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Ritual and Social Conflict:
Circumcision and Oath-taking in Mbeere

by

Mr. Jack Glazier
Visiting Research Associate
Cultural Division, I.D.S.

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Ritual and Social Conflict: Circumcision and Oath-taking in Mbeere

Jack Glazier, Visiting Research Associate

1. Introduction and Social Setting of the Research

The Mbeere¹ of Embu District are distributed throughout five locations lying south and east of Embu town. Today the Mbeere number some 70,000 and their territory covers over 600 square miles. During the colonial period, Mbeere Division comprised only three locations, which contained the bulk of the Mbeere population. However, after political independence, two new locations were added to Mbeere. In the new areas, many Kamba, Kikuyu, and Embu people can be found and indeed Mbeere are a minority in some sublocations.

The land of the three oldest Mbeere locations, Evurore in the north, Nthawa in the center, and Mavuria in the south, is almost uniformly plagued by water shortages. The rains have failed many times, and the streams which run through Mbeere are often very small, and many dry up seasonally; thus famine is a recurrent theme in the life of the people. Much of the land is stony, or sandy, and is covered by dry grasses, scrubby trees, and bushes. The altitude varies from under 3000 feet to over 5000 feet, but the majority of the people live in the 3000 to 4000 feet range. The lower parts of Mbeere have been much better suited to pastoralism than to agriculture, and it is here that one finds most of the stock-keeping in the division. Tribal traditions tell of an earlier time when the Mbeere had much more stock than they do today, but owing to tribal wars with Kikuyu, Masai, and Kamba, cattle were depleted; their retreat from pastoralism was furthered by a series of rinderpest epidemics which eliminated large numbers of stock. Today, then, most Mbeere, although they keep some cattle and goats, are primarily agriculturalists, raising maize, millet, sorghum, cassava, many varieties of beans, pigeon peas, yams, potatoes, and several types of bananas. Cash crops are only beginning to develop to any extensive degree, and are thus far restricted to tobacco and cotton, although sisal was once popular before its market price dropped so severely.

Because Mbeere has not been very productive, suffers chronic water problems, and has a climate most Europeans would find oppressively hot, the land was never alienated to outsiders. Except for occasional visits from administrative officers and sporadic mission activity, Mbeere remained largely out of the orbit of intensive colonial and missionary action. The Mbeere and the British were content to ignore each other for the most part. Colonialism in Mbeere was a much less bitter experience than in neighbouring Embu or Kikuyuland. The lack of serious Mbeere grievances against the colonial power, in addition to their traditional enmity against the Embu and Kikuyu, resulted in the almost total rejection of Mau Mau by the Mbeere. To be sure, some Mbeere took the Mau Mau oath, but they did so either in Nairobi or Kikuyuland. Because of Mbeere loyalty to the colonial government, the policy of villagization carried out among the Embu and Kikuyu was never applied

to Mbeere. Further, land consolidation, which was implemented as an adjunct to villagization, has not been effected in Mbeere as in the latter two areas. It is only now beginning in Mbeere.

The Mbeere reside in homesteads (mūciī, pl. mīciī) composed of patrilineal kin and affines. A typical homestead is composed of a man, his wife or wives, and their children, including married sons and their families. A group of fifty to one hundred such scattered homesteads comprises an ituūra (often translated 'village'), with distinct boundaries and a proper name. The ituūra typically includes residents of many clans.

Traditionally the Mbeere possessed no centralized authority encompassing the entire tribe. Instead, authority beyond the level of the clan or ituūra was vested in two groups which cut across the clan and ituūra divisions. One group, the īrua, was composed of men who were circumcised together within the same four or five year period. This group receive a name and became an age set which passed through a series of age grades each performing special functions. Another group, the rika, comprised a series of nthuke, or named age generations age. Mbeere had two marika each with its constituent nthuke. About every thirty years in a very important ceremony called nduiko, one nthuke or generation would vest power in the next nthuke. The last nduiko in Mbeere was held in 1932, and it is certain that there won't be another. Both horizontal structures, the rika and īrua, have lost virtually every function they once maintained. Today the marika are little more than a vague memory, and an īrua group surfaces only for an occasional beer drink to bless a child who is about to be circumcised. The point here is that two important cross linkages in Mbeere have been broken. But even traditionally, we cannot say that these two groups were able to integrate effectively the entire society, since I have discovered numerous regional differences in the names of īrua and rika groups, suggesting that a great deal of local autonomy obtained in Mbeere. Between locations political integration was at best tenuous.

