

# DOWNLOAD PDF LUO CULTURE AND WOMENS RIGHTS TO OWN AND INHERIT PROPERTY.

## Chapter 1 : Women's Property and Inheritance Rights in Tanzania - Social Protection and Human Rights

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They were between 22 and 35 years of age and had similar levels of schooling and livelihoods, though a lower percentage was employed full time than those in the SSIs. Most had been inherited by the time of the FGD Table 1. Inheritors in the SSIs were aged 19–76 years and had at least some primary school education. Only nine inheritors had either part- or full-time employment, which primarily included working as fishermen or as bodaboda [bicycle or motorcycle taxi] drivers. Most reported having multiple concurrent sexual partners. Balancing HIV risk with meeting cultural expectations and ensuring livelihood needs are met Fear of acquiring, or spreading HIV, was often discussed by widows when they talked about widow cleansing and inheritance. Nearly all of the widows in the SSIs, and many in the FGDs, expressed concern that having sex without a condom with an inheritor contributes to the spread of HIV in the community. Now I can be at risk. Inherited widow, SSI I feel that that inheritor “that one that I got along the beach” I feel like he is not straight forward “So sometimes I get worried deep in my heart because he is walking here and there [having multiple partners], I feel that he might bring for me a disease. Inherited widow, SSI Though widows acknowledged that engaging in inheritance relationships place them at risk for HIV infection, both widows and inheritors mentioned that widows need an inheritor to not only help them perform specific sexual rituals throughout the year to ensure their cultural obligations are met but also to help with practical needs, such as building a new home or make necessary home repairs, plough or sow fields, and harvest crops. However, participants also acknowledged that some inheritors may refuse to offer the degree of support the widow was expecting. Several widows in the SSIs and many in the FGDs spoke about their own experiences or those of other widows in the community whose inheritor refused to perform all of the duties expected of them: He [her in-law] refused to do some [expected tasks]. He only finished that one of going home and shaving [cleansing ritual] then he refused to change the house [the custom of building a widow a new home after her husband dies]. He said he is not changing; he has not changed for his own home. One widow stated that because her inheritor refused to build her a home, she was left homeless: My house was not in a good condition. I was required to change my house. Now the changing of the house is what brought about quarrels. That led that person [her professional inheritor] to leave; it was not easy for him. Now later, I became discouraged and I stayed in my house for some time. Then last year, my house collapsed. There was some heavy downpour in November that destroyed my house until it collapsed. Now I do not have a house. A widow can tell an inheritor to leave because he is not helping her in any way and she can then look for another inheritor and if he is not helping her, she will ask him to leave and so on. Because these are the people she has brought, they have not married her she has married them. Somebody [an in-law] inherited her then later on people influenced him and discouraged him that it is a taboo so the person left her. So I am the one who went and lit for her fire. I lit the fire for those two days and then left. Meaning, I had sex with her to fulfil the sexual ritual of warming a new house. I slept with her once, [stayed] two days then I left. I welcomed her in the house as a man “This I have done to three women “I just went, I was like a hire. I was just taken by bicycle and went and did that thing [had sex with her] then I just left for good. Married inheritor, SSI As participants in one FGD pointed out, this can lead to widows engaging in serial relationships with inheritors to meet their various needs, further increasing their potential exposure to HIV: If she finds the man is not willing to help her she will then tell him to leave so that she can find another person who can build for her “So she will keep changing men until she gets the right man and this can bring problems to [the vignette character]. Sex was frequently discussed and considered an essential component of fulfilling these roles. One of these women was abstinent because she was observing the culturally prescribed mourning period known as sawo. Another implied that, based on

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cultural taboos, her children were still too young for her to seek an inheritor. Both of these women mentioned that because of cultural expectations and fear of being ridiculed by family, they would eventually find an inheritor, though they expressed concern that doing so may contribute to the spread or acquisition of HIV. Only one widow said that she planned to remain un-inherited because of her fear of acquiring HIV from an inheritor. Both inheritors and widows described that sex without a condom is an expected norm when engaging in intercourse for the purpose of fulfilling culturally prescribed sexual rites. As described by participants from both SSIs and FGDs, it is particularly important during the cleansing ritual because sperm and vaginal fluids must mix in order for cleansing to be fulfilled: So when those things [sperm] are removed out, and are poured out, it is like cleansing is accomplished half way. Married inheritor, SSI If you use condoms that means you have broken the customs of inheritance. Now you have to have sex without. Although nearly all the widows perceived that they were at risk for acquiring HIV from their inheritors, only a few stated that they are able to negotiate condom use with their sexual partners on a consistent basis. Nine widows and five inheritors stated they had previously used condoms with their partners in inheritance relationships, but use was often dependent on the partners or on specific circumstances and was inconsistent. Among the widows who reported condom use, condoms were generally used in new or casual inheritance relationships to prevent disease, and then only when agreed upon by both partners. Participants described that the ability to negotiate condom use may also vary depending on the inheritance relationship. Though in-laws were generally perceived to be less risky than non-relatives, FGD participants suggested that widows may have less autonomy in their relationship with in-laws and potentially lower ability to negotiate condom use with these partners: You know, when you go to your brother-in-law, you go to his house and discuss [interviewer note: Widow [inheritance status unknown], FGD Among widows participating in the SSIs, common reasons for not using condoms with inheritors were refusal by the inheritor, to avoid suspicion of having HIV, the belief that both partners were HIV-negative, the need to fulfil the custom of cleansing, and to become pregnant. Most inheritors described that condoms were most commonly used at the beginning of any new relationship to prevent disease and if the partner wife or widow was menstruating or was pregnant. Condom use, however, was unlikely among inheritors when they were performing the cleansing ritual with widows, when in long-term relationships, and with partners over a certain age as older women were perceived to be less likely to have HIV. Many inheritors also described that condom use was infrequent when men wished to avoid stirring distrust in the relationship or to allow for procreation. Widows in the FGDs expressed mixed opinions as to whether widows can use condoms while fulfilling their other sexual obligations. A few FGD participants suggested that the use of condoms could potentially be negotiated during other sexual encounters with inherited partners after the initial cleansing has been performed: When you have done it for the first time after you have been inherited then you can just use condoms but on the first day, you do not use condoms. Inherited widow, FGD This claim was also expressed by most of the inherited widows in the SSIs, who stated that they have used condoms with their inherited partners at some time in their relationships. However, most of the FGD participants thought that inheritors prefer not to wear condoms and that if they refuse, widows have little choice but to oblige: So he would like it to be plain the way it is. Three inheritors stated that they either have already conceived or would like to conceive children with their inherited partners. Most widows in the SSIs, on the other hand, were primarily ambivalent about conceiving or did not want to conceive with their inherited partners; however, most were also aware that if their inheritors desired children, they had few alternatives other than finding a new inheritor: As a result of their expected participation in cleansing and inheritance customs, our findings suggest that widows believe that they are at greater risk for HIV infection. Abstinence and condoms were the only two effective HIV prevention options discussed by study participants and available to widows, although neither option is likely feasible given the cultural expectations of sexual rituals in widowhood. Despite these findings, our data also suggest that apart from the cleansing ritual, widows may have more autonomy in inheritance relationship with non-relatives compared to in-laws because of the casual nature of the relationships. However, women may still have little power

regarding condom use in these sexual relationships because the ultimate control of the available HIV prevention option is. If the inheritor is unwilling to wear a condom to perform the sexual rituals, the widow often has no choice but to comply or find another willing inheritor. The findings from our study as well as from other studies suggest that cleansing and inheritance customs provide a social institution by which widows can receive assistance and potential companionship, similar to what they would have received from a husband [ 15 , 25 , 26 ] but that also legitimizes multiple concurrent sexual partnerships. Inheritors will often be in concurrent relationships with one or multiple wives, as well as one or multiple inherited widows [ 13 , 27 ]. Because of the casualness of these relationships, many widows may go through several professional inheritors and, likewise, many professional inheritors will move from one widow to the next [ 9 , 10 , 12 , 13 ]. Each new partnership increases the potential exposure to HIV, which puts not only the widows or inheritors but also other long-term partners at risk. These options would presumably provide HIV-negative widows with additional tools they need for reducing their risk for HIV while maintaining their ability to engage in the custom of widow inheritance. While our primarily content-based analytical approach allowed us to observe recurring themes regarding the barriers and facilitators to condom use among widows and inheritors in our sample, our non-random selection of participants and our small sample size limit the generalizability of these results. Nonetheless, our findings mirror those in previous research on Luo customs, as described above.

