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WOMEN'S ACCESS TO LAND AND THEIR ROLE
IN AGRICULTURE AND DECISION-MAKING ON
THE FARM: EXPERIENCES OF THE JOLUO
OF KENYA'

by

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ABSTRACT

This paper is part of a case study of recent and contemporary changes in rural Luo economy and society in Kisumu District of Kenya. It examines in particular the productive role of women in regard to changing patterns in access to land, land use and subsistence agriculture.

The central issue discussed in the paper is women's land rights in relation to those of men. Special attention is focussed on the land reform programme whose implementation is nearing completion in the district and its impact on access rights of women and men in land.

It is pointed out that the transfer (or intention to transfer) of the final right to dispose of land from a communal (lineage) to an individual basis has two structural consequences. First it creates a new legal basis for the control of the individual over resources especially because land is the basis of rural livelihood in the area. Second in so far as the registered title holders are mainly men the programme merely modernises the proprietary control over women by men. More specifically it is pointed out that weakening of women's usufructory rights by the programme is likely to be more disadvantageous for childless women, women with only daughters and widows in the latter category.

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INTRODUCTION

This paper attempts to interpret a set of quantitative data gathered by a questionnaire in order to elucidate the ethnographic context of the productive position of women in contemporary Luo society in Kenya. The central issues considered are women's rights to land and other property (e.g., livestock) and how this is related to women's role in agricultural production and decision-making on the farm.

Available research findings link the Joluo (the Kenya Luo) with other Luo peoples who today live in the southern region of the Sudan, in Uganda and northern Tanzania. They share a common linguistic and cultural heritage, patterns of economic and political ideology, and a common history of origin in the southern Sudan. They emigrated in stages from the cradleland between 1000 and 1700 A.D. to settle in their current homes. Luo ancestral lands in Kenya today stretch over terrain at an altitude of 4000 to 6000 ft. on the northeastern shores of the Nyanza Gulf of Lake Victoria. These lands have been divided administratively into South Nyanza, Kisumu and Siaya Districts. With the transformation from subsistence to monetary-economies during the colonial period, Joluo, especially the men, began to emigrate to employment areas all over Kenya. Migrations within the area have also continued as a response to a rising population and a quest for better and richer soils in other parts of the gulf region. (For further discussions on Luo history, social structure and ideology, see the following: Crazzolara 1951; Bitt 1952; Southall 1952; Ogot 1967; Cohen 1974; Sutton 1974; Okot p Bitek 1971; Pala 1977 chapters 2, 3 & passim).

1. This paper is based upon a larger study on socio-economic change among the Joluo of Kenya, 'Changes in Economy and Ideology: A Study of Joluo of Kenya (with special reference to women)'. Ph.D. thesis, Harvard University Department of Anthropology, April 1977.

Data reviewed here were collected by means of a questionnaire composed of a number of standardised questions as well as open-ended questions and probes. Ethnographic information was gathered by the normal anthropological field methods, namely participant and non-participant observation as well as field notes. This includes data on uxorial rights and obligations within the domestic group and lineage, and on the pattern of decision-making with special respect to land and livestock, the two major means of production. In all, 135 women were interviewed. All of them fall under the category of in-marrying females of the lineage. Field studies covered the period between July 1974 and September 1975.

WOMEN'S RIGHTS IN LAND

The pre-colonial (traditional) system of land tenure, which has persisted up until the instigation of recent land reform programmes, provided an unmarried woman (nyako) with usufructory rights to land vested in her father's patrilineage. When she became a full wife (dhako) and went to live with her husband's family, according to the rule of patrilocal (post-marital) residence, she had usufructory rights to land belonging to her husband's patrilineage. The primary orientation of the Joluo to land has traditionally been in terms of subsistence - the right to use land belonging to the patrilineage for cultivation, grazing and ceremonial activity. Furthermore, by personal arrangement arising out of friendship (osiep) or kinship (wat), individuals could enter into limited exchanges of garden plots for specific seasons or crops. This practice was called in Dholuo kwayo puodho (borrowing land). It guaranteed use rights to the recipient for a short period of time, usually one season or two continuous seasons in the agricultural year (higa). The brevity of this access period served to forestall the possibility of introducing any ambiguity concerning the rights of the donor and recipient.²

Although women, as individuals or in groups, did not have the legal right to allocate or dispose of land, they were protected by the normative emphasis on usufructory rights which ensured that: (1) individual men were

2. As will be shown later, the concept of time is central to individual access rights to land. In the case of these exchanges, if land were granted for a longer period, it would still be clear who the donor was, but getting the land back would be difficult because it would be considered unacceptable to withdraw a piece of land from a person who was actively depending on it for a significant part of his/her livelihood every year. These relationships worked better if a person asked for land for a specific crop for one or two seasons and let it revert to the donor before he/she (the recipient) became too dependent on it.

not vested with the right to alienate land, and (2) by virtue of their position as lineage 'wives' and 'daughters' women were entitled to land for agricultural purposes from which they were expected to feed themselves, their children and spouses. Thus the issue of having the right to allocate and/or dispose of land did not seem to present a threat to women's role in production until recently.

