

PROPERTY OWNERSHIP STRUCTURE AMONG THE KIKUYUS
AND ITS IMPACT ON THE STATUS OF WOMEN

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Kiagayu N.N.

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I N T R O D U C T I O N

RESEARCH PROBLEM AND CLARIFICATION OF CONCEPTS

The purpose of this paper is to find out whether the property ownership structure of the Kikuyus has had any impact on the status of women since pre-colonial era to the present day. Factors such as the politics, the economy and the social cultural forces may have influenced the woman's status. But instead of screening the effects of these factors upon the status of women generally, property ownership is the premise chosen as the one major status determinant.

Such a premise calls for elucidation of the terms "status" "power" and "control". Status as referred to in this paper simply means the social or legal position, condition standing or ranking (1) A direct nexus is established between "power" and status if we say that power is the ability to do something (2) or act because one's legal or social standing permit one to do so. "Control" differs from power in that it is broad enough to cover functions of directing and regulating which do not necessarily go with power. The purpose of this thesis is to show that he who has control over property has the power to do all the functions appurtenant thereto that is control gives right to access to resources and hence determines the distribution of benefits in society.

The attempt made in this paper is a historical exposition of the production relationships giving rise to power of control over certain properties, either to one sex and denying the same to the other, or the benefits of such control reflected as it were, in the varying degrees of political, economic or social positions attainable by virtue of ownership of property. The case study made in Nyeri District is not historical but only represents the present property structure alone.

Notwithstanding this, the historical picture as it reveals
itself from pre-colonial^{GA} to the present day tells us enough from which
it can be safely said that the status of women vis a vis that of men
leaves a lot to be desired.

CHAPTER ONE

PROPERTY RIGHTS UNDER KIKUYU CUSTOMARY LAW

A. Preliminary Remarks

There has been much debate among the western - oriented jurists and anthropologists on the legal status of property among the Africans. The attempts made to define the property structure has been wanting in certain important respects. While these early researchers tried to fit Anglo-American jurisprudential terminology into that of the Africans they wondered as to whether Africans knew of "ownership" in the land, of land "tenure" and related terms. (1) This approach was unnecessary and misguided for African societies formed wholesome legal entities evolved to serve the existing economic, legal and political relations. These evolutions took shape on a different geographical and cultural background. To understand it without prejudices it could only be studied from an African dimension. This is due to the very nature of law. It is a manifest of the philosophies surrounding property, society and other functions. Application of the western concepts to those of the African should of necessity have been abandoned.

One notorious difference between traditional African property law and that of the west is the nature of rights in land. A great deal of individual property holding exists in the west. Among the Kikuyus neither communal nor individual property holding existed. Only rights existed in varying degrees of enjoyment and extent. These rights were definite as between persons, a contrast to the western property rights which have ranged from a chose in action to more concrete rights.

The most important single factor controlling the Kikuyu economic relations was land. Livestock played a secondary role. Of even much lesser significance were the individual effects of the women such as crockery and the men's spears, swords and so forth. It can however, be said that a kind of land tenure did exist. The concepts and ideologies going with this tenure differed significantly from that as understood in the west. A bare definition of "tenure" may be this: a system under which land was held; extent of rights held, benefits and restrictions, access and immunities, control and so forth - the whole nexus of relationships that could be created from the use of the land.

The access relationships enjoyed by different peoples over land show that what was owned was not land but a claim to have power to do certain things. This included possessing immunities against the encroachment of others on one's rights, claims, powers and privileges. Thus in saying that a certain group of Kinsmen owned land it is collorary of the existence of varying rights enjoyed by other members of the group - may be, equally with one another or differently. (2)

Landholding was an attribute of every adult male in the lineage. As a unit of production it is pointless to talk of land as individually owned. Every individual worked the land with securely protected rights. The critical thing about land was the role it played in a nexus of specific relationships (3) worth noting is the fact that in everyday life, property belonging to any member of the family was referred to by him and others as "Ours". Each one of them had claims over the same certain extent. He who was referred to generally as the owner was distinguished by the obligation imposed on him as trustee for the others. (4)

Usugruct in the Roman sense was defined as a right of enjoying the use and advantage of another's property short of destruction or waste of the substance. (5) Right of those with lesser rights than the "owner" were not sufficiently covered by this definition for they did not hold land from another person capable of being called an owner. The stress on Kikuyu law was more on obligation than right. Further, a grant of usugruct in the Roman law was for use of fruits during the holders lifetime, a right not transmissible to heirs as customary landholding is. (6)

Whereas there was usually a person in a more masterful position over property, than the others he was expected to fulfil his obligation of letting others avail themselves of what they were entitled to. The rights of these others were lesser rights not amounting to ownership (7) and these included those of women, servants tenants at will etc.

Disposal in many respects is the converse of acquisition. Inheritance, distribution, pledge and giving of land all carry disposal overtones. It may be stressed, however, that nobody had absolute rights of disposal. Where land had not become a commodity, the right was even immaterial. The lack of powers of disposal was due to the fact that there was no single person who could be properly called the "owner" of any land. But due to the great amount of group coherence it is safe to consider the group itself to be the owner. This at least the smaller groups or clan especially if one considers the spiritual relationship of the Africans to their land. (8) In this respect, a Nigerian Chief is reported to have said, " I conceive that land belongs to a vast family of which many are dead, few are living and countless members are unborn."(9)

The foregoing boils down to the finding that land was generally labelled as belonging to a certain person for mere convenience in ascertaining what clan group or family had rights thereon. In the absence of anything like absolute ownership it is a matter of convenience who to call the owner. However, whereas rights of access were very important, the man's combined rights of access and control were very privileged. In the discussion below we have attempted to highlight some of the features of Kikuyu land tenure and its bearing on women.

B. Acquisition of land

Land might be acquired in any of the following ways:- begging (of ahoi - the customary tenants at will as a reward for labour service) (to ndungata - servants) as part of the bridewealth, as security against a debt, in compensation for homicide, by being adopted in settlement over a dispute over land, by clearing and first occupation and most important by inheritance. (10)

The most solid rights over land were acquired originally through clearing and first occupation. The duty of clearing virgin forests was imposed on the man by the rigid construction of the sex roles. The men were also saddled with the duty of clearing the brushwood after the gardens had been lying fallow and to break the fallow ground in order to bring it into cultivation. It appears that the women came to plant and cultivate land which they had neither founded nor cleared. But this did not matter because the men's functions or the women's at that were not superior or inferior, all were functions complementary to each other to the same extent and deserving equal respect. This explains the apparently hazy circumstances where the woman had full cultivation rights and the land she cultivated

was known by her name, but the soil was regarded the property of her husband. (11) The gardens of the women in a polygamous and monogamous homes were known by the society as the land of the head of the family. Distinction between individual holding by the women for purposes of knowing who works which garden existed only in the family circles.

