

'A FARM IS LIKE A CHILD WHO CANNOT BE LEFT UNGUARDED': GENDER, LAND AND LABOUR IN CENTRAL PROVINCE, KENYA

Fiona Mackenzie

1 INTRODUCTION

This article traces how the relationship between women, men and their environment in an area of intensively farmed smallholdings in Central Province, Kenya, is constantly renegotiated through the contestation of rights to land and labour. With high levels of male outmigration, women in Murang'a District frequently have sole responsibility for the production of crops of use and exchange value but face insecurity in access to and control of land, labour and its product. With gender as a prism through which to explore one dimension of difference in understanding how people relate to the environment (see Leach 1991), I argue that the sustainable management of the resource base, the soil, is contingent not only on the level of wealth/poverty of the household as, for example, Blaikie (1989) and Redclift (1987) propose, but also on how successfully women manage to secure rights to land and labour. To what extent is a woman able to negotiate what it means to be a 'farmer', with responsibilities for longer term soil management, with what it means to be of the gender 'woman' in a situation of growing economic stress and accompanying rural social polarization?

Berry (1984: 96) has argued that, since the turn of the century, agricultural change in Africa has occurred 'in the context of multiple struggles for power and access to land, labor and surplus.' As rights to land are politicized through this process, so is direct investment of energy and capital diverted from production towards the maintenance or strengthening of those relations, such as kinship or patronage, which define access to land (Berry 1989: 49). Where economic exigency is acute, short-term interest rather than long-term sustainable soil management obtains (Berry 1989; Blaikie 1989). To extend this argument, where women's responsibility for agricultural production as well as social reproduction is so great, how successfully women negotiate rights to land and labour is critical in understanding the sustainability of soil management.

2 THE POLITICS OF LAND

The colonial state introduced land tenure reform as part of a package of agrarian reform in 1954 for

purposes of political control. Under the reform, initial adjudication of existent claims to land and the subsequent measurement of land was followed, under the Native Lands Registration Ordinance 1959, by the registration of freehold title. The Ordinance gave legal authority to individual control over the land, confirming an ongoing process of individualization of land tenure which accompanied commoditization of production from the early years of this century. What had previously been men's allocative rights, subject to subclan or *mbari* sanction, and part and parcel of a complex system of interlocking and elastic rights to land in which kinship, gender and generation were primary defining principles, now became allodial, or outright. Women's rights to land and those of various tenancy practices became invisible within this legal order.

Early research by Homan (1963) in Kiambu, the district immediately to the south of Murang'a, and which with the latter had been part of the Kikuyu Reserve of colonial times, documented the fact that the new system of freehold tenure did not preempt other rights to land, a situation confirmed by Haugerud's (1983) later research in nearby Embu. A situation of legal plurality existed. I draw here on my research in Murang'a in the mid 1980s to illustrate, primarily, the gendered nature of the struggle for land in this context.

The language used by men and women to refer to the transgenerational transference of land makes short shrift of any simplistic assumption that, under the *ng'undu* system of land tenure, women lacked demonstrable and secure rights to land. It is clear that patrilineality and virilocality under *ng'undu* tenure did provide substantial political space for men, acting corporately as members of a *mbari*, to define rights to land. But it is equally clear that individual men had to negotiate claims to land in Murang'a within the context of *mbari* authority. There was no outright sale of land here, unlike in Kiambi to the south, but the practice of 'redeemable sales', a form of mortgaging of land undertaken in cases of need, and several tenancy relations, provided the discursive ground for the resolution of the latent

tension between individual men and the *mbari* (Mackenzie 1990).

