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**RIGHTS IN LAND AND ITS
RESOURCES
AMONG THE NYANGA**
(Republic Congo-Léopoldville)

BY

Daniel BIEBUYCK

Correspondent of ARSOM

Professor of Anthropology (University of California)

Koninklijke Academie voor Overzeese Wetenschappen
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RÉSUMÉ

L'étude traite des divers principes et idées qui sous-tendent le système de droits, de privilèges et d'obligations qui se rapportent dans la société Nyanga à l'exploitation et à la possession de la terre et de ses ressources. La nature et la portée de ces droits et obligations, qui fonctionnent dans le cadre d'une multitude de domaines et de parcelles, plus ou moins grands et définis en fonction d'activités précises et de personnes et groupes déterminés, sont examinées dans un contexte large de traditions ethno-historiques, de conceptions géographiques, de concepts linguistiques, de règles morales et religieuses, de relations entre personnes et entre groupes, de structure sociale et politique, de types d'activité économique et de technologies particulières.

SAMENVATTING

In deze studie worden de verschillende beginselen en opvattingen behandeld, die ten grondslag liggen aan het systeem van rechten en verplichtingen welke de Nyanga van Oostelijk Congo opgebouwd hebben in verband met het bezit en de uitbating van de grond en zijn produkten. Het ingewikkeld netwerk van rechten en verplichtingen, en de daarmee gepaard gaande menigvuldige onderverdelingen van de grond in kleinere en grotere domeinen en percelen — elk van hen onder de controle van bepaalde groepen en individuen voor de uitoefening van welomschreven activiteiten — wordt bestudeerd in het licht van zekere ethno-historische tradities, geografische opvattingen en linguïstische concepten, morele en religieuze voorschriften, sociale betrekkingen tussen personen en groepen. Het wordt verder ontleed in het perspectief van de sociale en politieke structuur en van verscheidene voor de Nyanga fundamentele economische activiteiten en technieken.

I. FOREWORD*

As is the case with so many other systems of land tenure, the complex of rights and claims in land and its resources among the Nyanga, at a first glimpse, resembles a somewhat loose web of multiple, apparently conflicting or contradictory, principles. As far as my experience among the Nyanga goes, these rights and claims, and correlated obligations and privileges, can be adequately understood only if placed in a broad framework of reference which includes following features:

- a) The Nyanga view about the history of land occupation and land subdivision;
- b) The Nyanga conception of the environment, and particularly the way in which they classify and subdivide it;
- c) The range of exploitative techniques and the groups or individuals involved in them;
- d) The structure of, and interconnections between, the various descent and local groups;
- e) The network of interpersonal relationships within the descent and local groups, within the state, and outside them such as e.g. the connections between in-laws, bloodfriends or members of associations and corporations;
- f) The character of the political structure, and particularly the attributes of the divine kings, the ritual wives and the local headmen;

* Field work among the Nyanga was carried out between 1954 and 1956 under the auspices of *Institut pour la Recherche scientifique en Afrique centrale*, Brussels; shorter visits to Nyangaland were also made in 1957. Tones and seven vowel system have been indicated for all Nyanga terms, except for names of persons, places and groups. We like to thank Mr. Christophe MATEENE, a Nyanga now graduate student in African Studies at the University of California, Los Angeles, for reviewing the transcription of Nyanga terms.

- g) The code of etiquette, of generosity and reciprocity in sharing, of formalism and religious sanctions.

When viewed in this perspective, most of the principles appear to be well-formulated, simple and flexible. A few dominant themes run through all of them. Definite tracts of land are under the control of specific groups of people or individuals; the ways in which these tracts are defined differ according to the nature of the activities exercised. All individuals have the right of peaceful usage of the land and exploitation of its resources, but they must respect the legal prescriptions and the stipulations of the moral code. All claims derived from legally invested labor are recognized and respected. Outsiders to the land-controlling group can exercise legal claims through residence, interpersonal relationships, or by explicitly asking the permission to indulge in certain activities. Transgression of the legal and moral code automatically results in religious sanctions: Nyanga are deeply convinced that illicit use of land or exploitation of resources will bring harm to themselves or to their family, to their crops or to their dogs. One cannot find among the Nyanga this disinterest in, or neglect for, land which some anthropologists seemingly have found in other parts of the world. When playing the *weke*-game, a Nyanga can stake his livestock, his *botéá*-money, his wives, his house, his hunting dog, his daughter or his crops, not his field or his land. Land as such, or soil, called *nti* or *motaka*, has no owner and is not under anybody's control: *kúsirá miné motaka*, there is no owner of soil. The land has been subdivided into areas which are under the specific control of groups of people or individuals: *ébotaka wábanyíwángá na bea bá kare*, the land has been subdivided by people of olden times. Those people who lived long ago (note that the technical concept for ancestors *bashúmbú* is not being used in this context) have subdivided the land into *ntata* and *motondo*, both terms standing for mountains and hills; in Nyanga conception the first term stands for father-mountains and the second for their children. For us the second term represents the smaller estates which exist within the larger estates (*ntata*). Both types of estates are linked with specific groups of people.

Land is not explicitly associated with the ancestors, but the creator god, *Congo*, is said to be *motéma wata*, the heart of the land or soil, and the divine king is said to be the soil (*émwamé ngé botaka*) as he is also said to be food, valuables, meat (*émwamé ngé beí, ngé behe, ngé nyama*).

II. ADMINISTRATIVE SETTING

The Nyanga live on the extreme eastern edge of the dense tropical rainforest that extends from Wamba (North of Stanleyville) to the Lega area in Maniema, Republic of the Congo, Léopoldville. Some closely related groups of Nyanga speech occupy in the northeastern part of Nyanga country highland savanna which is intersected with patches of rainforest. The Nyanga are part of the so-called "Wanianga" administrative unit (*Secteur*), within the territory of Walikale, in Kivu Province. The various small groups of peoples incorporated in this administrative unit are either historically and culturally intimately related to one another, or have over the centuries left a strong imprint on one another's cultures.

Besides the Nyanga properly speaking, the administrative unit includes such groups as: the Batiri and Baasa, who may be considered as an extension of nyanga-ized Kumu; the Twa or Remba who are Pygmoids subservient to Nyanga chiefs, and several other minor groups of distinct appellation and origin, among whom the Banampamba who are remnants of the large Lega migration that swept through the country in the direction of southern Kivu.

In 1956, this administrative unit comprised a total population of 36 079, spread thinly over a forest area of 19 225 km². The overall population density was 1.87 to the km², very low indeed as compared to the high densities found in some of the northeastern and southeastern grasslands occupied respv. by Nande and Shi. It is fair to assume that about 27 000 of them were Nyanga properly speaking.

Administratively these Nyanga had been organized into a number of "groupements", often in this case referred to as "chefferies", because of earlier administrative groupings and traditional political subdivisions. Nyanga properly speaking were to be found in 7 out of the 10 named groupings. These administrative groupings cut in various ways through the existing political and social subdivisions, and had in varying degrees given rise to the resettlement of people in larger, less out-of-the way villages.

III. HISTORY OF LAND-OCCUPATION

Nyanga traditions place their origin in Bunyoro (Uganda). They indicate that the Nyanga lived for a longer period in the Bwito area of the territory of Rutshuru (Republic of the Congo) in the close company of some groups collectively known as Hunde, such as Banyungu, Bafuna, Bashari, and of the Bakumbure of Rutshuru. Traditions about origin, migration, past experiences are notoriously weak among the Nyanga, but they clearly point out that when the children of MUNYANGA, — himself the great-grandchild of KATUKAMUMPOKO, — left the Bwito area, they were grouped around four leaders or chiefs. The subsequent history of these four entities follows its own lines of development for each of the groups, although there are many common features and patterns to it. One of these groups, which came to be known as Banamukobya, interests us here for our further examples. Its component units moved away from the Bwito area over Gishari and the Mokoto lakes to establish themselves on and around the Mbaru mountain, in the neighborhood of the administrative center of Mutongo. There are different traditions as to whether or not the Banamukobya had already a divine king at that time, but there is agreement that they arrived in a country which was *moraara*, empty, i.e. occupied only by nomadicizing Pygmies, but where they found banana-groves which they ascribe to the Banampamba of the Lega migration. Thus — the Nyanga claim — they came in contact with the

