\\ PROPERTY OWNERSHIP AMONG THE LUHYA WOMEN OF WESTERN KENYA //

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Dedicated to my parents, Rispah and Aristarchus Ndengu with profound gratitude for their blessings and my late daughter Zenny. God rest her soul in eternal peace.

This Thesis is my original work and has not been presented for a degree in any other University.

NDENGU P.M.

This Thesis has been submitted for examination with my approval as University Supervisor.

(DR. MAURI YAMBO)

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A C K N O W L E D G E M E N T S

This work would not have been easily accomplished without the assistance of all those involved. The study was very costly, in time and money, not forgetting the anxiety it created.

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ABSTRACT

The study aims at establishing the extent to which the women own property. The study is based, almost entirely, on a survey carried out in West Bunyore Location of Kakamega District in Western Province of Kenya.

The central thesis of this research study is that lack of property ownership is a major constraint on women's full participation in development in their communities.

The study presents some of the factors which facilitate ownership of property and those which inhibit or act as constraints to acquisition and ownership of property by women. Of special significance to the study is the position of women with regard to marriage, inheritance and bridewealth and how these affect the management of resources at the farm level.

Also considered is women's access to educational facilities, and the extent to which these constrain women's entry into formal employment and therefore ownership of property. In the face of a narrowing land base and rising women in the rural areas of Kenya have to be enabled to own property through education and acquisition of skills. The success of agricultural improvement measures in rural areas requires that women be educated.

At the same time, structures such as the financial institutions which have discouraged or hindered women from owning property be relaxed.

The study opens with a brief review of the problem statement concerning property ownership. The fact that this issue has been taken for granted and not given much recognition in relation to the position of women is of major concern. The analysis stresses that lack of property ownership by women is a socio-economic hindrance to their involvement in development. This is followed by a brief review of the literature related to the study. The literature gives determinants of property ownership, both at the international and national levels. A historical background is presented, indicating property ownership patterns in Africa during the precolonial and post independence periods. A review of literature on women in relation to the acquisition of property indicates the constraints that influence ownership. Factors that hinder and/or facilitate ownership of property are considered.

Simple random sampling and systematic random sampling techniques were employed in the selection of the respondents. The individual woman was the unit of inquiry while the households were the respondents. The major data gathering tool used was the interview schedule. The chi-square, co-efficient correlation and percentages are the major tools for data analysis.

Due to limitations of time and expenses, the study focuses on property ownership among Luhya women in Kakamega District, as a factor affecting their participation in Development.

The study shows that the level of formal education has a significant influence on the type of occupation and therefore a determinant of influence on control, allocation and disposal of property with the married women having more authority to ownership than the single separated widowed and divorced women.

However, the bridewealth paid for a woman during her marriage did not have a significant relationship with ownership of property. The research findings indicate that the lack of property ownership lowers the economic status of not only the women but the entire family. The analysis shows that marital status and children are important determinants of property ownership.

The study shows that the level of formal education has a significant influence on the type of occupation and therefore a determinant of property ownership. The findings further show that marital status has an influence on control, allocation and disposal or property with the married women having more authority to ownership than the single, separated widowed and divorced women. However, the bridewealth paid for a women during her marriage does not have a significant relationship with ownership of property.

In conclusion, the study underlines the point that women are major contributors to the agricultural development in the rural areas. This could be witnessed in the various activities they are engaged in. The analysis further concludes that although women play a significant role in rural development, they are not guaranteed the proceeds of their labour. More often than not, they remain providers of labour and not beneficiaries.

CHAPTER ONE

1.1 INTRODUCTION

According to the 1989 population census about 94% of the population live in the rural areas in Kenya - and about 90% of Kenya's population draws its livelihood from the land! This continues to grow at the rate of about 4% per annum in spite of a high urban population growth of about 7% per annum. Kenya's economy relies heavily on its agricultural industry, within which the non-formal rural sector assume the dominant share. Women are found to take a heavy share of the rural labour force, and especially since agriculture is mainly a subsistence activity.

The predominance of women in the rural areas of Kenya has long been recognized. Recent researchers (Pala, 1974, 1975, Njau and Kabira, 1980, Onyango and Kayongo - Male, 1996, Staudt 1975, Reynolds, 1975, Bookman, 1973, Mbilinyi, 1971) have indicated that African women in rural areas not only shoulder their traditional roles as cultivators but also combine this with the roles previously associated with men.

The 1989 Kenya population Census enumerated about 3.2 million rural households. A total of about 5 million households were enumerated both in the urban and rural areas. Out of these, over half of them had females as heads. Most of the households with female heads were to be found in the rural areas. Thus, almost 50% households in the rural areas of Kenya were headed by women. This position has prompted Boserup (1970) to argue that Africa is the region of female farming par excellence.

Human beings are the most important resources for development and are the beneficiaries of the socio-economic development. About 50% of the human resources available for development are women. Women are therefore very central to any future development of a country. They grow the food (both for subsistence and cash crops) and provide major decisions concerning cash crops. The centrality of these women is a fact that becomes easier to forget than it should be, since it is the males who are most visible participants in the urban areas and it is the males to whom custom grants authority, both within and outside the domestic sphere.

At face value, these observations may lead one into assuming that the Kenyan agricultural economy is effectively under the control of women and not men. However, the true position shows that the role played by women, though substantial, is in most cases restricted to the provision of labour, while most men control both the means and surplus of production. Added to the fact that men have a lead in the control of the formal or monetary sectors of the economy, it becomes obvious that Kenya's economic power lies in the hands of men and not women. Property ownership is one of the major economic structures which either hinder or promote women's participation in development. It is increasingly recognized that rural development is predominantly the development of women as women are numerically dominant in many parts of Kenya's country side, with its historical patterns of male out-migration. If women have no access to the ownership of property, this presumably affects the entire agricultural and rural development strategy.

It is the aim of this study to try and investigate the origin and development of such an arrangement whereby women are seen to be so central to the agricultural economy and yet do not have the right to own the means of production. This is largely the result of the functions of socio-economic and legal structures evolved into pre-colonial and colonial periods and continued into post -independence era. Thus, certain legal regimes have acted within the cultural, social and economic organizations under the three periods to create a situation whereby women share heavily in the labour input in the economy but control disproportionately less of the land, which is the crucial resource in any agricultural economy.

To understand women's position in relation to property ownership, it is essential not only to understand what the economy is like now, but also how it was in the past.

The pre-colonial economy was based on subsistence production and the family and kinship units owned and controlled the use of land. Goods which were produced were necessary for survival, particularly food. In such unstrained social order, individual participation was limited in the economy. Women dominated the economy since the socio-economic organizations vested in them a commanding role, both at production and distribution level.

Land tenure was vested in men, and as such, women received their rights to use land for agricultural production through their relationship to a man, as his wife, daughter or sister. The first duty of a husband was to provide a new bride with land to grow the crops necessary for her household and animals from which they got milk and other by products like cheese. Women therefore had rights of use and control automatically. The basic economic unit of the colonial Kenya was the household unit, usually an extended family, which was nearly always patriarchal. The father was the primary head of the household. In polygamous families, each wife had her own house and land, as each house was considered as a separate economic unit.

Brideprice was given to the bride's family and was considered as a vehicle of exchange of goods. It was seen as wealth to the household of the girls family.

Succession rules of pre-colonial Kenya reflected attempts to ensure economic stability beyond the lives of the present members. Land was therefore transmitted through the permanent members, that is patrilineal succession was patrilocal and matrilineal succession was matrilocal. The individual members of the family who inherited property acquired rights of allocation, ownership and exploitation of the resources and goods. Although women could not inherit property in a patrilineal society, when the head of family (man) died, women held property as trustees for the benefit of male children till they became of age. On divorce or death of mother, the child accessed to their mother's parcels.

All in all, the pre-colonial social relations permitted a wider scope to female participation in the economy. Traditional rules and conventions governing relations with land tenure, its acquisition, use, disposal and control of the produce gave women enviable authority. Men's participation in this economy was subordinate and less demanding and this explains their lack of control of economic decisions at that period.

Lack of differentiation and diversification in the economy hindered the use of land as a negotiable object of trade.

The changes brought about by the colonial era deprived women of their traditional control. This was partly through the introduction of educative programs that was largely for males and the labour facilitative laws and introduction of cash crops. All these made African men more mobile than African women, who were left certified labourers but denied the firm control of the economy they had enjoyed previously.

The registration of land which followed helped to oust women from the control they had under the traditional system where allodial ownership was practiced. More men than women registered as title holders. Land registration affected property relations since the title holder was now armed with power to deal with the land as he/she saw fit. The consequences were landlessness for members of the family whose interests were not registered, particularly childless women, widows and women whose surviving children were all female. Individualization of land also brought about insecurity of tenure and lack of credit flows to female labour and proprietary control. As a result, women had no legal control of the land they worked on and had to employ more of their strength to maintain their families. These maginalised groups may have recourse only to wage labour or client relationship to land holders.

In addition, denial of formal education was another constraint to female ownership and control of property. It meant that women could not move into other sectors of the economy where literate awareness was required. Religion too, taught against polygyny and levirate unions. The colonial period therefore not only altered the property relations as they had previously existed but also failed to provide facilitative services through the legal institutions which could give rise to incentives to women to acquire property.

The colonial superstructure did nothing to create equitable distribution of land, either in the agricultural areas or in the urban centres. The poor and rich were left to transact freely as there was no ceiling on land. More African elites succeeded the retiring colonialists and therefore the women who were attached to these elites industry acquired property ownership status.

The development of any country will not be complete without the maximum participation of women. and yet it is not possible for them to participate fully if they have such a socio-economic obstacle like lack of property ownership. Failure to own land directly affects the control of the fruits produced therein. It is imperative that women own land and control the proceeds of their labour, otherwise not only the women, but families, communities and the whole nation is bound to suffer. It is the women's participation in the economy which would reflect the degree of development and the structure of the economy of any country. It therefore follows that lack of ownership would be a major obstacle to the full development of women's potentialities in the service of their countries.

We do not have much local level research, particularly with regard to the significance of property ownership and the position of women, which would bring into relief the vital role that women have played in production. The primary concern of the study therefore is property ownership by women. It is hypothesized that property relations within the family determine the control of the economic activities within that family. An attempt at the assessment of the property ownership and the relative positions of women in the abstract would seem futile. Hence it was considered proper to discuss other social, economic and cultural practices that facilitate property relations and also hinder these relations. These include inheritance, marriage, education and bridewealth, among others. The family and marriage are quite central to the study, particularly because the family has a direct relationship with acquisition and disposal of property. Marriage forms the basis of social relations necessary for continuation of the family ties.

1.2 STATEMENT OF THE RESEARCH PROBLEM

This is a study of women and property ownership. Ownership structure among any ethnic groups is indeed real in Africa today. This is a phenomenon of special consequence among women in Kenya, particularly in the Luhya Community of Kakamega District.

Various factors and practices have been said to promote property ownership by women in the modern society, for instance marriage and inheritance. (Hirshchon .1984, Mucai 1976, Njenga 1979, Gutto, 1975.) However, the extent to which the said factors promote ownership is not clear. Other factors have been said to inhibit ownership by women, for instance lack of formal education, illiteracy, lack of monetary funds, and religion among others (Njau and Kabira, 1985, Gutto, 1976). It is not clear to what extent they hinder ownership. This study concentrates mainly on this issue and in so doing, opens up areas for further research. Among them could be ownership among different tribes in Kenya and Africa, comparative studies on ownership of property ownership and power in the relative positions of men and women.

A change in the economy will inevitably affect distribution of property rights in the family. Writers like Gutto (1987) have stated that colonialism in Kenya affected indigenous property relations in the family. However, the extend to which these changes have had an impact on the economic status of women is still uncertain.

In some parts of Africa, women are given more power in relation to property ownership (Onyango and Kayongo Male. 1984). West African countries, for instance, women tend to enjoy equal status with their male counterparts. In-spite of such studies carried out in Africa and outside Africa on ownership of property, this aspect has not been accorded the importance it deserves. Consequently, there is no clear picture as to whether women in Kenya and Kakamega District in particular, own property or not. More so few studies have been carried out about ownership structure among the Luhya and its impact on the economic status of women in Kakamega District. Okoth-Ogendo (1978) observes this when he says that men had the power of land allocation, while women had rights of use only. The use of the terms **ownership, control, allocation** and **use** is not clear. Did the right to control and use also mean right to property ownership'. And what criteria did men use to allocate property to women? Were there certain property that women were not allowed to use and more so, could the women readily claim ownership of the property they used?

The nature of small scale agriculture is that it is family based. The family controls the basic means of production and the disposal of the surplus generated from the economic activities. The family supplies most of the labour input required and consumes more than seventy five per cent of the produce (Ogendo 1985: 133). Despite the important role both men and women perform in rural food production, there is no mention of how much control women have over the basic means of production, particularly land, the produce and the disposal of the surplus produce. The rules and regulations that govern ownership of property, particularly in Kakamega District, are not clear. Who in the family is the decision maker as regards property.

Although much has been written about women and their contribution to economic development, it is questionable why lack of property ownership by women has not been highlighted. Ownership or lack of ownership of the means of production on which the rural women work may have a lot of impact on their position and the role they play in economic develop. Rural women form eighty-seven percent of the total women population in Kenya and sixty seven percent of the rural population (Kenya population census, 1989 CBS, 1994). Rural women are not just in the majority, but they are the backbone of this country's economy. Nearly all the tasks connected with food production continue to be handled by women. As recent researchers have indicated, rural women are the peasants, domestic workers, the majority in small scale farming, environmental managers and custodians of family life. (Njau and Mukabi 1985). With male absenteeism the rural women have an added responsibility to shoulder the roles previously associated with men, for instance heading of families as major bread winners. (Boserup, 1970). It is of great importance therefore, to understand the property women own in this economy in which they are fully involved as producers.

Roughly seventy per cent (70%) of the rural households are effectively managed by women (Kenya population census 1989 CBS 1994). It is necessary to understand the factors that hinder ownership, so that they are removed, and those that promote ownership, so that they are enhanced in favour of women, since the Rural women in particular, need to be enlightened on the different acts and laws of ownership of property.

Although a few women are registered holders of title deeds or license to land, there are contradictions between various acts and laws that define ownership. There is, for instance, a contradiction between customary and civil law on ownership. In addition, the registered land act does not recognize the customary rights of use by women. There are some of the areas this study wishes to highlight to the policy makers, for the betterment of women. There is need to integrate the various acts and laws to enhance ownership by women. Lack of ownership of property is a problem that should be addressed since women are handicapped in the various activities they are involved in, for instance agricultural and community improvement activities. It is necessary that women are accorded ownership rights to enable them undertake decisions towards greater heights in economic development. This is an incentive to higher efficiency and more productivity towards the goal of self reliance. In the end, this will improve women's status and hasten the process of socio-economic development in Kakamega District.

1.3 SPECIFIC OBJECTIVES OF THE STUDY

This study aims:

- To find out property ownership structure among the Luhya women in Kakamega District.

- To verify factors that influence property ownership among Luhya women; cultural practices and values such as marriage, and inheritance.

- To find out factors that influence allocation, control, use, and disposal of property by women.

- Last but not least, to find out how ownership of property by women is perceived by women in Kakamega District.

CHAPTER TWO

THEORY AND LITERATURE REVIEW

2.1 REVIEW OF THE LITERATURE

PROPERTY OWNERSHIP DURING THE PRE-COLONIAL PERIOD

Until recently, it has been argued that Africans did not know of the concept of individual ownership. Hence early writers and colonial Government described customary property holding as communal or joint tenancy (Mucai, 1976:9). This confusion and misunderstanding of the exact property relations among the Africans lay partly in the use of English terminology or concepts to explain African's property relations and also naivety and cultural arrogance. What really mattered was a person's right to a minimal use of land, not individual ownership as such. Gluckman (1967) has underscored this when he observes that; the principal aspect of African land tenure that can be called communal is the right of every subject to a minimal use of the tribal land. According to Njenga Njau, (1979), women attained this right in marriage.

Gutto (1987) adds that before colonialism in Kenya, all societies lacked differentiation based on ownership of the means of production. Property was held on a corporate basis, the corporate body being referred to as the family. Title to land was vested in the members of the family and no individual member of the family could dispose any part of it without the consent of other members (Mucai, 1976).

As at this point, the issue of ownership is not clear. Although every subject had the right of use of the tribal land, there is no mention of whether there were any qualifications for one to attain this right. Did a rural woman have rights of use before or after marriage. At what stage(s) in life did she attain these rights over property.

Land in Africa centres around an analysis of the evolution of the concept of ownership. As the subject of ownership, land did not mean the soil as such, but included all things that were attached to the land, in such a manner as to be imbedded into it, and all things that were found under the soil (Okoth-Ogendo, 1974:9). Mbithi, (1972:8) adds that the term land refers to the natural resource found in the atmosphere above the surface to some metres below the soil surface. This, therefore, means the following are taken into account; soil, vegetation, water, fauna (animals, insects) and surface minerals.