Individual men had the power to allocate cultivated land transgenerationally, yet women speak of being 'given' land by their mother-in-law. An elderly man stated in 1984, 'the man could only get land when he got married, so without a woman there was no land.' A second (woman) farmer noted, 'when a girl got married, she was given land by her mother-in-law. She would go to this land [pointing in a certain direction] and from it give the bride a piece... Then she goes to the other piece [of land] and divided it as in the first case'. A woman's rights to land were defined in terms of use and these were sanctioned by the wider authority of the *mbari*. Although there was a latent tension between women, who as wives were producers yet non-members of the *mbari* and men, who as husbands were essentially non-producers, yet members of the *mbari*, I would suggest that resolution of this tension and that between individual men and the *mbari* was achieved without threat to the security of tenure and sustainable management of the resource base while production was primarily but not exclusively of use value, and where migration to establish new *mbari* was an option (Mackenzie 1991).

Security of tenure came under threat with the consolidation of colonial rule. Restricted to reserves, the introduction of Hut (1901) and Poll (1910) taxes, forced the export of male labour. In 1928, 41.7 per cent of the adult male labour force was in registered employment off the reserve; in 1943, 59 per cent (Kitching 1980: 8; Kenya, Fort Hall District Annual Report 1943: 8). As Kitching (1980) demonstrates, the differential access of men to wages or salaried employment and trading, on and off the reserve, initiated and sustained a process of increasing socio-economic differentiation and surplus was used for land purchase. The class of wealthier peasants consisted of chiefs, members of the Local Native Council, which included chiefs, and others with substantial non-farm income and, with a very different relationship to the colonial state, members of the Kikuyu Central Association in the 1930s, and after 1946, its successor, the Kenya African Union (Thrup 1987: 76; Kitching 1980: 194; Cowen 1989: 263). With growing rural polarization and commoditization of production, 'customary' rights under the *ng'undu*

system provided the legal ground to which there was differential access - by class and by gender.

Oral histories collected from women and men in Murang'a in the mid-1980s illustrate the complexity of contemporary struggles over rights to land and the 'porosity', in Santos' (1987: 297-298) language, of legal codes. Customary law and statutory law are not two isolated and essentialist legal orders. Rather, they provide the spaces within which people, differentiated here primarily by class and gender, contest rights to land: 'constant transitions and trespassings' define what is a highly fluid situation of legal plurality (Santos 1987: 297-298). Women are not excluded from either legal order but, as the case studies show, they have differential access both to statutory law and customary law *vis à vis* men, a difference further affected by level of wealth.

Land continues to be passed transgenerationally through patrilineal practices of succession, but whereas in the past this meant the allocation of use rights, allodial rights with title deeds are now transferred. Among resource-poor households, competition in the division of land among sons is fierce. The case studies illustrate that *mbari* solidarity and territoriality are a powerful reconstruction of 'custom' in the discourse around these rights. In a real sense, both are 'imagined into existence' in Chanock's (1985: 20) language, in a situation of deep social fracturing. Both are silenced where individual men seek to accumulate land through purchase under statutory law, yet are recruited where women attempt to purchase or otherwise control land.

Data from the Murang'a District Land Registry show that, between 1969 and 1984, approximately 12 per cent of land purchases were made by women¹. A man, generally a father or a brother, negotiates the land transaction for the woman, and in each instance where a married woman is involved, the purchase and registration of title in her name is bitterly disputed within the household. At issue is the immediate threat to the intrahousehold balance of power. Yet men debate the issue in terms of 'customary' practice and *mbari* territoriality. Except in these uncommon instances of women's purchase of land, women's access to land is now with marriage through a dyadic tie, rather than through a lineage sanctioned right.

¹ No indication of the amount of land transferred is given by this source.

Similar opposition to women's control of land occurs when a woman without sons, but holding title deed to the land subsequent to her husband's death, tries to register the holding in a daughter's name. If a woman is acting as a 'caretaker' until the marriage of a son, on which occasion, she transfers the deed to him, there is no threat to patrilineal succession. But if she tries to pass land to a daughter, the possible future marriage of her daughter would, through patrilineal transmission, mean the loss of land to the *mbari*. In one particularly visible case, a man who had sold his land after land tenure reform has tried to gain access to the land to which title deed is currently held by his deceased brother's widow, a woman with three daughters. She wants to divide the holding and register title in the names of her two unmarried daughters. But, by going before the local Land Board where all land cases are heard initially, and the District Court at Thika, the brother-in-law has prevented the widow transferring the land to her daughters. He has argued, on the basis of 'customary' inheritance, which ensured *mbari* territorial integrity that the land is his by right. In a sense, territoriality and *mbari* solidarity on which he relies have been exaggerated as a symbol to legitimate his actions in the contradictory pursuit of individual material interest, sanctioned under statutory law.

