WOMEN’S LAW:
A SELECT GUIDE TO PUBLICATIONS AVAILABLE IN
THE UNIVERSITY OF NAIROBI LIBRARY SYSTEM

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**Introduction**

This is a guide to publications on Women’s law held by the University of Nairobi library system.

The guide was compiled under the auspices of Southern and Eastern Africa Regional Centre for Women’s Law (SEARCLW) support of the regional Masters in Women’s Law degree offered in partner Universities but coordinated by University of Zimbabwe.

It is part of SEARCLW strategy for resource sharing among partner Universities.

Professors and lecturers from University of Nairobi School of Law have participated in this program by presenting research papers in SEARCLW colloquia and giving lectures as visiting professors in partner Universities. Similarly Law librarians have played the role of information resource persons at the said colloquia. The compilers of this guide have served as Law Librarians at the University of Nairobi and have participated in the colloquia. The guide was first presented by H.A. Liyai at Colloquium held at the University of Cape Town, South Africa, 17th – 21st July 2006. The updated version was presented by G.E.G. Nyalwal at the Colloquium held in Zomba, Malawi, 18th – 23rd July 2008.

This guide covers various aspects of women’s law in East and Southern Africa such as: Burial disputes, Widowhood, Marital rape, Sexualities, The rights of women, Discrimination against women, Equality in Employment, Women’s Land rights, Law of succession. Gender perspectives in Property Management, Family Law and Matrimonial property, Discrimination of women in the work place, Marriage, divorce and inheritance laws and female genital and sexual mutilation etc.

The guide is arranged in a single alphabetical sequence by main entry i.e author or title of the work, irrespective of the type of document, book, chapter, article or report.

Abdullahi, Ahmednasir M. Burial disputes in modern Kenya: Customary Law in a Judicial conundrum Nairobi: faculty of Law, University of Nairobi, 1999 218 p

Angima, Yuvalinalis M. – Resolution of burial dispute in Kenya a case for legislative Intervention, Dissertation, LLB, University of Nairobi, 1996, 150 p


Burke, Catherine. The hazardous road from Nairobi to Beijing. African Topics No. 9 Sept / October 1995, p. 4 – 7


Corsianos, Morilyn “Women” detectives and perception of “oppressive” experiences: exploring experiential essentialism and phenomenology *critical criminology* Vol 12 (1) 2003, p. 67 – 85


Does the constitution of Kenya discriminate against women? Lessons from the S.M. burial saga *Nairobi Law Monthly* April 1988, p. 5


Everywoman’s legal guide: protecting your rights at home, in the workplace, and in the market place. New York: Doubleday, 1983


“Feminism and the law” In Roederer, Christopher and Darrel Moellendort Jurisprudence Juta and Co., 2004, p 291 – 327


Gutto, S. B. O: Legal constraints on female participation in the economy: Thesis, LLB, University of Nairobi, 1975

Hale, Dame Brenda: Equality and the judiciary why should we want more women judges? *Public Law* Autumn 2001, p 489 – 504


Higgins, Traly E. why feminists can’t (or shouldn’t) be liberals *Fordham Law Review* Vol. LXXII No.5, 2004, p 1629 – 1641


Hinga, Wanjiku E. Burial disputes in Kenya; wither goeth the law? Dissertation, LLB, University of Nairobi, 1995

Hufstedler, Shirley M. *Women and the law* New York: Aspen Institute for Humanistic studies, 1977

Ikdahl, Ingunn, P. Kameri–Mbote *Human rights, formalization and women land rights in Southern and Eastern Africa:* Oslo: University of Oslo, Institute of women’s law (Studies in Women’s Law No. 57), 2005

Ikimire, Mbis P. Administration of customary law in Kenya a critical appraisal and the need for reform. Dissertation, LLB, University of Nairobi, 1992

**International Commission of Human rights (Kenya Section): International human rights standards: making a case for Kenya’s ratification of optional protocols.** Nairobi: ICJ (K), 2005
**International Commission of Jurists (Kenya Section)** *Enhancing woman’s rights in Kenya* Nairobi: ICJ (Kenya Section), 2003


*Introduction of gender, law and society in Kenya* Nairobi: Centre for Law and Research International (CLARION), (Constitutional Debate No. 11), 2001, p 49


**Kabeberi – Macharia, Janet:** The African woman strategies for woman’s law. *University of Nairobi law Journal* No. 1 1991, p 19 – 21
Preliminary findings on marriage, divorce, matrimonial property and inheritance. Task force on the review of laws, relating to women / women and law in East Africa, workshop Nairobi 13 – 14 May 1996

Women, laws, customs and practices in East Africa: Laying the foundation Nairobi:Women and Law in East Africa (WLEA) publications, NO.2 1995

“A research methodology of women and law”. In *Report on women and law in East Africa workshop*. Faculty of law, University of Nairobi, 1992. p 124 – 129


**Kahiga, Miriam:** “Socio – cultural obstacles to the participation of women in the democratization process”. In. Kibwana, Kivutha (ed) *Reading in constitutional law and politics in Africa: a case study of Kenya* Nairobi: University of Nairobi, Faculty of Law, 1998, p 377 – 402


“Gender considerations in constitutions making: engendering women’s rights in the legal process. *The University of Nairobi law journal* Vol. 1 2003, p 156 – 194


Kanowitz, Leo: *Sex roles in law and society: cases and materials* Albuquerque: University of New Mexico Press, 1973

Kanyua, Priscilla et al (eds) *Fundamental rights and freedoms* Nairobi: ICJ (Kenya Section)