A woman might not own land for she had no moral or legal right to do so in a patrilocal society. "Mbari", the land owning unit had lands that could only be held by a male member. So if there had been land registers for each Mbari they would not have borne any female names. Such a thing would have been a taboo as long as there was a male member of the Mbari surviving. For all the Kikuyus knew, a woman was entitled to land from her husband and should have been grateful for such.

Furthermore, she could not take part in land transactions of any kind. Her husband was the right person in that sphere. If a widow her sons or the brothers of her late husband conducted land dealings on her behalf, even though she gave out consideration such land legally belonged to her sons. (12) Rather than think that the woman had pressures driving her to want to have more rights in land than she had, she was contented with having enough land to work. The abundance of land settled her needs. There was no fear that she could ever get deprived of sufficient land for her own subsistence. The loss of land to her sons was rational for it maintained the equilibrium between demand and availability. She was deprived of one mouth to feed and now it was her daughter-in-law who needed some land from which to feed her husband.

A land begger or a tenant at will (Muhoi) was usually a person who had no or little land for his needs. Such a person could always live on begged land. There need not have been a blood link with the land donor for such a bond was unnecessary where all that the tenant was granted was a right to use the land. He could be evicted at the will of the donor. Accidentally the tenants were always very close friends of the land owner. When antagonism developed between them the tenant had to leave the land. (13)

A "ndungata" (servant) like a Muhoi was often a poor man working for a rich man. Being on amicable terms with his master he was able to get a piece of land from the latter. Holding for such land was directly dependant upon the continuance of good relations between the two. The servant could leave the rich man at will to sell his services to another person. On such an occasion he forfeited any rights he enjoyed on the land and could not transfer those rights to another person. It was the master who resumed control over them if the servant left for any reason. The latter could however, harvest any standing crops he may have planted. If these were trees he left them on the land and the master bought them on the advice of the elders. (14)

A land relationship close to that of a father/son existed between a foster father and a foster son. Girls were adopted only at the times of famine crises when they were exchanged for food but the practice was much scorned. (15) Whereas the rarity or absence of adoption of girls kept them out of the advantages of getting access to land of their foster parents as the foster sons, the convention would not have allowed them anyway. Such daughters and sons were entitled to rights of proper sons and daughters, no more no less. The girl could only be entitled to land of the new family if she chose to marry within it.

A person could also acquire land through an institution of land transaction close to charges. This operated by way of settling land in disputes over land or was given as security against a debt. By far the most widespread and sure way of getting access to land was through inheritance. Descent was patrilineal. This custom necessarily excluded women from inheriting land. Consequently they could not control what they could not inherit. That the lands allocated to the woman were known by her name was more than mere convenience for identification. Rights of use were off-set by the exercise of testamentary declarations (Kwigaya) and by a ritual sanction in form of a curse (Kirumi). By these two methods she could confer her land to whomever she desired provided the donee belonged to the family or clan of her husband. Again, the application of these sanctions whether coming from the woman or the man, debarred certain kin from inheriting land according to the traditional rules. The penalty for ignoring them, it was believed, was serious illness or death. In the absence of these land was inherited in accordance with the customary rules. (16)

A man's lands always passed to his sons on his death. The eldest son (muramati) who took over his father's duties of family management got a larger share than the other sons. This did not mean that he could command them. Failure in his duties arising from mental problems and the like would lead to his replacement by a younger son chosen by the family as their guardian. It was he who represented the family in social rituals and ceremonies. (17)

An inequitable system of inheritance existed in polygamous homes. On the decease of the head of the family, land was not divided equally between the sons but equally between the wives. The sons of each wife then divided their share equally. (18)

The injustice going with this method reveals itself. It would be by coincidence that wives of a man got equal sons. Yet this resulted in differential allotment of land between sons of the same man. (19)

If by a calamity the whole family or clan was extiguished, the land reverted to another portion of the kinship group or tribe still alive and descending from their nearest common ancestor. (20) It was in this sence that an ultimate community control was vested in the tribe tracing its descent from a common ancestor who might be even entirely legendary. (21)

The Kiambu Kikuyu claim to have bought their land from Dorobo but on a closer look there does not appear to have been any sale at all. Rather, very complicated transactions including rights of adoption and marriage were involved. (22) If a kind of sale agreements over land existed it would have been tantamount to asserting individual ownership with the associated rights of alienation and others. Against such a background it should be emphasised that land belonged to Mbari and without permission of his kinship group, no man could part with his land permanently. It was due to culture contact with Europeans that the Kiambu people came to adopt land sale practices and this was fairly recent. Traditionally, any land pledged to anybody could be redeemed on return of the exchanged items.

One word remains on where the control over land lay. When a dispute arose over land between clans facilities or sub-clans, it was the kinship elder who intervened. By whatever methods outlined above land was acquired, the control exercised by the family head was subject to a hierachy of controls based on the kinship system and fading out with distance in kinship but never entirely vanishing. (23)

C. Land tenure its bearing on women

The traditional land tenure was generous in that it allowed every able - bodied man and woman to cultivate a particular piece of land more or less at her/his descretion. (24) This was possible because public trasury of land was huge. Thus, even daughters and sons could sometimes cultivate land of their clan at will.

The woman's right of use was not exclusive. She lost most of her land to her sons when these grew up and married. Her position in society was subordinate to that of her husband and any land she cultivated was held either for her husband or her father. In the latter case she retained her maidenhood shamba only if she married near her family's land or if her family had abundant land. But she did not cultivate such land as of right since it was her husband, not her father who was under an obligation to provide her with land. Such double duty on her father and husband towards her and at different times of her life might make her fate uncertain. Perhaps even more so when she could be called a stranger in her parents' home as much as that of her in-laws. In her maidenhood she was impermanently with her family. She would sooner or later be married and leave them. This disintitled her to permanent allocation of land by her father.

In the family to which she married, she was a "Mundu Muka" (a new comer) This address is still used to indicate visitor position of woman in her husband's family. As a new-comer she would not be allowed to hold control over clan or family land. She could only partake of clan land under her husband. Any rights to non-lineage members were conditional upon using land for whatever purpose granted without disintitling the clan to maximum control. That is why clan solidarity was ensured by entrusting land to male posterity who then allotted it to their wives according to latters needs and availability of land. The man therefore remained the

immediate person from whom the woman held land. Maintenance as is known in the statute law was unknown. On divorce the woman had to submit her land to her husband and his clan. She was entitled nevertheless, to get some from her father or her own brothers for it was from tilling the soil that she could get material support.