tradition of banana-growing which was to become all-pervading in their culture. The first chief who ruled over them, MUKOBYA I, established himself on mount Mbaru, prospected a wide area of forest land, established limits with other Nyanga and Hunde groups, and allocated tracts of land to the few named descent groups that were in his company. When MUKOBYA I died, the state over which he ruled was split into three smaller states, which came under the control of three of his sons. Several of his other children received estates of hitherto unoccupied land lying within the political boundaries, and so did various segments that split off from the original descent groups which accompanied MUKOBYA I. This process of political fission has continued among the Banamukobya until the beginning of the XXth. century, when probably the changing political and administrative conditions put an end to it. The subdivision of the country into large *ntata*-domains seems to have stopped with the generation of MUKOBYA's grandchildren and the descent groups that then had come into being. There is no reason given by the Nyanga why that is so, but it seems clear to me that by that time the vast unoccupied region that had come under the political control of MUKOBYA I and his descendants had been given out or taken up by the multitude of descent groups that had developed there since MUKOBYA's installation. What the exact implications of this situation are, has to be worked out later, but here we find illustrated the first major theme of Nyanga land tenure: *ébotaka wábanyíwángá na bea bá kare*, the land has been subdivided by the people of olden times. The significant fact is that, in Nyanga thinking, a couple of generations ago definite control over specific, well-known tracts of land, had been established by a large number of descent groups, built-up around chiefs, nobles, dignitaries in the political structure, commoners, different from one another in political or ritual status, but similar to one another as far as land rights are concerned. Although, to some extent at least, it is implicit in the traditions that the estates had been given out, or that their existence had been recognized or sanctioned by the divine kings, the Nyanga conceive that each of the groups achieved autonomous control over them, i.e. did not hold them from someone else. It is however accepted

that occasional additions of land areas may have been made to the existing domains, or that title in part of an existing domain may have been given away, always under special circumstances, as when a group received a land area from a chief because of providing him with a ritual wife or because of the special ritual duties it performed for him. In such cases, the groups always make a rigid distinction between mountains which they traditionally have under their control and areas of land which were added to it under special circumstances. The accepted fact of the ancient delimitation of *ntata*-domains does not preclude their later and continuing subdivision for specific purposes of cultivation or trapping or hunting.

We can illustrate these points by examining the position of one of the many descent groups found within one of the Banamukobya states. The Banabenge are a group of people who are said to be the descendants of BENGE, a son of chief BUHINI I and grandson of the first chief MUKOBYA I. By the time of BUHINI's death, BENGE and his people had established control over a contiguous area of land, which is named Kibua after one of the mountains and which from the Banabenge point of view comprises 17 named mountains. In 1956, the greater part of Banabenge and politically dependent groups were established within the limits of that area. In the course of various developments, a number of named mountains had been added to this original estate. The Cahí mountain, which had been part of an area controlled by the Banakarara, was added to the Benge estate when that section of the Banakarara where BENGE's mother had come from decided to shift its allegiance from the divine king to BENGE. Members of BENGE's descent group did not settle on Cahí, but permitted a politically dependent descent group of the Banakioma to establish themselves there. The Buraramirwa mountain was added to BENGE's estate as a gift from NYANKUBA when BENGE provided him with a ritual wife. Parts of it were occupied by descendants of BENGE. The Bikenge mountain was acquired under the same circumstances when the Banabenge provided another chief with a ritual wife. It is to be noted that these additions are not necessarily in geographical continuity with the existing estate. A more recent addition to the BENGE

estate clearly indicates the legal implications. Chief MUKOBYA II had placed his ritual wife, who came from the Banabenge, under the guardianship of the Bashabondo who were in control of an area that included the Kembe mountain. After MUKOBYA's death, his son by his ritual wife continued to live in Kembe and an influential elder from the Banabenge was invited to settle with him as a tutor until he would be enthroned. As a result of this relationship, three subdivisions of the Kembe mountain, called Tukui, Kasungano and Tubondo, were given to the Banabenge. When later the tutor returned to his own village among the Banabenge, he left on this land a politically dependent group, which still resides there under the name of Banabenge.

IV. HOW THE NYANGA SUBDIVIDE THE COUNTRY IN WHICH THEY LIVE

The Nyanga have a multitude of linguistic concepts to name various features of their environment and to express the legal, political, economic and social distinctions which they make with regard to the land they occupy.

1. From the geographical point of view, the Nyanga essentially conceive of their land as being composed of *ntata* and *motondo*, mountains and their subdivisions. There are specific names for all of them, by the hundreds. As they see it, the valleys and glens are part of the mountain, so that actually the mountain and the undulating area or flatland that are adjoining to it are all known under one and the same specific name. When they enumerate the parts of their country, they do it in terms of these so-called mountains to which they attribute various children. This does not exclude that the Nyanga have technical terms to refer to the crest or plateau, *borambo*, to the slope, *jo*, to the foot and its flat extensions, including the actual valley, *kebika*, to the narrow glen between two mountains or hills, *moeri*. Brooks and rivers (*röse*) have specific names, different from

those used for the so-called mountains; reference to them is made not to name the parts of the country or of the estate, but to indicate limits (*cáté*) between states, between estates, between fields, etc. The flatland around a river or brook is referred to as *motiri*, but there are no specific names given to them since they are integral parts of the "mountains". Whenever he can, a Nyanga makes his field in the places identified as: *kebika*, the lower slopes of the hills and mountains and the adjoining flatland; *motiri*, flatland near the river, and *moeri* or glen.

2. Partially on the basis of the nature of the vegetation and the density of trees, partially on the basis of the character and intensity of human activities, the Nyanga classify their environment as follows:

- a) *Borubí*: the dense rainforest, generally remote from the major residential areas, where there are no traces of agricultural activity, but where hunting, trapping, gathering and fishing take place, either intensively or intermittently. There exist generic terms for specific areas within this *borubí*, e.g. *itongɔ*, very dense forest where people rarely go except to hunt and where many animals, often rare animals like the bongo-antelope, can be found; *nkáká*: area with dense trees and a mass of interwoven lianas; *kakamba*, area with big trees which can only be cut by erecting a platform around them; *mbáshé*, open forest with tall trees and short grasses. In none of these three places do Nyanga like to make fields.
- b) *Mondura*: forest, sometimes secondary, near the settlements and fields, where intensive gathering and trapping take place; forest of immediate utility, as the Nyanga would call it. Villages, most hamlets, fields and most fallow lands are thought to be located in *mondura*. But it is to be noted that Nyanga make hunting and trapping camps of shorter duration in *borubí*, that some isolated hamlets *kantsare* may be located in *borubí* and that an isolated leper's homestead (*obákɔ*) may be found here, too.
- c) *Wěro*: some Nyanga who live on the rim of the highland grasslands refer to the savanna as *wěro*, white, a term which

they also apply when speaking about the lavabeds found outside their country around the Virunga-volcanoes.

Whenever they want to speak about the availability of certain vital natural resources, found in the two categories of forest, the Nyanga have such special terms as: *ngancɔ*, where iron ore is found, *mpúrwɔ*, where the better qualities of clay for pottery are collected; *irambo* and *nkoɔ*, where animals come to drink or lick the bark of trees; *komatembɛ*, where many wild growing seeded banana-trees are available or *komabɔndɔ*, where there is a concentration of raphia-palms.

3. Three categories of bad soil (*bosaso*, *bosɔrwɔ*, *bosihe*) are recognized on which cultivation is avoided at all costs; there is only one category of good soil (*boino*), where they make their fields. The distinctions are essentially based on the type of natural vegetation, on presence or absence of pebbles and on the quality of the ground cover.

4. From the point of view of human occupation, distinctions are made between: *mbóka*: the residential area, the inhabited world, known also as the village (*obóngó*) and the hamlet (*kantsare*); the ancient village site (*kima*), where some gardening is done and where sheep and goats may be pastured; *mahéngérewɔ*: the land under cultivation and recent fallow land; *mondura*, the forest of intensive gathering, trapping and fishing; *bosará*, the more remote forest of more extensive gathering and trapping activities, which offers the hunting grounds.

5. It is appropriate to mention here also the categories of fields which are recognized. The general term for field, *ishwá*, is of little usage or importance. What matters is the banana-grove, and here the Nyanga base their distinctions on age, degree of maintenance and productivity:

- a) *Mobése*: is the young banana-grove from the time the shoots are planted until the harvest of the first stems has taken place. Several varieties of banana-trees are planted here, and a number of other subsidiary crops, such as legumes, taro, maize, beans, cucumbers, tobacco, are interspersed.

- b) *Kesambó*: the young banana-grove becomes *kesambó*, a short time after the first stems have been taken from it; it remains in this status for several years — the Nyanga say three years in the average — depending upon the degree of care and maintenance by its owner. "A nice *kesambó* is a bill-hook", the Nyanga say, meaning that in order to maintain your banana-grove in the *kesambó* status, i. e. to keep it productive, you must work in it with the billhook. No subsidiary crops are planted here, but some legumes and cucumbers which were planted in the young grove continue to be harvested here.
- c) *Keonda*: a *kesambó*-grove changes into *keonda* after a number of years, when more and more forest species invade it, when less and less care is being taken of it, when more and more banana-trees are dying out. At this stage, Nyanga may partially clear it in order to plant some additional banana-trees or some of the subsidiary crops.
- d) *Osókora*: only a few scattered banana-trees are left; the banana-grove is dead, but trapping may be very rewarding here. In recent years this place was chosen to plant rice.
- e) *Metékonda*: fallow land, secondary forest; the trees have grown so strong that felling with axes is necessary. After several years of resting, — the Nyanga say about 13 years, — this place can again be cleared for banana growing.

