihirwa might be penalized.

Later Tibeizihirwa filed a claim to compensate for slander, and won the court decision to order Kaburabuza to pay Shs. 383/=.

These three disputants were brothers. They had never collided with one or the other on any inheritance share. The incident might have arisen incidentally: a child's mischief leading to a serious collision. ⁽⁷²⁾ There was another suit in which a child's stealing farm product, a few bunches of banana, developed into a violence and caused actual injuries. (Omori, 1969a, Case 3)

Not only children, but livestock also strayed into adjacent farms, rising anger between the owners, as illustrated below.

Case 16 (nearby residents)⁽⁷³⁾

Tibabikwata found some chickens eating sprouted beans in her field in early July. As she held her baby and her husband was sick from rheumatic, either of them could not chase away the chickens. Rukara instead chased them away and detected the owner Kiribata in whose compound chickens took refuge. Tibabikwata raised a suit for Shs. 40/= compensation of the damaged crop.

Rukara witnessed for the complainant. He affirmed that six chickens had strayed into Tibabikwata's bean field and had eaten the beans. Rukara had traced for the owner of the chickens and warned Kiribata to cage them, but he was given no re-

sponse. Tibamwesigyire also kept chickens but did not let them go out prowling.

Kiribata said that he used to have two but one died and another had been sold. Kiribata denied that he had kept any chicken.

The magistrate called a Muruka chief to determine the evidence. The chief affirmed at the court that he had found at the scene beans damaged four yards in width. The chief told Kiribata to indemnify Tibabikwata's loss, but he was refused. Kiribata kept chickens but anybody else nearby had not any chicken.

The judge ruled for the complainant. He reduced the sums of Shs. 20/= for the damaged beans of the 64 square feet.

The litigants apparently had an affinal tie: Kiribata was an uncle of Tibabikwata's husband. The trouble was not relevant to their kinship or conjugal bonds. The complainant's husband and Kiribata had not yet collided between them on any inheritance share. ⁽⁷⁴⁾ Proximity of their compounds and the straying of chicken casually brought them into mutual collision.

Livestock straying and doing harm on crops were rampant. Damages caused by cattle, goats or sheep were serious troubles and were likely to be brought to the Magistrate court for compensation. ⁽⁷⁵⁾ The straying by chicken were normally settled outside of a court. Only three records of chicken straying were filed to court in the past three years. In the other two suits, except for the one of Case 16, were not decided at court : one case was dismissed and the other withdrawn.

Chicken prowled everywhere, for few residents gave any baits to the chicken or cage them up within one's compound. Most families kept chicken so that they might serve any important visitors with chicken meat or sell them to pay urgent expenses. People rarely fenced their fields and livestock to prevent them from straying into the fields and causing damages on crops.

Kiribata's obstinate refusal entangled a simple incident of a legal action. His repudiation of the proposed conciliation balked at the local chief's conciliating effort

and made the matter transferred to the Magistrate court.

Those disputants of Cases 15 and 16 appeared to be heedlessly involved in the entangled matters. Their damages were diminutive and they were linked to some multiple social bonds such as kinship, affinal or clanship. Any pursuance of legal action and eventual infliction of the judicial penalty would promptly make the opponents antagonized one the other, severing the former reciprocal collaborations.

This reverse motion against social cohesion manifests a requisite process of cleaving and multiplying autonomous families in the sequence of change in their generation. One may be impressed of the general lack of reluctance to bring one's relative or neighbors to court, charging them with rather minor complaint. ⁽⁷⁶⁾ Local inhabitants, not being satisfied with any compromise negotiated by the chiefs, increasingly relied on the decisions made by Magistrate court which could solely enforce the decisions upon the disputants. Ordinary farmers, on the other, lacked any knowledge on legal trials such as a court evidence, coherence among witnesses's affirmations, or even of the coercive power of court orders. ⁽⁷⁷⁾ Litigants rarely represented any lawyers whom one could contact at Kabale. A court clerk might give some tactical instructions, but apparently few seemed to have inquired instructions from him. A number of dismissed suits in the litigation records could have evinced the detachment of the court trials.

Any investigator should keep a close observation of the general consciousness and attitudes of local inhabitants, both negative and affirmative for court. These findings lead to the scrutinization of an urgent socio-cultural problem such as the opposition between the conventional and the introduced norms, conflicts of new and old legal systems, its adaptation to a new system, the frustration led by any maladaptation, tension and conflicts caused by the local society, and advancement of the unification/centralization of a legal system. ⁽⁷⁸⁾

Encroachment and trespassing were universal issues between adjacent cultivators. I have yet delineated the matters elsewhere in detail: their causes and sequences

of rising trouble, processes of cases at court trials, and the eventual decisions of their hearings. (Omori 1969a:34-37, 1970b: 7-11)

2 Villagers' daily life

Case 17 (scuffle)⁽⁷⁹⁾

Buhire dropped by his elder brother's bar at around 4:00 p.m. on October 8th, where Bi was sitting indoors and already was drunk. Buhire entered the bar and drunk sorghum beer from a brewage drum can, then he got up looking for Rwabwere who had a watch to sell for Shs. 100/=.

When Buhire was about to leave the room, Bi attacked him, hitting Buhire against his loins and ripped his shirt. Buhire was bitten in his finger. Buhire, in his endeavor to escape from Bi, tore off his finger nail.

Buhire went to a hospital on the following day. Buhire then, reported the incident to an Askari, a resident policeman, at the Buhara Gombolola headquarters. The policeman accordingly arrested Bi.

Rwamborere, Buhire's elder brother, stood for the complainant at the court. Rwamborere was bargaining the watch with Rwabwere for his younger brother at the back of his bar. Having heard of the scuffle, Rwamborere hurried to the scene, but arrived at the spot after Bishisya had separated the two in the scuffle. Buhire was bleeding at his hand and his shirt was torn. Rwamborere had seen Bi in his bar since before midday and had been substantially intoxicated.

Bishisya also affirmed, for Buhire, that he was drinking beer in front of the front door of the bar and saw Bi holding Buhire's neck and was biting Buhire in his finger. Bishisya separated them by force, which made Buhire loose his finger nail. Bi then, went away. Buhire was applied a first-aid on his finger. He then, returned home.

Bi could not remonstrate any plea against the charge. He had earlier been convicted at the Magistrate court and this might have made the legal penalty heavier at

the end. ⁽⁸⁰⁾

The judge ordered six months of imprisonment, giving the culprit the option to appeal to a court of a higher level.

Bars were active social centers of local inhabitants including men, women and even children. Open market day and Sunday church service were good occasions for prattling and gossiping, but mostly women took advantage of these opportunities. ⁽⁸¹⁾ Local bars, on the other, opened daily at trading centers. Anybody could sit inside or outside a bar without any limit of sex or age. Everybody was free to join the lively chatting as long as one wished.