**Conclusions** The use of new HIV prevention products must be situated within the cultural and societal contexts in which women at risk for HIV infection live and are potentially exposed to the virus. Within the context of widowhood among the Luo, abstinence and condoms are not practical approaches because sex is essential and because sperm and vaginal fluids must mix to effectively fulfil the cultural rites. Future research should focus on studying the acceptability of women-centred HIV prevention products among widows and inheritors.

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## Chapter 2 : Historical inheritance systems - Wikipedia

*The right to own and inherit property is a crosscutting right that traverses the realm of civil, political, economic, social and cultural rights. This right is central to the true empowerment of everyone in society (men, women, boys and girls) and is a key developmental right.*

We Afrique 0 Inheritance of property is a big deal on the continent of Africa. Each region and tribe has its own unique set of guidelines related to the distribution of goods, property and money left behind by a deceased person. If the deceased is a male and married, things can get complicated. Most tribal lines are patriarchal and property left behind tends to go to other male relatives. Unfortunately, many times the wife and children are neglected and mal-treated as they can easily be displaced and forced into financial hardships which can in turn cause poverty. In extreme cases, the widow is forced to remarry quickly to a male relative of her husband – a sibling or cousin. This is called wife inheritance or levirate. The society is divided into clans called Kotumitan. Nevertheless, women can opt to not remarry or remarry a man outside of their clan. In , tero was banned by Provincial Commissioner Peter Raburu. However, this does not mean that the practice has been done away with. Ghana In Ghana, like most African countries there are a plethora of tribes and practices honored by the members of those tribes. The Akan tribe is matrilineal nevertheless oftentimes women and children are not afforded a hefty economic foot to stand on when the husband dies. Instead, the property is taken by the family of the deceased – even if the woman largely contributed to the wealth of the family unit. In the Akan tribe which is largely comprised of the Ashantis and Fantes along with 14 other sub-groups, in the olden days, women were asked 40 days after the burial of their spouse if they would agree to marry the next of kin of the deceased, as documented by *Widowhood Practices among the Akan of Ghana – Yesterday and Today* by Helena R. Asamoah – Hassan It was considered a taboo to marry the brother or uncle of the deceased. However, the heir of the deceased could cohabit with the widow to ensure he received the goods promised to him via inheritance. If the widow refused to marry the heir, she was obligated to wait a year to remarry and all outstanding debts will have to be satisfied. In modern times, some of these practices have been abandoned in urban areas and other vicinities away from rural areas. Education and the introduction of religions such as Christianity and Islam are also factors in the eradication of older practices.

Chapter 3 : Kenya: The Culture of Wife-Inheritance - [calendrierdelascience.com](http://calendrierdelascience.com)

*Moreover, women's inheritance rights are severely limited, not only in patrilineal systems (where property devolves along the male line, to the exclusion of women), but also in matrilineal systems (where although property traces through the mother's line and women have greater rights than under patrilineal systems, land control usually).*

Many communities still believe that if you do not follow culture strictly, you would perish. Jane Nyambune looks at the intricate details of a culture of wife-inheritance among the Luo in Kenya. Being a widow in traditional African society is a nightmare that some widows go through, to appease the spirit of the departed husband and save their families as well as the entire clan from suffering punishment for not performing rituals which are meant to cleanse the family. In the Luo community, some practices are almost mandatory and are even supervised by elders to make sure nothing goes wrong. This includes the cleansing ceremony as well as the actual inheritance. And a stranger is sought to stay with the widow overnight and have sexual intercourse. Selected community elders will stay awake overnight to make sure the actual thing is done. The stranger must be an insane person because it is believed that once you cleanse, then you would never be normal again because you will carry with you all the evil burden from the clan. Today, this practice is commercial. The people who perform this act ask for as much as Ksh 10, US dollars to perform the ritual.. The African widow, irrespective of her killing and even religious beliefs, are sometimes forced to perform the rituals against her will. The cleansing takes just a day, followed by the process of inheritance. Though the word inherit does not really define this concept in the proper sense, it is, however, the closest substitute in the English language for a practice that has been for a long time a thorny issue in Kenya. Ironically, wife inheritance, simply called Ter in Dholuo, is a ritual to be performed without the use of a condom or anything obstructive, even though condoms have been introduced in most of the villages and have been accepted. It is not funny that a widow would be inherited by a brother to her late husband or a very close relative. No inheritor is permanent and the widow has the right to change them if she is not comfortable with one. The African widow has often been forced into being inherited. The inheritor does not care whether the deceased died of Aids-related complications, but is often attracted by material comfort attached to the practice. Luo leaders have begun to fight this culture of inheritance despite its cultural roots. Former Gem Member of Parliament Grace Ogot blamed men for not taking Aids seriously and, therefore, refusing to take preventive measures. Former Minister for Foreign Affairs and International Co-operation, Mr Wilson Ndolo Ayah, called on those ready to inherit and be inherited to have an Aids clearance certificate for both partners as a condition for marriage. Archbishop Zacchaeus Okoth of the Kisumu Catholic Archdiocese warned the Luo community that they face extinction unless they discard certain cultural practices. Not many widowed women are left helpless, but the majority of them are in most cases still sexually active. One area of concern is the issue of how sex is negotiated and who has power and to what degree in sexual relations. In Western societies, a commonly held belief persists that male initiate the various stages of sexual activity from the preliminary stages of casual dating through to sexual intercourse. The female is not seen as the initiator of relationships; her role is commonly seen as a passive one in which she either accepts or rejects the male advances. In this case, a woman who suggests using condoms may be thought of as being too sexually experienced and aggressive and not a suitable candidate as long-term partner. The circumstances under which women have sexual encounters with partners vary both with their own demographic background and also with the particular partnership. But women rarely learn how to initiate the use of condoms, and must generally rely upon partner co-operation. And not every sexually active person can afford ten shillings for a pack of condoms. Still, there are many places in Kenya and elsewhere in the Third World where there are actually no shops. Gone are the days when sexually active men and women used to boast. But Aids is now destroying able-bodied men and women in the Third World faster than any catastrophe known to the human race. Those who have the disease or have been left with the burden of supporting Aids orphans know the pain and frustration of seeing so little being done. The US Centres for Disease Control and

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Prevention statistics indicate that in , women and people of colour represented the fastest growing groups of the new Aids cases. Women accounted for 19 percent for all Aids cases among adults and adolescents nationwide, their highest proportion ever. More than half of those women are African-American and up to a quarter are Latinos. Increased efforts are needed to educate all women about the reality of HIV transmission and to communicate the unique manifestation of HIV infection. HIV prevention messages must involve open and honest communication and must take into account social, cultural and gender issues that are all too often ignored in prevention efforts. To contact the copyright holder directly for corrections “ or for permission to republish or make other authorized use of this material, click here. AllAfrica publishes around reports a day from more than news organizations and over other institutions and individuals , representing a diversity of positions on every topic. We publish news and views ranging from vigorous opponents of governments to government publications and spokespersons. Publishers named above each report are responsible for their own content, which AllAfrica does not have the legal right to edit or correct. Articles and commentaries that identify allAfrica. To address comments or complaints, please Contact us.

