

A BIBLIOGRAPHY OF THE CUSTOMARY LAWS OF KENYA  
(WITH SPECIAL REFERENCE TO THE LAWS OF WRONGS)

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This bibliography was developed in the course of research in the customary laws of wrongs in Kenya,\*\* and is therefore most thorough with respect to that subject. However, the nature of customary law is such that wrongs do not form a sharply differentiated substantive area. Moreover, other bodies of law--e.g., those pertaining to the family, to property rights, to procedural matters--clearly bear on the treatment of wrongs. Consequently, most sources cover a broad subject matter, and in seeking to include all those having any bearing on the laws of wrongs, I believe I have been reasonably comprehensive. Two areas were deliberately excluded. Non-customary laws--received English law, adopted Indian Acts, Moslem or Hindu law--where it has no bearing on customary practices, is not referred to. Within customary law itself, the rules of land law have only been dealt with incidentally, for the area is sufficiently specialized to constitute a separable subject matter, with an extensive bibliography of its own. (See especially Sorrenson, M.P.K. Land Reform in the Kikuyu Country: a study in Government Policy, pp. 253-56. New York: Oxford Univ. P. for E. Afr. Inst. Soc. Res., 1967.)

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Two other invaluable resources for study should be mentioned here. The Kenya National Archives contain an extensive collection of the records of colonial administration: District and Provincial Political Record Books, Annual Reports, and Handing-over Reports. (See Government of Kenya, Archives Microfilming Programme, Section I: Provincial and District Annual Reports, 75 pp. and map. Cyclostyled.) These frequently include statements of substantive rules and procedures, as well as discussions of problems in administering customary law (e.g., whether or not to impose a statute of limitations). Much of this material has been microfilmed and stored in the Syracuse University Library, from which it may be borrowed. (See Fedha, Nathan and John B. Webster, A Catalogue of the Kenya National Archives Collection on Microfilm at Syracuse University; Syracuse: Program of Eastern African Studies, 1967; Gregory, Robert G., Leon Spencer and Robert Maxon, A Guide to the Kenya National Archives. Syracuse: Program of Eastern African Studies, forthcoming 1969.)

Second, the proceedings of the African Courts and of Appeals Magistrates (now District Magistrate's Courts) have been recorded for about a decade, generally in English but sometimes in Swahili. These reports include the testimony of parties and witnesses, a reasoned judgment, and the steps taken to execute it. They are filed in the highest court to have been seized of the case. In addition, Mr. T.A. Watts, while African Courts Officer (1963-67), collected about 5,000 copies of the judgments of Appeals Magistrates, which can now be consulted in the Law Courts, Nairobi.

Finally, several other bibliographies may assist the investigator:

- DuPre, Carole E. The Luo of Kenya: an annotated bibliography. (Institute for Cross-Cultural Research Studies No. 3) Washington, D.C.: Inst. for Cross-Cultural Res., 1968.
- Molnos, Angela. Sources for the Study of East African Cultures and Development. (E. Afr. Res. Info. Centre Circular No. 1). Nairobi: E. Afr. Res. Info. Centre, 1968.

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- Walker, Audrey A. Official Publications of British East Africa, Part III: Kenya and Zanzibar. Washington, D.C.: Library of Congress, 1962.
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I have organized the bibliography as follows:

- I. General Background
- II. Judicial and Legal System--General
  - A. Legislation
  - B. Cases
  - C. Official Reports
  - D. Published Sources
  - E. Unpublished Sources
- III. Substantive Law--General
  - A. Contracts and Commercial Law
  - B. Criminal Law
  - C. Family Law
  - D. Inheritance and Succession
  - E. Land Law
- IV. Substantive Law--by tribe
 