In some parts of Nyanga country, individuals plant their *mekandiri* bananas, used for brewing beer, separately from all the other crops; such a grove is then called *ohonga*; generally very good care is taken of such a field and the productivity of the banana-trees may be longlasting here.

These distinctions between types of banana-groves greatly influence the definition of theft, of illicit or permissive trapping and gathering, of usufruct, etc.

V. THE SUBSISTENCE ECONOMY AND TECHNOLOGY

The subsistence economy of the Nyanga is based on extensive shifting agriculture, hunting and trapping, fishing and the gath-

ering of food and materials. The Nyanga keep goats, which are of primary importance in matrimonial and other exchanges, sheep which are ritually prominent, and chickens which again have many ritual usages. Traditionally they were involved in a fairly extensive network of trading and barter relationships. With the local Pygmy groups they exchanged food for meat, salt, carrying ropes and barkcloth; from the neighboring Hunde groups they bought goats, sheep, dogs, oil, iron tools for *botéá*, money woven in rings made from various raphia fibers (in turn the Hunde used this money in trading relationships with Rwanda, where Nyanga money turned into a coveted ornament); from the Bakumbure in the Bwito area (Rutshuru) they bought salt, goats, iron tools for *botéá*-money and raphia fibers.

1. *Hunting and trapping*

There is plenty of game in and around Nyanga country, ranging from elephant and buffalo to many species of antelopes and rodents, from many varieties of monkeys to chimpanzee and gorilla. Both hunting (*ehéa*) and trapping (*etéa*) are important sources for meat supply. They are favorite occupations of the greater part of Nyanga men, who love to narrate and boast about their hunting and trapping feats and experiences. They are the center of many religious beliefs and practices. Game meat plays a great role in rituals and initiations, in exchanges between kinsmen, as tribute to the divine kings. Animals like pangolin, leopard, eagle, genet *tigrina*, dendrohyrax, flying squirrel, bush baby, hornbill, are sacred; they can be distributed or eaten only by members of certain associations or cult groups or they provide the paraphernalia for chiefs and for the ceremonies in which the chiefs are involved. Special importance is also attached to the first kill of a hunter or trapper or hunting dog, and to the first catch of a trap.

Both hunting and trapping may imply the prolonged absence of a number of men from their village, or they may be one day's affairs and traps may be controlled from the village. These activities may involve one individual or a smaller or larger

group of relatives and friends, rarely an entire village. There is from village to village some degree of specialization in particular techniques of hunting and trapping; in some villages practically all men are trappers knowing several techniques, whereas only a few of them are hunters; in other villages the reverse situation occurs. In some parts of Nyanga country elephant hunters and trappers (*batúma*) are organized in highly exclusive corporations.

Hunting is done with bow and arrow (poisoned or not), with spear and dog, or with nets, spear and dog. Traps are of a wide variety, smaller or larger, short-lived or longlasting, used with or without bait. Among the more important ones are the snares, the pitfalls and the *byoo*-traps set up near brooks and rivers. Younger children are also actively engaged in making smaller traps for birds and rodents.

Whereas hunting is mostly done in *bosará*, more remote forest, and to some extent in *mondura*, the forest near the residential areas, trapping affects most subdivisions Nyanga make of their country. Traps are set up near the huts, in the banana-groves, on ancient village sites, near rivers and brooks, in swamps and marshes, in nearby and remote forest. The result is that there are many more well-defined and stricter rules relating to trapping than to hunting; there exist in Nyanga country individually controlled, inherited, trapping sites. Whatever the precision of these rules may be, a few principles run through all of them. Hunting rights operate within the limits of a larger estate than trapping rights. Individuals normally hunt within the *ntata*-estate and trap within the *motondo*-estate controlled by the group to which they belong through descent or residence. Within these estates they must respect others' fields, others' traps, others' privileges and established rights. When planning to trap or hunt on the estates controlled by groups in which they have no rights in virtue of descent or residence, they must ask for permission, and receive a blessing from the head of the land-controlling group, or must in virtue of friendship relationships be part of the local hunting or trapping team. Under these provisions, hunting on an alien estate is much more frequent than trapping; when trapping on

another group's estate, an individual will look for a group in which he has maternal uncles, sororal nephews, in-laws or bloodfriends.

A trapped animal belongs to the individual in whose trap it died; the only exception is when an animal escaped from a trap in which it was caught, was chased by the owner of the trap and went to die in another man's trap; in this case it belongs to the owner of the first trap. If the animal trapped is small (exc. a rodent or a monkey), and does not belong to the category of sacred animals, the owner is under no obligation to share it with distant kinsmen or political authorities; he will eat it with his wife, or wives, and children, or with his concubine, although he will be inclined to give something of it to his grandmother. There are two exceptions to this rule. If the small animal was a *mokeí* or *keséndé*-rodent and if it was a youth's first kill, it must be given to, and eaten by, one's father and mother (or their substitutes). If it was the first kill in a new trap set up in a trapping camp, in which several individuals participate, it has to be shared among the co-trappers. If the animal trapped is a large one (antelope, wild pig, buffalo), it belongs to the owner of the trap, but he is under the obligation to share with many people. The details of the distribution differ according to the type of animal, the type of trap, the degree of cooperation the trapper received from others in making the trap or carrying the meat to the village, the circumstances (trapping camp or isolated trapping). It is a general practice, however, to give a leg and the kidneys of a larger animal (except an antelope) to the political representative of the village to which the trapper belongs; he in turn has responsibilities versus the divine king; to give a leg to the head of the land-controlling group on whose estate the individual was permitted to trap; to give a leg or shoulder to the close kinsmen; to share the head with all men and women of the local kinship group. As far as hunting with dogs is concerned, similar rules of distribution and sharing prevail, but the animal belongs to the owner of the dog, and specific parts of it have to be given to the person who led the dog and to the hunters who were the first and second to hit the animal with their spear.

2. *Fishing*

Fishing among the Nyanga is widespread and significant, but less pervasive in the value system than trapping or hunting. There is no general verbal root for fishing in Nyanga language. The catching of crabs (*ibánga*), under stones or by making small canals or by drying out the shallow brooks at the peak of the short dry season, is an exclusively female activity, known throughout the country and surrounded with a great many ritual prescriptions. A variety of nets, fishing traps, plunge baskets, weir, are used all over Nyanga country. Fishing traps with bait are placed by young men and young women, without bait only by men; different nets are used by members of both sexes; rectangular nets fixed to a long pole are used by men as weir. Fishing with poles, lines and hooks is practised both by men and women; diving with nets in larger rivers (*indama*) is done by men only in a few regions. The most important technique is the poisoning of brooks, which implies the cooperation between men and women often of several villages and hamlets. Rigid water rights only pertain to this type of fishing, and to catching fish in a few sacred brooks and smaller rivers (connected with the initiation of the divine kings). There exist no individual fishing sites; tribute in fish is not made to the political authorities, and sharing of catch is restricted within the limits of the families or closely knit kinship units.

3. *The gathering of food and useful materials*

A truly great variety of natural products are derived by the Nyanga from the forest in which they live. They include: fruits, nuts, tubers, mushrooms, leaves eaten as vegetables; insects and snails; birds' eggs; honey; materials for housebuilding and plaiting, such as the extremely important *mpórwa* and *tosiya*-fibers from the raphia-palm, the *meremba* leaves, the *mbóbi* and *mibóngó*-lianas; firewood; certain species of trees for carving drums, pestles, mortars, bark-beaters, dishes, cups, laddles and spoons, chairs, handles and shafts, dogbells, large troughs made

like dugout canoes for brewing banana-beer; resin for making torches or for repairing; clay for pottery and pipeheads; bark from certain trees for making barkcloth; certain leaves to be burnt for distilling salt; white clay; herbs, roots, bark, leaves for medical and magical use, etc.

The gathering activity is not expressed in Nyanga language by a single verbal root; there are many verbal roots to indicate different techniques of collecting, such as *isonda*, to look for, *ikera*, to cut, *ekóma*, to insert the hand, *esero*, to knock off, etc. The Nyanga hate to apply the term, *isombo*, to collect something that fell on the ground, to the activity of gathering useful products in the forest, since that term fails to stress the legal claim one normally has when collecting natural produce within the framework of legal prescriptions and moral obligations.