Many farmers spent some period of time at local bars almost every night. They would buy a bowl of sorghum beer, *omuramba*, and circulated it among the fellow customers. ⁽⁸²⁾ Such a bar served as a local information center in which men exchanged valuable information such as sale on cattle, land transactions, marriage arrangement, casual employment, and labor migration. Muruka chiefs reiteratively caught tax defaulters or culprits returning home. Administrative assistants also used bars to deliver public notices and gave information of the techniques in their specialized fields; new fertilizers, drugs, and advanced technology for farming or techniques of livestock keeping. The excess drinking of liquor yet habitually brought bar attendants into incidental brawls and scuffles. ⁽⁸³⁾

Of the scuffle between Buhire and Bi there might not have been any clear enduring grudge between them. There were no litigation record in which either of the two or their close kin had ever collided in court trials. Bishisya had once been involved in a suit with Bi but Bi took part with Bishisya to defeat the latter's opponent. ⁽⁸⁴⁾ As Bi used to conduct himself coarse, undue alcohol might have led him on precipitate in violence to assault Buhire. It might be fortuitous that Bi had attacked Buhire. One would, however, imagine that Buhire ought, in a sense, to be naturally hostiled by any ordinary farmer as Bi.

Buhire had been in the bar with a Shs. 100/= banknote to purchase a watch. He was exceptional as any local inhabitant could yet hardly raise the same sum.⁽⁸⁵⁾ Besides it was almost inconceivable that a common cultivator would spend such a sum to obtain a superfluous item as the watch, for one could better afford to pay urgent school fees or to buy some plots of additional farmlands.⁽⁸⁶⁾

It was not recorded in any litigation statement, but was only assumable that Buhire might have displayed his Shs. 100/= banknote to the bar attendants and have vaunted about his affluent income. He was not running any local trading. His elder brother yet owned the bar and Buhire's wife was working at the place, too. Buhire enjoyed the advantage of drinking and sharing his brother's profit raised at the bar.⁽⁸⁷⁾

Our inference of the fortuitous eruption of frustration, envy and hostility held extensively by the common local inhabitants against the limited number of well-off people would appropriately account for the cause of incident at the bar. Bi's assaulting Buhire would manifest the latent contrarities lying between the local majority and the few well-off elites who had nimbly created the cash income at the rural regions. The largest majority were common farmers who were unable to cope with the rapidly altering socio-economic circumstances.

Case 18 (theft)⁽⁸⁸⁾

In this case a large amount of cash, Shs. 350/= disappeared at Magyera's shop at the Rwene Trading Centre in the morning on July 13th. Ngabirano and Kibamuchwera (a girl, aged 12) were in Magyera's shop. They had dropped in to buy vaseline. Magyera was called by an employee who was counting goatskins in the storage. The girls were no longer in the shop when Magyera came over. He found the money was not on the shelf. Magyera immediately reported the incident to a Muruka chief. The chief yet advised him to observe the incident more, owing to lack of any firm evidence of the stealing.

When Magyera learned that Ngabirano had been in the possession of a variety of

items such as a radio set, a cotton one-piece, and a sweater, he reported the possession to the chief, who subsequently confiscated these commodities as evidences and took Ngabirano into custody. ⁽⁸⁹⁾ Magyera charged Ngabirano with the theft of the sums, Shs. 350/= of which she had allegedly spent on these items. Ngabirano pleaded non-guilty of the charge against her. She insisted that the suspected items had been borrowed or bought with the money given to her by others.

A receipt had evinced the real owner of the radio set: Bampata had paid Shs. 170/= for the set and allowed Ngabirano's elder sister to borrow the set from him. Ngabirano got the cotton one-piece for Shs. 23/= herself. The money was given to her by Bampata's wife, Ngabirano's boy friend who was engaged in labor migration in Kampala, and her grandmother. Bampata's wife affirmed her statement true. Ngabirano's father also gave her the sums of Shs. 30/= which the daughter spent on the red sweater. The two separated sheets of linen belonged to Ngabirano's elder sister, and her younger sister.

The court hearing revealed all the sources of the expenditures and the real owners of the suspected commodities. The Magistrate accordingly dismissed Magyera's charge.

This appeared to be a simple case of monetary theft. Yet the dispute was peculiarly concerned with those holding opulent cash income. ⁽⁹⁰⁾ The investigation depicted an aspect of the stratified composition of the society. Inquiries should, first, investigate the relationship between these pairs: Magyera and Ngabirano, Bampata and Bakamunuza (Ngabirano's father), and, Bampata and Magyera.

Ngabirano alleged that Magyera had earlier striven to allure a love affair with her. She had turned down his enticement iteratively, for he was a married man with a wife and was 16 years older than herself. The incident in Case 18 eventually made her become enamored to Magyera. The court clerk later revealed that Magyera had offered her whole the sums of Shs. 350/=. He incidentally found the money at the

corner of the shop after the court trial. Ngabirano became pregnant and raised a suit against Magyera so that she might be married to him. ⁽⁹¹⁾

Bampata (aged 32) was employed as an inspector at a local bus company. (Omori 1970b. Case 26). Even though no part of the litigation records made any specific link, kinship or affinal, evincible between them, Bampata had a close attachment with Bakamunuza's family. Ngabirano's elder sister had once stayed with Bampata's wife at Kabale and had borrowed the radio set from him. The sister affirmed to the court that Bampata had been her father's friend. ⁽⁹²⁾ Bampata's wife gave Shs. 10/= to Ngabirano.

The statements of those disputants in Case 18 would illustrate the characteristic of the conducts followed by the well-off in the rural region, which were far diverged from those of the ordinary farmers. One could first remark their lavish expenditure of currencies. Ngabirano got possession of the sums of Shs. 55/= for her clothes: Shs.30/= from her father, and Shs. 25/= from her grandmother, respectively.

As any ordinary farmer was paid Shs. 5/= for farmwork per day, any one could scarcely imagine giving the sums of Shs. 30/= to his daughter for her new sweater. Any aged woman, over seventy years old, would either rarely offer money as much as Shs. 25/= to a girl for any expenses, not necessarily being urgent. Bakamunuza's high earning from teaching at a school could afford him to share his income with his families, his aged mother and Ngabirano. ⁽⁹³⁾

Bampata owned two sets of a radio. One was still operative when he purchased another on an outset of his tour for Shs. 180/=. Soon after the trip, he gave the new set to Ngabirano's elder sister. The second radio set was really a superfluous item. His wife was also generous enough to have given the sums of Shs, 10/= to Ngabirano, of whom she was not yet well acquainted. ⁽⁹⁴⁾ Bampata's fixed salary was as much as Shs. 200/=: which made him slack.

