



Influence of Land Inheritance on Gender Inequalities in Tunyo, Elgeyo Marakwet County

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ABSTRACT

Despite many campaigns and policy restructuring to alleviate gender inequality in Kenya, gender inequality is still widespread. Women do not have equal access to opportunities as men making them generally poor, and their poverty grip is yet to be broken. Women have remained on the margins of their society; hence, the majority does not exert their power and authority in the social, economic, and political structures. This study aimed at examining the influence of land inheritance on gender inequalities in Tunyo, Elgeyo Marakwet County. The study is anchored on symbolic interactionism theory. A descriptive survey design was employed. Stratified, proportionate, and simple random sampling selected the study respondents. Questionnaire and interview schedules were used for data collection. Data analysis was done using descriptive frequencies, percentages, and means. Data was presented in pie charts, graphs, and frequency tables. Findings indicated that land inheritance in the community following patrilineal order, land registration is mainly done on the husband's name. Even after the husband's death, a woman can only use the land until her son(s) come of age to inherit. Women not being allowed to inherit land because they are perceived to be part of the wealth of the community are the effects of land inheritance on gender inequalities. The study concludes that land inheritance is a cultural system favoring only men in the study area. Despite the new constitution in place, gender inequality in inheritance still exists. The study recommends that since the new constitution recognizes that both children have a right to inherit the land. Still, implementation has failed; there is a need, therefore, for the National government to work closely with the county government and the ministry of lands to ensure that women are not discriminated against based on land and property inheritance.

Keywords: *Land inheritance, gender inequalities, influence.*

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INTRODUCTION

Gender inequality is as a result of the persistent discrimination of one group of people based on gender and it manifests itself differently according to race, culture, politics, country, and economic situation. It is furthermore considered a causal factor of violence against women. While gender discrimination happens to both men and women in individual situations, discrimination against women is an entrenched, global pandemic. This is evidenced in the “missing girls” phenomenon in developing countries, where it is estimated that due to the undervaluing of women and girls over 100 million girls are missing as a result of the infanticide of girl children, sex selection for boys, allocation of economic and nutritional resources away from girl children, and generalized violence against women and girls [1].

Traditional and persistent social cultural barriers have been shown to hinder the active pursuit of women to obtain positions of leadership [2]. It is proposed here that with the globalization of business practices, opportunities, technologies, and cultures, women face new and different challenges that vary depending on the context of the environment in which they operate. According to Hora [3], most patriarchic societies, females are regarded as the inferior of the species. This therefore implies that women are denied access to both honored and utilitarian role open only to males. Such roles as administration and disposal of property, leader ship roles in societal affairs including religion and governance are exclusively belong to males. While it is known that such

discriminatory practices exist in these countries, their prevalence and cultural value systems and norms that perpetuate them are not adequately understood.

Socio-cultural, economic development and the process of modernization has brought a profound transformation in the lives of women. Twentieth century saw an erosion of traditional segregated sex roles as women made considerable gains within the paid labor force, in educational opportunities, and in public life. Yet the force of this ‘rising tide’ varies substantially around the world, with significant contrasts among agrarian, industrial and postindustrial societies. There are also substantial cross-national differences even among nations with similar levels of development, such as between Sweden and Japan, the United States and the UK, or South Africa and India [4].

Theoretical Framework

The study was informed by Symbolic interaction theory by Mead and Schubert[5]. The theory proposes that humans must cooperate to survive and that the human mind uses symbols to designate objects and people and then selects courses of action appropriate to this symbolic definition. Humans have a self-reflexive evaluation of self while a biased symbolically based view of others. Therefore, once a gender becomes known for a certain role in society, the role becomes codified, magnified and eventually reflexively repeated into perpetuity in a self-defining circle that is incorporated into the culture. It takes the functional aspect of femininity, giving birth, and transforms it into a socially restrictive definition through repetition [6].

The theory is an important informer to this study since the meanings attached to symbols are socially created and fluid, instead of natural and static. Because of this, people act and react to symbols based on their current assigned meanings. Both masculinity and feminists are performed gender identities, in the sense that gender is something people do or perform, not something people are. In response to this phenomena, the sociologist Charles H. Cooley’s developed the theory of the “looking-glass self” (1902). In this theory, Cooley argued that an individual’s perception of himself or herself is based primarily on how society views him or her.

Similarly, it can be argued that gender inequality in Tunyo has been created through symbolic interactionism where women have been assigned roles such as taking care of the home and family which continue to undermine them. Men on the other hand are perceived as bread winners as well as decision makers thus may make decisions which continuously create gender inequality.