Some types of gathering do occur all year round, others are particularly intensive at certain periods of the year (like insect or fruit collecting). Some fruits may be collected casually by individuals travelling through the forest or living in a hunting camp; other types of collecting are more organized activities and may imply cooperation between several kinsmen. As a general rule, the gathering of food and of all useful materials is free, except if it implies a destructive activity, such as the felling of a tree. But we have to keep in mind that the entire country is subdivided into estates which are under the control of specific groups of people, and that there is therefore a tendency to avoid encroaching upon others' rights, the more so since accusations of witchcraft and sorcery are readily available. Furthermore, appropriation marks, made in a tree or on firewood e.g., and the incorporation of labor, e.g. the making of a ladder for harvesting honey or catching birds' eggs, or the planting of a wild seeded banana-tree, have to be strictly respected by members of the land-controlling group as well as by outsiders to it. Moreover, there is greater rigidity of rules regarding the gathering of produce in the *mondura* forest (near the residential areas, ancient village sites and fields) than there is for collecting in the more remote parts of the forest.

4. *Agricultural activities*

Bananas are a major concern in Nyangaland. As a staple crop they are basic in Nyanga diet. The Nyanga love to eat them, either cooked or roasted, but mainly made into flour with which a paste is cooked. Babies receive their first solid food under the form of a light panada made from banana-flour. Beer is brewed from bananas; bait for fishing and trapping is made from them. Part of the pharmacopeia for burns, headache, diarrhea, bleeding, wounds, is derived from concoctions made of bananas. Blessings of people and hunting dogs are made with pieces of dried bananas. Part of a banana-grove may be dedicated to a man's spirit-wife *Kahombo*; some shrines for the Lightning-God *Nkoba* and for the Fire-God *Nyamorairi* are erected in the banana-groves. In some regions the *kariko*-variety is exclusively reserved for members of a closed association, which is named after it.

Besides the fruit, the Nyanga use a lot of other items derived from the banana-trees. Fresh cut foliage leaves serve as a protection against heavy rain, or as funnels and fishing bags, or as loincloth in certain dances. The tender unrolling leaves are made into wrappings for roasting food or into mats on which children display their toys and play their games. Dried banana leaves are worn as loincloth while brewing beer, and the roofs of huts may be covered with them. Bananas are carefully wrapped in them to hasten the ripening process, when using them for brewing beer. People sleep on dried banana leaves and burn them during the honey harvest. Pipestems are made from the large leafstalks. The fresh bark of the pseudostem is cut into strips and used as ropes for carrying pots, game or firewood. The dried bark serves as toilet paper or as mattress for a child's bed. Girls play with the colored bracts that envelop the flowers; men fill these bracts up and trap eagles with them. Much of the natural vegetation that successively invades the banana-grove has special usages in medicine, magic, fishing, trapping and housebuilding.

No wonder then that the banana-grove, classified in different categories as mentioned above, is the center of the agricultural activities and of many rights and claims relating to land owner-

ship, land usage and control of resources. All other crops are subordinated to the banana-tree, and are mostly—as we mentioned earlier—grown within or on the rim of the banana-grove. Only in recent years has the growing of rice, manioc, sugar cane given rise to new types of fields and some new agricultural techniques, although even here the tendency has been for making the rice field on a fallow banana-grove.

Traditionally, the Nyanga classify the many varieties of bananas as they know into two categories: *embó*, varieties used for cooking, roasting and making flour, *mekandiri*, varieties used for brewing beer. More recently the *bitimo* category of sweet bananas, which they dislike and for which they have not many usages, has been introduced. The distinction between the two traditional groups of bananas has wide sweeping effects, since normally a married male is in direct control of the *mekandiri*, while his wife is in control of the *embó*.

A man and his wife, or a man and his concubine, or a man alone, or a woman helped by her father or by her brother or by her lover, can clear a tract of land for planting a new banana-grove whenever they like; there is no specific time of the year at which this must be done, nor is there any special ritual to be observed. The clearing of a new field is not something that is regularly done every year, since individuals dispose of several older banana-groves, some of which may be highly productive. They may also simply add some new shoots to the existing banana-grove or enlarge the existing grove on one of its sides. When clearing a new tract, they may do so on fallow land or in virgin forest. But in doing so, they must of course observe a number of criteria. They must have some legal claim to clear, which they derive from membership through descent and/or residence in a land-controlling group. Even in recent years, when so many people had been resettled in larger administrative villages and placed on land in which they had no legal claim, the tendency for them has been to cultivate on land in which they exercise a legal right. Individuals must also recognize and respect the rights and claims of other members of the group, particularly with regard to fallow land in which the first cultivators and their descendants have some priority right. If they are newly arrived

incomers, they must also accept and work the plot of land that was allotted to them by the representatives of the local land-controlling unit. They may also have to observe a number of avoidance taboos: fields of parents and married children should not be too close to one another. Furthermore, in clearing virgin forest, individuals will take into account the quality of the soil (there is only one good quality), the nature of the forest and of the topography (as mentioned earlier, the Nyanga prefer certain types of forest and certain relief features).

A man clears land for his wife, a lover for his concubine, a father or brother for his unmarried adult daughter or sister, a son for his bewidowed mother (except if she has a lover or is being remarried), a man for his concubine's bewidowed mother. Young men, without a wife, may clear their own field and get help from female kinsfolk for planting or harvesting, particularly from their own mother, unmarried sister, paternal aunt. A young woman normally works together with her mother, until she has a lover or until she gets married; if mother is dead or has left the family group, her young daughter works together with an unmarried paternal aunt, or preferably, if she is still alive, with a paternal grandmother, rarely with another wife of father.

If a man with two or more wives clears a tract of land for a new banana-grove, he will allocate fairly even parts of it to each wife by planting his own *mekandiri*-banana-trees. The tracts cleared by two or more male members of the local group may be adjoining, in that case a limit (*căté*) will be established by mutual agreement; *mokshwa* and *moremantsoo*-trees may be planted for this purpose by the parties involved. These limits must be respected; in case disputes would arise, they are settled by the elders of the local group, and beer and chickens are paid by the offender. But most often a smaller or larger tract of uncleared land, *katétéra*, is left between the clearings made by two male members of the group. Strict individual control of banana-groves, existence of limits, control over *mekandiri* banana-trees by men and over *embó* banana-trees by women do not exclude the fact that various permissive arrangements may be made as a result of kinship patterns or interpersonal relation-

ships. A woman e.g. may be permitted to cut some stems in the banana-grove of her husband's brother's wife or of her husband's unmarried sister or of her parents or of her husband's parents, or of her maternal uncle's wife, or of her brother; but in all these cases we are dealing with specific kinship relationships, which do not automatically bring about these privileges, but which from case to case promote close cooperation, *esprit de corps*, friendship, so that always—explicitly or implicitly—permission is involved. In the same perspective an individual may allow a close relative, often an older grandmother or mother or paternal aunt, to plant subsidiary crops within the limits of his banana-grove. A stranger who comes to settle with a male member of the land-controlling unit may also be allowed for a definite period or for an undetermined time to cut stems in some of the older banana-groves held by the individual to whom he came to give allegiance. Individuals regularly exploit or control banana-groves left by absentee relatives. When e.g. a spirit-wife (see further for definition) gets married and leaves behind some groves in her village, these will come under the control of her mother, her paternal aunt or her paternal grandmother, although the ultimate title in them is said to reside in either the girl's father or brother. The girl herself, although absent, retains certain rights of harvest, but she must keep her relatives informed about her intentions and actions. When a young man without wife leaves his village and his groves to settle elsewhere e.g. with a concubine, one of his close relatives — father, mother, paternal aunt, uterine brother and unmarried sister — will receive the right to cut stems and harvest crops, but he will not be allowed to add any plants. When the owner returns, he resumes his former rights and expects to receive a basket of flour or some beer as a token compensation for the privilege he gave.

The agricultural technology and the division of labor correlated with it is fairly simple. The agricultural tools comprise: a billhook *mokósho* to cut away the undergrowth, young trees and smaller branches; a billhook *mobembero* fixed on a long pole to collect the cut leaves, etc.; an axe *mwandá* to fell the trees, a double-edged knife *mobówé* or a stick *keshongoro* for making

the holes in which to plant the shoots; a *kesára*, billhook on a long pole to cut the banana leaves. The hoe *kakéngé* is used only insofar as necessary for preparing the soil when planting some of the subsidiary crops.

In making a new banana-grove, men first cut four trails so as to form a rectangle; they then cut the undergrowth, first moving uphill and clearing from the right to the left, then moving downhill and clearing the second triangle again from the right to the left so that all cut weeds come to fall in a line running diagonally through the field. Men and women then make holes and plant the banana-shoots. In a third stage, men helped by kinsmen and friends fell the trees. In places where less trees fell, they lop off the branches of the fallen trees, clear the soil more carefully — some surface hoeing may be done both by men and women — and sow and plant several of the subsidiary crops. A limited area in the grove or on the rim of it may be burnt for planting tobacco. After a few weeks, women begin to harvest legumes, later beans, later cucumbers and maize. The men will now do some further clearing within the grove, trim and prune the banana-trees and place animal traps in the grove. When the first stems begin to develop, they will sustain the trees with props. At this stage, there is a second sowing and planting of some crops. When the first stems are ready to be cut, a man and his wife will normally invite the husband's father or mother or another close relative on the husband's side to cut them. These bananas are to be eaten by the husband's father and mother and/or people of their age group. Men normally harvest the *mekandiri* bananas, women the *embó* bananas.