Being a crucial resource in an agricultural economy, land is almost synonymous to property. All the economic products are begotten from or associated with the soil. Land possession and control in East Africa is very much tied up intimately with social life. It was held through kinship ties, which conferred status on individuals. (Okoth - Ogendo, 1975:3). Power, either political or economical, was based on control of land (Mbithi, 1972:9). One without land was regarded as poor, since wealth and prestige are frequently measured in terms of land. Women were largely bestowed with the rights of use, since they had the virtual control and monopoly of crop production and thus charged with the overall maintenance of the family and societal economy (Gutto 1975).

Disposal rights in Africa were so restricted that the term ownership, in its present connotation could not be used (Nyabundi, O. 1987). The head of the family (in most cases a man) had the rights of occupation and transmission to members of the family as custom dictated. One therefore, concurs with Gluckman entirely, when he sums up the concept and idea of property ownership thus; "Ownership cannot be absolute, for the critical thing about property is the role it plays in a nexus of specific relationships. Hence in East Africa, there is no clear definition of Ownership" (1967:45-6).

Although it is claimed that there was no individual ownership of property, in actual sense, men did own. We are told that women controlled land where crops were grown and animals from which they got milk and other products. Thus they had a monopoly of crop production, just because they planted, harvested, stored and marketed the food. However, all these could not be possible unless land was allocated to them by the males. Although land was held on kinship or local group basis, the unit of ownership was the extended family. The tribe was the custodian of land, not its owner. hence once land is granted to a family, the tribe or chief had no right to any say in its disposal. This only means that actually the individual head of the family had the right of disposal and therefore owned.

Land was seen as an economic base. Dr. Meek, C (1949) has described ownership in pre-colonial Africa thus " ... the indigenous systems of land holding are devised to meet the needs of subsistence of agriculture and depend on a sufficiency of land to allow a rotation which includes a long period of fallow. The normal unit of land ownership is its extended family" (cited in Gutto 1975:5). Women owned birds (chicken, ducks) and cats while livestock were owned at the family level by the male head of the household. In a polyganous household, each wife was assigned cattle and a piece of land, but the overall control and disposal rights rested with the man.

Okoth-Ogendo further observes that although women did not have the power of land allocation in indigenous tenure systems, their security of tenure was enhanced, in that a woman as a wife had to be allocated a parcel of land on which she cultivated as the principal producer of food crops. In what has been described as hoe-culture, women's work is seen as having been done all year round (kabira and Njau, 1985).

This paradox of women controlling the means of production but no power of allocation in East Africa has been interpreted by writers like Gutto (1980) to mean ownership and ultimate control of the surplus from the land. "Women's use rights had always qualified them the power of land allocation which in most cases was vested in men". We may not be able to comfortably claim that women in Africa had the power of land allocation as Gutto asserts. When a man died, for instance, the wife did not inherit his property. She was instead forced to be remarried, preferably by the deceased man's brother to be able to continue having the use rights. In cases where she was too old to re-marry, she held land in trustee of her male children till they became of age. She could not allocate land to her own children. To mention ownership of property by women in pre-colonial Africa was like a taboo. This role identification is, however, changing quite fast with education.

According to Ogendo (1984), there was no individual ownership of property in traditional African society. The power of allocation was simply an aspect of land use administration and not a right. Security of tenure was based on rights of use alone, which were mainly enjoyed by women. Allocation power were confined on men and not women due to the patrilineal nature of these societies. Lack of control of economic decisions by men in precolonial economy is explained by the subordinate role the men played by then in the agricultural economy. All in all, the women in rural traditional African societies had no power to allocate or own family property, but use what was allocated to her by her husband, in most cases. This is changing drastically as more and more women become educated.

FACTORS THAT INFLUENCE OWNERSHIP OF PROPERTY BY WOMEN: THE COLONIAL LEGACY

Unlike the pre-colonial period where the extended family owned land, men had the power of allocation, while women had rights of use. Ownership in the colonial context was a question of settler ownership vis-a-vis the native rights. Ogendo 91974:11) asserts that the colonialists argued that African rights in Land or interest lasted only as long as the land was in use.

Conclusions drawn were that ownership, if it existed, lay somewhere than in the users of the soil themselves and that what was not being cultivated was 'vacant land'. These conclusions were used to justify expropriation of the so called "waste and unoccupied land". As a result, scarcity of land was experienced and land relations that had existed were disrupted, since land was alienated as European property. This alienation was legalized in 1902 by the enactment of the Crown Land Ordinance (Gutto 1987).

Alienation introduced the concept of land as private property, with the accompanying rights of final disposal. The division of clan land into individual plots through registration and inheritance vested ownership in males mostly, since those who had the power of allocation could now obtain land title deeds. Women's use rights were now at the discretion of the ownership of the land, not customary privilege. (Ogendo:1979).
Gutto further sums up that it is therefore the colonial structure which provided for the climate necessary for the alternation of property relations within families in general. With this kind of ownership structure, women were deprived of their traditional control.

Despite the conclusions drawn up by writers like Ogendo and Gutto, it is clear that the position of women did not change much with the coming of colonialism. The power of allocation which they had before colonialism qualified them to ownership rights during the colonial period. Women in most cases continue to depend on men for rights of use, although now without any guarantee. It is true that some women acquired land title deeds as owners of land during colonialism, but this is a very small percentage. In any case, they remain the cultivators they have always been yet not in control of the agricultural economy as it had been in pre-colonial period.

Achola Pala 91975:13) indicates how colonial policies altered land rights in women. Family heads assumed greater autonomy in decisions regarding cultivated land. Women have some use rights but these are much less permanent than was the case traditionally.

In the foregoing literature, there is no mention of what happened to the property a woman acquired on her own. Does this also belong to the man or it is at her discretion, to the extend that she can dispose of it at her own will? In the case of separation, does the woman gain anything considering the fact that she had use rights. In the modern society, the economic status of women has improved since they are in a position to purchase property to own. This however, is to a very small percentage, especially among the rural women.

MARRIAGE

Marriage has been said to have a direct bearing on the acquisition and disposal of property by women. As cited in Renee Hirschon (1984), women's subordination developed through the private ownership of property together with monogamous marriage. This theory is not culture specific. The position of women with regard to property ownership differs from one place to another, hence answers to questions regarding property ownership patterns need to be regionally, culturally and historically specific.

Contrary to Engel's theory, June Star (in Hirschon 1984:104), says marriage in rural Turkey is one of the significant markers in the female life cycle which mediate her access to property. During this time, the movable property of the bride is transferred to her new home. These were mainly household goods like curtains, cooking pots and cash given by parents. Despite the penetration of capitalist agriculture into rural Turkey, women used the legal system to their advantage - to fight for their rights. This position of women in rural Turkey may be very different from the Kenyan situation. When a woman gets married only her box of clothes is transferred to her new home. Even then, what was transferred in rural Turkey are household goods like utensils and curtains but not the basic means of production. These are goods that do not have much value.

Pina-Cabral (Hirschon 1984:87) claims that it is during marriage that women own property in Portugal. A case of inequality among the Portuguese rural women, is presented whereby the married peasant women have social and economic power over the "morally weak" unmarried women. Cabral continues that the position of women at home is one of privilege and power over its management. However, marriage is not accessible to all women. A woman who belonged to a landless family would not be able to find a husband to marry. Rural Portugal is a matrilineal society whereby daughters inherit from their parents. The society we studied is patrilineal and therefore a woman is expected to own or use land at her new home.

In contrast to Portugal, women in China had no property rights, whether married or not. Croll (Hirschon 1984:45) says women's labour, fertility and person constituted a form of property, itself exchangeable in a number of transactions, especially marriage. The marriage law of 1950 in China, in which the Government outlawed the subordination of women and their exchange in marriage did not achieve much. The older generation could not stop initiating marriage negotiations since there was need to recruit another labourer in the household as a producer and reproducer. Marriage becomes a major, if not the only means of reproduction and direct recruitment of labour, since individual private hiring of labour was prohibited in China.

Croll reiterates that, women are reduced to property. Although they were the producers, there is no mention of whether they had any use rights or not. This is one of the aims of our study - to find out whether women in Kakamega District have any use rights or not.

It is clear from the literature that women in most parts of the world acquire property after marriage. It is at this stage that mostly movable property is transferred from parents and relatives to the women's new home. This is particularly clear in Portugal and Turkey. If we however, look at this from a different perspective women rarely owned the basic means of survival or permanent property such as land and houses. At the same time, the literature is not clear whether these property acquired at marriage is owned by the women throughout marriage and even after separation. Does the community accept the fact that women own property. In Portugal for instance, the fact that women have equal power to men because they own property is termed anti-social nature (Hirschon R. 1984:88).

Some of the societies cited above where women acquire property during marriage are matrilineal. This situation may be different from the Kenyan situation, particularly the Luhya, who are patrilineal in nature. Among the Kikuyus of Central Province, all the woman's property before or after marriage is under her husband, but the husband has to consult the wife before the disposal of her property (Jomo Kenyatta 1971).

Women have the power of use and control over property, particularly land. Among the Nyika, property given to a woman by her family before or after marriage through her own efforts or given by her husband is under the control of the husband. He may dispose of it without the wife's consent. (Contran, 99).

Among the Maasai, a woman exercises control over property given to her by her husband and her family during the subsistence of marriage. If the husband interferes with her property, this is enough ground for divorce. (Contran 1968:164).

The Elgeyo, Marakwet and Tugen customary law states that the husband has no power to sell or in any way dispose of his wife's property without her consent, either before or after marriage (Contran OP Cit P 131). On the whole, most tribes in Africa vest the rights of use rather than ownership on women.

This is in line with the African concept of property ownership, particularly land, which was communally held. Divorce was a very rare thing to happen. (Mbithi, 1969). In her study on the rights of spouses to property, Njenga, Njau (1979:24) states that as long as a marriage remains "healthy", issues relating to property rights of spouses will not arise.

EDUCATION

The type of education Kenya has been exposed to has deliberately created an overall higher status for men than women. This has been achieved mainly by exposing more men than women to the awareness of formal education. This has enabled men to avail themselves of renumerative employment opportunities. As a result, men have achieved the monetary ability to acquire and consequently control landed property and commercial business.

The favourable position of men in the acquisition and control of properties is further enhanced by their continuing control over rural agricultural land. Here most land is registered under a man's name, thus the process is being used to rationalize sex inequality. The combination of control in employment and landed property provides decisive qualifications needed for loan advance, which are then used for acquiring further property.

Gutto (1974:58) mentions four constraints to female education, and therefore to acquisition of property. He calls the first colonialism. The first missionary schools in Kenya to be set up were mainly for African males. This was so because Africa could not entrust their young girls to the hands of foreigners. Further, the education was said to benefit their future husbands.

The second reason was paternalistic in that at home, the colonialists were used to the subordination of women and they had no reason to change this in the colonies. These gave the men a head start since high level of formal education in the colonial era was rewarded more than any other form of education, and so is the case in the pre-colonial set up. Another constraint to female education to date is their exclusion from Government technical schools. Which are meaningful institutions as far as production of student for absorption into the labour market is concerned. The boys school were more technical (metal work, wood work) while girls schools concentrated on needle work, cookery and typing (P.67). See also Njau P. and Mukabi, 1985). These inbuilt policies have made girls students to believe that certain courses are meant for men and not girls.

BRIDEWEALTH

Marriage is marked socially by the transfer (detachment and appropriation) of valued resources. These transactions associated with marriage are distinguished as bridewealth and dowry. These indicate the transfer of goods from the grooms side to the bride's and vise versa (Renee H, 1984). Goody and Tombiah (1973) consider dowry and bridewealth as systems which devolve property to women. This study examines how true this is. How do these practices devolve property to women and what exactly does the woman acquire.

However, Sally Westwood (Hirschon P. 142) refutes this claim. In a study on Ghana, she says each marriage transactions, money and alcohol pass from the elders of the groom's side to those of bride's family. The young women have no access to this money. She receives a dowry of cloth and beads from her family. Westwood says the fact that dowry is not given in cash could be said to symbolize her subordinate status.
On the other hand, the term dowry in portugal has been equated to inherited property. The bride gets a trousseau which consists of household goods from her parents which the groom gets new clothing and a bed from his parents. Wealthy parents give part of the dowry to their children at marriage,but most couples realize their dowry fully when one of the parents had died or when both have reached a ripe age for household property to be divided. Dowry is not free. its only given if all the child's previous earnings before marriage have been handed over to his/her parents.

The contradiction between the two studies is just due to the different culture. What is not clear is whether a bride controls her dowry property throughout marriage, separate from the other family property. In the society we studied, marriage is patrilineal, so the girl rarely receives any dowry. In most cases ,she gets household goods and this happens after one or both of the parents have died.

According to Elizabeth Croll (Hirschon 1984:57) women in China are not members of the property owning unit. A woman does not therefore own betrothal gift or even dowry. Before 1950, betrothal gifts involved the transfer of jewelry, clothing, household goods and cash to the girls home. Daughters had then been sent off with dowry of similar items which did not benefit the girl. By 1980, very few brides were bringing any dowry to their marriage, mainly due to the substitution of labour as the chief source of wealth. Since the bride's family no longer returns the betrothal gifts in form of dowry, this has affected her ownership of property after marriage. The woman's earnings are viewed by the groom's household as a compensation for the expense entailed into 'procuring her. Her wages are therefore incorporated into the familial fund, rather than offering a source of individual independence. A woman is therefore valued by the amount of property she is worth.

Dowry is North India does not provide wealth for the bride. A woman's dowry cash is administered by her father-in-law while household goods are controlled by her mother-in-law. It is therefore a woman's life cycle which determines her access to property. While a bride has little, if any control over her own dowrygoods, older women do, either as givers of dowry (mother to brides) or as receivers (mothers to the grooms). In practice, Sharma notes (Hirschon, 1984) it is not the bride who gains most out of this wealth, but her husbands family. The bride is therefore a vehicle for passage of valuables. The value of a woman is the amount of property she brings to her marriage. This has even led to killings of women who did not bring much dowry, so that a man gains more from yet another marriage. The bride is given movable property in form of jewelry and household goods as inheritance when they leave their parental home for marriage. Sharma compares this situation to be similar to the consequences of bridewealth as it exists in modern Africa. This may not be so. Among the Bantu Kavirondo, bridewealth (livestock, money accrues to the father of the girl, who uses it to increase his wealth (Wagner, G. 1939).

In South Africa, bridewealth is paid by the groom to the bride's father and this takes place over many years. The implication created here is that women were used by various interested parties to gain property, while the woman herself had no say, no control of the property.

According to Jean La Fountain (1955) the payment of bridewealth items (goats, heifer, hoe) among the Gisu symbolized rights over a woman which are transferred to her husband. The woman has no say over what goes on, and neither does she have ownership rights. The payment is seen as an economic transaction by the use of the word "Khugula" (P.7) - to buy in bargaining. La Fontain concludes that women are viewed as property, exchanged for a lower value of property like cows. This is reducing women to objects yet they are active subjects, they cannot be objectified.

Although this study was conducted among the Luhya, this was between 1953 - 1955, Busia District. There is need for updating it. What was practiced seventeen years ago may not be applicable any more. Our study verifies such claims, using Kakamega District. The fact that parents demand for more and more bridewealth women in modern Kenya should not be reduced to a kind of property. After such high bridewealth, does this affect the women's rights of control or ownership of property. Our study tries to find out this.

Unlike the patrilineal societies where bridewealth is paid, women in matrilineal societies own property (dowry). the literature, however is not clear whether this (dowry). The literature however, is not clear whether this (dowry) property is independent of other family property or not. And does such kind of ownership go on even after divorce or separation.

INHERITANCE

Inheritance is another practice which has been said to influence property ownership by women in modern society (Nyabundi, 1987, Goody, J. 1976). In the African society, no individual inherited property (Onyango and Kayongo Male, 1984). The true heir of property was the family, and being a patrilineal society, man represented the family. Land holding was passed down form father to son. All sons receive nearly equal share in the father's legacy of land and cattle (Wagner, 1939). The first son was given preference in claiming for cattle while the last son inherits the mother's house and takes care of the mother in case she survives her husband.

In some societies like West Africa, property is inherited by both men and women. In Ghana, for instance, inheritance is unilineal. The senior son of a man's senior wife inherits his fathers property while a senior daughter inherited her mother's property. In East Africa, such a situation may not be possible because the mother may not have owned any property for her to pass it over.

Pina-Cabral (Hirschon 1984:78) claims that inheritance in Portugal is egalitarian. The youngest child (normally a daughter) inherited more property both in quality and quantity as she had to take care of the ageing parents. A couple's property is largely inherited by daughters, mostly arable land, for this is a prerequisite if they have to find husbands to marry. This is in sharp contrast with the situation in East Africa where inheritance is patrilineal. Sons inherit property from their fathers while girls inherit in most cases when there are no male members in the family (Clair and Berger, 1974). In some cases, when there is no man in the family, one is sought from the extended family and the girls can only make use of the property, not to inherit.

In India (Hirschon, R. 1984) the movable property given to a woman for dowry at marriage is said to be her inheritance. Sons remain members of the natal home and receive immovable property after the death of their father. This is what Goody (1976) calls diverging devolution - children get their portion of inheritance at marriage in form of dowry. To equate inheritance to dowry system like in India would be stretching the term too far. Dowry does not represent a fixed share of a certain estate but depends on what the prospective groom will accept and what the bride's family can afford. It is not even the girl who receives this, but her husbands family. Women are only vehicles through which these property is transmitted.

