A Place to Live

Gender Research on Housing in Africa

Edited by

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Preface

This book is the product of a seminar within the International Housing and Gender Studies Network held in Lund 4–8 October 1995, organised by the Department of Architecture and Development Studies at Lund University and supported by the Nordic Africa Institute, Uppsala, and by the Swedish Agency for Research Cooperation with Developing Countries (SAREC). This was the third seminar arranged within the network which apart from these seminars has a low level of activity, mainly consisting of exchange of information between researchers.

Specially invited to the seminar were African researchers working within the SAREC supported research programmes: Gender Research on Urbanization, Planning, Housing and Everyday Life in Southern Africa (GRUPHEL) and Gender, Urbanization and Environment in West and East Africa (GUE).

All the participants are not contributing papers to this volume, but with their research experiences they contributed substantially in the discussion at the seminar. Yomi Oruwari (River State University, Nigeria), and Hilda Tusingwire (Population Office, Uganda) presented work in progress, while Susanne Thorbek (Aalborg University, Denmark) and Ann Varley (University College, London) were asked to contribute with presentations of non-African studies.

We were extremely privileged to have Professor Emeritus Rita Liljestøm (Gothenburg University) as a resource person, and the SAREC representative, Gunilla Andrae (Stockholm University) was an additional resource. Magnfridur Juliusdottir and Helen Nyberg (Lund University) acted as discussants. All contributions enriched the seminar by prompting lengthy interesting discussions which I will not be able to review in full, but will draw from in the introduction.

Anita Larsson at the Department of Architecture and Development Studies organised the seminar with the assistance of Nita Lorimer who handled all the administrative details connected with the meeting. Susanne Linderos at the Nordic Africa Institute has worked with me in the preparation of this publication.

Uppsala, March 1996

Ann Schlyter
Chapter 1

Introduction

Ann Schlyter

At the time for the seminar of which this book is the outcome, professional women and women activists all over the world were struggling, more or less successfully, to introduce a women's perspective into the preparations for the second United Nations Conference on Human Settlements, Habitat II or the "City Summit".

For us, researchers in the field of gender and housing, it was a time of increased interest in our work from the public and from politicians. However, the preparation of Habitat II not only revealed gaps in the knowledge basis for policy conclusions, it also revealed theoretical weaknesses. Thus, the seminar was arranged with the ambition to reassess the work within the field of gender and housing in the light of recent development within gender research. Housing, as well as gender, is a multi-disciplinary research area. The seminar participants were from a variety of disciplines, all concerned more with the actors in the housing processes than with the houses as physical structures.

If the reader of this book expects an overview of progress and failure of housing policies and programmes from a gender perspective, I am sorry to say that the book will be a disappointment. But if the reader wants food for thought regarding gender and housing as an area of research, I am convinced that this book will be fruitful reading. It includes case studies as well as papers on methodology and theoretical conceptualisation.

A third seminar on gender and housing

Ten years ago a seminar on Gender-Aware Research on Housing was held in Lund. At that time we felt a little like pioneers, and we had intensive discussions on concepts, theories and methods, and on the meaning of gender-aware research. The seminar concluded that gender-awareness is consciousness of women's lives and stated that gender-aware research:

- is awareness of the gender-specific differentiation in the social, economic and cultural position of women and men, and the consequent differences in needs, possibilities, options, and constraints;
- includes a qualitative dimension and tends to be process-oriented;
- requires a collective endeavour.
- calls for commitment to changing the social context removing the constraints and obstacles in women’s lives.

Five years ago a second seminar was held in Lund. In spite of the use of the gender concept, the efforts were still primarily to make women visible. At this third seminar we could conclude that there is still a great need for research with the aim of making women visible in housing research.

Gendered Power Relations in Housing was the theme of this third seminar. Not many of the papers presented explicitly research into power, but the theme is there implicitly, especially so in the many papers which deal with legal issues. State regulation of gender power in law is central in housing studies. Experiences from legal studies provide to a large degree the basis for the theoretical and methodological papers.

**Gendered power relations in housing—the central concepts**

Housing is, in this as in previous seminars, widely defined—some of us have preferred to talk about Habitat. Housing is not just the house, it is not even just the neighbourhood, although we include the neighbourhood and all services needed in the meaning of the concept. For our purposes housing is defined as including all rules and processes which are involved in providing the everyday living environment.

The concept of gender refers to the socially constructed relation between women and men. It refers to changeable and culturally variable rules and norms. Thus, gender refers to social differences while sex refers to biological differences. This dichotomy between gender and sex has been criticised. Neither men nor women exist outside of their bodies, and it was argued at the seminar that an understanding of gendered power must start with the body, not as a biological anatomical object but the body as the result of a discursive, familial and socialisation practice.

It was also noted that although the definition of gender as a social construction includes a notion of power relations, when used in applied gender research and gender planning this power aspect was most often lost. Sometimes the gender concept even served to diffuse the interests of women. Still, in my opinion, the concept of gender remains useful as it focuses on a relationship that is socially constructed, thus possible to change and in no way “natural”.

Power is often defined as control over resources be it in nations, communities or households. One of the controversial issues at the UN conferences in Cairo and Beijing was if a woman should have power to be in control over her own body, her sexuality and fertility. Women’s control over land and houses was another controversial issue on which discussions will continue at the Habitat II conference in Istanbul.

Power is not something that is just held. Power is rather a relation, and one party’s ability to promote its own interest within that relation. It is necessary to
see beyond individual acts to a structure of power with some generality and permanence. Power is not necessarily connected with force or violence, it also lies in relations of consensus. The latter is important in research on gender relations. If power can be based on consensus within the hegemony of a cultural attitude, a historical perspective would be useful, as today’s praxis was formed yesterday.

During the decade since the first Gender and Housing seminar, gender considerations have been integrated in many housing projects, many courses have been held in gender training, and gender planning has been established as a new professional and scientific tradition in its own right. In Africa the gender planning model as presented by Caroline Moser (1993) has had a great impact not only in planning and applied research but also in academic research.

For this reason, in my introduction to the seminar, I took up for discussion two of the central concepts in Moser’s analytical model, these are gender roles and needs. In the model women have three roles: the productive, the reproductive and the role as community manager, and two types of needs: practical and strategic.

**Gender roles and needs—concepts that hide power**

Sex role theories were developed in the forties and fifties in America and Europe to help to understand the changes in gender relations that followed on a war, on rapid urbanisation and technological development. The sex role theories distinguish between the bodily person and the role he/she plays. Thus, long before the introduction of the gender concept the role theories took the step away from biological determinism. As far as I can see the concept of gender roles in Moser’s model has not been used in any distinctive way differently from the concept of sex roles.

Looking back, it is easy to see that the sex roles quickly became normative roles: The man was the bread-winner and the woman the home-maker. This constituted the normal case in all planning and made the women’s variety of work invisible.

Role theories are easily understood and connected to everyday life experiences, characteristics which contribute to their popularity outside of academia. Role theories have been popular among politicians and planners because of their ability to provide a basis for planning and policy reforms. The role theories are useful in planning but in them is embedded the risk that participation in planning does not become a central issue. It is seldom the actor is the playwright, he or she is acting the role while the professional planners arrange the scene to the best of their ability.

While the role theories have been used in reform work for social change, they are not very useful to explain or understand social change. Expectations of role performance can explain the development of an individual, but continuously transferred expectations cannot explain social changes. I am not the first
one to note that while it is legitimate to talk about sex roles or gender roles, it is not so to talk about race roles or class roles. The power structures are too obvious in the concepts of race and class. But the power structures embedded in the gender concept are easily hidden. The role theories' inability to theorise around power and to explain the sources of resistance towards prescribed roles are the main points in Connell's (1987) criticism.

The concepts of needs may also hide power. Illich's (1995) discussion on the concept of needs expands to a criticism of a civilisation which, using the promise of development, creates needy men instead of creative men. He connects the growth of needs with the expansion and globalization of the market economy. He also notes that there is a risk with the professionalisation of the concept of needs. Planners identify the needs which they can meet. If there is no way of meeting the needs there is no point in defining them.

In Moser's model, meeting of practical needs would improve the everyday life while the meeting of strategic needs is supposed to have the capacity of transforming gender relations. A paper was submitted to the Lund seminar in 1990 by Gwagwa (1990) describing the struggle of women in Crossroads, South Africa. They were struggling for the most basic of all practical needs yet they put far-reaching political demands on the agenda: The dismantling of the apartheid system, and thereby also the gendered restrictions which were imposed within that system. This can illustrate that practical and strategic needs are not easy to distinguish. When planners operationalize needs they are part of a political process. Strategic needs should rightly be defined by the concerned community.

The concept of roles has been problematized within several theoretical schools. The concept of needs has been theoritised within psychology but not in a way which has had an impact on the planning concept. Although basic needs were used as a central concept in the development debate during the seventies they have, to my knowledge, never been incorporated into any development theory.

It must be acknowledged that the identification of three roles of women in the model has helped to make visible many activities of women that would never otherwise have been put on the agenda. Especially, this refers to the role as community manager which emphasises women's central position in the civic society. The model has been widely accepted as it helps to put women's issues on the agenda without challenging existing power relations of gender. However, in the same way as the old sex role theories created stereotypes the risk is obvious that gender roles and needs are stereotyped when used in the gender planning of today.

Households, families and stereotypes

Family and household are basic concepts in housing research and in planning, and a large part of the seminar was used for discussions on how to avoid
stereotyping. Ann Varley has shown that in housing research in Mexico women are described either as victims or as heroines (Varley, 1995a). At the seminar she pointed to the stereotypical way of looking at women headed households as always being composed of a single mother with dependent children, while many of those households are older women living alone.

Varley explored the validity of the statement that one-third of the world's households are headed by women. She found the basis for that claim weak. Finally she warned for a narrow focus on one type of household as it could undermine the ability to further a truly gendered analysis of household development (Varley, 1995b).

Nevertheless, in many communities in Africa the women-headed households do constitute a third of all households, and many of the participants felt that there was still a lot of research to do in order to make them visible. Hilda Tusingwire noted that urbanisation, modernisation and calamities such as AIDS are factors leading to rapid change, and that in Uganda there is a rapid increase of women who stay out of wedlock.

Tusingwire was studying women heads of households in high- and middle-class areas as well as in slums. Divorced women could not claim land at their father's property and they invariably ended up in rented rooms in town. Women in the poor areas saw the economy as their main problem. Women in the high- and middle-class areas complained that they were lonely and that married women in the neighbourhood suspected them of befriending their husbands. They were called banakyeyombekedde which literally means a woman who owns her own house, but is used derogatorily implying an immoral woman, a concubine or even a prostitute. The use of derogatory labels on women who organise their lives outside the control of a man, is common in many societies.

Labels can express admiration and contempt at the same time. Strong and successful women in Marondera, Zimbabwe, are admired by the society at large and may be called murume pachake which means a manly woman. While it was a negative fate in the eyes of young women, many lodging women of more mature age, who had no intention of (re)marrying, aspired to becoming manly women in the housing area (Sithole-Fundire, 1995).

Tusingwire also pointed at advantages of being in control of a household of one's own. Most women in her study found advantage in their ability to take decisions, their freedom to do what they wanted and in not being harassed by men. It gave them the ability to save money and invest in housing. More than half of the women would advise their daughters to control their own household, while men generally detested the idea.

Susanne Thorbek had done a sociological reading of the French philosopher and feminist Luce Irigaray and was inspired by her and her interpretation of antique myths to reinterpret some interviews she had carried out with women in a Bangkok slum (Thorbek 1994). Thorbek found that married daughters often lived door to door with their mother, and that those young women who did not, nevertheless visited their mothers everyday. This matriloclal organisation of
the everyday life was not just something that happened. It was often a question of struggle. By and large it seemed that men preferred the nuclear family while women preferred to live close to their mother. Oppression and exploitation notwithstanding, mothers and daughters struggled together to create lives under often horrendous conditions.

Thorbek argued with Irigaray that the mother daughter relationship is basic while the patriarchal relationships are established and re-established in a continuing struggle. Although seemingly far from housing studies Thorbek found Irigaray’s thesis helpful in that it urges us to search for the relationship between women, and for power relations within the families which are different from the stereotypes of the nuclear family which is taken for granted in so many housing studies.

In the discussion evidence was given from other countries in Africa that although patriarchal relationships are custom and are formalised by law, the mother daughter ties remain strong. In reality it is often the daughters, not the sons, that support an aged mother.

Family and research methodology

Family and household are problematic concepts in the field of planning. In legal texts, concepts are supposed to be well defined, but what is the empirical ground? The first paper presented in this book is on methodology. Mulela Margaret Munalula has been working within two research networks: The Women and Law in Southern Africa, WLSA, and the Gender Research on Urbanisation, Housing Planning and Everyday Life, GRUPHEL. She reflected over her experience of going beyond conventional research methodology within her discipline, law. Especially, she reviewed a WLSA project in which the concept of family was to be empirically defined, and she gave an unusually detailed account of the experiences of this, and also of efforts to develop new methods of research.

The collective research work within the WLSA project was one of the things Munalula brought up. This is in line with the statement of the first Gender and Housing seminar: Gender-aware research requires a collective endeavour. Unfortunately, few efforts in this line have been reported within housing research. Rita Liljeström added to the discussion by referring to her experience of working with a group of Tanzanian researchers on the theme of teen-age girls’ reproductive health (Tumbo-Masabo & Liljeström, 1994). There are many hindrances to the development of collective research methods, for example conditions for funding and individual research carriers, it was therefore interesting to note that African women researchers have taken important steps in such a direction.

At the same time, it was pointed out in the discussion, many researchers found the acceptance of any non-quantitative method low in Africa. This is especially so among planners and policy-makers and other users of research
results but it is also so in their academic institutions. A methodological strategy was to combine a wide range of methods.

Munalula also referred to the epistemological discussion on what knowledge is valued and on who is considered to be the knower. In feminist research there has long been an awareness of the risk of exploitative relationships between the researchers and the researched. The researchers collect information from the knowers in the community studied and very seldom give anything back. In the WLSA project the researchers counteracted this by combining interviews with legal advice and education. This is also in line with the 1985 statement: The call for commitment to change the social context. In analysing their interviews the researchers, as always, have to consider what in the situation may affect the information provided by the informants.

With the contribution of Signe Arnfred the need for working on a conceptual level, for trying to coin new concepts was further discussed at the seminar. Arnfred argued that reconceptualization is necessary to de-colonise minds in order to make space for perceptions from the South and for female perspectives. Arnfred, who is a sociologist, is like Munalula drawing from experiences within the WLSA project. She discussed self-reflection, positionality and reflexivity and argued for a view of research as dialogue.

Equality and dual legal systems

In her paper Arnfred investigates the dual law systems of Southern Africa. She discusses the concepts of belonging and equality in the light of these law systems and of feminist strategies. She problematises the content of the concept of equality. Customary law and customs are often seen as the hindrances to equality, and it is from the locked and unfruitful positions in this dichotomy that Arnfred is searching for new paths.

For Diana Lee Smith it appears that most women activists advocate the Western market model of land registration, not because customary law did not provide women with any power at all, but because those powers have been eroded. Lee Smith’s paper examines the gendered access to land in a historical perspective. By reviewing concrete histories documented in the literature she manages to illustrate that the dual law system was not dichotomous alternatives but provided space for women to elaborate strategies for control of their housing situation most often informally and indirectly. In response to lack of power they developed strategies using motherhood and wifehood as trans- actional tools. She gives examples of how custom is reinterpreted in different ways by different groups in the process of urbanisation. She finds that women both lose and gain in that process.

Anita Larsson’s paper presents a study of how women strategize in order to obtain housing in urban Lesotho in spite of their weak legal rights. Larsson introduced the concept of gender contract as an abstract, invisible social contract which regulates the relations between men and women at all levels of
society. Used in relation to the dual legal situation it helps to bridge the dichotomy in analysis between civil and customary law. The use of the concept of contract leads to situational analyses in terms of negotiations. In their actions women are negotiating their rights and in doing so they are changing the gender contract. Urban women in Lesotho, knowing that they would lose a struggle for direct control over a house, strive to gain indirect control. By negotiating and manoeuvring many of them succeed to keep their houses and their good family relations.

The problem noted in the seminar debate, was that an increasing number of women were denied belonging and, in the space for interpretation between the laws in the dual law system, they were not covered by the security of belonging to old patriarchal systems nor did they have rights to act as individuals. The destitution of widows in Zambia and Zimbabwe is only one such example, there are many situations in everyday life where belonging fails and women look for rights (Nkwilimba and Clark, 1994).

**Informalisation and forms of tenure**

The cities of Africa are within a process of informalisation, which refers to physical growth as well as economic activities. Most cities are surrounded by unauthorised housing areas which may appear homogeneously poor, but which are nevertheless differentiated according to income. In the settlements at least two types of housing markets usually operate, the ownership market and the rental market. In unauthorised settlements in many cities, housing is not fully commercialised. A legalisation of a central or in other respects well situated settlement often leads to the establishment of a housing market in which the poorer inhabitants lose out and a so called process of gentrification starts.