A few conceptual clarifications are important here in view of the subsequent discussion of the empirical data on women's present relationship to land and how it is being affected by contemporary land reform campaigns in Luoland. In Dholuo the concept of wuon lowo (owner of land) operates at two levels. In the first instance it identifies the person (usually male) who has the right to allocate land (miyo n'gato lowo). Such a person falls in the general category of kwaro (lit. grandfather in a classificatory sense). Migot-Adholla describes the cut-off point in the lineage where the kwaro exercises his allocative rights as '...comprising the collective group of people derived from a grandfather or any male agnate above the first ascending generation' (1970, p. 20). Secondly, wuon lowo describes a person (male or female) whose use rights to land are guaranteed over a long period of time, in virtue of a specific structural relationship with the first category of wuon lowo described above. Such a structural relationship is normally one that can be validated by kinship as proven by genealogical record, or by fictive kinship ideology. The period for which such rights to land are conferred quite often lasts for a lifetime, or as long as the individual maintains the recognised structural relationship with the first type of wuon lowo; for it is that relationship which carries a proprietary right. A wife or a daughter, and for a time an unmarried son before he is allocated his own land, are typical examples of the second category of wuon lowo. In other instances a jadak (squatter), who tends to be an affinal or matrilineal relative or close friend, may be allocated land and for proprietary purposes be fictively grafted into the patrilineage.³

3. For purposes of marriage, however, the jadak would still be considered exogamous to the patrilineage. Thus it is common for such a person, usually a man, to marry from the near kin of the family which has given him land in order to maximise his security of land tenure in the patrilineage.

A second concept which should be noted at this point is the concept of wuon puodho (owner of a cultivated field). This concept identifies the person who invests labour into a piece of land allocated to him or her, thereby transforming it into a productive unit, a field producing grain crops or vegetables. In this capacity, both in the past and at present, women exercise the right to exchange garden plots for agricultural purposes for short periods of time, as discussed above (kwayo lowo). As a matter of fact, even today a woman is not obligated to consult her husband or whoever allocated the land to her in exchanging plots, because such an exchange is valid only for the use of land as opposed to retaining it for good. It becomes clear how the precolonial (traditional) system of land tenure gave women a great deal of leverage in matters relating to the use of land, particularly as land was relatively plentiful and security of tenure rested in the patrilineage, thus precluding individual rights to alienate land.

A third conceptual point which merits some discussion is the mechanism by which land is allocated to a wife (dhako). It should be noted that prior to marriage an unmarried woman does not have an allocation of land or livestock from her father's patrilineage: she merely has use rights to land. Further, by virtue of her labour input into farming, she has a share in the control of crops accruing from her efforts, or an equivalent amount from the collective efforts of the house (ot). At marriage, however, the mechanism by which land is allocated to a woman varies according to whether her husband's land-allocating kwaro is alive or dead, whether she is the first, second or third, etc. wife, and at times whether her husband is the first, second, third, etc. or last son.

The details of the mechanism of land allocation to sons and to wives is somewhat complex and depends on such issues as the personal relationships between a husband and his wives, between a man and his sons, or the relationships among the co-wives, i.e., whether they had any kinship relations prior to marrying the same man. It is important to understand in considering the empirical data to be reviewed later that: (1) a first wife may have an allocation simultaneously from the kwaro (her father-in-law) and from her husband who because of his marriage to her may also be receiving a final allocation from his father; (2) a second or third wife would tend to receive an allocation from her husband, who may do this by subdividing the land originally allocated to his first wife; (3) the first wife of the wuoyi ma chogo (surviving last-born son) would tend to receive an allocation from the

land being farmed by her husband's mother. It is customary for a last son to inherit both the land and the livestock held by his mother at her death. If she has several plots, one of them can be allocated before her death to the first wife of the last son to farm alongside her mother-in-law.

There is no evidence to suggest that this mechanism of allocation, or the concept of wuon lowo, has been replaced by a new system other than the new tenure reform which is now being implemented (see discussion below).

Land Tenure Changes and Women's Rights

Land is the basis of rural existence in Luoland. Therefore, it seemed appropriate to enquire at the outset of our study how land reform, which is geared towards an eventual transfer of land rights to individual lineage members - usually male - is affecting women's relationship to land and its implications for agricultural work done by women.

The field research included six questions designed to elicit information on the current position of women regarding land and land use. We were interested in the following issues: (1) women's access rights to land; (2) how they acquired the land they are currently using; (3) how they use the land; (4) who holds the right of allocation of the land they are farming; women's status as wuon lowo vis-avis the male wuon lowo; (6) whether some or all of the land they are using has been bought or sold recently; (7) whether their land is being registered and if so, in whose name; and (8) how decisions are made regarding the sale, use or exchange of land.

