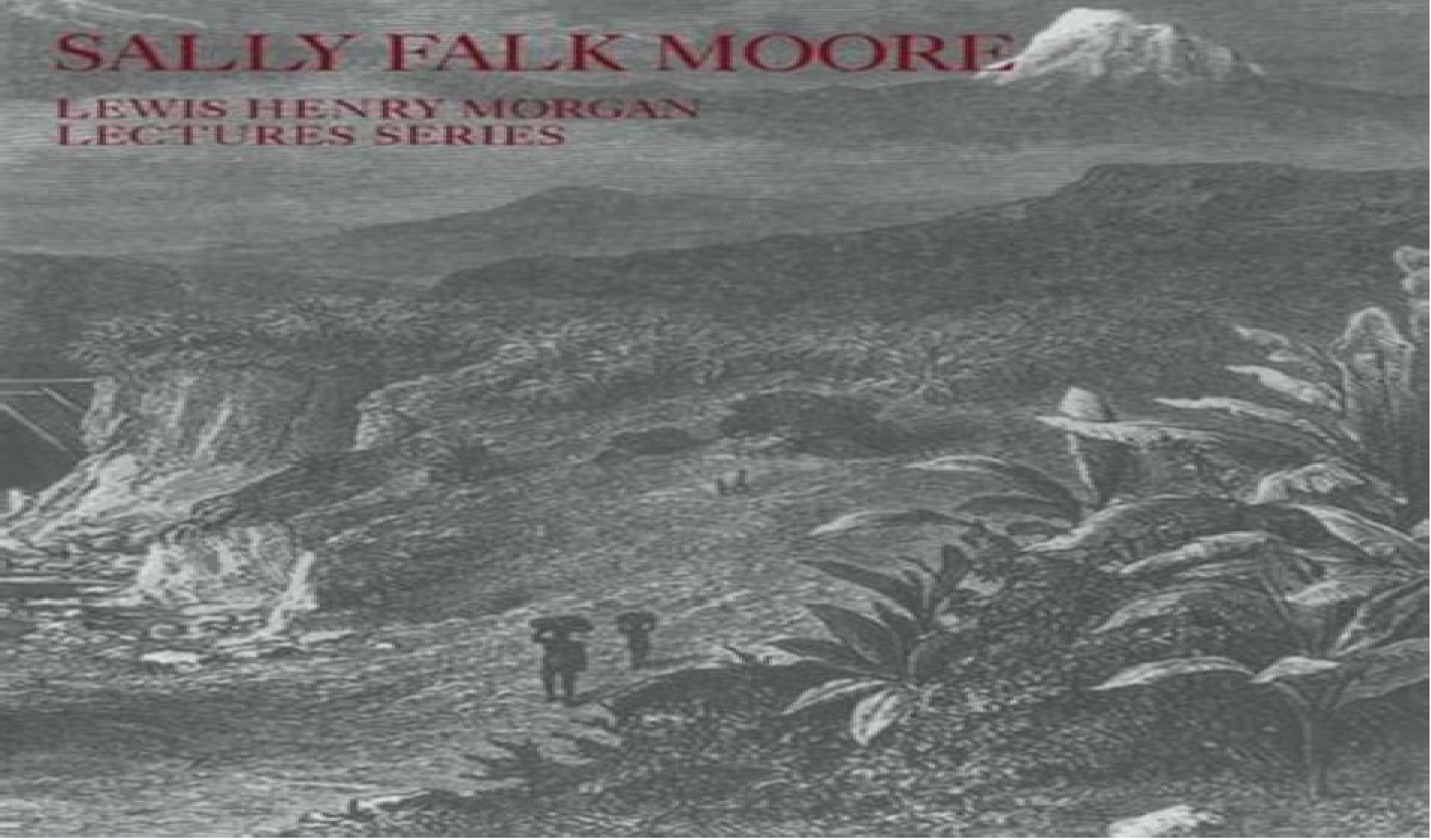


# SOCIAL FACTS & FABRICATIONS

"Customary" law on Kilimanjaro, 1880-1980

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# Social Facts And Fabrications Customary Law On Kilimanjaro 1880 1980