It was moreover startling that Magyera had given the whole sums Shs. 350/= to Ngabirano at their retrieval. He might have heedfully intended, in doing so, to evade

a possible charge of defaming the girl's honor or, concurrently, to draw her attention to himself. Magyera was rich, for he could donate a large amount of cash spontaneously to Ngabirano. The money Shs. 350/= were worth the sums a farmer could get possession of for a plot of farm as wide as 10 ares, or a head of young cow.

3 Local authorities

Case 19 (trespassing)⁽⁹⁵⁾

Nine Rwene inhabitants used to herd their cattle to a "public" pasture at Nyaruhanga. It was adjacent to Bashenya(died?)'s son's field.

The trouble took place at the site, in which one of Bashenya's sons, Zoreka(aged 54) sowed peas in April of 1966. The above nine people, who were represented by a Muruka chief, filed their claim at the Magistrate court for Zoreka's quitting from the pasture.

Zoreka pleaded that he had planted eucalyptus in the corner of the plot and cultivated the land since that time.

Rusomanya and Bazahuzc, who were the common users of the pasture in dispute alleged Zoreka's trespassing into the land.

The Mutongole chief of Kabaheshi, Mavindi(aged 41), yet took part with Zoreka. He affirmed that Zoreka had defeated the complainants earlier twice at a formal court because of these eucalyptus.

The judge decided for the defendant, based on Mavindi's evidence. The magistrate asserted that the complainants and their witnesses had failed to establish the fact that the land used to be open to public. These eucalyptus, on the other, belonged to Zoreka, which evinced the defendant's ownership of the plot in dispute.

The suit in Case 19 was a development of an entangled discord. The Muruka chief, Kanyarwanda, appeared to have sided the common interest in pasturing in the

"public" land. He had iteratively collided personally with Mavindi and Zoreka's brothers at court. The chief was not neutral but withstood his individualistic grudge against their opponents in the suit.

Zoreka, at the outset, with four others brought Kanyarwanda to the court earlier in December of 1962. ⁽⁹⁶⁾ The defendant had allegedly blocked up the drinking place for cattle. It was not yet clear if he had hedged the swamp. His motive of the closure was not either referred to in the litigation record. A relevant court order evinced that Kanyarwanda had fenced the pond and dug up a bush. Zoreka and the other complainants won the case at the Second Grade Magistrate court at Kabale.

The second suit was filed three years after in March 1965, Zoreka and an another inhabiting at Kabahesi, Rwene, had cut down 357 trees totaling Shs. 1,785/=. The case was, yet, transferred to an upper level court at Kabale. ⁽⁹⁷⁾

Mavindi was a Mutongole chief at Kabahesi within Muruka Rwene of which Kanyarwanda was in charge as the Muruka chief. A Mutongole chief substantially represented the benefits of local inhabitants towards governmental agents; his senior Muruka chief and Gombolola chief. He was not recruited by the government but spontaneously elected among Mutongole residents for an indefinite term of appointment. Despite being called a chief, the local representative was not entitled to enforce his decision. He solely endeavored to maintain peace and order in the Mutongole through persuasion and conciliation. As a devoted and trustworthy man the Mutongole chief could accomplish the local welfare in pursuance of his official duty.

It could hardly be imagined that the Mutongole chief, Mavindi, might have conspired with the local inhabitants to cut down these trees on their selfish motives. ⁽⁹⁸⁾ The iterative collisions can be reckoned as a series of dispute on the right of public use of the land. The colonial government had unilaterally nationalized these lands not in use, mostly of those lands around the peaks of hills and at a bottom in swamps. ⁽⁹⁹⁾ The government had yet let the public lands both to civil servants and ordinary inhabitants. A Gombolola and a Muruka chief, and also the resident official allotted some of

these lands for farming. Indigenous people could also find access to these lands for housing or cultivating. They were even allowed to cut trees on these public lands for charcoal burning, making timbers for construction of house. One, however, needed to pursue an application through the government officials.

In the present inquiry one would readily remark that Mavindi and the others did not follow the necessary sequence to get governmental permission to use public land. The series of their impingements arose obviously by self-help of Mavindi and the others. They might have strived for reserving the proper right of public use of the land in dispute. In the former days a hamlet leader or a local influential such as a Mutongole chief was equated with authority to give permission to anybody to farm vacant lands or to cut trees grown on the lands not in use. This might be the cause that Mavindi obstinately clung to the earlier heritage as a Mutongole chief.

Of the third, Kanyarwanda sued Rusiri at the Magistrate court in July 1966. Rusiri had allegedly broken a part of a hedge and trespassed into the complainant's land. In this suit, Kanyarwanda did not act in his capacity as a Muruka chief, but brought his opponent to the court obviously as an individual local resident. This case was also transferred to a higher level of Magistrate court at Kabale and the detail of the dispute was unknown. The suit may yet have been linked with the earlier one. (1962 Civil Suit, No. 99) Despite lacking specific information this suit manifested the source of Kanyarwanda's personal grudge against Rusiri, Zoreka's brother.

Following this, Zoreka took Kanyarwanda to court in November of 1966. This dispute had developed from the first suit (1962 Civil Suit No. 99), charging the defendant with negligence in complying a court order. The magistrate yet dismissed Zoreka's claim, as the original suit and its decision had been made initially at a court in Kabale town.

Their abiding contrarieties eventually broke out another dispute of Case 10. Kanyarwanda and Zoreka collided one the other in this suit. Mavindi took a part with Zoreka as his witness. Though Kanyarwanda appeared to protect the collective inter-

est shared among the cattle owners, his personal grudge against the defendants might have led him to file the complaint at a court.

Kanyarwanda was a diligent and brilliant civil servant. ⁽¹⁰⁰⁾ He may have been ardently motivated to give a discipline by court to those stubborn indigenous inhabitants who had stuck to their heritage or vested interests. He could assumably not be indulgent to those neglecting the government regulations. The Muruka chief may have subsequently endeavored to enlighten them with iterative charges for their illicit conducts.

The sequential growth of the dispute in Case 19 would imply the increasing control of the government over an individual's right and of the indigenous ways of living in a rural area, having decreased the power of local authority. The cleavage between a Mutongole and a Muruka chief was clear among the local administration. The former, as indicated above, was not of any government appointee or payee of wages. The latter, in contrast, was recruited by the government, normally being appointed after having served as a policeman or a civil servant in local administration. The appointee was not necessarily a native of the Muruka where he would be in charge. The chief was most often responsible to collect poll-tax and arrested any tax defaulters as well as those suspected for illegal conducts. He accordingly represented not the local inhabitants but the government.