Widows are allowed to keep a small piece of land to grow crops for their own consumption. (25) All in all, it does not appear that there was a time when the woman was not well provided for. It did not matter that the control or powers of allocation and choice of who to give and how much of it lay with the husband. He was duty-bound to provide her with land. In any case a man never cultivated the gardens. That was the women's work. Whatever land he had was worked by his wives or wife for it was they who fed the maily. Some observers have even seen the woman's role in such strong terms as " The woman is essentially the home-maker. The man fights to protect that home ". (26) Others emphasised the woman's right to be given land on the ground that "... wives have first claims to plots on the ground that it is a woman's duty to feed her husband and children. The family head sons and daughters have their own gardens only after provision has been made for (migunda ya mutumia)". (woman's gardens) (27)

The obligation on the man to provide his wife with land arises from his very rights to land of his father, mother, or clan. His rights to land is precisely for the purpose of providing his wife/wives with means of livelihood for the family. "It is impossible, elders say, for a man to refuse a son land when he marries." (28) But when the son dies unmarried his land revert to his father. If he was married and without sons his widow would be entitled to them if she accepted levirate union but if she married outside her husband's family she forfeits the land, being entitled to land from her new husband.

Male inheritance of land of their clan, of all clans was a monopoly. The character of the Kikuyu society was patrilocal. This meant that the men inherited the land of their mothers, fathers sisters and daughters. Even if a son died his mother was not allowed to inherit the land she may have given him. It is mere logic that those who belonged to the clan properly called by male names and not by virtue of joining the clan through marriage or adoption and so forth had the first claims to inheritance. Perhaps, women would be said to inherit where a man died without sons. Then such a woman and her daughters would continue cultivating the land and nobody would evict them. But they would not have the right to grant the same land to outsiders. Such an action would have amounted to alienation, a power which could not even be exercised by the head of the family. Spinsters had no place in the traditional society. Every woman of full age had to marry. Where she could not marry for whatever reason she retained gardens given to her by her father.

D. Livestock: acquisition, use and disposal

Livestock were the man's affair and his to care for. The cattle were considered not so much as beasts of burden or milk yielders but together with goats and sheep as a form of marriage currency. (29) But cattle were not as plentiful as sheep and goats and were found with the more prosperous people.

Like land, livestock was inherited only by men. Women were not entitled to that kind of inheritance. Each son got equal share with his brothers but for the eldest who surpassed everybody else. Marriage concerns, ceremonies and rituals dowry or his relations required a man to have much livestock (30) If a father, he paid for his sons' brides, at least the first wife of each son. He, too, might need them for marrying more wives.

It would appear that marriage payments might lead to depletion of livestock wealth. But the dowry paid on a man's daughter stabilised the reduction due on his son's brides. To discharge the duty of paying dowry for his sons, a dying man divided his daughters amongst his sons and instructed the latter to receive dowry on behalf of their respective sisters.

The system of dowry payment sounds prejudicial to those who had only sons or more sons than daughters and at the same time favourable to those endowed with only daughters. In the former case, livestock could always be increased by those who were enterprising through trade with the Masai. (31) In any case they were better placed for although dowry payment might apparently be a deprivation the women worked the shambas for wealth. Control of such by the man meant more than he had lost at marriage. Besides, a man with many sons was comforted by the knowledge that his family was extensive unlike the man with only daughters. The latter's family was said to be small because girls marry out to bolster up other families leaving only their mother and father in their own - a family unit near extinction. Even if such a man received much dowry he was not happy because society expected him to spend lavishly on other people. This then created a narrow gap between the rich and the poor.

Further and very widespread use of livestock was currency. In the absence of a monetary system the price of almost everything was determined in terms of sheep and goats. Whatever philosophical explanation there was denying women control of land must be related to that denying then control over livestock. It is hard to digest the psychological climate requiring homicide compensation to be thirty and a hundred goats/sheep for women and men respectively, in addition to the three and ten paid to the elders in that order.

An answer may be attempted. For this differential value placed on men and women by the society, reference may be had to the previous pages. Death of a woman is not too great a loss to her husband for he can always get another wife with the damages paid to him. The thirty goats payment is an indicator: it is the amount he paid at her marriage, the amount he would pay on remarriage and, the amount her father would get on her marriage if she died a maiden. The tribal law does not seem to have application of expectation damages on female homicide but only on male homicide. Though a man could not perpetuate a clan without a woman it was he who was regarded the more important for carrying on the lineage posterity, probably so due to the incidence of the patrilineal nature of the society.

E. The link between land and livestock to marriage institution

The institution of dowry affected property relations, directly by the payment in form of livestock or land. Dowry was often between thirty and forty goats depending on the district. The paradox of this exchange system was that there was payment without impoverishment on the giver or enrichment on the recipient.

The situation was that every Kikuyu man had to marry for every adult but unmarried man was known to be a poor man. Without a wife he could not cultivate his lands for that was a woman's job. Polygamy has consequently been taken as an index of wealth since the more wives a man had the more land could be brought under cultivation and the more power he would have controlling their farm products during their life time.

Despite the fact that a man could not get wived without payment of some dowry consideration, many western anthropologists have misconceived the status of the traditional woman. They have interpreted her status against a background of ignorance. Some have said that " A woman has no legal status. Theoretically, her husband may treat her as he likes without being amenable to tribal justice; in practice she is protected by her initial value and by tradition." (32)

The roughtledges cannot be taken to have literally meant what they said. It was absurd for them to deprive the woman of any social and legal status. What they probably intended to tell us was that her status was very low compared with that of her male counterpart. But even though, the differential social ranking between men and women was not that acutely felt or abused to the injustice of the latter. On the contrary, women were happier and contented with their position unlike their contemporary western women who had greated pressures (33) hedging them about.

The same school of analysts has erred in classifying women as chattels of their husbands. To them women were acquired like any other property through the goat and sheep currency media - a materialistic concept of the capitalistic westerners. Describing dowry as wife "purchase" bride "price" or bride "wealth" etc. is characteristic of the Europeans racialism and ignorance of the values of the Kikuyus. Marriage all over the world is associated with giving of presents by the would-be husband or his relations paid to the would-be bride or her relations. An English or American girl may be given an engagement ring made of diamonds worth thousands of pounds -" demanded subtly ". A Kikuyu bridal family may be given thirty or more goats " demanded openly " (34) It is not a sale. It is not a purchase. Marriage settlements and gifts in contemplation

of marriage are known, an important feature of English marriages. All these arrangements lack the essence of commercial transactions in human beings, viz. slaves. A woman's rights are very different from those of such a person. When a man paid dowry on his wife's behalf, it was a mere token of gift to the clan and family of the woman for having agreed to offer that daughter to that other family. The dowry validated the transfer of certain rights over the bride from her kin to himself and established a friendship - the in-law relationship. The marriage gifts also signified his acceptance of the obligations of his status as husband and that his kin who contributed to the dowry also accepted their new daughter or the sister-in-law and the rest of her family. (35) Much importance was also attached to procreation and the family taking the bride had the duty to recognise her indispensableness for that purpose. Thus, while marriage ensured perpetuation of the lineage, dowry sealed the bond entangling the two in-law families.