To complete this sketch of the changing social organization in Mbeere, it is important to note that in addition to a flourishing clan organization, Mbeere group their clans into two segments, moieties. There is no lexical distinction in Kimbeere, however, between clan and moiety -- both are called muviriga. Some clans are not represented in particular sublocations, and others have alternate names; nonetheless Mbeere is composed of approximately twenty-six clans. Each of the moieties includes half of the clans and has a proper name, although the particular names used depend on the location (a further example of regionalism). Traditionally, the rika and īrua groups cut across the moieties, and people married across moiety lines, as they do today. Some old Mbeere say the two groups developed as military regiments, and other etiological traditions exist, but the answer of course remains speculative. Presently the division of Mbeere clans into moieties assumes importance

as a social category, or means of classifying people. Particularly in the current land disputes, people forge alliances in terms of the moiety, so that in the most serious litigation over land, all clans of one group ideally unite against the clans of the opposing group.

Tensions over land between clans are critical in the present research site, which lies in Nguthi sub-location of Evurore location. The population of Nguthi, in excess of 4000, is the highest for any sub-location in Mbeere. The reasons are clear: the land, particularly in the upper reaches of Nguthi, is nearly 4000 feet in elevation and benefits from more rainfall and more productive soil than most other parts of Mbeere. It is by far the most productive section of the location. In addition, two early missions, one Catholic and one Anglican, focused their work in this sub-location, and with the mission came the schools which further encouraged migration here. Within the last forty years, then, people have steadily settled in the upper parts of Nguthi in search of better land, a more secure water supply, and, for some, the benefits of the missions and schools. Most of these migrants came from the lower elevations of Nguthi itself or other sub-locations of Evurore in which they were often pastoralists. Prior to the initial wave of migration to upper Nguthi in the early thirties, this area was only sparsely populated as it was considered dangerous since it bordered on Embu and Chuka, traditional enemies of Mbeere. With the termination of warfare, migration increased and was further spurred by a rinderpest epidemic and famine in 1933. Today this relatively good land has nearly reached its capacity of occupation, in the minds of its residents, and they say all available land has been claimed by one or another clan.

The government is now in the process of consolidating the land in this part of Mbeere under the ownership of individuals. Consolidation and the assignment of title deeds will of course undermine some of the land holding functions of the clan and lineage. The people themselves are acutely aware of the government's intentions and have been maneuvering clan claims in order to maximize land ownership later. Land disputes are now rampant.

II. Definition and Scope of the Problem

The present paper examines the nature of social conflict as revealed in two rituals: circumcision and oath-taking in land disputes. Circumcision and oath-taking have been selected as the focus of study because they are the two most important extant public rituals and, although they reflect different issues, both illustrate conflicts between clans. My particular concern here is to demonstrate that the circumcision ritual expresses certain tensions implicit in the social order, and that the oath-taking ritual is ideally an instrumental response (or means of conflict resolution) to disputes over the basic economic resource, land; I will also show how the oath in land disputes has become less instrumental and more expressive as factors of social change have impinged on its operation.

I will now discuss land cases and oath-taking, then circumcision, in two separate sections, and under each I shall consider the very important factor of social change. Finally I will summarize the important similarities and differences in both types of ritualistic activity in order to point to some tentative theoretical conclusions.

III. Land Casing and the Traditional Oath

To date I have utilized two sources of data concerning land questions and oath-taking. First, I am consulting and studying court files and records at the divisional center. There the number of cases on land increased greatly during the period 1959-69. Out of the case file for those years, I have selected for study those cases involving people living in Nguthi sub-location, the immediate vicinity of most of my research. The case records contain rich data about alliances in casing and the historical legal context of each case. Specializing in cases from this vicinity thus gives information about the area and people of Mbeere with which I am most familiar, and allows follow-up interviews with major participants in the cases. My second source of data about land disputes and oath-taking has been interviews with elders who have been either litigants in, observers of, or judges in those procedures. I have not yet been able to witness an actual land case due to their seasonal nature.

