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WOMEN'S LAND RIGHTS AND THE CHALLENGE OF PATRIACHY: LESSONS FROM OZALLA COMMUNITY, EDO STATE, NIGERIA

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Every community of people has its cultural and economic life rooted in the soil it occupies. The term land may take on a physical as well as a spiritual meaning. Land is a major production resource and lack of control over this important resource has constituted a limiting factor to women's productivity in rural Nigeria. It is not customary for women to own land as this is a male dominated society where patriarchy is practiced. Women's access to land depends on marriage and they retain access to land as long as they remain in their husband's household. Surprisingly, women rarely speak and hardly perceive the inequalities in the division of labour in agriculture because they are culturally legitimized. Yet lack of accessibility to land has created increased poverty, frustration, constant disputes and enmity between men and women. The situation has also become overwhelming, bearing in mind the fact that a greater population of women and children, the vulnerable in society reside and find their livelihood in the rural areas. Also, women contribute more in terms of food production for the family. Ironically, women suffer more due to land deprivation and discriminatory cultural practices just as their contribution to the sustenance and persistence of rural agriculture is neglected due to male bias. This paper therefore examines women's land rights and the challenge of patriarchy in Ozalla community, in a bid to guarantee gender equity and social justice by reducing the level of discrimination and ensuring that women have rights to fertile agricultural land so as to arrest to an appreciable extent the food crisis in the country by improving

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their production output and ensuring higher incomes.

INTRODUCTION

Across Africa, women make up more than one-third of the workforce. They account for 70 percent of agricultural workers, 80 percent of food producers, 100 percent of those who process basic foodstuffs and they undertake between 60 percent and 90 percent of the marketing (CTA, 1993). Also, Aidoo (1988) observed that women come up against all sorts of difficulties in their attempts to be seen as agents for development in their own rights. First and foremost, they have no land rights. In some communities, they have only temporary rights of use of individual fields given to them by the head of the household. Studies have shown that the majority of rural women obtained their farmland from their husbands or their families. Often, this land is "given" to the woman for a short period, perhaps just one growing season. In general, they cannot make any long-term improvements to the land, such as planting perennial food crops.

According to Adepoju (1997), in the Nigerian context, women still suffer discriminatory practices especially under customary law in matters pertaining to ownership of property and inheritance. Although women under statutory law have ownership and inheritance rights, under customary law, these rights are not upheld. It is almost universal in Nigerian customary law that widows have no capacity to inheritance. One reason for this is that there is no concept of co-ownership of property by couples in traditional Nigerian culture, the presumption being that all substantial property, including land belongs to the husband. Indeed, the woman herself is virtually considered a form of property.

Alston (1994) also affirmed that the problems women have in attaining land ownership in Africa are monumental. Women's efforts to plant trees are hampered by their lack of ownership of land, just as they are denied access to credit facilities. In addition, women grow about half of the world's food, but own hardly any land, have difficulty in obtaining credit and are overlooked by agricultural advisors and agents. Also, discriminatory laws and practices are still widespread most especially in terms of inheritance rights such as that involving access to and ownership of land.

Tuhaise (2000) asserted that access to land by women is largely determined by kinship rights and marriage. Women neither own land nor inherit it. Since 1989, the World Bank has been emphasizing the need for development initiatives to close the links between macro-economic policies and social issues, including gender. Today, it is recognized that persistent inequality between women and men in developing countries constrains productivity and improvement which ultimately slows down a country's rate of economic growth (Businge, 2003).

STATEMENT OF PROBLEM

Land is an intrinsic part of people's lives and belief systems, a source of social power and self worth. However, in a bid to understand the dynamics of attaining agricultural development, the discriminatory cultural tendencies towards women in a patriarchal society like Nigeria is overwhelming and requires adequate attention, especially when women are the main stay of small scale agriculture.

In most patriarchal societies in Africa, women have traditionally had very few land rights because in terms of inheritance, they are often regarded as part of the property that should be inherited by her husband's brothers after his death. The situation has been made more precarious because of the subservient role of statutory law to the customary law of inheritance which denies women equity and social justice in the process of attaining land rights to access and control because they are circumscribed by customs and traditions.