METHODOLOGY

The study was conducted in Tunyo Division, Marakwet East District. A descriptive survey research design was adopted for this study. According to Mugenda and Mugenda [7], a survey is an attempt to collect data from members of a population in order to determine the current status of that population with to respect one or more variables.

The study used multi-stage sampling techniques. First, the study adopted stratified sampling techniques where participants were categorized in their locations. Furthermore, proportionate sampling was used to identify the number of households from each location after which simple random sampling was used to select the actual households for the study. Finally, purposive sampling was used to select key informants with the main reason being they have rich information for the study. They included four village elders and one member of County Assembly. The division has 3,254 households with four locations as shown in Table 1.

Table 1: Total Households and Sampled Households

| Locations | Total Households | Sampled Households (=total households/3254*220) | Gender (50%) | |
|-----------|------------------|--|--------------|--------|
| | | | Male | Female |

| | | | | |
|--------------|-------------|------------|------------|------------|
| Arror | 896 | 61 | 31 | 30 |
| Kibaimwa | 900 | 61 | 30 | 31 |
| Mon | 757 | 51 | 26 | 25 |
| Chesuman | 701 | 47 | 23 | 24 |
| Total | 3254 | 220 | 110 | 110 |

Self-administered questionnaire was used to collect information from 220 respondents. An interview schedule was administered to the key informants who included two local chiefs and two village elders. Data analysis from the questionnaire was descriptive where frequencies and percentages were utilized. In addition, outputs were presented in terms of Tables, Pie-charts and Graphs. Permission to carry out the study was sought from the relevant authority and from the participants who participated in the study. The nature and the purpose of the research were explained to the respondents by the researcher. The researcher respected the individuals' rights to safeguard their personal integrity. During the course of the data collection, the respondents were assured of anonymity, confidentiality and their ability to withdraw from the study at any time if they wished to do so.

Findings

Effects of Land Inheritance on Gender Inequalities

The objective of the study was to examine the effects of land inheritance on gender inequalities in the study area.

Land inheritance

Land is one of the main factors of production that every single human being will want to own. When respondents were asked to state whether women are allowed to inherit land, the following findings were established as shown in Figure 3.

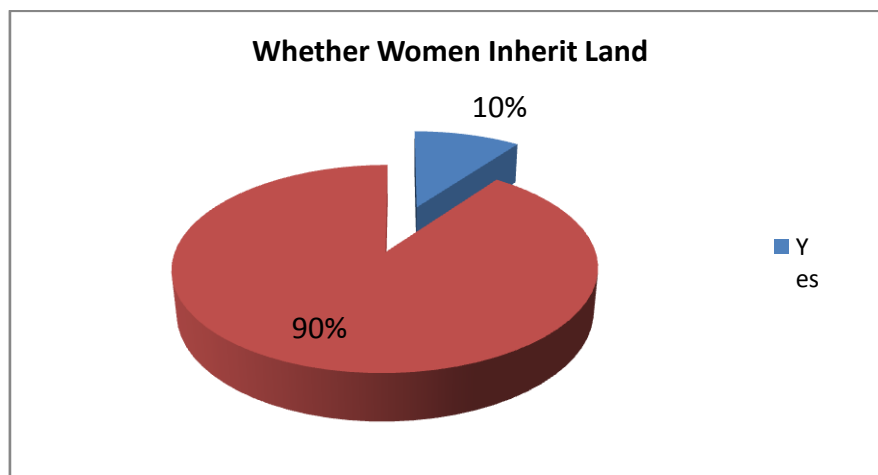


Figure 1: Whether Women Inherit Land

In relation to whether inherit land, findings from Figure 1 indicate that 90% of the respondents denied that women do not inherit land while only 10% said that they do inherit land. This is a reflection of how property inheritance contributes to gender inequality. In order to achieve gender balance, women just like men should be allowed to inherit land.

Reasons why women do not inherit land

In addition, the study sought to establish reasons why women do not inherit land. As a result, the following reasons were obtained: It was revealed during an interview with one local chief who was the key informant that women do not inherit land due to customary laws from the community where

since time immemorial women have not been inheriting land. ‘..tangu kitambo, babu zetu hawakurusu wanawake kuriithi shamba na mali nyingine na kwa hivyo watu wetu bado wako na mtazamo huo’ that since time immemorial, our grandfathers did not allow women to inherit land, a major reason why people still hold similar stand.