Very recently in Mbeere, the government discontinued admitting land cases in the courts, which have been filled with such disputes since 1963. The government now places most of the responsibility for land settlement on the people themselves. In a short time, an official demarcation officer will visit Mbeere, and in consultation with the people (particularly clan elders), can parcel out land to the clans which will in turn assign consolidated segments to its members. Government policy requires the settlement of existing disputes before consolidation can be effected and further assumes that the Mbeere can settle these land cases in the context of their own society.

Let me first describe the process of oath-taking in land disputes. The traditional oath, kaurugo, is used in cases before the local council of elders, kīama, and was also required in many of the land cases which went to court. The court often visited the land under litigation to see each disputant point out his boundaries on the land, and then to supervise the kaurugo at the local market. Thus, even at the court level, the traditional oath was considered necessary for a settlement. Before taking the oath, each litigant and his witnesses testify, either before the court, when it was open, or the kīama, about the boundaries of the disputed land and other facts concerning its ownership. In his testimony a man usually recites the generations of his lineage, nyomba, who have occupied the disputed territory, recounts the history of the land, describes boundary marks, and presents the results of previous land cases

which may bear on his claim. Following the testimony of each disputant and witnesses there occurs cross examination by the court and opponents, or local elders. Then each disputant and his witnesses take the oath, which affirms the truth of the previous testimony.

The traditional oath requires the summary of the salient points of the oath-taker's previous testimony and an invocation of death if the words are false. The oath is uttered as the man consumes, bit by bit, clotted goat's blood mixed together with soil taken from the disputed territory. Each litigant supplies his own He-goat whose blood is used in the oath. Before the oath is taken with this mixture of blood and soil, the substance is cursed by elders who are recognized as especially effective in this capacity. While brandishing a stake symbolic of their office, they chant a curse which is to insure that the material will kill or maim the oath-taker if he lies. One such curse was given to me by a kīama specialist: "Any man who lies should be bitten by a snake or encounter a leopard, or get a swollen stomach. When he eats, may he get a stomach ache; when he drinks water, may he vomit; when he warms himself by the fire, may he get blisters; when bitten by bedbugs, may his body swell; when bitten by lice, may he itch so much that it will never end; when he drinks beer, may he vomit and get diarrhoea and dysentery; may his body ripen like a banana and turn white like ash. When these happen, let him die. If they fail, let him fall ill with leprosy, and let his genitals swell to the size of a debbe tin". Almost every eventuality is covered.

As the oath is taken by the disputants and their witnesses, the members of the court or kīama carefully note the manner and content of the utterance. If a man falters, appears fearful, or is inconsistent with his previous testimony, the case may be immediately judged against him or his side. In fact, most judgements are rendered immediately after the oath is taken. It is assumed that faltering or inconsistency is due to a man's fear of the oath because he recognizes its efficacy in eliminating liars. Thus his behavior can be taken by the judges as proof of lying, without any need to wait for the effect of the oath. The case may be judged, and almost always is, after the taking of the oath and the consultation of the kīama or court. However, if a man is judged the winner of a case immediately (or, with the court, within a few days) after the oath, and then dies within the seven month period, if a member of his clan or lineage becomes seriously ill or dies, then the loser in the case may use this fact to initiate an appeal. That is, the loser can assert the man lied and was so detected by the effect of the oath. The oath was considered necessary in a court decision as well. This was partly because people considered the court partial since a court member and the recording clerk were members of the clan which was most often in serious land cases during the period 1959-69 and which won every case it entered. However, in cases held before the court,

when the court hands down its decision, it usually cites rational arguments and testimony rather than the manner and content of the oath. Thus in court decisions the oath is often expressive, or the basis for a later appeal, rather than wholly instrumental in dispute settlement, as it is ideally.

The Kaurugo is seasonal, for it should be taken only during the dry season from July to September. It is believed that taking the oath during the rains, or during the growing season can harm the crops to the point of endangering the harvest. Because the oath requires the removal of soil from the disputed territory, people are loathe to do this when crops are planted. The taboo on removal of soil from the land during the growing seasons applies not only to soil for the oath, but also to the clay-like soil for making pottery -- an activity similarly restricted to the dry season. The oath may be taken when crops are in the ground, but the oath-taker is then required to sacrifice a sheep to mitigate the effect of soil removal. Informants say this is infrequently done simply because such an oath becomes too expensive. The sheep must be added to the he-goat necessary for the oath itself, in addition to the beer and other food, sometimes even a bull, given to the kīama, or the court costs and transportation fees if the court is used.