If we consider the first question concerning the amount of land over which respondents have cultivation rights, we find that 31 respondents (22.96 per cent) said that they have access to at least one parcel and not more than three parcels; 62 (45.93 per cent) reported access to between three and five parcels; while a further 31 (22.96 per cent) said they had access to between 6 and 9 parcels. Only one respondent reported access to between 10 and 15 parcels, while one other said she had more than 15 parcels to cultivate.⁴

4. 'Parcel' is the term used by land adjudication officers to describe a discrete piece of cultivated land. The Luo equivalent term is puodho, and this word was used in the questionnaire. As has been said earlier, puodho is a piece of land (lowo) when labour has been applied to transform it into a dynamic food production unit. Any piece of land which has been cultivated, even if it is fallow at the time of adjudication, is referred to as puodho, not lowo. In the course of the interview sessions, it became evident that, while respondents had a very precise count of how many parcels of land they have the right to cultivate, few of them could give us an accurate measurement of their land sizes in hectares. On the advice of a land lawyer, H.W.O. Okoth-Ogendo, who has conducted extensive research on land use in the area and in other parts of Kenya, we were able to approximate the average size of a parcel to be 0.5 hectares or 1.0 acre. Since there is a certain amount of variation in actual parcel sizes, this estimate must be seen as a broad indicator only.

Five respondents (or 3.70 per cent) said they were landless, while 4 others gave no response.

Two points require further amplification with respect to these responses. First, it can be concluded that 124 (91.85 per cent) of the respondents have access to land ranging between 1.50 hectares (3.71 acres) and 4.50 hectares (11.12 acres). Only 2 respondents (1.48 per cent) have land between 5.70 hectares (12.35 acres) and 7.50 hectares (18.53 acres). Furthermore, only these latter two respondents reported that their land is consolidated all around the homestead. The rest have parcels scattered in different sections of lineage lands. This means that none of the respondents have enough land to qualify for the agricultural loan scheme meant for small farmers in Kenya (the G.M.R.)⁵.

The scheme requires that each applicant must have proof of access to a minimum of 15 acres (6.07 hectares) and a maximum of 20 acres (8.10 hectares) to qualify for a subsidy. Our data on land holding underscore the fact that most peasants in this area cannot hope to expand the potential of their land through government assistance. This is true even if we allow for the possibility that, owing to (1) perceived problems surrounding land availability, (2) the indigenous tendency to underplay the value of property (i.e., animals, land, produce) in public discussion, and (3) the fact that respondents are women who are land users rather than persons with the right of allocation, the land sizes quoted by respondents may be slightly smaller than those recorded by the land adjudication officers for purposes of land registration.

5. The G.M.R. (Guaranteed Minimum Returns) Loan Scheme has its origins in the Increased Production of Crops Ordinance of 1942, a war measure intended to satisfy the cereal needs of the British Empire. It was introduced in Kenya as an inducement to the white settlers to plant maize, a crop they would not voluntarily grow because it was less profitable than other crops. At that time no settler had less than 20 acres of land. While the G.M.R. scheme was never intended to apply to the African sector of the economy, it was extended to Africans in 1960 when the Kenya (Lands) Ordinance of 1960 ostensibly abolished all the structural discriminatory regulations affecting Africans. Ironically, the majority of peasants do not really have access to the necessary aggregated agricultural land to enable them to participate in the G.M.R. Scheme. Thus the extension of the G.M.R. to Africans implied the creation of an African elite based on land holding and served as a constraint on peasant farmers, hindering their participation in development. The G.M.R. today operates by guaranteeing the farmer credit equivalent to the resources expended in growing a crop on a 20-acre plot when the farmer can prove that expenditures exceeded returns, for instance if an agricultural officer can certify that owing to crop failure, farmer A, having spent the sum X to grow maize, did not receive at least an equivalent sum from the crop. If the returns can be shown to exceed X, then the G.M.R. is not payable to the farmer.

This brings us to the notion of landlessness. Five respondents reported being landless. On further investigation however, they turned out to fall in the category of persons who have access to land ranging between 0.50 hectare (i.e., 1 acre) to 1 hectare (or 2.47 acres). Why then should they describe themselves as landless? There are two possible interpretations of this notion of landlessness. First it can be seen as perceived precariousness of access rights which may derive from: (1) registration of land in the name of males, thereby in effect alienating women's access rights to land. Such access rights depended traditionally upon the fact that individual males were not able to alienate land, even though as members of the landholding patrilineage they had the right to do so. (2) Participation in cash needs which may force those with little land to lose it all through sale to those who have money to buy it.⁶ Second, landlessness may reflect women's recognition of the fact that they cannot expand their acreage. This is a particularly important point when considered as a prognosis of future land problems in the area. A wife (dhako) represents a house (ot), or one stage in the developmental cycle of the domestic group. The resources she has in hand, constitute what she perceives to be allocated to her sons in the future when they also take wives and set up new houses. Thus in terms of future options for her children, a woman who has 0.50 hectares of land at the moment is justified in saying she has no land. In Dholuo onge is a word which means being without, and it is often used to refer to scarcity, particularly of important resources such as water (pi), grass cover for cattle (lum), and land (lowo), when it is perceived that the resources will not last for long. Thus when the women answered 'Aonge lowo' (I have no land) it can be said that they were describing a condition of scarcity.

