

Women's Equitability to Land in Africa: A case of Sexism and Gender Discrimination

by

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Introduction

The intent of this paper is to discuss the dilemma of rights of women to land access in Africa, suggesting that the problem is embedded in sexism and gender discriminatory acts that are cultural and historically based.

Introduction (continued)

This paper suggests that if the inequitable problem to land access is to be resolved, it must be approached from diverse perspectives, among others, psychosocial and cultural change. Individuals and especially men must take active mental change that calls for respect and recognition of women as equal partners.

Introduction (continued)

Discussion of sexism and gender discrimination is so potent in all levels of social life; socio-political, religious, and economic fabric. And true attainment to equitability and access to land and property in African societies requires addressing sexism and gender disparities from all these societal fronts.

Women's access to and ownership of land

Authors (including Nzioki (2003), Richardson (2008), and others) have contributed in suggesting that many traditional societies in Africa on land use, housing, and the transfer of land and housing is regulated by customary law, which in most cases, excludes women.

Women's access (continued)

In this configuration, widows and orphans, suffer the most, especially in the case of the death of their husband or father. The transfer of land ownership, for example, remains in the power of men through male inheritance, thus, inhibiting women's right to and access and use of land in Africa.

Women's access (continued)

Studies suggest that customary law often poses a problem and hinders the enforcement of laws that positively considers women's rights in land and that economic restructuring and land distribution policies have often excluded women because bureaucrats are almost always gender insensitive.

Women's access (continued)

Many leaders are still unwilling to recognize women's rights to property as a basic individual right and the rights of human beings. This means, historical and cultural traditions have restricted women's right to accessibility to properties.

Restrictions Placed on Women

Africa is not alone in women's rights discrimination. The history of the U.S. and the plight of women for example, are not different from other nations. For many years, and in some cases today, women are denied rights by virtue of their cultural and historical traditions.

Restrictions Placed on Women (continued)

For example, women could not vote, spend their wages without their husbands' permission, not have guardianship over their children if the husband died or left them. "Because men were supposedly to be active and women passive, only men were thought to enjoy sex; any woman who also enjoyed it was considered deviant and degenerate." (Parrillo, 2009, p. 471).

Restrictions Placed on Women (continued)

Efforts in the U.S. to give women rights to vote, for example, were met with fierce resistance. It was not until 1919 when Congress passed the 19th Amendment giving women the right to vote. It took 143 years after the independence and an amendment to the constitution for the United States to realize that voting was the rights of women as well.

Restrictions Placed on Women

(continued)

In comparison, Africa has clearly taken a big step toward equality in her young history of political independence at least on paper—this is an important step nevertheless. While acknowledging such accomplishment, much is to be done in women's rights beyond the usual policy announcements.

Restrictions Placed on Women (continued)

Men dominance has been exacerbated and reinforced by male philosophers and religious leaders. Looking at the three major world religions, for example, you find that they all promote and in fact justify the superiority of man as ordained by some supernatural powers. Islam's Koran, for example, "Men are superior to women on account of qualities in which God has given them preeminence."

Restrictions Placed on Women (continued)

In the New Testament, Paul says, “Let the woman learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence. . . . she shall be saved in childbearing, if they continue in faith and charity and holiness with sobriety.”

Restrictions Placed on Women (continued)

And the morning prayer of male Orthodox Jews includes the line, “Blessed art Thou, oh Lord our God, King of the Universe, that I was not born a woman.” . . . Clearly, these and other religious ideologies promote discrimination of women as a divine ordinance, thus continuing to reinforce sexual and gender inequalities.

Restrictions Placed on Women (continued)

In some marriage rituals traditions call for a man to cherish his wife while the wife must promise to obey her husband, and at the end of the ceremony, they pronounce them “man and wife”, and not “woman and man”. In language construction too, “men and women” is preferred and seems more acceptable than “women and men.” Why?

Restrictions Placed on Women (continued)

Moreover, in many cultures, a woman is still supposed to carry the last name of the husband, diminishing the rights of a woman to property, credit, social security benefits, divorce process, and sometimes even being listed on the telephone directory. This illustrates how deep rooted sexism continues the perpetuation of man dominance and superiority.

Restrictions Placed on Women (continued)

Sociologically, and from conflict theoretical perspective, as Parrillo demonstrates, male dominance, the subordination of women, sexual inequality, and gender discrimination illustrate the universal human problems of exploitation and oppression. Men benefit from women's exploitation and sexual inequality.

Restrictions Placed on Women (continued)

In view of the above, we conclude that the main problem of women equitability to land has to do with sexism, gender inequality, and traditions that are embedded in cultural practices.

Sexism and Gender Inequality . . . the Real Impediment

Sexism is an ideology, or set of generalized beliefs, that one gender is superior to the other. For centuries, the presumption of male superiority led to patterns of prejudice and discrimination against women and many of those patterns persist today. Aristotle, for example, thought men were active by nature and women passive, making women intellectually and morally inferior to men.

Sexism and Gender Inequality . . . the Real Impediment (continued)

Parrillo (2009) in reference to Gustav LeBon says that . . . there are a large number of women whose brain are closer in size to those of gorillas than to the most developed male brains. This inferiority is so obvious that no one can contest it for a moment; only its degree is worth discussion.

Sexism and Gender Inequality . . . the Real Impediment (continued)

Discrimination is treating people differently through prejudice or prejudging them based on who they are. Gender discrimination is the mistreatment of one gender, or gender role, such as a woman because she is a woman. In many cultures, men treat women different than their fellow men. This mistreatment is what is usually known as gender or sex discrimination.