A large land dispute between two parties (often representing their clans or lineages) is not a unit, sui generis, but just one incident in a larger process of events between many individuals and clans. Despite the desired and necessary function of the oath in such conflicts, it does not seem to work, more than temporarily, since these disputes are chronically unsettled and processual. The oath must therefore be properly analyzed in view of the processual nature of the serious land cases, due perhaps, in part, to the present status of the oath through social change. The land cases are interrelated closely, for witnesses in any one case invoke evidence from past cases, held either in court or before the kīama. The same group of people can be found again and again as witnesses and litigants in cases involving the same or different disputants. Often the same segment of land, parts of it, is disputed in cases after case, with different clans laying claims to the same territory. As there is necessarily reference to prior cases and events, a premium is placed on consistency in testimony from litigant and witnesses, in both the case at hand and from previous cases. If a man is inconsistent from case to case his credibility is seriously impaired. The outcome of one case can disqualify the loser and his clan from testifying in later, related cases. The conclusion of one case can immediately initiate another, for so many clans and boundaries are involved that a decision will affect other claims. Any case becomes part of a general conflict over land ownership in the area. The oath at the conclusion of a single case does not resolve this process; at most it stabilizes the process temporarily.

Because of the traditional nature of land tenure -- in which the land is controlled by corporate groups, the clan or lineage -- and because of the complex network of corporate claims to the land, a strong case requires witnesses from other clans willing to take the oath. One function of the moieties, then, is to provide ongoing alliances between clans who can thus be counted on for support in land cases and oathing. It appears, thus far, that the oath-taking procedure in land cases, in this context, may do more to strengthen alliances between clans taking the oath together than to resolve the conflict between the two litigating clans. Through taking the oath with participants on each side from more than one clan, the traditional antagonistic division of clans into moieties is given purpose. The oath becomes largely expressive of conflict between moieties and instrumental in uniting one moiety against the other, rather than instrumental in resolving tensions between moieties.

In isolated cases of perceived self-advantage, an individual may switch sides to support a clan of the opposite moiety against a clan of his own moiety. In only those cases where self-interest predominates does the economic motive outweigh the ideological.

Since mid-1969 the government has closed the court to land cases, urging local clan elders to settle all land disputes in preparation for the demarcation officer, due to arrive in Nguthi sometime during the middle of 1970. Thus, as the people have been expecting, land consolidation, another factor in creating the processual nature of land casing, will soon radically change traditional land tenure -- and also, doubtless the means of dispute settlement. When this process begins, the land officer will consult with each clan, which is expected to have settled its boundaries with other clans, to determine the boundaries for each clan definitively. The total acreage of each clan will be computed and each clan then can parcel out its land in consolidated units to individuals, with title deeds. Thus will end the old pattern of land holding in widely scattered gardens. During the period 1959-69 the anticipation of land consolidation has spurred casing, intensified its bitterness, and resulted in refusals to accept judgments, as individuals and clans came to depend on the future external agency of the land demarcation officer to permanently settle these questions. Moreover, when the area was formally declared a land adjudication district in mid-1969, the higher court nullified several old case results, opening them to appeal because of imminent land consolidation. Thus cases which were seemingly settled (but actually weren't because of the processual nature of casing and because the defeated parties had not left the land) are now explicitly unsettled. Now the local kīama has been instructed to settle the disputes that it and its main instrument, the kaurugo, have been unable to settle definitively in the recent past.

This brings me to the discussion of the effect of social change on the present instability in the land issue and on the nature of the oath

