

TWO EAST AFRICAN SYSTEMS OF LAND RIGHTS

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Abstract

Two East African Systems of Land Rights

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This comparative and historical study describes the indigenous systems of land rights found in two kinds of agrarian societies in sub-Saharan Africa: those in which the most important political units were chiefdoms and local communities with fluid membership and no over-all kinship structure, and those in which they were territorial segmentary lineages.

After a few remarks on East African land tenure in general, the cases of the Bantu-speaking Sukuma-Nyamwezi of Tanzania and the Nilotic Luo of Kenya are discussed in detail as representative of the two types. The societies are broadly differentiated with reference to such aspects of social organization as the authority structures and the patterns of group formation and co-operation, as well as to origin myths, burial customs, beliefs about ancestral spirits, etc. The analysis represents the two traditional modes of land tenure discussed, and related cultural phenomena, as comprising two complex systems whose features were in many ways diametrically opposed.

The Ha, the Gogo, and the Hehe, all Bantu-speaking peoples neighbouring the Sukuma-Nyamwezi, are shown to have had political and proprietary systems much like theirs; and the Logoli and Gusii, Bantu-speaking peoples neighbouring the Luo, are shown to have had systems strongly resembling theirs. The two forms of organization are correlated with population densities and other variables. These correlations give a perspective on the broader cultural regions of East Africa.

In its historical dimension, the study shows how the Sukuma-Nyamwezi and Luo customs with regard to land rights remained largely unchanged throughout the colonial period (from the early 1890s to the early 1960s), despite increasing competition for land and despite these peoples' rising involvement in the market economy. It also discusses the role of European administration in the development of land law in these cases and raises some questions, for further research, about the 'individualization' of African land tenure.