6. This area is typical of most of the lakeshore savannah areas where land aggregation will not become a reality for most of the peasants. The efforts of land reform in the colonial period failed in Luoland. Today there are indications that a few wealthy peasants may realise land consolidation by buying land from the less wealthy ones. It was reported that in some instances land has been sold at the low price of K.Shs. 200/- for a plot of 2 acres because of the sellers' desperate need for cash. Such cash is often needed at the beginning of the school year to pay school fees.

After the question of land sizes, we were interested in determining the sources of the land cultivated by the respondents - whether it was all derived from lineage sources or whether part was bought or borrowed for use (okwa) from friends, relatives, etc. The following responses were obtained. Ninety-one respondents (67.41 per cent) said that they are wuon lowo to all the land they are cultivating. This means that they are recognised users of that land by virtue of their structural position as 'lineage wives'. Seventeen respondents (12.59 per cent) said they are wuon lowo of at least one-fourth of the land they are farming; 20 (14.81 per cent) reported a similar status for at least three-quarters of the land they are cultivating; while two (1.48 per cent) reported that they have use rights to at least one-half of the land they till. Five (3.70 per cent) gave no response. When asked to identify the source of land they are cultivating; 130 (96.29 per cent) responded that they acquired the land through a relative by marriage and named husband, husband's father or husband's mother. Five (3.70 per cent) said that the land they are tilling came partly from a lineage source and part was bought. These two sets of responses, read together, mean that: (1) the majority of respondents actually till only lineage land; (2) there is some possibility of exchange of land within the lineage group so that some respondents are able to have access to more land than they actually have from their direct land allocating group; and this is why (3) land registration is likely to be a disadvantage to the lineage group if **after** registration of plots individual title holders intervene in the customary exchange of short-term land use. This point is suggested by the pattern of responses to a question concerning the source of borrowed land: 126 (or 93.33 per cent) of the respondents stated that land has been borrowed from a relative by marriage.⁷

At the time of the field investigations (1974-75), most of Kisumu and South Nyanza Districts were undergoing the second phase of a legal process which would eventually lead to the change from corporate rights

7. This computation excludes five respondents who reported being landless and four who give no response to question one.

8. In these Districts the land tenure reform programme proceeds through the following stages: (i) adjudication, i.e., identification of individual rights in land; (ii) registration, i.e., entering land sizes in a state-maintained register; and (iii) issuing of title deeds to individual registered land holders. For further details on the land tenure reform programme in Kenya see Okoth-Ogendo (1977).

to land based on the lineage to rights based upon individual tenure. This would mean that individuals (invariably males) who have attained majority age (18 years) at the time of registration would be given title to particular plots of land. In the event that an individual was underage at the time of adjudication, the title would be held in trust for him by his father, mother (if she was widowed) or his elder brother until he could have it transferred to his name at the appropriate time. Such a title would give him a theoretical and in practice a legal right to dispose of the land by sale or any other means without necessary recourse to the elders of the patrilineage, who would ordinarily have the power of veto in matters of alienation of land by individuals. It seemed important, therefore, to enquire how far the process of land registration had been implemented and whose names were actually being entered in the land register.

On the question of land registration, 131 respondents (97.04 per cent) said that their land is already registered, while 4 gave no response. When asked in whose name the land is registered and their own relationship to the registered owner, 70 respondents (51.85 per cent) said that their land is registered in their husband's name; 35 respondents (25. per cent) reported the registered owner to be their son; 10 respondents (7.41 per cent) said that their land is registered in the joint names of their husband and son; 8 respondents (5.93 per cent) mentioned that land is registered jointly in their name and their son's name; and only 8 respondents (5.93 per cent) reported that land is registered in their own name alone. Four respondents (2.96 per cent) gave no reply.

The striking point in these results is the manner in which land is being transferred to an almost exclusively individualised tenure system, which leaves no provision concerning how women's access rights are to be defined when the reform is completed and the new tenure system becomes operational. Of all the respondents, 115 (85.19 per cent) reported that their land is already registered in the name of their husband, son or jointly in the husband's and son's names. If we add to this the 8 respondents who have land registered jointly in their own name and their son's name (since the land will eventually go to the son), we find that 123 respondents (91.11 per cent) are eventually to depend on land whose registered owner is a male relative (son or husband). In practice, these women would probably still enjoy their cultivation rights to land as lineage wives; however in theory this status has been superseded by the new stipulation which gives individual

men the right to alienate land from which their female relatives (wives, mothers and sisters) expect to draw their livelihood for several years to come.

Although it is still too early to predict the outcome of this process with a great deal of precision, there are, in our view, at least two trends which could develop. In the first instance, young unmarried men who have reached the age of majority but who have no opportunity for paid employment will tend to sell the land which is registered in their name, leaving their parents to try to eke out a living on very small strips. In the course of our field study, we observed some instances of this trend and were often told by woeful mothers how they were unable to restrain their children from 'losing' all the land for money which lasted for a very short time. This is the same situation as when parents sell their land to obtain cash for school fees, even though at a great loss to themselves. Alternatively, it is possible to expect the registered owners to honour the use rights of their female relatives, thereby causing little insecurity to them. This trend, however, is likely to be jeopardised by the fact that land is not readily available and, in addition, employment opportunities for these families are very limited.