C H A P T E R T W O

THE PROCESS OF TRANSFORMATION OF THE ECONOMIC STRUCTURE DURING THE COLONIAL ERA AND ITS IMPACT ON THE STATUS OF WOMEN.

Aspirations of the Nineteenth Century imperialist Europe had remarkable consequences on the economic structure of the Kikuyus. Whereas the previous chapter analysed a stable structure the colonial picture is one of disruption of the traditional economic equilibrium resulting in the chaos of the 50's in a struggle to restore the lost proprietary balance hence the achievement of independence in 1963.

This chapter is concerned with changes in man - woman relations over land and any consequences therefrom. Greater stress is laid on the women throughout the colonial period. The one greatly felt legacy of colonialism among the Kikuyus is the alienation of their land. Alongside this was the introduction of capitalism, creation of landlessness, and the resultant pressures on the available land standing against immense adds. Of the major alterations in the dynamics of the old society due to colonialism, attention is devoted mainly on the integration of the subsistence indigenous economy into the capitalist colonial system in so far as this increased the burdens or altered the orthodox status of the woman. In a word the problem sought to be examined is the question whether the changed patterns of property structure correspondingly altered the social status of the woman as seen through that of her male counterpart, or whether despite the intrusion of or contact with foreign British economic culture the traditional sex roles remained unaffected.

B. Forces threatening stability of traditional property structure

No social structure economic or otherwise, can be said to be static. Changes are always occurring from within or without. Such changes

are usually slow when they are internal but external influence may cause very rapid changes such as occurred within the Kikuyu economic structure for a period of about seventy years. What sparked off the succession of changes was the seventeenth century industrial revolution. The resultant mass productions in Europe left no room for expansion for various countries. Search for colonies became life. The Europeans saw Africa a no man's land. The ensuing scramble for Africa in the last decades of the nineteenth century led to the partitioning of Africa into various European nations "sphere of influence". Kenya fell under the British "sphere of influence" but was administered by IBEAC for the British Government from 1888 to 1895 when Kenya was declared a protectorate under direct Government control.

The early administration did not interfere with the local peoples style of living, largely so due to the fact that no deterministic policy about how the territory should be governed had been adopted. None was even formulated throughout colonial rule in Kenya until the 1950's when the mau mau uprising forced the Government to define its policy. Thereafter, the policy of co-opting and pre-empting was hastily pushed through to the time of independence.

It is appropriate here to emphasise that the earliest administration was based on an assumption of general governmental authority in the absence of any ordinance specifically referring to the administration organisation. (1) It may also be stressed that the interest of the British in seeking to establish administration was to rob the country of its human and natural resources. Up to 1897 the whites could only obtain land in the sultan's Dominions. The land in the interior which they coveted could only be acquired by obtaining a twenty one year certificate of occupancy.

Here the settlers were further displeased with the indigenous process of effecting sales. So far the crown could not transfer what it did to have rather it had no title which it could transfer to the settlers. In advising the commissioner to assume ownership of any land within the protectorate, the law officers formulated the principle that " in the protectorates of the African variety where protection was exercised under treaties which did not specifically grant her majesty the right to deal with waste and unoccupied land, the right to deal with that land occurred to her majesty by virtue of her right to the protectorate." The reasoning here revolves around the nature of the "protection" which in the protectorate circumstances involved control over all lands not appropriated either by the individual or by the sovereign. (2) These views were reflected in later ordinances. There was the 1901 orders in council which conferred on the commissioner power to dispose of all "waste and unoccupied " land. The 1902 orders in council were even more favourable to the settlers in that sale as well as lease of the Crown Lands was allowed. Provision was also made under this ordinance for the grant of areas on the homestead principle, viz. up to 610 acres. The phrases " public lands" waste and unoccupied lands were ambiguously used for they served to remove any restrictions on land allocation now that it was for the administrators to determine what public, waste and unoccupied lands were.

It was the effect of these ordinances as re-enacted in the much more extensive 1915 crown lands ordinance extending the lease from 99 to 999 years, that set the pace for perpetual alienation of the Kikuyu lands to the whites. By the end of the first decade of the twentieth century a foundation for settlers stay in Kenya had been laid by legal means in the same way as was the undoing of the Kikuyu economic structure carried out through a process of dispossession and restriction of expansion by hedging them about in reserves.

C. Colonial land Policy

In order to have more settlers and to encourage them to remain in Kenya during the early days of trial and error the Government adopted a policy of bolstering them either by subsidising the agricultural enterprises or giving them credit and so forth. The executive measures for these policies either directly or indirectly affected the Kikuyu property structure. Support to the settlers consisted mainly of appropriation and entrenching of the best lands of the Kikuyus. The corollary of this was the alienation and evacuation of the Kikuyus from such white areas.

The official belief all through the colonial days was that large farms were economical and since such were only owned by the settlers, farm credit, agricultural services and any technical aid should be directed to them. The resultant high productions unjustifiably led to the belief that the settler economy was the backbone of the Kenya's economy. Such a claim earned the settlers not only the support of the Government on the spot but also that of the colonial office whose directives were that colonies should be self-supporting. For Kenya this meant being able to pay for the Kenya - Uganda Railway.

For the reputation accorded the whites economy to hold true laws had to be manipulated to enable the farms to be ran at maximum profits. One trick was to impose taxes on a people still leading a non-monetary life. The only way the Kikuyu could obtain cash for the taxes was to sell their labour to those who had the cash, viz, the settler. This devise institutionalised sale of cheap and dependable labour in the same way that the Kipande pass system trapped much of the labour force of the Kikuyus.

A further protection of the settler economy was the reservation of the monopoly of the export markets for them. This manouvre was aimed at keeping out competition by denying the other races permission to grow cash crops. It is therefore, not surprising that agricultural and all credit services were directed towards the highlands at the expense of neglect of the reserve areas.

Issue of credit to the Kikuyus would have been impossible however, because the Government had refused to grant title deeds to individuals which would have been security despite insistent demands by the Young Kikuyu Association and Harry Thuku made in 1928. The 1934 Kenya Land Commission described the githaka system as being "extremely ephemeral" not having assumed "technical significance" and that it amounted to no more than political suzerainty over the ridges. (3) Such sheer short-sightedness towards the changing Kikuyu tenurial system was the conviction behind delayed codification of customary rights and transactions over land. Perhaps the hesitation may be accounted for by the fear of the difficulties that might have been encountered and partly because the administration officers still advocated slow evolution of Africa tribal institutions.(4) Lugard had a theory of African tenure evolution which was that ownership was originally rested in the tribe and evolving under the European influence into individual tenure. Hobley and Ainsworth opposing rapid change of customary land tenure towards the individualised English type wrote that "we are dealing with a people who are practically at the genesis of things... and we cannot expect to lift them in a few years from the present state to that of a highly civilised European....." However, this dilatory policy towards land reform was reversed after the second world war due to the detereorating conditions of overcrowding, overstocking, soil erosion and landlessness in the reserves.