5 Summary

I attempted, in this article, to reveal the possible links between a variety of disputes and the specific social relation: kinship, affinal, or residential. In Part I, I scrutinized nine instances to discern certain prevalent contrarities between kin such as parents vs. children, siblings, and uncles vs. nephews. In this succeeding part, I exhibited ten more samples to divulge some common antagonism between affines, adjoining inhabitants or nearby cultivators.

Throughout these inquiries, I endeavored to illustrate any significant relevance between the conflicts and specific social links, particularly focusing on the impact of Westernization. Any reader may have been aware of these casual factors enhancing tension between a father and his sons: adherence to polygyny, arbitrary allotment of lands, and, development of son's self-reliance. The friction between a mother and her real sons are shared in similar features, except for the first case, of those indicated above. Any widow was bound to collect bridewealth, bear wedding costs and allot her deposited land to her adult sons. She was investigated an exclusive right over the necessary arrangements for marriage and inheritance.

Full siblings, subsequently, had to compete with one another strenuously so that they might win access to a more benevolent allotment bestowed by their parent: father or a widowed mother. Half siblings normally stood in opposition for property allotment. They were universally under influence of their mothers' hostility against other cowives: envy and rivalry, which extensively burst into aggressive actions exercised between the stepkin. Discords of full brothers, on the other, occasionally extended the issues on land in disputes with an uncle or nephews, whenever a man's property had been left to his brother for post-humous inheritance.

Dissensions took place between affines: in-laws, spouses or cowives. The major sources of conjugal fictions were deferring payment of bridewealth, mistreating a wife, and, enmity between cowives. Neighbors, in contrast, despite paralleling to their kinship and affinal links, fell in a variety of clashes in their daily life: encroachment of adjacent farms, or damages on crops by straying livestock. A casual incident frequently developed into a severe repugnance owing to an earlier submerged animosity.

Quarrels and assaulting often broke out in local bars, in which local inhabitants clustered not only for amusing themselves with prattling, but pursuing negotiations urgent to the rural life such as marriage arrangement, cattle and land transaction, employment or labor migration. An expanding cleavage of money raising incident-

tally arose scuffle owing to the alleviated self-restraint with alcoholic effect.

A sequence of law suits on use of "public" land posed a possible contention between two different authorities; indigenous and governmental. A Mutongole chief represented the common interest of the people who had elected him to the post. A Muruka chief was, in contrast, recruited by the government and was in charge of its revenue and local security, being endowed with compelling power. The clash appeared to be inevitable in the course of the jural-administrative reforms: circumscribing conventional and reinforcing governmental authority, i.e., advancing centralization.

In conclusion, the conflicts in distinct social links such as among kin, affines, or adjoining inhabitants/cultivators should be elucidated in connection to their discrete socio-cultural heritages or proceeding reforms of their society: the ways of inheriting properties, residence rules, marriage customs and common methods as well as techniques of earning their livelihood, i.e., farming and herding, in addition to introduced governmental devices for Westernization.

Notes

(48) Omori 1969a: 39 - 40, Omori 1970b: 14 - 17. I delineated some suits of disputing on payment or reimbursement of bridewealth, mistreatment of a wife, and an adultery.

(49) A husband brought his wife to the court, charging her with theft. (1967 Civil Suit, No. 50) The man was born at Birambo of Gombolola Maziba, but kept living in Kitanga, Gombolola Buhara. He alleged that his wife had stolen from him the sums Shs. 400/= cash, four pairs of suits, and, three sheets of cloth.

The magistrate yet ruled that any wife would not be able to steal anything from her husband. He accordingly dismissed the theft charge. If a woman might have given her husband's belongings to the other one, the husband would sue the receiver for reclaiming these items. (Omori 1970b. Case 15)

(50) 1965 Civil Suit No. 49, filed on August 17th. The complainant lived in Kigongo, Muruka Buhara, and the defendant Kaheruza's wife's father Kananukaki resided at Kabahesi, Muruka Rwene. The case was heard not by Magistrate Izongoza but Magistrate Rwamutemba one week after the registration. The Chiga customs were deeply involved in this dispute and Rwamutemba (the Third Grade Magistrate) might be more appropriate to try the case. Rwamutemba also heard the other case (1965 Civil Suit No. 65 in Omori 1970b, Note 45), which had been closely connected with the Chiga customs.

(51) 1967 Civil Suit No. 33 in Omori 1969a: 37 - 40, Case 2. Kakyekorera (the complainant, aged 23) eloped Rwabushoma (defendant)'s daughter. Rwabushoma demanded for a fine as much as Shs. 1,000/=-, two heads of cow and a goat, all of which Kakyekorera delivered to Rwabushoma.

The father-in-law yet did not consent to accompany with Kakyekorera to the Gombolola headquarters so that the new mate might be registered as legitimate spouses. Meantime the woman deserted from Kakyekorera's and returned to her father's when they had quarreled over domestic matters.

Kakyekorera eventually made up his mind to divorce and asked Rwabushoma for reimbursement of all the delivered bridewealth. The latter yet refused the demand, insisting that he had received from Kakyekorera not any money as bridewealth but as the fine for the committed elopement.

In court hearing the Magistrate declared that all the delivered should have concurrently been a fine and a bridewealth. The woman had to be responsible for her conducts. The Magistrate urged that on account of her mature age of twenty years old, which the woman had already reached at the elopement.

The judge accordingly ruled for the complainant and ordered Rwabushoma to restore all that he had received from Kakyekorera.

(52) I had attended a Muruka chief's hearing as an observer. A Muruka chief of Buhara, Rwanshajja heard the claims at the yard of the Buhara Gombolola Headquarters on February 14th, 1968. All the statements were exclusively done in the Chiga language. The court

clerk(for the Magistrate court) Otebwa translated all the statements for me into English.

A man(aged 40) claimed either for his wife or for reimbursement of bridewealth to her father, who was a resident(aged around 60) of Buhara. The aged man refused any demand made by his son-in-law owing to the latter's mistreatment, i.e., commitment of violence against his daughter.

The opponents contended almost for one hour. The Muruka chief eventually proposed a conciliation, which was not accomplished owing to a refusal or any compromise by the opponents.

I briefly introduced to the Muruka chief's hearing earlier. (Omori 1969b: 70-71, 1970a: 195)

- (53) An instance is seen in Case 13. The Magistrate court now and then ordered a loser to pay or for a damage or bridewealth within a limited period of time. The court would yet not compel its accomplishment unless the receiver should not raise a new suit for the fulfillment of court order. The court did not either require the loser to sell his land, cattle or farm products so that he might comply with the court decision.