_Mariken Vaa_ presents a study of an unauthorised settlement in Bamako, Mali, which was subjected to an upgrading programme. She notes that the poorer and the somewhat better off households responded differently to the idea of upgrading. While the better off welcomed an improved environment and a subsequent increase in values, the poorer were afraid that their houses would be affected by new roads and that they would not get any compensation in the case of their destruction. Even if they were allocated another plot they could not afford the resettlement. They were also afraid that for them unaffordable standards of housing would be enforced.

The gendered responsibilities in the households are changing. _Mariken Vaa_ found in her study, that women's income was low and irregular, nevertheless it was in many families the main source of income. The burden of poverty was shouldered differently by men and women and in a way that opened a gap between social norms and actual reality. Women may get a little more autonomy, but as a rule men's inability to provide did not challenge their authority in their families. Only in some younger monogamous families did Vaa find new cooperative patterns between the spouses.
Domestic work is in many African countries the single occupation that employs the largest number of persons, and in most countries these persons are women. The sector has provided an opportunity for women to find work and accommodation at the same time. Miranda Miles paper presents a case study of domestic workers in Swaziland. She discusses their housing strategies and relates them to the Swazi planning and housing policies. The “live-in” strategy means lack of privacy and security but is applied by those who cannot afford a rented room in an informal settlement. Poverty and gendered access to land make home ownership just a dream.

A trend in most African cities is that access to ownership has declined, in informal as well as in authorised settlements. Even in Gaborone where land is plentiful and given no monetary value, and where the government until recently provided plots for people in rather low income brackets, poor people now have to rely increasingly on the rental market. Kavita Datta’s paper examines the complex relationships between gender, households and the housing markets. She reviews the experiences of women as owners and as tenants. She further introduces a category which has so far been made invisible in most studies: the sharers.

The sharers were often young, and in other studies they have commonly been recorded as dependants or guests. They are often unemployed and have remained or become sharers because they cannot afford to pay rent. They do contribute to the housing costs if they have any income but mostly they are supposed to pay in kind which, if they are women, means doing domestic work and looking after children. Usually they have no space and privacy of their own and cannot have many possessions.

Datta does not include family members in the category of sharers. A large group of people who do not have the possibility to form a household themselves are the grown up children of the urban families. Karen Tranberg Hansen notes that in the site and service area she has studied in Lusaka, adult sons and daughters “sit” at home. This second generation are in spite of better schooling less likely than their parents to get a job and to become houseowners.

Hansen also argues for a policy of rental housing in an effort to break the male dominance of ownership. The dominant policy in many African countries during the last decade has been pro home ownership. Council rental houses have been sold off or transferred to the sitting tenants, or more correctly, to the male head of the sitting tenant household. By this the councils were relieved of a maintenance problem which they could not handle. With the exception of slum landlords providing unauthorised tenements, private investors have so far not seen ways of making rental housing for those with a low income profitable. A majority of the population in authorised as well as unauthorised housing areas are usually tenants, but often in houses planned and built for home ownership. There is certainly need for more research on tenancy forms and on possibilities for security of tenure.
Organisations, networks and solidarity

*Matseliso Mapetla* notes, in her study of women beer brewers in Lesotho, a great solidarity within the group of brewers. They have not created formal organisations but they cooperate in the case of need in order to help each other. The women are certainly not just victims of their poor circumstances and of their weak legal rights in relation to men. The women know how to enjoy relationships with men. They let the men act as heads of households but they maintain a degree of security and power by not marrying and by having the house rented or owned in their own name.

*Joyce Malombe*'s paper presents the long tradition of women working together in women's groups in Kenya. The women's groups have been formed for a variety of purposes but often in order to roof the houses with iron sheets instead of thatch. For an individual woman the women's group provided a space of independence from her husband. Some women had to join secretly. Malombe identifies obstacles for women's groups today to repeating the successful roofing programme: the price of building material, the traditional land ownership rights, and women's inaccessibility to credit. Men's control over women is also an obstacle and women struggle to get a more positive attitude to the women's groups from their husbands, and for a less unequal division of labour between the spouses. Malombe concludes with a demand for legal reforms to ensure women's rights to land and property.

In the discussion Lee Smith noted that in Kenya the women's groups had been very strong for a long period of time. Women were not infrequently leaders in traditional kinds of organisations such as burial societies and merry-go-round groups. Women's groups also initiated and worked hard in urban residential movements but in mixed groups their often *de facto* leadership positions were not acknowledged.

In other countries, such as Botswana, the tradition of women organising themselves is not so strong, and with a state policy which has also provided individual plots for those with rather low incomes no collective forms of organisation have emerged. Reporting from Nigeria *Yomi Oruwari* emphasised that people had to rely on themselves more and more and did not expect anything from the government. Other participants supported the view on women's networks and organisations being strengthened by the inability of the government to provide even the most basic services and land for the poor. Strengthened by a negative development, the positive hope for the future was, nevertheless, tied to grassroots organisations of women, and to organisations of women and men. Networks and solidarity in everyday life should be the starting point in the discussions at the Habitat II conference.
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Chapter 2
Conducting Gender Research in Zambia

Mulela Margaret Munalula

Several years ago I came across an article entitled ‘Who is the Other?’ (Parpart, undated). The title was inauspicious but the contents were profound. The message in the article proved to be a turning point in my whole perspective on life. It contained a discourse on the division of the sexes into the first and second sex; and it brought home to me the reality of gender as a system of social relations. Coming from a middle class background with a father who valued education unreservedly, I had always had access to the same education and later the same profession and career as any members of the opposite sex. I had never been exposed to my own “inferiority” until I read that article. It was the beginning of my great interest in the dynamics of feminism and gender.

My interest has been to focus specifically on gender research in Zambia and the Southern African region as a whole. In this regard, I have been privileged to be a member of the Women and Law in Southern Africa Research Trust (WLSA) and to have participated in the Gender Research on Urbanisation Planning Housing and Everyday Life (GRUPHEL) Project, both of which have been breaking new ground in research methodology and data analysis. The following account depicts, sometimes in graphic detail, the rich and multifarious experiences and insights gathered from several years of individual and group research.¹

FINDING THE PARAMETERS

Gender research is one of the most productive attempts to rejuvenate the processes of creating knowledge. By recounting the efforts to question traditional methodologies, this paper represents a validation of alternative research methodologies. For instance, it discusses the use of gender as a cross-disciplinary concept which is critical to any meaningful analysis of the process of sustainable development. And in particular it focuses on how legal research can

¹ The references to the group research do not in any way make this either a WLSA or GRUPHEL paper and the interpretations and views expressed herein are purely my own conclusions on what I experienced and learned.
become more relevant by decentring classical legal theory, and formal law and practice. The influence of feminist methodology is evident from the emphasis on epistemological issues and employment of ground up approaches as well as the reconceptualisation of traditional research concepts such as objectivity.

In order to be receptive to the arguments raised in the paper, the reader ought to begin from the premise that orthodoxy is sustained by the negation and subordination of radical theories, thereby perpetuating the concept of the other which is reflected in the disregard of the Third World knowledge for a start but more importantly, in the disregard of the female gender. In order to eliminate a discriminatory approach to knowledge and to social relations and institutions, it becomes critical to eliminate the focus on positivism and the concept of the other.

At the risk of overstating the obvious, gender research begins with an understanding of the concept of gender and its value in research, particularly for feminism. In its simplest form, gender refers to the social construction of male and female into masculinity and femininity. It removes the biological focus on sexual attributes and brings into play, the role of society in constructing male and female status and relations. Since gender is socially constructed, it follows that it can be deconstructed and reconstructed in a more equitable fashion; making gender an exciting concept in the struggle for sexual equality.

Gender is not only descriptive of social relations, it is a key analytical tool for the study of societies. It cuts across social science disciplines; it cuts across issues and it can be employed across methodologies. Perhaps its greatest utility lies in its employment to challenge accepted epistemology and validate alternative theories about research and methodology. It provides the means to question who can be a knower; the process of generating that knowledge and the implication of this for social relations. It problematises social relations to find the power inequities between male and female and locates these in men’s and women’s social circumstances and lived experiences.

Gender and law

Recognising the place of gender as an analytical tool in sociology is a fairly well documented process. Making the links between law and gender particularly in the African context is less so. Traditionally law is and has until recently, been a very conservative discipline. Jurisprudentially, law is dependent on the acceptance of its superiority (Smart, 1989). But with the development and proliferation of alternative discourse even law has come under attack. Firstly from critical legal scholars who have argued against the black letter law tradition and the uncritical approach of most legal scholarship (Fitzpatrick and Hunt, 1987).

Secondly, informed by women’s lived experiences, feminist legal theory has focused on the limitations of law in propagating and regulating gender equality (Bartlett and Kennedy, 1991). The critique begins from arguments which see law as a male construction and therefore inherently biased against women in its
inception and manifestation (MacKinnon, 1987). Thus law's apparently unjustified claim to neutrality and therefore superiority are viewed as major limitations to the whole process of gender equality. Hence effective legal reform must begin with a re-examination of legal theory before changes can be made in the substantive rules and procedures that govern social relations.

Feminist jurisprudence is a critical factor in gender research; not only because changing social relations must be conducted within some form of legal framework, but also because it is amenable to grounded theory which begins from the bottom. Thus it enables the people’s voices to be heard and takes into account the underlying power relationships which permeate society and its institutions as a whole (Harding, 1987).

CONDUCTING GENDER RESEARCH

My research experiences over the past six to seven years, have revealed two basic tensions. Firstly there is the tension between traditional methods and feminist method caused by the need to maintain validity and objectivity. Secondly, and based on the first, there is the tension between the need to work from the ground upwards and the importance of retaining a clear theoretical and conceptual framework. Employing alternative discourse does in itself provide a theory which is very liberating in the process of research provided an adequate level of coherence is retained to enable the research to retain a clear focus. However this liberation is apt to lead to a complete loss of anything to anchor the findings on. These key issues are dwelt upon in the following account and analysis indicating the difficulties of maintaining the fine balance between the various tensions in order to conduct good research.

Posing a problem

Within a gender framework, almost any issue can be identified as a possible researchable problem. And the easiest way in which to find an issue is to focus on what is not only of interest to one but what is within one’s field of expertise. Problematising the issue for research is much more difficult. And at this point it helps to read widely on the subject and thereby identify the research gaps. The library facilities which exist in a country like Zambia however mean that much of the available literature is scanty and generally several years if not decades out of date. If more recent literature has been published but is located in libraries in other parts of the world such as the developed North, then this can prove to be a major disadvantage, because one may not have access to it. Access to the Internet will of course help to alleviate this difficulty. On the other hand if very little has been written on a particular subject then one clearly has more choice as to what can be researched.

But whatever the position, once one has identified the research gaps, the safest way to find a valid problem is to frame it in more current methodological
considerations, focus it as much as possible with regard to issue as well as the subjects (taking care to avoid over researched areas) and place emphasis on the most current aspects of the issue. For legal researchers, a good example of this is a new enactment or statute. Thus a new legal development will most certainly have nothing written on it. It will be current in terms of both the issue it relates to and the subjects that it is intended for. More current methodology for handling such an issue is for example the activist research process which is used to educate the public as to the meaning of the law; or multi-disciplinary, in which perspectives other than the legal are used to bring the law to "life".

In 1991/92 under GRUPHEL, I carried out a study in gender and housing within the Lusaka area, by conducting a qualitative inquiry. I was easily able to identify this as a researchable and current issue but my difficulty arose from whether I was studying a legal problem and therefore within my field of expertise or not. Employing a sociological perspective meant venturing into the unknown and possibly great difficulty in analysing the data. It was thus of primary concern for me to resolve this difficulty right at the beginning of the research process.

In this, my first gender oriented research, I was looking at the question of home ownership. This ownership was not defined in legal terms but rather on the basis of who had control. Thus my problem for investigation was the underlying social values and the extent to which these values determine who is the head of the household; and therefore the owner of the home. At face value, this is a sociological and not a legal problem. However, by employing a perspective which emphasised the irrelevance of existing state law if it was unable to deal with the many difficulties created by local culture and values, I was able to posit the problem within the sphere of law. Thus my problem was framed in such a way that I was examining the implications of basic sexual inequality, whether under customary law, culture or practice, for women's access to, ownership of and control of housing.

Theoretical and conceptual framework

Having identified my problem, my next step is usually to find an analytical framework which could effectively guide my research. This framework is critical for good analysis because without it one may not only collect irrelevant and unmanageable data but also fail to interpret the data and draw any logical or useful conclusions.

In a desk research which I carried out in 1992 on the role of the law as an instrument of social change in Zambia, finding a theoretical framework was really a matter of making the link between the concept of gender and the law. I did not have to 'find' gender because this was the guiding principle which 'found' the problem, but I did have to manipulate 'law' in order to make it broader in definition. Believing that underlying social values are manifested in society through some regulatory mechanisms which form their own normative
rules, I sought a framework which would not only liberate law, but would also permit me to problematise the social structure. And I found the ideal framework in legal pluralism.

Plurality of law accounts for the fact that people are able to lead orderly lives without direct reference to state law. Therefore it decentres state law, by validating the various regulatory institutions and mechanisms within society which are not recognised by orthodox legal doctrine (Moore, 1978). The importance of such institutions being their legitimacy which they obtain directly from the societies that they regulate. Sally Falk Moore has articulated such 'alternative' law as a series of social fields membership of which attracts certain rules and procedures and does not preclude membership of other social fields, so that fields overlap to create a complex chain.

This framework easily interfaced with gender because its own justification lay in recognition of the "other". It problematised the status quo and sought a deeper understanding of what is perceived as not only reality, but the norm. Thus it went far enough to raise epistemological questions permitting the re-examination of who can be the knower and what is knowledge; and it was thus able to circumvent the epistemological crisis which is likely to arise when one adopts an extremely liberal framework which is informed by alternative discourse.

In later work, it has been possible to manipulate this framework to permit the use of rather unorthodox methodology and data collection techniques. For instance, under WLSA, we have been able to vindicate "ground up" approaches in which we try to put forward the subject's viewpoint; we have been able to indulge in research in which we not only acquire information from the interviewee, but end each interview by providing legal advice/education, and we have been able to employ activist research which has resulted in substantial law reforms. But most important of all, we have been able to conduct research into law beyond the bounds of the black letter law tradition.

Data collection instruments

Selection of methods and instruments when employing 'ground up' approaches is extremely difficult. It essentially means utilising qualitative methods and making them as open as possible without losing the focus of your study. I have found it useful to employ more than one method/technique and therefore more than one instrument.

During the GRUPHEL research, I used a census survey, in-depth interviews, court records, a few case studies and a literature review. Each of these instruments served a unique purpose, but together, they were able to supplement, control and strengthen each other as well as the data collected. The Government census conducted in 1990 proved to be an unexpected bonus because it provided a country wide picture of the household structure and women's position in it; thus providing the comprehensive facts and figures which make quantita-
tive techniques so important to policy makers. This statistical picture was further validated by the literature review. Having grasped the general picture, made it easier to focus the more specific and detailed data obtained from the court records, in-depth interviews and case studies.

The main drawback of the multi-method approach, however, is the likelihood of collecting too much data and being swamped when one reaches the analysis stage; however this risk is more than made up for by the high levels of objectivity and validity achieved.

Increasing confidence in the use of innovative methodology as well as the type of problem may enable the use of fewer instruments. In research conducted more recently in 1995 under GRUPHEL II, in which I was investigating the threat of gendered domestic violence to the concept of the home as a shelter, I used mainly two types of instruments i.e. a category adjustable interview guide and perusal of court records. The dearth of local literature and statistical data on domestic violence clearly ruled out the possibilities of using these options, but I did bring in the focused group discussion during the process of analysis. This was necessitated by difficulties in analysis which were perpetuated by both the limited instrument variety and the problem under investigation. I faced problems with validation, control and objectivity. The interviewees’ (accused persons in particular) responses appeared to be inspired by the instinct of self-preservation. Furthermore there were major discrepancies between the courts’ findings of fact and the accounts of the accused persons. Trying to test the interviewees through repetitious questioning and rephrasing did little to help and I was forced to tackle the problem of how valid my findings were, at the analysis and report writing stages. At that point I decided to quote the interviewees and court records as freely and as extensively as possible and enable the readers to have access to the inherent biases and therefore obtain a more objective view than would otherwise have been the case.

The current WLSA research on the family bears testimony to the difficulties of drawing up effective instruments. WLSA’s objective in studying the family in Zambia, was to shed new light on an old problem. We sought to reconceptualise the family. Our point of departure was the assumption that earlier anthropological and sociological works had westernised the concepts of the family thus failing to link the formal legal system and the provision of social services to the reality of the indigenous Zambian family. We felt that further misconception could only be avoided by allowing indigenous Zambians to conceptualise the family from their own point of view in the light of their lived socio-economic circumstances. That being the case, we sought instruments which were as open-ended as possible.