The talk was now about "setting apart" land for individuals who wanted to obtain titles even if this meant forcing the excess population off the land. Hence the acceptance of the 1954 Swynnerton plan and the 1955 East African Royal Commission. While both fundamentally urged an immediate embarking on consolidation and registration for more economical holdings in the reserves, the E.A. Royal Commission went even further to suggest elimination of racialism exercised in land labour and capital. In effect this was a proposal for the opening up of the white highlands to Africans and Asians. The execution of the policies of consolidation and registration of removal of barriers to free movement of land, all gave effect to the 1950's Government's policy of co-opting and pre-empting certain select Africans for the economic and political take-over at independence.

D. Effects of colonial land policy on the property structure

In order for the white settlers to turn Kenya into a white man's country, several objectives were pursued. These covered the appropriation of the Kikuyu land, the dual policy for separate development of the races and the fixing of the reserve land boundaries. The ills of this policy to the property structure were several. Firstly, the alienation of land and the fixing of the boundaries created great shortage by denying the people room for expansion. This meant that new Mbari founders could not arise simply because they could not find unclaimed land upon which to exercise rights of first clearance and occupation. In some parts of Kenya it had even been made illegal to cut down forest or to move across tribal boundary. (5) Furthermore, despite the fact that reserve boundaries were not fixed until 1926 and those of the Highlands in 1939 land in the latter could not be bought by non-white races as of official policy.

The only solution to the land shortage was to farm the existing one more intensively. This exercise combined with the traditional system of inheritance which caused fragmentation of existing land into uneconomical units led to deterioration of the land. Hence the 5 year Worthington plan of the forties.

Shortage led to demand. The customary tenants at will were evicted. The practice of redeemable sale was reversed to an irredeemable one. And conflicts over land became more and more intensified as the concept of clan. (6) and supporting private land became institutionalised. All these changes were taking place much faster in Kiambu but the same trend followed close at the heels in Nyeri and Muranga Districts.

The picture was even more grim looked at from the colonial underdevelopment processes. The regressive system of taxation, the coercive drawing of labour for export to the highlands and the denial of agricultural credit to the enterprising all meant a retrogression, not just retardation of the economy in the Kikuyu reserves. Crises in the reserves ensued all because no alternative measures such as opening export market to all were taken to remedy the destruction of social and economic structure.

It was around these periods of economic consciousness that elements of laissez faire individualism were finding their way into the Kikuyu property structure. The earliest demands for titles which would have been good security for credit, were made and frustrated as early as 1928. (7) The holding by Jacob Barth that "the effect of the Crown Lands Ordinance, 1915 and the Kenya (Annexation) order in council 1920 is *inter alia*, to rest land reserved for the use of a native in the Crown and in consequence all native rights in such reserved land disappear, natives in occupation thereby becoming tenants of the crown" (8)

seems to have been up-held until the fifties when the debate for consolidation and registration was raised. Once this proposition had been accepted, land shortage gave value to land among a people who had formerly believed that land was inalienable. They could no longer even believe that land also existed in unlimited supply. The pressures of the growing population were being felt relative to the limited land.

It can be argued that since security of tenure in tribal society was premised on the knowledge that one could always return to one's clan, then despite the dispossession of some members of the community there should not have been any landlessness unless entire clans, families and tribe were dispossessed. That this argument was not relied on in the twenties and thirties was evidence of caumbling land tenure. Those who were immediately holding land stuck to it individually in the absence of any legal machinery for the recognition, control or regularisation (9) of the process of change. But the fifties was a decade of action by the Government on the Kikuyu land tenure. Legislations appeared for the first time recognising a process of transformation in Kikuyu customary land law and usage which had been going on for decades. The most relevant codifications were the 1956 Native Land Tenure Rules and the 1959 Land Registration (Special Areas).

E. Specific effects of colonial land policy on the women

The earliest impact of colonialism list the women directly through the institution of migrant labour. The labour was predominantly male and since the highlands were far removed from the reserves the women had to be left behind in the reserves though occasionally the men might squat on the settlers farm with his family. This practice was not widely practised, however.

The tasks left to be done by the woman should not be underestimated. The increased responsibilities included the duties previously a preserve of the men, such as looking after cattle, clearing and digging of the land before planting. Those of the men she succeeded to were often harder especially when combined with her household and cultivation chores.

As the head of the household on the spot she had to work hard for its economic security. She could not rely on her husband's meagre salary a good proportion of which went into taxes and which in any case was scaled down by the employer on the ground that "the african worker has left his family in a rural area where they can fend for themselves and wages are often fixed at the level deemed necessary for a single man... rather than to meet the requirements of a married man and his family." (10)

The result of multiple tasks was the inevitable retardation of development of such a family unit being in the lowest income and status levels and forming the most depressed sector of the population. (11) and yet, the woman was continually working not just for her family's keeping but also indirectly for the settler economy. Strichter, commenting on the labour systems of Kenya points out that "all depended on the subsistence labour of the women who subsidised their husbands wages and enabled the European and Asian entrepreneurs to make a profit because of the low wages paid. (12)

Despite all the utility of the Kikuyu woman to the colonial economy a measure to relieve her overloaded situation was introduced and immediately abandoned. This was the exen-plough (13) supposed to be tended by men. The neglect of the scheme was probably due to the demand for male labour on the highlands. Whatever the reason, the women suffered a blow of the hopes of labour relief they were beginning to enjoy. Such indifference to the welfare of the women was encountered in other spheres.

colonial era occupied the lowest paid, least skilled and least prestigious jobs, it was even truer of the few women who entered the stream of job - seekers. Of all the adversities created for the Kikuyu woman by the colonial system, those due to registration and issue of titles to land were amongst the most far reaching. The title stripped the woman of any amount of control to land and produce therefrom and of any rights to an independent survival. This was done by a massing all the rights accruing to different peoples on the title holder.

In a community in which no single person could be called the owner of any land, the question of who was to be registered as the owner was very carcial. The Government chose to register as the most appropriate the rights of allocation, residence and occupation. Such qualifications could only be found with the man for traditionally no woman could be an occupier or a holder of any clan land either for herself or as trustee for anybody. By the meaning of the title, the registered owner could enjoy the land to the exclusion of all others. The significance of this was that the very important rights of usufruct traditionally enjoyed by the women and the other members of the community were extinguished for they were not shown on the register. S. 33 (7) of the 1959 land registration (special areas) Ordinance provided that the registrātion of titles compiled under the Native Land Tenure Rules shall be deemed to be final and such a title shall be deemed to be free from all other interests. (14) Ironically the Ordinance seems to have forseen the dangers confronting the lesser rights and consequently made a half-heated measure to forestall such by providing for the recording and the entering into the final register of these rights. But alas! these rights were nowhere defined. This necessarily made it impossible to register rights rendered ambiguous by absence of definition. Automatically they became subordinated to those of the registered owners.