A daughter would yet be penalized with more fine or an imprisonment anew, if he was charged with a contempt of court order at the Magistrate court. (Omori, 1970b: 21-22)

- (54) 1966 Civil Suit No.17, filed on February 21st. Kabi, the complainant, inhabited Rwene and Rukyenwa(aged 30), the defendant, lived in Ntarabana. Bwagye and Kyireju, both of the complainant's witnesses were an elder and a younger brother to one another, but were not known if they were full or half ones.

Bwagye affirmed that he had given some farms to his sister(the defendant's wife). They might accordingly be a brother and his full sister.

As Bwagye and Kyireju were inhabitants at Rwene, the woman might have married in Ntarabana. Rukyenwa stated that he had taken over the disputed land from his wife's mother. The aged woman might consequently be his wife's real mother.

- (55) Kyigata was located at the southern end of Gombolola Kyanamira, which was adjacent to Keibare on the east. It was around 15km north from Rwene and 8km north from Ntarabana to reach Kyigata and Keibare. Gongo was not traced on the map.

- (56) 1965 Criminal Suit No.56, filed on September 30th. Mukakarisa, the complainant was not a Muchiga but a Munyarwanda. The defendant Karimunda was her husband and a Muchiga.

The Medical certificate of the Kabale Hospital (dated on September 18), the evidence produced at the hearing, denoted Mukakarisa's bruise on her upper part of waist and her treatment as an outpatient for six days between September 18th and 28th.

- (57) 1966 Criminal Suit No. 33, filed on June 18. It was alleged that Karimunda assaulted Mukakarisa on May 13th, kicking her eight times, hitting her with a stick and beating her four times. An attached Medical Certificate (the Kabale Hospital, dated on May 15th) verified her inflicted bruises extensively on her abdomen and her back. She had been treated at the hospital as an outpatient for ten days between May 16th and June 1st.

The case was heard at the Magistrate court six months later on January 9th, 1967, in which Mukakarisa did not turn up despite Karimunda's attendance. The charge was subsequently dismissed.

- (58) Mukakarisa charged her cowife Timuhwire with assault causing a bodily harm. (1968 Criminal Suit No. 12, filed on March 15th)
- (59) There were two cases: 1867 Criminal Suit No. 10 (filed on May 11), and 1967 Criminal Suit No. 18 (filed on March 20). In the first case a man, K, living in Rwene, allegedly attempted to kill his wife, Keirangyiri, in vain. The details were not known owing to its transference to an upper level court at Kabale.

In the latter incident Kakona, a Muchiga resident at Rwene was fined to pay Shs. 50/=, for he had hit with a stick his wife Nibwaga and her father Kariheruju (both Banyarwanda). When Kakona scuffled with Nibwaga, his father-in-law came to separate them. Kakona yet thought him to take Nibwaga home, and attacked the both.

- (60) Omori 1970b:16, Case 14, note 45. Edel(1957. 39) remarked that an intimate tie between a man and his real mother had iteratively spurred his wife to be jealous of and to collide with the husband. The incident in the Note 4 was a typical case in which wife's jealousy eventually led the couple to a divorce.
- (61) 1967 Civil Suit No.42, filed on August 11th. Bakeishenda, an inhabitant of Kigugo sued her husband, Kiribata (aged 32).
- (62) Bakeishenda again brought Kiribata to the Magistrate court on September 15th. (1967 Criminal Suit No.34) When she went to the farmland which her husband had promised to return, she was intercepted from cultivating by Kiribata.

Bakeishenda yet later withdrew the complaint, for her husband had restored the once sold lands to her on October 11th. He paid Shs. 50/= for the 3 plots of land to whom he had sold them.

Bugarama was located in Gombolola Kitumba, around 5km north to the Buhara Trading Centre.

- (63) As Kiribata was 32 years old, he had been married with Bakeishenda not more than ten years or so, which might not be long enough for them to buy so many additional farmlands. It was not specified why he had sold the three plots of land solely for the small sums of Shs. 50/=. Kiribata might not own any surplus lands to deposit to his newly married wives, for he had iteratively urged Bakeishenda to share in her lands with her cowives.

Kiribata had once been sued by his neighbor owing to his negligence of discharging his debt Shs. 60/=. (1965 Civil Suit No.64, later conciliated and withdrawn)

- (64) 1865 Criminal Suit no. 69, filed on November 2nd. Kasinduzo, an inhabitant at Muruka Buhara, sued her husband Kabigumira and her co-wife Kemirenzo for violent action. The case heard was in the following year, on January 14th.
- (65) Omori 1971a: 53, Note 13. The sights were seen at Tishekwa's. He ate and slept at his third wife's house. His second wife cooked solely for herself and her three children. The father

yet slept at the second wife's occasionally, only when he got drunk with sorghum beer.

The second wife and her children had been on bad terms for a while with Tishekwa soon after his marriage with the third wife, but were later accustomed to the situation.

- (66) Omori 1971, Case 2. A man brought his father and his stepmother for rough action. The complainant came to help his real mother who had scuffled with these defendants. The incident was initially a struggle of a man and his two co-wives.
- (67) A plot of land was often divided into two when sold or inherited, being demarcated with a new boundary. Those having demarcated the original plot were summoned as witnesses whenever one claimed for an encroachment or a trespassing his land. (Omori 1970a, Case 5, 1969a: 36-37)
- (68) The Gombolola Buhara occupied land approximately as wide as 70 square kilometers, being consisted of six Miruka such as Muyebe, Buhara, Rwene, Ntarabana, Kitanga and Kafunjo. A Muruka was divided into several Mitongole, each of which comprised some hamlets. A hamlet, which was called a village was a cluster of adjacent compounds. A hamlet used to be an autonomous unit being composed of an agnatic clan members and their dependents. One still had kept the closest daily contacts with the component members of a hamlet where he/she lived.

I could not designate the names of hamlets in which individual litigants and witnesses lived, for the litigation records did not keep any documents on either of the hamlets.

- (69) 1966 Civil Suits No. 19 filed on February 25th. Tibeizihirwa claimed to Kaburabuza (aged 26) for a compensation. The litigants were half brothers living in adjacent compounds at Katiba, Muruka Muyebe.

The incident took place in November 1965, when Kaburabuza brought Tibeizihirwa to court, charging him with illicit cutting down of coffee trees. The case was heard at the Magistrate court in Kabale by Ntegamahe who decided the charge as acquittal.

Tibeizihirwa had been detained at the remand prison for 55 days from November 10th through December 31st. He filed a suit demanding Shs.5/= per day adding to Shs.100/= for having defamed his honor, and Shs. 8/= for two keys and a knife being lost while his detaining, amounting to Shs. 383/=.