Further intermittent clearing and cutting of banana leaves is done as the banana-grove reaches full productivity in the *kesambó* stage (see above); new subsidiary crops may be sown and planted a couple of years later, when the banana-grove reaches the *keonda* stage (see above).

The recent rice fields are made on a fallow banana grove (*oskora*), or in virgin forest, or on a fallow rice grove (*kecirérá*). Burning is done here, and several of the traditional crops are planted within the rice field or on its rim.

Specially large fields, *mobera*, are made for the divine kings by groups of individuals who are under their direct control (these persons cannot be called slaves or serfs; they might be identified as clients in that they give direct political allegiance and service to the king in return for certain privileges, such as the right to work land on the chief's estate, sexual rights in one of the chief's wives or unmarried daughters or sisters). Descent groups with the status of counsellors to the chief may also delegate some of their members to help in this kind of field. Sections of this field are assigned to the chief's wives, — to the exclusion of his ritual wife who has her own estate and her own dependents, — by some of the ritual leaders who are attached to the chief's person.

With regard to the agricultural activities and rights, following points stand out. There is very close cooperation between the sexes. The control of crops and banana-trees is strictly individualized. Women have control over the *embó* bananas and over crops, except tobacco, men over the *mekandiri* bananas and tobacco. But in most instances men are said to be in control of the banana-grove as such: a man owns his wife's banana-grove, a father or brother owns his unmarried daughter's or sister's grove. The only exception is where women, as will be seen later, have received rights in land for cultivation (*ndem*) through the *irai*-will of one of their agnates. Close interpersonal relationships, based on friendship and kinship, provide for the fact that privileges of harvesting or planting may be extended to certain persons who are neither in control of the fields nor of the crops. But these privileges are restricted and do not lead to definite claims; Nyanga insist on the good understanding that is necessary in this matter by saying that it is magically dangerous to exercise these privileges of harvesting and planting on another's grove if there is a dispute between the persons concerned. The distinction between various categories of groves provides also for the fact that privileges are more readily extended in the older *keonda* groves than in the new ones. A stranger who would cut some bananas in a *keonda* grove would not be accused of theft, but members of the local group would expose themselves to sanctions, except in years of abun-

dance *mokene*, or except if they have received permission to do so.

VI. ASPECTS OF SOCIAL AND POLITICAL ORGANIZATION

The ideology of descent, inheritance and succession is patrilineal. But special features of the marriage system and of the religious beliefs result in the fact that numerous individuals trace their jural connections with descent groups through their mother, and occasionally through their mother's mother. The significant fact is that in any descent group a number of girls are dedicated as spirit-wives (*kebanga*) to one of the many spirits of the Nyanga pantheon. Some of these women are never legally married to a husband; some of them may get married after disruption of the ritual marriage tie with the spirit. Whatever the case may be, as long as they are spirit-wives, these women raise children with more or less permanent lovers (*mosingirwa*) in the name of their own descent groups, that means of their father's, paternal grandfather's and brother's group. There are many examples where the daughters of such spirit-wives are also being dedicated to spirits, so that in any descent group some individuals trace relationships with an agnatic core group not merely through their mother but also through their mother's mother. I have found no evidence of individuals tracing their connections through three female generations, but this may simply be due to readjustment and manipulation of the genealogical chart of the descent groups. These matrilineal descendants in the agnatic descent groups are not treated as a separate category of people. In the kinship terminology they are identified as agnatic relatives and classified with one's brothers or sisters, sons or daughters, etc. They are full-fledged members of the agnatic group and not stigmatized because of their origin. As far as I can see, the only legal restriction to which they seem to be subject relates to succession to headmanship. Here the pattern of devolution follows the patrilineal line, or is at least said to follow it, for there are many jural fictions

that are correlated with covering the exact genealogical relationships of individuals in a kinship group. In the royal descent groups, there is a strong tendency for none of the female members to be married out; the girls are married to spirits and given as "concubine" (*kehanga*) to men who give political allegiance to the king. The divine king himself receives during the enthronement ceremonies one of his very close relatives (a consanguine sister or a fraternal niece; whether she is biologically really as close as that, is open to doubt and carefully hidden) as a ritual wife. Her son, real or adopted (again, it is difficult to know), is to be the king's successor. Marriage, which is legally validated through the transfer of valuables (including goats and *botéá*-money) from the man's group to the wife's group, is polygynous, particularly for kings, headmen, princes and some other prominent office-holders. The bulk of the Nyanga have rarely more than one wife, and there are quite a number of instances where individuals never acquire a legal spouse. Married and unmarried males can live in prolonged union with one of the spirit-wives, and some men have never been anything else but lovers to such spirit-wives.

Widow inheritance occurs in a few Nyanga groups; but most commonly widows are not inherited; they continue to live in their husband's village, with or without a lover, or they may be remarried outside their husband's group, provided marriage payments are made to the dead husband's people. The general rule of marital residence is virilocal. This does not necessarily mean that wives move into the husband's descent group, since a man may have settled before marriage in the village of a bloodfriend, in the village of a spirit-wife with whom he lives, in the village of maternal uncles or distant clan relatives, or he may have taken up special residence because of temporary or permanent ritual and political duties he has to fulfill in connection with kingship. Clans are exogamous; since villages and hamlets are mostly composed by larger and smaller sections of people who have different clan origin, many marriages take place within the villages and hamlets themselves to which husband and wife belong through descent and/or residence. Married men, who also live with a spirit-wife, may shift residence

between the place where they live with their wife and their "concubine's" village; but often they will find a concubine in the village where they happen to live with their legal wife. (It should be kept in mind that whenever I speak about a "concubine", I am referring to a spirit-wife with whom sexual relationships are permitted, and not to the strictly sanctioned adulterous relationships with married wives). There is little insistence on preferential marriages or prescribed marriages, except in the case of the divine kings who get several wives from prescribed groups. Marriages with mother's brother's daughter, provided mother is not a spirit-wife, are permitted in the classificatory sense.

A Nyanga identifies himself with two kinds of nonfamilial descent groups.

Oandá: this is a named unilineal descent group, generally based on six known generations separating its founder from the youngest living generation. For our purposes we will call this group a clan; but we have to keep in mind that whereas some individuals in this group are related to one another in the strictly patrilineal line, others trace their clan connections through one or two female ascendants, who themselves are patrilineally linked to the other members of the clan. These individuals are, as already explained, the descendants of spirit-wives. The founders of these clans are always thought to be males, but several instances have occurred to me whereby a number of clan members trace their ascent back to the sister (spirit-wife) of the eponymous male founder of their clan. Clans are exogamous. Each clan possesses a *ntsirwá*, an animal or plant from which clan members do not pretend to be descended, but with which they are in a ritual relationship, mostly because of a mythical event by which e.g. an animal came to take special care of the founder of the clan. Each clan has a *ntóngɔ*, a ritual patrimony — mostly identified as a material object — which is said to ensure the fertility and well-being of the clan members. Each clan further stands in a *byabéshé*, joking relationship, with another clan or section of another clan.

Clans are dispersed units; various sections or families within the clan may have followed their own political destiny, shifting

their allegiance from one headman or king to another, and splitting further and further in the course of their existence. The greater part of the clans, however, have some kind of cohesive core group — numerically very different from case to case — which is located within a specific area of Nyanga country; this area is often said to be the place of origin of the clan or the place where it first settled, the cradle from where the other sections and families moved away. Practically none of the clans can show a clear-cut genealogy in which the exact position of its various component parts is indicated; various sections have their own versions for proving their membership and position in a particular clan.

There are no clan chiefs properly speaking, but when several sections of the same clan are localized in a main village and some surrounding hamlets, there is a tendency to consider that one of the heads of sections has more prestige, has more seniority, has more wisdom than the others and this recognition is expressed in matters of etiquette and arbitration. Clans are not segmented into lineages; there is in other words no segmentary lineage system that underlies the network of social, political and jural relationships.

Within the clan, individuals identify themselves with a *nkómɔ* group. *Nkómɔ* is a general term which refers e.g. to a brood of chickens, to a flock of sheep or to a band of wild pigs. As a social concept the term is never used to refer to a clan as described. It stands in the first place for a 2/3 generations descent unit, which in its simplest expression comprises a man, his unmarried and married sons and daughters, his sons' children and his unmarried daughters' children, his sisters and his unmarried sisters' children and grandchildren (unmarried sisters' sons children and sisters' unmarried daughters' children). As a residential group, the *nkómɔ* comprises all or most of the above mentioned individuals, their wives and lovers (in temporary or permanent residence), various accretions of related and non-related individuals, such as a bloodfriend, a genealogically distant clan relative with whom no exact genealogical connection can be traced, an in-law, a sororal nephew, sometimes a maternal uncle. The *nkómɔ*

group has a head or senior, called *motambɔ*; he is a *mobanyi*, a person who divides and who shares, an arbiter in internal affairs, a representative of the group in its external relationships. He may be *miné* (owner, possessor, trustee, guardian) of a specific tract of land or only of an area of cultivation or only of some banana-groves, as we will discuss later.