Anthropologists like Freedman (1966) have further distinguished between the legal rights of inheritance enjoyed by men as basic shareholders and the privilege women have of receiving dowry as optional share holders. However, the women who did not get married are not taken care of. What happens to those women who later divorce, the single mothers and women without male children are not take care of as this is not highlighted in the literature.

Legitimacy in East Africa affected ones right to inherit property. Bwokora (1957) shows that among the Gusii, all sons inherited land and cattle, provided they shared a mother. Daughters did not inherit. However, Dr. Onyango, P. (1988_) observes that in most modern systems, children can inherit from parents regardless of their sex. This is also reiterated by Prof. F. Imbuga's "Aminata" (1988). Aminata's brother, Ababio and the village headman want to follow the will left by Aminata's father that she should inherit land from him. The strong traditional belief that a woman should not own property or inherit in her natal home comes out when the pot of soil (symbolizing land) which is about to be handed over to Aminata drops down and breaks at the handover ceremony (1988:81). Unable to face this incident take place in his own village, Aminata's brother commits suicide.

In most modern systems, what affects the right to inherit is legitimacy, the legitimate children having more rights than illegitimate ones. Among the matrilineal tribes - Waduruma, Giriama, Wandingo, women inherit property without any problem

(Gutto, 1975). Oyiecho, P. O (1990) claims that although women among the Luo of Western Kenya could inherit property from their parents, this is considered bad omen for their brothers. Women were granted usage rights by her husband. This included access to communal grazing lands, farm lands, water supply and hills where fire wood could be collected, as well as access to fish and naturally growing fruits, herbs, and vegetables. Among the nomadic groups, rights to cattle and grazing areas replaces rights to arable land. Upon marrying, women are given cattle and other livestock upon which they have rights of use in the sense of obtaining milk, but seldom the right to sell or dispose of animals.

Modern civil laws of inheritance emphasize the right of individuals to write will, whereby they leave their property to persons of their own choice. (see Prof. Imbuga, 1988).

Oyiecho P. O. (1990) says that in many parts of Kakamega District, a woman can inherit property as a rare gift from the father. This however, is a rare thing to happen, especially if the woman has any brothers. A widowed woman had to accept to be remarried by her late husband's brother to be able to continue having use rights over land. She held land in trustee of the young sons. The literature is not clear on the situation of a widow who had no sons but daughters only, a barren woman whose husband died, single mothers and divorced women. The basic resources (land) was therefore transmitted through the permanent members of the family (men).

LEGAL AND SOCIO-ECONOMIC FACTORS THAT HINDER OWNERSHIP OF PROPERTY BY WOMEN

Gutto (1987) has correctly noted that "property relations, in any given society determine power relations. People who have the former also control the latter .... the propertied are in a position to impose their needs on the rest of the people and at the same time make sure that they work as tools for their subjugation". Thus the propertied have power to dominate, undermine and exploit those without. In such a situation, a woman without social status, title deed, will continue to be dominated and exploited.

Pala (1975) observes that land holding in Kenya is to a large extend still determined by principles of customary holding in which women do not own land. They have rights of access over land held by their male kin as long as they remain associated with their kin-based families of origin or land procreation. What this actually means is that a woman who does not marry, one who is separated or divorced can gain rights of use from her kin or siblings. However, this is not secure for the women, since it could end at any time for she does not have legal rights over the land.

With the changes in land tenure brought by individualism of land titles through the registration of parcels, land in rural areas are beginning to alter the position stated above (Cap. 300 laws of Kenya. Mucai V. M. 1976). As a result, some married, unmarried and widowed women have become registered holders of the title or license to land. On the other hand, most women are actually at the mercy of men who had the power of allocation and title deeds to land were based on allocation. With the generation of a land market, a few women purchase land in their own names. By 1975, between 4 - 5% of farm land was registered in the name of women in North Eastern, Eastern and Rift Valley Provinces. In South Nyanza and Kisii, between 5 - 6% of land is under women (Pala. 1974).

Although women now own land through registration and ownership of title deeds, this individualized land tenure may lead to a situation where women become maginalised in relation to land. This is because the Registered Land Act does not recognize customary rights of use by women. Land ownership among women is not extensive, particularly in rural areas. There are those women who strongly believe that they are not supposed to own land. The confusion is mainly because, it is not clear what Kenyan women's legal position is, regarding property rights. Few women know their rights according to the law especially in the rural areas.

Under the statute law, as long as the marriage remains healthy, issues relating to property rights of the spouses will not arise. The spouses talk in terms 'ours' rather than 'mine' or 'yours' (Njenga Njau, 1979). This situation ceases when disputes arise because there is need for precise determination of spouse's property rights, thus when there is separation, divorce, death and bankruptcy.

According to customary law, a married woman retain property acquired before marriage although acquisitions after marriage were generally considered part of her husband's state. (Njau, 1979, Mucai V. M., 1976). This situation would vary according to different indigenous societies. In most tribes, a married woman does not own property during marriage. In some, all the wife's property, whether acquired before or after marriage, is in the control of a husband during the subsistence of marriage. The wife has power of use and may not sell or dispose of such property without consent of her husband (Contran, 1968). Exceptions of this structure prevail among the Nyika (Digo, Giriama, Chonyi, Rabai, Duruma, Kambe, Kauma, jariba, Ribe) (Mucai, 1976).

Under the civil law, marriage does not affect property rights of spouses. A married woman is entitled to acquire and hold separate property, enter contracts and exercise all rights accruing from ownership (Pala, 1976, Kiagayu, 1978). Thus, there is a contradiction between customary and civil laws. As more women enter into salaried jobs, this position becomes unsatisfactory.

The English married woman's property Act of 1982 (17) allows a married woman to acquire property after marriage and retain and freely dispose of it as her own property unless there is evidence of agreement to the contrary (Cap 300 laws of Kenya). This is also the position of Islamic law, which permits spouses to hold property they own before marriage separately and recognizes their rights to acquire and own property separately during their marriage. However, within the rural setting, land is registered in a man's name, and women get married into foreign households and develop land which according to the Act is not theirs. As Njau and Mukabi (1985) further note, the act legally puts the wife and husband on an equal footing, but also gives the man more chances of property acquisition than it gives the woman. Gutto (1976) asserts that this is a formal and mechanical equality. The law needs fundamental changes to bring it in line with the existing and future structure of social and political economy in Kenya.

With all these contradictions, women in rural areas and Kakamega District in Particular are left confused as to what their legal position is as concerns property rights. Many woman have restored to the old traditional view that the head of the home owns all the property, even when it is property they have acquired themselves. Our study aims at finding out what the women themselves feel about owning property in Kakamega District.

Another major factor which has so much influence on female proprietary control is the function of financial (both private and public bodies) such as the Housing Finance company of Kenya and Industrial and Commercial Development Corporation (ICDC). These bodies look into such factors as the land title deeds social status and liquidity of the applicant (Gutto 1974:70) to give loans. For the HFCK to give a loan, they look at the salary scale as an indicator and this has led to abuse of the system by married men, which accounts for the poor performance by women. There is a provision that couples can register their joint salaries in case neither singly meets the required basic minimum. Men therefore persuade their wives into such a merger, but in the end insist on their names being registered as the sole owners.

The female applicants who are married must get permission from their husbands before they are allocated any loans or mortgage facilities. Married men are not subjected to this treatment (Kayongo - Male and Onyango, 1984:36), Gutto, 1974:71). Women are not able to qualify as applicants in their own right because very few possess jobs that give them the liquidity and social status that are required. All these is due to the poor education they received and therefore employment.

2.2. THEORETICAL FRAMEWORK

In this section, we attempted to link theory to the research study. The most prominent theories which emerged from the literature review, and which we are going to base our study on, are modernization theory by Neil Smelser and W. W. Rostow and the social change theory by Wilbert Moore.

The basic ideas of the social change theory is the significant alteration of social structures (patterns of social action and interaction), including consequences and manifestations of such structures embodied in norms (rules of conduct), values, cultural products and symbols. The alteration of social structures has led to change of altitudes and peoples way of thinking. The traditional belief for instance ownership of property by women is a taboo has been discarded by many people. However, this change is relative, since it depends on whether one is looking at it from the individual or societal level.

Modernization theory states that there are given stages of change that a society has to undergo to reach development. These stages are traditional, pre-conditional stage, take off, drive to maturity and the age of high mass consumption. Development is thus treated as a natural, historical phenomena, as one stage is supposed to lead to another. We are therefore studying a changing and dynamic society.

Modernization theory stresses on development of technology, which leads to change from simple traditional techniques to application of scientific knowledge in production. There is also commercialization of agriculture, a move from subsistence to commercial farming, together with a process of industrialization and urbanization. However, all these processes are interrelated and therefore it is not possible to tell in which stage a particular society has reached. urbanization and rural urban migration has led to most men moving to towns to work in industries as women remain in rural areas as heads of households.

According to the social change theory, all parts or elements of a society are changing, but at different paces. Some are changing more rapidly than others. This change is gradual and never complete or total. As indicated in our study, the change in family structures has led to female headed households existing side by side with the male headed households. Certain structures, however cannot die out completely, for instance poverty, religion, ignorance, traditions, extended family, lack of resources and prejudice. The persistence of such elements of our culture have been found out in our study to have hindered women form owning property.

Technology as factor of social change has improved bringing with it changes such as literacy of women, communication network and employment. Such factors have infact enabled women to own property. Education has enlightened women about what belogs to them and how to fight for it.

According to the modernization theory, owners are all rewarded equally in form of profits and wages according to what they contribute to the value of production. Land, labour and capital are presented as the factors of production. There is no possibility of exploitation, no class struggle, since all are given according to what they contribute to the value of production. This is the basic argument of our study. Women should be rewarded equally according to their contribution in the production of resources.

These theories help us understand the many changes that have taken place in our society. These changes have been either at individual or societal level. These changes have led to women participating more and more to the development of the economy. Women should therefore be rewarded and seen to be rewarded in this economy in which they are fully involved as producers. The two theories have showed that it is important for women, too, to own property. They are the catalysts of change. Being labourers, environmental managers and reproducers, women should own property for faster development of our society.

Factors such as illiteracy, poverty should be removed in the favour of women. If women are able to control the resources they produce such change will not only raise their social and economic status, but will also bring about development of the entire nation.

2.3 HYPOTHESES

Several hypotheses were derived from the literature on our study. These helped us to relate the theory to observation and observation to theory. The hypotheses also enabled us to identify the variables to be tested in the study.

Out of the formulated hypothesis, only four were tested in the study: It is hypothesized that:

H1. There is a positive relationship between marriage and ownership of property by women.

HO There is no relationship between marriage and property ownership.

H2. The women with children are more likely to own property than those without children.

HO Women with children are less likely to own property than those without children.

H3 The more bridewealth paid for a woman the less likely that she owns property.

HO The more bridewealth paid for a women the more likely that she owns property.

H4. The higher the level of formal education, the less likely that a woman owns property.

HO The higher the level of formal education the more likely that a woman owns property

CHAPTER THREE

METHODOLOGY

Methodology means "the philosophy of the research process. This includes the assumption and values that serve as a rationale for research and the standards of criteria the researcher uses for interpreting data and reaching conclusions" (Bailey, 1978:26).

Methodology refers to the way the research or study is organized and presented. In this Chapter, the instruments of data collection, the sampling frame, the site of the research and the methods of data analysis are presented. Methodology therefore tries to link our theoretical framework, literature and the findings.

PRE-TESTING OF QUESTIONNAIRE

The pre-testing of questionnaire was done in one of the sub-locations, Emusire sub-location of Kakamega District. One of the results of this study was, the length of the questionnaire had to be changed after realizing that it was too long. The amended questionnaire had seventy-eight (78) questions, while the first had 101 questions.

AREA OF STUDY AND SITE DESCRIPTION

The study was carried out in Kakamega District. We concentrated on West Bunyore location of Kakamega District. West Bunyore is composed of twelve (12) sub-locations, namely: Itumbu, Emusire, Ekwanda, Esiandumba, Ebwiranyi, Ebusikhale, Luanda Trading Centre, Ebusiekwe, Essaba, Emmbali, Ebusakami and Ebutanyi. This area was chosen because it was well known to the researchers and communication was therefore easy.

The language spoken in the area is well understood by the researchers, hence the need for translation which does not always portray the cultural and social attitudes of the people concerned did not arise.

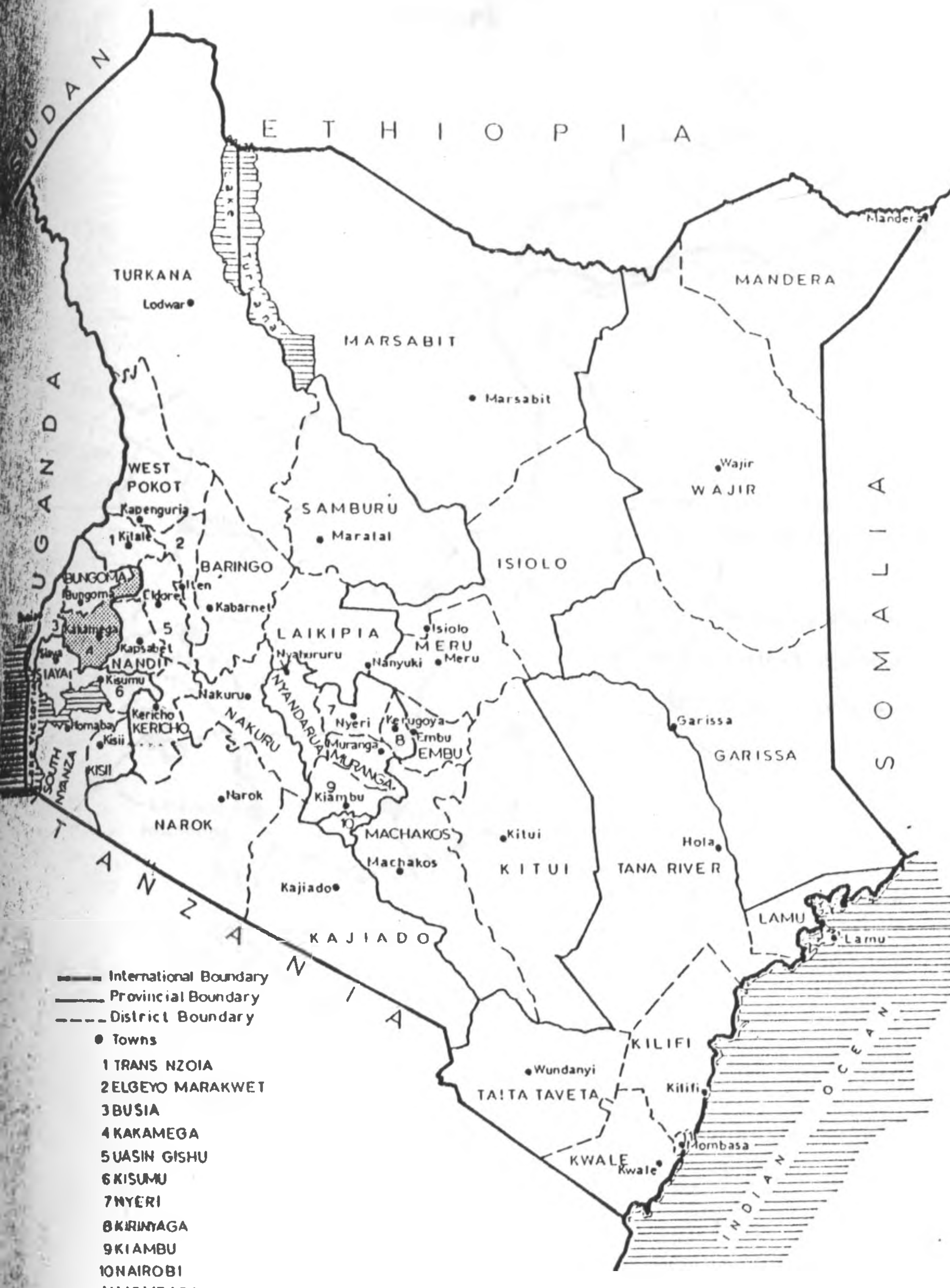
Kakamega is one of the four Districts which comprise Western Province, others being Vihiga, Bungoma, Busia, Teso and Lugari. Kakamega District is approximately 3,520 square kilometers (Kakamega DDP, 1989 - 1993 CBS data base year 1989).

Administratively, the District is divided into thirteen divisions namely Butere, Hamisi, Sabatia, Kabras, Mumias, Ikolomani, Shinyalu, Lurambi, Kwisero, Vihiga, Emuhaya, Lugari and Kakamega Municipality.