The actual preparation of these instruments was done through a week long workshop. Each member of the group was, prior to the workshop, asked to draft one instrument chosen from the following: in-depth interviews, follow up interviews, key informant interviews, group discussions, court records, court hearings and role plays/dramas. So each member arrived at the workshop with
a draft instrument for consideration. In attendance were two consultants who had previously done extensive work on the family to help with both the refining of the instruments and the development of common working definitions of the key concepts.

In tandem with our 'ground up' approach, we were not going to go into the field with either text book concepts or preconceived meanings guided purely by our own individual experiences. Thus the concept 'family' and other concepts related to 'family' such as kinship, marriage, matrilineality, patrilineality and so on all had to be deconstructed during the first part of the workshop. From this process and taking into account language limitations and ethnic differences, we then created working definitions which would focus our data collection in the field. We tried to account for every eventuality, but even at this point, the apparent dynamism of Zambian culture and therefore social institutions was already indicative of the elusive nature of our objective.

The research instruments were dealt with one by one; with each person presenting her instrument while members of the group critiqued and questioned it. Key questions at this point were how much data did we want and specifically on what. We decided that the research should be done in stages, with stage one providing findings on the different family forms, and stage two tackling power relationships under the auspices of access to and control over resources. Initially, we should collect only enough data to deal with stage one and hence return to the field at a later stage for the second part of the problem. Our reasons for separating the data collection process were purely pragmatic, to avoid protracted interviews in which we inconvenienced the subject and overwhelmed ourselves with too much data.

The effect of this choice, which I have since regretted, was to suspend some of the research instruments i.e. those which proposed to deal with court records and hearings, and the role plays/dramas. We thus remained with the three categories of interview guides plus the group discussions. These instruments were similar in that they provided no more than a guideline for the interview. However, they were also designed to elicit complementary data. An in-depth interviewee could be identified as the central character with follow up interviews being conducted with relevant persons connected to the central character. Key informant interviews then provided the means to obtain better articulated and well-conceived information for theoretical development. The group discussions extended individual views into group images and interpretations thereby generalising the issues. We developed questions which asked the subjects to define the concept of family, its functions, the changes in family structures, the underlying values and the role of law—either general or customary.

At the end of the workshop, we felt confident that we had a good liberal conceptual framework and a well defined set of instruments and we set out to test them through a pilot study. Regrettably however, having collected the data for our pilot study we were unable to find the time to analyse this data before we started the main data collection. So unlike in earlier WLSA studies on
maintenance and inheritance during which we were able to analyse our pilot studies thoroughly and refine our instruments accordingly, this time we went into data collection with the draft instruments as they were.

When we finished data collection in our Lusaka site and began our analysis, we found that we faced a very difficult task. Although the difficulties we faced meant extremely rigorous analysis and therefore thorough results. With the advantage of hindsight, I believe some of them may have been avoided had we had more time to spend on the findings from the pilot study. I am particularly strengthened in this belief by the fact that our research plan did not permit ongoing analysis during data collection which would have enabled us to pick up on the difficulties such as gaps in our data as we went along. To exemplify, our instrument did not derive substantial data on the law because in-depth interviews failed to elicit the necessary details on conflict situations which bring the law into play. Thus it was very difficult to deal with the question of the role of the law. Consequently this has meant returning to the field to collect supplementary data when we were well into the analysis stage.

Pilot study

Testing of the research environment and the instruments may be done through a pilot study of a very small sample of the study subjects. WLSA always conducts pilot studies, the findings from which are analysed and presented to a WLSA regional meeting before the main research begins. Conclusions drawn from the study may help to refine the instruments if necessary or even to redesign the research process. Perhaps the best advantage of a good pilot study is that you get to iron out all the major research difficulties so that the second opportunity in the field is almost as good as redoing the research although on a much bigger scale. This is because a good pilot study differs from the main study only in terms of the sample size. Secondly it may serve to substantiate later findings. These two factors are particularly important when doing research which places substantial reliance on alternative methodologies or which is using fairly new tools of analysis. For while traditional research methodology has been well tested, the same cannot be said of either gender research or analysis, at least in the African context, or of radical legal research which emphasises legal plurality. Thus an individual conducting research under such frameworks ought to permit herself enough time to do a thorough analysis of the pilot methodology and findings. In addition to this the individual who is not able to benefit from working within a multi-disciplinary group which brings a broad perspective as well as a wealth of knowledge to the research process, would need to access as much literature on the subject as possible during the pilot analysis process to be able to effectively interpret the findings. One source of such literature is WLSA which has three pilot study reports on the laws of maintenance, inheritance and family forms; the individual country reports
cover six countries of Southern Africa, representing a great deal of knowledge about alternative methodology in general and piloting in particular.

A very good example is provided by the WLSA pilot study on inheritance which was conducted in all the planned research sites namely Lusaka, Kasama (matrilineal) and Mongu (patrilineal—bilateral). All the selected instruments were tested. The findings were extensively analysed and a report published. It was very useful in determining how the main study would be carried out. For instance it helped the researchers to plan the logistics better. It showed that language was not a barrier because it was possible to do on the spot translation. For local researchers, it showed that a smattering of a particular language was often adequate to ask questions and understand the responses. Thus the researchers who went to the Lozi speaking areas were Tonga whereas one of those who went to the Bemba speaking areas was Lozi.

With regard to more substantive methodological considerations, the pairing of lawyers with social scientists brought a richness to the data which would have been absent if only one person had administered say the checklist, or even if two people of the same discipline had done so.

From the pilot study, we were able to assess the effect of mixed group discussions on women. They were intimidated and we realised that it would be more useful to have separate group discussions. We were also able to determine a good size of group. With regard to litigation, a perusal of the court records indicated to us the limitations of the cases relating to inheritance—namely mere appointment of administrators. So that when we returned to the field, we were already aware of the limitation of the courts as a source of dispute resolution in issues of inheritance, and had developed our instruments to focus on informal or customary dispute settlement mechanisms.

And finally, our attempt to analyse the small amount of data collected indicated that we were likely to be swamped by data unless we could do preliminary analysis as we collected data (a finding which we later abandoned in the research on the ‘family’ when it became more critical to ensure objective analysis).

**Data collection**

Data collection processes are fairly slow when employing qualitative research methodology. It is easier to do with two people so that while one person guides the interview, the other one can do the writing. Thus even with individual research, it is advisable to work with a research assistant to help with the note taking. One interview could last approximately one hour. If it is longer than that then interviewees tend to get fretful. The ease with which the interviewees will answer questions, is very much dependent upon the clarity of the questions asked. In this regard it often helps to keep them as short and to the point as possible. Sometimes too, providing an introductory statement as to who you are
and what you are doing helps to focus the discussion and enables the interviewee to put the questions into context.

How much of what the interviewee says ought to be taken down verbatim is often a problem. One way of resolving the dilemma is to write down verbatim as much as possible and then spend time later editing the superfluous or ungrammatical elements in order to make the account coherent. In a study, in the Lui valley of the Western Province of Zambia, where I was examining gender relations among rice growing groups, I provided my research assistant with a brief list of questions which served to initiate particular issues which I wished to raise. I then carried out an on the spot translation and wrote as much of the response as possible, verbatim. Where necessary, I then interjected more probing questions. In the evenings, I spent time sifting through the notes and trying to make the accounts more coherent. This ongoing analysis makes later analysis much easier because one is able to pick up the lines of thought as they develop in addition to capturing the people’s ‘voices’ which validate and bring the findings to life. So when I returned to the field on subsequent days, I was able to do so with the rudiments of theoretical threads to further refine my probing questions and my perception of the information that was elicited.

Groupwork research

In WLSA, we have employed a slightly different approach for our study of the family, which avoids ongoing individual analysis as much as possible. We went out into the field in small groups of two or three researchers. No research assistants were used because we were afraid that this would be unlikely to provide the necessary supplementing perspective of an integral member of WLSA. Most of the interviews were conducted in this manner. Strict adherence to rules in which one researcher asked the questions while the other/s recorded the interview was rarely the case, so that other researchers could interject with probing questions and all researchers could take time to make various notes which could then be included during the analysis process to clarify or substantiate the main note taker’s account.

Sometimes the control of the interview accounts was done through a different technique. Here the researchers would talk to different members of the family at the same time but in different rooms. A problem arises where the interviewees give different accounts of the same set of facts. For instance, in one situation, we interviewed a mother and son who gave completely different accounts of their social circumstances, and family structure. Deciphering what was valid in this instance almost certainly requires further investigation through participant observation or additional follow up interviews of other members of the family. Hence these two interviews on their own, were of limited utility to the study, except in so far as they made us aware of the dangers of adopting this type of approach.

The need to avoid individual analysis during the data collection meant that all analysis was relegated to some later point in time without the advantage of
preliminary and ongoing analysis. To offset this problem, WLSA researchers are expected to maintain field diaries in which they record their thoughts and observations vis-à-vis methodological considerations and whatever they consider important during data collection. In order to be effective, a field diary, preferably in the form of a large undated/undermarked notebook, should follow a certain uniformity as to the subject matter. Thus the researchers need to be clear as to what goes into the diary. Each researcher for instance should be able to make notes on firstly what they observe; secondly the manner of administering the instruments, e.g. are the questions clear, and thirdly pull together the threads developing from the findings. In this way the researcher comes to the group analysis stage with two separate sets of data. The first, an objective account of the interview and the second, an explanatory document/rudimentary analysis.

In the earliest WLSA study, which examined the issue of maintenance, data collection was not as centralised as in the current studies since different members of the group were detailed to collect different types of data from different sources at the same time. Thus while some members of the group were attending court hearings, others were conducting interviews. This meant that each particular person then had the task of analysing their individual data and submitted their report for consolidation into the main report. The results of this were that some parts of the report were particularly weak while others were excellent, creating an imbalance and lack of co-ordinated findings. An attempt was made to move away from this during the inheritance study by encouraging more group work even at the data collection stage. Despite its complexities and the cumbersome nature of groupwork, it carries the advantage of achieving greater impact.

A multiple of methods

The issue of impact is also connected to sample size, particularly in gender research where the respondents are the subjects of the research. It has already been observed that the number of techniques used to collect data will depend upon the problem and the type of information required to respond to it. It has also been noted that qualitative research often requires the employment of several techniques which complement and supplement each other. Thus for instance, in-depth interviews may be complemented by follow up interviews of parties connected to the main subject as well as key informant interviews to obtain expert opinions. Group discussions then serve to test the validity of individual perceptions within the social structures. Hence in both the individual and group research that I have been involved in, I have found it impossible to avoid the use of several methods, which is a good thing because with more methods you reach bigger numbers of the subjects. However while using more than one technique is very important for the generation of more objective data, the numbers which are so critical to representativeness in quantitative analysis are of little concern for qualitative research except where difficulties arise in
relation to the policy makers. One way around these difficulties then is to ensure that the selected sample is as representative of the variety pertaining on the ground as possible.

Researchers and the "Knowers"

A small but important part of the data collection process in qualitative research, is the confidence which needs to be established between the interviewers and interviewees. This not only refers to the need to treat the interviewees as subjects rather than objects of the research but also to avoid a hierarchical relationship in which the subject feels intimidated by the interview process. Conducting the research within the respondent’s home ought to balance out the relationship but what I observe is that for those who are economically disempowered, anything official puts them at a disadvantage. Thus in WLSA research we try to take more positive steps to balance out the relationship. While we may dress formally and drive around the middle class suburbs, our activities in the lower class compounds are conducted on foot, dressed in local chitenge wrappers and head scarves. We conduct the interviews in the language most accessible to the subjects. Only one problem cannot be overcome, and that is the need for us to carry notebooks and pens which evidently make us instantly visible as part of the ranks of officialdom. Walking down the streets, we have been subjected to clearly audible remarks identifying us as researchers and probably accounting for the fact that it was sometimes very difficult to get people who were willing to take time off to “talk” to us as we put it. I still clearly recall how one day we walked from house to house in Chawama compound, (broke off for lunch) returned in the afternoon, and still failed to find one single person to interview.

The difficulty we experienced may also be related to other factors such as the problem of privacy in the more overcrowded compounds. Not only are people aware of your activities within the vicinity and therefore able to avoid your overtures, but sometimes, when we came across a willing participant, the presence of neighbours and friends who wished to sit in on the interview made it impossible to go ahead. Often we were obliged to go into the house to ensure privacy. But this caused its own difficulties. A notable feature of life in the compounds is that the living area is often the yard or patio, so that the inside of the house is practically no more than sleeping quarters. Thus going inside the house felt like a gross invasion of privacy; which then reinforced the hierarchical relations which we sought to avoid in the first place.

Gender research is supposed to target both male and female subjects. But existing gender relations made this quite difficult to achieve. For while it was usually easy in the urban areas to interview women because they were often at home, getting hold of enough male participants to balance the numbers was not possible. Thus it was sometimes necessary to go back to a home several times or to conduct interviews at the weekends in order to find the men. The situation is not on a par when conducting research in rural areas. Here men were generally present and it was often easier to talk to men who appeared to have more
leisure time than women. Also the presence of their menfolk in the vicinity, made women less amenable to being interviewed than is the case with urban women whose husbands are often away. The effect of gender imbalance is also evident in other ways. Key informants for instance, who are targeted on the basis of their ‘knowledge’ of a particular issue often tend to be male, because of the greater presence of men in the public sphere. To circumvent this problem, I have had to reconceptualise the whole idea of who can be a knower, and what is knowledge itself, and then found that there are so many women who are available as key informants simply because of their role as keepers of tradition.

Activist research

Innovative data collection may extend to other activities both during and after data collection. For instance, in the case of activist research the researcher can take action to alleviate the perceived problem in some way, making the traditional concept of objectivity untenable. Although I have avoided the activist element in my GRUPHEL and individual research, it has been a distinguishing feature of WLSA research. In the maintenance study, activism began with imparting information on the law, carefully restricted to a session with the interviewer after the interview is completed. In addition there were workshops for various categories of people, and recommendations for law reform. During the Inheritance Research and the current study on the Family, the abject poverty which is increasing rapidly meant that even knowledge of rights was no longer prioritised as before so that we have sometimes felt it necessary to donate food and even cash to some of the interviewees because it proved impossible to carry out meaningful dialogue with people who were virtually starving. Of course this portends a danger of obtaining tainted data, and it is an issue which we still need to deal with satisfactorily.

Our initial plan as feminist researchers with WLSA, emphasised our role as activists—over the years however this has been neutralised due to demands by the funders, so that it was eventually necessary to create an action wing which is distinct from the research wing to handle the activist work and allow researchers to generate more ‘scientific’ work.

Court records

Another interesting feature of alternative methodology, is the use of local court records and court observations as a means of studying social relations and structures. These deserve special mention as they are not strictly within the realm of the black letter tradition which focuses on statutes and case precedents. Both the various GRUPHEL and WLSA studies have pointed to the value of customary laws and people’s practices as administered in the local courts and extra-legal fora respectively, in regulating the lives of most Zambians, and justifying a break from the conservative black letter law tradition.
Data collection in the local courts is problematic because of various factors. Court observations in particular present language difficulties (inaccurate court interpretations) haphazard processing of cases and problems of follow up to assess the effectiveness of court decisions. However they are invaluable for depicting power relationships at play in a situation of conflict. The over crowded court rooms, the generally male court justices and relative formality of the court atmosphere all impact on the arguments presented and the manner in which they are presented. Court observations have often revealed a gender bias.

The court records on the other hand, lack the vitality of court observations, record keeping is poor and the English transcriptions are not always valid translations of the hearing process; but they provide a more relaxed opportunity to examine conflict and the manner in which it was resolved.

My study of court records has often taken me into dusty little rooms, stacked high with records whose only claim to order is that each stack represents a different year. The numbers of cases disposed of in local courts is very high thus there are easily hundreds of cases to sift through in any one year. The absence of registers cataloguing the subject matter means the researcher must physically peruse each file to determine the issue being dealt with. It is a daunting task, but there is a simple way around it. And that is to pick a limited selected period such as a month and look at all the records for that period. Although a shorter or longer period may be selected, a month is a logical choice in that the records are generally bundled by month. In examining social change, I have simply extended this principle by comparing a month in a year in the 1980's to a similar month after a ten year span. The number of records examined is small but sampled at random.

Data analysis

There is a misconception that qualitative research is fairly 'soft' research and therefore much easier to carry out than quantitative method. An attempt to analyse qualitative data quickly dispels this illusion. Here one is not always working with clearly defined hypotheses which you set out to prove through the recurrence or prevalence of particular indicators. You are rather developing theoretical conceptions out of people's stories, experiences and impressions. This is the extreme of ground up theories. However it is possible to go into the field with working hypotheses which can make the process of analysis much easier.