Several *nkómɔ* are by symbolic arrangement linked into a *rōshó*. *Rōshó* is the name for an oval-shaped hut with two doors, in which the male members of a particular group meet to eat, to drink, to discuss, to arbitrate, to organize rituals, etc. It is a social concept used to refer to a number of *nkómɔ* linked together in a tripartite alignment: one of them is in the *botambɔ* position, a second one in the *bohonga* position, a third one in the *bokóngó* position; there are examples where a fourth position, known as *mwantsaré*, is recognized. Special, complementary functions are ascribed to the leader of each of the branches in various activities involving the members of the *rōshó* group and in dealings with the kings. Whenever, e.g., the members of the *rōshó* meet, the head of the *botambɔ* branch is first to eat and to drink. When a youth of this group kills his first *mokéí*-rodent, he must receive an iron tool from the representative of the *botambɔ* branch, a pipe from the head of the *bohonga* branch, tobacco from the head of the *bokóngó* branch. When a girl of this group is married out, she receives the blessings from the *motambɔ*. When the group gets involved in feuding, the *motambɔ* is blessed by the *mokóngó*. When ritual eating brings the male members of the *rōshó* together, *mokóngó* is in charge of the fire and of the cooking, while *mohonga* kills and/or distributes the animals or game meat reserved for this occasion. The *motambɔ* represents the group as a political unit: he receives e.g. tribute of a leg of a hunted animal and must make sure that this tribute is regularly forwarded to the king; he represents the group in its dealings with other *rōshó*. The *mokóngó* is considered to be the trustee of the *mahanɔ*, the knowledge of the rules and prescriptions, the man of wisdom, who is called upon when conflicts oppose members of the *rōshó* group.

Each of the branches may comprise one or more *nkómɔ* as defined above. These various *nkómɔ*, or rather the seniors around whom they are built, are mostly of the same clan origin; but particularly in the case of a *röshó* built around seniors who fulfill special ritual and political duties in connection with kingship, the seniors and part of the members of the three branches are often of different clan origin. In the first case, where they are built around seniors of the same clan, the classification of them into three (or four branches) is not the automatic result of their genealogical position, but the outcome of an oral will (*irái*) made by the preceding *motambɔ*-head of the *röshó*, which results in various realignments and readjustments based on a number of legal fictions.

In the second case, the kind of office-holders whose groups are aligned in one common *röshó* is prescribed by customary arrangements.

In cases where we find the members of a large section of the clan living together in one area, the group is thus broken up into a number of politically autonomous *röshó* units. Some special prestige may, however, be attached to the senior of one of these linked *röshó* units.

As we already mentioned, the local clansegment is associated with control over a *ntata*-domain, defined in terms of a number of mountains. Each of its component *röshó* groups, in turn, has direct control over one or more of these mountains. The *nkómɔ* groups, finally, have control over specific subdivisions of these mountains and these estates are called *motondo*.

Members of the same *röshó* may live in one large village, eventually together with members of other such groups, or part of them may inhabit a separate hamlet. This means that some or all of them may reside on land which does not fall within the immediate limits of their mountain or *motondo*. But insofar as the economic activities connected with agriculture, hunting, trapping, gathering are concerned, members of any of these groups perform the bulk of these activities on land falling within the limits of the estate with which their group is immediate-

ly associated. The details of this arrangement will be explained with a concrete example in ch. VII.

Politically, the Nyanga are organized into a number of petty states, *cõs*. These are ruled by divine kings, and in some cases by kings elect who have not yet passed through the enthronement ceremonies. Several of these ruling kings are closely connected with one another in the kinship structure, and mostly trace well-known common genealogical relationships. The successor to a king's office must be the son, real or fictive, of the ruling king's ritual wife (*mumbõ*); there are few chances that the successor is a biological descendent of the ruling king, since outside the enthronement ceremonies the latter has no sexual intercourse with his ritual wife, who lives in geographical separation from him.

These petty states rarely include more than a few hundred individuals, who inhabit a few larger villages and a number of scattered hamlets; this is the normal outcome of low population density combined with the past history of continued splitting of existing states. In such a situation it is understandable that there is no elaborate territorial or governmental hierarchy. The king himself is in the first place the head of a *nkómõ* group, which may be numerically much stronger than any other similar group, because the king has many wives (several of whom he receives without marriage payments) and he may give the right of sexual access to them to some of his "clients". Furthermore, most, if not all, of his sisters and daughters are dedicated to spirits and thus raise children in the name of the king's *nkómõ*; some of these female relatives may in turn be married to other women, who in turn raise children for the king's group. The king furthermore attracts a number of "clients" who reinforce his group. In the territorial subdivision of the state, nothing stands as a matter of fact between the king and the *motambõ* representative of the earlier described *rõshõ* group. Some heads of these groups, with the status of princes (*barúsi*) and counsellors (*bakongó*), act as direct advisors to the king; some are members of the college of ritual officials (*bandérabemtambõ*), which is in charge of the king's initiations.

The king ensures the prosperity and well-being of his people and maintains order and peace. He has his own estate. He does not exercise *dominium eminens* over the land contained within the limits of his state. He can only allocate parts of his own estate, and when he wishes to establish some of his own relatives or "clients" on the land held by the groups over which he rules, he must obtain their permission. The same is true when he wants to send his hunters out to hunt on other estates. The king cannot take away land; a group of people might be chased from its estate, or rather perhaps might be banished from the state, for a very serious misdeed, but this action can only be undertaken as a result of consultation between the chief, the nobles and the counsellors.

The king cannot alienate land, or sell it, in favor of another chief. Quarrels over land limits between two kings give rise to war and feuding, which is generally avoided by the action of the head-counsellors *shébakongó* of both parties: the agreements which they reach must be observed.

As a ruler, the chief had a right in tribute, which is given in ivory and particularly in specific parts of the larger animals killed within the limits of the state, and in beer. In return for the tribute he receives, the king gives presents of goats to his people and also his blessing (*wǎngá*). As a ruler, the king has also right in labor, e.g. labor to be provided for clearing the king's *mobera*-field, which is then planted and harvested by his wives under the supervision of the *mosa*-official (a male official who performs several female duties for the king).

VII. THE NETWORK OF RIGHTS IN LAND AND ITS RESOURCES AS ILLUSTRATED BY A SPECIFIC NYANGA GROUP

It is our purpose now to illustrate some of the principles already outlined by examining the network of rights and obligations that prevails at the various levels of clan, *róshó*, *nkómá*, family and individual. We have selected an example drawn

within the Banabenge clan from the *ròshó* of Shebanuntsane and the *nkómɔ* of Shekubuya.

A large core group of the Banabenge clan is located in one village, Kibua, (*partially* the result of administrative regrouping) and three hamlets, within the limits of the Banabuhini state. BENGÉ, one of the many sons of chief BUHINI I, was a noble who together with his dependents established control over an estate comprising 17 named mountains and their subdivisions. Four of these mountains, which are relevant for our discussion, are called Kibua, Musuku, Munongo and Ironga. Parts of other mountains were, as we have mentioned earlier, added to this estate as a result of special gifts bestowed upon the Banabenge by several kings whom they had provided with a ritual wife.

At the time of the study, a number of Banabenge were living elsewhere away from the core group, some in other villages or hamlets of the Banabuhini state, some in other states. Banabenge females were absent because of marriage or because as spirit-wives they had gone to live in their mother's village or in their lover's village. Banabenge men were permanently or temporarily absent because they had gone to work in the centers, or had gone to live with a "concubine", or had settled with bloodfriends, in-laws or maternal uncles, or had cut off their political allegiance to the Banabenge by establishing themselves as "clients" with a king or headman or head of a *nkómɔ*-group. On the other hand, several *organized* sections of other clans (Banakambari, Banancwano, Banirimba, Banasherukusa, Bakisa, Baimbia) were living on the Banabenge estate mostly with the status of counsellors to the Banabenge. Besides that, there were a number of isolated small groups and several individuals living as *moshéé* (follower, client, courtier) with a prominent male member of the Banabenge or as *mosíngirwa* with a spirit-wife of the Banabenge. A few people had also come to live with an in-law, a maternal uncle or sororal nephew.