The problem therefore with land in Nigeria, and with particular reference to Ozalla community, is that, in most cases, a woman's right to use land is pegged on marriage. If she is abandoned or divorced by her husband or widowed through his death, she will most likely lose all right to the land. As a patriarchal society, inheritance is patrilineal, hence a daughter does not receive land when her father dies and even a widow does not inherit land. However, if she is lucky to have a male child, she generally acts as a caretaker until her son comes of age.

Consequently, women's inability to inherit land makes their work to produce sufficient food more difficult both for family sustenance and for the nation in general. In addition, the cultural inhibitions against women often result in quarrels, enmity and hatred created within and between families due to land and other property rights. Hence the need to examine the interplay between women's land rights and patriarchy with the expectation that in the long run, the interest and living conditions of the vulnerable groups in society, especially women and children would be guaranteed.

RESEARCH QUESTIONS

- Why are women in Ozalla community not considered in inheritance rights, especially land rights, in the event of the death of her spouse or father?
- Why do cases of quarrels, hatred and enmity emanate from inheritance rights, especially, land rights in Ozalla community?

OBJECTIVES OF STUDY

- To examine the role played by tradition on inheritance rights and the peculiar cultural practices in Ozalla community which have hindered the contributions of women towards the process of agricultural development.
- To examine cases of quarrels, hatred and enmity emanating from unfavourable inheritance rights, especially, land rights and how they can be effectively handled.
- To proffer solutions on how best to improve the living conditions of women in Ozalla community, so that they can effectively contribute to national development.

RESEARCH HYPOTHESES

- Women's status to inherited land significantly determines the amount of food crops produced in acres.
- Women status to the land cultivated significantly determines the level of their income from farming for monthly expenses.
- Women's status to inherited land significantly determines the decision on choice of crops to cultivate.

LAND RIGHTS AND CULTURAL CONSTRAINTS

Historically, women's access to land was based on status within the family and involved right of use, not ownership. In Africa, customary practices exclude women from ownership; property is held in a man's name and passed patrilineally within the group. A widow's right to remain on the land is not secure. Customary rules have the effect of excluding females from the clan or communal entity; such rules also serve to exclude females from ownership. Attempts by women to control property, especially land, are considered by most rural communities as misbehaviour. A woman who buys land is seen as having "sinister" intentions either to run away from her matrimonial home, or use it as a place to "entertain" other men. The threat of women gaining power through property ownership makes society frown upon women who go ahead to acquire property of their own. "Proper" women are satisfied with males being the providers in their lives,

and they take whatever is given to them with gratitude, and teach their daughters to do the same (Tripp, 2004).

In Uganda for example, the customary rules guiding land ownership are not the same in all parts of the country. The clan system is relatively stronger in the Northern parts of Uganda. Clans allocate land to those who want it for occupation or cultivation. But in the South, among some groups, like the Iteso and Lugbara, land is communally owned and women are excluded from any formal decision making in the clan or community regarding property, which is inherited by males (Okumu, 1996). One common and important way of land acquisition in Nigeria is by inheritance, which is usually paternal, passing from father to son or sons.

As in most other patriarchal societies of the world, a Nigerian woman is socialized into a culture of female subordination. She is not only subordinate to her husband and the men in her own family of birth; she is also subordinate to the members of her husband's family (male and female) (Ola-Aluko & Edewor, 2002). Indeed as Olusanya (1970) had aptly observed, the by-product of polygyny is simply the exploitation of females. Hence, a society that sets women in a secondary position to men oppresses women, whether or not women recognize their oppression or attempt to do anything about it (Bossman, 1994).

When a woman loses her husband, her inheritance is more in terms of liabilities than of assets. She is subject to sexual harassment from younger male in-laws who view her as part of their relative's property to be inherited. Women in African societies are therefore almost always regarded as their husband's property and being themselves property, they could not aspire to own property (Orebiyi, 2002).

Table 1: Percentage of ownership of cultivated land by women farmers in Thailand, Trinidad, Nigeria and Syria

Land Ownership	Thailand%	Trinidad%	Nigeria%	Syria%
Personally Owned	22	9	4	–
Husband Owned	39	30	23	41
Gift from husband	–	–	30	–
Family Land	10	9	12	36
Government Land	–	25	–	–
Communal Land	–	–	20	–
Squatted Land	–	9	–	–
Rented Land	29	19	11	22.5

Source: Improving the Relevance and Effectiveness of Agricultural Extension Activities For Women Farmers, FAO, 1995, P 35.