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### Chapter 4 : Women's rights and their money: a timeline from Cleopatra to Lilly Ledbetter | Money | The Guardian

*This decision is a key victory for women's rights, particularly as pertains to equal inheritance rights. It is significant in this context that various studies reveal that women's rights to own and inherit property, including land, are vital to breaking the cycle of poverty.*

Land inheritance[ edit ] Land inheritance customs greatly vary across cultures. The Ethnographic Atlas gives the following data regarding land distribution: In 19 societies land is exclusively or predominantly given to the one adjudged best qualified, while equality predominates in societies. In 43 societies land is given to all children, but daughters receive less. In societies, the distribution of inherited land follows no clear rules or information is missing, while in societies inheritance rules for real property do not exist or data is missing; this is partly because there are many societies where there is little or no land to inherit, such as in hunter-gatherer , pastoral societies or societies. Patrilineal primogeniture, where the eldest son inherits, was customary among many cultures around the world. Patrilineal ultimogeniture, where the youngest son inherits, was customary among a number of cultures including: Among English peasants there was no clearly prevalent inheritance pattern, while Spanish Basques gave their land to the one considered best qualified, though they had a preference for sons. Giving more or less equal shares of land to sons, but excluded daughters was also common in many populations, as was giving relatively equal shares to both sons and daughters or slightly less to daughters. The same system prevails in contemporary Egypt and most Arab groups see Sharia. Most non-Arab Muslims, with some exceptions Caucasians, Iranians , historically followed their own inheritance customs, not those of the Sharia. In Ancient Egypt the eldest son inherited twice as much as other sons, and in earlier times he was the sole heir. The Cham, the Jaintia , the Garo and the Khasi practiced female ultimogeniture. Primogeniture regardless of the sex of the child was customary among the Paiwan, the Ifugao , the Chugach and the French Basques, while ultimogeniture regardless of the sex of the child was customary among the Chuvash and the Mari. Bilateral primogeniture is a rarer custom of inheritance where the eldest son inherits from the father and the eldest daughter inherits from the mother. The pattern of land inheritance traditionally prevalent among Russian peasants was found to be close to patrilineal primogeniture, "as oldest sons may well inherit more". The conclusions of this review contradicts previous reports that Russians practiced equal inheritance of land by all sons and that the English, Dutch and New Englanders had no definite inheritance pattern. Equal inheritance of property by all sons prevailed among most Uralic and Finno-Ugric peoples, and patrilineal primogeniture prevailed among Estonians and Balts. Although it is often thought that the Mizos employ ultimogeniture, this is because the customs of Lushais or Lusheis are confused with those of all Mizos; Mizo and Lushai have been occasionally used interchangeably. Among most non-Lushai Mizos, primogeniture predominates, [9] just as among Kukis. Most nomadic peoples from Asia, for example the Khalka Mongols , give a more or less equal share of the herd to each son as he marries. Some pastoral peoples from other geographical areas also practice unequal wealth transfers, although customs of equal male inheritance are more common among them than among agriculturalists. Patrilineal primogeniture with regards to both livestock and land was practiced by the Tswana people , whose main source of wealth was livestock, although they also practiced agriculture. Current practice in Venda means the youngest son will inherit the house or property. Among the Tsonga, most of the land was used only for stockbreeding. Patrilineal primogeniture also prevailed among the neighboring Khoi peoples, of whom only the Nama among whom patrilineal primogeniture also prevailed remain. According to the Ethnographic Atlas, the Fulbe or Fulani, the largest pastoral people in Africa, divided their livestock equally between all sons. However, according to some other sources they practiced male primogeniture. It is said that Gilyaks divided their cattle equally between all sons. Patrilineal primogeniture was also traditionally prevalent among pastoral peoples from Australia, such as the Aranda , as well as among Himalayan pastoralists like the Changpa. However, rule of patrilineal primogeniture did develop among some Canadian indigenous peoples who practiced agriculture, such as the

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Montagnais , the Kutchin, the Pikangikum, the Ojibwa , the Klallam and the Atsugewi. Canadian indigenous peoples were influenced by the ancient Thule culture, of which little is known with certainty. Other sources[ edit ] Intergenerational wealth transmission among agriculturalists tends to be rather unequal. Wealth transfers are more egalitarian among pastoralists, but unequal inheritance customs also prevail in some of these societies, and they are strongly patrilineal. First sons, in comparison to other sons, "are likely to inherit or otherwise gain control of more family land, livestock, or other wealth. Among the Todas , both first and last sons inherited more than the other sons. Last sons inherited more than the other sons among the Lolo and the Yukaghir, and inherited less among the Luo. The people found to have the greatest number of customs favourable to first sons in the study were the Tswana, followed closely by the Azande. The people with the greatest number of customs favorable to last sons in their study were the Lolo. This contradicts those theories that maintain that peoples of the Asian steppe had strong customs favorable to first or last sons. In fact, the indigenous American peoples had significantly more customs favorable to first sons than the Dagor Mongols. This was also seen among the Alaska Native peoples such as the Eyak. However, his theories have been mostly rejected during the last decades. In the complete form of both customs, the rest of the children are excluded from the inheritance. Goody called ultimogeniture "Borough English" and primogeniture "Borough French" because in England ultimogeniture was a native custom, while primogeniture was a custom brought by the Norman invaders. According to Goody, in Late Medieval England, patrilineal primogeniture predominated in feudal tenures and among the peasantry of large parts of the Midlands. Patrilineal ultimogeniture "Borough English" prevailed elsewhere in the champion country. Partible inheritance gavelkind prevailed in Kent, East Anglia and the Celtic areas. Only in the southern part of the country was the house inherited by the youngest son; in the north it was inherited by the eldest son. When the father died, his role as head of the family known as Khozain, or Bolshak was passed to the oldest person in the house. In some areas this was the oldest son. In others it was the oldest brother of the deceased so long as he lived in the same house. There were some areas where a new head would be elected by the family members. If all surviving members of the family were under age, a relation would become a co-proprietor. If property was divided after a death, each adult male in the house got an equal share. Sons who had left home did not have a right of succession. Females remained within the family and received a share of the inheritance when they married. In the north of Russia, the oldest son inherited the house. In the south the eldest son would have set up a separate house while the father was still alive, therefore the youngest inherited the fathers house upon his death. Inheritance customs as a cultural dimension[ edit ] Inheritance customs do not follow clear ethnic, linguistic or geographical patterns. Equality between all sons and a subordinate position of women, with the exclusion of daughters from inheriting, are prominent aspects of Hungarian, [29] Albanian, [30] Romanian, [31] Armenian, and most Slavic [32] [33] [34] or Latin American cultures. Some peoples, like the Dinka, [39] the Arakanese , [40] the Chins of Myanmar, [41] or the Karen , frequently show a compromise between primogeniture and ultimogeniture in their inheritance patterns. Although among many Chins of Myanmar, the advantage that the eldest and the youngest son have over other sons is really small, so it is not correct to speak of a true pattern of mixed primogeniture and ultimogeniture. The advantage of the eldest and the youngest son is somewhat more ample among the Dinka and the Arakanese. The compromise between primogeniture and ultimogeniture was also found among the Kachin and the Dilling, as well as among the Sherpa to some degree. This pattern of inheritance is also reported for many Fulbe villages in the Republic of Guinea, [42] though it seems that in past times the eldest son inherited all in Guinea. Romans valued sons more than daughters, and Thais and Shan showed the reverse pattern, though all practiced equal land inheritance between all children. The Shan people, who live mostly in northern Thailand and northeastern Myanmar, are markedly matrilineal. The law punished more harshly offences by a younger brother against an elder brother than vice versa. On their death he inherited the parental tent, which was connected with the religious cult in Mongol traditions, though all sons received more or less equal shares of livestock as they married. However, in contrast to this popularly held notion, more rigorous and substantiated anthropological studies of kinship and family in central Asian