The organized groups of non-Banabenge origin, whose incoming ancestors were all said to be related to BENGÉ himself or to two of his prominent sons as bloodfriends or in-laws, exercised direct control over specific *motondo*-tracts within the BENGÉ

estate, i.e. they autonomously exploited specific tracts of land primarily for cultivation and trapping, and these tracts were always considered to be subdivisions or parts of one of the 17 key mountains of which the BENGÉ estate consisted. They furthermore had the right of huntung, gathering, fishing, outside their limited estate on the unallocated parts of the BENGÉ estate as a whole. The isolated small groups of individuals or the isolated individuals who had come as *moshéé* never had control over a *motondo* estate; they either exercised rights over banana-groves or fields located within the estate held by the *nkóm* group which they had joined, or simply had rights in certain crops. But they were also allowed to hunt, gather, trap, fish within the wider BENGÉ estate, provided they respected the various rules pertaining to these activities.

When BENGÉ died, the small estates which had been given out to the organized groups of non-BENGÉ origin remained under their respective control. A large area of his estate was subdivided into estates among most of his seventeen sons and daughters; only two of his daughters who had become ritual wives to two different chiefs did not receive an estate. Part also of his estate was not allocated, i.e. remained as virgin and unoccupied forest under the collective control of the Banabenge and their dependents. Here they can hunt, trap, fish, gather food and materials, provided they respect the code of etiquette and of law. Appropriation for agricultural or residential purposes of this free or unallocated land cannot be made without agreement of the council of headman of the Banabenge.

In this process of distribution, three of BENGÉ's children — who interest us here for the further analysis — received following estates:

- SHEBIRAO: the larger part of the so-called Munongo mountain;
- NYABENI: a spirit-wife and uterine sister of SHEBIRAO, the rest of the so-called Munongo-mountain (the two estates are separated from one another by a small brook);

- MUEMBWA: a consanguine brother of SHEBIRAO, received the Kanyironge estate, which is thought to be a subdivision of Buraramirwa mountain.

Thus the so-called Munongo mountain came to be known as the estate of the Banashebirao groups (including the descendants and dependents both of SHEBIRAO and his uterine sister), within the BENGE clan.

When SHEBIRAO died this estate was again parcelled out for specific purposes. SHERIBAO had no daughters and six sons: MIRONGO, SHEBANUNTSANE, SHENGEE, SHEBIKIMBO, MUNGERA, SHEMUNTSUNTSU. Only MIRONGO and SHEMUNTSUNTSU were dead at the time of the study. According to SHEBIRAO's will following distribution was made:

- MIRONGO: received part of the estate and this part is called Munongo just as the larger estate of which it is merely a subdivision;
- SHEBANUNTSANE: received part of the estate, called Mubongo;
- SHEBIKIMBO: received part of it, called Ikui;
- SHENGEE, for a reason which escapes me, received Murimba, which is thought to be a subdivision of the Ironga mountain, which had been allocated to one of SHEBIRAO's consanguine sisters;
- MUNGERA was by his father's will assigned tutorship over MIRONGO's only son, and did not receive control over a specific estate;
- SHEMUNTSUNTSU died before his father; his son and daughter were by SHEBIRAO's will incorporated into MIRONGO's group.

With the exception of MIRONGO's only son, called SHEKUBUYA, none of the others resided on land falling within their immediate estate; they lived in the main village of Kibua, but all of them continued to cultivate, to hunt, to trap, to fish and to gather in the first place within the limits of the immediate estate over which they had received control. Moreover, given respect for

the special code of rules, they could of course also gather, hunt, trap and fish within the limits of the larger BENGE estate.

For our further analysis, we have now to consider the line of MIRONGO's descendants and the various accretions around it. MIRONGO had only one son, SHEKUBUYA, and it is around this son that following people were grouped in a small hamlet located on Munongo properly speaking;

1. SHEKUBUYA himself, head of the hamlet and of the group of people living there;

2. SHEKUBUYA's junior wife and two small children; her oldest daughter was married out elsewhere;

3. The children of SHEKUBUYA's deceased senior wife:

- a) KUBUYA his wife and four small children; KUBUYA himself worked in the city of Bukavu, but his wife and children, and often KUBUYA himself, would live here for longer periods and had banana-groves here;
- b) KABURI, a spirit-wife, and two small children (her lover from a fairly remote village would visit her here);
- c) WAMEMA, an unmarried youth;
- d) SAINA, a young spirit-wife without children;

4. The unmarried son of SHEKUBUYA's unmarried sister (spirit-wife); the sister herself lived — temporarily — with her small daughter in her mother's village;

5. SHEKUBUYA's old mother, NYABUUNI;

6. SHEKUBUYA's "little mother", NYATUBI, widow of his father MIRONGO; she had a lover who was not a permanent resident, but would often live here for a longer time;

NYATUBI's oldest daughter, MBUNTSU, a spirit-wife, lived here with her small children; her lover was not a permanent resident; two younger children of NYATUBI lived in the main village of Kibua;

7. MUNGERA, "little father" of SHEKUBUYA (Consanguine brother of SHEKUBUYA's father); his wife; his two sons, their wives and young children; his unmarried daughter (spirit wife) and her young child;

8. BIRANDA, daughter, and MWINDO, son of SHEMUNTSUNTSU, a deceased "little father" of SHEKUBUYA. BIRANDA was a spirit wife with two small children; her brother MWINDO was an unmarried youth;

9. MUKUMU, son of MUEMBWA who was himself the junior consanguine brother of SHEKUBUYA's paternal grandfather; MUKUMU had, as already indicated, his own estate Kanyironge, but had preferred to settle with the Mirongo group. MUKUMU's wife and younger children;

10. KINONGE, a bloodfriend of SHEKUBUYA who came to settle with him as *moshéé*; his "concubine" and his small children;

11. SHEBUKUYA II, his wife; his son, his son's wife and small children; his unmarried daughter (spirit wife) and her small children; his unmarried sister (spirit wife) and her small child. SHEKUBUYA II is a *monakítú* to SHEKUBUYA, the head of the hamlet; i.e. he is a distant relation as a member of the Bananacwano clan which is traditionally linked to the Banabenge as a group of counsellors.

Munongo proper, the estate which had come directly under the control of MIRONGO, had been subdivided into what the Nyanga call *ndemɔ*, a concept which has to be explained and which we could translate as "area reserved for cultivation". Differently from the estates, these *ndemɔ* areas are not referred to by a specific name. They are simply known as *ndemɔ* of X or Y. Following persons in the group clustered around SHEKUBUYA had control over a *ndemɔ*:

- SHEKUBUYA himself (there was a tendency to mention him together with his own mother);
- NYATUBI, a widow of MIRONGO;

- MUNGERA, a "little father" of SHEKUBUYA who had been brought into the group by SHEBIRAO's will as a tutor for MIRONGO's son;
- MUKUMU, a classificatory "little father" of SHEKUBUYA (son of SHEKUBUYA's paternal grandfather's brother).

Actually these four areas were not entirely under cultivation; they consisted of a number of younger and older banana-groves, of fallow land and of tracts of uncleared forest. Theoretically, SHEKUBUYA had eminent control over the old fallow land (*metékenda*) and the uncleared forest, but in practise each of the four persons mentioned and their respective dependents have a priority right in clearing that fallow and virgin land. This priority right does however not obtain in matters of hunting, gathering, trapping, and fishing. These rights could again be exercised by other members of the hamlet and indeed also by the other Banabenge, provided they respected the code of etiquette and of legal prescriptions. The persons who actually cultivated bananas and other crops within the limits of each of the four *ndemo*, were following:

1. *ndemo* controlled by MUNGERA:

- MUNGERA, his wife, his sons and daughters-in-law, his unmarried daughter;
- SHEKUBUYA's wife had a couple of older banana groves here.

Each adult male individual and his wife, each adult unmarried female of this family had his own younger and older banana-groves. MUNGERA's agreement would be sought by all of them whenever fallow or virgin land was to be cleared by one of them.

2. *ndemo* controlled by MUKUMU:

The same situation prevailed here, but no outsiders to MUKUMU's family group had any banana-groves here.

3. *ndemo* controlled by NYATUBI:

The banana-groves here were in the control of NYATUBI, her daughter MBUNTSU and also of her senior co-wife NYABUUNI.

4. *ndemɔ* controlled by SHEKUBUYA:

Banana-groves here were under the control of SHEKUBUYA and his wife, of his married and unmarried sons, of his older unmarried daughter (spirit wife), of his sister's son, of SHEMUNTSUNTSU's son and daughter, of KINONGE and his wife, of SHEKUBUYA and his wife, the latter's son, unmarried daughter and unmarried sister. Each of them would seek SHEKUBUYA's agreement for clearing fallow or virgin land, but SHEKUBUYA II was allowed to be somewhat independent in his decisions.

Interpersonal relationships were strongly at work in shaping the pattern of labor cooperation and permissive harvesting, e.g. the old NYABUUNI's banana-groves and crops were taken care of by her son's daughter KABURI, who had also her own young groves through help from her absent lover and who had inherited some older groves from her dead mother. NYATUBI's banana-groves were taken care of by her daughter MBUNTSU, who might also receive some help from KABURI. When KUBUYA and his family were away in the city, bananas in his groves were harvested by his father (as far as the bananas for banana-beer brewing were concerned) and by his paternal grandmother and unmarried sister.