<ul style="list-style-type: none"> <li>A. Bantu               <ul style="list-style-type: none"> <li>1. Embu</li> <li>2. Gusii</li> <li>3. Kamba</li> <li>4. Kikuyu</li> <li>5. Kuria</li> <li>6. Luyia</li> <li>7. Meru</li> <li>8. Mijikenda</li> <li>9. Pokomo</li> <li>10. Samia</li> <li>11. Taita</li> <li>12. Taveta</li> </ul> </li> <li>B. Nilotic - Luo</li> </ul>	<ul style="list-style-type: none"> <li>C. Nilo-Hamitic               <ul style="list-style-type: none"> <li>1. General</li> <li>2. Elgeyo</li> <li>3. El Molo</li> <li>4. Iteso</li> <li>5. Kipsigis</li> <li>6. Kony</li> <li>7. Masai</li> <li>8. Nandi</li> <li>9. Pok</li> <li>10. Pokot</li> <li>11. Rendille</li> <li>12. Samburu</li> <li>13. Tugen</li> <li>14. Turkana</li> </ul> </li> </ul>
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- D. Hamitic - Galla
- E. Aboriginal
  - 1. Dorobo
  - 2. Sanye
- F. Swahili

The only significant omission of a tribe is the Somali, the reason being that practically no one has studied the Somali of Kenya, whereas those of the Somali Republic (q.v.) have been extensively described. In organizing the data by tribal categories, I have included some brief information to help identify the tribe:

Name (with alternate spellings, and constituent groups)  
(Population according to the most recent census). Principal home districts.

Following usual practice, I have dropped prefixes from the tribal names, e.g., Bantu: wa-, a-, aba-; Nilotic: jo-; Nilo-Hamitic: el-.

In the references which follow I have used a number of abbreviations.

- ALS/SOAS: African Law Section, School of Oriental and African Studies, Univ. of London
- Afr. Stud.: African Studies (formerly Bantu Studies)
- Amer. Anthrop.: American Anthropologist
- Beh. Sci.: Behavioral Science
- Can. J. Afr. Stud.: Canadian Journal of African Studies
- E. Afr. Ann.: East African Annual
- EAIRS: East African Institute of Social Research (now Makerere Institute of Social Research)
- E. Afr. L.J.: East African Law Journal
- E. Afr. Med. J.: East African Medical Journal
- E. Afr. Prot. L. Rep.: East Africa Protectorate Law Reports
- E. Afr. Q.: East African Quarterly
- Geog. J.: Geographical Journal
- H.M.S.O.: Her Majesty's Stationary Office
- Hum. Org.: Human Organization
- I.A.I.: International African Institute (formerly International Institute for African Languages and Cultures, I.I.A.L.C.)
- I.I.A.L.C.: see I.A.I., supra.

- J. Afr. Admin.: Journal of African Administration (later Journal of Local Administration Overseas)
- J. Afr. Hist.: Journal of African History
- J. Afr. Soc.: Journal of the African Society (later Journal of the Royal African Society, J. Roy. Afr. Soc.)
- J. Anthropol. Inst.: Journal of the Anthropological Institute of Great Britain and Ireland (later Journal of the Royal Anthropological Institute of Great Britain and Ireland, J. Roy. Anthropol. Inst.)
- J.E.A.U.N.H.S.: Journal of the East Africa and Uganda Natural History Society (sometimes Journal of the East Africa Natural History Society, J.E.A.N.H.S.)
- J. Mod. Afr. Stud.: Journal of Modern African Studies
- J. Roy. Anthropol. Inst.: see J. Anthropol. Inst., supra.
- K.I.A.: Kenya Institute of Administration
- R-L I.: Rhodes-Livingstone Institute
- R-L J.: Rhodes-Livingstone Journal (also known as Human Problems in Central Africa)
- SOAS: School of Oriental and African Studies, Univ. of London
- Tang. Notes & Records: Tanganyika Notes and Records (later Tanzania Notes)
- Ug. J.: Uganda Journal

Because the unpublished materials can only be consulted by persons able to travel to London or Kenya, I have listed them separately. All unpublished materials (except theses, which are filed at the degree-granting institution) are in the form of microfilm, and are at the ALS/SOAS, unless otherwise noted.

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## II. Judicial and Legal System--General

### A. Legislation

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