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peoples strongly indicate that in these societies elder sons and their lines of descent had higher status than younger sons and their lines of descent. In central Asia, all members of a lineage were terminologically distinguished by generation and age, with senior superior to junior. The lineage structure of central Asia had three different modes: Of the various collateral patriline, the senior in order of descent from the founding ancestor, the line of eldest sons, was the most noble. In the steppe, no one had his exact equal; everyone found his place in a system of collaterally ranked lines of descent from a common ancestor. Most non-Arab Muslims historically followed their own inheritance customs, not those of the Sharia. In India, inheritance customs were and still are very diverse. Patrilineal primogeniture predominated in ancient times. This practice forces younger brothers to marry older women. The patrilineal joint-family systems and more or less equal inheritance for all son in India and China meant that there was no difference in marriage and reproduction due to birth order. The Han Chinese first sons historically married earlier, had lower rates of definitive celibacy and more children especially males than their younger brothers. However, they suffered higher mortality rates. This has been attributed to the fact that eldest sons needed to have more children to succeed them as heads and were willing to take more risks and suffer a higher drain of resources to achieve this. According to Emmanuel Todd and others, it be reminiscent of the system of patrilineal primogeniture prevalent during the Longshan culture period and the period of the Three Dynasties. In contexts where resources are plentiful, the relationship between inheritance and social outcomes can be different. In the Midwest and Northeast United States during the period from to , where resources were plentiful, being the first son was positively correlated with wealth and fertility. As in other western cultures, but unlike European societies where resources were scarce, this has a complex relationship with inheritance. This was mostly in response to changes in resource availability and poppy cultivation. During the Colonial Period, the eldest son inherited twice more than the other sons in the northern colonies these inheritance laws were modelled on Mosaic Law , and in the southern colonies there was a rule of male primogeniture. It is likely that first born sons would have been preferred as they would inherit the wealth and therefore have higher reproductive prospects. Customs of ultimogeniture among farmers has been explained as a consequence of postponing retirement so they do not feel "dethroned" early by their eldest son. This line of thinking has been linked to the preeminence of lastborn siblings in popular myth and folklore around the world. As a consequence, in some cultures that practice male preimogeniture there are ambiguous, contradictory feelings towards last born sons. A study of the people of the Pacific island Tikopia in found that the eldest son must marry and receive more land, while the younger sons remain bachelors, emigrate or even die. This was most extreme among the Tallensi. Among East Asian peoples, on the other hand, co-residence between parents and their eldest son was thought of as normal and desirable in systems of impartible inheritance, and in some countries such as Japan, Vietnam and South Korea it is widely practiced even nowadays. In Japan, only the inheriting son stayed in the parental household. He could become head of the family any time between his marriage and the death of his predecessor. The timing of this was normally dictated by familial or local traditions.

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## Chapter 5 : Women's rights - Wikipedia

*Hindrances to the enjoyment of women's land and property rights A complex mix of cultural, legal, and social factors and obstacles stand in the way of women realizing equal property rights in Kenya.*

Mesopotamia Ancient Sumerian bas-relief portrait depicting the poetess Enheduanna Women in ancient Sumer could buy, own, sell, and inherit property. Women in ancient Egypt In ancient Egypt women enjoyed the same rights under the law as a men, however rightful entitlements depended upon social class. Landed property descended in the female line from mother to daughter, and women were entitled to administer their own property. Women in ancient Egypt could buy, sell, be a partner in legal contracts , be executor in wills and witness to legal documents, bring court action, and adopt children. Women in India Women during the early Vedic period [7] enjoyed equal status with men in all aspects of life. Women in Greece Respectable Athenian women were expected to involve themselves in domestic tasks such as washing clothes left ; in reality, many worked right. Although most women lacked political and equal rights in the city states of ancient Greece, they enjoyed a certain freedom of movement until the Archaic age. Until marriage, women were under the guardianship of their father or other male relative. As women were barred from conducting legal proceedings, the kyrios would do so on their behalf. Slaves could become Athenian citizens after being freed, but no woman ever acquired citizenship in ancient Athens. This separation would entail living in a room called a gynaikeion , while looking after the duties in the home and having very little exposure with the male world. This was also to ensure that wives only had legitimate children from their husbands. Athenian women received little education, except home tutorship for basic skills such as spin, weave, cook and some knowledge of money. As men engaged in military activity, women took responsibility for running estates. According to Aristotle the labour of women added no value because "the art of household management is not identical with the art of getting wealth, for the one uses the material which the other provides". They also saw marriage as a moral companionship between equals rather than a biological or social necessity, and practiced these views in their lives as well as their teachings. The Stoics adopted the views of the Cynics and added them to their own theories of human nature, thus putting their sexual egalitarianism on a strong philosophical basis. Women in ancient Rome Roman law, similar to Athenian law, was created by men in favor of men. Roman society , however, was patriarchal , and women could not vote, hold public office , or serve in the military. During the Roman Republic , the mother of the Gracchus brothers and of Julius Caesar were noted as exemplary women who advanced the career of their sons. By 27 BCE the ius trium liberorum "legal right of three children" granted symbolic honors and legal privileges to a woman who had given birth to three children, and freed her from any male guardianship. This arrangement was one of the factors in the independence Roman women enjoyed. A married woman retained ownership of any property she brought into the marriage. Adultery , which had been a private family matter under the Republic, was criminalized, [46] and defined broadly as an illicit sex act stuprum that occurred between a male citizen and a married woman, or between a married woman and any man other than her husband. Therefore, a married woman could have sex only with her husband, but a married man did not commit adultery when he had sex with a prostitute , slave , or person of marginalized status infamis. Stoics of the Imperial era such as Seneca and Musonius Rufus developed theories of just relationships. While not advocating equality in society or under the law, they held that nature gives men and women equal capacity for virtue and equal obligations to act virtuously, and that therefore men and women had an equal need for philosophical education. The daughters of senators and knights seem to have regularly received a primary education for ages 7 to 14. Girls from a modest background might be schooled in order to help with the family business or to acquire literacy skills that enabled them to work as scribes and secretaries. Her influence put her into conflict with the bishop of Alexandria , Cyril , who may have been implicated in her violent death in the year at the hands of a Christian mob. But the traditional restriction of women in the public life as well as the hostility against independent women still continued. The church also