To some extent, individual women are able to construct a discourse of resistance within 'customary' law, enabling them to exercise greater control over land to which they hold title. One farmer, a widow, lacking sons and faced with a brother-in-law's attempts to force her off land registered in her name, 'married' a 'wife' with sons who inherited through her deceased husband and thus, through the practice of 'female husband', managed to hold onto her land. In the words of another farmer, 'these women are very cunning and they don't want their husband's brothers to inherit the land, and so they are forced to marry another woman'.

More broadly accessible for women is the collective idiom of '*ngwatio*' (in the past a reciprocal work group) under whose symbolic guise women run business enterprises and rotating loans and savings groups. Their capacity to gain individually through this process is masked by public subscription to accepted social practice. Two groups (of a total of 505) in 1984 had purchased land which was registered in the collective's name, as one Community Development Officer stated, 'in order to protect the women's interest'. But it was farmed individually.

Interestingly, the groups purchased land in Makuyu Division where *mbari* land was alienated to white settlers between 1900 and 1905 and where there is not such an immediate threat to perceived *mbari* territory as elsewhere in Murang'a. Similar initiatives are documented elsewhere in Central Province and Western Province by Davison (1987).

Customary law may then provide the political space within which women, individually or collectively, can counter male hegemony in determining land rights, but there is clearly not equality in this respect. *Mbari* solidarity is a powerful symbol which men may use as a vehicle for individual accumulation, masking a gendered as well as a class struggle. For the vast majority of women, the rapid rise in the rate of land sales from the mid 1970s to the mid-1980s, together with changes in land use to which I refer in the next section, means increasingly insecure rights to land. The problem had reached such proportions that in 1982, Charles Njonjo, the MP for Kikuyu District issued a directive to the Land Boards reminding them that the spouse of the landowner, and children if of adult status, had to give their assent during the hearing before a sale could occur. Prior to this, chiefs and sub-chiefs were besieged by numbers of women who claimed that the land they worked had been sold, literally, from under their feet. Data for 1984 indicated that the number of sales had decreased somewhat.

3 THE POLITICS OF LABOUR: COFFEE

The insecurity that particularly poorer women farmers face is augmented by their lack of control over major land use decisions, such as the allocation of land to the production of tea or coffee. Prior to the agrarian reform of the mid 1950s women had produced crops for the market, most importantly, maize. And undoubtedly rights to the proceeds of a significant harvest were open to considerable negotiation. But the State's removal of restrictions on African production of high value crops, coffee and tea, in 1954 led to a marked shift in women's ability to negotiate control over the proceeds of their labour. I focus here on the local politics of coffee production.

Coffee was introduced during the Emergency when migrant men were forcibly returned to the Reserve, and it was specifically to men that production was directed. Nevertheless, agricultural officers noted early on that coffee relied on women's labour. In

1965, the District Agricultural Officer estimated that, of the 28,000 coffee growers in Murang'a, 62 per cent were women i.e.: that women were in sole charge of production (Kenya, Murang'a District, MOAAR 1965). Given even higher current rates of male outmigration, reaching 75 per cent of adult males in some sublocations, women's responsibility for production has increased substantially. It is equally apparent, however, that remuneration for their labour is not commensurate with their labour input.