as a ritual mechanism for dispute settlement. At an earlier period, in the pre-colonial era, the Mbeere were driven to their area by tribal wars and the search for good pasturage. Then they numbered less and were primarily pastoralists. Land was not then the scarce resource it is today in the high-potential agricultural areas where pastoralism has been long-abandoned and where population density is high. Unlike former days, when cattle could graze anywhere, and gardens were few, so that cases were over only small garden plots and the loser could easily relocate, today land disputes are over large tracts of land and when defeated one cannot replace what is lost. Moreover, the introduction of courts with their appeal systems and tendency to rely on rational testimony rather than the oath, has eliminated the oath as the sole means of settlement. In earlier days the oath was the decisive test in land casing and, according to testimony, the case was judged on the basis of how the oath was taken or if oath-takers subsequently fell ill or died. But today factors of change have impinged on its operation to such an extent that the system no longer works effectively to settle disputes. Some Mbeere say that the oath no longer works, in the sense that men who take it and lie no longer necessarily fall ill. They say this is because belief in the oath has waned. The pervasive influence of Christianity with its denigration of the traditional oath contributes to dubiety about the oath. Many Christians refuse to take the kaurugo; instead they insist on an oath using the Bible. The pagans engaged in conflict with them respond with contempt and incredulity about the Christian oath. The court, although it requires the oath, does not always cite the oath in making its decisions. Thus the status of the oath as an instrumental means of dispute settlement is highly unstable.

At the same time alternative agencies are equally ineffective. The courts have recently been closed; but even prior to their closure, because of the expectation of land consolidation and the composition of the court, their decisions were not accepted as binding since few losers left the land. The government, however, now expects the people to settle these ongoing disputes in the traditional way so that land consolidation can proceed. But the society may now be unable to accomplish a final settlement in the expected manner because of the changes which have taken place. The oath has become almost impotent in its primary role as a ritual means of dispute settlement when secular agencies cannot operate. The oath now expresses social conflict between clans and moieties; it may insure moiety unity but does not resolve cases. The kaurugo in land cases and in cases of divorce and family disputes is now more purely expressive than instrumental.

IV Circumcision

Let me now describe the general pattern of circumcision, demonstrating how it is an expression of social conflict. I shall then compare

circumcision and oath-taking rituals to illuminate the nature of conflict and response to it in changing Mbeere social life.

Circumcision is largely a seasonal activity usually occurring in the month of August, the school holiday. Those circumcised thus have a period out of school in which to heal. Also, this season was one of the traditional periods of circumcision. During last August, I attend at least eight circumcision ceremonies in the capacity of guest and participant -- observer in the festivities. During that month and throughout the course of field work, I have conducted numerous interviews on the process of circumcision both historically and currently.

The Mbeere circumcision with its attendant singing and dancing has undergone numerous transformations under the impact of colonial government, missions, and education. I shall develop later the effects and direction of social change, but here I shall describe the ongoing pattern which has persisted through time to the present. Circumcision now occurs at a different age than it did historically, and is ideally a rite de passage for the youth passing into adulthood (or puberty, today, strictly speaking) and for his parents passing into elderhood. It occurs in a general festival of drinking, singing, and dancing which the public attends the night before the operation, and continues until dawn when the boy or girl is cut and the celebration ends. The most important participants are the parents of the child and their respective clans or lineages. They are the focus of the circumcision celebration's songs, dances, and consumption; these forms dramatize a conflict between the respective clans as well as between men and women generally.

To circumcise his son or daughter a man must obtain permission from the clan of his wife (specifically, her father and his brothers as well as her own brothers) and also, optionally, from his age mates. On both occasions, he must take beer as a presentation, or exchange, and he may also offer a goat. But as the age sets have declined markedly in their functions (Mbeere stopped naming sets in the forties), a man does not always seek his age mates' permission. He may completely dispense with this action, or he may call them together for a beer drink as much as two years after the actual circumcision. However, if a man circumcises his child at home, seeking permission from the wife's family is obligatory.

The opposition between a man and the clan of his wife is played out during the circumcision festivities in diverse ways. From the wife's clan emanates verbal and singing abuse -- often absence -- against the husband's home, demands from them for beer and food in large amounts, and threats to seize the child and prevent the circumcision. The man and his clan play a completely defensive role. The father of the child is politely deferential to the aggressive clan of his wife, patiently bearing all their abuse. Yet he is usually deliberately slow in meeting

their demands, thus occasioning, perhaps, a mock-kidnapping of the child by the wife's clan, and otherwise increasing the drama. The wife's clan clearly places the husband in the role of the beneficiary of their daughter and her procreative powers, of which they brag. His indebtedness to them is stressed, and all their demands are made in the spirit of claiming credit on a debt.