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supported the political power of those who were friendly toward the clergy. The appointment of mothers and grandmothers as tutors was sanctioned by Justinian. The restrictions on the marriage of senators and other men of high rank with women of low rank were extended by Constantine , but it was almost entirely removed by Justinian. The same constitutions made the benediction of a priest a necessary part of the ceremony of marriage. The image shows an X-ray of two bound feet. Women in ancient and imperial China and Women in China Women throughout historical and ancient China were considered inferior and had subordinate legal status based on the Confucian law. Women could not inherit businesses or wealth [57] and men had to adopt a son for such financial purposes. A wife could be ousted if she failed to birth a son, committed adultery, disobeyed her parents-in-law, spoke excessively, stole, was given to bouts of jealousy, or suffered from an incurable or loathsome disease or disorder. In , the Chinese government ordered the cessation of foot-binding. Foot-binding involved alteration of the bone structure so that the feet were only about 4 inches long. The bound feet caused difficulty of movement, thus greatly limiting the activities of women. Due to the social custom that men and women should not be near each other, the women of China were reluctant to be treated by male doctors of Western Medicine. This resulted in a tremendous need for female doctors of Western Medicine in China. Thus, female medical missionary Dr. Hackett " of Indiana, USA. These women were known as Mui Tsai. This outlawed marriage by proxy and made marriage legal so long as both partners consent. The New Marriage Law raised the legal age of marriage to 20 for men and 18 for women. This was an essential part of countryside land reform as women could no longer legally be sold to landlords. The official slogan was "Men and women are equal; everyone is worth his or her salt". Women in the Bible Both before and during biblical times, the roles of women in society were severely restricted. If he does not provide her with these three things, she is to go free, without any payment of money" Exodus It was belief based on St. Paul, that the pain of childbirth was a punishment for this deed that led mankind to be banished from the Garden of Eden. That was the core purpose set out both culturally and religiously across Medieval Europe. In the legal system, women were regarded as the properties of men so any threat or injury to them was in the duty of their male guardians. Sometimes regardless of expectation, women did participate and attend court cases and court meetings. The Swedish law protected women from the authority of their husbands by transferring the authority to their male relatives. In Swedish law, women would also only get half that of her brother in inheritance. Medieval marriages among the elites were arranged in a way that would meet the interests of the family as a whole. The Wergild of woman was double that of a man with same status in the Aleman and Bavarian legal codes. Certain areas with Visigothic inheritance laws until the 7th century were favorable to women while all the other laws were not. Having sex with them through force or without consent usually had zero legal consequence or punishment. Women had religious authority and were active as priestesses gydja and oracles sejdkvinna ; [87] they were active within art as poets skaldar [87] and rune masters , and as merchants and medicine women. A married woman could divorce her husband and remarry. Modern History Europe 16th and 17th century Europe Title page of the seventh Cologne edition of the Malleus Maleficarum , from the University of Sydney Library , a book endorsing the extermination of witches. Culture and art at the time depicted these witches as seductive and evil, further fuelling moral panic in fusion with rhetoric from the Church. In all of the regions, the laws also gave men substantial powers over lives, property and bodies of their wives. French married women suffered from restrictions on their legal capacity which were removed only in English and American Quakers believed that men and women were equal. Many Quaker women were preachers. These legal features of marriage suggest that the idea of a marriage between equals appeared unlikely to most Victorians. Yet such, I am sorry to say, is the lot of women over the whole earth. Man with regard to them, has been either an insensible husband or an oppressor. This duty was abolished in

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### Chapter 6 : Luo culture | KENYA COMMUNITIES CULTURE AND TRADITION ACTIVITIES

*Property rights include the legal rights to acquire, own, sell and transfer property, collect and keep rents, keep one's wages, make contracts and bring lawsuits. In history, a woman's property has often, but not always, been under the control of her father or, if she was married, her husband.*

Joluo; also known in some early colonial documents and ethnographic texts as the "Nilotic Kavirondo" not an indigenous term. Orientation Identification and Location. The Luo homeland is an area of over 3, square miles 10, square kilometers surrounding the Winam Gulf on the northeast end of Lake Victoria. Most of this area is in the Nyanza Province of Kenya , but a portion extends into northern Tanzania. A number of Luo also live in the urban centers of Nairobi and Mombassa. The Luo area is composed of three concentric climatic and vegetation zones that extend outward from the Winam Gulf. The first is an arid coastal plain from about 3, to 3, feet 1, to 1, meters in elevation with an erratic annual rainfall of inches centimeters and a savanna vegetation. The second is an intermediate savanna zone up to about 4, feet 1, meters in elevation with more than 45 inches centimeters of annual rainfall. The third region is a foothill zone up to about 4, feet 1, meters in elevation with 59 inches centimeters of annual rainfall supporting a relatively lush vegetation. Periodic drought is common on the coastal plain, while the higher elevation zones generally receive enough precipitation during the "short rains" period to support a second cropping season. Figures from the latest Kenyan census for which ethnic affiliation data are available indicate that there were 2., Luo at that time, or More recent estimates are difficult given the uncertain demographic effects of AIDS and other factors over the last decade of the twentieth century and the beginning of the twenty-first century; however, assuming a projected total Kenyan population of around 30 million people in and a constant ratio, the total Luo population in Kenya would be approximately 3. The Luo population in Tanzania has been estimated at approximately , Dholuo is the language of the Luo. The most closely related languages to Dholuo are those of the Padhola and Alur of Uganda. Among the Luo there are several internal regional variations in vocabulary and pronunciation, with the inhabitants of much of Siaya District especially the JoAlego considered significantly distinctive by inhabitants of the other Luo districts. History and Cultural Relations According to reconstructions based upon oral history , the various lineages that constitute the modern Luo settled their current homeland in Kenya in an extremely complex and lengthy series of migrations that began in the late fifteenth or sixteenth century and continued through the end of the nineteenth century. Nyanza was previously occupied by Bantu-speaking peoples who were both absorbed and displaced by the several streams of infiltrating Luo. The early Luo settlers first entered the portion of Nyanza that lies north of the Winam Gulf the current Siaya District from eastern Uganda as part of a series of migrations of Nilotic-speaking peoples Padhola, Acholi, Alur, etc. By the mid-eighteenth century, several Luo groups expanded out of this area and spread over South Nyanza as well. This whole process involved sequential displacements of earlier Luo settlers and Bantu groups by later arrivals, as well as the assimilation of many Bantu groups. The nineteenth century witnessed the most aggressively militaristic phase of expansion, especially into lands held by Bantu Luyia groups to the north. These ongoing population movements were halted by the imposition of British colonial control at the end of the nineteenth century when the territories of the various Luo subgroups at that moment were cartographically inscribed as the boundaries of the administrative sub-districts. Settlements The regional settlement pattern consists of individual patrilineal and patrilocal extended family homesteads scattered over the landscape without any larger traditional concentrations of population although the multi-ethnic lake port city of Kisumu was established in Luo territory during the colonial period, as were a number of small administrative and market centers. Each homestead dala; plural delni is occupied by an extended usually polygynous family. Thus, each homestead has a three-generation life cycle. When the last of the original inhabitants of a homestead has died, the settlement now calledgunda; plural gundni will be left fallow for a period and then used as farmland by the sons of the former head of the homestead. The landscape also shows traces of