Another key informant who was a village elder said that when a woman moves out of the community to get married elsewhere she cannot be entrusted with community land. In other words, aliens may take over ancestral land which is impossible according to the community’s cultural practices. In addition, it was established that despite the customary marriage a man and a woman, community members believe that women are never permanent residents such that in case of death of their husbands, most of them move out to be married elsewhere. Furthermore, management of land is communal where women who are successful married are given a piece of land for seasonal farming but they do not own it in order to ensure that their families are food secure. This practice is normally termed as ‘Cheripgo’ which means a piece of land assigned to women to keep their household secure in terms of food and other basic needs.

Influence of Land Inheritance on Gender Inequalities

Land inheritance is considered a key issue in most communities. In order to determine the how land inheritance influence gender inequalities, a Likert like type scale was adopted for answering, where respondents were provided with a five scale answering option with 1= Agree, 2 = not sure 3=Disagree . Table 2 has a summary of the findings.

Table 2: Effects of Land Inheritance on Gender Inequalities

| Statements | A(1) | N S(2) | D(3) |
|--|-------------|---------------|-------------|
| In this community, land inheritance follows patrilineal order | 199(95%) | 8(4%) | 3(1%) |
| In this community land registration is mainly done on the husband’s name | 189(90%) | 14(7%) | 7(3%) |
| Even when the husband dies a woman is only allowed to use the land until her son(s) come of age to inherit | 175(83%) | 25(12%) | 10(5%) |
| Women are not allowed to inherit land because they are perceived to be part of the wealth of the community | 159(76%) | 35(17%) | 16(7%) |
| In my community, if it happens that a woman has land, then her husband takes control over it | 125(60%) | 54(26%) | 31(14%) |

Findings from Table 2 indicate that a majority (95%) of the respondents agreed that land inheritance follow patrilineal order. This was further qualified with a mean of 4.88. Patrilineal order in this study was used to imply an arrangement where inheritance of land and other properties are passed on from the grandfather to father to son and further to grandsons and great grandsons. This therefore implies that women have little or no room to inherit land from either their parents or husbands. This information concur with a UNCHR (1999) report which stated that in most African countries Kenya included deny their women an equal chance to land inheritance. The report further says that women’s access to land is only via a system of vicarious ownership, through men as husbands, fathers, uncles, brothers and sometimes son.

Another reason to justify why women rarely inherit land according UNCHR (1999) is that most community believes that women get married and get out of the family while men marry and bring their wives into the family. Thus, they take care of the families’ wealth and properties. This favors men over women in terms of land inheritance thus, resulting to gender inequality because all children are equal and should be considered equally in the inheritance matters. Finally, Rose, [8] asserts that

women in Sub-Saharan Africa where Kenya is inclusive may lose their previously existing rights to assets as a result of inheritance decisions that exclude them.

The results further indicate that in the community under study 90% of the respondents agreed that land registration is mainly done on the husband's name. This is a clear indication that women are being discriminated as they are denied an opportunity to inherit and own land. Furthermore, institutions that deal with land registration may also be perceived to perpetuate gender inequality. These findings concurs with those of Cornhiel [9], where it was found that in Africa most systems of customary law, women regardless of their marital status struggle with land registration.

Women are assumed to be transient within the polity and therefore not strategic as grantees of rights to land which constitutes the core of a community's existence. Besides, there is the perception that women are part of the wealth of the community and cannot therefore be the locus of land rights' grants. Men control household land because community authorities who are predominantly male have allocated the land to male household heads and these lands are passed down to male heirs. Thus, most land registry institutions therefore favor men compared to women

Land is a prime factor of production which is considered a valuable commodity. It was established from the study area that men are viewed as the head of the family and therefore bestowed with the privileges of owning and inheriting land. This also affects the registration of land where it is registered on husband's name. Few women who were found to own land complain of being looked down upon during registration. They further lamented that registration procedures favor men so much such that women are being frustrated. Mitullah [10], states that in several Kenyan communities, customary land registration systems require proof of a husband's authorization for a woman to acquire title independently of her husband and single women or single parent women are obstructed from acquiring these on the basis that there are risks without the support of their husbands or male relations.

Additionally, findings indicate that 83% of the respondents agreed that even when the husband dies a woman is only allowed to use the land until her son(s) come of age to inherit. Since majority was in agreement with the statement, it can therefore be deduced that women are used as custodians of land in cases where their husbands are deceased and later pass it on. This therefore justifies the fact that it is difficult for women in the study area to inherit land since it is believed to be an heir to men.