- (70) The man was Orikurugi, a Muchiga, aged 30. His number was D/CPL, No. 595.
- (71) The Magistrate did not elucidated the reason of his decision as acquittal. He might have reached the conclusion on account of lacking any other witness except for the complainant and his full brother, of disparities in produced evidences and of the responses of the complainant and his witness to the cross-examinations.
- (72) These three names or Rwamatore, their father's name, did not emerge in any of the suits recorded between 1965 and 1967. Any of these men had not collided either as a litigant or as a witness in the Magistrate court. Kaburabuza affirmed in his reply to the judge that he had not any grudge earlier against his half brother.
- (73) 1965 Civil Suit No. 41, filed on July 14th. Tibabikwata (female, aged 27) filed a suit

against her neighbor Kiribata (aged 32). They lived in Kiguro, Muruka Buhara, Kiribata's wife kept chickens which had strayed into Tibabikwata's maize farm, causing a damage.

Kiribata was an uncle of the complainant's husband, a younger brother of the latter's father. Kiribata had three wives (Case 13). Tibamwesigyire was also the son of Byaruma, Kiribata's father. It was yet not known if they were born from the same woman. Tibamwesigyire had earlier been ordered to pay a compensation for his illicit cutting of eucalyptus. (1966 Criminal Suit, No.17)

- (74) An investigation would indicate here antagonism and opposition between the members of an agnatic composite family. The complainant's husband was a nephew of the defendant, Kiribata. In earlier practice any woman could hardly bring her husband's uncle to the court on account of a small amount of damage on her crops. Besides she had claimed its compensation two times as much as an actual loss. The complainant was the one in a lower ranking in accordance with the seniority of descent and filiation.

Moreover, she was not a native member of the agnates but was a married-in participant. Her disdain of the conventional norms, some pivotal norms of a social order, was yet not reproached at all either by her husband, his kin or the Muruka chief. Nobody in the court hearing blamed her for her charging against her husband's kin of senior generation. An investigator should study the incident in view of normative changes or of actual cleavage between an ideal norm and a practice, i.e., actual conduct.

Kiribata paid all the expenses and the sums of compensation to the Magistrate court a half month later.

- (75) There were eighteen suits owing to the damages caused by cattle, goats or sheep for the three years. The complainants normally claimed the sums between Shs. 100/= and Shs. 200/=. The court yet commonly ordered the owners of the animals to pay by half. Livestocks usually strayed into the farms of sorghum, finger millets, maize or beans. A case of cattle straying was cited in another article (Omori 1970b, Case 7).
- (76) I saw numbers of local inhabitants, both men and women, when I duplicated the litigation records sitting in the clerk room of the Magistrate court at Buhara Headquarters for 40 consecutive days. The local people called at the room for filing their suits individually.
- (77) Omori 1970b, Case 24(contempt of court order), 1969a, Case 3(double filing of the decided case)
- (78) The friction of this sort might most likely arise in collisions between the conventional and the innovated norms. (Omori 1969b:72) I endeavored to divulge its effect on disputes among the Buhara farmers in the other occasion. I examined the causes of disputes, proceedings, judgements and responses of the defeated in connection with the friction between these opposing norms.
- (79) 1967 Criminal Suit No.44, filed on November 14th. The complainant Buhire and the defendant Bi both lived in Muruka Muyebe. Rwamborere, elder brother (aged 42) of Buhire, and Bishisha (aged 40), a shop runner at Muyebe, stood for the complainants as his wit-

nesses.

- (80) Rwamborere testified that Bi had just beaten one of Tibeizihirwa (Case 6)'s families. The judge yet referred to a suit at the formal court in which Bi had been convicted. The suit was not filed in the litigation records kept at the Magistrate court, Buhara. The trial might have been heard there but earlier than 1964.

Bi had been imprisoned for two weeks owing to his default in paying the poll-tax for 1967. He was committed to a jail on September 11th. (1967 Criminal Suit, No.31) Soon after his release from the jail, he attacked Buhire at the bar. He might have lived a disorderly life.

- (81) There were two churches, a Catholic and a Protestant respectively, nearby Buhara Gombolola Headquarters. An open market was held two times a week nearby. On Sundays and Market days hundreds of inhabitants assembled to these places. They were yet mostly women and children. The church services or trading in the open markets did not draw the majority of adult male residents.

All the church attendants were dressed up. The services and the atmosphere in churches were felt solemn. The crowd enjoyed prattling not in any church yard but at nearby grass lands or at local bars after church services.

- (82) Sorghum flour was brewed into a sort of beer, *omuramba*. It took around two weeks for fermentation. The beer should be consumed within three days. There were three bars at the Buhara Trading Centre. They opened in turn on a day out of the three days, and sold out one full drum can of beer during a night. (Omori 1968:44.48.54)

The customers were nearby inhabitants. Those living in Rwene or Muyebe occasionally joined them. A primary school teacher ran a bar there in which his elder sister, his younger brother and the teacher's wife served beer to their customers. Few yet censured the teacher for his alcohol trading.

- (83) Rwabukye happened to talk with his friend in Kiswahilii at a bar of Kitanga. Ba came to query why they spoke in Kiswahilii. While Rwabukye staggered to reply, Ba suddenly started to beat Rwabukye.

Ba was eventually penalized for three months imprisonment. He was also ordered to pay Shs. 100/= compensation to the assaulted after having served the sentence. (1967 Criminal Suit No.28, 1967 Civil Suit No.69)

Rwabukye and Bi were both inhabitants of Kitanga but had assumably not held any grudge between them.

- (84) 1966 Criminal Suit No. 41. One of Bishisha's sons had once been assaulted by a youth(aged 21), a resident of the other village. Bishisha's wife(aged 38)brought the man to the court.

Bi averred his actual observation of the assaulting at the court hearing on behalf of the complainant. Bi's house was adjacent to Bishisha's. Bi came in a hurry to the scene after having heard the boy's alarm for rescue, and arrived at the spot almost as quickly as Bishisha's wife.