The highly dramatic and playful -- in the sense of its recognized non-seriousness -- conflict enacted at the circumcision ceremony stems, I think, from real and serious questions about who has rights in the woman as a child bearer and economic asset, and, by extension, in her children. Ideally, payment of bridewealth establishes the sole claim of the husband and his clan on the woman. Indeed, as soon as any part of the bridewealth is paid, she is considered married and her obligations rest solely within the husband's sphere. But because bridewealth sometimes amounts to large sums of money and livestock, it almost takes a matter of years to complete its payment. Often the payment has not been completed at the time a man is ready to circumcise his first child. The wife's clan thus does not relinquish their interest in her, or her child, until the payments are complete. At circumcision the wife's clan expresses their claims by asserting their recognized privilege to determine if the child may be circumcised. If the brideprice has been fully paid, the wife's family will still assert its rights and make demands for payment in exchange for granting both their permission to circumcise and their blessing at the time of the operation. But their demands will be greater, and will be more fully met, if the brideprice is incomplete. (If the brideprice is still incomplete at the time of her daughter's marriage, that woman's clan can claim part of that daughter's brideprice.)

In producing a child, a woman has created the good of the highest value to the society. Her people will not fully relinquish their rights over her child (just as they do not relinquish theirs in her) until full exchange is made. A woman's clan can express rights in her children in other ways. For example, if she bears a child out of wedlock and subsequently marries another man, her father and/or brothers demand brideprice for her and also payment for her child, if the husband wants to take the child and affiliate it with his clan. In normal marriage, if brideprice has not been paid at all at the birth of the first child, it must be named for the wife's parent (father, in the case of a boy, for example) rather than for the husband's parent, as is customary; this shows that such a child belongs to the wife's family, in a sense, because brideprice has not yet been paid.

The conflict enacted at a circumcision ceremony is stabilized there at dawn following the actual operation, with the return home of the wife's clan. The son² then moves out of his mother's house into his own dwelling, thus symbolically serving the link of dependency between himself and his mother, and her clan. To be sure, throughout his later

life, the circumcised youth will maintain the greatest affection toward his mother and her clan, enjoying joking relations with her parents and her real and classificatory brothers, but his relationship to them is now completely outside their authority. He is firmly a part of his father's clan and subject solely to its authority. Women say they cannot divorce after a child is circumcised because their children of that age would never follow them home; they will never call another man father by that time, say the women and women feel they cannot leave their children.

In the circumcisions of all a woman's³ children, when they are performed at home, the basic pattern of conflict and temporary stabilization is recapitulated at each ceremony. Each serves as a period of license and release of tensions. Yet there is an important continuity in all these ceremonies; informants say that the circumcision of the firstborn is the largest celebration, and the next largest ceremony is the circumcision of the lastborn. The best folk explanation for this pattern is that the celebration of all the circumcisions of a woman's children are regarded as parts of a single whole; the first circumcision is a very big event because it is said "to open the celebration" while the last circumcision is said "to close the celebration. Another indication of the importance of the circumcision of a firstborn is that such a child cannot be circumcised away from home, where no ceremony involving his mother's clan can take place; subsequent children may be circumcised away from home, the first one having represented them. Traditionally if one of the circumcisions of a woman's children was not carried out according to custom, all the circumcisions were considered incomplete and imperfectly performed -- because the group is seen as a unity, one celebration, mambura. Thus circumcision is a processual set of events, temporarily stabilizing conflicts between clans after each celebration, and finally providing a more or less complete rapprochement between the clans with the last circumcision and the completion of the brideprice. The wife's clan can make no more demands socially recognized as legitimate after that point, and divorce will be virtually impossible.

It is essential now to consider the effect of social change on the process of circumcision in Mbeere. Female circumcision is declining and increasingly male circumcisions are performed in the hospital rather than at home. In some circumcisions performed at home, attendance is becoming smaller and the celebration may be very abbreviated. The foremost factor contributing to these changes in circumcision is the influence of Christianity. Female circumcision was one of the first targets of the early Protestant missionaries. Their campaign was especially strong in Kikuyuland, where it spurred much of the early Kikuyu political activity, which has been well-documented. Of course missionary influence was much less, and came later in Mbeere, but those

