

DISCOURSE, SOCIAL RELATIONSHIPS, AND VALUE RELATED TO LAND TENURE: A CASE STUDY OF A CLAIM FOR LAND RIGHTS

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This study investigated the indigenous logic and practices related to claims for land rights, with reference to a case study conducted in an agrarian society in East Africa. It addresses people's practices or creating value in the context of social change.

The Sabiny live on Mt. Elgon, in eastern Uganda. They grow maize, bananas, beans, and other crops for family consumption and sale. Until the first half of twentieth century, people in research area were agro-pastoralists, who kept cattle and goats, and grew 'traditional' crops like sorghum, millet, and yams for family consumption. In the latter half of the century, they began to plow the land using oxen, and expanded their maize fields, whereby the land-use pattern changed from communal use for grazing animals to private use for cultivation. Land had essentially been a 'place' that people in the area ascribed to the memory of particular events or the history of the person who lived there. With the commercialization of rural life in recent decades, it has become obvious that people now pay more attention to land as an economic resource. Since in the 1980's, land disputes over the tenure of fallow or over the borders of neighboring fields have increased. Land is no longer simply a 'place' but has become a 'space,' pieces separated by borders. Currently, people can buy and sell land, or sons can inherit from their fathers.

In 2002, a dispute arose concerning the land tenure of a man who had moved from the area 40 years earlier. In the case that ensued, the plaintiff was the son of that man. He returned to the area and disputed the claim of a villager (defendant) who had cultivated the land where plaintiff had lived with his late father 40 years earlier. The local village council held court many times over this case and ultimately referred it to the regional land tribunal for judgment under the national Land Act. Meanwhile, the local people discussed this issue daily, because such disputes were previously unheard-of. By analyzing discourse taken from the minute of the court of the local council and the records of my open-ended interviews, I clarify how people justified or represented the relationship between the plaintiff and the land or between the plaintiff and the village community. They did not refer to a certain static value, such as 'customary law,' but they did try to construct value by rethinking their own engagement with the land or by redefining their social relationship with the plaintiff and the defendant.

Keywords: Land rights, Discourse, Social process, Agrarian society, East Africa