It is contended that the lesser rights were ignored presumably because they did not exist in contemporary Europe and were an economical hindrance in the new land tenure policy. (15) The jeopardy of the women's rights might have been resolved by the constitutional provision, S. 75 which forbids expropriation without fair compensation. Unfortunately, the constitution drawn in 1963 is not retrospective. Further, the woman's plight only mounted when the benefits accruing to the title were realised. Such rights as dispositions of land could be effected without her being lawfully able to interfere with transactions affecting her traditional interests. (16) Similarly, while continuing to provide the necessary labour for subsistence the emerging commercial economy, the women lost to the title holder the control over distribution of the surplus generated from their agricultural activity under the new tenure arrangements. (17) Cash crops became associated with men in the same way as the livestock was his man concern in the pre-colonial days. The introduction of cash crops angered loss of subsistence land by the woman. She sacrificed her domain of control to the booring power of the man in the cash crop economy.

There was the further misconception created by the title which was that the title holder was the most important person representing the family. For this reason any agricultural training in the fifties and early sixties was directed towards men. The wrong choice was made in ignorance of the division of labour between men and women. In a society with distinct functions between men and women there was no reason to assume that the trained men would take to the women's farm work just because they knew how to do it, and vice versa. There was an effort to correct this mistake in the late colonial era by removing concentration of extension services on men and to direct such on the women (18) but the measure was only half-hearted in that it did not minimise the existing bias against the women.

A very indirect bias against women in acquiring land was created by the Christian Missionaries Condemnation of the traditional institutions of the levirate and sorroate unions, and the widow inheritance. (19) The undermining of these means of maintenance for the widows and non-provision for an alternative shows the recklessness with which the colonialists entertained the problems of the women:- they could have been destitute for all they cared!

So far, it may be observed that the era of colonialism has left a very negative mark on the Kikuyu women in respect of property utter denial of control over property accentuated the underprivileges and inequalities between the sexes previously looked into under the traditional property analysis. It was the man who emerged out of colonialism so much elevated in status as symbolised by control over all proprietary resources while the woman correspondingly declined by social evaluation. We shall look into the assumption underlying the continued process of subjection and in subordination of the woman in the next section. It might be useful to indicate how mau mau affected the position of women and in **particular** in connection with land registration.

F. Summary of proprietary relations at independence

Despite the fact that strict separation of property had been achieved in England by 1935 Law Reform (Married women and Tortfeasors) Act as amended in 1962 (20) no such progress had been achieved among the Kikuyus. The Kikuyu women's rights to property were at the eve of independence as restricted as those of the English woman prior to the mentioned status. She was still incapable of holding or disposing of property, unlike her husband. The registration of land up to 1963 under predominantly male names is only but an aspect of the double standards that have been used in the apportioning of property between men and women during colonialism power

and subsequently of the associated power and control in the most important social, economical and political spheres. It is fathomable that the colonialists could not give the Kikuyu woman what they could denied their women, not even the respect and the status due to her. The cry for cultural revival during the last days of colonialism did not embrace restoration of the diminishing social status of the women having been deprived of automatic rights of access to land after individualisation became embedded into the Kikuyu property structure through the process of land registration.

Perhaps, the plight of the women might have been relieved by opening to them the avenues to remunerative employment through offering them equal educational facilities but this was not the case. One recurring excuse for barring women from remunerative employment is their function of giving birth. The act of childbearing which is the only existing means open to human societies for their reproduction was held against women as a reason not to recruit them for factory or plantation work and whenever they were paid less than men and employed on temporary (21) basis. But child-bearing in Africa had not been considered synonymous with illness but the upholding of such treatment would seem to suggest an adoption of that strange value judgement, even at the eve of independence.

A good illustration of colonial mentality subsisting up to independence is seen in the taxation system. S. 3 of 1926 Native Hut and Poll Tax Ordinance imposed a six shillings tax in respect of every hut. If the man had more than one wife living in one hut he was to pay a further six shillings tax in respect of each additional wife living in such a hut. S. 2 of nO. 40, 1934 repealed the above Act in that it said that..... each man is liable to pay tax for one hut but where he had more than one wife he would have to pay tax on each of his wives because he was held to be the owner of each hut. This taxation system was relevant to the woman in that it was worked into the polygamous and monogamous structures

in such a way as to reduce the woman to a chattel status - a liability in law for the husband for it was he who was held responsible by the law for paying tax on his wives' or wives' behalf regardless of whether or not he actually produced cash on his own or through their work. Examining the diverse influence of colonialism upon the African woman, Rodney (22) says that it " distorted the position of the woman in society by reinforcing the exploitative tendencies of pre-existing social forms while at the same time setting up bureaucracies in which women's entry was effectively barred by lack of training and anti-feminist attitudes that the colonialists had acquired in capitalist society."

He summarises the distortion of the local economies to the detriment of the women thus: " Agricultural work traditionally done by the women (23) became inferior in social evaluation and unproductive because it did not generate cash. Men's work therefore, became "modern" women's "traditional" or "Backward"

All these changes in the proprietary balance reflect a philosophical stand nursed throughout colonialism and which was very much functional at independence. The ideologies and the assumptions underlying this will be looked into in the next chapter.

CHAPTER THREE

NEO-COLONIAL PROPERTY STRUCTURE: ADOPTION OF COLONIAL STRATEGIES ITS INADEQUACIES SUGGESTED REFORMS

A. INTRODUCTION

In the previous chapter, we have historically analysed the process of unequal distribution of property between men and women up to the end of the colonial era. We have also examined the philosophies behind the state of inequity. The task undertaken here is an attempt to unpack the problem of continuity into neo-colonies era of the colonial ideologies and assumptions serving to insubordate the Kikuyu women. An area that cannot escape out study is the women's response towards the repressions they have been subjected to - that is, the subtle factors posing or removing any threat to the emergence of women from their under-privileged status to one of equality with their men-folk.

B. Persistence of Adversities and Contradictions in Treatment of Women

Reference has been made to the point that imperial capitalism and policies had no room for women in the property system. This discrimination of women qua women, then as now, inhibited their access to cash or property which determines the liquidity or the importance of a person in the social spheres. Even at independence there was less hope of their being welcomed into the propertied class for Mzee Kenyatta's position on property was very consistent, being that "..... those who have been panicky about their property - whether land or buildings or houses can now rest assured that the future African Government, the Kenya Government, will not deprive them of their property or rights of ownership....." (I)

This remark followed spontaneously from the acceptance of neo-colonialism - a trend that basically seeks to preserve and perpetuate the colonial superstructure and the ideologies thereof. Thus the basis was laid for non-restoration of the women's lost control over property deprived them through the whole process of colonialism. Of course, the traditional man's position vis a vis the woman's was worth reckoning with. However, an examination of men - women contradictions in pre-capitalist era only shows that they were less acute and that capitalism exploited and accentuated them to the woman's detriment. (2)

Yet the second Marxist position that women will gain their economic independence when they actively participate in the struggle to defeat colonialism which held the society and herself in bondage seems to have been attained by the Kikuyu woman at a time of high political agitation, viz. Mau Mau Revolt. (3) Fanon saw the Algerian woman at a similar political mobilisation became " The unveiled Algerian woman who assumed an increasingly important place in revolutionary action, developed her personality, discovered the exalting realm of her responsibility..... This woman..... was bursting the bounds of the narrow world in which she had lived without responsibility and was at the same time participating in the destruction of colonialism and in the birth of a new woman " (4)

No doubt the same experience occurred to the Kikuyu woman during Mau Mau revolution. But this elevation of the woman is not phenomenal at all. It only points to the fact that her abilities have been under-estimated and that given the chance, she can prove her true worth.