Analysis of data which is qualitative in nature may be done in several ways; I have been exposed to at least three. Firstly, working within a strong theoretical framework which is very straightforward it is easy to carry out fairly conservative research. It is a simple process of applying the theory to the findings and interpreting these in the light of the theory. This type of analysis may be useful in the generation of descriptive and other empirical facts but it contributes little to theoretical development which is so critical in changing societies.
A much more complex method is the attempt to draw out the theoretical underpinnings from data collected in the field. This is particularly suitable when one is carrying out ongoing analysis during the process of data collection. I have employed this method in my GRUPHEL research on spousal homicide. This meant that I drew my own conclusions from the data and then compared these to existing theory. What was very useful here was the fact that I did not have to discount what did not fit the theory, but could seek alternative explanations for the discrepancy such as specificity. Furthermore this availed me the opportunity to reconceptualise where necessary and not be unnecessarily constrained by the theory.

This type of 'ground up' analysis has been employed by WLSA albeit differently. I have already alluded to the fact that WLSA currently employs a process of group analysis in which ongoing analysis is avoided. Group analysis renders the process rather more complex but is important for achieving WLSA's objective of developing local methodology and theory. It begins with the presentation of data in a workshop. Members of the group then extract the critical points by making constant references to the original objectives of the research. As more and more data is presented, themes begin to emerge which form the basis of theoretical threads being gradually refined as more and more data is dealt with.

For instance, in the case of the study on the family, in-depth interviews were presented verbatim, in order to enable the group meeting in session together to experience the actual interview as closely as possible and without its colouration by any preliminary individual analysis. Once the interview had been presented then details relating to the problem being investigated were extracted. The process was repeated, with each interview, building upon the earlier findings and establishing common threads which were then built into concepts and theories. These common threads reflect the original research questions as well as unanticipated or striking issues. Supporting theory is then resorted to in the consolidation of the findings and writing of the report. What is important to note is that the whole analytical process is undertaken as a group to avoid subjective interpretations, and theory is used to liberate rather than to restrain. This approach was important in that the study aimed at reconceptualising the family and validating previously unrecognised or denigrated family forms.

Report writing

The use of alternative methodology requires a great deal of explanation in order to enable the reader to understand the underlying theoretical conceptions. A failure to do so may lead to unjustified conclusions that the research is bad because it is subjective or lacking in a strong theory or clear hypotheses. Thus in my experience, it has been critical to devote an entire section to theoretical and methodological considerations, right at the beginning of every report.
The report may require two or three drafts before it is finalised. The report is often the final and only document available to the public so it is important that a report is well written, informative, and accurate. It must represent adequate analysis of the raw data and it must be presented in a logical fashion which enables the reader to clearly follow the line of thought and the reasoning. It may even include direct quotes from the subjects to illustrate particular points. I have included such accounts in my GRUPHEL work and enriched the report tremendously. Inevitably, complete analysis leads to fairly lengthy reports, which policy makers in particular and the general public may never read. In GRUPHEL II, therefore, a two step process is planned. Each researcher’s report can be long and present all the data, while the contributions to a final edition will present some interesting findings for a wider public.

WLSA has tried to get around this problem by promoting an ingenious system of repackaging. The repackaged report is shorter, to the point and tailored to suit the needs of a particular target. Thus the reports may take the form of pamphlets, posters, booklets, workshops, public broadcasts and physically going back to the research sites and the subjects and discussing the findings with them.

CONCLUSION

A methodology paper is always difficult to write because of the expected emphasis on correct theory and methods. As such this paper has been particularly difficult because it chronicles new challenges to orthodoxy and new ways of sourcing, generating and validating knowledge. Whatever the difficulties however, the process of writing the paper has been a cleansing and necessary experience which has served to clarify and bring coherence to the various research activities that I have undertaken in the name of gender, law and development. Perhaps its greatest value in this regard, is that it has enabled me to come to terms with the various tensions which arise in any attempt to cover previously uncharted ground and to begin to logically address these in an informed and ‘scientific’ manner.

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A NEED FOR RECONCEPTUALIZATIONS.

A recurrent issue in feminist and other oppositional and alternative strands of the development debate is the need for reconceptualizations. By far the most of what is written on "development" is written from a First World or North perspective. The concepts used are rooted in realities which are not the realities of most Third World or South men and women. Thus it is important to pose questions like: "Whose reality counts? The reality of the few in the centres of power? Or the reality of the many poor at the periphery?" (Chambers, 1995:1). The fact is that "these realities differ more than most professionals recognise" (Chambers, 1995:1).

Similar questions are posed by feminists, as by Sandra Harding (1991) in the title of one of her books: "Whose science? Whose knowledge?" based on the observation that much of what passes as science and knowledge is conceived and written by (white) men. Knowledge does not fall from heaven, knowledge is developed in people’s heads, people being men and women, who are not floating in the sky but living in socio-cultural settings. Language itself is only conceivable in a social context. Knowledge thus is always "situated knowledge". Sandra Harding is disclaiming the conventional Western tendency to start thought from "the view from nowhere" thus performing what after Donna Haraway she calls "the God trick" (Harding, 1991:269). In reality, Harding points out, "the purportedly universal perspective is in fact local, historical and subjective: only members of the ruling groups are permitted to elevate the perspectives from their lives to uniquely legitimate ones" (Harding, 1991:273). The observations of Chambers and Harding are parallel: the dominating knowledge is the knowledge of the dominating groups; there are close connections between power and knowledge.

The development discourse, that is the way "development" is talked about and acted out, like most other professional discourses, has this double bias of North and male. This becomes clear when key concepts are scrutinised for critical analysis, which is the project of a recent book: The Development Dictionary,
edited by Wolfgang Sachs (1993): "Each of [the key concepts of development discourse] crystallises a set of tacit assumptions which reinforce the Occidental world view. Development has so pervasively spread these assumptions that people everywhere have been caught up in a Western perception of reality. Knowledge, however, wields power by directing people's attention; it carves out and highlights a certain reality, casting into oblivion other ways of relating to the world around us" (Sachs, 1993:4–5; emphasis added, SA).

It is important to be critically aware of a) the implicit or tacit assumptions on which the concepts are based; such assumptions should be brought forward for scrutiny. And of b) the fact that concepts while highlighting something also obscure what else is around, like for instance the context of what is conceptualised. The exclusiveness and intolerance of Western knowledge should be challenged. Seen from the point of view of Western knowledge based on so-called scientific rationality, other types of knowledge and other ways of knowing are excluded and labelled ignorance.

Reconceptualization thus means working on a conceptual level, trying to coin different concepts, concepts showing the world as seen from non-Western, non-male points of view. The point of reconceptualizations is not just to make space for Southern and female perceptions as part of a project of de-colonisation of the mind. Reconceptualizations are equally necessary in the centres of power. By now it is abundantly clear that the type of knowledge and science which has been dominating in the North since the Age of Enlightenment is incapable of coping with and finding solutions for the most pressing problems of the rich societies of the North, like for example: ecological degradation and mass unemployment.

Thus instead of despising other types of knowledge, why not approach them with an open attitude, trying to find out what they are all about? "Sit down, listen and learn" is another piece of advice offered by Robert Chambers (1983 and 1994). The professionals of the North need the inspiration from the knowledge of the South also in order to understand their/our own realities in new and better ways.

Methodology: a double approach

For work on the level of reconceptualizations a double approach is needed; methodologically reconceptualizations proceed along two different roads. One approach focuses on the critique and/or deconstruction of concepts, laying bare the implicit assumptions and pre-constructed hierarchical dichotomies which guide much so-called scientific thinking.

Critique of concepts can be pursued in different ways, one example being the articles in the above mentioned Development Dictionary. Also Robert Chambers practises critique of concepts when he discusses words like poverty (generally understood as lack of income, which is a very limited understanding) and employment (which presupposes a livelihood based on wage work, which
may be a norm in the industrialised North, but certainly not in the South) (Chambers, 1995:6 ff.). Deconstruction is a more specific term, originally connected to a method of turning exclusive hierarchical dichotomies (like for instance: rational/irrational; facts/values; knowledge/ignorance) upside down (Scott, 1988) but increasingly used in a looser sense of investigating the tacit assumptions and obscured contexts of previously taken-for-granted concepts and arguments.

The Women and Law in Southern Africa researchers (see below) thus talk in terms of the deconstruction of customary law (Dengu-Zvogbo et al., 1994:63) referring to a critical investigation of the implications of the usual concept of customary law (cf. the following section of this paper). The other parallel approach has to do with the re-construction of concepts, filling in again, so to speak, the open space created by the deconstruction of the previous concepts.

When the usual ways of (professional, scientific) thinking have been deconstructed, showing their roots in Western (male) points of view and positions of power, where then to find experience and inspiration for the creation of different concepts and different lines of thought? There is a need, as pointed out by Marja-Liisa Swantz (1996:23), for “knowledge and experience from the ground level of people’s everyday life ... to meet the minds that conceptualise, even if it shakes all well worked-out theoretical constructs”. The methodological approach for doing this is field work in terms of open, qualitative research. “Reconceptualization” according to Marja-Liisa Swantz (1996:23), “can be done only by meeting reality on the ground”, in Chambers’ terms: Sit down, listen and learn. Meeting men and women living different lives, listening to what they have to say, and trying to build up new concepts on that basis. The concept of belonging (see below) is an example of a new concept created in this way.

The point of creation of new concepts is not just for professionals to achieve a better understanding of the reality of “the other”, the research “object” so to speak; the new concepts also create a new framework for understanding of the reality of the professionals themselves. Reconceptualizations, as noted by George Marcus (1992:319), are not only about “remaking the observed”, but also about “remaking the observer”. And remaking the observer’s (the professional’s) understanding of her own world. The researcher is not just an observer, but also herself an object for critical investigation.

INVESTIGATING DUAL LEGAL SYSTEMS IN SOUTHERN AFRICA

In the work of the Women and Law in Southern Africa research project (WLSA) both of the above approaches are applied simultaneously: the critical analytical deconstruction of especially customary law, and the exploratory, qualitative, open ended field studies. WLSA is a research programme run on a Southern African regional basis with research groups in Zimbabwe, Zambia, Mozambique, Botswana, Lesotho and Swaziland. Parallel research programmes on
different aspects of women’s legal positions are carried out by interdisciplinary teams in each of the participating countries.

During a period of some years I have had a particular connection to this research project, as now and again I have participated in regional WLSA meetings and workshops as an external consultant. The research done by WLSA is pioneering in so far that it is a critical investigation from a gender point of view into legal issues in general, and customary law in particular. The fact that the research is undertaken by African scholars gives it the possibility of a double perspective, as seen by “outsiders within”, the researchers at the same time being outside the topics investigated—as academics, and also inside—as Africans.

The remaining part of this paper will be a presentation and discussion of what I see as important WLSA findings, especially from the project’s recent research into problems of inheritance.

In all of the post-colonial countries studied by WLSA part of the colonial legacies were dual legal systems: modern law, as introduced by the colonial powers, coexisting with so-called customary law rooted in pre-colonial African norms and institutions. In most of the countries (excluding Mozambique) the dual legal systems were taken over by the African post-independence governments, as a matter of necessity and convenience. In Mozambique the socialist government tried to create a unitary legal system with so-called People’s Tribunals giving judgements based on good sense and justice along guidelines derived from the new Constitution. It was hoped that in this way “a transformation of the customary law and social norms would emerge, in line with constitutional principles” (Berg and Gundersen, 1991:248).

During colonialism the colonial powers in all of the Southern African countries had left judgement of civil matters to the Africans themselves, according to their own customary law. This however did not mean that they did not interfere. They did. Regarding the institutionalisation of customary law, the British created dual court systems, with different courts for judgements based on European law and customary law respectively. Also the modes of conflict resolution were affected and Europeanised, as was the content of customary law itself.

When the WLSA research teams, consisting of lawyers and social scientists from the participating countries, set out to investigate the gender aspects of the dual legal systems, they found that the dual legal systems were not dual, but plural. Beyond the official modern and customary legal systems respectively they found other systems to be working at grassroots level and in daily life. They found in other words a divergence between the law as applied by the courts—be they customary or modern—and the “customs and practices of the people” (Dengu-Zvogbo et al., 1994:257).
THE DOUBLE APPROACH: DECONSTRUCTION AND FIELD STUDIES

In order for this finding to be substantiated, the above mentioned double approach was necessary: One line of inquiry had to be the deconstruction of "customary law as applied by the courts". Who had decided, when, that this, and not something else was customary law? How and when had it become institutionalised, and with which implications? This was an investigation into history, through colonial literature, scholarly works, legal documents, and court cases.

The other line of inquiry was through open and explorative field studies, based on semi-structured interviews and observations, trying to find out about "customs and practices of the people", in other words: How do men and women feel regarding issues of legitimacy and legality concerning inheritance? Which norms do they actually adhere to, and why? How are decisions taken, by whom, and on which basis? Some results of these investigations will be presented below, in combination with findings by other investigators of similar issues in a Southern African context.

The content of customary law

Regarding the content of "customary law as applied by the courts" the WLSA researchers found, in line with other research in the field, that what was called customary law was a colonial creation, based on, but not similar to, pre-colonial indigenous law (Roberts and Mann, 1991). Customary law was created in the meeting between Europeans and Africans, and not only that, it also reflected internal struggles and conflicts between Africans and Europeans themselves. As noted by Roberts and Mann (1991:21): "Historians and anthropologists have recently come to understand ... that what colonial officials treated as immutable customary law was itself the product of historical struggles unfolding during the colonial period". Customary law must be seen as political statements, "customary law is a matter of politics and not of culture" (Chanock, 1989:76). In several Southern African countries customary law was more or less codified during the 1930's and 1940's (Roberts and Mann, 1991:22), but "what the elders and other witnesses gave as evidence of customary law was a distorted and rigid version of customary law designed to express their idea of what law should be and not what it really was... their versions were greatly influenced by the elders' anger and frustration at their loss of political power and challenges they were facing at the time from women and from young men" (Rwezaura 1992, quoted in Dengu-Zvogbo et al., 1994:256). Partly also customary law was codified through reference to precedent, i.e. the way that previous cases had been judged. Regarding the consequences of codification, Chanock (1985:9) notes: "Literary forms drove the creativity and contemporaneity of custom out of English law, and literacy and the system of precedent were eventually to do the same in the formal courts of Africa. ... The development of writing means
that tradition can no longer be discarded, absorbed or translated. Literacy changes the mutability of custom..." (Chanock, 1985:9). Fluid and flexible norms are translated into rigid rules.

**Modes of conflict resolution**

The difference between applying a rule and being guided by a norm has to do with *modes of conflict resolution*. Here the WLSA researchers noted differences in the way things were discussed in the family council, as compared to a formal court.

The modes of conflict resolution applied by the family council are neither based on, nor guided by rules. "Rather, they are characterised by broad principles, mainly procedural, coupled with certain substantive principles, such as the need to preserve the integrity of the family and to protect the interests of the most needy and deserving members" (Dengu-Zvogbo et al., 1994:254). For instance in inheritance matters "all the children of the deceased are his heirs to the extent determined by *abosendo* (the Ndebele word for family council) taking into account all the relevant circumstances. Unlike under general law the respective shares of the heirs are not predetermined and, both in theory and practice will vary from family to family. What is settled is an entitlement; their individual shares will be decided upon by *abosendo*. ... It is quite possible that the power of *abosendo* may be used capriciously or unfairly against an unpopular widow, one not liked by her deceased husband’s brothers and uncles. ... However, our informants thought that cases of abuse of this power are rare and far between, mainly because the rest of the community would be watching the manner in which *abosendo* deal with the deceased’s property" (Dengu-Zvogbo et al., 1994:105).

The important thing about *abosendo* decisions seems to be that they are based on knowledge of the particularities of the individual case, as well as on personal relations. Shared responsibilities and obligations, but also possibilities of personal aversions. This against the application of a rule, which may be more "just" in an abstract sense, but also more "unjust" by treating different individual situations alike.