SHEKUBUYA and his *nkómɔ* represent one branch in a *rǒshó* which is centered around the three *nkómɔ* of SHEKUBUYA, SHEBANUNTSANE and SHENGEE. SHEBANUNTSANE was in the *mo-tambɔ* position by will of his dead brother MIRONGO.. What then are the various rights held by the members of the BANABENGE clan, of SHEBANUNTSANE's *rǒshó*, of SHEKUBUYA's *nkómɔ*, when we look at them in the perspective of the different subdivisions which have been made within the general estate that is associated with the Banagenge?

Let us examine them from the point of view of SHEKUBUYA and his dependents who are in direct control of MUNONGO properly speaking. We know already the people who live here under the leadership of SHEKUBUYA in one hamlet which is called Munongo after the estate. Besides the hamlet (*kantsare*), the Munongo properly speaking estate comprises three ancient village sites, which were all inhabited during SHEKUBUYA's lifetime,

called *kima*, four areas of cultivation (*ndemɔ*), which were already discussed, the near-by forest of immediate utility (*mon-dura*), the more remote virgin forest of the *borobí* and *kerako* type, a number of smaller brooks some of which represent the outside limits of the Munongo estate. The rights of cultivation are precise; every adult individual in the group has strictly individualized rights in banana-groves and crops. These fall within the limits of the *ndemɔ* area controlled by the person from whom these individuals directly depend; but there are certain permissive rights of harvesting. The rights in the *kima* or ancient village site are also precise and strict. Ancient village sites are actively used for purposes of cultivation, trapping and gathering, except for those which have become the burial site of an important individual (king, king's ritual wife, head-counsellor) and whose land is not to be used. The ancient village site is subdivided into *kebántsá*, lots where the different huts were erected. Rights in cultivating these lots are strictly individualized; they are held by the person who owned that hut or by his inheritor. Goats are pastured here too. The right in *borambi* hunting with a spear (ambush hunting without dogs) on these sites can only be exercised by members of SHEKUBUYA's *nkómɔ*; others will in any way avoid this place since it is believed to be haunted by spirits. Trapping takes place only when the forest has well invaded the site and is again an exclusive right of SHEKUBUYA's people (this does of course not mean that they cannot permit others to trap with them). For the rest, trapping rights on the MUNONGO proper estate are open to all members of the *rőshó* group headed by SHEBANUNTSANE, but they are held to respect others' favored trapping sites, others' fields. Some distinctions may also be made here with regard to the type of trap; the setting up of more permanent traps is somewhat the privilege of SHEKUBUYA's people on the MUNONGO proper estate. Other members of the BANABENGE clan, who are not in SHEBANUNTSANE's *rősho*, must obtain his permission since he is the head of that group, and give him a leg of any larger animal killed. He in turn must share this meat with SHEKUBUYA if the game was trapped on MUNONGO proper.

Others, like sororal nephews, are under the same restrictions and obligations.

Big hunting with nets and dogs and spears is generally done in the more remote forest and a large area of such virgin forest, which belongs to the BENGÉ estate and was not allocated to specific groups for special purposes, is available. Here all Banabenge and their guests can hunt. Hunting of this type can, however, also be done within the allocated estates; it is open to all Banabenge without the obtention of anybody's permission, but a leg of all larger game must be given to the representative of the group on whose immediate estate it was killed.

The gathering of food and useful materials in the unallocated part of the BENGÉ estate is free to all Banabenge, but appropriation marks and investment of labor must be respected. The gathering of many items found within the allocated portions of the BENGÉ estate is free under the same conditions. But certain types of gathering are more exclusive. Thus e.g. the cutting down of a wild growing raphia tree on the MUNONGO estate, for collecting the *tosiyo*-fibers or certain insects, is reserved for members of SHEKUBUYA's *nkómo*, who again must respect one another's rights of appropriation; the collecting of resin from a *mosoko*-tree growing within the MUNONGO area is again restricted to the members of the group that controls this area; the gathering of firewood near the banana-groves, in the uncleared parches or in the nearby forest is the privilege of the people living in Munongo, who further have to respect one another's fields and appropriation marks; the gathering of firewood in the more remote forest (the Nyanga have two different verbal roots, *icaba* and *ishaasha* to refer to these two types of fire-wood gathering) is free to outsiders, who again must respect appropriations made by others.

Most types of fishing can be freely done by members of the BANABENGÉ clan within the entire BENGÉ estate; the only restrictions relate to fishing with poison. For the brooks falling within the MUNONGO estate this right is reserved for the people of SHEKUBUYA's *nkómo* and for their guests; for the brooks that

are on the limit with other estates, cooperation between the neighboring groups who share these brooks is necessary.

The rights exercised against this group by the king of the BANABUHINI political unit are restricted to claims in game meat and in banana beer and labor. For all other purposes — as for permitting his hunters to hunt within the limits of the BENGÉ estate or for permitting his clients to settle on their land or to work it—he must obtain their agreement.

VIII. THE CODE OF RIGHTS IN LAND AND ITS RESOURCES AMONG THE NYANGA

The main principles on which the system of rights in land and its resources among the Nyanga are based, can be summarized as follows:

1. The Nyanga consider that they occupied empty land; therefore there exist no groups in Nyangaland which derive special ritual claims in land derived from pre-Nyanga occupation.

2. The land surface has been subdivided in earlier generations into a number of well-defined estates, conceived in terms of the Nyanga definition of mountains. Localized segments of clans are said to have the ultimate general control over these estates (*ntata*), which comprise a number of mountains as defined by the Nyanga.

3. Large parts of these estates have been allocated for specific purposes (cultivation, trapping, certain types of gathering) to *rōshó* groups and these parts in turn have been subdivided into smaller estates and tracts, and placed under the control of *nkómɔ*-groups and certain individuals within these groups. At the lower levels—*nkómɔ* and individuals—this process of subdivision is a continuing one, as the groups develop in time and individuals die.

4. Every Nyanga, from chief to commoner, from male to female, has the right of access to the resources provided by the land. This right is ensured through descent and/or residence in

land-controlling units (descent traces through males or through unmarried females of the land-controlling units; residence as a wife, as a lover, as a concubine, as a bloodfriend, as an in-law, as a sororal nephew, or maternal uncle, as a client).

5. All rights between persons with regard to the control and usage of the land and its resources are expressed by the sole concept *miné*, plural *bise* or *bamine*.

The exact content and range of the rights expressed by this sole concept are determined by the social personalities on which they bear. Thus a woman—wife or unmarried spirit-wife—are generally referred to as *miné mereme*, owner of crops, except in the case of the king's ritual wife who is *miné* of a *motondo* estate, or some other women who received by will of the male representative of the land-controlling group a right in *ndemo*, area of cultivation. Male members of the land-controlling unit are *miné ishwa*, owner of the field or various types of banana-groves and also of some crops that grow there (tobacco and *mekandiri*-bananas). But incoming male clients are generally said to be *miné mereme*, owners of crops only, and not of fields. All people who belong to SHEKUBUYA's *nkómo* can be referred to as *bise ko Monongo*, owners of the MUNONGO estate and SHEKUBUYA can be mentioned as *miné ko Monongo*, owner of MUNONGO, as head of the entire group, etc. It is unnecessary to try to determine who owns land (as such) and who does not. What counts is the exact appreciation of the nature of the rights which individuals and different groups exercise in respect to specific uses of land and resources.

6. All types of economic activity—hunting, trapping, fishing, gathering, cultivation—operate within a prescribed and well-known social and geographical context, which may be differently defined from type of activity to type of activity, from situation to situation.

7. The strict delineation of estates and the rigid definition of rights and obligations are counterbalanced by various arrangements between persons and groups which provide for permissive exploitation of land and resources not falling within their im-

mediate control, and by the values of kinship, friendship, sharing and generosity.

8. The legal incorporation of labor and the clearly expressed intention of exploitation and appropriation establish definite individualized claims in resources which are otherwise thought to be accessible to everybody or to specific groups.

9. In a country where land and natural resources are plentiful, the distinction within each established estate between land that falls under immediate occupation and lies within easy reach and land that is more remote from the center of daily activities, is of primary importance with regard to the extent and nature of the rights that can be exercised by non-members of the estate-controlling group.

10. Rights in the exploitation of banana-groves are not merely established by legal clearing of land, but also through inheritance of older or semi-fallow banana-groves. Rights in specific tracts of land are not merely established by sheer belonging to a land-controlling group or in virtue of a particular position in the structure of the land-controlling unit or as the result of an automatic process of inheritance, but are the outcome of specific *irai* decisions made before their death by persons already in control of such tracts.

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