According to the United Nations Population Information Network (1995), issues about land rights are often gender specific, as women and men experience them differently. In reality, the constraints and needs of rural women demand added emphasis and attention to address their problems and needs. Formal and informal laws, customs, rules and regulations tend to discriminate against women across developing regions. These disadvantages impact both on female-headed households and on female members of the male-headed households. In the former instance, discrimination through traditional legislation and socio-cultural customs can impose severe constraints on the capacity of such households to access or maintain land. In the case of the latter, attention needs to be directed at the intra-household division of activities, labour and land utilization strategies (POPIN, 1995). Invariably therefore, a woman's land rights are determined by local conditions and constraints

Among ethnic groups in West and East Africa, land was owned by lineage groups whose patriarchs allocated plots to family heads as necessary. But women were regarded as legal minors and had only indirect access to land through male kin (husbands or adult sons) (Makinwa-Adebusoye and Olawoye, 1992). Cultural practices in most parts of Uganda hold women not as equal partners to their counterparts, but as subordinates. Women are seen as workers who were married so they could labour in homes and the fields, or as a necessary source of wealth, as they bring bride price on marriage, or they are

perceived as mere reproduction agents. Traditionally, they are expected to fulfil the roles of mother, housewife, family worker and agricultural labours (Tuyizere, 2007). Cultural attitudes towards women have doubtlessly contributed to and perpetuated the image of women as inferior in most African countries.

The issues which widows generally face and those encountered by women in developing countries are cause for concern. In almost every society, rules have been designed to determine who will take over the property and responsibilities after a death in the family. Land is usually under the control of men and even formal laws sometimes perpetuate this, and prevent women from inheritance.. Even where laws emphasize equality, customs and traditions dominate and prevent women and girls from inheriting. The result is that women and girls, after the death of a father or husband are often robbed of their land and other possessions.

According to Widows Rights International (WRI) (2006), discrimination stems from customs that favour men for inheritance and property ownership. Many widows are barred by law and customs from inheriting property, evicted from their lands and homes by in-laws and stripped of their possessions. The plight of women demands that states deal aggressively with inheritance issues, and that this should no longer be considered a private matter. It is a question of rights, and it is ultimately the responsibility of the state to ensure that they are fulfilled. But too often, inheritance is viewed as a private matter, causing government to be reluctant to interfere (WRI, 2006).

THEORETICAL FRAMEWORK
The Conflict Theory
Conflict theory involves a critical evaluation of the internal dynamics of social structures and institutions. Hence, Lahinjoh (2002) observed that, to Marx, the motivating force in history is the manner in which human beings relate to one another in their continuous struggle to extract their livelihood from nature. Conflict is seen to exist when people and groups with different economic and other interests and roles interact in a society. Every society contains elements of contradictions. These contradictions involve the exploitation of one social group by another. In feudal societies, lords exploit their serfs; in capitalist societies, employers exploit their employees. The family is often a management of conflict between a man and his wife or his wives or his extended family relations depending on the society in question. Conflict involves struggle between segments of society over valued resources such as land.

What is evident, therefore, is that in Ozalla community the relationship between men and women is based on gender

inequality which is a reflection of the patriarcnal structure in the community. Here, women are discriminated against in terms of inheritance rights because of their sex. Consequently, in this study, emphasis is placed on women land rights and how this has been affected by patriarchy in Ozalla community where the men are in the dominant group and the women are in the disadvantaged group. Since Ozalla community is a patriarchal one, in which the father or husband dominates and has the final say in decision making, what is noted is that there is a lack of equity and social justice in terms of inheritance rights, especially land rights.

African Feminist Theory

Feminism as espoused by Barker (2004) examines the position of women in society and tries to further their interests. Igenozah (2004) has also observed that the concern of the theory is primarily on the secondary standing of women in society. Feminists see the secondary standing of women in the scheme of things as a form of victimization, especially the subordinate role women are made to play in relation to men. According to Heldke and O'Connor (2004), the emphasis of the feminist theory is on oppression, discrimination, injustice and exploitation. And Sheffield (2004) further opined that patriarchy is a system whereby maleness is glorified and femaleness denigrated.