Confusion has nevertheless prevailed over male dominated system so much so that while partaking of her invaluable services during periods of her conspicuous utility to the system, the same system has neglected her services in every significant fields during peace time. For example, there are too few women in the Kenya's Legislature or in the Administrative field. Consequently, it has cost the women dearly to be overlooked in the general uplifting of the society which has tended to be construed in favour of men. It is true that the neglect of the women has not been total. On the contrary there has been since independence, a tendency to include them in all development programmes:- in education, business, employment and positions of responsibility. Nonetheless the journey to eventual equality with men is still a long one. The path to that end is lain with obstacles amounting to discriminations against women exercised subtly rather than openly. Perhaps, if due regard is had to the women's outstanding manifestations of their potentialities during the critical periods when their aid was sought, there would be no psychological standpoint for upholding certain traditional and antiquated views about the women, plagued as they are, by the more extreme colonial principles subjecting woman to degradation.

A practical illustration of these observations is the instance of a research findings made by the author in Mathira and North Tetu Divisions of Nyeri District. The purpose was to ascertain the proprietary status of the Kikuyu women. Working on a tip off from some male clerks with the Nyeri County Council that Mathira women are more progressive than those in the other three Divisions. I set off to examine the business premises registers for Mathira and North Tetu Divisions in order to discover the extent of their progress relative to that of the men. The figures were as follows:-

Total number of business plots	1,478
Number of plots under men's names	1,324
Number of plots under women's names	154
Percentage of women owning business premises as against the total	10.4%

From this data, it can be seen that the available plots are owned by men and women in the ratio of ten to one, a situation from which my friends working with the Nyeri County Council would infer progress for the women 1 - 90% far behind the men in acquiring property. The situation must have been worse off before 1956. It was even explained to me by an interviewee whose demeanour was genuine that the apparently high number of women registered as owners of business plots in Mathira has been enlarged by those Nyakinyua Group women who had been given free plots in Ragati area. I was also told that these plots are not yet developed. Here, the highest number of 52 out of 268 was recorded. In a good number of other trading centres like Ruthagati with 34 plots none is owned by a woman, and even those few owning such properties are the registered puppets of their husbands who glatter their wives by transferring property to them but remain the recipients of the incomes.

The findings in North Tetu were not very different. The total number of the business plots were one thousand and eight. Those registered under women's names were ninety, that is 8.9% of the total.

In the agricultural plots, the women's position is just as bad. For instance in Thuririo Location of Othaya Division out of a total of 458 plots only 6 women are registered owners and out of these 3 have come to acquire the land by way of succession. None has acquired by way of gift or purchase.

In Kirimukuyu/Mbogo-ini Location of Mathira Division women originally registered as owners in 1956 were 18 out of a total of 627 plots including those under the native hands and the County Councils. I chose not to study the Municipal Councils valuation rolls which also show all transactions in land because quite a good number of them are held in common or jointly and given a single name which could not tell much about the sex of the group comprising the company.

Today, one often hears these relatively few names of the women owning land being cited as an indication of their liberation and lack of hindrances to acquiring as much property as men, hence being free to uplift themselves on their own to equality with men. The unreality of this data cannot go without a word. Most of these women owning land have nothing to be grateful for, taking into account the circumstances leading them to be registered as owners. It was out of necessity that their names had to appear on the land register. The fact is that Nyeri was an intensive Mau-Mau zone and many men got killed in the forest. Women too, died in the forest. When the registration activities came up in 1956, those women left in the reserves could only show their loyalty to their husbands by struggling to hold land in their own names on behalf of their husbands. At the time, no Mau Mau men could be given land. These had lost what they had to the homeguards and other loyalists. Their women took land in the capacity of widows meanwhile hoping for the return of their husbands.

Notwithstanding these few women in the propertied class, there has been no explicit recognition of women's role in agriculture since independence, nor any particular orientation to women with the exception of the home economics programme which was initiated in the last decade.(5)

The past colonial sex conceptions picked from the shreds of the colonial system has improved very little in giving of agricultural credit to the women. Credit is given more to men who broadly hold titles but such loans designated for development of farms have been applied in commercial spheres (6) thereby excluding the women from any chance of benefiting from such.

C. The Women's Awareness and Response to their Abuse of their status under changing Economic Conditions

The present status of women is a direct result of cumulative economical, social and political experiences transmitted from colonial to independent era. All along there has been a change in the role of the women subsequent to the changes in the economic organisation. In the face of acts of degradation and subservience committed by her men-folk on her, the Kikuyu woman has viewed her status with an attitude that is far from being passive or pathetic. The continued abuse by men, lack of sufficient support from their husbands and general neglect of any programmes which would improve their position have activated in the women a spirit of self-support and whole-someness. In other words, the woman has become more independent of the man. In the case of the single woman, landless, often widowed, divorced or unmarried with no means of support in the rural areas, she has emerged able to function efficiently and significantly outside the two traditional spheres - motherhood and agriculture. (7) The more enterprising have taken to prostitution, beer-brewing and hawking. The middle level comprised of nurses, secretaries and teachers has considerable influence as a freed and independent female group which is looked up to by those under the yoke of men as a good breed of liberated women.

These are the women who have an opportunity of earning equal pay with the men under the Kenya's laws which prima facie respect for all. The older and married woman has retained the traditional role of feeding the family. This is the group with astonishing initiative to improve its lot. Lacking any gainful employment and determined to stick to their husbands in order to rear their children and often having viscious alternatives at their age, they have devoted themselves to a new form of the traditional community of work. They have formed themselves into groups, Nyakinyua Groups in Tetu Division of Nyeri District and in some other areas as well. They are called the Mabati (Iron-sheets) groups- the Harambee women. What these groups do is to sell their labour in common for money. At local meetings when they entertain visiting dignitaries on special occasions such as opening of a cattle dip or coffee factory they perform traditional dances for which the guest of honour may feel obligated to thank them with some money. With their fund they find new social outlets such as participating actively in church or literacy groups. More conspicuously, they have taken it upon themselves to do what their husbands have failed e.g. building them better houses.