Sexism and Gender Inequality . . . the Real Impediment (continued)

Through socialization, women have continued to be discriminated against just because they are women; discriminated simply because they are born into their sexual identity (ascribed status). To an extent, this has led women to recognize their commonality with one another as victims of an ideology that is sexism (very much like racism).

Sexism and Gender Inequality . . . the Real Impediment (continued)

For example, as noted by Richardson, by law, mothers and fathers in Tanzania (as in many African countries) have equal rights in parental authority, but many traditional practices discriminate against women. If a couple separates, it is customary for the children to remain with the mother until the age of seven. When deciding which parent should be granted custody, courts are obliged to consider the traditions of the community to which a couple belongs (Richardson, 2008).

Sexism and Gender Inequality . . . the Real Impediment (continued)

Richardson reminds us that the government of Tanzania has taken steps to improve legislation in regard to women's ownership rights, but restrictive customary laws are still very widespread. The 1999 Land Law gives Tanzanian women the right to obtain access to land, including the right to own, use and to sell. The law on village lands ensures that women are represented on land allocation committees and land administration councils (Richardson, 2009).

Sexism and Gender Inequality . . . the Real Impediment (continued)

According to Maiga, the ratification of the Protocol on the rights of women by all the African countries has not yet been achieved in spite of the commitments made by the Heads of State in the Solemn Declaration of the African Union on Gender. And due to the customary management of land and the persistence of cultural stereotypes, the access, the control of land and productive resources by women remains insignificant and inadequately regulated (Maiga, 2008).

Sexism and Gender Inequality . . . the Real Impediment (continued)

Tesha says while the Agricultural Sector absorbs more men than any other sector, it is the women who do most of the agricultural work. Women make up 57% of the agricultural labor force and produce 60% of the domestic food as well as cash crops for export. Women do more of the agricultural activities than men do, yet, men are the ones who get credit (Tesha 1998).

Sexism and Gender Inequality . . . the Real Impediment (continued)

Clearly then, the overarching concern in land accessibility by women is the discrimination of women because they are women. They are discriminated simply because they were born women, and men's societal traditions have not had empathy to see this situation from women's perspective. African societies should recognize that women's right to land access is very much a human rights issue.

Sexism and Gender Inequality . . . the Real Impediment (continued)

Nzioki rightly points out that the advancement of women and the achievement of equality between women and men are a matter of human rights and a condition for social justice. To Nzioki, and we affirm, the empowerment of women and equality between women and men are prerequisite for achieving political, social, economic, cultural and environmental security among all peoples (Nzioki, 2003).

Sexism and Gender Inequality . . . the Real Impediment (continued)

The UN Declaration on the Elimination of Discrimination against Women includes among others, the right to equality of women and men in the family and equal rights regarding property and inheritance. As noted by Horward, if human rights include all people by virtue of their humanity, they *must* include women as well. From a practical point of view, economic development is unlikely to occur in Africa unless the needs and wants of women are considered (Horward, 1986).

Ending Sexism and Gender Inequality

According to Gerntholtz, there have been calls to introduce laws that protect women's property rights. Some progress has been made, including the recent adoption by the South African Development Community of a Gender and Development Protocol in 2008. These calls are on states to review and reform laws and policies that determine access to and control of resources, including land. . . recommending that states protect widows from property grabbing (Gerntholtz, 2009).

Ending Sexism and Gender inequality (continued)

Attitude change in our part is paramount. In this case, one must create an awareness that would consciously sensitize communities about laws and discriminative practices that hinder gender equality. Minde suggest that this could include seminars, workshops, role plays and posters with important messages to communities. Without doubt, this could be one of the best practical approaches to solving both inequality and inequity of sexes (Minde, 2006).

Ending Sexism and Gender inequality (continued)

Changes in long-held traditional practices can never be achieved solely by passing a law. As noted by Richardson, ultimately, women's right to inherit will be secured only when cultural understanding encompasses a respect for women's rights, and when statutory legal systems respect and adapt to the cultures in which they will be applied (Richardson, 2008).

Ending Sexism and Gender inequality (continued)

Richardson continues to say that gender equality is a measure of a just society, in which equality of rights over productive resources would be an important part. It is within this framework that women would like to see themselves as equal partners in the management of both household and national affairs. . . . It is imperative that the availability of equal opportunities in access to and ownership of land must be protected by law for women just as it is for men.

Ending Sexism and Gender inequality (continued)

Admittedly, in Africa, there is no lack of constitutional pronouncement in regard to equality and equity of women and men. The problem lies in psychosocial—cultural traditions that impede equality and equity in Africa. It is vital that this gender issue be addressed through processes of awareness and education, accompanied by reinforcement in all levels of social structure—individual, family, community organizations, and government and none governmental groups.

Conclusion

The forgoing discussion underlines what many individuals have discussed on equitability of women to land in Africa. This paper has suggested that the major issue is not so much the inequity to land, but the fundamental root problem of discrimination that is based on sex and gender; an issue that has a long history and cultural tradition that needs uprooting.

Conclusion (continued)

The current discussion recognizes what many institutions and especially governments have done in equity and equality of sexes. While we acknowledge and applaud for accomplishment done, we also recognize that sex and gender discrimination should be a priority in addressing the present land equitable concern. If true equitability and access to land is to be realized, it must be approached from diverse perspectives, including and not limited to psychosocial and cultural change.

Conclusion (continued)

Change takes time, but Africa will realize it if she decides to take further steps. Just as the problem is intertwined in all aspects of life, socio-political, religious and economic fabric, it will likewise require all these machinery to unravel it. This will be necessary for societies to reach harmonious living and respect for women as they should; leading to equitability and access to land and property in Africa.

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