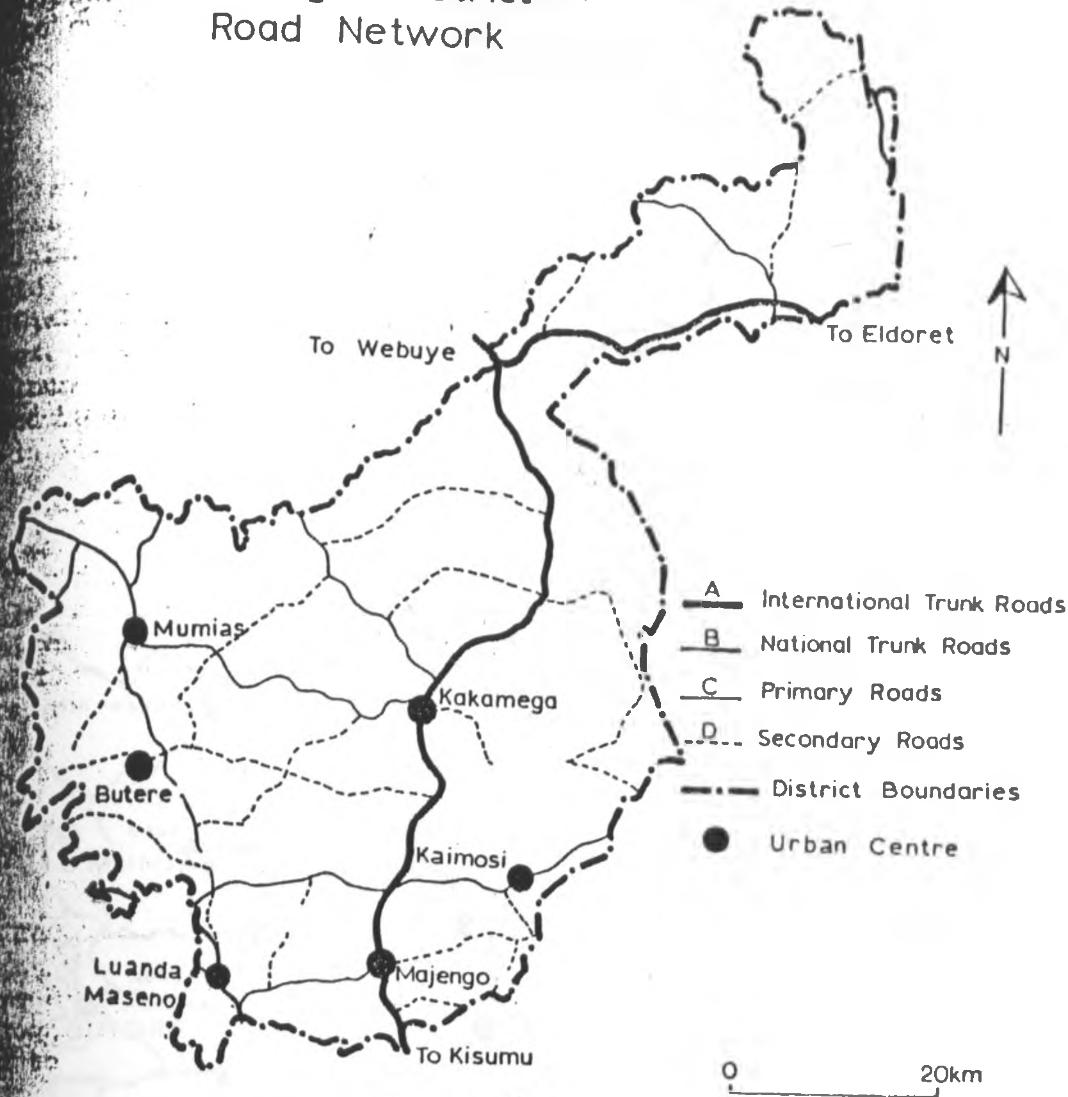
The administrative structure of the District is as follows.

AREA	HEAD
District	Commission
Division	District Officer
Location	Chief
Sub-location	Assistant Chief
Village	Headman - "Liguru"

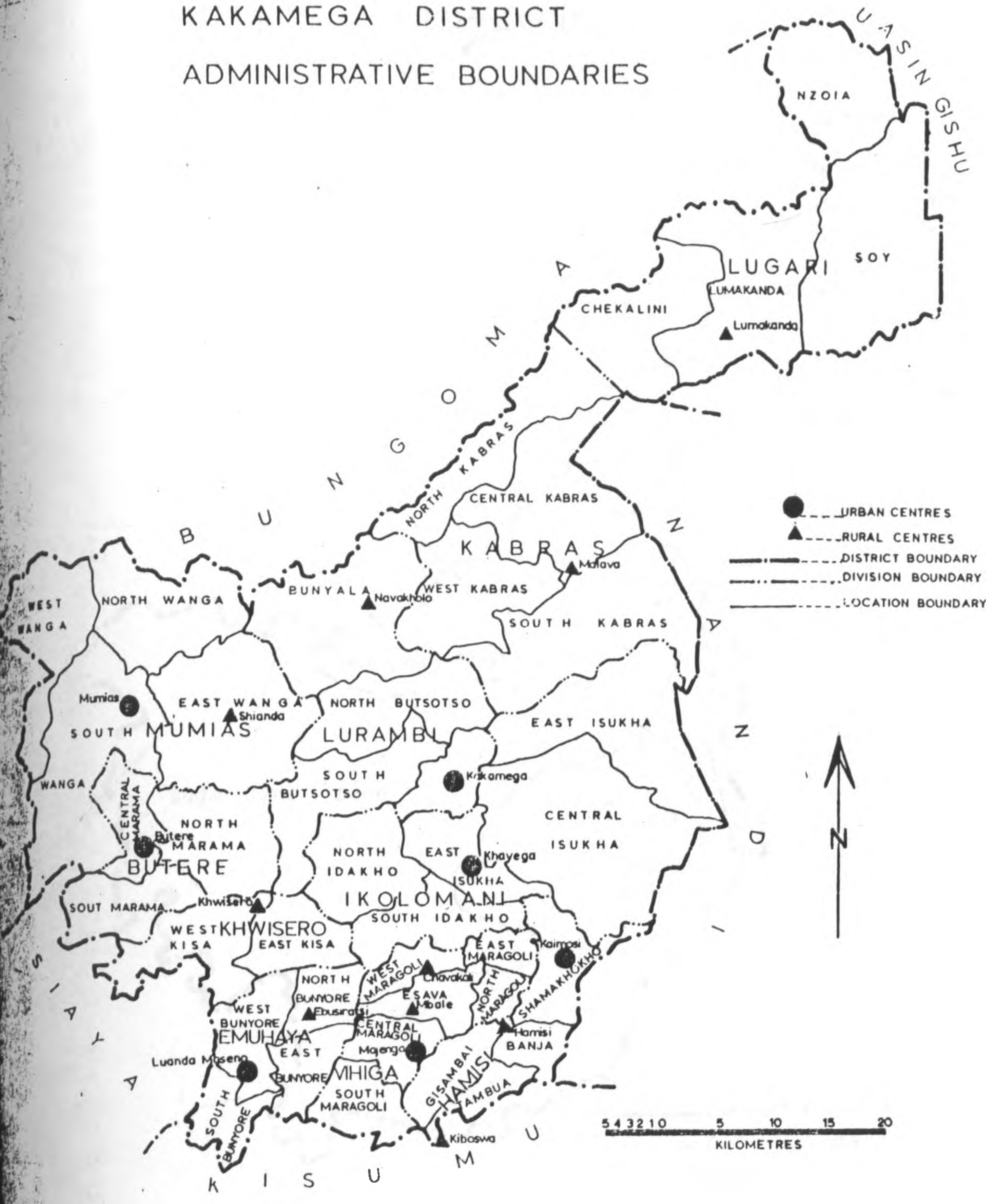
Location Of District



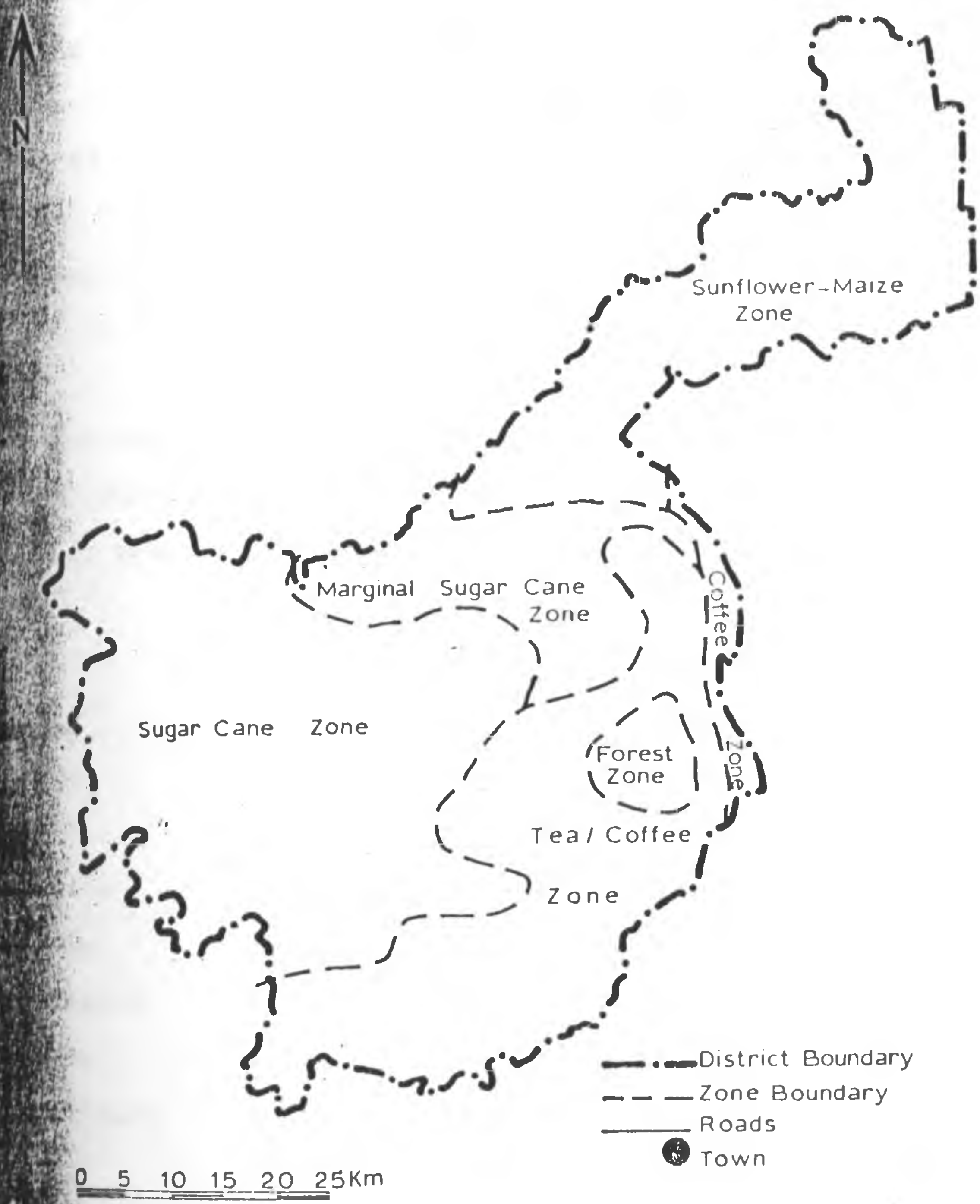
Kakamega "District Road Network



KAKAMEGA DISTRICT
ADMINISTRATIVE BOUNDARIES



Kakamega District
Simplified Agro-Ecological Zones



From Farm Management Handbook Of Kenya 1982

DEMOGRAPHIC DATA

The 1969 population census enumerated approximately 782,586 people in the district. The figure had risen to 1030,887 by 1979 (DDP 1989 - 1993 - CBS data base, 1979). Luhyas comprised about 94.6% of these people, Luos 2.3% and others 2.1%. By 1989, the population had increased to 1,463,525. The population of the area where this study was carried out is as follows:-

1989 POPULATION CENSUS. POPULATION BY SEX NO. OF HOUSEHOLDS AREA AND POPULATION DENSITIES FOR ADMINISTRATIVE AREAS

WEST BUNYORE LOCATION

	MALE	FEMALE	TOTAL	NO OF HOUSE HOLD	SQ.KM.	DENSITY
Embali	4,632	5,277	9,909		2,007	15,661
Emusire	3,987	4,693	8,680		1,721	11,789
Essaba'	3,560	4,386	7,946		1,594	8,993
Ebusiekwe	4,316	5,118	9,434		1,873	11,858
Itumbu	2,624	3,068	5,692		1,162	51,138
Ebusikhale	5.260	5.824	11.084		2.300	81.386
TOTAL	24.379	28.366	52.745		10.657	58909

Source: District, statistical office Kakamega, 1993

LAND USE

Most people in the District practice mixed farming in which both crop and livestock husbandry are practiced.

Crop husbandry which is mainly for subsistence is the most predominant.

Type of farming	Area in Sq. Km.
Forest land	327
Government reserve	5
Small holder land	2653
Alienated	35
Freehold small holding schemes	451
Township	50
Total	3521 Sq. Km.

(Source: District Agricultural Office
Annual Report, 1991

CLIMATE

A large portion of Kakamega District lies within the Upper Agro-ecological zones which experience semi-humid conditions.

The annual temperature range from 18^0C to 21^0C. The other parts of the district are low lying and fall under the humid lower agro-ecological zones with the annual temperatures ranging from 21^0C to 24^0C. Rainfall varies from 1,250 mm to 2,000 mm and is highest between March and October, April, and May, August and September, (Profile, Kakamega District, Meteorological Station, Kakamega 1993).

AGRICULTURE

With the above climate, the main activities in Kakamega District are entirely agricultural or agriculture related. The average farm size in the district is 0.8 ha (2 acres) with the smallest in Sabatia, Hamisi, and Vihiga (Oyiecho P.O, 1990: 28). The agricultural activities are mainly mixed farming in which the farmers practice both crop and livestock husbandry, crop husbandry (mainly for subsistence) being the most predominant. The major crops are maize, beans, sorghum, millet, cow peas, ground-nuts, cassava, sweet potatoes, simsim and bananas. Horticultural crops like avocado, onions, mangoes and cabbage are cultivated. Most farmers in the district are small scale farmers.

Major cash crops include coffee, tea, sugar cane, cotton and bananas. The livestock in the district include cattle, sheep, goats, rabbits and chicken. While the man owns most of the livestock, the woman often has only the chicken to claim.'

3.2. SAMPLING AND DATA COLLECTION TECHNIQUES

SAMPLING

From the twelve (12) Sub-Locations, three were chosen as our area of research. The three were Emusire, Embali and Ebusiekwe. The method used to choose the sub-locations was simple random sampling. This method was found to be most suitable since we wanted to ensure that each sub-location is given a non-zero probability of being sampled, hence there was no bias in choosing the sub-locations. The names of the sub-locations were written on papers, folded, mixed them then randomly picked three out of them. The three were used because they are representative of the whole location, since the area is relatively homogenous in terms of socio-cultural values. Conclusions were therefore easily drawn about the whole location using the three sub-locations.

To obtain the individuals to be sampled, systematic random sampling was used. This method was found convenient because a sampling frame was available. Our sampling frame was the 1989 population census per sub-location and this was obtained from the Kakamega district registration of persons and statistics officers, with the assistance of the District Commissioner.

A sample of about 150 households was selected from a total of about 2050 households. This was done by first calculating the sampling fraction. Thus , Let $k={}^{N}/_{n}$, so that every Kth household was selected starting with a randomly chosen number between I and K inclusive. Here $k = {}^{2050}/_{150} = 13$ a number between 1 and 13 was selected at random so that this determined the first sample household. After this the households to be sampled were determined by sampling fraction.
The systematic sampling was found to be most suitable for the study. It produced a more even spread of the sample over population which led to greater precision for the systematic sample. The choosing of a random starting point was an important step towards randomness. Using a simple

random sampling would have meant that the members of households are numbered then random numbers to be used to make the selecting, an exercise which would have been very laborious.

This method turned out to be very efficient and the respondents selected could be representative of the larger population since the area of study is a homogeneous population. We were therefore able to make conclusions about the general population from the sample.

CARRYING OUT THE INTERVIEW

The interviews were conducted by the principal investigator and one research assistant. The research assistant was briefed before she started the work. The fact that she was a lady was quite convenient for our respondents who were females.

Two interview schedules were used. There was one for the women who had been sampled and an interview guideline for key informants. Both were written in English, but the interviews were mainly conducted in the vernacular language, but also Kiswahili and bit of English, depending on the language the respondent could speak and understand better. All the interviews were well and fully recorded according to the questionnaire. The average duration of the individual interviews was approximately half an hour.

UNIT OF ANALYSIS

While our sampling unit was the households, the unit of inquiry was the individual woman. Although our sample was 150 households, our main interest was to interview the women. We therefore interviewed 150 women, one woman each from the 150 households. This was the head of the household and in her absence the next in command provided she is 18 years and above. This would help test our hypotheses. It was found out that the household was the most reliable source of information for the study.

SIZE OF SAMPLE

A sample of about 150 households was drawn from the three sub-locations. This was drawn randomly from the population of about 2050 households (population census VOL.I 1981). A sample of 150 households has been chosen because it is large enough to be representative of the area of study. Another reason why our sample was limited to 150 households is because there was a lot of travelling involved, on foot from one sub-location to another. In addition, we had limited funds and time. A sample of 150 is also large enough to allow us to carry out statistical tests.