Based on the contributions of Patricia Lengermann and Jill Niebrugge, Ritzer (2003) identifies men as the bearers of socio-cultural authority which involves the right to dominate and to women, obligation to serve in all dimensions of social production. Two key terms in feminist theory are 'subordination' and 'patriarchy'.

Despite the varying reactions to feminism, many African women seem to agree that the way African women perceive their reality and the exigency that shape their consciousness and mobilization has to be different from the way Western women perceive and react to their situation. The average African woman is not a hater of men; she desires self-respect, and dignity alongside the men.

Steady (1981) formulated a feminist theory for African women. She examines the socio-economic and class factors which contribute to African women's oppression and her response to this oppression. A closer examination of the African women's situation vis-à-vis the layers of oppression that have to be torn away is offered by Ogundipe-Leslie (1984) who locates the condition of women in Africa within the socio-economic realities of culture and development.

African feminism does not emphasize a reduction in the power of men, but a refinement geared specifically to deal with

the concrete realities of African women's life. Consequently, with regard to inheritance rights and gender relations in Ozalla community, African feminist theory is concerned with how to reduce the inequalities and discriminations suffered by women and how this will improve their life and society in general.

METHODS OF THE STUDY

A combination of methods was used in this study. They include survey method used to generate quantitative data. In-depth interviews and Focus Group Discussions were also used to generate qualitative data to complement the quantitative data generated from the survey research.

The study population selected for this research is women in Ozalla community, Owan West Local Government Area of Edo State with Headquarters in Sabongida-Ora, with the population of women as 2,917 (1991 Population Census). Projected for 2005 using an annual growth rate of 2.4%, the population of women in Ozalla community was 4,055. Ozalla community is made up of Eight Quarters comprising Uhonmoke, Igbidin, Ekeke, Iraede, Usuamen, Ivbihere, Ekhor and Uwiara quarter. Of the 4,055 women (18 years and above irrespective of their marital status), approximately 20% or 800 women were chosen for this study because of the need to ensure that the sample size adequately represents the entire population of women in Ozalla community. However, 789 questionnaires were found suitable for the study.

The study utilized a stratified sampling technique as the number of respondents for the study was first proportionally determined on the basis of the relative numerical strength of each of the quarters in the community. The systematic sampling technique was employed in each of the quarters to determine the women in households who should constitute respondents for the study. Three major research instruments were used in this study. They include: Survey questionnaire, In-depth interview guide and Focus group discussion guide. A 31-item questionnaire was the major research tool for the study. Both closed and open-ended questions were asked as the questionnaire was personally administered so that answers can be easily quantified statistically while also giving room to respondents to express their views and feelings on the subject matter.

In-depth interviews were conducted with a few selected individuals using a guide. These individuals were identified as possessing special or detailed knowledge of the subject matter of the research. As a cultural study, in-depth interviews were therefore conducted on eight highly respected elders from the eight different quarters in Ozalla Community. The elders were made up of six men and two women, each of whom was said to be above the age of 70 years. They were not selected on the basis of

their sex but on the qualities they possessed. An in-depth interview guide was constructed prior to contact with the respondents. Two sets of participants comprising eight women as Focus Group Discussion A and eight men as Focus Group Discussion B were each selected from the eight quarters in Ozalla community. These participants according to the researcher's key informants and interviewers are persons of proven integrity and knowledge in the area of research, who are 50 years and above. The discussions were conducted in the local language of the people and this was properly transcribed as the researcher is well acquainted with the local language of the community

In analyzing the quantitative data, the Statistical Package for Social Sciences (SPSS) was used to create tables, frequency distribution, Multiple Regression Analysis, Chi-Square Test and Phi Correlation Coefficient to test the hypotheses stated for the study. These were further complemented by the use of qualitative analysis derived from the in-depth interviews and Focus Group Discussions. Here, all audio-taped information was transcribed and the contents analysed qualitatively. Responses were summarized and important quotations were reported verbatim to highlight some vital views.