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significantly larger gundni with earthen ramparts gunda bur dating to the nineteenth century and earlier. In South Nyanza, there is also evidence of large gundni surrounded by stone walls called ohinga. A gunda bur is identified by the name of an ancestor-inhabitant, and they frequently serve as anchors for lineage claims to territory. Each dala is bounded by a euphorbia hedge-fence and the houses are arranged in a highly ordered pattern on the interior. The spatial and temporal organization of the Luo homestead is a complex symbolic representation of the genealogical structure and the relations of authority in both the homestead and society. Lines of structural opposition and alliance between co-wives, and within the broader kinship and political system, are correlated with house placement on alternating sides of the homestead. Relations of seniority and authority are also represented and naturalized through temporal sequences of house construction, repair, and a host of daily activities and rituals that take place in the homestead. Luo subsistence depends upon a mixture of agriculture, animal husbandry, and fishing. Subsistence agriculture is performed almost exclusively by women in scattered multiple small plots in the general neighborhood of the homestead. Primary agricultural production to feed her family is considered the duty of every rural Luo wife, and there is little dependence on purchased food aside from small-scale "target" selling and buying of foodstuffs at the local markets and the purchase of a few imported items such as tea, sugar, and salt. Hoe agriculture is predominant, but oxplows are found in some areas. The primary grain crops include sorghum, maize, and millet; cassava and sweet potatoes are major root crops. Sorghum and cassava are especially valued for their resistance to drought. These starches are complemented by various kinds of beans, lentils, and greens. In the higher elevation zone bananas are also grown. The early Luo settlers in Kenya had a pastoralist orientation, and cattle have remained very important as a symbol and unit of wealth; they have long been, for example, the central component of bride-wealth exchanges now augmented or partially replaced with cash. The cattle are generally eaten only in the context of feasting rituals, but their milk forms an important part of the ordinary diet. Sheep, goats, and chickens are a less valuable and somewhat more commonly consumed source of meat. Fish of several types and sizes tilapia, Nile perch, etc. They are caught in the waters of the Winam Gulf and traded throughout the market system. The Luo were forcibly drawn into a monetary economy at the beginning of the twentieth century by the colonial imposition of "hut" taxes designed to stimulate a supply of native workers for the farms of English colonists and for railroad construction. In fact, the most important source of cash has continued to be migratory wage labor by Luo men, such that about a third of middle-aged Luo men live outside the Luo area at any given time. The Luo have been notoriously resistant to cash cropping, especially in Siaya District. However, small-holder cash cropping of tobacco, cotton, sunflowers, coffee, peanuts, and a few other items is somewhat more prevalent in parts of southern Nyanza and the area around Kisumu. Large sugar plantations exist in the area north of Kisumu, but these are owned by outside agents who employ Luo workers. Luo artisans make a wide variety of crafts that are largely consumed locally rather than directed toward a tourist market. Pottery is a thriving craft performed entirely by women. Less than 1 percent of all women are potters, yet they manage to supply nearly all Luo homes with a diverse range of forms to serve a common set of cooking, serving, and storage functions. Potters live in clusters of homesteads centered around clay sources scattered throughout the Luo area and they sell pots at local markets. Other local craft products sold at markets include baskets for storage, food-processing, eating, and fishing, etc. A system of regular periodic markets exists throughout the Luo area and serves as a focus for both trading and social activities. This system developed in the early twentieth century out of the prior practice of sporadic famine markets under the influence of the developing cash economy. Markets serve as centers for the exchange of local crafts and foodstuffs as well as for the distribution of imported goods. However, they do not usually serve as major collection points for large amounts of local produce flowing out to distant urban or international markets. Moreover, some of these products are distributed further afield by middleman traders. The primary division of labor is genderbased. Subsistence agriculture, childcare, cooking, and domestic maintenance are all female tasks. Women are also the primary or exclusive contributors to several kinds of craft production especially pottery, although men contribute to some crafts. Men are the predominant ritual, political, and oral history

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specialists. In the pre-colonial era they were also the warriors. External wage labor and cash cropping also tend to be predominantly male activities. Market traders, on the other hand, are predominantly women, but men are also involved in the selling of some items, especially goods coming from outside the Luo area. The traditional system of land tenure was one in which land was corporately held by patrilineages and was not individually alienable. This included farmland, pasture, water, firewood, and clay sources. These rights were distributed among the women of a homestead by the husband or senior co-wife mikayi , and they depended upon various dimensions of seniority relations. However, this system has been subjected to various kinds of pressure from increasing population density hence land shortage , and from land tenure reform programs implemented by the colonial and, especially, postcolonial states. The goal of the reform programs is primarily to consolidate land holdings and register individual title to land. The sale of land for cash has created serious moral tensions as well as sometimes leaving aged mothers and widows landless. Kinship Kin Groups and Descent. Kinship has a powerful role in structuring Luo social life, identity, and politics, as well as the landscape. Luo maximal lineages dhouidi; singular dhoot , sometimes called "clans" in the anthropological literature, are exogamous land-holding units. A cluster of maximal lineages occupying a distinct territory piny is called oganda plural ogendni. These clusters are often referred to as "sub-tribes," or even, by one source, Evans-Pritchard , "tribes. Their genealogical relationship to each other is a product of a long and continuing history of fluid segmentation of lineages. Marriage and Family Marriage. The Luo are markedly polygynous in both ideology and practice. Post-marital residence is patrilocal in the strictest sense of the term: Formerly this involved cattle and, in the pre-colonial era, iron hoes ; now it involves cattle and cash. Divorce necessitates a return of bride-wealth. Marriage is not simply an individual affair: The basic domestic unit is the polygynous household. Each co-wife must have her own house ot in the homestead dala occupied by the patrilineal polygynous extended family. The husband, considered the wuon dala head of the homestead , rotates among the houses of his wives for eating and sleeping, although he often has a small independent house duol for entertaining other male guests. Each house, occupied by a woman and her children, also has its own granary and is responsible for raising its own subsistence, although there is often a great deal of cooperation among cowives or neighbors in labor of various kinds. A woman generally does not inherit wealth from her father or husband: Women do sometimes inherit small household items from their mothers-in-law. Caring for young children is shared by mothers, grandmothers, and older siblings. By the end of the twentieth century, school also played an important role in socialization. From the time they reach the age of puberty until they marry, boys live together in a house called simba just inside the main gate of the homestead. For women, who typically marry young traditionally before age sixteen , there is a great deal of post-marital resocialization in which the mother-in-law plays an authoritative role. The spatial organization of the settlement itself has an important part in channeling the flow of social relations and inculcating beliefs and attitudes about proper behavior, authority, and relationships. The Luo have no formal initiation rites to mark the transition to adulthood and they are not circumcised.

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### Chapter 7 : the luo culture | Download eBook PDF/EPUB

*5 particularly for women, including the right to inheritance and the ownership of land and other property, credit, natural resources and appropriate technology & .* 19 The United Nations Human Rights Committee (which monitors States party compliance with the.