DATA COLLECTION TOOLS

The main techniques of data collection used were:-

- Unstructured interviews
- Interview schedule (questionnaire).

The secondary data sources were first examined for instance books journals and magazines. From these sources, information about ownership of property, among the Luhyia in particular, was obtained. Secondly, unstructured interviews were carried out. These entailed the interviews with Government Officers. This included the Emuhaya District Officer, West Bunyore location Chief and the Assistant Chiefs in the three sub-locations. These were the key informants. They provided basic information which was very useful in the data interpretation.

Although they were time consuming and some information given was irrelevant to the study and contradictory, only the information relevant to the study was noted down, basing on the sub-topics used to interview them.

Finally an interview schedule was administered. This was composed of both closed and open -ended questions. This involved face to face interviews with our respondents. This method was most convenient for the study since most of the respondents in the rural areas turned out to be women who cannot read and write well, and could not therefore be able to fill a questionnaire by themselves. The method was good because the interviewee was able to probe the respondent for more information and also clarify the questions to them.

On the whole, the entire work of collecting data took about four months, between January, and April, 1993.

VARIABLE SPECIFICATION AND MEASUREMENTS

The variables used in this study are operationalized below.

DEPENDENT VARIABLE

The dependent variable in the study is property ownership. Our study is basically guided by this variable. The main objective is to find out whether women own property or not and the kind of property they own. In so doing the study explored the factors which affect ownership of property or the independent variables.

PROPERTY OWNERSHIP

Property ownership refers to individual or private ownership, which confers on the individual the right to use and to dispose. It also refers to valued goods/objects which can be transferred between individuals.

Property as used in the study refers to land and any other products produced from land; livestock, poultry, surface minerals, water, vegetation and soil. Cash is increasingly becoming predominant. Ownership is used in the study to refer to the possession of goods, with the power of disposal.

The indicators or measures of property ownership will include the following; allocation, control, use of property and disposal.

Allocation:

This refers to the rights the women have in order to give the objects under their care. This implies that women can give out objects, either to their children for use, or outsiders at a fee.
The allocation of property was measured by finding out the percentage of women who own property, then from this, we found out what percentage of women can allocate property.

use of property

This refers to the utilization of property or objects such as land, cattle, for a purpose. This also refers to the objects that women are able to make use of.

This may be what they own themselves or simply have access over it for their use, such as forest for firewood. Cattle to obtain milk and running streams for drinking water. To measure the utilization of property, we first found out the percentage of women who own property, then found out the percentage of those who use property from this.

property control

This refers to the rights women have over objects in order to direct, restrain or order. This implies also the rights women have over land, in particular, to be able to produce food for use in the family and surplus for the market. To measure this, we found out the percentage of women who own property, then from these, those who control the property.

INDEPENDENT VARIABLES

The independent variables in the study are marital status, bridewealth and education.

MARITAL STATUS

Marital status refers to whether the women are currently single, married, currently separated or divorced or widowed. In the study, marital status is measured by first finding out the percentage of the women who are married and own property, those who are single and own property, those who are divorced separated widowed and own property. Assessed also is the parentage of the women who are married, single, separated, windowed and divorced yet do not own property. The relationship between marital status and property ownership is therefore assessed from this. Thus whether one's marital status has affected her chances of owning property or not.

INHERITANCE

This refers to the property acquired from other people such as husband, parents, so as to own them. In the study , this is measured by first finding the percentage of women who have inherited property and the type of property. After this, it is assessed how many women own the property they inherited. Finally , whether the property inherited has influenced the ownership of property or not.

EDUCATION

Education refers to the level the women have attained in formal school. Also considered is adult literacy classes. This has been measured in terms of the level of education attained by the women then find out at each level of education those who own property and those who do not own. The influence of education on property ownership is then assessed

BRIDEWEALTH

Bridewealth is used in the study to refer to marriage payments, in terms of money or goods, some people gain (receivers) while others give out. Bridewealth in the study is measured by first finding out the women whose parents received bridewealth during their marriage. Then secondly among them, how many own property. The relationship between brideweath and property ownership is then determined.

METHODS OF DATA ANALYSIS AND PRESENTATION

The data collected from the field was analyzed using the following procedures: Data from the questionnaires was first coded to enable the computation of frequencies of the occurrence of the key variables. This enabled easy cross tabulations for the application of statistical tests. One of the methods used in the data analysis was contingency coefficient (C). This was used to test the strength of the association between the respective independent and dependent variables.

To be able to assess the significance of the relationship between the variables, the chi square was applied. It was computed by establishing the difference between the obtained and expected (calculated) frequencies. The distribution of the difference between the of and ef values has been found to approximate the distribution.

Thus; $$\chi^2 = \frac{(0 - E)^2}{E}$$

Where, 0- represents the observed frequencies

E- represents the expected frequencies

To get C, the value of χ^2 is substituted.

Thus; $$C = \frac{\chi^2}{N + \chi^2}$$

Percentage have also been used in the study.

In Chapter four, the data collected from the field is presented in frequency tables. This is mostly descriptive. Data analysis is presented in Chapter five. This is done by cross tabulating two or more variables. Inferential statistics are applied to test the already stated hypotheses in the earlier Chapters of the study. In Chapter Six, a summary of the findings in Chapter Five, conclusions and recommendations as will be indicated in the findings in Chapter Five.

EXPERIENCES AND PROBLEMS ENCOUNTERED IN THE FIELD

There were certain obstacles encountered while collecting data in the field. The first problem encountered was with the respondents. At first, they thought that the project was a money making research and therefore expected some pay before they could answer the questions. However, it was clearly explained to them that they volunteer and give the required information. The findings would then be used by the policy makers to their own benefit.

Secondly, the study was conducted during a very busy season in the area. Rains had just come so people were busy ploughing and planting. We had to go round in the evenings to be able to fit in their work schedule. This turned out to be very inconvenient, especially in far places. Even then, it was not easy to get information on touchy issues such as sources of income, marital status for those who were not married and earnings per month. Transport in the area was a big nightmare. The roads were poorly maintained, hence no means of transport.

The only solution was to walk on foot over long distances. As such, it was not possible to cover a large area in a day. This slowed down collection of data process.

Finally, there was lack of adequate finances. The funds available were not adequate for hiring accommodation in places far from home, together with the research assistant. The above problems interfered with the speedy process of data collection, hence this took much longer than expected to collect the data.

CHAPTER FOUR

PATTERNS OF PROPERTY OWNERSHIP BY WOMEN

In this Chapter, the main characteristics of the sample used in the study are presented. A profile of the responses is provided in terms of some key variables. The distributions for all respondents are given using descriptive statistics (frequencies and percentages), in an easy to read method. More detailed inferential statistics would be dealt with in Chapter six.

It was found necessary to discuss the characteristics of the sample because of two main reasons.

- the knowledge of the sample characteristics would provide a basis for the analysis of the findings.

- the description of these characteristics would provide the background to understanding ownership by Luhya women in Kakamega District.

The analysis starts with the data concerning the general characteristics or background information about the respondents.

Table 4:1

Demographic data of the sample:

The age in years of the respondents in the study was as follows:

Age (years)	Frequency (F)	Percentage %
21 - 30	53	35.3
31 - 40	56	37.3
41 - 50	22	14.7
51 - 60	18	12.0
61 - Above	1	0.7
Total	150	100.0

Table 4:1 shows that the total sample studied was 150 women. This was drawn from a sample of about 5,322 households. The table indicates that the average age of the women interviewed was 41 years. Their ages range from 21 - 60 years.

About 35.3% of this were between 21 - 30 years while 37.3% were between 31 - 40 years old. Approximately 14.7% fell under age 41 - 50 years. While 12.0% were between 51 - 60 years of age. Only 0.7% were 61 years old and above.

TABLE 4:2

Respondents with children

	Frequency	Percentage
Yes	132	88.0
No	18	12.0
Total	150	100.0

As indicated in table 4:2, about 88.0% of the respondents had children. Only 12.0% did not have children, most of the women without children were single.

Table 4:3

Level of education of respondents

	Frequency	Percentage
None	15	10.0
Primary	75	50.0
Secondary	20	13.3
Post Secondary	10	6.7
Adult literacy	30	20.0
Total	150	100.0

As indicated in table 4:3 above, most of the respondents had at least primary education, that is 50% while only 10.0% did not have any education. About 20.0% were engaged in literacy classes and 6.7% had Post Secondary Education. Only 13.3% had at least Secondary Education.

A socio-cultural study on gender and age by Suda Collette in Kakamega District in 1988 (ed G.S. Were I.A.S. 1990) indicates that only 15.0% of the surveyed women had secondary education, while 66.4% had completed primary education. About 16.8% were illiterate and a mere 1.9% had participated in some kind of adult literacy programme. This shows that most women in the rural areas lack adequate formal education, which is a major hinderance to economic development in Kenya.

Table 4:4

Distribution of respondents by occupational categories

Occupation	No. of respondents	Percentage
Teacher	24	16.0
Full-time farmer	52	34.7
Tailor	10	6.6
Clerical and other	7	4.7
Office work	9	6.0
Business/trade	25	16.6
Others	23	15.3
Total	150	100.0

The data on table 4.4 indicate that about 34.7% of the women interviewed were full-time farmers - cum housewives. About 16.0% were involved in teaching, mainly primary, nursery school and community health practitioners only 4.7% were involved in dressmaking, either as trainees or as business and 14.0% women were in full petty business, mainly selling of clothes, fish, vegetables and bananas and shop keeping. About 6.0% of the women surveyed were clerks and other office work.

Table 4:5

Distribution of respondents by marital status

Marital Status	Frequency	Percentage
Married	111	74.0
Single	1.5	10.0
Divorced	6	4.0
Separated	6	4.0
Widowed	10	6.7
Total	**150**	**100.0**

Table 4:5 indicates that about 74.0% of the women surveyed were married, although most of them were not living with their spouses at the time of the survey. The single women were about 10.3% and the rest were widowed (6.7%), separated (4.0%) and divorced (4.0%).

SINGLE WOMEN

Table 4:6

Categories of Property ownership by single women

	Frequency	Percentage
Yes	14	9.3
No	1	0.7
N/A	135	90.0
Total	150	100.0

The data on Table 4:6 above indicate that about 9.3 of the single women owned property while a mere 0.7% did not own property.

Among the single women surveyed non-ownership of property was mainly due to financial constraints. Others do not have the right to use. However, they would like to own some kind of property in order to command respect. Ogendo (1974:13) has underscored this thus; "Private ownership of land is the key to positive decision making in agrarian development". Ownership of property would improve one's economic status.

Table 4:7

The property owned by single women.

Property	Frequency	Percentage
Money	5	3.3
Livestock	1	0.7
Poultry	1	0.7
Livestock/Poultry/Land	1	0.7
Money/Poultry	4	2.7
All	3	2.0
N/A	135	90.0
Total	150	100.0

The data on table 4:7 indicates that most of the single women surveyed owned money and poultry. About 3.3% owned money alone, while 2.7% owned both money and poultry. 0.7% owned poultry alone and 0.7% own some livestock together with poultry and land. Only 0.7% owned some livestock while 2.0% own all the property mentioned.

The fact that the single women surveyed did not own land is also observed by Pala (1978) that women were allocated the parcels of land on which to farm by the men. Women owned very trivial things like birds and cats.

Table 4:8

Distribution of ways in which single women acquired their property

Ways of acquisition	No. of respondents	Percentage
Bought	7	4.7
Inherited	4	2.7
Others	4	2.7
N/A	135	90.0
TOTAL	150	100.0

The table above (4.8) indicates that 4.7% single women bought their property while 2.7% inherited, either from parents or siblings. Approximately 2.7% of the single women acquired their property through different ways, like being given by parents, friends or from their children and relatives. Most of the single women surveyed had experienced financial constraints to acquire the property they owned.

Table 4:9

The Pattern of property allocation by single women

Property	Frequency	Percentage
Money	6	4.0
Land	1	0.7
Poultry	5	3.3
All	1	0.7
None	2	1.3
N/A	135	90.0
Total	150	100.0

The data on Table 4:9 indicates that about 4.0% of the single women surveyed could allocate money. Although 3.3.% could allocate poultry. Only 0.7% could allocate land. Approximately 1.3% of the women could not allocate any property, while only 0.7% could allocate all the property they owned.

Pala (1984) notes that a woman had to be allocated a piece of land and other property from which she cultivated as the principal producer of food. This paradox of women controlling the means of production but could not have the right to allocate it, has been confused to mean ownership. This may justify why only 0.7% single women could allocate land.

Table 4:10

Distribution of single women by the categories of property they could dispose of.

Property	No. of respondents	Percentage
Money	4	2.7
Land	1	0.7
Poultry	5	3.3
All	4	2.7
None	1	0.7
N/A	135	90.0
Total	**150**	**100.0**

The data on Table (4.10) indicates that about 2.7% single women could dispose money while only 0.7% could dispose land. Poultry could be disposed by 3.3% of the single women surveyed and 0.7% of the single women could not dispose any property. Approximately 2.7% could dispose all the property they owned, thus land, money, poultry.

The findings of this study agrees entirely with Oyiecho (1990:31) who states that women in Kakamega District did not have authority regarding the disposal of any of the animals, except chicken and the animals acquired through their own efforts. This may explain why only 0.7% single women could dispose of land while 3.3.% could dispose poultry.

The property single women owned had improved their economic status. They were economically steady in that they could sustain themselves quite well from the property. A few women had not had any economic change as a result of the property they owned. This is because the property was not sufficient for them to have any surplus.

Table 4:11

PROPERTY OWNERSHIP BY MARRIED WOMEN

Property	No. of respondents	Percentage
Yes (own property)	93	61.3%
No (do not own property)	16	10.7%
N/A	42	28.0%
Total	150	100.0

According to the data in table 4.11, about 61.3% of the married women surveyed owned property. Only 107% of them did not own property. Pala (IDS discussion paper No.218, 1975:11) describes lack of land holding and property control as a limitation to women's participation in the economy.

Table 4:12

Reasons why some married women do not own property

Reasons why do not own	Frequency	Percentage
Never acquired	5	3.3
Lack of finance	3	2.0
Spouse cannot allow	9	6.0
Others	1	0.7
N/A	132	88.0
Total	150	100.0

Table 4:12 indicates that 3.3% of the married women surveyed did not own property because they have never acquired it by their efforts. About 2.0% of them have lacked the finance with which to acquire property while 6.0% of the married women have not been allowed to own any by their spouses.

Research studies by Mucai V.M.(1976) and Njenga Njau (1979) on matrimonial property in Kenya indicate that married women were free to own the property they acquired on their own.

Okoth- Ogendo (1978) on the other hand states that a woman as a wife had to be allocated property, land in particular on which she cultivated as the principal produce of food crops.

The married women surveyed who did not own property wished they would own. This would improve their living standards and ensure better management of the property to enhance their economic status.

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The married women surveyed who did not own property wished they would own. This would improve their living standards and ensure better management of the property to enhance their economic status.

Table 4:13

Distribution of the categories of property owned by married women

Property	No. of respondents	Percentage
Land	3	2.0
Money	3	2.0
Livestock	2	1.3
Poultry	9	6.0
Land/Livest/Poultry	27	18.0
Land/Poultry	10	6.7
All above	23	15.3
Others	17	11.3
N/A	56	37.3
Total	**150**	**100.0**

As indicated in (table 4.13 above, about 2.0% married women owned land while 2.0% also owned money. Only 1.3 married women surveyed were in ownership of cattle and a whole 6.0% owned poultry approximately 18.0% of the women owned land livestock and poultry while 15.3% of the surveyed married women owned at least all the property mentioned above, land money, livestock and poultry. About 6.7% of the married women surveyed owned land and poultry.

Oyiecho (1990:30) indicates that animal husbandry activities in Kakamega District were delineated along sex lines. This may then explain why only 2.0% and 1.0%

of the married women own land and livestock respectively.

All the married women who owned property had experienced one kind of problems or the other in acquisition of the property. These included financial constraints, robbery, antagonism by spouse and relatives, unproductive land and the dying of livestock and poultry.

Table 4:14

Distribution of property ownership by married women before marriage.

Property	Frequency	Percentage
Land	7	4.7
Money	23	15.3
Livestock	1	0.7
Nothing	46	30.7
Others	19	12.7
N/A	54	36.0
Total	150	100.0

The data on table 4:14 indicates that 15.3% of the married women surveyed owned money before their marriage, while 4.7% owned land. 0.7% owned livestock and 30.7% did not own any property before their marriage. Others; 36.0% owned different items like furniture, household goods most of which did not have much value.

Table 4:15

Categories of Property married women owned alone.

Property	No. of respondents	Percentage
Money	22	14.7
Land	4	2.7
Livestock	14	9.3
Poultry	29	19.3
All	2	1.3
None	5	3.3
Others	20	13.3
N/A	54	36.0
Total	150	100.0

The data on table 4:15 indicates that the married women surveyed own some of the property on their own. About 19.3% own poultry as compared to a mere 2.7% who owned land. About 9.3% own livestock while 3.3% did not own any property on their own. Approximately 14.7% own money while 1.3% owned all the property alone, without joint ownership with their spouses. About 13.3% married women owned items such as tailoring machines, shops, posho mills and handcrafts since they were mainly engaged into business.