Customs and practices by being written down were transformed from fluid and flexible norms into rigid rules. Norms "may be used to stake out negotiating positions as a starting point from which to proceed or as a sounding board as to the correct procedure in the cultural and symbolic sense, but they cannot be cited as rules or conditions which will be imposed. ... Precise rules may be seen as the beached whalebones of the customary processes" (Chanock, 1989:80–81).
INSTITUTIONALISATION OF CUSTOMARY LAW

Finally regarding the *institutionalisation* of customary law: Family council or customary law court? With the colonial institutionalisation of customary law family councils and village meetings were replaced by "native authority courts" as institutions for conflict resolution. Here again the chiefs collaborated with the colonial state power, at the expense of—among others—women. "The chiefs, councillors, assessors, clerks and police who make up the court are all men, whereas in the village meeting old and important women give their views and they are listened to with attention. My impression is that women are less favoured in the courts than they are in the village" (Barnes, 1951, quoted in Chanock, 1985:189). Usually women will be present and will be heard also in the *abosendo*. Usually the two types of courts apply different legal systems. In five of the six countries investigated by WLSA one system is the general law court system which normally applies common law and statute, although customary law may also be applied in these courts under appropriate circumstances. The other system is the customary law system which applies only customary law (Armstrong, 1992:76). Normally in the general law system court officials will have a formal education as lawyers, and be posted in areas where they are not linked into a series of local kin networks (Griffiths, 1994:21). This in order to secure abstract justice making sure that personal relations will not be taken into consideration. In the customary law courts, however, judgements will be given by lay judges, the lowest level here operating precisely on the basis of the type of local links which were ruled out in the case of the general law courts. Nevertheless, customary law courts as well as general law courts are parts of a state court system. In a case study from Botswana Anne Griffiths has shown that in some cases the informal customary court, the Chief's *kgotla*, is applying certain rules in a rather rigorous way, whereas in the formal Magistrate's court "the Magistrate will sit with the parties on their own with the clerk of court and deal with the discussion in an informal manner. Members of the public are not generally present and the atmosphere is not like that of formal court proceedings" (Griffiths, 1994:12). The point in this context is that by being institutionalised in a state court system customary law has moved even further away from the "customs and practices of the people" which it was supposed to represent.

BEYOND DICHOTOMIES

Having gone through this process of deconstructing customary law the Zimbabwe part of the WLSA research group ended up operating with three sets of law: General law (i.e. modern law), customary law (as applied by the courts) and "customs and practices of the people", i.e. what people actually do. This "what people actually do" by some researchers is also called living law, and regarding living law, you cannot find out about it sitting in an office behind a
The only way to find out about living law is through field studies" (Bentzon, 1995:368). In Southern Africa field studies reveal realities beyond dichotomies.

Seen from a judicial point of view the African societies are still supposed to be dual, the criteria used for applying modern vs. customary law to a case being the "mode of life" of the parties, "Western" or "traditional". "The courts have looked at various factors to determine whether a person has abandoned custom and adopted Western ways of living. Among these are the kind of marriage contracted, kind of employment, ownership of a car, kind of education of the children, whether a person consults attorneys for personal legal matters, and whether a person sleeps on a bed or on a mat, etc. ... The concept "mode of life" is, however, not clear cut and its application has resulted in conflicting court decisions and a lot of confusion." (S.M. Seeso et al., 1990:49).

Confusion arises because realities increasingly transcend and surpass the legal dichotomy. Men and women nowadays oscillate between the systems, using both and mixing elements from one or the other whatever seems to fit their present needs, and according to the kind of powers they are able to command. Thus the situation is not either/or: either customary or modern law, but both/and: mixtures and muddles (Petersen, 1994:12). Obviously the situation is quite open to manipulation, and depending quite a lot on the skill and the resources (of different kinds) of each litigant. In this context women will often be at a loss, because of inequalities of bargaining power (Griffiths, 1994:18), but the WLSA research also tells about widows applying quite effective coping strategies both to access the estate and to cope with the death of a spouse (Dengu-Zvogbo et al., 1994:271).

BELONGING

One of the motivations for the WLSA researchers to embark on an investigation of inheritance was the introduction of new laws in several countries with the specific aim of improving the situation of women at the dissolution of marriage by the husband's death, or in case of divorce, in terms of access to matrimonial property. How did these new laws affect the lives of the women? A surprising finding in this context was that in some cases, even when the woman knew about the law, and how to get access to court, she still might prefer a settlement according to family agreements, leaving her with less property, but maintaining good relations to the husband's family.

Ann Schlyter (1993:33 ff) has studied the impact of one such law: The Matrimonial Causes Act in Zimbabwe. The law was introduced in 1985, but still in 1991 Schlyter found surprisingly few women of those who lose their urban home in a divorce are taking their case to court. Why? Schlyter suggests a number of possible reasons: the law still being new, and not (yet) known to the women, difficulties for poor people to get access to court, scepticism as to what would be gained by a court case. In addition to this kind of reason the WLSA
study of inheritance found another, which is different in character: some of the
women might not want to take their case to court. They might have different
priorities. To these women—widows in the WLSA case—a continuation of their
belonging to the extended family was more important than a share in matrimo-
nial wealth. "Their concerns included the spiritual sense of connectedness as
well as the need to remain with the extended family to retain contact with the
ancestors which have spiritual powers over their lives and that of their chil-
dren" (Armstrong, 1994:7).

The point in highlighting this type of choice is not to say that when family
relationships are strong, property does not matter. Of course it does, and of
course women should not be forced to trade off an equal share of matrimonial
wealth for the spiritual connectedness to the husband’s family. The point in
highlighting this choice is to point to the blind spots and limitations of modern
law. Modern law is geared to deal with property, not with belonging.

In actual fact this kind of choice exerted by women who have knowledge
about and access to other solutions, invites to a rethinking of the conceptual
foundation for the entire women’s movement. As noted by Alice Armstrong in
a 1993 WLSA draft paper: "Much of Western feminism has been motivated by a
desire for independence from men, from the extended family, from traditional
authorities. But here we had women telling us that they didn’t want that inde-
pendence. We started to re-evaluate: Were they telling us they wanted depen-
dence? No, we began to realise that it is too simple to look only at the dichotomy
of independence and dependence. There is at least one more possibility, which is
neither independence, nor dependence—a sense of belonging that does not force
a woman to be totally independent and perhaps lonely, but neither does it force
a woman to be dependent and perhaps thereby restricted. This belonging may
come from a support group of women, or from the family, or from the commu-
nity or from work, or elsewhere" (Armstrong, 1993:15).

Parallel to these reflections prompted by the women’s priority of belonging
are observations made by Maria Mies in a critical discussion of Western femi-
nist thinking. She discusses the limitations of the concept of self-determination:
"The demand for self-determination, for autonomy with regard to our bodies
and our lives, is one of the fundamental demands of the women's movement," she
says, but now "Third World women criticise the demand for self-determi-
nation ... The utopia of the independent, isolated and autonomous female
individual is not attractive to them. They oppose patriarchal exploitation and
oppression, which, in their world as in ours, is often perpetuated by the institu-
tion of the family. But their concept of women's liberation does not imply sever-
ing all communal relations, they cannot conceptualise the isolation of the indi-
vidual women as something positive" (Mies and Shiva, 1993:220).

Thinking further about belonging points to the value orientations inherent in
customary law. When asking about "What is the purpose of customary law
regarding inheritance?" the WLSA Zimbabwe team got the following answer:
"Inheritance according to our custom was to make sure that the family
wouldn't break up, that the children will grow up knowing their relatives and their home. ... The purpose was to take care of the children left behind” (WLSA Zimbabwe, 1993:92, emphasis added, SA). Which is: looking after the needy, but especially making sure that group relations are maintained, over and above the life or death of one individual person. The important unit is not the individual as much as it is the social network. And social networks transcend the life or death of any individual. In the spirit of customary law marriage is a relation between family groups more than between one man and one woman. Thus in the case of the death of a husband or a wife, the surviving spouse would expect a replacement from the family of the deceased, in order for the social network to be maintained.

This non-individualism has been hard to grasp for Europeans. And if they did grasp it, they did not like it. The revolution of modernity, including modern law and human rights, was exactly to focus on the rights of the individual, disregarding their position in fixed relations and hierarchies. The freedom and equality of the French revolution is referring to this creation and celebration of the individual, freed from the hierarchies and caste-like systems of feudalism (serfdom, guilds etc.) and placed on equal footing with his fellow men. Fellow men, not women. Age hierarchies in the family were increasingly broken down, but not hierarchies of gender. Brotherhood stresses the horizontal relations to fellow men, at the expense of the vertical relation to the father. Women are strangely invisible in the project of modernity, unless they see themselves as men. The gender dimension is invisible.

VALUE ORIENTATIONS AND POWER RELATIONS

Inspired by WLISA findings and in an attempt to transcend in thinking the dichotomies which are already transcended in reality, I have tried to think in terms of a separation of value orientations on the one hand, and relations of power on the other hand, thus creating a kind of double perspective in which to look at each of the two legal systems: customary and modern. In a way this is transcending dichotomies by doubling up. But up to a certain point at least, I have found this way of thinking useful.

Looking first at modern law, much of what parades as values of modern law is in fact about power relations (breaking down hierarchies), whereas other aspects of the values of modern law, like the protection of private property are more implicit, only becoming visible in the light of alternative types of values, like for instance clean air and unspoil nature, values which are dear to everybody, but which are not protected by modern law. One of the points, in fact, of thinking in the double perspective of power relations and value orientations is exactly this: to expose what are in fact the value orientations of modern law.

Another point of this double-perspective thinking should be to transcend the either/or, and to specify the character of different brands of both/and—mixtures. Modern law is concerned about breaking down hierarchies, but at the
same time it is very focused on property relations, disregarding other types of values. Customary law, on the other hand, is permeated by hierarchical power relations, but safeguarding social relations like belonging. In some actual life mixtures of legal systems one may find modern law values combined with customary law hierarchies. Cases from Zambia and Zimbabwe of so-called property grabbing, where the deceased husband’s family swarm into the house of the widow, claiming everything of value in their brother’s home, even selling the house under the feet of the widow, look like the power relations of customary law, combined with the material property focus of modern law. Whereas other combinations of modern law’s insistence on non-hierarchical relations, combined with customary law’s concern for belonging, appear much more attractive. The double-perspective thinking should be able to identify situations where legal practices are mixed in this way, highlighting them as possible models for future development.

EQUALITY?

The freedom of the French revolution turned out to be individual freedom, independence and self-determination, under conditions of modernity indistinguishable from isolation and loneliness. In this context it is thought-provoking to realise that according to recent statistics more than one third of Danish households consist of one person only living on his or her own (Danmarks Statistik, 1995:23). Brotherhood was discussed above. What about equality?

In the recent negotiations preceding the drafting of South Africa’s interim Constitution a major battle was waged between on the one hand the defenders of culture: representatives of the traditional leaders, and on the other hand the defenders of equality, among others a lobby group led by black women delegates, and uniting women across party lines (Kaganas and Murray, 1994:411).

The traditional leaders defending culture were also “repeatedly and provocatively” insisting that women are not the equals of men (Kaganas and Murray, 1994:410), and that “if gender discrimination were outlawed in customary law, very little of customary law would remain” (Kaganas and Murray, 1994:412).

The women on the other hand argued that in the foreseeable clash between a) cultural practices and customary law (based on gender inequality), and b) constitutional guarantees of equality and non-discrimination (Kaganas and Murray, 1994:416), “the right to protection of culture must rank below the right to equal treatment” (Kaganas and Murray, 1994:417). The women and their allies won the battle, making sure that the Constitution, while it contains a right to participate in one’s culture, also guarantees gender equality (Kaganas and Murray, 1994:411). What is remarkable is that through the whole article, as presumably through the whole debate, the argument has been going between “culture” and “gender equality”, the concept of culture being discussed, as high
culture vs. "way of life" (Kaganas and Murray, 1994:413), while the notion of gender equality is taken for granted without any kind of qualification.

Equality, however, is a tricky issue, not least in the context of the women's movement. A series of qualifying questions must be asked, like for instance: Equality in which respect? Equality on whose terms? Too often the implications of demands for gender equality have been a kind of gender neutral female/male similarity on male terms. So called gender neutral laws are seen as an advantage, even if the tacit assumptions behind this presumed gender neutrality is a male dominated society: a society where the male is taken as the norm to which the female must adjust. For centuries in European science and philosophy a human being has been a "he"; woman was "the other". The price for gender equality on so-called gender neutral ground is repression and marginalization of what is specifically female. As put by Elizabeth Grosz (1994:90): "A feminism of equality is unable adequately to theorise sexual and reproductive equality". Simone de Beauvoir saw the female body with its rhythms and unique capacities for creation as an obstacle to equality. Thus in the light of equality female sexuality and regenerative forces (Swantz, 1994:105) are seen as obstacles and not as precious possibilities.

Customary law is explicitly gendered. The gender (and age) hierarchies are open and visible. Modern law presents itself as gender neutral, but the alleged gender neutrality is established on male terrain: the gender neutral norm is male. Gender equality in common parlance means: women having access to male jobs, women taking over male positions of power. The complementary move of men taking over female positions of responsibility for childcare and social relations is much less prominent. Even in a country like Denmark with an advanced level of formal gender equality, which is reflected in, for example, a labour market with an almost equal number of men and women in the workforce (and the corresponding fact of a double income being a necessity for a normal family living standard)—even in Denmark housework is still shared very unequally along gender lines. When a woman marries (i.e. moves to share a home with a man) her housework increases with five hours per week, whereas the man when he marries spends one hour less on housework compared to before his marriage. When children arrive the difference in time spent on housework increases further (Møller Christensen and Larsen, 1994).

Another problem with the presumed gender equality is that it only works on a formal level. Again Denmark may serve as an example. We have a law explicitly against gender discrimination in the labour market, and the female share is almost half. But even with all these precautions gender discrimination flourishes in real life. On the whole women earn 40 per cent less than men: there is a majority of women in low income brackets, and a majority of men in high (Møller Christensen and Larsen, 1992:12). Even in a gender equality place like Denmark the trend of feminization of poverty holds true.
TO SUM UP

Unqualified demands for gender equality run a considerable risk of bringing about nothing but a) gender neutrality on male terms, which is a mixed blessing for women (and for society in general) and b) cosmetic changes on a formal level, with other forces being active in real life. Seen in the context of the previously discussed dimensions of power relations and value orientations, the problems of the unqualified demand for gender equality are a) that it addresses only the power aspect, being blind on the value side, i.e. with no considerations regarding priorities as to what kind of power should be pursued. And b) that even with this limitation gender equality does not work in the economic reality of market forces.

Here a different agenda of commodification is at work, an agenda to which men and women tend to have different responses. Another reading of the male/female differences in housework and childcare quoted above could be that women, have other priorities. Danish women may be less concerned with equality, especially in so far as this means equality on not only male but also market terms, and more concerned with values: of making sure that the children are looked after, of spending time with the children rather than working extra hours at the job in order to promote career possibilities.

Value orientations of this kind are rarely conceptualised. Hardly even in the women’s movement. The Women and Law in Southern Africa findings regarding belonging might be considered pioneering in this respect. The issues involved in the South African debate about the Constitution, judging from the Kaganas and Murray (1994) paper, represented two types of power structures, the hierarchical versus the egalitarian. If value issues had also been considered, the notion of equality could have been questioned and qualified (What kind of equality? Does it include sexual and reproductive equality?) along with a reinterpretation of culture and customary law. Why leave this whole area to be defined by traditional leaders? The traditional leaders claim the interpretative power regarding custom, but why let them do this unchallenged? Now as before customary law is a matter of politics. It is a challenge to feminists, male and female, to take over the discourse of custom, tradition and culture, and to point to other possible interpretations. Instead of discarding customary law as simply hierarchical and backward, it could be reinterpreted on terms sensitive to the value—and not just to the power aspects. As put by a WLSA researcher: “Tradition, or the customs of the past, incorporated values and protections which, although gendered, were in many ways in the interest of women. We can correct the incorrect versions of customary law, by restating it in ways that emphasise the protections and rights offered to women rather than the control offered to men. When men say that women do not inherit we say that widows and their children were taken care of. ... We point out their errors and restate the customary law—we take over the discourse of customary law” (Armstrong, 1995:5).
This issue is not only an African one. There is a general need of conceptualising values, and of law in the light of such value considerations. Particular choices that seem odd and irrational from an equality point of view and thus are discarded as backward, reactionary or naive, may be based on these types of un-conceptualised value priorities. Much research is still to be done along these lines. Investigations into "customs and practices of the people" in an African context may be supplemented by investigations into "customs and practices of the people", especially women, in the Nordic countries (or elsewhere), thus constructing a basis for rethinking law in a gender perspective.

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Chapter 4

Women’s and Men’s Right to Land in Eastern Africa

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INTRODUCTION

It is the purpose of this paper to examine women’s and men’s relationship to land and housing in the context of history as revealed through studies of traditional rural practices, myths, and the changes that came with colonisation and urbanisation. In particular, the impacts this history has had on women’s current relationships to land, property, and men will be elucidated by a presentation of findings of a study carried out 1991–92 among peasants, plantation workers, and urban poor in Kenya. Strategies that women have developed in response to their lack of power in patrilineal societies will be examined. Based on the analysis made, conclusions for a gender sensitive land and property policy will be outlined, in relation to current social and legal structures in Kenya.

CUSTOMS AND PRACTICES REGARDING LAND AND GENDER

It has been noted that sub-Saharan Africa is distinguished by the prevalence of shifting hoe agriculture and lineage based societies, and that, unlike in other pre-colonial societies in Asia and Latin America, women played the major role in food production and trade in addition to their child rearing and food processing and preparation roles. As a consequence, women sometimes controlled the fruits of their labour and wielded substantial political power. Nevertheless, it is still noted that women’s power and status were less than men’s (Hay and Stichter, 1984).