**Mary-Ellen Kelm, Lorna Townsend**



### **Social Facts And Fabrications Customary Law On Kilimanjaro 1880 1980:**

*Social Facts and Fabrications* Sally Falk Moore, 1986-06-27 In this book Sally Falk Moore examines a hundred years in the history of an African people the Chagga of Kilimanjaro in order to understand how their present system of customary laws came to be the way it is and how the idea of custom was used in Tanzania's experiment with African socialism She discusses the changes that have occurred in the formal legal system alongside the vast economic and political transformations that came with cash cropping and colonial rule She also presents a legal chronicle of the members of one lineage to illustrate its use of the formal legal system This study of the difference between law in the life of a people and law in the local courts will interest teachers and students of legal anthropology and law and also provides an important contribution to anthropological theory In addition it has practical relevance for the understanding of the operation of traditional institutions and will appeal to readers interested in African history and African studies *Social Facts and Fabrications* Sally Falk Moore, 1986 *In the Days of Our Grandmothers* Mary-Ellen Kelm, Lorna Townsend, 2006-01-01 From Ellen Gabriel to Tantoo Cardinal many of the faces of Aboriginal people in the media today are women In the Days of Our Grandmothers is a collection of essays detailing how Aboriginal women have found their voice in Canadian society over the past three centuries Collected in one volume for the first time these essays critically situate Aboriginal women in the fur trade missions labour and the economy the law sexuality and the politics of representation Leading scholars in their fields demonstrate important methodologies and interpretations that have advanced the fields of Aboriginal history women's history and Canadian history A scholarly introduction lays the groundwork for understanding how Aboriginal women's history has been researched and written and a comprehensive bibliography leads readers in new directions In the Days of our Grandmothers is essential reading for students and anyone interested in Aboriginal history in Canada **The Oxford Handbook of Modern African History** John Parker, Richard Reid, 2013-10-10 The Oxford Handbook of Modern African History represents an invaluable tool for historians and others in the field of African studies This collection of essays produced by some of the finest scholars currently working in the field provides the latest insights into and interpretations of the history of Africa a continent with a rich and complex past An understanding of this past is essential to gain perspective on Africa's current challenges and this accessible and comprehensive volume will allow readers to explore various aspects political economic social and cultural of the continent's history over the last two hundred years Since African history first emerged as a serious academic endeavour in the 1950s and 1960s it has undergone numerous shifts in terms of emphasis and approach changes brought about by political and economic exigencies and by ideological debates This multi-faceted Handbook is essential reading for anyone with an interest in those debates and in Africa and its peoples While the focus is determinedly historical anthropology geography literary criticism political science and sociology are all employed in this ground-breaking study of Africa's past **The Claims of Kinfolk** Dylan C. Penningroth, 2004-07-21 In The Claims of Kinfolk

Dylan Penningroth uncovers an extensive informal economy of property ownership among slaves and sheds new light on African American family and community life from the heyday of plantation slavery to the freedom generation of the 1870s By focusing on relationships among blacks as well as on the more familiar struggles between the races Penningroth exposes a dynamic process of community and family definition He also includes a comparative analysis of slavery and slave property ownership along the Gold Coast in West Africa revealing significant differences between the African and American contexts Property ownership was widespread among slaves across the antebellum South as slaves seized the small opportunities for ownership permitted by their masters While there was no legal framework to protect or even recognize slaves property rights an informal system of acknowledgment recognized by both blacks and whites enabled slaves to mark the boundaries of possession In turn property ownership and the negotiations it entailed influenced and shaped kinship and community ties Enriching common notions of slave life Penningroth reveals how property ownership engendered conflict as well as solidarity within black families and communities Moreover he demonstrates that property had less to do with individual legal rights than with constantly negotiated extralegal social ties

The ^ALanguage of Law School Elizabeth Mertz,2007-02-03 In this linguistic study of law school education Mertz shows how law professors employ the Socratic method between teacher and student forcing the student to shift away from moral and emotional terms in thinking about conflict toward frameworks of legal authority instead

Gender Justice and Legal Pluralities Rachel Sieder,John Andrew McNeish,2013-06-17 Gender Justice and Legal Pluralities Latin American and African Perspectives examines the relationship between legal pluralities and the prospects for greater gender justice in developing countries Rather than asking whether legal pluralities are good or bad for women the starting point of this volume is that legal pluralities are a social fact Adopting a more anthropological approach to the issues of gender justice and women s rights it analyzes how gendered rights claims are made and responded to within a range of different cultural social economic and political contexts By examining the different ways in which legal norms instruments and discourses are being used to challenge or reinforce gendered forms of exclusion contributing authors generate new knowledge about the dynamics at play between the contemporary contexts of legal pluralities and the struggles for gender justice Any consideration of this relationship must it is concluded be located within a broader historically informed analysis of regimes of governance