Table 4:16

Property owned with spouse

Property	Frequency	Percentage
Money	1	0.7
Land	46	30.7
Livestock	10	6.7
Poultry	5	3.3
All	24	16.0
None	3	2.0
N/A	54	36.0
Total	**150**	**100.0**

As indicated in the data above (4:16), 0.7% of the married women who were surveyed owned money together with their spouses. About 30.7% of them owned land with their spouses, while only 6.7% owned livestock with their spouses.

Approximately 16.0% of the married women surveyed owned all the property together with their spouses. A mere 3.3.% of the respondents owned poultry with their spouses while 2.0% did not own any property with their spouses. This depended on how the property was acquired and by whose efforts.

P.O. Oyiecho (1990.31) indicates that ownership in the Luyia family is delineated along sex lines. The man owns cattle, sheep and goats while the animal products (milk, ghee, meat) are handled by the women. The woman owns the food crops, mainly for family subsistence. Any surplus is sold by the woman, who retains the money obtained. The cash crops belong to the man. and he makes decisions regarding the disposal.

Table 4:17

Categories of Property married women control

Property	No. of respondents	Percentage
Land	30	20.0
Livestock	5	3.3
Money	22	14.7
Poultry	9	6.0
All	27	18.0
Others	3	2.0
N/A	54	36.0
Total	150	100.0

The data in table 4:17 indicates that about 20.0% of the married women surveyed controlled land, while only 3.3% controlled livestock. About 14.7% controlled money and 6.0% controlled poultry. Another (8.0%) of the married women controlled all the property they owned.

Women have been described as the producers in the small scale agriculture and the backbone of the country's economy (Boserup, E. 19970). one would tend to concur with Boserup entirely when one observes the findings on the distribution of the property married women control.

The data in table 4.17 are, however, in sharp contrast with the data in table 4.18 (below). Whereas 20.0% of the married women control land, a mere 1.3% only can allocate the same land. Women as wives had to be allocated land by the men on which to farm and produce food and cash crops.(Ogendo, 1978, Pala, 1974).

Table 4:18

Categories of the Property allocated by Married women

Property	No. of respondents	Percentage
Money	6	24.0
Land	2	1.3
Livestock	5	3.3
Poultry	26	17.3
All	18	12.0
None	8	5.3
Others	1	0.7
N/A	54	36.0
Total	150	100.0

As indicated in table 4.18, 24.0% of the married surveyed women could allocate money while only 13.3% could allocate livestock. A mere 1.3% allocated land and

17.3% could allocate poultry. Approximately, 12.0% married women surveyed could allocate all their property.

Table 4:19

Categories of the Property Married women could dispose of

Property	No. of respondents	Percentage
Money	4	19.3
Land	29	2.7
Livestock	5	3.3
Poultry	26	17.3
All	18	12.0
None	8	5.3
Others	1	0.7
N/A	54	36.0
Total	**150**	**100**

As indicated in table 4.19, about 2.7 married women could dispose of land while 19.3% could dispose money. Only 3.3% could dispose livestock and 17.3% could dispose of poultry. Only 5.3% could not dispose of any of their property, but 12.0% could dispose of any property.

Table 4:20

Categories of property ownership by widowed and divorced women

Property	No. of respondents	Percentage
Yes (owns property)	18	12.0
No (does not own)	4	2.7
N/A	128	85.3%
Total	50	100

The data in table 4:20 above indicates that 12.0% widowed and divorced women surveyed owned property, while only 2.7% did not own property. However, the 2.7% who did not own property wished that they could own, as this would improve their economic and social status.

Table 4:21

Categories of Property owned by divorced and widowed women

Property	No. of respondents	Property
Money	1	0.7
Land	1	0.7
Poultry	2	1.3
Livestock	1	0.7
Land/Poultry/House	5	3.3
All above	7	4.7
None	1	0.7
N/A	132	88.0
Total	150	100.0

Table 4.21 indicates that 0.7% divorced and widowed women surveyed owned money, while 0.7% owned land. Poultry was owned by 1.3.% and 0.7% owned livestock. About 3.3.% owned land, poultry and houses while 4.7% owned all the property mentioned. Approximately 0.7% of the surveyed widowed and divorced women did not own any property. Socio-cultural studies carried out in Kakamega District by Suda and Ayiecho (1990) revealed that livestock belongs to the man, except where a man is dead and there is no adult male to take over responsibility. This could therefore explain why 3.3.% divorced and widowed women owned land.

The widowed and divorced women obtained their property by both buying and inheritance from spouse or other relatives. A study by Nyabundi (1987) states that a woman can only have the land registered in her name if the husband is deceased and she is the only adult member of the family. This could therefore go along way in explaining why quite a number of widowed and divorced women own land and livestock.

Table 4:22

Categories of Property controlled by widowed and divorced women.

Property	No. of respondents	Percentage
Land	1	0.7
Livestock	1	0.7
All	16	10.7
N/A	132	88.0
Total	150	100.0

The data on table 4:22 indicates that the widowed and divorced women surveyed controlled virtually all the property under their care. About 0.7% controlled land, while 0.7% controlled livestock. This outcome concurs with Pala's study (1975) on women's participation in Kenya society. In her study, Pala states that although men have the power of land allocation, women control the same, being the producers and reproducers.

Table 4:23

Categories of Property allocation by widowed and divorced women

Property	No. of respondent	Percentage
Land	1	0.7
Livestock	4	2.7
Money	5	3.3.
Poultry	2	1.3
All	3	2.0
None	2	1.3
Others	.1	0.7
N/A	132	88.0
Total	**150**	**100.0**

From the table above, most of the widowed and divorced women surveyed had the power to allocate to property. Only 1.3% could not allocate any property. About 0.7% could allocate land, while 2.7% could allocate livestock. Money was allocated by 3.3% of the women while 1.3% could allocate poultry. Approximately 2.0% of the women could allocate all the property under them.

Table 4:24

Categories of Property that widowed and divorced women could dispose of

Property	No. of respondent	Percentage
Livestock	2	1.3
Land	2	1.3
Poultry	9	6.0
All	4	2.7
None	1	0.7
Others	1	0.7
N/A	132	88.0
Total	150	100.0

The data in table 4:24 indicates that among the divorced and widowed women surveyed, 1.3% of them could dispose livestock and 1.3% could dispose of land. About 6.0% could dispose poultry while 2.7% could dispose all the property under their care. Only 0.7% could not dispose any property.

According to the socio-cultural studies by Suda and Oyiecho (1990) a woman whose husband was deceased was expected to consult with any other adult male within the family for instance a son on decisions regarding the disposal and use of land.

Most of the widowed and divorced women surveyed had an improved economic status. They attributed this to ownership of property. A few, however, had not experienced any change in their economic status. This was because they had many dependants, low income and also the property they owned was of little value, one that could not make any improvement in their economic status.

Table 4:25

Categories of goods paid during marriage

Goods	No. of respondents	Percentage
Livestock	46	30.7
Livestock, money	53	35.7
No items	29	19.3
Others	3	2.0
N/A	19	12.7
Total	150	100.0

Table 4:25 indicates that out of 30.7% of the women surveyed, livestock was exchanged at the time of marriage. While for 35.3%, both livestock and money were exchanged, no items were received for about 19.3% of the women.

In the cases where no items were paid or exchanged, it was either because the spouse was not willing to pay or he had no sufficient property to pay. For some respondents their families decided that payment of goods during marriage was not necessary. Some men decided not to pay because the woman was already owning some property.

Table 4:26

Patterns of ownership of goods paid during marriage

Goods	No.of respondents	Percentage
Yes (owns them)	11	7.3
No (does not own)	92	61.3
N/A	47	31.3
Total	**150**	**100.0**

The data in table 4:26 indicates that about 7.3% of the women surveyed owned some items paid as bridewealth. About 61.3% of them did not own the bridewealth items. Some of these women who did not own the bridewealth property felt that it was a taboo. For the divorced women, the property was taken back after the divorce. There were those women who would have wished to own, but they were never given. Bridewealth items were therefore, owned by the father of the bride in most cases.

A study by Croll (ed Hirschon, 1984:48), women in China were seen as vehicle by which property is transmitted. They passed on property from one family to the other although they are not members of the property owning unit. Jean La Fontain (1955) observes that bridewealth items (goats, heifer, hoe) among the Gusii was a transaction between the two families. The woman had no say or gain of the material items.

Table 4:27

Distribution of the property inherited by women

	No. of respondents	Percentage
Yes	69	46.0
No	78	52.0
Others	1	0.7
N/A	2	1.3
Total	**150**	**100.0**

The Data in Table 4:27 (above) indicates that 46.0% of the women surveyed had inherited property, while 52.0% had not inherited any property.

Nyabundi (1987) indicates in his study of the Luo Community that inheritance was from father to son, and particularly land. This was after their father dies or immediately a son got married. Oyiecho (1990) indicates that it was not expected that girls inherit land from their parents because it was considered a bad omen to their brothers. However, in some parts, women inherit if the family has no son, if the woman is not married or divorced and goes back to her parents or just as a rare gift from the father.

Table 4:28

Categories of property inherited by women

Property	No.of respondent	Percentage
Land	18	12.0
Livestock	4	2.7
Houses	4	2.7
Household goods	32	21.3
Land/House	3	2.0
Land/Livestock	5	3.3
Others	2	1.3
N/A	82	54.7
Total	150	100.0

Table 4:28 (above) indicates that 12.0% of the surveyed women had inherited land, while 2.7% livestock. About 2.7% of them had inherited houses and 2.0% had inherited both houses and land. The majority of the women had inherited household goods 21.3% while a more 3.3% had inherited both land and livestock.

The idea that women should inherit the means of production, particularly land, is not yet accepted. Imbuga (1988) reiterates this in his play when a will meant for a woman to inherit land brought a saga in the whole village. The change, however, is gradual.

Not all the women surveyed had inherited property. There are those who thought it is a taboo for them to inherit. Others did not want to inherit because they would join different families upon marriage and leave the property. The majority however, had not inherited because their parents were still alive, hence had not distributed property.

Table 4:29 Distribution of who women inherited property from.

	No of respondents	Percentage
Father	15	10.0
Mother	10	6.7
Spouse	13	8.7
Father/Mother	30	20.0
N/A	82	54.7
Total	150	100.0

The data in table 4:29 indicates that most women (20.0%) inherited property from both parents. About 8.7% inherited from their spouses while 10.0% from their father. Approximately 6.7% inherited from their mother.

The property women inherited had boosted their economic status. This is because the women had a good start in life, without much financial problems, unlike those who did not inherit any property. Some women did not experience any improvement in their economic status although they had inherited property. This was attributed to one having too many dependants, while others did not have the power to allocate or dispose of the inherited property, but only use. Some women inherited property of very little value, such as household goods, which could not make any difference in their economic status.

Table 4:30 Categories of who should inherit property.

	No. of respondents	Percentage
Men	59	39.3
Women	14	9.3
Both men/women	73	48.7
Others	3	2.0
N/A	1	0.7
Total	150	100.0

Approximately 39.3% of the surveyed women felt that only men should inherit property, as they are the next of kins. Daughters on the other hand join other families, yet some of the property is not movable. About 18.0% were of the opinion that women should inherit property since they manage it better than men. About 48.0% women felt that everybody who has access to property should inherit property, regardless of one's sex.

Table 4:31: Women's Opinion's about ownership of property

	No. of respondents	Percentage
Yes	117	78.0
No	16	10.7
Not sure	17	11.3
Total	150	100.0

The data in table 4:31 indicates that about 78.0% women felt that the women should own property, while 10.7% decided that women should not own property because they tend to misuse it and they do not have homestead. About 11.3% were not sure whether women should own property or not.

For the surveyed women who felt that women should own property said it is because women are the producers, domestic workers, and that men are not always at home. Furthermore, both men and women should be equal when it comes to ownership of property.

Table 4:32 Views about allocation, control and disposal of property by women

	No. of respondents	Percentage
Access and use	9	6.0
Control	2	1.3
Allocate	4	2.7
Dispose	7	4.7
1,2, & 3	42	28.0
1 & 2	24	16.0
All above	59	39.3
Others'	3	2.0
Total	**150**	**100.0**

The data in table 4:32 indicates that about 6.0% of the surveyed women were for the idea that women should only have a right to use property. About 1.3% felt that women should only have the right to control property, while 2.7% said that women should have a right to allocate property. According to 28.0% of the women surveyed, women should not only have the right to use and control, but should also be able to allocate property. About 39.3% felt that women should have the rights to use, control, allocate and also be able to dispose of the property.

Njau and Mukabi (1985) have described women, as the peasants, domestic workers, small and large scale farmers, reproducers and petty traders. They also head families as bread winner. Lack of property ownership would be a hinderance to women's participation in the agricultural economy.

CHAPTER FIVE

DATA ANALYSIS AND INTERPRETATION

In this Chapter, the hypotheses formulated in Chapter Three are tested. This has been done by cross tabulating the independent and dependent variables; for the purpose of finding out the relationship between the variables. The main statistical techniques used in testing these hypotheses include the chi-square and contingency coefficient. These two are briefly discussed below.

Chi-Square (χ^2)

This is a test of statistical significance. It is used also to determine whether a systematic relationship exists between two variables. The chi-square is calculated by summing over all the cells, then the squared residuals are divided by the expected frequency:

Thus;

$$\chi^2 = \sqrt{\frac{(O - e)^2)}{e}}$$

Where O = observed frequency in each cell and

e = expected (calculated) frequency in each cell.

The calculated chi-square is compared to the critical points of the theoretical chi-square distribution to provide an estimate of how likely (or unlikely) this calculated value is if the two variables are independent.

CONTINGENCY COEFFICIENT

This is used to measure the degree of association or correlation which exists between variables. The coefficient is stated in terms of X^2, Thus,

$$C = \frac{\chi^2}{N + \chi^2}$$

Where $$\chi^2 = \frac{(O - E)^2}{E}$$

C is therefore designed to measure the degree of contingency, or dependance between variables.

The study uses 0.05 or 95% confidence level as the decision making criteria. A relationship above the 95% confidence level is accepted as significant while that below 95% level is not significant.

The analysis starts by relating marital status of respondents and property ownership.

5:1 MARITAL STATUS AND OWNERSHIP OF PROPERTY

Ownership of property is held basic in the study. It is property ownership which enables (facilitates) women's full participation in the national economy. However, lack of ownership is a major constraint to women's participation in the Kenya's economy.

The hypothesis tested in this section is

H_1. There is a positive relationship between marriage and ownership of property.

H_0 There is no relationship between marriage and ownership of property

Table 5:1 (below) relates the marital status to ownership of property by women.

		Ownership of property		
Marital status		Yes	No	Total
Single	(N)	14	1 0.7	15 (10.0)
	%	9.3		
Married	(N)	92	19 12.7	111 (74.0)
	%	61.3		
Widowed	(N)	10	0 0.0	10 (6.7)
	%	6.7		
Separated	(N)	4	2 1.3	6 (4.0)
	%	2.4		
Divorced	(N)	4	2 1.3	6 (4.0)
	%	2.4		
Others	(N)	0	2 1.3	2 (1.3)
	%	0.0		
Total	(N)	124	26 17.3	150 (100.0)
	%	82.7		

χ^2 = 15.19184

DF = 5

P = 0.05

C = 0.303257

What can be inferred from the data on table 5.1 is that at least 82.7% of the women interviewed owned some property. Out of these, 61.3% were married, 9.3% were single while 5.3% were either divorced or separated. About 6.7% were widowed women. This data indicates that marriage tends to increase chances of a woman to own property.

The χ^2 critical value for 5 degrees of freedom at 0.05 level of the significance is 11.070. This is much smaller than the obtained value of 15.19184. This indicates that there is a significant relationship between ownership of property and marital status. It is also shown that the relationship is fairly strong, at 30% as indicated by the C test. The null hypothesis that there is no relationship between ownership of property and marriage is thus rejected at 0.05 level of significance and the hypothesis tested is accepted at the same level of significance

A similar pattern was established when property allocation, control and disposal was related to marital status;

Table 5.2

MARITAL STATUS AND PROPERTY ALLOCATION

Property allocation

Marital Status		Money		Land	Poultry	All	None	Total
Single	N)	6	1	2	4	2	15	
	%	4.0	0.7	1.3	2.7	1.3	10.0	
Married	N	36	2	33	32	8	111	
	%	24.0	1.3	22.0	21.3	5.3	74.0	
Widowed	N	1	3	2	1	1	8	
	%	0.7	2.0	1.3	0.7	0.7	5.3	
Separated	N	1	2	4	1	2	10	
	%	0.7	1.3	2.7	0.7	1.3	6.6	
Divorced	N	1	1	2	1	1	6	
	%	0.7	0.7	1.3	0.7	0.7	4.0	
TOTAL	N	45	9	43	39	14	150	
.	%	30.0	6.0	28.7	26.0	9.3	100.0	

χ^2 = 32.996

df = 16
P = 0.05
C = 0.4246

As indicated on the table above, the data shows that 45% of the women interviewed could allocate money. Out of those, only 4.0% of them were single and 0.7% were separated. Another 0.7% were divorced and 0.7% widowed. About

24.0% were married. This outcome tends to indicate that married women were in a better position of allocating property than either the single, divorced or separated.