In an interview with the village elder, indicated that when a father or husband dies, women and small children become vulnerable to the situation where some relatives divide the properties amongst themselves while in some situation, they chase the widow away.

The results further indicated that 76% of the respondents agreed that women are not allowed to inherit land because they are perceived to be part of the wealth of the community. In the community where the study was conducted, payment of price gives men the impetus to own their spouse akin to one owning property or land. Men from this community own women and therefore they form part of their wealth. Thus, are excluded from inheritance.

Access to property like land in many traditional societies is predicated on three things namely, membership to a given society, functions relating to the property and the performance of reciprocal obligations owed to others in the society. The socially constructed roles of men and women are integral to the delineation of access rights. Control for its part entails the power to distribute and redistribute access rights to members of the society. This power is determined by the power relations between members of the community. In patriarchal settings, the role is vested in the older male members of a community.

In conclusion, findings indicate that land inheritance in the community follows patrilineal order, land registration in the community is mainly done on the husband's name, even after the death of the husband a woman is only allowed to use the land until her son(s) come of age to inherit and women not being allowed to inherit land because they are perceived to be part of the wealth of the community are the effects of land inheritance on gender inequalities.

Gender Inequality

Gender is a social construct which asserts that the expectations, capabilities and responsibilities of men and women are not always biologically determined. The gender roles assigned to men and women are significantly defined as structurally and culturally in ways which create, reinforce, and perpetuate relationships of male dominance and female subordination. Gender inequality was measured by looking at six variables as shown in Table 3.

Table 3: Gender Inequality

| Statements | A | NS | D |
|--|--------------|-------------|-------------|
| Female are seen as a source of wealth through bride price payment | 200(9 5%) | 10(5 %) | None |
| Women are marginalized in terms of property and land inheritance | 198(9 4%) | 12(6 %) | None |
| Women are not given the same employment opportunities as men | 190(9 0%) | 16(8 %) | 4(2%) |
| community does not value women who engage in politics because they are perceived to be inferior than men | 187(8 9%) | 13(6 %) | 10(5 %) |
| The community values male education more than female | 163(7 8%) | 10(5 %) | 37(17 %) |
| Violence against women is frequently perpetuated through social institutions | 127(6 0%) | 20(10 %) | 63(30 %) |

In relation to gender inequality, findings indicate that 95% of the respondents agreed that female being seen as a source of wealth through bride price. Most parents particularly those from poor background still believe in their girl-child as sources of wealth by marrying them off. After a girl is married, the husband is required to pay bride price either in form of cows, goats or money. Girls' parents thus may become wealth by suddenly owning some properties. In the event, some girls are married off early and therefore are deprived of good education and other privileges than their counterparts get.

The study earlier established that women rarely inherit land and other properties from the community where the study was conducted, men and women substantially occupy different positions, most of which are culturally determined. In a number of cases, due to skewed relations of power, women occupy subordinate positions. This subordination role therefore limits women from inheriting land and other properties which are inclined to patrilineal system. Findings also revealed that 90% women are not given the same employment opportunities as men. Due to the social construction, women are more suited to household chores while men being the breadwinners, they are favored in terms of employment opportunities.

It was further established that 89% of the respondents agreed that the community does not value women who engage in politics because they are perceived to be inferior to men. In the community where the data was collected, it was established that majority of those people who are in politics are men. The community does not believe in women making good leaders. Surprisingly, majority of the

women do not support their gender in vying for leadership positions. However, unless women are given community and institutional support, gender inequality will continue to exist.

In conclusion, the study indicate that female being seen as a source of wealth through bride price payment, women being marginalized in terms of property and land inheritance, women not being given the same employment opportunities as men, community not valuing women who engage in politics because they are perceived to be inferior than men and the community valuing male education more than female were found to be the major variables explaining gender inequality in the community.

CONCLUSION OF THE STUDY

Therefore the study concludes that land inheritance is a cultural system favored only men in the study area. Despite the new constitution in place, gender inequality in terms inheritance still exists. This implies that majority of women work on their husbands' land with no hope of owning it since it will be passed down to their sons. This hampers gender equality. In addition, bride price payment acts as a proof of ownership where men have the rights on their women and they see them as their properties not partners. This goes a long way in contributing to gender inequality as women have to do what their husband tell them but not according to how they wish.

RECOMMENDATIONS

The study recommends that since the new constitution recognizes that both children have a right to inherit land but implementation has failed, there is need therefore for the National government to work closely with county government and the ministry of lands to ensure that women are not discriminated on the basis of land and property inheritance.

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