It is probably important to point out the categories of women who are most threatened by this transformation. The first are those women who come from families with little or no off-farm incomes, so that their cash needs are generally met by the sale of livestock, land or agricultural produce. The second are those women who have only daughters or are widowed, for they are often defined by the land adjudication officers as those who do not need much land. It would seem if we look ahead five or ten years, that these two categories of women may find themselves in quite precarious situations because of the manner in which land ownership and use rights are currently being defined in the land reform process.

9. In several instances I talked to land adjudication officers and asked them why an overwhelming number of women were not being registered with land in the new scheme. In every case their answer was, 'because it is customary: men own land and women do not own land'. Okoth-Ogendo (1975) has suggested that there is some conceptual confusion between ownership, right of allocation and access rights. In the precolonial system of land holding, women were guaranteed use rights to lineage lands because their tenure was supported by the structural principle which defined a wife among other things, as a person who was entitled to land for production as long as she maintained that relationship with the patrilineage. The right of a man to allocate land is not equivalent to the right to alienate land which the new scheme is bringing into operation.

This confusion is also compounded by the fact that the manner in which the law operates, the technical language and the context in which law is applied at the local level obscures the peasants' understanding of the implications of legal regulations which affect their lives. In our sample, the respondents only knew that land was being registered 'because the government says so'. They were unaware of the mechanics of the land tenure reform programme and were therefore not in a position to intervene in processes which are clearly inimical to their wellbeing. Furthermore, in the local area, the group which was constituted to assist in the adjudication of land was entirely male. These men argued that by custom women did not take part in land disputes, and therefore it was reasonable for such a group to be all male. As things stood at the time this research was carried out, there were clear indications that the all-male advisory group would not give advice which would lead to the strengthening of access rights to land for women. They have over-emphasised the structural points of allocation and inheritance of land at the expense of use rights, which is the area in which women cultivators stand to be most adversely affected by the new scheme.

The wife's house (ot) is the locus of female autonomy - whose legitimacy derived largely from the socio-economic and legal status of a wife (dhako). One of its main functions has been to locate which sons inherit what land and livestock. In view of the land tenure changes discussed above, it seems that one of the outcomes of the land tenure reform programme is the diminution of status of the house and its de facto head, the woman. The new scheme is directed at identifying individual males in a patrilineage who are likely to inherit the property (land) of that patrilineage. Thus it speeds up the developmental cycle of the house and renders the house essentially unnecessary from a proprietary point of view. In this way it isolates women from their sons, for whom, in the past, they would have been guardians of property until their marriage. This new approach to land tenure may also tend to redefine lineage, no longer as an expression of corporate rights in land, but more and more as an ideology of kinship, not necessarily realisable on a territorial basis. In any case, the overall effect will likely be to diminish the proprietary function of the wife's house (ot) and thereby reduce the basis of female autonomy.

WOMEN IN AGRICULTURE

All of the women interviewed are cultivators. They depend for their livelihood on the land. They grow agricultural crops and vegetables which are largely used for home consumption and are sometimes sold to buy small

household items, such as sugar, paraffin, soap, matches, etc.

Land Use

When asked what they use land for, 65 respondents (48.15 per cent) said that they use their land for raising crops for food (i.e., for the household); 45 respondents (33.33 per cent) reported using their land for raising crops both for home consumption and for sale; 19 respondents (14.07 per cent) said they use land for grazing purposes as well as for growing crops; only 2 (1.48 per cent) reported using land mainly for raising crops for sale; and 4 gave no response. What in fact is happening here is that 129 respondents (95.56 per cent) in effect use land largely for subsistence crop production, but will sell some produce in order to raise cash for buying household goods. Some of them also use land for grazing livestock. The main crops grown for consumption are maize (oduma), millet (bel), elusine (kal), beans (oganda), cowpeas, greengrams (Olayo) and pumpkin (bucho). Cassava (mwogo) and sweet potatoes (rabuond Nvaluo) are the major root crops grown. Three of the respondents grow sugar cane (nian'g) for sale, nearly one-third grow sweet bananas (rabolo) and a similar proportion grow cotton for sale.

Farm Task Allocation

We asked respondents about the nature of farm task allocation within the household and the types of equipment available for performing these tasks. For this question the following key farming tasks were identified: clearing bush (beto), ploughing (pur gidhok), hoeing (pur gilwedo), planting (komo, chwoyo) and weeding (doyo). In addition to these tasks which relate closely to the crop cycle, we were interested in crop storage and how transportation of produce from the farm to the homestead is accomplished. This includes such tasks as erecting granaries (godero), transporting produce to the home (tero cham dala), and preparing and storing produce (loso kod kano cham). Table 1 presents the responses obtained in regard to the allocation of farm tasks.

It can be seen from the table that the task of clearing bush prior to ploughing is largely a man's job: 50 respondents (37.04 per cent) reported that their husbands perform this task. A considerable number of women, however, are also in charge of this task alone during the agricultural year. Still another interesting category is the women who perform this task with

the aid of hired labour.¹⁰ As many as 20 respondents (or 14.81 per cent) reported having access to hired labour to help in this task. Only 14 women (or 10.3 per cent) reported performing this task jointly with their husbands. Children appear to render minimal assistance to their mothers in this task.