- (85) I elucidated, in the other occasion, the circumstances in which any ordinary farmer could hardly raise affluent cash. (Omori 1969b:65-66) It was not documented how Buhire had earned Shs. 100/=. If he had been employed at Kabale town, the amount would be equal to the wage for twenty days work by a clerk. One of Tishekwa's sons(aged 26) worked for a bus company as a clerk and raised Shs. 170/= monthly. (Omori 1971, Note 13)
- (86) A watch was one of the status symbols among Buhara farmers. Few were in possession of watches. These people were a limited number of stable cash earners such as Muruka chiefs, officials of the Gombolola headquarters, primary school teachers, Village councilors(Omori 1973:97), a Gombolola chief, Magistrate and local traders/shop keepers.
- (87) Buhire's wife also helped her brother-in-law at the bar. It was my impression that ordinary farmers represented by Bi incidentally, were universally envious and repugnant to the bar runner and all his relatives who shared its profit. Local beer trading at a bar was normally engaged in collectively by the owner's kin and affines (Note 36).
- (88) 1966 Criminal Suit No. 43, filed on August 29th. Magyera(aged 30) raised an action against Ngabirano(female, aged 14). They lived in Rwene. Vaseline was congealed oil which was used as a cosmetic to improve luster of women's arms, legs and face.
- (89) Bampata happened to be at Ngabirano's house and vehemently repudiated house searching by the chief without warrant. The Muruka chief testified at the court hearing that he had taken the items and accompanied Ngabirano with her consent.
- The chief handed over Ngabirano to a resident policeman, Askari, at the Gombolola headquarters. A Gombolola chief, then, took her statement. Ngabirano had subsequently been put in custody until the court hearing on September 2nd.
- (90) The complainant's witnesses were Rwandokozi(aged 24), a Magyera's employee and Kanyarwanda(aged 45), a Muruka chief, individually. The defendant was, on the other, sided by Kibamucwera(female, aged 12), Sheke, Bampata's wife living in Kabale, Bakamunuza(aged 49, a school teacher) and Tinkasimire(female, aged 17, a pupil).
- (91) 1968 Civil Suit No. 18, filed on March 18. When Ngabirano was known to be pregnant, she was sent away by her father. She went to Magyera's shop for taking refuge. Magyera had yet got married at the other place and did not want to cohabit with Ngabirano. He asked the Muruka chief to hand Ngabirano over to her father.

Magyera was rather loath to get married Ngabirano who had rarely attended a school and used to be of loose moral.

A Court clerk, Otebwa, told me the development of the incident indicated above. I saw the woman who turned up at the court to file her suit. She accompanied a middle-aged woman, her aunt. Ngabirano held a baby who was several months old. It might be Magyera's child.

Otebwa told me that any child, in case of its father being not known, was to grow up as its mother's father's child. One could scarcely defeat the "father" in a suit for supporting a child if one lacked any firm evidence such as a letter written by the man to send the child's

mother.

- (92) Bampata was too old to be thought as one of Bakamunuza's former pupils. One could scarcely imagine that they had got acquainted with each other on the bus route, for a primary school teacher commonly rode a bicycle to commute to save bus fares.

Bampata caught up with the Muruka chief who accompanied Ngabirano. He, then, brought Ngabirano back to her father's. Bampata quarreled with the chief furiously. The chief could manage to search her house and take Ngabirano in custody after Bampata's receding (possibly on account of his bus departure).

Bampata's conducts might prove his close tie with Bakamunuza's family.

- (93) Omori 1969b: 68. A primary school teacher not holding any certificate earned Shs. 250/= per month, and an experienced teacher holding certificate raised Shs. 500/= monthly.
- (94) I once accompanied to Kabale town an official of the Gombolola headquarters earning a monthly wage Shs. 300/= or more. He bought a piece of scarf as a Christmas gift to his wife. The price was Shs. 10/=-, which the man had paused to pay for a few minutes. Even a civil servant could not easily spend the sums of Shs. 10/=-.
- (95) 1967 Civil Suit No.15, filed on March 6, Kanyarwanda. (aged 46), a Muruka chief of Rwene, sued Zoreka, a Rwene inhabitant, for trespassing a public land.

Kanyarwanda was not a Muchiga but a Munyarwanda. His witnesses, Rusomanya and Bazahuze were also seen in the hearings of the other suits: Rusomanya in 1966 Criminal Suit No.69 and Bazahuze both in 1965 Civil Suit No.11 and 1967 Civil Suit No. 15, respectively.

- (96) The claim was heard at an upper level court at Kabale (1962 Civil Suit No.99). A duplicated copy of the judgement was filed in the individual case file for a suit (1966 Criminal Case No.65 filed at Buhara). It was written exclusively in Ruchiga, the Chiga native tongue, which the Court clerk, Otebwa, summarized as depicted above.
- (97) The Register did not make any entry of the reason of its transferring to Kabale. The complaint might claim for over Shs. 1,000/=-. The amount was exceeded the jurisdiction of the Third Grade Magistrate Court. (Uganda Government 1964: 963)

The Civil Procedure Act allowed the Third Grade Magistrate court to try any claim less than the sums of Shs. 200/=-. Any dispute on the sums equal to or less than Shs. 1,000/=- should be tried at the Second Grade Magistrate court. The limits of jurisdiction in these courts were, however, not strictly observed.

Kanyarwanda should presumably have filed the dispute as a criminal suit charging with trespassing a public land, as the other civil servants and Kanyarwanda himself had done against tax defaulters or others who were threatening public welfare.

- (98) Omori 1969b:69-70. It was not certain if Mavindi had already been a Mutongole chief in 1965. He was yet the Mutongole chief when he attended a court hearing (1966 Criminal Suits No. 3) as a witness in February 1966.
- (99) At Buhara Trading Centre all the lands above a bus road belonged to the government as

well as the swamps down below. The process and the period of nationalization of these lands were yet not known.

- (100) Kanyarwanda alleged in his statement at court(in Case 10), that Muruka Council had agreed to make the disputed land to be a pasture to make use of on July 18th, 1967(probably mistaken for 1965).

The chief might be convinced that any inhabitant should be obedient to all the agreements reached at the Muruka Council. The law yet invested legislative power solely to the Village Council of each District, which had been composed of councilors elected at each Gombolola.