of the Anglican faith condemned the practice completely. Female circumcision began to stop among staunch Anglicans in the late 50's, and today in some strongly Anglican areas, perhaps only 40-50% of the girls are being circumcised. The Catholic missionaries, however, who may deplore female circumcision, have been very tolerant of this traditional practice. Thus most Catholics still practice female circumcision. Male circumcision is countenanced by the various Christian denominations, but since the Anglicans decry the drinking of beer, this effectively inhibits many traditional celebrations and ceremonies, including male circumcision. Of course the obscene songs and suggestive dances characteristic of circumcision ceremonies are also unacceptable to the Church, so that many families, particularly Anglicans, have abbreviated home ceremonies (eliminating the celebration, having just the operation to which the wife's family is invited) or increasingly send sons to the hospital. Catholics, in contrast, tend to continue to circumcise boys and girls at home with the ritualistic celebration of drinking, singing, and dancing. The decision to circumcise a boy at the hospital is not always an easy one. If, for example, the father is a Christian, and would prefer to send his son to the hospital, but his wife's lineage is largely pagan, he may be under pressure from them to circumcise the boy at home amidst the usual singing and beer drinking. Also, with girls, a strong Christian father may go for a trip, or be away from the home working, and return home to find his wife has circumcised the daughter (although usually without much ceremonial) in his absence under pressure from other women and her family.

The element of brideprice which I emphasized earlier as an important variable in the circumcision process, is still a core value in the culture. Christians and pagans alike defend the institution because, as they see it, it compensates a father for the expense of feeding, clothing, and sometimes educating a daughter. Indeed an educated girl, because more has been invested in her, will bring a larger brideprice. Moreover, the amount asked for brideprice is now greater than amounts demanded in the past. If a man defaults in paying brideprice, he is brought before the council of the subchief, chief, or court by the father of the wife. Payment of brideprice helps to bring to an equilibrium the conflicting relationship between the two clans concerned in the circumcision.

Currently, circumcision is of import to the two clans and is of little concern outside this sphere. Traditionally circumcision marked the passage of a young man or woman into adulthood. The man was advanced to the status of warrior after his circumcision at about age 25; thus this ceremony was of great importance in establishing age sets and a fighting force. But with the end of tribal wars and the disintegration of the age sets, this is no longer true. The age of male circumcision is 10-15. For girls, the age of circumcision has also declined, but less dramatically; girls are now circumcised at age 10-12, rather than 16-18

as was done previously. Then, for girls, circumcision immediately preceded the onset of menstruation and led quite soon to marriage. Thus, today, circumcision is not really a rite de passage into full adulthood for the boys and girls involved. Similarly circumcision previously marked the passage of the parents into elderhood, with a ceremony (kuuma kiama) occurring prior to the circumcision of their firstborn. But that ceremony has disappeared, and today parents with circumcised children are thereby de facto elders without needing to go through a rite de passage themselves. Thus circumcision as it has changed is the concern of a fewer groups and is less a rite de passage into adult status; it is now primarily an affair of the two clans about the rights in the child. Were the ceremony to disappear, only an expressive ritual will have been lost. Brideprice is the instrumental complement of circumcision for the stabilization of the conflict between clans over rights in a woman and her children.

V Summary and Conclusions

The rituals I have described do not seem to resolve permanently social conflicts in Mbeere. In both existing rituals, groups of participants and their relationships vis a vis one another are delineated. But in circumcision, the inherent conflicts expressed between these groups are not socially disruptive. The ceremony expresses and releases tension between the groups it brings together, but is part of a continuing process of adjustment and exchanges, beginning with marriage and the first payment of brideprice and ending with the circumcision of the last of a woman's children and the final payment of brideprice. Rituals of oath-taking in land disputes similarly delineate antagonists and underscore conflict by openly pitting two clans or groups of clans against each other. The oath in a land dispute does not mobilize, for the purpose of exchange or release, the groups it defines. The conflict between clans in the oath-taking is not once more bitter and potentially dysfunctional than the conflicts expressed between clans at circumcision.

An important factor in considering oath-taking and circumcision rituals as responses to conflict is the difference in the issues. In land casing, the antagonism between clans stems from a conflict over a scarce finite resource whose loss to one or the other threatens the very integrity and constitution of the social group. The clan or lineage losing the land thereby loses one of its major raisons d'etre -- its function as a land-holding unit. With the loss of its land, the clan or lineage is deprived of its spatial existence. Moreover, for the loss of the land there is no compensation; there is no exchange between antagonists as in brideprice and circumcision. Circumcision is part of an ongoing complex of exchanges and communications between antagonists. The loss of the clan's daughter and her reproductive powers are compensated and by no means threaten the integrity of the group.