The Luo population in Kenya was estimated to be 2,, in and 3. However the figure was disputed by many Luos as not scientific since a significant portion of people previously considered as Luo were now counted as Suba. The Subas eventually numbered , but most are completely assimilated Luos by culture, name, language and political orientation and have more or less the same outlook of life. This is a result of heavy intermarriage and interaction of The Luos also feel that their overall population has always been downscaled by successive Kenyan regime census in an attempt to mute the strong Luo political voice. Sample census conducted by experts estimate the total Kenyan Luo population to be currently at around 5 million. The Tanzanian Luo population was estimated at 1. Others members work in eastern Africa as tenant fishermen, small scale farmers, and urban workers. The four waves of Luo migration were chiefly from the four Luo-speaking groups Lwoo , especially Acholi and Padhola. Dholuo , spoken in Kenya, is considered to be proper and standard Luo because it contains elements from all other Lwoo languages. The Luo people and dialects of their language have historic roots across the Lake Victoria region. The Luo, through intermarriages and wars, are part of the genetic admixture that includes all modern East African ethnic groups, as well as members of the Buganda , Bunyoro , and Toro kingdoms, and the Nubians of modern-day Sudan. The Luo had many ethnic neighbours with whom they frequently inter-related, including the Nandi , Luhya , Kipsigis and the Kisii. As a result, treaties and intermarriages were accomplished, resulting in a mixture of inter-cultural ideals and practices. As is the case with all ethnic groups of modern-day East Africa , Luo history is intricately interwoven with the histories of their neighbours, attesting to the complexity of East African precolonial history. The Luo probably originated at Wau in southern Sudan , near the confluence of the Meride and Sue rivers. Arrivals came in at least five waves arriving at different times: The present-day Kenya Luo traditionally consist of 27 sub-groups, each in turn composed of various clans and sub-clans [2] "Jo-" indicates "people of". By the s, the Luo had a tight-knit society with leadership from Ruodhi, or Kings. Colonial times Early British contact with the Luo was indirect and sporadic. Relations intensified only when the completion of the Uganda Railway had confirmed British intentions and largely removed the need for local alliances. In a punitive expedition was mounted in support of the Wanga ruler Mumia in Ugenya against the Umira Kager clan led by Gero. Over were quickly killed by a Maxim gun. The Karungu people were reputed warriors who fought all and sundry who dared oppose them. Gor Mahia Kogalo, the Luo seer had already foreseen the coming of the white man and had informed the people of Karungu not to resist them since they had sticks that spitted fire. The Karungu people ignore Chief Gor and when the white man came, they attacked them leading to many of them being slain by the maxim gun, led by the same Sir Charles Horbley. From the foregoing, we can conclude that the Luos were one of the first communities in Kenya to resist the white man with disastrous consequences. Later the Luos agreed to follow the wise counsel of Chief Gor Mahia Kogalo that learn the education of the white man, know his tricks and wisdom, then use his tools to chase him away from your land. This gives the reason why Luos all over Nyanza took to education to get the knowledge of the white man and chase him out of the land. It also shows why the Colonization of Luo land was not as hash as those who opted to take up arms. The Luos learnt before others would come into contact with the white man. By , the Luo chief Odera was providing 1, porters for a British expedition against the Nandi. He was impressed by the British settlement there and upon his return home he initiated a forced process of adopting western styles of "schooling, dress and hygiene". This resulted in the rapid education of the Luo in the English language and English ways. The Luo generally were not dispossessed of their land by the British, avoiding the fate that befell the pastoral ethnic groups inhabiting the Kenyan " White Highlands ". Many Luo played significant roles in the struggle

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for Kenyan independence, but the people were relatively uninvolved in the Mau Mau Uprising of the s. Instead, some Luo used their education to advance the cause of independence peacefully. Argwings-Kodhek , for example, used his expertise to defend Mau Mau suspects in court, although they had attacked not only whites, but also the men of other ethnic groups. Independent Kenya Kenya became independent on 12 December Oginga Odinga , a prominent Luo leader, declined the presidency of Kenya, preferring to assume the vice presidency with Jomo Kenyatta as the head of government. However, differences with Jomo Kenyatta caused Oginga to defect from the party and abandon the vice presidency in His departure caused the Luo to become politically marginalized under the Kenyatta and subsequently the Moi administrations. In Tanzania, Mwalimu J. Owino was well known among the front bench politicians who exchanged fists with the then Oscar Kambona and Bhoke Munanka, whom he claimed were betraying Nyerere behind his agreed official prayers. Owino s was frequently sent many times by Nyerere through Jaramogi Oginga A. Kenyatta had planned to take and own Pemba isle as his private residence and Unguja could have been given to the British Government as their East African strategic security hub so as to calm down their badly torn relations caused by the Mau Mau war. Kenya continues to struggle with poverty and AIDS today. He is widely credited with enabling Mwai Kibaki to win the presidential election through the support of his Liberal Democratic Party. Another prominent member was Barack Obama Sr. Culture and customs You can help by adding to it. Favourite Dishes One of their favourite meals includes fish especially tilapia, usually accompanied with ugali called kuon in Dholuo and vegetables. Many of the vegetables eaten by the Luo were shared after years of association with their Bantu neighbours, the Abaluhya and the Abagusii. Traditional Luo diet consisted of kuon made of sorghum or millet accompanied by fish, meat, or vegetable stews. Religious customs Like many ethnic communities in Uganda, including the Langi, Acholi, and Alur, the Luo do not practice the ritual circumcision of males as initiation. Instead, children formerly had their six lower front teeth removed at an initiation. This ritual has largely fallen out of use and many have come to the practice of circumcision at birth. Nomiya church is a mixture of Christian, Islam and traditional African religious doctrines. The church practices circumcision for male children at the age of 8 days and they pray facing north. The church currently has a following of , in the Nyanza region. Other local churches include Legio Maria, Roho and Fwenya among others. Marriage customs Historically, couples were introduced to each other by matchmakers, but this is not common now. Like many other communities in Kenya, marriage practices among the Luo have been changing and some people are moving away from the traditional way of doing things. The Luo frequently marry outside their ethnic group. The traditional marriage ceremony takes place in two parts, both involving the payment of a bride price by the groom. The first ceremony, the Ayie , involves a payment of money to the mother of the bride; the second stage involves giving cattle to her father. Often these two steps are carried out at the same time, and, as many modern Luos are Christians, a church ceremony often follows. If the husband should die during the marriage, it was customary though now a largely unobserved custom for the brother to act as a replacement.

## Chapter 8 : II. WOMEN'S RIGHTS TO LAND AND OTHER NATURAL RESOURCES

*A documentary on how the rights of women and orphans have been violated in relation to owning and inheriting property.*

These are mainly determined by two areas of law: Within natural resource legislation, particular attention is devoted here to land law, both because rights to other natural resources e. Rights to natural resources are extremely important for rural women. Thus, while land reform programmes adopting the household as the beneficiary unit and issuing land titles to the male household head may still provide female household members with access to land, they may undermine their bargaining power and thus their social position. Before starting the analysis, two preliminary observations need to be made. First, in examining natural resource rights in different countries, it must be remembered that the nature and content of these rights may vary considerably across countries e. Second, even where formal legislation is gender neutral, women may be prevented from acquiring and enjoying natural resource rights by socio-cultural practices. However, systematic collections of this kind of data are extremely rare. This difficulty may limit the effectiveness of this study in analysing the natural resource rights actually enjoyed by women. Under international human rights law, women have a right to own and administer property without discrimination UDHR; arts. Soft-law instruments have been adopted by the human rights bodies of the United Nations. Moreover, Chapter 24 of Agenda 21 is specifically devoted to gender. The Beijing Platform for Action envisages legislative and administrative reforms to ensure gender equality in access to natural resources, including inheritance and ownership rights para. Similarly, the World Food Summit Plan of Action affirms the objective of ensuring gender equality and women empowerment objective 1. Regional overview The ACHR states the right of everyone to the use and enjoyment of property, without discrimination on the basis of sex arts. However, in Latin America, rural women rarely own and administer land, due both to legal and socio-cultural obstacles. As for legal obstacles, family law may recognise the husband as household head or representative e. Nicaragua, article of the Civil Code; Dominican Republic, article of the Civil Code; Honduras, article of the Civil Code , and grant him exclusive administration rights over family property e. Dominican Republic, Civil Code; art. As for agrarian law, various countries of Latin America have a long history of agrarian reform aimed at eliminating the great land concentration and the dualistic latifundio - minifundio land tenure structure. While in some cases reform programmes have redistributed substantial land areas e. Cuba , in most cases lack of political commitment has limited the effectiveness of the agrarian reform. In any case, most agrarian reforms have targeted household heads and permanent agricultural workers in formal employment; in practice, both groups consist predominantly of men. Only in a few countries Nicaragua and Cuba have women been direct land reform beneficiaries. The Nicaraguan Agrarian Reform Act of does not apply the household head criterion for land allocation, and specifically recognises women as direct beneficiaries of the land reform regardless of their family status. Land redistribution halted in the s, and a land titling programme was adopted. Law of states that men and women have equal rights to obtain land titles art. This titling programme has led to a considerable increase of women landowners. For instance, in Honduras, while under the Agrarian Reform Law of beneficiaries were men over 16 and women were allocated land only if they were household heads art. While systematic sex-disaggregated data on land reform beneficiaries is scarce, available evidence indicates that only a very small percentage of women benefited from land redistribution programmes between 4 and 15 percent in Chile, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Nicaragua, and Peru Katz, On the other hand, in several Latin American countries, women have been actively involved in social movements struggling for access to land, both general agrarian movements e. Mexico In Mexico, civil law varies from state to state. The Federal Civil Code of applies to the whole federation for matters within the federal responsibility, and to the Federal District Mexico City for matters within state responsibility art. Within the family, the spouses have equal authority in the management of family affairs, including in the administration