Ploughing is similarly a job done mainly by men and increasingly by women with the assistance of hired male labour: 43 respondents (or 31.85 per cent) said their husbands are in charge of this task and perform it, while a further 70 respondents (or 51.85 per cent) reported using hired male labour to accomplish this task. The widespread use of hired labour for ploughing stems partly from the fact that not many households own a plough. Thus a large number of families have to hire or enter into labour exchange with other families in order to have access to a plough, at least for breaking the soil once after clearing the bush.¹¹ It is interesting that four respondents said they personally perform the task of ploughing. This is a fairly rare phenomenon: women do not ordinarily plough or operate other ox-drawn equipment such as carts for transportation of thatch or harvested crops. When asked further about this, it turned out that all of these women own a plough, and since their husbands have jobs elsewhere, they prefer to plough themselves rather than to hire someone to do the task for them.

10. The rate at which a hired labourer is paid varies by task and depends on whether the labourer is employed full-time or paid on a piece rate or a daily basis. At the time of the study only three respondents had hired labour on a full-time basis. The highest rate paid was K.Shs. 75/- and the lowest rate K.Shs. 45/- per month. The rest of the respondents who used hired labour paid on a piece rate basis. This meant that the labourer was paid a set sum for a piece of work done within a set period of time. This usually worked out to K.Shs. 3/- per day with a meal during the working hours. As far as could be ascertained only men were hired for clearing bush.

11. The cost of renting a plough package varied by field size and tilth of soils: clays with couch grass cost more than sandy soils. It is estimated that it costs an average K.Shs. 140/- (including food during working hours) to plough one acre. These rates are fairly high because they include the cost of the equipment as well as of the driver of the plough (usually a man) and an assistant. In some instances, women will assist the plough driver themselves in order to supervise how the ploughing is done and make sure that the ploughman does not obscure the boundaries (kievo) of their field; i.e., vis-a-vis the next field which quite often belongs to another lineage member. In the area studied, there are 100 active plough packages which use 6 oxen each for draught power. This is a sub-location with a population of nearly 4,000 people or about 2,000 households. Thus there are at least 20 households for each plough, which is why the cost of hiring a plough package is relatively high.

They know how to milk cattle and perform this task for themselves, and they also have considerable knowledge of ploughing and oxen and cattle husbandry. They all appear to have learned these tasks after marriage when their husbands bought ploughs but had to go away to work. In general, they plough only their own fields themselves and hire out their ploughs at other times under the supervision of their husbands' brothers; in one case a hired labourer assists.

Hand digging, planting, weeding, harvesting, transport of produce from the farm and preparation and storage of produce are largely a woman's task with only little assistance from her husband. Construction of granaries (like the building of houses) is a man's task. Children are particularly useful for scaring birds, which they perform with a mud slingshot at short distances and by rustling the maize or millet. In other instances, this is augmented by loud songs, telling the birds to go away before they are killed, as well as clapping and shouting. However, children are not always available to perform this task because they go to school. Birds feed mostly in the early morning to early afternoon hours, which tend to be the hours children are in primary school, hence the low percentage (27.41 per cent) of respondents who rely on their children for this task. It seems that women have to take care of this task a good deal of the time themselves. Apparently many households find that birds are no longer a major problem, however. They explain this by the fact that there are no longer many large trees and forests in the area, so the birds have no cover for their nests and migrate to areas which are still more heavily forested. This, in itself, is a sad commentary on the environmental deterioration in some of these areas owing to the pressure to cultivate more and more land.

Farm Technology

In all these tasks - particularly hoeing, planting and weeding - the hoe is still the predominant farm implement used. A slash and sometimes a sickle are used for clearing bush. In most of the region the large forested areas have all been cleared, so that an axe is not often needed to fell trees, etc. For harvesting, a knife is often used to cut the tops off millet, while maize is usually harvested by hand. Produce is carried by head loads; 107 respondents (or 79.26 per cent) said they transport produce by head loads. A small number of people use donkeys to transport produce in sacks from the field: 27 (or 20 per cent) of the respondents reported

using donkeys. Ox-drawn carts are rarely used for this task. Although oxen are used for ploughing and for pulling carts with bundles of grass for thatch, not many households actually own oxen. Donkeys are also scarce, but are hired for long-distance transport on rugged terrain because they can walk uphill carrying two sacks of produce for long distances without becoming tired. Much of the terrain is too rugged for ox carts.

Changes in the Division of Labour by Sex

Two aspects of change in farm task allocation are important: (1) changes in the division of labour by sex; and (2) the use of hired labour. When we asked respondents what changes they had observed in the division of labour between the sexes since they were married and came to live in the area, there was broad unanimity that women are doing many tasks formerly known to be men's tasks (tije chwo). The opposite trend is not as obvious. Tasks now done by women include clearing bush, ploughing and even constructing granaries. In some instances women perform these tasks themselves (e.g., ploughing), or else they take on the responsibility for these tasks by supervising hired labourers who are often male.