There is great diversity in the residential groupings and corresponding customs for the control and use of land in lineage based societies in sub-Saharan Africa. In the peasant farming societies such as those of Samia locations in Busia, Western Kenya, and the birth places of most of the respondents in the studied plantation and urban poor settlements, land is passed from father to son. Men control land holdings which are farmed by themselves and their
wives. It is customary for the newly married couple to reside with the man’s patrilineage and not with the women’s kin group. Nevertheless, as recorded by studies of the Luo of Western Kenya, who populate an area contiguous to the peasant study settlement, allegiance to and mutual support from maternal kin were always important and they often provided land (Okoyo, 1980). This is typical for the ethnic groups of the respondents in all three surveys as shown by the data.

Traditionally, decisions about who farms a particular piece of land are based on discussion in the family and clan, guided by customs which are adaptive to the needs of various persons in the society. Those persons are categorised by their gender, age and position in the clan and family. There are also provisions for outsiders to acquire land, such as the ahoi category in Kikuyu custom (Kanogo, 1987). It is not unknown for women to be classed as ahoi and to acquire land in their own right (Njau and Mulaki, 1984).

Farming is used in a broad sense here to mean both crop and livestock production. The gender division of labour is according to custom such that broadly speaking, men and boys herd animals while women care for small livestock and food processing. Crop farming is a task shared by men and women, but it is frequently regarded as primarily a female task, especially where there are significant herds of livestock for which males are responsible. Thus following the livestock is a male activity while gardening is a female activity. This is not a rigid rule however, and men frequently have their own gardens or work on the family gardens with their wives. Land clearing is often classed as a male activity while weeding is a female activity. It is not uncommon however, for men and women to work on these jointly.

Feeding her family is considered a woman’s basic responsibility. For this purpose women in peasant farming societies have “gardens”, shanibus or otherwise designated pieces of land from which they produce crops. They also have grainstores in which to keep the produce, plus a house and associated space for the processing and production of food and tending of small livestock. This is the basis of traditional architecture in peasant farming societies in Africa (Denyer, 1978).

The minimal economic unit of the Luo is the woman and her natural children. Such units, which are also synonymous with the house represent the starting point of the developmental cycle of the Luo family. It is seen as a property-holding unit by virtue of the birth of sons, who will marry, move out and set up new houses.

As a wife, a woman held usufructory rights to land under the corporate ownership of her husband’s patrilineage. These rights defined access to communal grazing lands, farmlands, water supply, and hills where firewood could be collected, as well as access to fish and naturally growing fruits, vegetables and herbs. They were enjoyed by all wives of the patrilineage or those women within a neighbourhood, with common pasture and water as well as fuel sources. More precisely, a woman could use land in the direct patrilineage for growing crops and vegetables. Individual women do not have the right to allocate land, but the principle of corporate
land ownership, which proscribed the alienation of land, reinforced the security of
their use rights (Okoyo, 1980:195).

Again, these concepts and practices affecting economic and social relationships
related to gender and land are typical for the ethnic groups of the respondents
in the study. Change and adaptation of customs and practices are not new to
these societies.

The systems of agriculture were based on finely tuned adaptations to the
problems of the local environment, its soils, topography and climatic patterns.
The social systems and the settlement patterns were not static but in a constant
state of adaptation and interaction with those around them. Gender relations
likewise were adapted as material conditions changed. Some of the most far
reaching changes in settlement pattern and social organisation, including
gender divisions of labour and gender relations generally, have been brought
about by colonisation and modernisation of the economy on the capitalist
model.

COLONISATION AND CHANGES IN LAND PRACTICES

The acquisition of land was accomplished by four main methods traditionally:
conquest through warfare, claim to first clearance and settlement, clientship
through gifts to another group, and inheritance of usufructory rights through
the same domestic group (Okoyo, 1980; Kanogo, 1987).

Much literature has been devoted to the colonisation process and the
changes this brought in African peoples' access to land and the political
struggles that followed, leading to decolonisation. The Mau Mau, or Kenya
Land Freedom Army, movement is one of those that has been documented in
recent years, including the role of women in the political struggle. Essentially,
the colonisation process brought to an end the traditional practices of land
acquisition through conquest and claim to first clearance, although the Kenya
colonists exploited the latter practice to their advantage in developing their own
agriculture. Their later denial of the 'squatters' rights to such land was a source
of the land conflicts in Kenya (Kanogo, 1987).

Conflicts began to intensify in customary land tenure rights as a result of
colonial intervention, either directly through legislation governing access to
land or through agricultural and labour policies. Population pressure, which
is often identified as the main source of conflicts within traditional land tenure
systems, was actually a product of the colonial state interventions. The colonial
states alienated land for settler use, restricted people to designated "reserves",
promulgated laws governing acquisition and transfer of land, and set up
administrative mechanisms to implement policies of agricultural development
and labour regulation (Okoyo, 1980).

Being governments imposed by an outside colonial power, these states for-
mulated their laws and policies without reference to the local economy, social
structures, land management systems or any other beliefs or customs. Inevitably, this caused, and continued to cause, confusion and disruption in people's daily lives, political conflict, and the attempt to define new social, physical and organisational forms that can create new meanings out of the forced synthesis.

A major source of confusion and disruption was the pressure created in African societies for male labour on European farms, plantations and enterprises. The consequent absence of men from their traditional tasks and roles created new gender divisions of labour and increased women's work load. In combination with the laws governing transfer and registration of land, this created a situation where women became almost entirely responsible for the working of rural land, while losing their traditional rights to control it.

The overall objective of colonial and post colonial land tenure reform was (and is) to secure individual title under statutory law, allowing individuals to use land as collateral and thus increase productivity. However, titles rarely come in the hands of women, thus further alienating them from control over land. In patrilineal societies, land title is invariably in the name of a man. Thus a married woman's perception of her land resource is what her sons can inherit when they take wives and set up house for them. This fulfils the concept of the woman as the house, the basis of the development cycle of the domestic group.

However, the adjudication of land for individual title in this way means that men who have reached eighteen years of age may dispose of land registered in their name without reference to the patrilineage, thus potentially alienating land from those with customary rights. A study of Luo land registration in the 1970's found that 91 per cent of women were living on and working land registered in the name of a male relative. Although at that time it was not possible to predict what proportion of these women would actually lose control of that land, it was anticipated that women's usufructuary rights would be jeopardised and the links between mother and son within the lineage would be challenged (Okoyo, 1980).

INDEPENDENT WOMEN'S CUSTOMARY ACCESS TO LAND

According to the Kikuyu creation myth, God (Mugai) divided the universe and settled on earth on Mount Kenya (Kirinyaga), where he led Gikuyu, the father of the nation, and pointed out the land belonging to him and his children's children. The Kikuyu are the largest tribe in Kenya and many of the respondents in the urban poor sample come from this group. In the creation myth, Gikuyu met his bride Mumbi in the sacred grove. Her name means the creator of the tribe, which is called 'the house of Mumbi'. According to legend, they gave birth to nine daughters, and when they were grown, nine young men appeared at a miraculous rain ceremony. They were married to the nine daughters and given land by Gikuyu. The interesting part of the legend is that the daughters, in fact numbered ten. The tenth daughter, Wamuyu, did not marry but had children
and was given land by her father. She became head of the tenth clan called Aicakamuyu (Gakuo, 1992).

Across the border in rural Uganda, a category of Baganda women, banakye-yombkedde, who were never married, or who were widowed, divorced or tired of being married, had a well known status in precolonial times and into the modern period. Such a woman would receive land from male kin or pledge allegiance (kusenya) to another chief who gave her land for cultivation in return for beer brewing and helping his wives entertain. Most such women had lovers, but the pair usually lived independently, for if the man moved in he lost status in living on a woman's land. However, banakyeyombkedde were envied by other women. According to Ugandan statistics from 1932–1933, twelve per cent of rural households were headed by such independent women (Obbo, 1984).

There is a broader category in Ganda tradition, the kiresese, either man or woman. These were wandering types who helped out as labourers and took lovers or just lived alone. Older bakiresese were routinely allowed to build houses in people's compounds, and young ones did so also to afford them sexual privacy. However, they frequently moved on and the empty houses were not liked by the land holders. As a class of person they tended to stick together and intermarry, and were often not liked by others (Obbo, 1984).

According to a survey in urban Uganda in the 1970's, everyone had an unmarried female relative but most respondents considered it a bad thing. Those from the Luo tribe in particular were against independent women, and claimed no such phenomenon existed in rural areas. Evidence is to the contrary however, there being four Luo categories of independent women according to tradition:

- women who refused wife inheritance,
- women who “cannot settle down”,
- women who force their husbands to divorce them,
- young unmarried mothers who refuse to accept polygyny (Obbo, 1984).

Ndiko Wa Githura was a wealthy and influential Kikuyu woman born in the first half of the nineteenth century who had many wives. She handed them over to her male servants whom she housed and provided for. She was recognised as the head of the family groups that were her descendants. It is interesting to note that although she belonged to the Aceera Kikuyu clan, her father was of mixed descent and her mother a Maasai (Njau and Mulaki, 1984).

There is also documentary evidence of such woman-woman marriage among the Kipsigis and Nandi peoples and it probably exists in many others. A wealthy woman who has no children of her own may 'marry' another woman who is then free to have a sexual relationship with a man of her choice in order to produce children for her 'husband'. The function of the 'wife' is to bear children to ensure patrilineal property inheritance and to bury the 'husband'. Such marriages have also been contracted by widows who have no brother-in-law to inherit them according to the custom of leviratic marriage. Clearly, the
custom of woman-woman marriage has developed out of the rules and constraints of patrilineal inheritance (Bujra, 1975). It may be seen as a strategy of women to control land and property. As a passerby on a Nairobi street I was shown photos of such a recent marriage, by a wealthy Kikuyu woman trader to another woman, in June 1995.

WOMEN’S ACCESS TO LAND WITH URBANISATION

In 1900 in Uganda it became legal for both men and women to own property according to an Agreement of the colonial administration. As a result of this, a new category of independent female headed households emerged. They were households headed by women living on land which they rented, purchased or inherited. This new type of banakyeyombekedde were thrifty, self-employed women who owned their own houses or paid their own rent and did not depend on either their lovers or relatives. They were distinguished from bakiresese who were the constantly moving wage earners, and who sometimes acted aggressively in demanding money or beer in return for sex. However, later the distinctions became blurred and bakiresese became the more common pejorative term for urban women although neither type was originally urban (Obbo, 1984).

Studies of Ganda women in the urban transition show that when women found they could be economically self-supporting they asserted their rights with regard to sex, motherhood and marriage. Some women, especially second wives, left their husbands when they acquired land as they considered it unnecessary to work someone else’s land at the same time as being responsible for dressing and feeding themselves and their children. Specifically, they gained independence by having children out of wedlock in order to avoid the male lineage controls. These banakyeyombekedde were social change agents who made other innovations in clothing, cooking, hairstyle, fuel type and stove technologies.

In order to gain wealth, power and status many women not only worked hard but also capitalised on the traditional virtues of submission and service in their roles as wives and mothers. That is, they changed their status through non-confrontational, non-threatening methods, using motherhood and wifehood as transactional tools. However, both married and unmarried women are recorded as saying that marriage restricts sexual freedom. Some women preferred to stay single but tried to get the best for their children by behaving in a docile manner (Obbo, 1984).

Another phenomenon of urbanisation was “Nubinisisation”. “Nubians” were deemed to be members of an urban tribe which assimilated anyone who adopted its culture. Some Nubi women had been married three or four times and bore children out of wedlock. Usually they were rural migrants who adopted the new ethnic identity in order to find a social setting which enabled them to escape their alienation from their rural roots and the stigma attached to
this. The mechanism was often conversion to Islam and adoption of one woman by another (Walji, 1971:3ff).

Women throughout Eastern Africa were more attracted to Islam as converts than men and for them it was often taken for granted as a part of urban life. Islam offered to women a form of social security, moral neutrality and a model for economic success. Moslems were found to be more tolerant than Christians of women with children born out of wedlock, and of prostitution as a means of earning income. Islam, unlike Christianity, is conceived in the idiom of kinship, and is thus more easily related to African social life. It enabled women alienated from their kin to acquire jamaa or relatives, and to be assured of burial. They were no longer restricted to marriage within one ethnic group, were clear of the restraints of customary law and were able to acquire property as a form of capital for generating income (Bujra, 1975).

Marriage, property ownership and other income earning activities, including prostitution, were often combined or alternative strategies employed by women for their economic well-being. There is strong evidence that prostitution was perceived by many as less degrading than lack of wealth or status, both by the women themselves and by the community in general. Factors influencing women in the choice of prostitution as a source of income were the demographic imbalance in urban areas, infertility, and women’s lack of other employment opportunities (other women’s activities included beer brewing which was made illegal in 1921 and cooked food, vegetable and firewood selling which were controlled by licensing). Prostitution was also often a means to acquire property.

With economic independence provided by income from various potential sources and access to property, marriage was seen by some women as superfluous except for male companionship. As one woman is quoted as saying “my house is my husband” (Bujra, 1975).

Lack of access to property in the rural areas has been documented as the main factor in women’s decisions to migrate to urban areas. Women urban migrants were usually fleeing marital discord, or had lost their land rights due to the death of their husbands or parents. These factors were exacerbated by famine, disease and expropriation of land in colonial times which led to there being more landless widows and orphans (Bujra, 1975).

As early as 1899, a group of twenty-five Maasai women built huts in Machakos and were taxed by the Imperial British East Africa Company. In the early 20th century there were women speculators in Nairobi’s African housing areas. Luise White (1990) points out that women formed almost half the total of landlords in a study of one area, even though women were still a minority of the urban migrant population.

She also shows that women had strategies in precolonial times to overcome the barriers placed on their access to property, but that colonial urban life offered legal mechanisms by which these strategies could be made more durable.
Colonial courts, land offices, and arbitrary systems of land tenure provided rights that were not under the control of fathers, husbands and brothers. "At home, what could I do? Grow crops for my husband and father. In Nairobi I can earn my own money for myself" said a woman who went there in the mid-1920s (White, 1990:420).

Inheritance was perhaps the most creative way in which women entrepreneurs strategised around colonial urban life. In Nairobi, Europeans were allowed to own freehold land, but Africans were only permitted use rights in one area, Pumwani. Thus they could transfer property in Pumwani to an heir but could not buy or sell the land. If they did not designate an heir on paper, the property would revert to the Municipal Council.

It was common for barren women property owners to designate younger women as their heirs. In this respect, it is interesting to note that being barren was a common cause of women being alienated from their rural families and land, and that thirty four per cent of Janet Bujra’s sample of women entrepreneurs in Pumwani in 1971 were barren.

These women heirs, called pseudo-kin by Janet Bujra, provided companionship and support in sickness and old age, and ensured burial as well as property inheritance. The creation of non-kin networks has been compared with the creation of kin networks, both types being organised by women in urban settings. The former tend to be associated with independent women, prostitution and brewing, the latter with married women in the food trade. Non-kin networks also function as bail societies, common funds being used to get members out of jail when charged with brewing or prostitution. No case of a male heir being designated was found in White’s research on non-kin networks (White, 1984).

It seems likely that the concept of the younger woman heir is related to that of woman-woman marriage, namely to ensure social security through the creation of descendants, and to evade the constraints of patrilineality. However, the non-kin networks go much further in evading patrilineality by creating female inheritance, rather than simply permitting wealthy women individuals to ensure their own continuity within the patrilineage.

WOMEN’S CURRENT ACCESS TO LAND AND HOUSING

Data from the surveys carried out in 1991–92 are used in this section to explore current practices and perceptions about women’s and men’s relationships to land. Household sample surveys and in-depth interviews were carried out in three case study settlements, among peasants in Busia District, Western Kenya, among sisal plantation dwellers in Taita Taveta District, and among urban poor in Korogocho, a slum in Nairobi.
Rural cases

The study data clearly show that women are disadvantaged in relation to men in their access to rural land and property. Whereas more than half of the urban poor households and the plantation dwellers owned a rural shamba, not one of the women heading urban households had any such rural land. However, among the plantation dwellers, of the four women heading households who claimed access to rural land, three were so insecure that only one of them could be seriously considered as having access.

One was a woman who worked on the plantation and lived as a tenant in the informal settlement in Voi town; she had left her aged husband on the rural shamba to come and work for money to support her children; she related more to her late sister’s family than to her husband’s. Another was a widow living on her dead husband’s shamba; she claimed the shamba should belong to the children, but this was clearly uncertain as she wished she had her own place and was planning to move to her mother’s home. The third was the wife of one of the plantation workers who had an urban plot formally allocated to her and had separated from her husband; it seems unlikely she would be given access to the rural shamba as well. The one who was considered relatively secure worked as a subsistence farmer on her husband’s land while he lived and worked at the plantation.