REFERENCES

- BAXTER, P. 1958, "The Chiga of Western Uganda", *Uganda Journal*, 22/2, pp. 193-196.
- BAXTER, P. 1960, "The Kiga", in Richards (ed.), pp. 278-310.
- BOHANNAN, P. 1959 (1967), "The Impact of Money of African Subsistence Economy", in Dalton (ed.) 1967, pp. 121-135.
- BUHARA VILLAGE COURT 1965-1974, *Original Civil Cases Register*, unpublished manuscript, Buhara, Buhara Village Court.
- BUHARA VILLAGE COURT 1965-1974, *Original Criminal Cases Register*, unpublished manuscript, Buhara, Buhara Village Court.
- BURRIDGE, K. 1957, "Disputing in Tangu", *American Anthropologist*, 59/5, pp. 763-780.
- DENOON, D. (ed.) 1973, *A History of Kigezi in South-West Uganda*, Kampala, Uganda Press.
- EDEL, M. 1957, *The Chiga of Western Uganda*, London, Oxford Univ. Press.
- FORTES, M. 1960, Oedipus and Job in West African Religion, in Leslie (ed.) 1960, pp. 5-49.
- GLUCKMAN, M. 1955 (1959), *Custom and Conflict in Africa*, Oxford, Blackwell.
- GULLIVER, P. 1969, "Dispute Settlement Without Courts: The Ndendeuli of Southern Tanzania", in Nader (ed.), pp. 24-68.
- HOEBEL, A. 1954, *The Law of Primitive Man*, Cambridge, Mass., Harvard Univ. Press.
- INSTITUTE OF AFRICAN STUDIES, 1971, *Integration of Customary and Modern Legal System in Africa*, New York, IAS.
- KLUCKHOHN, C. 1944, *Navaho Witchcraft*, Boston, Beacon Press.
- LANGLANDS, B. 1971, "The Population Geography of Kigezi District", *Makerere Geography Department Occasional Paper*, 26, Kampala, Makerere University.
- LESLIE, C. (ed.) 1960, *Anthropology of Folk Religion*, New York, Vintage.
- MALINOWSKI, B. 1945, *The Dynamics of Culture Change*, New Haven, Yale Univ. Press.
- MOORE, S. 1969, "Descent and Legal Position", in Nader (ed.), pp. 374-400.
- MORRIS, H. F. 1971, "The Law of Succession in Uganda", in Institute of African Studies, pp. 312-315.
- MUSHANGA, M. 1975, "Notes on Migration in Uganda", in Parkin (ed.), pp. 154-164.
- NADEL, S. 1952, "Witchcraft in Four African Societies", *American Anthropologist*, 54/1, pp. 18-30.
- NADER, L. 1964, "An Analysis of Zapotec Law Case", *Ethnology*, 1964, 3/4, pp. 404-419.
- NADER, L. (ed.) 1969, *Law in Culture and Society*, Chicago, Aldine.
- NGOLOGOZA, P. 1969, *Kigezi and its People*, Kampala, East African Literature Bureau.
- OMORI, M. 1968, "Traditional Aspects of Bachiga Rural Life", (in Japanese), *Japanese Journal of Ethnology*, 33/2, pp. 148-163.
- OMORI, M. 1969a, "The Dynamics of Bachiga Rural Life: An Analysis of the Dispute Cases", (in Japanese), *Journal of African Studies in Japan*, 8, pp. 27-44.
- OMORI, M. 1969b, "Factors of Social Change in a Chiga Village", (in Japanese), *Japanese*

- Journal of Ethnology*, 34/1, pp.57-76.
- OMORI, M. 1970, "Conflicts at a Village Buhara, Uganda", (in Japanese) *Japanese Journal of Ethnology*, 35/1, pp.1-24.
- OMORI, M. 1971, "Social Friction at Buhara, Uganda, Pt. 1", (in Japanese), *Japanese Journal of Ethnology*, 36/1, pp.47-68.
- OMORI, M. 1972, "Social Friction at Buhara, Uganda, Pt.2", (in Japanese), *Japanese Journal of Ethnology*, 37/1, pp.28-51.
- OMORI, M. 1979, "Social and Economic Utility of *Omuramba*, the Chiga Sorghum Beer", *Senri Ethnological Studies*, 1/1, pp.89-104.
- OMORI, M. 1992, "Western Impact on Normative Values: The Sequence of Bachiga Modernization in Uganda", *Asian Cultural Studies*, Special Issue, 3, pp. 287-302.
- OMORI, M. 1996, "Implication of Disputes in Rural Life of the Bachiga in Uganda", *Asian Cultural Studies*, 22, pp. 133-161.
- PARKIN, D. (ed.) 1975, *Town and Country in Central and Eastern Africa*, London, Oxford Univ. Press.
- PURSEGLOVE, J. 1950, "Kigezi Resettlement", *Uganda Journal*, 14/2, pp.139-152.
- TAYLOR, B. 1962, *The Western Lacustrine Bantu*, London, International African Institute.
- TURNER, V. 1957, *Schism and Continuity in an African Society*, Manchester, Manchester Univ. Press.
- TURYAGYENDA, J. 1964, "Overpopulation and its Effects in the Gombolola of Buhara, Kigezi", *Uganda Journal*, 28/2, pp. 127-133.
- TURIAHIKAYO-RUGYEMA, B. 1983, *Philosophy and Traditional Religion of the Bakiga in South West Uganda*, Nairobi, Kenya Literature Bureau.
- UGANDA GOVERNMENT 1973, *Report on the 1969 Census*, 3, Entebbe, Government Printer.
- WILSON, G. & M. 1945, *The Analysis of Social Change*, Cambridge, Cambridge Univ. Press.
- WILSON, M. 1951, "Witch Beliefs and Social Structure", *American Journal of Sociology*, 56/4, pp. 307-313.
- YELD, R. 1967, "Continuity and Change in Kiga Patterns of Marriage: An Analysis of Structural Change in Kiga Marriage in the 1930's and the 1960's", *Makerere Institute of Social Research Conference Papers 1967*, Pt. C, Kampala, Makerere University.
- YELD, R. 1969, *The Family in Social Change; a Study among the Kiga of Kigezi District, South West Uganda*, Ph D. Dissertation, Kampala, University of East Africa.

近しきも敵——ウガンダ ブハラ村の近親、姻戚、隣人との軋轢
(第2部)

大森元吉

姻戚間では婚資供与、駆け落ち、多妻の慣行が緊張と軋轢を増す。離婚時に婚資返還をめぐって夫方と妻方が争う。女性の父親の承諾抜きと同棲は、妻の父の事後承認／婚資受領が難行して、破局を導きやすい。他方、多妻婚は、夫を分かち合う妻たち相互の嫉妬と争いに加えて、異母兄弟それぞれの競合、憎しみ、とりわけ相続争いを引き起こす。

男系出自と夫方居住の慣行から、男系近親と妻たちが近接居住する。実の、あるいは異母兄弟間の反目に根ざした抗争が頻発する。家禽や児童の畑作物荒らしが突発的な衝突を引き起こすほか、宿怨とも言える継起的抗争も出現する。村人が集う酒場は社交、情報交換に益するとともに、喧嘩口論多発の場ともなる。貨幣経済波及に伴う収入差／階層差が住民間に不満とストレスをうっ積させて、酒場での暴力行使や傷害事件を誘起させる。

地域社会の秩序は男系拡大家族の家長の統制力に支えられた。家族内部の争いは家長が、集落内外の紛争は長老が裁いた。村裁判所設置(1965年)に依り、初めて村人だれもが家長の承諾なしに、司法手続き／訴訟を採れるように改まった。伝統に依拠する権威、価値観念、行為規範は、制定法と司法強制力の下に衰退した。中央集権政体／国家と西欧的価値・規範に置換される。国家意志と権力が紛争処理を通じて、末端地域社会に着実に浸透し、根底的な価値・規範変化を導く。