Since its introduction, the processing and marketing of coffee has been organized cooperatively. At present, 16 coffee societies operate under the umbrella organization, the Murang'a District Farmers' Cooperative Union (MDFCU). An examination of the registers of two of the societies indicates that by far the majority of members are male, 90 per cent in the case of the Njora Coffee Growers' Cooperative Society and 83 per cent in the case of Irati. Where there has been a transfer of shares from men to women in the case of Njora, according to the minutes of the Society, in only 27 per cent (31 of a total of 115 transfers between 1978 and 1984) of the cases did the transfer occur while the husband was living². The majority of transfers concerned arrangements made on a husband's death for his widow to act in a caretaker capacity until the marriage of sons.

The following excerpt from a conversation with an elderly couple in 1984 illustrates the problems which may emerge where payment is made to men as members of the coffee society, when women's labour produces the coffee for market.

Husband: [In our case] the coffee money will be used by both of us. But there are some who would drink all the money.

Wife: And the women refuse to pluck the coffee.

Husband: Yes, because she gets nothing out of it.

Wife: For example, the present famine will hinder the women from plucking coffee because they are hungry and the men, even after getting money from that coffee, would not

buy them food. [The women want] to get bags of maize [from the coffee society] during the famine, but these husbands do not let their women go for some. This is because they don't want their money reduced ... Now, coffee is in plenty. All its work is on women's shoulders and in spite of this they could still get nothing. Now the situation is changing.

Husband: Because the women refused to work on those farms that have no income.

Faced with a situation of substantial budgetary autonomy and responsibility for household reproduction, women's visible opposition is both individual and collective. Individually, during the coffee picking season, women (and frequently children) withdraw their labour from their own *shamba* (holding), board trucks and travel each day to the nearby coffee estates in Kandara and Makuyu Division of Murang'a or in nearby Kiambu District. They have direct control over their wages. Some women labour under the collective idiom of *ngwatio* on others' *shambas*. As a group, they are able to command a higher wage than would otherwise be possible and, again, are able to control their daily wages. More broadly, the proliferation of women's groups in the District, as I argue elsewhere, as well as women's continued involvement in petty trading, is evidence of women's resistance to the contradictions they face as their labour is intensified without commensurate remuneration (Mackenzie 1987). As a collective, women are more able to exert leverage in the negotiation of rights to the proceeds of their labour than as individuals.

As is evident in the above dialogue, the contradiction was particularly acute during the drought of 1983. Maize was available for purchase from the MDFCU through the local coffee societies; payment would be deducted from the next coffee sales. But some men refused to give permission for their wives to obtain the maize as this would decrease the next cash payment. For similar reasons, they frequently denied permission for the purchase of fertilizer or other agricultural inputs supplied by the Union.

In recognition that the decline in the quality of coffee exported from the District over the period 1970 to 1983³ was related to the lack of secure remuneration

² In 1984, total membership was 5784 in Njora.

³ In 1970, 32 per cent of the coffee crop was classified as grade 2, in 1983, 13 per cent; no first grade coffee was produced.

for the producers, women farmers, the MDFCU led a drive in the early 1980s to encourage members to open joint accounts at the four Savings and Credit Sections (SCS) of the Union. By the end of 1984, 41 per cent of the accounts at one SCS, the Maragua SCS, were joint. The wide discrepancy in the percentage of joint accounts among the six societies belonging to this SCS, from 17 per cent for Njora, to 55 per cent for Irati and 79 per cent for Thanga-ini, was explained by the Senior Savings Clerk as reflecting the rate of male outmigration from the area. Irati and Thanga-ini, areas of high male outmigration, have a larger percentage of joint accounts. Although this change does not itself guarantee that women have total control over the proceeds of their labour, it is a step in that direction.