This brings us to the question of the use of hired labour. It can be seen from Table 1 that in almost all the farm tasks listed, with the exception of storage of produce, some hired labour is used. Two interpretations suggest themselves here. First, there seems to be a growing differentiation among households in rural Luoland between those who have the cash to hire labour as opposed to those who need cash and must sell their labour. In other words, there is emerging a group of women who have access to their husband's cash and thus have the option of contracting work out to others. Secondly, the hiring of labour may be symptomatic of male out-migration which puts a strain on female labour. This must be offset whenever possible by hiring additional labour to assist women over the agricultural year. These interpretations are not mutually exclusive. In other words, it is possible that male out-migration in search of paid employment is resulting in a certain amount of cash flow to the men's families. This makes it possible for wives to hire labour occasionally to enable them to accomplish necessary tasks over the agricultural year. Considering the land sizes discussed above and from long-term observations in the field, it appears that labour is hired by and large to enable women

to accomplish subsistence tasks.¹² Women hire male labourers for 'male-typed' jobs (ploughing, using donkeys for transport, etc.), they hire women for 'female-typed' jobs (weeding, digging, etc.), and they accomplish the rest through mutual assistance groups.

In addition to hiring labour, households exchange labour in order to meet their own needs without cash payment. Ploughing is often done in this way. Many other instances of women's labour exchanges revolve around weeding, harvesting and transporting produce from the fields, as well as storing produce. This type of exchange takes the form of mutual aid based upon friendship and kinship and operates over many years. A woman tends to develop this sort of relationship with two or three others, and they assist each other at peak seasons every year. In times of sickness or long-distance travel away from home, women rely on each other for the supervision of the house, children and grain stores while they are away. This sort of arrangement is central to the web of community feeling, mutual support and respect among rural Luo women today.

Decision-Making for the Farm

In addition to questions of land rights and cultivation, we were interested in the way in which decisions concerning agriculture and animal husbandry are allocated between wives and husbands and whether these patterns hold any implications for women's position in present-day Luo society.

Of particular interest were decisions relating to: (1) land transactions, whether in the commercial market or in the context of indigenous modes of exchange; (2) land use (e.g., whether to plant a crop in one plot or another or the sequencing of weeding in one plot as opposed to another; (3) exchange of produce for commercial purposes, as

12. In the sample there were only three women who hired labour for nearly all tasks throughout the year. For others, weeding was the bottleneck period when they had to hire groups of women. It seems that women maintain work groups for hire. This means that a group of three or four women take contracts for one or two fields (puodho) which may be one, two or three acres all together. They work on the fields together at the flat rate of K.Shs. 3/- per person per day. But as a group they finish the fields faster than an individual could, so the time gained is what works out as their profit. Thus they can move on to the next job or back to their personal plots if they feel that enough cash has been acquired from the first contract.

well in gift-giving; (4) sale or purchase of domestic animals (cattle, sheep/goats, chickens, etc.); and (5) children's welfare, particularly the education of girls and boys as well as their marriage preferences.

Let us consider for a moment the concept of decision-making in Dholuo. When a question relates to whose decision carries weight or who must give permission before an event (such as the sale of land) occurs, it is usually stated in terms of the power of veto. In Dholuo, power is called teko: thus the question was formulated in Dholuo as ng'a ma ni giteko e wechemag (who has power in matters of). It is important to avoid ambiguity between who has the power in theory (i.e., normative expectation) and who actually makes the decision (observable practice event). This ambiguity was avoided by posing the question twice to the respondent, followed by probes. Interestingly enough, the first answer was invariably one that fitted the normative expectation. The second answer and responses to the probes clarified matters a great deal and gauged whether that particular household decision-making pattern fitted the normative one or, as is often the case, varied according to the particular situation. Responses indicated the distinction between norm and practice when respondents answered dichwo (a man) as opposed to jaoda (literally 'the man of my house', i.e., my husband) or when they responded dhako (woman/wife) as opposed to an (myself). In other words, when respondents were willing to place themselves in the dynamic position of an actor in the decision-making process, the answer tended to reflect what actually happened. We only managed to elicit such responses after asking the question a second time, which meant sometimes that a second visit had to be made to complete the questionnaire.

Respondents showed considerable unanimity in regard to who makes decisions concerning land transactions. Eighty-four respondents (or 62.22 per cent) said that their spouses are responsible for decisions where land is to be given over to someone for good: sold, bought or given for public use. In all these circumstances, the spouse is exercising his right of allocation. Twenty-three (17.04 per cent) said that their husbands consulted them before making final decisions in these transactions. Some respondents also reported that they make these decisions alone: 10.37 per cent decide independently to give land, 7.41 per cent decide to sell land, 7.41 per cent decide to buy land, and 2.96 per cent decide to give land for public use. It turned out that these are either widows or women who are almost entirely in charge of agricultural operations because their husbands are working away

from the area.