The oath over land in which a person invites death if he lies not only denotes physical death, but also connotes a kind of social death which results when his group is deprived of that which, in part, defines its existence. Thus circumcision involves exchange and communication; loss is compensated in such a way that it is not a conflict situation in which there is a winner and a loser, as in oath-taking in land cases. The oath no longer effectively functions to reconcile the antagonists it defines, despite its appeal to the supernatural; at the same time, because of the scarcity of land and the imminence of land consolidation, the loss involved is threatening to the social order.

Another crucial comparison between oath-taking rituals and circumcision is that the result, or end, is open to question in the former. In circumcision, on the other hand, the events are predictable within a narrow range of possibilities. Circumcision is very much a drama with set roles and acts, highlighting systemic conflicts and providing a catharsis for the participants. It is a part of the inevitable life cycle of parents and children, and presents in a highly structured form the known relationship, through time, of the two conflicting groups. But it was never a ritual instrumental in providing a final solution to the tensions between these two groups. Oath-taking over land, although it has formal regularity and dramatic elements, is not play, or a drama. The ending is unknown (because the ritual is supposed to be instrumental in discovering or bringing about the end), the stakes are high, and the groups are polarized. All of this contributes to a highly unstable situation. Lack of exchange and communication in the ritual process inhibits long-term settlement of the dispute. The decline in the effectiveness of the oath to reconcile the groups it pits against one another makes it an agency to confirm alliances in conflict. Although the dispute per se may be said to be judged on the basis of how the oath was taken, social tensions are accentuated by the oath.

Circumcision rituals are then highly expressive, having little instrumental function in formally settling a dispute. Despite great social change, they continue to dramatize tensions in the social order and serve as a release mechanism. At the same time, the gradual decline of the ceremony is not threatening to the social order because of the existence of an alternative instrumental means, exchange, which effects reconciliation between the groups involved. Oath-taking rituals, on the other hand, are intended to be the instrumental means of settling a conflict. Yet these rituals have now become largely expressive, while lacking the full dramatic stature of expressive ritual. Since there are no alternative instrumental means available, the decline in the oath's effectiveness as a means for conflict resolution has contributed to chronic instability between clans. These polarities are further aggravated because cross-linkages such as age sets and generation sets

have all but disappeared. It is interesting to note here that marriages between members of clans antagonistic over the land issue do not in any way mitigate conflict on that issue. Perhaps when land consolidation is effected, it will provide an alternative instrumental means, the superordinate authority of records and deeds back by government sanction, to the oath. This superordinate authority will be, perhaps the functional equivalent to the oath, which ideally functioned to reconcile dispute by introducing a transcendental authority. With the decline of credulity in that sphere the oath has lost, and will continue to lose, much of its instrumental functions; it may indeed disappear.

Footnotes

¹Official government spelling of the tribe and territory is Mbere, but the people pronounce the word by drawing out the middle vowel as in Mbeere. I have selected the latter spelling. In Facing Mt. Kenya, Kenyatta's one brief reference to Mbeere uses that spelling. The current government spelling is simply perpetuating an error initially made by the British. I am using the word Mbeere to refer to the territory or to the people, either in the singular or plural. The Bantu prefixes, mū and a, refer to one Mbeere or to two or more, respectively, and have been dropped for convenience.

²Girls do not move out of their mothers' houses after circumcision. Theirs is a special status, however. They do not become as solidly members of the father's group as do their brothers, for they will leave the home with marriage. If a girl remains at home for a long time before marriage, or returns home having divorced, she is never assessed by her father's clan (these assessments are made for meeting the costs of court fees or school fees for needy clan members) as is her mother (and as she would be by a husband's clan). Nor can daughters ever inherit from their father's clan.

³The circumcision process is a unity for all the children of the wife, not for all the children of the father. He will go through as many circumcision processes as he has wives, and it will be the circumcision of the firstborn of each wife (not just his firstborn child) which will be the first circumcision in the process for each. Traditionally if a man had two children, from two different wives, ready for circumcision at the same time, he could not perform the ceremony for them together. I did witness such a double ceremony in August, but only one wife's family was invited, and there was to be a separate celebration, on another occasion, for the other wife's family.