The women interviewed had also authority to allocate land. However, this was in small percentage as indicated on the table. Only 6.0% could allocate land, out of which 1.3% were married. About 1.3% were separated, while 0.7% were single. About 0.7% were divorced women and the widowed who could allocate land were 2.0%. This could be that the widowed women have inherited land from their late husbands and most of them have the authority to allocate.

Poultry could be allocated by about 28.7% of the women who were interviewed. Out of these 1.3.% were single, 22.0% were married and 1.3.% widowed. The separated women were 2.7% and 1.3% were divorced. The data therefore indicated that quite a large percentage of women owned poultry as property and could allocate it.

Approximately 26.0% of the respondents could allocate all the property they owned. About 2.7% of these were single women. 21.3% married, 0.7% widowed. Those separated comprised 0.7%, while the divorced were 0.7%. It is evident that almost all the single women could allocate all their property, while a large number of married women had the right to allocate property.

Some respondents did not have the power to allocate any property. This was about 9.3% out of which 1.3.% were single women and 5.3% married. The widowed were 0.7%, 1.3.% were separated and 0.7% divorced.

The χ^2 critical value for 16 degrees of freedom at 0.05 level of significance is

26.296. This value is smaller than the obtained value of 32.996. The null hypothesis is thus rejected a 0.05 level of significance and conclude that there is a significant relationship between marriage and property allocation at the same level.. The coefficient correlation is also fairly strong, at 0.4246. We can therefore conclude that the two variables are infact dependent on each other, at 40% degree of association.

Table 5:3 MARITAL STATUS VS CONTROL OF PROPERTY

		Control of Property					
Marital Status		Money	Land	Poultry	All	None	Total
Single	N	3	1	1	1	1	7
	%	2.0	0.7	0.7	0.7	0.7	4.6
Married	N	30	24	21	5	25	105
	%	20.0	16.0	14.0	3.3	16.6	70.0
Widowed	N	2	1	2	7	4	16
	%	1.3	0.7	1.3	4.6	2.6	10.6
Separated	N	2	1	4	3	2	12
	%	1.3	0.7	2.6	2.0	1.3	16.0
Divorced	N	1	3	1	3	2	10
	%	0.7	2.0	0.7	2.0	1.3	6.6
TOTAL	N	38	30	29	19	34	150
	%	25.3	20.0	19.3	12.6	22.6	100.0

The hypothesis tested is

H_1 There is a positive relationship between marriage and control of property.

H_0 There is no relationship between marriage and control of property

χ^2 = 34.415
Df = 16
P = 0.05
C = 0.43199

The critical value for 16 degrees of freedom at 0.05 level of significance is 26.296. The obtained value is 34.415 , which is higher than the critical value. The statistics above therefore indicates that the relationship between marriage and property control is highly significant, at 0.43199 degrees of association. The null hypothesis is therefore rejected at this level and conclude that there is a positive relationship between marriage and control of property.

From the data on table 5.3 above, 25.3% women controlled money. About 2.0% of these were single, 20.0% married, 1.3% were widowed and 1.3% were separated. The divorced women who controlled money were 0.7%.

What can be inferred from the data on the table above is that women controlled quite a large share of their property. Approximately 20.0% respondents controlled land. Out of this, 0.7% were single, the married were 16.0%, 0.7% were widows. The divorced were 0.7% while 1.3 were separated.

Poultry was controlled by 19.3% of the respondents out of which 14.0% were married women. About 12.6% of the women interviewed could control all the property they owned. Out of this, the married women who controlled all the property were only 3.3%. About 2.0% were divorced, 2.0% were separated, while 4.6% were divorced, 0.7% were single women.

There were some respondents who could not control any property. This was about 34.0%. Out of these ,0.7% were single, 16.6 married, while 2.6% were widowed and 2.0% were separated.

The conclusion that is most likely from the data on table 5:3 above is that there is a significant relationship between marital status and control of property.

A similar pattern was arrived at when marital status was related to disposal of property by women.

Table 5:4

Marital Status

		DISPOSAL OF PROPERTY					
Marital Status		Money	Land	Poultry	All	None	Total
Single	N	4	1	4	4	2	15
	%	2.6	0.7	2.6	2.6	1.3	10.0
Married	N	4	29	44	20	9	106
	%	2.6	19.3	29.3	13.3	6.0	70.6
Widowed	N	3	5	3	2	1	14
	%	2.0	3.3	2.0	1.3	0.7	9.3
Separated	N	1	1	1	2	2	7
	%	0.7	0.7	0.7	1.3	1.3	4.6
Divorced	N	1	1	2	2	2	8
	%	0.7	0.7	1.3	1.3	1.3	5.3
TOTAL	N	13	37	54	30	16	150
	%	8.62	4.6	36.0	20.0	10.6	100.0

χ^2 = 28.35
DF = 16

P = 0.05
C = 0.3986

The data on the table above indicates that a total of 8.6% women could dispose money. Out of this, 2.6 were single, 2.6% married, 2.0% widowed, 0.7% were separated, while 0.7% were divorced. About 24.6% women could dispose land, majority of these, 24.6%) being the married women.

The single were 0.7%, divorced 0.7%, 0.7% were separated while the widowed were 3.3.%. This percentage of the widowed women could be those who inherited land from their husbands. In such a case, they have authority to dispose without having to consult the members of the extended family.

The chi-square critical value for 16 degrees of freedom at 0.05 level of significance is 26.296, which is much lower than the obtained chi-square of 28.35. We therefore conclude that there is a significant relationship between marriage and disposal of property. The two variables are in fact dependent.

Table 5:5

WOMEN WITH CHILDREN VS PROPERTY OWNERSHIP

Have Children		Ownership of Property		
		Yes	No	Total
Yes	N	113	20	133
	%	75.3	13.3	88.7
No	N	11	6	17
	%	7.3	4.0	11.3
Total	N	124	26	150
	%	82.7	17.3	100.0

χ^2 = 44.315

DF = 1

P = 0.05

C = 0.47755

The statistics on the table above indicate that the relationship between women with children and property ownership is highly significant. Thus what can be inferred from the data is that out of the 82.7% women who owned property, 75.3% of them had children, while 7.3% did not have any children.

It is also observed that only 13.3% women interviewed did not own any property although they had children. A mere 4.0% did not have any children and did not own any property.

The hypothesis tested here is;

H_1 Women with children are more likely to own property than those without.

H_0 Women with children are less likely to own property than those without.

The χ^2 critical values for 1 degree of freedom is 3.841 at 0.05 level of significance. The obtained value of χ^2, 44.315 is higher than the critical value. This indicates that there is a significant relationship between the ownership of property and having children or a child. The null hypothesis that women with children are less likely to own property is rejected at 0.05 level of significance and the hypothesis being tested accepted at the same level.

The interpretation one gives the above findings is that children enable women to own property. Once married, a woman is allocated property and land in particular on which she would grow the family food, as a provider and producer. On the other hand, it could be said that once a woman has children, especially mature ones, they become a source of income to her, in which case she is able to acquire property from her children.

Similar findings were arrived at when property inheritance was related to women with children.

Table 5:6

WOMEN WITH CHILDREN VS. PROPERTY INHERITANCE

		Yes	No	N/A	Total
Yes	N	67	64	1	132
	%	44.7	42.7	0.7	88.0
No	N	3	14	1	18
	%	2.0	9.3	0.7	12.0
Total	N	70	78	2	150
	%	46.7	52.0	1.3	100.0

χ^2 = 18.09462
DF = 3
P = 0.05
C = 0.328

The critical value for 3 degrees of freedom at 0.05 level of significance is 7.815. The obtained value is 18.09462, which is higher than the critical value.

This therefore indicates that the relationship between women with children and inheritance is highly significant. The coefficient correlation is also fairly strong, at 30%. The data therefore indicates that women with children are more likely to inherit property than those without. This could be argued that women inherit property in trustee of their children until they become of age. The widowed women inherit property to be able to care for and bring up their children.

The data on table 5:6 above indicates that 44.7% of women had children and had also inherited property. About 42.7% had children but had not inherited property, while 2.0% did not have children and yet they had inherited property. Approximately 9.3% women did not have children and had not inherited property.

The analysis also related the level of formal education and property ownership.

Table 5:7

Educational Terminal level		Ownership of Property Yes	No	Total
None	N	5	10	15
	%	3.3	6.7	10.0
Primary	N	60	15	75
	%	40.0	10.0	50.0
Secondary	N	15	5	20
	%	10.0	3.3	13.3
Post-Secondary	N	8	2	10
	%	5.4	1.3	6.7
Adult literacy	N	20	10	30
	%	13.3	6.7	20.0
Total	**N**	**108**	**42**	**150**
	%	**72.0**	**28.0**	**100.0**

χ^2 = 14.317
DF = 4
P = 0.05
C = 0.295

The data on table 5:7 (above) indicates that out of 72.0% women who owned property, 3.3.% of them did not have any form of formal education, 40.0% of them had primary education. 10.0% secondary, 5.4% post-secondary and 13.3% had attended adult literacy education. Indicated also on the data above is that out of 28.0% women who did not own property, 6.7% of them had no education, 10.0% had attained primary education, 3.3.% secondary, 1.3.% post-secondary, 6.7% of them had attended adult literacy education.

The hypothesis tested here is;

H_1 The higher the level of formal education, the less likely that a woman owns property.

H_0 The higher the level of formal education the more likely that a women owns property

The χ^2 critical value for 4 degrees of freedom is 9.488 at 0.05 level of significance. The obtained value of χ^2 is 14.317, therefore higher than the critical value. The coefficient correlation is also fairly high, 0.295 significant relationship between level of formal education and property ownership. The hypothesis that women with higher level of formal education are less likely to own property is rejected at 0.05 level of significance. The inference that can be drawn from the above statistics is that with high form of level education, one is bound to be better placed in employment and therefore in a better position to acquire and own property. The null hypothesis is therefore accepted at the same level of significance.

The final analysis performed was on payment of bridewealth and ownership of property.

Table 5:8

BRIDEWEALTH PAYMENT VS PROPERTY OWNERSHIP

		PROPERTY OWNERSHIP		
Bridewealth		Yes	No	Total
Livestock/money	N	43	10	53
	%	28.7	6.7	35.3
Livestock	N	41	5	46
	%	27.3	3.3	30.7
No items paid	N	21	5	26
	%	14.0	3.3	17.3
Others	N	3	0	3
	%	2.0	0.0	2.0
N/A	N	2	0	2
	%	1.3	0.0	1.3
TOTAL	N	110	20	130
	%	73.3	13.3	86.6

χ^2 = 2.4193
DF = 4
P = 0.05
C = 0.12598

The data on the table above indicates that 28.7% women interviewed owned property yet bridewealth in form of livestock and money were paid during their marriage. About 27.3% owned property and livestock was paid for them as bridewealth. Approximately 14.0% owned property yet no bridewealth was paid for them. Also indicated on the table is that 6.7% of the women interviewed did not own property yet livestock and money were paid for them during marriage. About 3.3.% women did not own property, livestock was paid as bridewealth, while for 3.3.% no items were paid during their marriage and they did not own property either.

The hypothesis tested here is;

H4 The more bridewealth paid for a woman, the less likely that she owns property.

H_0 There is no correction between bridewealth and property ownership The χ^2 critical value for 4 degrees of freedom is 9.488 at 0.05 level of significance. The obtained value of χ^2, 2.4193, is lower than the critical value. This indicates that the relationship between bridewealth an ownership of property is not significant. The two variables are in fact independent. The hypothesis that the more bridewealth paid for a woman, the less likely that she owns property is thus rejected at 0.05 level of significance and the null hypothesis accepted at the same level

In this Chapter, the data collected has been analyzed using the chi-square (χ^2) and coefficient correlation (C) methods. Data here is in cross tables based on two or more variables. Inferential statistics has been applied to test the hypotheses stated.

In Chapter 6, a summary of the findings in Chapter 5, conclusions and recommendations as depicted in Chapter 5 are presented.

CHAPTER SIX

SUMMARY

From the data analysis, the study established the following findings;
It was found out that the respondents ranged between 20-60 years of age. Majority of them were between 31-40 years of age, women whose spouses in most cases were not to be found in the rural areas. A few respondents were between 41 and 61 years of age.

Nearly all respondents were married, with a few cases of single, widowed and divorced women.

The analysis established a significant relationship between marital status and property ownership. Married women stood better chances to own property than either the single, divorced and widowed women. However, in actual sense, very few women would claim to own property, if the term ownership is taken to mean authority to dispose as well. It was noted that women claimed to own property, by virtue of having right of use and control but not disposal rights.

The analysis further established that almost all the widowed women owned some property, and had authority to allocate and dispose of it. This was partly the property they acquired on their own and partly what they had inherited from their spouses. However, the widowed who were childless and those whose only surviving children were females did not enjoy this privilege as their future was unpredictable.

The women who were currently married did posses property, either as theirs or for their spouses. In marriage, the analysis noted it is difficult to differentiate between the man's and his wife's property. As long as a marriage is steady, the spouses would prefer to refer to property as 'ours' instead of 'yours' or 'mine'. It was only possible to know what the woman owns when the analysis went deeper into what she can allocate, control, use and dispose. Hence whatever property belonged to a man automatically belonged to the woman as well.

The analysis established that there were certain types of property which women owned independent of the men. These was mostly poultry, property like land and livestock was in most cases owned jointly by the woman and her spouse. There were a few cases who did not own any property on their own but every thing jointly with her spouse. It was noted that the women who were currently married did not own much property before marriage. The few who owned, it was only poultry, cash and household goods.

Property was acquired through various ways. Most of the women had bought their property themselves or bought by their spouses. some property had been inherited, either from parents, spouse or children and other relatives. The inherited property included land, livestock, cars and household goods. The respondents cited various problems they had encountered during the acquisition of property. These included antagonism by spouse and other relatives, financial problems, and robbery, particularly for the business women and petty traders.

With reference to control of property, the analysis established that not all women control property in their homes. A few women controlled all the property.

Majority of the women controlled land, poultry and money (cash). Some women did not have the right to control any property in their homes. However, since the property was controlled by their spouses, they claimed to own it. The single and widowed women controlled the property they owned.

As far as allocation of property was concerned the analysis established that some women had authority to allocate all the property in the home. The property women allocated freely was allocated women freely was poultry, money, then land. Unlike the married and single women, the widowed women tended to possess authority to allocate almost all the property under them.

The analysis established that although all women had the right to use property, disposal rights were very much restricted. It was noted that married women were in a better position to dispose property than the single and widowed. However, this depended on the type of property. Although a woman would feel free to dispose things like poultry, money, cats and even livestock, when it came to the major means of production, land, she has to consult her spouse first. The widowed women were free to dispose of the land they inherited from their spouses, apart from a few cases when they have to seek the approval of elder son and /or brother to the deceased husband.

The study further established that there is a significant relationship between ownership of property and children. The women who had children had better chances of owning property than those who did not have children. Some property was even acquired through children.

Similarly, the analysis established that over 40% of the respondents had inherited one kind of property or the other. This was mainly from both parents, but some had inherited household goods particularly from their mothers. Land, livestock, cars were inherited from fathers as a rare gift. The widowed women inherited property to hold it in trustee of their male children till they become of age. The widowed whose only surviving children were females or the barren women had the option to go back to their natal homes where they were expected to inherit property from their parents. Inheritance preference was therefore given to the women who had children, particularly male children.

Some respondents had not inherited any property either because their parents were still alive or others thought inheritance was a bad omen for their brothers, so did not want to inherit. The analysis noted that the property women inherited had boosted their economic status since they had a good start in life, without much financial strain. Property such as household goods was not of much value, hence could not change one's economic status. However, some property such as land was sold and it boosted the economic status of the owner. Most respondents preferred men only to inherit property as they are the heirs or permanent members of society unlike the girls who will be married off to other families.

The study established that formal education was an important factor of property ownership. This however, was not enough for one to acquire or own property. Occupation was therefore, a major contributing factor to education to enable one acquire and own property.

As far as bridewealth was concerned, the study established that ownership of property and bridewealth paid for a woman during marriage were independent of each other. Whether bridewealth was paid or not, this did not influence ownership of property. Bridewealth items (money livestock, land) were not owned by the women, but such wealth accrued to the parents of the girl, particularly the father. Although some respondents would have liked to own such property if given, others thought it should only be owned by the parents as a measure of appreciation to the upbringing of the daughter.

The respondents had different opinion as regarding ownership of property. A few of them were not sure that it is their right to own the property they acquire. Some thought that it is only men who should own property, while most women were for the idea that every body, regardless of their marital status, should own property, as a right. Men were seen to be the heads of homesteads while women had no homesteads to own the property from.