In contrast to decisions on land transactions, decisions concerning land use and deployment of agricultural resources are largely made by women. Decisions to hand dig or plough a plot for cultivation seem to be evenly distributed between the sexes: 44 respondents (or 32.59 per cent) reported that they themselves are responsible for such decisions, 46 (or 34.07 per cent) reported that their spouses are responsible, while 31 (or 22.96 per cent) said that both they and their spouses made such decisions. Decisions on the schedule of priorities for weeding plots are made independently by 68 respondents (50.37 per cent), 31 (22.96 per cent) reported that such decisions are made by their husbands, and 27 (20.00 per cent) indicated that these are joint decisions made in consultation with their husbands. When produce is to be sold or given to relatives of the wife of husband, the respondents were unanimous that this is a woman's decision: they personally decide how much to give when their own or their husband's relatives are in need of assistance.

Decisions concerning sale or other transactions involving cattle, sheep or goats appear to be 'male-typed'. Respondents were on the whole in agreement that their husbands make the decisions when cattle, sheep or goats are bought, exchanged in bridewealth transactions or given for lineage ceremonies. On the contrary, decisions regarding the purchase or sale of chickens seem to be made by the individual owner. Within the household, chickens seem to play the role of gift objects which a husband, wife or grown children can own privately. Thus whenever expedient, any member of the household may sell his own chickens or give them as a gift as they see fit. In purchasing a chicken, children may have to consult their parents - usually to ask for money or grain with which to buy the bird.

In matters of children's welfare, particularly in the decision to educate a boy or girl, respondents were unanimous that the father plays a leading role. Similarly, in discussions and decisions concerning marriage transactions, it seems that fathers have an important role to play, although there is some evidence that parents increasingly consult with each other before reaching the final decision on these matters. For instance, when asked who decides whether or not a daughter can go to school, 48 respondents (35.56 per cent) said 'the father', while 52 (38.52 per cent)

gave a similar response when asked who decides whether a son can go to school. In both cases, 56 respondents (41.48 per cent) said that the decision to educate a son or daughter is made jointly after consultation between husband and wife. Seventy-four respondents (54.81 per cent) indicated that decisions on marriage arrangements are made by their husbands, while 35 (25.00 per cent) said that both parents consulted each other on such decisions.

What appears striking about these patterns of decision-making is the level of consistency and stability in the division between 'male-typed' and 'female-typed' decisions. Decisions concerning land allocation, as well as transactions involving cattle, were traditionally the preserve of men, while women (i.e., full wives) were largely in charge of cultivation and within most major crop cycles were almost entirely responsible for weeding. As of 1974, there was little overt change in these patterns with respect to land. It is also significant that as the Luo economy in these lakeshore savannah areas has become monetarised, the roles of men and women continue not in what men and women do but in the patterns of remuneration for male and female farm tasks when they become commercialised and how they become commercialised.

Let us take the role of land rights and of livestock - specifically cattle. According to the land reform programme discussed earlier, we observed that men's allocation rights are now being endowed with a statutory status which will enable individual men to alienate land without any legal obligation to consult with other males or females of the patrilineage. At the same time, there is no clear stipulation as to how a woman's customary use rights are to be realised in the event that a male on 'whose land' she depends makes a decision to sell that piece of land. The authors of the land reform programme seem to assume that women will continue to be protected as legal users of land, although the precise aim of the programme when it becomes operational will be to undermine the very system which sanctions a wife's use rights to land. Thus while many decisions regarding land have traditionally been made by men, there is clearly a structural transformation underway which will offer little or no support to women's land rights.¹³

13. As I mentioned earlier, this prognosis may be premature because the effects of the reform programme in Nyanza have not yet been fully felt. This does not mean, however, that the difficulties inherent in the reform programme are by any means obscured: they can already be identified.

Similarly, if we consider the role of cattle we find the introduction of ox ploughing increases the commercial value of cattle which are traditionally controlled by men. Thus while men can raise money by ploughing, though this is an activity restricted to a small part of the year, women tend to be employed for weeding which is traditionally a woman's job but is not so highly paid.

Conclusions

Three main conclusions can be drawn from the discussions on the position of women in contemporary Luo society with special reference to land tenure changes and agricultural work.

It can be pointed out first that a trend is now discernible in which the individuation of land rights is likely to lead to a weakening of women's usufructory rights in land. It may be added also that women who stand to be most adversely affected are those without sons, widows and those who have no children. Secondly, it is noted that the land reform program precipitates cleavage between women in households which hire labour as opposed to those which sell their labour to meet their cash needs. Insecurity arising from land tenure changes is manifested for instance in responses by women who perceive themselves as 'landless' although they have a little piece of land which they are still cultivating. Thirdly, it can be shown that at the family farm level those decisions on sale and disposal of land continue to be made by men while those concerning land use are made by women. However, the striking point is that there is a differential in the patterns of monetarization of farm tasks in such a way that tasks like plowing (which is a man's job) are better remunerated than a task like weeding, for instance, which is the responsibility of women. It seems therefore that striking changes are to be observed in the patterns of remuneration of farm tasks rather than in the division of labour by sex.

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* and ** Together provide a fairly upto date bibliography on Joluo.