Furthermore, none of the peasant women had title deeds in their own names, and the hold of female-headed peasant households on the land they were working was almost as tenuous as that of the single women living on plantations. Specifically, two out of the 18 peasant women heading households were living on relatives’ land, twice the proportion for the sample population as a whole. Of the remainder, only two lived on land that was titled and the titles were in their late husbands’ names; another eight were widows living on their late husbands’ untitled land; while six were married and living on untitled land belonging to their absent husbands. A number of these women felt insecure on the land due to pressure from their husbands’ relatives.

Taking access to both rural and urban land, including informally allocated urban plots, an index of absolute landlessness was derived. It was found that three quarters of urban women heading households were landless compared to 35 per cent of the urban poor as a whole. Over half the women heading households in the plantation sample were landless compared to 30 per cent of the plantation population in general. About the same proportion of the peasant women heading households were landless compared to that population in general, although this neglects the insecurity felt by many of the women who had access to land at the time of interview.

Secure access for peasant women was taken to be those with the land-owning husband present or absent but in a stable relationship with the wife, or with the land-owning son present. Those with only moderately secure access were taken to be those who were simply caretaking the land and looking after the grandchildren of absent landowning sons. Those with insecure access were
those living on relatives’ land or in a relationship with the land-owning husband that was stated to be unstable. It was found that only seventeen per cent of the women heading households had secure access. This compares to 88 per cent of the population in general who said they had their own land. If those with moderately secure access are included, the proportion of women heading households with such access again rises to the same proportion.

It appears conclusive that woman are disadvantaged as compared to men in their access to land, because the customary bias of male inheritance of land has been translated into granting males formal ownership. From the cases examined, it appears this bias operates regardless of whether formal title has been granted yet or not. The erosion of customary usufruct rights seems to have already affected social relations. The primary consideration appears to be the stability of the marital relationship, or rather the relationship of the woman to her husband’s family.

Thus the worst cases of lack of access or insecure access to land are those where the woman has been chased off land she worked by her husband’s family, or male relatives or their wives in her parental family. As to Achola Pala Okoyo’s concern that it is the mother-son relationship that will be threatened by the weakening of usufructory rights, this has yet to be established. The majority of women heading households among the peasants were in the situation of acting as caretakers for their sons, including caring for their children (as well as the children of their daughters), but no cases were found of women having been driven off land by their sons.

However, a number of cases were found of women being chased off land by their husband’s mothers. There is also strong evidence in the literature that wives are the most vulnerable in terms of property rights where customary behaviours prevail over legal norms. If the concept of the basic unit of the society being the mother and her natural children still holds some power, this appears to protect the mother from her children but not the wife from her husband’s family.

Nevertheless, the traditional belief that the woman is the owner of the house which has been built for her by the husband is reflected in the responses given to the question on building ownership in all three settlements, which differ from the responses on land ownership.

More women were said to be the owners of the buildings than were said to be owners of the land, and even more buildings were said to belong to the man and wife jointly, though this was never said about land. There is obviously a stronger claim that women have over the house than over the land, although men’s rights to the land appear to have influenced many women to say the house too is his. All the peasant women who claimed headship of the household also claimed ownership of the building, even though they did not claim ownership of the land. However, more buildings (44 per cent) were said to belong to the man only than would be the case if everyone believed that buildings were women’s property.
Many peasant women explicitly stated that women have no land rights. One observed that "Land is given to male children only but not females. The traditional laws here do not permit it". Another explained that "Samia men do not allow women to purchase land or other property in the name of the woman. Such purchases must be in the name of the husband". However, others thought that the main problem of access to land and housing was one of money, and that women's main problem is that they do not have any. One woman put it this way: "Women can buy properties but they have no money". The plantation women made similar comments. One remarked "There is no discrimination now. A woman now can buy land or any property as long as she has the money", although another echoed the words of the peasant women: "It is money that is needed. However, to inherit land is difficult for a woman in Taita customs".

Urban cases

It is observable from the data that the changes in women's access to and perceptions about gender, land and property brought about by colonisation, modernisation and urbanisation have affected not only urban women and plantation dwellers but peasant women as well. The above quotations from peasants about the primacy of money are a case in point.

There is also the case of a peasant woman who had converted to Islam and maintained a fairly independent life from her husband who was also Moslem. She ran a trading business as well as farming on the plot of land she shared with her co-wife. The trading business gave her the economic and psychological independence to maintain stronger relations with her own kin than she did with her husband's and to openly criticise her co-wife and her husband. However, such independence of mind and behaviour was not characteristic of all Moslem wives in the peasant area.

The housing histories and strategies of the plantation women clearly demonstrate the key problem that women have in getting access to land and housing in Kenya. Women plantation dwellers have very often lost their access to rural land for subsistence farming because of widowhood or other reasons which demonstrate that they lack equal rights to land and a place to live as compared to men. In searching for income to support their children they very often end up in employer owned housing which ties them to a demanding and low-paying job. Their only possibility of a decent place to live is through gaining access to formally or informally allocated or sold urban land.

In-depth interviews were held with 13 plantation women seven of whom lived in the "line" housing provided by the employer and the rest in housing in the urban area nearby. All of those who lived in the company "line" housing were women born at their parents' rural homesteads who had lost any rights to a rural place to live for one reason or another, usually to do with being widowed. A few were rejected by their husband's or their parental family for a
variety of other reasons, all of which make clear that families do not think women have a right to land or a place to live.

Of these, three perceived their options as so limited that they had no choice but to live in what the company provided, and that they had no way of changing or improving their living conditions. The other four living in the company housing said they wished they lived somewhere else, but this was impossible because they had no money and were dependent on the income from work on the sisal estate.

The women who were living in Voi town seemed much better off, even the two who were tenants. One had no access to any rural land but the other had built herself a house on land given to her by her father. She was hoping to buy her own urban plot in Voi instead of renting, although she did not have enough money. Another lived on the company land in her own grass-thatched hut. She used to live on her husband’s shamba, but was driven off by her co-wife’s children who burned her house when her husband died, so she is landless.

Those best off were three women who already lived in their own houses in Voi town. One widow lived in a two room house with her three children and two nephews, all teenagers. Her husband was a landless Western Kenyan although she herself comes from a nearby rural area. They first rented rooms in Voi town, but eventually bought their own plot. Her husband was buried in town, making them truly urban people.

Another lived in a three-roomed grass thatched house with her seven children and one grandchild. It seems she was a beneficiary of the custom of inheritance from another urban woman. She did not believe there are constraints these days on women’s access to land, only to money through employment.

The third was another older woman who lived in a rural area with her husband until he died, when she was required to marry his brother. As her father objected to this practice she returned to her parents’ home. Later she decided to get a job and came to live on her sister’s plot in Voi town. She was happy living in a clean, dry room with a mabati roof. This is an interesting case showing a woman’s preference for the urban option which gives her independence, and demonstrating how this is gained through female kin. It was not clear from the data if both these last two cases referred to pseudo-kin according to Bujra’s definition, but it seems likely.

Among the urban poor, other cases of pseudo-kin were found. Half of the women heading households in the sample were living on their own plots or those of a sister or friend, and gave their reasons for moving as the need for their own place. One woman who had apparently earlier earned her living as a prostitute now engaged in petty trade and growing subsistence food. She described how her friend was the person who invited her to come and live in her house.

Four women heading households among the urban poor had been allocated plots informally in Korogocho. This represents one third of the women heading households, three times as many as the population as a whole. This is consistent
with the history of Korogocho as the resettlement of central city squatter areas originally populated by many women headed households, and with the urban history of Nairobi in general where women became urban property holders in areas like Pumwani. It suggests that women are likely to be urban poor plot-holders in greater proportion than their numbers in the population as a whole, while men are likely to predominate among urban poor tenants.

In carrying out the in-depth interviews in Korogocho, more women plot holders were therefore selected than would be the case if a random sample were taken, so as to document the differences between women landladies and women tenants. The women plot-owners were undoubtedly better off than the tenants because they earned rent as well as other income. They also ate more frequently and had access to other resources such as land for subsistence crop farming.

CONCLUSIONS

The history and data throw light on women's changing access to land and property. Achola Pala Okoyo's and other researchers' contention that women have lost out in the modernisation process of formalisation of land tenure must be balanced against the strategies of women in gaining access to land as independent persons by taking advantage of colonial laws and regulations. These are not dichotomous alternatives but concrete historical conditions. It is useful to summarise how these conditions affect the choices and actions of women at the present time and to examine what trends of change are observable in present day society. These conditions and trends suggest a policy direction that would create equitable gender access to land and property.

First of all, patrilineal inheritance is not a universal societal norm in Africa, though it predominates, particularly in the areas surveyed. The universal right of women as well as men to land and housing was protected by social customs in precolonial African societies whether patrilineal or matrilineal. Both men's and women's customary rights to land and property were eroded by colonial state regimes but women's rights were more severely eroded in rural areas, in both patrilineal and matrilineal societies, by the formalisation of land registration. It is important to stress that it is the idea or custom of land registration in the name of males that changes women's access, rather than the formal registration of title itself. At the same time, women's option of access to urban property was introduced by the same colonial state.

Many women in precolonial patrilineal societies found the customs subordinating their freedom of choice, including the disposal of land and property, to their male relatives or husband's families, to be burdensome. They devised strategies within the precolonial social order to evade the control of males and increase their power within the patrilineal society. Later, many women took advantage of the prevalence of colonial laws in urban areas to gain access to urban land which was easier than gaining access to rural land. This history has
created a false association of women's property ownership with urbanisation and prostitution, because the phenomena occurred in the same time frame.

As a result of these historical events, there is at present a widespread societal perception associating women with modern urban property rights and rights to enter the market for land and property. Thus women, or "certain" women, are associated with both modernisation and urbanisation. This is contrasted with the widespread perception associating the right to inheritance of land and property exclusively with males, the only exceptions being the modern form of female inheritance developed in this century among the community of prostitutes.

The traditional concept of the woman and her natural children as the basic unit of family development appears to be eroded, unless it is assumed, that it is up to the son to protect his mother's interest and she has no backing from anyone else. Thus, it is only when sons become adult and able to fight for their mothers that the mothers can be expected to have any rights. There are many cases in the data that support such an interpretation of social behaviours by all ethnic groups included in the samples.

Also, the data include no cases where daughters have inherited land. Although a few cases were found of women having been given land to farm and live on by their parents or brothers, this was always a short term arrangement in which they felt insecure and subject to the goodwill of any male relatives who might take an interest in the land.

In fact, no cases at all were found of women having inherited land or property, except for the two cases found in Korogocho and Voi where urban women had inherited from a friend or sister. These two cases apparently demonstrate the pattern of pseudo-kin inheritance established by urban Kenyan women in this century.

The data show that it is simplistic to describe conflicts over land and property as occurring between men and women. The categories of women most lacking power are the wife, and more specifically the widow, and the daughter, more specifically the single mother, who are frequently deprived of a place to live by female relatives of the male who could claim rights to property under patrilineal inheritance customs. However, it is the institutionalised lack of power of women under patrilineality which creates such social tensions between different women.

Furthermore, the data do not support the contention that it is the mother-son relation that is threatened by modernisation. Rather, the younger generation of wives and daughters, including mothers with children, are being deprived of land and property by the strength of the customary belief in patrilinearity. This belief may also contribute to the apparent movement of young women and girls from rural to urban areas suggested by the demographic analysis of survey data (Lee-Smith, 1994).

The question of women's lack of equality of access to and control of land and property in present day Kenyan and African society is potentially one not
only of human rights but also of economic development. What are the policy
directions that this analysis suggests would be most fruitful given current social
and legal structures in Kenya in particular?

Policy complications

Legal reform is necessary but not sufficient. Given the conflict between
constitutional rights of equality and discriminatory laws, review and reform is
essential. Efforts in this direction are ongoing in Kenya but so far no reforms
have been undertaken despite an active public debate in the press in 1993, and a
presidential statement indicating a bill would be tabled specifically providing
for women to inherit property.

Since the research indicates women lack awareness of their constitutional
rights, a legal education programme on women's land, property and inheri-
tance rights is also required. A pilot programme of this type has been instituted
with some success in one district in Uganda not far from the Kenyan border.
Widows find that the presence of local women para-legals helps them to explain
to relatives of their late husbands what their rights are. A back-up service is
provided by a local NGO and the Ministries of Justice and Women in Develop-
ment (SINA Newsletter, 1993). This indicates that government and NGO co-
operation with local communities can be effective.

Awareness creation and training workshops involving lawyers, public offi-
cials and the general public are also needed. Courts are often as confused as lay
persons, and there is a need for finding ways to bridge the gap between law and
society in order to achieve gender justice and equity (Munalula, 1994:14–15).

There is scope for further action by the NGO movement and internationally
to publicise women's lack of equitable land and property rights and campaign
for equitable treatment. The Habitat International Coalition Women and Shelter
Network has taken on this task during preparations for the Fourth World Con-
fERENCE on Women in Beijing in September 1995, and it has proved extraordi-
narily difficult. Government representatives failed to agree to incorporate any
wording on women's land rights in their documents until the final Preparatory
Committee in New York in March 1995, when wording on the subject was
finally included after an active lobby by the HIC WAS Network (UN Fourth

Within the Women and Shelter Network there is a current effort to link the
various activities on women's land and housing rights in Anglophone Africa
into a more coherent programme. In the present phase of transition of land and
property rights from customary to the western market model of land registra-
tion and exchange, it appears that most women activists advocate the latter as
more empowering to women, not because customary law did not provide
women with any powers at all, but because those powers have been eroded.
More fundamentally, they advocate gender equity rather than patrilinearity,
which institutionalises male power. Their support for the modern or market
model of individual land tenure as opposed to traditional or community forms of tenure parallels recent thinking on land rights in general in Kenya in the context of ethnic clashes and the need for a clear policy on land for people in general (Kuria, 1995).

However, most women do not as yet have access to information about modern law so that they can evaluate their options within their society in a meaningful way. Thus there is need for a wider public debate by men and women in Africa on these issues. Both men and women need to be made aware that customary rights guaranteed both sexes access to land and housing, including independent women. Modern laws and customs need to be developed that do the same, without institutionalising patriarchy or patrilinearity.

In summary, a gender sensitive land and property policy which has relevance to current social and legal structures in Kenya would guarantee women’s legal right to inherit, own and dispose of property according to the law on an equal basis with men and without discrimination. It would review, harmonise and reform all existing laws relating to the inheritance, ownership and control of property, including marriage law, to ensure women’s rights are protected. Further, it would provide legal advice and support services to widows and daughters in rural and urban communities to assist them in cases where disputes arise concerning their inheritance of matrimonial or parental property. Finally, it would undertake and promote programmes of public education on women’s legal rights to inherit land and property, including promoting a public debate on the issues surrounding customary law and women’s rights.

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Chapter 5

Housing Conflicts and Women’s Strategies in Lesotho

Anita Larsson

INTRODUCTION

Most governments in Southern Africa support a policy of home ownership and many people have found that a house of one’s own is an important means for survival in town. In previous studies Ann Schlyter and I found that single women as house owners were more successful than married couples with similar incomes in improving and enlarging their houses (Larsson, 1989; Schlyter, 1988 and 1989).

We became interested in understanding what prevents married couples from putting as much effort as single women into improvements of their urban house. Why do married women not try to improve the houses they live in to the same extent as unmarried ones? We realised that to understand married women’s actions their own individual strategies, as elaborated within the constraints of marriage set by cultural and legal structures, have to be taken into account.

Three country studies were conducted within this overall theme; in Zambia, Zimbabwe and Lesotho (Larsson and Schlyter, 1993). The country studies focused on conflicts over urban housing. We envisaged that a study of women’s legal rights to housing in practice and in reality would be a way to find empirical material to analyse gender relations and to identify women’s space of action.

This paper presents some of the findings from the Lesotho study (Larsson, 1993) in which issues such as women’s rights to housing, the implementation of the law in actual judgements, arguments put forward in courts, and views held and actions taken by women are presented in detail together with the applied methodology. The focus will be on women’s actions in relation to their housing rights.

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1. This is a slightly revised version of a paper presented at the International Seminar on Gender, Urbanization and Environment, 13–16 June, 1994, Nairobi.
The central concept in previous studies on women and housing was that of strategies. The concept proved to be helpful in the analysis of individual women's actions, and for that purpose it will continue to be used. However, to analyse power structures between individuals as well as customs of marriage and property, legislation, and state policy a broader theoretical framework was needed. For these purposes a model presented by Hirdman (1991) has been used. The model consists of the concepts gender system and gender contracts.

Gender contracts are invisible social contracts regulating the relations between men and women at all levels of the society. Taken together they create a gender system. The concept gender contract allows us to analyse the space between men and women together with the ideas, rules and norms about places, tasks and qualities of men and women.

The term contract does not imply equally strong parties. Hirdman points out that the contract is drawn up by the party who defines the other. This is due to two characteristic patterns—or logics—that history demonstrates. They are the logic of separation between the sexes, and the logic of male norm, that is, higher value is automatically given masculine things. This does not mean that women are passive; there is a space of action for women.