of property art. Family property is held under either community or separation of property, depending on the agreement reached by the spouses arts. Under community of property, it is the matrimonial agreement that determines the modalities for the administration arts. A similar provision applies, under certain circumstances, to de facto spouses art. In case of intestate succession, the spouse inherits in the same amount envisaged for a child arts. Agrarian law includes specific succession norms see below. Field studies on inheritance practices reveal that land inheritance by the male eldest son is very common in rural areas, as is inheritance by all male children while daughters tend to inherit only when they do not receive dowry at marriage Quintana et al. As for agrarian laws, Mexican legislation is characterized by a longstanding agrarian reform, carried out under Article 27 of the Constitution, as amended in The beneficiaries of the reform are community-based institutional arrangements, ejidos and comunidades [4]. These control some 50 percent of Mexican agricultural land Thompson and Wilson, , and encompass diverse realities, ranging from common property regimes to communities allocating parcelled plots to ejido members see article 44 of the Agrarian Law. The reform reached its peak in the period Agrarian Code of , and slowed down after the s Heath, ; Thompson and Wilson, The reform involved individualisation allocating plots to individuals rather than to households , privatisation and market liberalisation measures e. Under the Agrarian Law, both men and women may be ejidatarios art. Therefore, despite the fact that the law adopts a masculine terminology e. However, in practice only a small number of ejido members are women Percentages of women in ejido leadership positions are even lower; for instance, only 4. This gender-unequal distribution of land rights is partly due to the historical evolution of the Mexican land reform. Moreover, article 97 of the Ley de Dotaciones y Restituciones de Tierras explicitly stated that those eligible to be ejido members were men over 18, while women could become ejidatarias only if they were household heads. Only with the Federal Law of Agrarian Reform did women gain equal rights to men for ejido membership art. Decisions on the alienation of allocated plots are taken exclusively by usually male ejido right holders, without need for spousal consent. The recent substantial male out-migration has provided new opportunities for women. In some cases, women mainly daughters of ejidatarios have acquired the status of ejidatario and gained access to plots due to the lack of male applicants ejido San Francisco Tecuac, in Tlaxcala; Katz, As for succession in ejido rights, the individualisation of ejido rights from households to individuals eliminated the automatic inheritance by family members, with potential negative effects on female spouses and children. Where there is no will, however, the spouse whether with or without marriage is the first one to inherit art. In practice, field studies from the Sierra Norte de Puebla reveal that a son is usually chosen as heir, due to widespread socio-cultural stereotypes. For some crops e. In addition, in Guerrero, Oaxaca and Tlaxcala, the eldest son is usually chosen as ejido heir, while wives tend to be preferred in Quintana Roo, Coahuila and Sonora Katz, However, unequal land rights entail unequal water rights for land irrigation purposes; moreover, field studies reveal that men can circumvent formal rules and procedures and obtain access to water through informal networks e. In its original formulation, the Civil Code of adopted a hierarchical model of household: The Constitution states that the rights and duties concerning the conjugal society are equally exercised by the husband and the wife art. A new Civil Code was adopted in January , and will enter into force in January The Code provides for the equality of rights and duties of the spouses arts. The matrimonial regime is determined by prenuptial agreements, and in the absence of which the partial community of property regime applies arts. Succession norms do not discriminate on the basis of gender. The Civil Code of lists the surviving spouse among the intestate heirs provided that there is no separation; articles and among the necessary heirs arts. On the other hand, there are reports that discriminatory succession practices continue to be applied in rural areas, particularly with regard to the exclusion of daughters from inheritance of land Guivant, Brazil has a longstanding agrarian reform programme, although land distribution remains among the most unequal in the world. The agrarian reform has subsequently been the object of extremely vast legislation. The Agrarian Law is now contained in Law of Laws adopted in the s e. Laws 88 of and of brought amendments to accelerate the reform process. Since the matrimonial regime applicable in absence of ante-prenuptial agreements is partial community of property, land registered to one of the spouses

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after marriage legally belongs to both spouses. For many years, redistributed land was registered mainly with men. Article 25 of the Land Statute, listing eligible land reform beneficiaries, does not explicitly discriminate against women. However, some criteria entail an indirect bias against women. Moreover, the terminology adopted is masculine. In land reform implementation, criteria for beneficiary selection included household labour force size, age and farming experience; while these criteria did not directly discriminate against women, in practice they tended to favour male applicants, as female-headed households are usually smaller and women farmers are not considered as professional full-time farmers because of cultural stereotyping. Article of the Constitution explicitly states that both men and women, regardless of their marital status, can be allocated property rights or concessions under the agrarian reform programme, either individually or jointly. Therefore, gender equality within the land reform programme is now guaranteed. Law of states that land titles are to be allocated to men and women, either individually or as joint owners. Nonetheless, in practice land reform programmes still register land mainly with the husband. Joint registration is rare, inter alia because a substantial number of rural women lacks the documents required in order to obtain land titles identity card, tax registration number - CPF, marriage certificate, etc. The Agrarian Reform Census revealed that only This is mainly due to socio-cultural factors concerning the gender division of roles within the family, which in rural areas are widespread and internalized by women themselves. For instance, there is anecdotal evidence that where plot registration is required by a woman, indicating the husband as dependent, land reform officers suspect the existence of legal or other impediments to registration with the husband. Women have actively participated in agrarian movements struggling for access to land. The Movimento dos Trabalhadores Sem Terra Landless Workers Movement is the largest movement struggling for land reform in Brazil, including through land occupations. The Movement has women leaders at regional and national level; for instance, nine out of 21 members of the National Committee, the highest organ of the Movement, are women. It has also established a National Gender Collective previously named National Council of Landless Women to promote a gender approach in its activities. The Draft Protocol on the Rights of Women in Africa not yet adopted provides for the integration of a gender perspective in national legislation. In much of sub-Saharan Africa, few rural women hold land. For instance, women hold 11 percent of agricultural land in Benin, 25 percent in Congo, and 25 percent in Tanzania; in Zimbabwe, women hold 3 percent of agricultural land in the smallholder sector and 10 percent in the large-scale commercial sector. Moreover, where women hold land, their plots are generally smaller than those held by men: This limited access to natural resources is caused by both legal and socio-cultural factors. Legal obstacles relate both to family and succession law and to natural resource law. In Ethiopia, the Revised Family Code of grants spouses equal rights in the management of the family.

### Chapter 9 : Cast out by custom - how one Kenyan widow won the right to

*Introduction. The customs of widow cleansing and widow inheritance are practiced in several communities throughout sub-Saharan Africa. In the Nyanza Province of Kenya, according to tradition, Luo widows are expected to engage in sexual intercourse with a "cleanser," without the use of a condom, in order to remove the impurity ascribed to her after her husband's death.*