4 SUSTAINING THE SOIL

The argument presented here rests in part on evidence collected in Murang'a; in part, it is advanced by hypotheses which need verification through further empirical research. To connect the threads of the argument thus far, two interconnected issues emerge. First, faced with insecure rights to land or rights to insufficient land, women allocate their labour where they are able to exert control over its product. If women cannot gain income from coffee because of men's appropriation of the proceeds of coffee sales through the MDFCU, women refuse to give priority to their own holdings and sell their labour elsewhere. The action of the MDFCU in recommending joint accounts in the SCS is evidence of the recognition of a clear relationship between agricultural production and remuneration for labour expended. Second, a decision to grow coffee means, for many households, the adoption of what Kitching (1980: 127) calls a 'high-risk strategy': less land is available for food crop production and thus the majority (80 per cent) of households with holdings under two hectares (Kenya, Central Bureau of Statistics 1970: 80) must purchase at least part of their subsistence needs from the market. Compared to larger holdings where coffee is grown in addition to crops of use value, such households are particularly vulnerable not only to the fluctuation of coffee prices on the world market but also to the price of cereals relative to that of coffee. One way in which women may seek to reduce this risk is through an intensification of food crop production on the reduced land base, as this is an area over which they may exercise greater control. To extend Bernstein's (1979) notion of 'a simple reproduction squeeze' to take account of

gendered difference in agricultural production, land and labour are exhausted as production costs increase relative to the returns to women's labour with commoditization of production. Women may opt to maximize short-term economic gain through unsustainable agricultural practices. The option value (Blaikie 1989: 22) of ensuring the maintenance of the resource base, the soil, through labour-intensive practices of mulching or green manuring, may decrease in the struggle to make ends meet. In a very real sense, a woman thereby compromises her knowledge as a farmer through the struggle to meet her social responsibilities as a woman.

Evidence from Murang'a suggests that, in the current situation of land scarcity, caused by increasing polarization in the distribution of land and a growing population, and the Kenyan state's commitment to export crop production as part of its strategy to deal with a balance of payments problem under a structural adjustment programme negotiated with the World Bank and the IMF, that the contradictions women face *vis à vis* the environment are intensified. First, as Elson (1990) has pointed out in the general context, and writers such as Tibaijuka (1991), Wagao (1990), Meena (1991) for Tanzania and Onimode (1991) and Elabor-Idemudia (1991) for Nigeria, the costs are disproportionately borne by women. Any efficiency or productivity increase measured at the level of the macroeconomy is achieved through 'a shifting of costs from the paid to the unpaid economy' via a quantitative increase in women's labour (Elson 1990: 10-11). Under these circumstances, women's ability to engage in labour-intensive practices which ensure the long term viability of the soil is curtailed, as Gladwin (1991) demonstrates with reference to composting in Malawi and Cameroon.

Second, as the options for ensuring sustainable management of the resource base narrow, a farmer compromises her or his knowledge of a particular local environment. Such use, or misuse, of the environment, as Watts (1989: 15) argues, results from 'the intersection of resource managers with extra household, non-local circuits of accumulation and surplus extraction'. Integral to such processes is the loss of ecologically precise knowledge which has historically characterized agriculture in this area. There is loss of biodiversity as, for example, numerous varieties of millet are replaced by the genetic uniformity of hybrid or composite maizes and leafy green vegetables such as *terere*, *togotia* and *managu* which spring up in 'wild' places during the rains

become scarce with the extension of cultivation. But there is also loss of the legitimacy of such local gendered knowledge (for example, see Rocheleau 1991; Throup 1991) as agricultural discourse, what a farmer is able to negotiate, is redefined to meet economic exigency.

Undoubtedly, the pressure on women to override their knowledge and experience as farmers is greatest on holdings on which, because of smallness of size or limited agro-ecological potential, they cannot meet their responsibilities for household reproduction. Insecurity is particularly acute where migrant

men do not or cannot remit earnings and the sale of land becomes a necessity. But the threat to disturbance of the ecological equilibrium is unlikely to be restricted to households operating at the margins. The politics of land and labour and, by extension, how people relate to the environment are played out, I have suggested, not only with respect to the difference of 'class' in rural Murang'a, but also in terms of gender. How successfully a woman guards the soil is contingent not only on degree of wealth or poverty but also on the extent to which, as a gendered farmer, she is able to parlay her agricultural knowledge into secure rights to land, to labour and to its product.

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