Legal Pluralism in the Holy City Ido Shahar,2016-03-09 This book provides an unprecedented portrayal of a lively shari a court in contemporary West Jerusalem which belongs to the Israeli legal system but serves Palestinian residents of the eastern part of the city It draws a rich picture of an intriguing institution operating in an environment marked by legal pluralism and by exceptional political and cultural tensions The book suggests an organizational institutional approach to legal pluralism which examines not only the relations between bodies of law but also the relations between courts of law serving the same population Based on participant observations in the studied court as well as on textual and legal analyses of court cases and rulings the study combines history and ethnography diachronic and

synchronic perspectives and examines broad macro political processes as well as micro level interactions The book offers fresh perspectives on the phenomenon of legal pluralism on shari a law in practice and on Palestinian Israeli relations in the divided city of Jerusalem The work is a valuable resource for academics and researchers working in the areas of Legal Pluralism Islamic Law and socio legal history of the Middle East      **Lawyers and Savages** Kaius Tuori,2014-09-19 Legal primitivism was a complex phenomenon that combined the study of early European legal traditions with studies of the legal customs of indigenous peoples Lawyers and Savages Ancient History and Legal Realism in the Making of Legal Anthropology explores the rise and fall of legal primitivism and its connection to the colonial encounter Through examples such as blood feuds communalism ordeals ritual formalism and polygamy this book traces the intellectual revolution of legal anthropology and demonstrates how this scholarship had a clear impact in legitimating the colonial experience Detailing how legal realism drew on anthropology in order to help counter the hypothetical constructs of legal formalism this book also shows how despite their explicit rejection the central themes of primitive law continue to influence current ideas about indigenous legal systems but also of the place and role of law in development Written in an engaging style and rich in examples from history and literature this book will be invaluable to those with interests in legal realism legal history or legal anthropology

Comparative Law Fernanda G. Nicola,Günter Frankenberg,2024-08-06 This book provides a practical introductory guide to comparative law Fernanda G Nicola and G nter Frankenberg present and examine conventional and critical approaches to legal comparison exploring its ramifications in the field and political effects      *Leading Works in Law and Anthropology* Alice Margaria,Larissa Vettters,2024-07-16 The academic disciplines of law and sociocultural anthropology have a long but at times contentious history of drawing on each other in order to study and understand law and human experience in its diverse manifestations This volume provides an innovative and engaging format by giving established and emerging scholars from diverse jurisdictions the opportunity to discuss and reflect upon what they consider to be a leading work The collection offers a unique multi perspectival reconsideration of the intellectual history of the field whilst also addressing issues that are at the core of interdisciplinary legal research Contributions shed light on the changing nature of cross disciplinary research and collaboration trace how disciplinary understandings of normativity have cross fertilised each other and reflect on choices taken within research on law and anthropology along a continuum of theoretical reflection critique engagement and practical application The book elaborates on the nature and the boundaries of law and anthropology research as well as on its likely future development in light of the insights shared by contributors on their chosen leading works The book will make fascinating reading for researchers and academics in both law and anthropology Chapter 1 of this book is freely available as a downloadable Open Access PDF at [http www taylorfrancis com](http://www.taylorfrancis.com) under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4 0 license      Cultures of Conflict Resolution in Early Modern Europe Stephen Cummins,Laura Kounine,2017-05-15 Disputes discord and reconciliation were fundamental parts of the fabric of communal living in early