Karaiskos, Maria “The claims of ecofeminism” *UCL Jurisprudence review* 1998, p 19 – 41


Khushalani, Yougindra: Dignity and honour of women as basic and fundamental human rights: The Hague: Martinus Nijhoff, 1982


“The family women, youth and children in the constitution” In. When the constitution begins to flower Nairobi: Claripress, 2002, p. 185 - 194

Law and the state of women in Kenya Nairobi: claripress, 1996

Women and autonomy in Kenya: policy and legal frame work
Nairobi: claripress 2nd ed. 1997

Lawrence Mute (eds): Law and the quest for equality in Kenya
Nairobi: claripress, 2000, p 240


Kingara, James N. Burial law in Kenya: do we need a statute? Dissertation, LLB, University of Nairobi, 1988


“Law”. In Macnamara, Eve Women in Zimbabwe an annotated bibliography. Harare University of Zimbabwe, Department of sociology, 1989, p 101 – 125

Legal grounds: reproductive and sexual rights in African commonwealth courts New York: Center for Reproductive Rights, 2005


Mneney, Edith and M. K. Rwebangira “The legal status of women in Tanzania”. In Report on women and the law in East Africa workshop. Faculty of Law, University of Nairobi 1992, p. 50 – 78


Mucai – Kathambo, etal, “Law and the status of women in Kenya”. Report on women and law in East Africa workshop report. Faculty of Law, University of Nairobi, 1992 p. 79 – 104


Mulei, Christopher “Women and labour in Kenya: legal administrative and policy perspectives”. In Kibwana, Kivutha and Lawrence Mute (eds) Law and the quest for gender equality in Kenya Nairobi: CLARIPRESS, 2000, p 88 – 206


Mute, Lawrence M. “Gender and African politics: the paradigm of property”. In Kibwana, Kivutha (ed). Reading in constitutional law and politics in Africa: a case study of Kenya. Nairobi: University of Nairobi, Faculty of Law, 1998, p 403 – 419

Muthoga, Edward: Marriage and Divorce; a case for the recommendations of the commission of inquiry on marriage and Divorce 1968. Nairobi Law monthly April 1988, p 39 – 44

Muthoga, Rachel W. A study into the implementation of women’s rights legislation with the Children’s Act as a case study. Dissertation, LLB, University of Nairobi, 2003


Mwilu, Jane Women and private property Viva magazine Vol. 2 (8) September 1976, p 44 – 45 Women / Property / Marriage Bills / Marriage


Oketch – Owiti “Research methodology: research on gender (Women’s) issues and law”. In *Report on women and law in East Africa workshop report*. Faculty of law, University of Nairobi, 1992 p 105 – 123


Olola, James Otieno: Customary law and the question of burial – is legislation the only way forward? Dissertation, LLB, University of Nairobi, 1996

Omaya, Alex O. The hiatuses, ambiguities and in consistencies in the burial law of present Kenya: a case for legislative intervention. Dissertation, LLB, University of Nairobi, 1996


Ondieki, Paul S. The question of burial. Dissertation, LLB, University of Nairobi, 1998


Perez – Arrieta, Ana M. defences to sex based wage discrimination claims at educational institutions exploring “Equal work” and “Any other factor other than sex” in the faculty context. *Journal of College and University Law*. Vol 31 (2) 2005, p 393 – 415


**Report** on women and law in East Africa: Report of workshop organized through the Faculty of Law, University of Nairobi, Nairobi, June 15 – 17 1992

**Robertson, Claire C.** Never underestimate the power of women: the transforming vision of African women history. *Women’s Studies International Forum*. Vol 11 No. 5 1988, p 439 – 453

**Rogers, Margaret.** *A decade of women and the law in the commonwealth*. London: commonwealth secretariat, 1985, p 342


**Saida, Shariff M.** Death and burial – with special reference to cremation as the ultimate panacea to burial disputes in Kenya. Dissertation, LLB, University of Nairobi, 1995


**Silberschmidt, Margrethe.** “*Women forget that men are the mosters*”: gender antagonism and socio – economic change in Kisii district, Kenya. Stockholm: Nordiska Africa Institute, 1999


S.M. Otieno burial debate rages as the court of Appeal is criticized by Dr. Eugene Cotran. *Nairobi Law Monthly* April 1988, p 6 – 9

S.M. Wambui’s defeat is defeat for women *Viva magazine* June 1987, p 16 – 17, 36.

**Smart, Carol.** *Feminism and power of law*: London: Routledge, 1989


Jeniffer Okumu–Wengi “The legal status of women in Uganda”. In *Report on women and law in East Africa workshop.* Faculty of Law, University of Nairobi, 1992 p 30 – 49


Turner – Samuels, m. *The law of married women*. Suffolk: Thomas Bank Publishing Co. 1957,


UNONET: *Women know your land rights*: Kampala: Uganda women’s network (UNONET), 2000


**Women of the world: laws and policies affecting their reproductive rights:** Nairobi: Centre for Reproductive Law and Policy, FIDA (Kenya Chapter) 1997

“Women the law and equality”. In Ndumbu, Abel *out of my rib; a view of women in development.* Nairobi p 68 - 87

**Worrall, Anne:** *Offending women: female lawbreakers and the criminal justice system.* London: Routledge, 1990


**Cummings, Sarah (et.al):** *Gender perspectives on property and inheritance: a global sourcebook* Amsterdam: Oxfam, 2001, 142p.


**Merry, Sally Engle**: *Human rights and gender violence: translating international law into local justice* Chicago: University of Chicago Press, 2006, 269p.