In Tetu Division of Nyeri District alone, according to the 1974 ACDO report 4,200 out of 23,898 women i.e. 17% were members of the Mabati group and by 1974, 227 houses had been thatched with iron sheets out of a total value of sh. 72,960 (8) and had contributed an addition sh. 14,754 towards group activities. Most groups have thatched all the houses of members so they have moved to new goals such as purchasing water storage tanks or building blocks walls for members' houses. In addition, Mabati group help clothe the poorest members of the community. They pay school fees for children from destitute families and assist elderly women, whether of not they are members, to repair the wall or roofs of their homes or secure food when necessary. (9)

In the study of the rural women of Mitero, Kiambu, Stamp gives the editor in the introduction to the book (10) the idea that the striking thing about the harambee (self-help) women is their enterprising spirit, their drive to succeed against insuperable odds,..... they appear to realise that if husbands cannot be counted on to help them improve their standard of living and to educate their children, they must do it themselves. Many appear addicted, she adds, to a life of "Protestant ethic" values that command a life of unremitting toil, saving and re-investing for the future.

So far, harambee groups are the only formal organisations the elderly women are able to form for their own economic and social emancipation. Unsophisticated in their ways of business they suffer from serious handicaps. Most are illiterate and lack the basic skills of book-keeping or the slightest knowledge about such formal requirements as registering a company, nor any business know-how. They are easy prey to the unscrupulous manager who may abscond with their money. An instance is cited (11) when powerful business interests heard of one group's plans and decided they wanted for themselves that particular property which was women's group's target. It was only President Kenyatta's intervention that saved their business venture. Unfortunately such a stroke of luck cannot be counted on as a permanent solution.

All the changes in the role of the middle level woman, and the elderly go to show that these two classes have achieved a higher status in decision-making. The wealthier woman, on the other hand, has sacrificed an improved domestic status to a higher one in the social sphere (This is the very woman who has pioneered a public struggle to emancipate the womenfolk from male bondage. She is usually educated and imbued with public consciousness and much influenced by the European woman through

Political, social and educational contacts. Being physically, socially and psychologically removed from the mass of the rural women, the "top level" women leaders may largely adopt an approach for liberation of their womenfolk which is unrelated and irrelevant to the actual needs and usages of the rural women. However, the extension of the seminar principle to women of rural areas with less education will probably create the necessary balance to prevent an excess of the western idealism. One further difficult that may arise from this leadership group is its general, not particular, concern with any local group, and more important lack persistent reference to the basic and fundamental issue of the relationship between men and women. The national leaders also lack a direct and real challenge to the raising of the status of the rural women. They are concerned more with creation of legislations with equitable principles as between men and women but these have not removed the social and psychological abuse which so many Kikuyu women suffer mainly at the hands of their own men. The social stigma surrounding the myth of the inferiority of the woman to man has not been removed. This means that something more thorough and more effective remains to be done.

D. Some suggestions for the Improvement of the status of the Women

The liberation of women from the oppressions, sufferings and dependence under the men is not only necessary but urgent at a time when equality for human race is a cardinal principle and, in particular in Kenya whose political and constitutional philosophy embodies non-discrimination of sexes and human respect. It is not easy to ignore the fact that the community is composed of three classes of women; the lower, middle and the top-level and the problem might arise as to which of these three groups is the best suited to carry the struggle through. But realising that all these women suffer in one way or another under the system qua

women, it is for their common good that their struggle cut across class boundaries to ensure success for equality where male dominance is still strong. All these interests need to be represented in the National Assembly in a manner that will involve the women in decision making, especially in all those matters that affect them. So far, the number of women in the Parliament leaves a lot to be desired. As long as they remain under-represented, their interests will always suffer inattention while the men share between themselves whatever benefits there are to partake of.

2. But the men have adopted their own way of referring to the few women who have chanced to be propertied. Most are unwilling to accept her economic or social equality (or superiority) and have adopted a defence mechanism against her. They view her to be a disobedient and uncontrollable wife. One writer has observed that the Africans in East Africa have a tendency "..... to regard all urban women as sexually loose especially any who work or appear well-dressed" (13) The problem with of the man is a purely psychological one, the wrong psychology that is, which is basically that no woman with property can be a good wife. The proposition that it is only a man who can have the correct mental attitude when propertied is very difficult to uphold for lack of evidence to prove it. The problem of power created by owning of property has caught up with the Kikuyu man so that by denying the woman similar power, he ensures continued dominance over her and forestalls any possible defiance - a situation measuring up close to dictatorial regimes whereby dictatorship lasts as long as the ruled are sucked off any potential abilities for revolt. While the tag of who controls who goes on, it is high time for the Kikuyu man to note that economic power is only an aspect of living, that power mania is not a building but a destroying force particularly when it is concentrated on one person in the family.

Distribution of economic power and the associated incidences, to all family members irrespective of sex guards against the abuse of such power and the hazards thereon because abuse of a small power may be less telling on those to be affected than abuse of immense powers. There have been several cases of broken families due to the abuse of the powers exercised by the man over the family. Fair distribution of economic power in the family will be a welcome recognition of the worth of the woman as an equal of her husband. There cannot be exploitation of one sex by the other indefinitely without hampering the progress of the whole society. Societal wholesomeness can only come about through recognition of the sexes. This will largely be achieved through acquiring the whole populace with the correct mental stance necessary to acknowledge the vitality of every person. Mass media may be made use of in order to attain this goal.

3. In the analysis of the significance of property to the status of men and women, it was shown that traditionally the women's economic rank though shorn of control, was the more meaningful and important than that of the man. It has also been observed that colonialism distorted and downgraded the woman's traditional position to the benefit of the man who was made to shine more brightly as a symbol of economic power. All the woman's rights to property were aggregated and placed under the thumb of the man's without any reasonable justification whatsoever. This was a clear case of misappropriation of rights in land which situation is guarded against by S. 75 of the Kenya constitution. But unfortunately the constitution is not retrospective and the remedy of the situation only lies in the amending of the constitution. This should be aimed at restoring and entrenching the rights of the women, as other property rights, or to ensure fair compensation to off-set the unjust enrichment on the men upon whom these rights were conferred.

4. The other area needing reform is the sphere of agriculture. Being the major farm - hands in an area least farm - mechanised, women should be recognised as important agents of farm credit and training. Farming changes and programmes should be directed towards them to fit in their schedules and serve their needs. They, like men, should be trained as agricultural instructors. I am not suggesting by this any particular orientation to women but that whatever facilities are economically, socially and politically liable to men be also open to women. In other words, there should not be any bar as to which sex does this or that thing provided there is the ability. A capitalist economy creates economic individuals some better than others but all requiring material needs in the same degree. Therefore, facilities for economic support, that is, ownership of property, should be available to women not in the present largely theoretical frame work, but in practice.

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