FINDINGS

In a bid to ascertain the relationship between women's status to inherited land and amount of food crops produced in acres, the food items considered include Yam, Cassava, Maize and Plantain. The result showed that of the 10,584 acres cultivated, Yam had 10.30% of acres, Cassava had 53.24%, Maize had 8.33% and Plantain had 28.13% of acres cultivated. So the food crop the women cultivated most was cassava and participants in the in-depth interviews affirmed that cassava was the cheapest crop the women could grow. Using multiple regression analysis, the Pearson correlation showed that the predictor variable, hired the land is not significant while receiving the land and joint farming with husband both show that there is a correlation between amount of food crops produced in acres and women's status to land.

Using the Chi-Square test, the study revealed that with a calculated value of chi-square of 732.817 at 6 df and 0.05 level of significance, there is a significant relationship between the income of women and their status to the land cultivated. This view was corroborated by the in-depth interviews and focus group discussants. The Chi-Square test result further showed that with a calculated value of 724.711 at 6 df and 0.05 level of significance, there is a significant relationship between decision on choice of crops cultivated by women and status to inherited land.

The study revealed that while women constitute the bulk of those engaged in food crop production, they hardly have adequate access, ownership and control of land. Land ownership and control is highly intertwined with the culture and social life of the people. This has invariably affected the amount of food crops produced by the women in Ozalla community. Also, for a woman to have access to land, she must go through a male, such as, her husband, brother or brother in-law, etc. A woman must be conscious of the fact that she could be asked to live the land at any time. As a result, the culture also stipulates what kind of crops one should grow. These are usually seasonal crops with short life span because land use is temporary.

Women who held land in trust for their male children had more opportunity and freedom to take decisions on their farming activities compared to those who hired the land or those who engaged in joint farming with husband. In Ozalla community, only male inherit land and other property, as women are themselves regarded as part of the property to be inherited. However, their children and wives could benefit from the use of such inherited property such as land. In addition, while statutory law guarantees women inheritance rights, numerous barriers impede women's ability to claim their dejure rights to property ownership and inheritance because in Ozalla community, statutory law is subservient to customary law. This situation invariably captures the pathetic conditions under which the women live and find their livelihood. Also, the absence of economic assertiveness on the part of the women runs counter to the male dominance of all economic activities and creates a gulf between men and women. This has often created avenues for enmity and hatred in the community.

CONCLUSIONS

The study has revealed that there are inherent challenges and contradictions in the social relationships among people in Ozalla community and these are sometimes associated with the interplay between gender and patriarchy. In the community, access to land is different from ownership of land. Women may have access to land but they do not own land and this access is usually through marriage. Access to land is highly conditional as it depends on the kind of status to land that the woman has. This depends on whether the land is hired, or given to her by her husband or his family, or if she is involved in joint farming with her husband. Any of these would determine her level of access and what crops she is able to cultivate on the land.

What determines a woman's access to land is the relationship she has either with her husband, his relations or her own brothers. Only a male can determine a woman's access to

land because only men have ownership and control over family land. Women in the community benefit more from access to land when their husbands are alive. At the man's death, she is at the mercy of her in-laws who may want to marry her to any of her late husband's brother. Refusal to comply may cause her to fall out of favour with them and she may be denied further use of the land for farm purposes. Women hardly benefit from their father's land and property after his death. This is irrespective of what ever contribution she may have made on the farmlands, economic trees and overall wellbeing of the family. A woman can only benefit from what her father publicly declares as belonging to her while he is alive to the knowledge of family relations and elders in the quarter.

Cases of enmity, hatred and discord are more difficult to handle in families where the man had many wives. The eldest son or sons from the different women may try to keep everything to themselves. Conflicts emanating from this often escalate to bitter rivalries, transcending generations.

RECOMMENDATIONS

Those who suffer most from discrimination and other inheritance rights are women who are separated from their husbands or widowed. Their plight should be properly addressed by the government, voluntary organizations, NGOs including private individuals from the community with the required resources to better the living conditions of the people.

Based on the contributions of women to family food security and how the pattern of access to land hinders their capacity for agricultural production and income generation, there is need for a re-evaluation of property ownership including inheritance customs and practices with greater emphasis on statutory laws.

To appreciably reduce the incidence of quarrels, enmity and discord, family relations, especially brothers of a woman or brothers of a deceased husband should be more open, accommodating and understanding when women are in need of land to farm and other forms of assistance such as financial, material or physical that they may request for.

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