



The Kipsigis A Case Study In Changing Customary Law

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The Kipsigis A Case Study In Changing Customary Law:

The Kipsigis Michael Saltman, 1977-01-01 One of the basic problems of emerging nations is how to determine what factors are involved in the process of change in modernizing the legal system using customary law as the basis How do old rules become obsolete and new rules institutionalized In which domains of litigation do legal concepts based on principles of Western jurisprudence become relevant In which domains of litigation do indigenous rules on non Western customary law persist In the more than fifty tribes of Kenya customary law fulfills an extremely important function in settling contemporary civil disputes Changes in a system of customary law are the consequences of many different factors however this study emphasizes those changes that the indigenous customary law has itself generated in adapting to changing socioeconomic conditions In addition the study looks for changes in the customary law attributable to the influence of the ideas and procedures inherent in British law The Kipsigis tribe of west central Kenya is the model for this study of the rapidly changing culture of Kenya Formerly under British rule it has evolved from a pastoral economy to one based on mixed farming with a resulting change in the legal system from imprecise statements of custom to legal statements of ever greater precision

Land and Territoriality Michael Saltman, 2020-05-26 In the past territorial conflict usually involved major powers seeking hegemony over strategic spaces and resources More recently however the decline of opposing global power blocs has elevated ethnicity to a prime cause of conflict over land This book considers the multiple roles ethnicity plays in fostering territorial conflicts both violent and non violent across the globe While land disputes relating to nationalism have resulted in the loss of human life in some regions in others ties between ethnicity and land are asserted more peacefully Nationalism and challenges to the validity of the links between people and places have caused widespread bloodshed in the disputed territory of Palestine involving competing claims of Arabs and Jews have led to war In North America however indigenous Indians claims to land are settled in the courts rather than through violence This book shows how human behaviour is affected by the multiple ways in which people identify with land topography and natural resources In doing so it highlights the growing trend towards defining physical space in specific ethnic contexts associated with a contemporary world that facilitates global movement

Man, Law and Modern Forms of Life Eugenio Bulygin, Jean-Louis Gardies, I. Niiniluoto, 1985-06-30 Proceedings of the 11th IVR World Congress on Philosophy of Law and Social Philosophy held on August 14 20 1983 in Helsinki Introd

The Demise of the Reasonable Man Michael Saltman, 2017-09-08 Judges in most societies often resort to resolving disputes by means of applying a criterion of reasonableness In *The Demise of the Reasonable Man* Michael Saltman explores the ways in which reasonableness varies from one legal culture to another defined by the relative presence or absence of centralized political power In non politically centralized societies Saltman says judges seek meanings underlying human behavior and try to place reasonableness within a societal and cultural context This is possible because primitive societies are relatively homogenous in their values and tend towards consensus when determining what constitutes reasonable

behavior In contrast modern judges resort to standards of reasonableness only when the legal standard is unclear Saltman contrasts judges in politically centralized societies who in the absence of such consensus have the authority to determine on the basis of that authority what constitutes reasonableness This rich volume references case studies drawn from ethnographic fieldwork historical sources and law reports to demonstrate differences in judicial attitudes toward reasonableness Reason and Morality Joanna Overing, 2003-12-16 First Published in 1985 What is the place of reason and conversely of the unreasonable the contradictory the emotional and the chaotic in social life What is the nature of general human rationality Are there such things as incommensurable world views How efficacious are typologies or modes of thought or cognitive styles These are some of the controversies addressed by the contributors to this volume which draws together papers from the 1984 Malinowski Centennial Conference of the ASA Africa, 1992 Includes Proceedings of the Executive council and List of members also section Review of books Citizen and Subject Mahmood Mamdani, 2018-05 In analyzing the obstacles to democratization in post independence Africa Mahmood Mamdani offers a bold insightful account of colonialism s legacy a bifurcated power that mediated racial domination through tribally organized local authorities reproducing racial identity in citizens and ethnic identity in subjects Many writers have understood colonial rule as either direct French or indirect British with a third variant apartheid as exceptional This benign terminology Mamdani shows masks the fact that these were actually variants of a despotism While direct rule denied rights to subjects on racial grounds indirect rule incorporated them into a customary mode of rule with state appointed Native Authorities defining custom By tapping authoritarian possibilities in culture and by giving culture an authoritarian bent indirect rule decentralized despotism set the pace for Africa the French followed suit by changing from direct to indirect administration while apartheid emerged relatively later Apartheid Mamdani shows was actually the generic form of the colonial state in Africa Through case studies of rural Uganda and urban South Africa resistance movements we learn how these institutional features fragment resistance and how states tend to play off reform in one sector against repression in the other The result is a groundbreaking reassessment of colonial rule in Africa and its enduring aftereffects Reforming a power that institutionally enforces tension between town and country and between ethnicities is the key challenge for anyone interested in democratic reform in Africa

The Urban League Review National Urban League. Research Department, 1977 **The Publishers' Trade List Annual**, 1983 Africa 4, 1992 **African Families and the Crisis of Social Change** Thomas S. Weisner, Candice Bradley, Philip L. Kilbride, 1997-05-30 African families face serious crises today They are under economic demographic and political pressures of all kinds yet families are not mere hapless victims of global change They are proactive resilient agents and creators of change This volume studies global and national transformation from the point of view of families in local communities Contributors are from Africa North America and Europe and provide socially and historically based culturally rich multigenerational and comparative perspectives on family life in Africa today The essays explore contemporary change

in African families and consequences for children and parents the elderly gender roles moral values fertility health HIV and nutrition and economic development Ultimately despite desperate economic sociohistorical demographic and political circumstances African families remain vitally important for social and psychological support throughout an individual's life span

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