However, women were described as the producers and reproducers, the best managers of property, bread winners an heads of families. Thus, they should not only have the right to use property, but should have the authority to control, allocate and above all, dispose the property. Most respondents were for the opinion that women should have equal ownership rights with men since men are never at home most of the time. It is not easy to make decisions on property while absent from home. Property ownership would enable women to improve on their economic and living standards.

RECOMMENDATIONS

Conducive conditions need to be created to enable women own property. Particularly, the initiation of new loan schemes to benefit rural women and not to depend on land ownership or holding large assets as security. As such, self reliance would be realized and women would be able to participate in other activities towards economic development.

Literacy programmes need to be initiated where women can be taught to read and also learn different skills like farm management. Women would as a result get enlightened on their rights in regard to property ownership. Also, the old traditions and beliefs, particularly the belief that women cannot be trained in agriculture since agriculture with female labour is backward, would easily be discarded.

Women constitute the backbone of rural economy in Kenya. It is therefore imperative that they be able to own property, particularly land if they have to continue playing their role of improving their social-economic status and that of the rural masses, and therefore the whole nation.

The study recommends that employment opportunities be created, for instance rural industrialization to enable women participate fully in the development of the country. These would include non-agricultural activities such as food processing, weaving, pottery and textile industries. Most women in the rural areas are below the poverty line. It is therefore extremely difficult for them to generate money, which would enable them to acquire property so as their economic and social status are uplifted.

Rural women groups should be encouraged. It is only through this that women would be able to engage in effective income generating projects such as poultry, bee-keeping and knitting. This would not only enable them to pool their resources together for development, but also they would have been provided with employment activities.

The above findings and recommendations have serious practical implications for the rural planners and policy makers. This is in line with the District Focus for Rural Development. There are no clear policies regarding ownership of property by women, particularly in marriage. Women are in the majority of the rural population engaged in agricultural sector. With male absenteeism and natural population increase, women have added responsibilities and burden. They have become heads of household and decision makers. Lack of property ownership is a hinderance to their important development role in rural areas. The ownership of the scarce means of production and the division of labour in employment seem more to be in favour of men than women.

Unless the above factors are strengthened, there is very little hope for the women to achieve self-reliance as their social and economic conditions would never be improved. The degree of self-development is bound to remain low.

CONCLUSION

In the light of the foregoing analysis, it is evident that women are not in full control of the proceeds of their labour. This is in spite of the fact that they are the producers, small and large scale farmers, petty traders, professionals, domestic and factory workers. Women control trivial things in most cases, such as chicken, but not in sufficient control of the major means of production such as land. This lack of ownership of the major means of production hinders women from being even more economically productive. Their participation in development is hampered.

The earlier studies done on women laid stress on women's contribution to economic development. Lack of property ownership has therefore been cited as a hindrance to women's participation in economic development by these writers (Boserup, 1970, 1976, Gutto, 1987).

Our study has however,. endeavored to find out what ownership means to the women. The study has defined what ownership is, the factors that facilitate and those that hinder ownership of property by women. The study established that a woman cannot be said to own property just because she has the right to use it. She should also have the right to control, allocate and even dispose of the property when need arises. It is only then that she will be said to be in ownership of that particular property. Women for instance do not have much power over land when it comes to disposal or renting out of the land. Decisions are made by the man, sometimes in absentia, over land which women control entirely.

The study has therefore outlined exactly what kinds of property women have the right to use, control, allocate and those they can dispose of in a home. This is regardless of their marital status. This was made possible by talking to the individual women on the management of property in their homes. The study therefore established that women raise their social and economic status once they have the right to not only use but also be able to control, allocate and dispose the property as well. As such, they are able to participate in the development of the economy fully.

To show how important it is for women to own property, the study outlines guidelines on how to remove the barriers that hinder women from owning property. This would enable women to own what is rightfully theirs.

Kenya is mainly an agricultural country. It depends on agriculture for exportation of cash crops, for foreign exchange earnings and for the production of food for local consumption. It is women who provide most of the labour for these agricultural activities both on the plantations and the tiny pieces of land. It is only desirable that they own the property they work so hard to produce, in order to get fully involved in the development of the country.

Although contradicting laws on ownership have been mentioned by writers such as Pala (1976) as a hindrance to ownership of property by women, our study established that the problem is far reaching than this. There is ignorance and lack of awareness by women concerning their rights to own property. They need to be enlightened since they are not aware that the law allows them to own property.

Laws relating to property ownership by women, however need to be improved a lot. There is, for instance a contradiction (on) between the customary and civil law. According to the customary law, acquisitions by a woman after marriage are considered part of her husband's property. civil marriage on the other hand does not affect property rights of spouses. On the other hand the English married woman's property Act of 1882 puts the wife and husband on a formal and mechanical equality. All in all, our study stressed on the need of fundamental changes in law to bring it in line with the existing and future structure e.g. social and political economy in Kenya.

The study concluded that decision making and property ownership go hand in hand. A woman head of household who owns property, particularly land, can make independent decisions concerning land use control, allocation and its disposal as well. She can even use the income deriving from the land as she sees fit. In such a case she may receive credit from the financial institutions for her development. However, in situations of household but not land owner, she tends to be bound to a large degree to decisions of the man who has title to land, yet does not work on it.

In conclusion, the study established that the claims by earlier writers that women own or do not own property is too general. Personal interviews with the individual women established that there are certain items which women own and others which they do not own, in terms of the rights to dispose as well.

INTERVIEW SCHEDULE

APPENDIX 1

PROPERTY OWNERSHIP AMONG THE LUHYA AND ITS IMPACT ON THE ECONOMIC STATUS OF WOMEN A CASE STUDY OF WEST BUNYORE LOCATION, KAKAMEGA DISTRICT

Good Morning/Afternoon/Evening!

My name is Pamela Ndengu, a student of Sociology at the University of Nairobi I am currently undergoing an M.A. degree Programme in the Department of Sociology. The study has been authorised by the office of the President. Your co-operation will be highly appreciated for the completion of this work.

This research will help the Government to understand the constraints women are faced with in their participation in economic development and therefore seek for solutions towards the alleviation of such constraints.

I will treat any information you give me as confidential.

Thank you in advance.

IDENTIFICATION

Name of Interviewer ....

1 Number of Respondent ....

2. Respondent's Address: District ....

Division ....

Location ....

Village . . . .

BACKGROUND INFORMATION

3. (a) Respondent's sex 1. Male . . . . 2. Female . . . .

(b) What is your age? . . . . (Years)

4. (a) What is your ethnic groups? . . . .

(b) What is the ethnic group of your spouse . . . .

5. (a) Do you have any children 1. Yes . . . .

2. No . . .

(b) If yes, how many? Male . . . . Female . . . .

(Indicate their ages) . . . .

Total . . . .

6. Have you been to School? . . . .

1. Yes . . . .

2. No . . . .

(b) If yes, what level of education did you attain? . . . . . .

. . . .

1. University/College . . . .

2. Form 5-6 . . . .

3. Form 3-4 . . . .

4. Form 1-2 . . . .

5. Std 5-8 . . . .

6. Upto Std 4 . . . .

(c) Have you had any other form of education?

1. Yes . . . .

2. No. . . . .

(d) If Yes, give details . . . .

(e) Do you attend adult literacy classes?

1. Yes . . . .

2. No . . . .

ECONOMIC ACTIVITIES

7. What is your main occupation? . . . .

e.g. teacher, tailor, etc. . . . .

8. What is your work status? . . . .

8 1. Employer . . . 2. Self employed . . 3. Employed . . . .

4. Family worker . . . . 5. Small scale farmer

6. Others . . . .

9. How much income do you get from your occupation per month?

. . . . (Kshs.)

(b) (i) Do you control any of this income? . . . .

. . . .

1. Yes . . . . 2. No. . . . .

(ii) If no, specify why . . . .

(c) How much of the income do use? . . . .

10. Do you have any other source of income? . . . .

1.Yes . . . . 2.No. . . . .

(b) If yes, specify . . 1. From children 2. relatives 3. spouse

4. others

11. Has your occupation changed your economic positions? . . . .

1. Yes . . . . 2. No . . . .

(i) If Yes, how? . . . .

(ii) If No, state why . . . .

(c) Has your work status changed your living standards?

1. Yes 2. No

If no. state why . . . .

(d) Has you work status changed your economic position?

1. Yes 2. No

If yes, state how . . . .

If no. state why . . . .

MARRIAGE

12. (a) What is your marital status? . . . .

1. Single 2. Widowed 3. Divorced

4. Separated 5. Others

(b) What type of marriage did you contract? . . . .

1. Monogamous 2. Polygamous

13. If single:

(a) Do you own any property? . . . .

1. Yes 2. No

(b) (i) If No, state why

(ii) Would you want to own any property? . . . .

1. Yes 2. No

State why . . . .

(iii) If you owned property, how would it influence your social status . . . .

Economic status . . . .

(c) (i) If yes, state the property, its quantity and how you got to own it e.g. houses,

livestock, money etc.

Property	Quantity	How Owned

(ii) Which problems did you encounter in owning these property? . . . .

(iii) How did you overcome them? . . . .

(iv) Of these property, which one do you have access to control, use, allocate?

Property	Control	Access	Use	Allocate	Dispose

(v) How has the control of this property influenced your social status? . . . .

. . . .

Economic status . . . .

(vi) Do you have access to any other property?

1. Yes 2. No

(vii) If no, state why . . . .

(viii) If yes, specify the property and quantity . . . . .

. . . .

Property	Quantity

(ix) Has your property influenced your economic position?

(x) If no, state why . . . .

(xi) If yes specify how . . . .

(xii) Has your property influenced your living standards?

1. Yes 2. No

(xiii) If no, state why . . . .

(xiv) If yes, specify how . . . .

14. If currently married (Monogamous, Polygamous) . . . .

(a) When were your married? . . . .

(b) Do you own any property? 1. Yes 2. No

(c) (i) If no, state why . . . .

(ii) Would you want to own any property?

1. Yes 2. No

State why . . . .

(iii) If you owned, how would it influence your economic status?

. . . .

(d) (i) If yes, state the property, its quantity and how you got to own it e.g. land, houses etc.

Property	Quantity	How Owned

(ii) Which problems did you encounter in owning thes[e] property? ....

....

(iii) How did you over come them? ....

(iv) Which of these property did you own? ....

1. before marriage ....

2. after marriage ....

(v) Which of these property do you own

1. alone ....

2. with spouse ....

(e) Which property do you control, use, allocate, dispose?

Propert y	Control	Use	Allocate	Dispose

(f) Do you have access to any other property? ....

1. Yes 2. No

(ii) If no, state why ....

(iii) If yes, which one did you have access to

1. before marriage . . . .

2. after marriage . . . . (g

(i) Has the property you owned after marriage changed your economic and social status?

1. Yes 2. No

(ii) If no, state why . . . .

(iii) If yes, specify how . . . .

(h) (i) Has the property you owned after marriage changed your living standards? . . . .

1. Yes 2. No

(ii) If no, state why . . . .

If yes specify how . . . .

15. <u>If Separated, divorced, widowed (Polygamous, Monogamous)</u>

(a) When were you separated, divorced, widowed) . . . .

. . . .

(b) Do you own any property? . . . .

1. Yes 2. No

(i) If no, state why? . . . .

1. Yes 2. No

(ii) Would you want to own any property . . . .

1. Yes 2. No

Why? . . . .

(iii) If you owned, how would it influence your economic anc social status?

. . . .

(c) (i)If yes state the property, quantity and how you got to own it e.g. household goods, money etc.

Property	Quantity	How Owned

(ii) Which problems did you encounter in owning these property . . . .

. . . .

How did you overcome them? . . . .

. . . .

(iii) Which of these property did you own . . . .

1. before marriage . . . .
2. during marriage . . . .
3. after separation, divorce, widowhood? . . . . .

(iv) Which of these property do you own alone?

. . . .

(v) Of these property, which one do you control, use, allocate, dispose?

Property	Control	Use	Access	Allocate	Dispose

(d) Do you have access to any other property? . . . .

(e) (ii) If yes, specify how . . . .

If no, state why . . . .

(iii) Has your property influenced your economic status?

. . . .

1. Yes 2. No

(v) If Yes, specify how . . . .

If No, state why . . . .

16. For all (Single, Married, Separated, Divorce, Widowed)

(i) Has your marital status influenced your living standards?

1. Yes 2. No

(ii) If yes specify how . . . .

(iii) If no, state why . . . .

(iv) Has your marital status influenced your economic status? .

1. Yes 2. No

(v) If yes, specify how . . . .

If no, state why . . . .

BRIDEWEALTH

17. (a) What form of marriage did you enter? . . . .

1. Customary 2. Civil 3. Church 4. Others

(b) Did you pay any items/goods? . . . .

1. Yes 2. No

(c) If no, state why . . . .

(d) If yes, specify the items and quantity e.g. money, cows, etc.

Items	Quantity

(ii) Do you own any of these items? . . . .

1. Yes 2. No

(iii) If no, state why . . . .

(iv) Would you want to own any of the items? . . . .

1. Yes 2. No

(v) If you owned, how would it have influenced your economic status? . . . .

. . . .

(e) (i) If yes, name them . . . .

. . . .

. . . .

(ii) Of these items, which ones do you control use, allocate and dispose? . . . .

Items/goods	Control	Use	Allocate	Dispose

(iii) Have the goods paid or you paid influenced your economic status? . . . .

. . . .

1. Yes 2. No

(iv) If no, state why . . . .

(v) If yes, specify how . . . .

(vi) Have the goods paid or you paid influenced your living standards? . . . .

. . . .

(vii) If no, state why . . . .

(viii) If yes, specify how . . . .

(f) How do you view marriage payments in relation to property ownership? . . . .

. . . .

18. INHERITANCE

(a) Do you have any inherited property? . . . .

1. Yes 2. No

(b) (i) If no, state why . . . .

(ii) Would you have liked to inherit any property?

1. Yes 2. No

Why . . . .

(iii) If you were to inherit how would it influence your economic status? . . . .

. . . .

(c) (i) If yes, state the property, quantity and from whom you inherited this

property . . . .

Property	Quantity	from whom

(ii) Which problems did you encounter in inheriting these property? . . . .

. . . .

(iii) How did you overcome them? . . . .

. . . .

(iv) Which of these property do you control, use allocate and dispose

. . . .

Property	Control	Use	Allocate	Dispose

(v) Has this property changed your economic status?

1. Yes 2. No

If yes, specify how . . . .

If no, state why . . . .

(vi) Should 1. Sons 2. Daughters 3. Siblings

4. Wives 5. Husbands 6. Others

inherit property . . . .

Yes No (State why . . . .

19. <u>GENERAL VIEWS ABOUT OWNERSHIP OF PROPERTY BY WOMEN</u>

(a) Should women own property? . . . .

1. Yes 2. No 3. Not sure

(ii) State why . . . .

19. (ii) State why . . . .

(b) Should women - 1. have access 2. control

3. have right of use 4. right of allocation

5. disposal rights 6. others over property?

. . . .

. . . .

(ii) Specify why . . . .

(iii) Should 1. Sons and Daughters

2. Wives and Mothers

3. Sisters and Brothers

own property? . . . .

(iv) State why . . . .

THANK YOU FOR YOUR CO-OPERATION

INFORMAL INTERVIEW FOR KEY INFORMANTS

(Guiding Questions)

IDENTIFICATION

Name of interviewer . . . .

1. Number of respondent; position in society e.g. Chief, Church elder .

. . . .

2. Respondent's Address: District . . . .

Division . . . .

Location . . . .

Sub-Location . . . .

Village . . . .

3. Which types of property is owned by people in your community? . .

. . . .

. . . .

(b) How do you help them own property? . . . .

. . . .

4. Which problems do they encounter in owning property? . . . .

. . . .

(b) How do they overcome these problems? . . . .

. . . .

(c) How do you help them solve the problems they encounter in owning property? . . . .

. . . .

5. Which people own property in most cases? . . . .

. . . .

(b) Specify why . . . .

. . . .

6. How did these people get to own property? . . . .

. . . .

7. Who controls the property . . . .

(b) Specify why . . . .

8. Is property inherited among people of your community . . . .

. . . .

1. Yes 2. No

(b) If yes, specify the property . . . .

If no, state why . . . .

. . . .

9. What is the most common property inherited among people of your community? . . . .

. . . .

10. Which people inherit property in most cases? . . . .

. . . .

e.g. sons, wives, daughters etc.

(b) Specify why . . . .

. . . .

11. Which is the most common type of marriage contracted by people in your community? . . . .

e.g. customary, civil, church etc . . . .

12. Which is the most common form of marriage? . . . .

1. polygamous

2. Monogamous

(b) State why . . . .

13. Are there any payments during marriage? . . . .

1. Yes 2. No

(b) If yes, state the items commonly paid . . . .

. . . .

(c) If no, specify why . . . .

13. (d) Has marriage payments influenced property ownership among people in your

community? . . . .

. . . .

(i) If yes, specify how . . . .

If no, state why . . . .

14. Does property ownership among women influence their economic status?

. . . .

1. Yes 2. No

(b) If yes specify how . . . .

If no, state why . . . .

15. Should women own property? . . . .

1. Yes 2. No

(b) Specify why . . . .

. . . .

. . . .

APPENDIX II

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