modern Europe This edited volume presents essays on the cultural codes of conflict and its resolution in this period under three broad themes peacemaking as practice the nature of mediation and arbitration and the role of criminal law in conflicts Through an exploration of conflict and peacemaking this volume provides innovative accounts of state formation community and religion in the early modern period *The Politics of Truth and Reconciliation in South Africa* Richard Wilson,2001-05-02 The South African Truth and Reconciliation Commission TRC was set up to deal with the human rights violations of apartheid during the years 1960 1994 However as Wilson shows the TRC s restorative justice approach to healing the nation did not always serve the needs of communities at a local level Based on extended anthropological fieldwork this book illustrates the impact of the TRC in urban African communities in Johannesburg While a religious constituency largely embraced the commission s religious redemptive language of reconciliation Wilson argues that the TRC had little effect on popular ideas of justice as retribution This provocative study deepens our understanding of post apartheid South Africa and the use of human rights discourse It ends on a call for more cautious and realistic expectations about what human rights institutions can achieve in democratizing countries *Labor on the Fringes of Empire* Alessandro Stanziani,2018-01-23 After the abolition of slavery in the Indian Ocean and Africa the world of labor remained unequal exploitative and violent straddling a fine line between freedom and unfreedom This book explains why Unseating the Atlantic paradigm of bondage and drawing from a rich array of colonial estate plantation and judicial archives Alessandro Stanziani investigates the evolution of labor relationships on the Indian subcontinent the Indian Ocean and Africa with case studies on Assam the Mascarene Islands and the French Congo He finds surprising relationships between African and Indian abolition movements and European labor practices inviting readers to think in terms of trans oceanic connections rather than simple oppositions Above all he considers how the meaning and practices of freedom in the colonial world differed profoundly from those in the mainland Arguing for a multi centered view of imperial dynamics *Labor on the Fringes of Empire* is a pioneering global history of nineteenth century labor *Substantial Justice* Michael Bruce Goddard,2009 Papua New Guinea s village court system was introduced in 1974 partly in an effort to overcome the legal geographical and social distance between village societies and the country s formal courts There are now more than 1100 village courts all over PNG hearing thousands of cases each week This anthropological study is grounded in ethnographic research on three different village courts and the communities they serve It also explores the colonial historical background to the establishment of the village court system and the local and global processes influencing the efforts of village courts to deal with everyday disputes among grassroots Melanesians **Shifting Landmarks** Jeffrey A. Bowman,2018-10-18 In a major contribution to the debate among medievalists about the nature of social and political change in Europe around the turn of the millennium Jeffrey A Bowman explores how people contended over property during the tenth and eleventh centuries in the province of Narbonne He examines the system of courts and judges that weighed property disputes and shows how disputants and judges gradually

adapted modified and reshaped legal traditions The region which comprised Catalonia and parts of Mediterranean France possessed a distinctive legal culture characterized by the prominent role of professional judges a high level of procedural sophistication and an intense attachment to written law particularly the Visigothic Code At the same time disputants relied on a range of strategies including custom curses and judicial ordeals to resolve conflicts Chronic tensions stemmed from conflicting understandings of property rights rather than from pervasive violence the changes Bowman tracks are less signs of a world convulsed in struggle than of a world coursing with vitality In *Shifting Landmarks* property disputes serve as a bridge between the author's inquiry into learned ideas about justice land and the law and his close examination of the rough and tumble practice of daily life Throughout Bowman finds intimate connections among ink and parchment sweat and earth

**Land and the Politics of Belonging in West Africa**, 2005-12-01 Recognizing that land rights are ambiguous negotiable and politically embedded these case studies explore the long term processes and recent changes in contemporary rural West Africa affecting the conversion of control over land into social and political capital and vice versa They point to the colonial origins of what came to be viewed as customary tenure and to the legal pluralism characterizing pre colonial tenure arrangements Furthermore they show the spiritual and ritual importance of land that can be converted into political power and economic prerogatives a dimension neglected by much of the recent literature Analyses cover forest and savannah state and segmentary societies facilitating comparison and insights across the Anglo Francophone divide *Legitimacy and the State in Twentieth-Century Africa* Terence Ranger, Olufemi Vaughan, 1993-06-15 This book takes as its theme the ways in which governments legitimate their rule both to themselves and to their subjects Its introduction explores legitimacy and pre colonial states but the three sections of the book deal with colonial legitimacy the question of legitimation in the transition from colonialism to majority rule and the contemporary debate about accountability *Anthropologica*, 1997 *The Oxford Handbook of Land Politics* Saturnino M. Borrás, Jennifer C. Franco, 2025-08-29 Access to land in all its multiple meanings is necessarily diverse complex and contentious and facilitating and maintaining such access constitutes a mosaic of social relations and institutional instruments rather than the minimalist and simplistic reduction of land to land property that in turn tends to be interpreted always as individual private property The Oxford Handbook of Land Politics offers heterodox analytical tools to help the reader make sense of the complexity of the politics of land

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