Gender studies do not just visualise women, at best they can show that gender dynamics are driving forces in history. Gender dynamics are important in the creation of a local urban culture decisive for the content of urbanisation. Changes occur because the gender system is open to disturbances and can be questioned. Thus gender contracts are specific in time and setting. These specific gender contracts provide the point of departure for actions by women and men. In times of rapid change, such as urbanisation, there are more evident changes in the contracts.

The contracts can be analysed in relation to three levels in society: the interpersonal level, the institutional level, and the abstract level of cultural images. Although treated analytically as separate levels they are in practice interwoven.

Gender contracts at the individual level are developed in relation to the existing contracts at other levels. There might be points open for negotiation while other points are seen by one of the parties as completely unnegotiable. Within this context, the concept of strategy is useful. Women elaborate their strategies within the space of action given by the gender system or they try to extend the space through negotiations. At this level I have analysed the strategies elaborated by women as they were identified in interviews.

An important actor at the institutional level is the state. Through legislation the state can take an active part in ongoing gender negotiations. It can be sensitive to demands for changes from certain groups, or it can actively preserve existing laws whereby existing contracts are confirmed and perhaps even reinforced. In this project family law was in focus. Literature analysing the legal situation rather than the original law texts was studied (Mamashela, 1991; Maqutu, 1992; Seeiso et al., 1990). For women's housing rights, access to court and legal praxis is more interesting than the law itself. The dual legal system in
Lesotho, like in most countries in Africa, with one common law and one customary law makes the study of legal praxis even more important.

In interviews, explanations like "this is our tradition" or "this is how we do it nowadays" reflect cultural images and ideologies, which are also embedded in laws. The flexible customary laws have a direct connection to cultural images and ideologies, what people consider to be right and wrong. Despite the fact that traditional laws of Lesotho were written down, they exist mainly in their praxis. One might say that the legal praxis in courts of customary law is guided by cultural images and ideologies, which they in their turn confirm or transform. At the same time the customary law can be seen as state action as its application is controlled by government.

WOMEN'S LEGAL RIGHTS TO HOUSING

The constitution from 1966 sets out fundamental rights and freedoms accorded to every person in Lesotho regardless of race, political opinion or sex. Thus women are recognised as majors at the age of 21 and have, for instance, the right to vote. In consequence the Land Act of 1979 allows every citizen to own land.

The gender contract assumed in the constitution seems to be a contract of equity. The ideology of the constitutions has not, however, had much impact on the existing marriage laws, whether of customary or common law, as will be shown below. It can be concluded that the constitution rather assumes a gender contract of domination and subordination, covered by an ideology of harmony. According to this ideology men and women hold equal value in spite of different roles and different rights.

Customary law

Traditional notions underlying marriage influence customary property rights. The patrilineal formation of a traditional household places women in a subordinate position. A woman is a minor her whole life. Before marriage she is under the guardianship of her father, after marriage her husband. If the father/husband dies, another male relative will be the guardian. Thus women, whether married or not, could not hold property (except for personal belongings) or inherit property. Divorce was and is possible, although not frequent. A cardinal rule in customary law is that a marriage should as often as possible be saved. The family and the courts strive for reconciliation.

While a formal ownership of housing by women is not recognised in traditions, they express a strong relationship between women and housing and the house as an important means in women's duty of caring for the family. In line with the fact that customary marriages are potentially polygamous, a woman, when she gets married, is entitled to her own house, site and arable land. It is
the family head who should provide a matrimonial home for the family. Wife and children cannot be expelled from the home.

The "house" in the sense of household is inherited by the eldest son, but the late husband remains the title owner of the house. Failing any son, the widow is recognised as the heir. Ties between a widow and her husband's relatives are no longer as strong as they used to be. Today a widow may therefore act independently of her deceased husband's relatives. The same is to some extent true for unmarried women with children, they may act independently of their fathers. In principle a woman under customary law, married or unmarried, could not acquire any rights over land. An unmarried woman who is considered to have passed "marriageable" age and has illegitimate children may, however, today be allocated land and allowed to take important decisions by herself. Also widows have more freedom than earlier and/or they are the victims of neglect by the husband's relatives. Through an amendment of the Land Act in 1992, rural widows are given full legal rights to the land that formed part of the joint estate.

Common law

According to common law unmarried women have control over property in the same way as men, there are no legal limitations. In case of marriage in community of property (which is the case in 95 per cent of all common law marriages), the property is considered to be the joint asset of husband and wife. Nonetheless, the husband is the administrator of it, his "marital power" makes the wife a minor. He is also the administrator of her property acquired before marriage. A husband can be sued for maladministration of the property by his wife. The husband is obliged to support his wife and children by providing, for instance, food and shelter. The wife acquires the domicile of the husband, and retains it until her death or divorce. Although the Land Act of 1979 allows every citizen to own land, according to the Deeds Registry Act land cannot be registered in the name of a married woman without the consent of the husband.

The principle underlying divorce, granted by the High Court, is the fault of one spouse, either adultery or malicious desertion, and not irrevocable breakdown. As a civil marriage is monogamous either party can be accused of violating the marriage contract. If divorce is granted, common law allows for the property to be split between the spouses. No specific rules are laid down in the law. The fault principle, however, implies that the guilty party will be penalised, for instance by getting less than half of the property. In the case of a husband's death the widow is entitled to keep her half of the estate and to inherit the other half together with the children.

The above overview underlines that in reality the difference between common law and customary law concerning the power relation between husband and wife is minimal. As customary law stresses the need for a husband to
consult with the wife (wives), one can argue that customary law puts married women in a better position.

IMPLEMENTATION OF LAW IN JUDGEMENTS

An attempt to study judgements of the Judicial Commissioner's Court, the first court of appeal for customary court cases, failed due to language difficulties and the great backlog at the court, making it difficult to find finalised urban housing cases. Instead I had to rely on reported cases involving property at the Judicial Commissioner's Court (Mamashela, 1991, case 116, 120, and 122). Two cases were finalised in the Judicial Commissioner's Court, one proceeded to the High Court.

The implementation of common law was studied through my own reading of High Court cases from one year at the end of the eighties and through reported cases (Mamashela, 1991). I found only one High Court case where decisions were taken on a house (CIV/T/104/87).

Customary court judgements

The arguments underlying the few cases reported by Mamashela can be summarised: although customary law did not provide for the joint estate, or part of it, to be awarded to the woman, customary courts were willing to do so. An important condition was, however, that the woman had not committed any wrongs. The higher up in the court hierarchy the case appeared, the more reluctant the judges were to decide about custody of children, division of property etc. The High Court might apply common law principles. Such a decision could be to a woman's advantage in the case of the husband being held responsible for the breakdown of the marriage.

Mamashela also summarises cases about husbands failing to provide matrimonial homes (1991, case 141–143). In all these cases the court established the husband's duty to provide a matrimonial home.

Common court judgements

My reading of High Court cases resulted mainly in some quantitative data as reasons for the judgements were not given in the records. According to the data it cannot be argued that the legal system is very biased in the sense that a woman is less likely to get a divorce, or less likely to be the plaintiff. The judgements also showed that High Court judges were reluctant to decide about unsettled marriage conflicts.

The analysis of fifteen divorce cases reported by Mamashela (1991, case 183–197) shows that a woman may be awarded a house, but she may also be denied it, even if the husband is found to be at fault and she gets custody of the children. In one case the judge argued that: "A spouse should not be allowed to
benefit financially from a marriage which he has himself wrecked through his own default" (op. cit. p. 295). In another case the judge did not grant division of property, despite adultery and desertion by the husband, because:

... I feel that if I did order separation of the joint estate the person who would suffer would be the plaintiff (the wife, my comment) as the effect would be to deprive the defendant of a substantial portion of his capital assets which could make it more difficult for him to meet his financial obligations towards his wife and family (op. cit. p. 320).

The fact that the High Court is reluctant to deal with cases where the parties do not reach an agreement can be interpreted in different ways. One interpretation is that court judges rely on traditional notions. It is the prime duty of a court to make people reach an agreement concerning custody and property. They are not guided by more western notions saying that courts are to solve those conflicts that cannot be settled by individuals themselves. The fact that divorce according to common law, sometimes also according to customary law, is based on one party's fault, and not irretrievable breakdown caused by both, makes the court’s behaviour very contradictory. It must be very difficult to reach an agreement when one party has to be declared guilty and the other one innocent, especially since the guilty party may lose custody of the children and may forfeit benefits of the marriage. Consequently, it is no surprise that about half of the studied divorce cases were not finalised.

Another interpretation, not contradictory to the first one, is that a dwelling is primarily regarded as a means for the well-being of the family and not as an economic asset which can be sold and the monetary value split up to create justice. The fact that the party who gets custody of children is likely to get the house supports such a conclusion.

Case CIV/T/104/87 is a good illustration of a house being primarily looked upon as a home, and not as an asset with monetary value that can be divided after selling it. The case also vividly illustrates the court's reluctance to deal with a matter where people cannot agree. At the end of the cross-examination the judge became rather frustrated since no agreement seemed to be reached. He said:

The house. It creates a lot of problems because somebody will have to go out of the house. ... Or if I say Division, then the likelihood is that the house will be sold,— how do you divide a house; you cannot say the husband will live in this corner and the other one in that corner. I would like them to think about it, ... because somebody will have to leave the house or the house will have to be sold.

I found that only about 45 per cent of the cases during one year had been finalised. What happened with the unsettled cases? Reconciliation is a possibility but, I was told, the spouses usually disagree to such an extent that nothing can be decided. In the finalised cases the spouses have despite conflicts, managed to reach some sort of agreement, thus there are no elaborated notes in the judgements.
Maladministration of marital property is reported in a few cases (Mamashela, 1991, cases 152–156). In all cases the High Court judged in favour of the husbands sued by their wives. Mamashela’s conclusion is that the cases “all paint a very sorry and sad picture of the wife’s disadvantaged position in this regard. They also illustrate the nigh impossible burden placed on the wife to show that the husband’s administration/dealing with the joint estate is fraudulent, unreasonable and to her detriment” (p. 220).

These cases of maladministration can be compared with the customary law cases concerning a husband’s obligation to provide a matrimonial home. While in the latter cases the husband’s position as head of household is clearly linked to certain responsibilities, the cases of marital power highlight the oppression of women as they only emphasise the rights, not the duties, of a husband.

WOMEN’S STRATEGIES AND SPACE OF ACTIONS

To understand how people argue and act in case of conflict over urban houses in relation to the space of manoeuvre provided by the legal framework, interviews were carried out with women in two types of low-income areas in Maseru. Governmental housing project areas represented one type, the other type was peri-urban areas with informal housing settlements.

I had envisaged that a number of women had experienced difficulties and their accounts would provide me with important information to be able to understand the processes involved. I thus tried to find women who had run into such difficulties, both among plot holders and tenants. Although I talked to around 60 women (mainly widows, divorcees and separated women), the number of women who had experienced open conflicts brought to court was very limited. The conflicts the widows had been involved in had all been settled in favour of the women, while separated women often had managed to remain in the house. Instead the interviews revealed the strategies women developed and the flexibility of customary law.

The interviews with women in project areas and those with women in peri-urban areas illustrate different situations. The differences can be related to the marital status of the interviewed women; in the project areas separated women dominate, while in the peri-urban areas widows dominate.

The differences can also be related to the fact that different legal systems and regulations govern plot allocations as well as people’s way of thinking. The regulations of the project areas, dictated by common laws on land registration provide a much firmer framework which circumscribes women. As women are responsible for the household’s well-being it is important for them to gain control over the home/house in the case of a conflict. Women are reluctant to take cases to court; they may lose. Instead women develop strategies to overcome the obstacles.
In contrast, in peri-urban areas where traditional law and norms dominate, the flexibility of customary law offers women a much less rigid framework to operate within and the strategies women develop are less challenging.

The flexibility of customary law

The women interviewed in the peri-urban areas were as a rule customarily married. Land was under the control of local chiefs who allocated plots to applicants and supervised transfers in the case of a plot holder’s death. My interviews showed that for a widow to inherit the husband’s plot, or perhaps rather to have her ownership recognised through a transfer, seems to be the normal situation. I found no widow who had been forced to leave the matrimonial home. Only one widow lived on a plot still registered in her deceased husband’s name. The majority of women had become widows ten to twenty, or even more years, previously. One woman had become a widow as early as 1939, and the plot was at that time transferred to her without any problems. Many of these transfers thus took place before the Land Act of 1979 which in principle entitles all citizens to acquire land.

Only a few of the widows had experienced conflicts over the plot but they had as a rule been settled in favour of the widow. These cases had been taken to the local chief, sometimes even further, a few as far as the Judicial Commissioner’s Court. In only some of these cases were claims raised by sons or the husband’s relatives, that is, by persons who according to traditional law may be regarded as proper heirs.

The case of a childless widow who had to take the conflict to the Judicial Commissioner’s Court presents the most severe obstacle a widow had to face among my informants. Some relatives tried to chase her away from the matrimonial home after her husband’s death, but she won the case as she had a marriage certificate. The relatives then tried to get her remarried; she responded by going to South Africa where she worked as a domestic servant. While she was away the relatives tried to sell the house, but she heard about their plans and returned home and could prevent the sale. She felt protected by law; she now lives in the house in Maseru.

When asked about who would inherit the plot, a number of alternatives seemed possible. Some women followed the patrilineal pattern and stated that a son would inherit the plot. In many cases, however, a daughter, or daughter-in-law, was considered the appropriate heir. One widow felt her daughter helped her a lot, therefore she wanted her to have the plot. Another widow wanted a grandchild to inherit; the widow regarded her as a daughter as the mother of this child was unmarried. In one case a daughter-in-law had been appointed the heir as the widow’s children were all dead.
The Women and Law study of inheritance

The preliminary findings of the inheritance study by WLSA (Women and Law in Southern Africa) correspond well with my own interviews as presented above. The WLSA study\(^1\) found among other things that:

Also in customary law widows regard the estate as theirs and that a son/heir cannot take property whilst widows are still alive. Neither did they think that the customary law was binding. The concept "lefa lea sebeletsoa" which means "inheritance is worked for" was introduced for the researchers. The concept to work for your inheritance shows that the customary laws are being disputed by people. The concept means that the one who deserves to be the heir will be it. The eldest son becoming the heir is no longer the general rule. The heir is instead the person who helps with the welfare of the family. Children must show before parents die that they "worked for the family". The work does not necessarily have to be financial contributions. It can also be "working for love" as one woman put it, that is, general support, acting on her behalf in case of conflicts etc.

Strategies to remain in project areas under common law

While the widows in peri-urban areas experienced few obstacles to inheriting the plot and house from the deceased husband, women deserted by their husbands developed various strategies to be able to remain in the house. The women interviewed were as a rule married according to civil rites but no or few steps towards divorce had been taken. Traditional notions on the relationship between a wife and her house may have influenced their behaviour. There is a Sesotho saying that one cannot build a new house on top of an old one. That is to say, a new wife (or second wife in the case of polygamy) cannot claim to live in the house of the first wife.

Thus the interviews did not reveal a situation of open conflict over housing. Instead their strategies aimed at giving them full control over the house step by step and at avoiding an open confrontation. The household's well-being was their main aim, not ownership as such. Thus, the position of the husband and his responsibilities as head of the household were as a rule not challenged. Women's subordinate position in marriage was in principle accepted.

According to the rules of the housing project and the laws of the country, plots were registered in the name of the husband. A first strategy was, despite no changes in the registration, for the women to recognise themselves as plot holders. Women claimed they were the plot holders or even lawful owners. A major reason for women's claims was that they paid the monthly charges and had remained in the house.

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1. Notes from talk to Keiso Matashane, WLSA, Maseru, March 1993.
Divorce—a lengthy process to acquire the house

To legally gain the house through asking for a divorce was, however, not regarded as a viable strategy by most women, or at least not a quick way. Some women were afraid of the outcome, like this woman who said about the possibility of divorce:

I don’t know whether, when we divide, he will be given the plot and I will be given the children or the children might get the plot. ... I have never been to court to hear what they say. That’s why I am afraid. ... So that’s my problem, I really don’t know what the law says about this. So till I know, I think I can carry on.

The comments by another woman illustrates reluctance to take a conflict to court in order to secure access to a house. She realised she needed a divorce to be recognised as the lawful plot holder. As she did not know the husband’s intentions, she felt she might be busy paying while he had his own plans for the house. She had asked herself if it would be fair of the court to give him the house, when she remained in it.

She had approached a lawyer to start the divorce, but still it should be settled as a family matter. They had decided to call her in-laws so the two parties could discuss the case. It was to be determined by both families. The purpose of the gathering was to find out if both wanted to go on with the divorce and who would take the case to court. Although the families were involved, she feared that she might not be able to defend herself when the case appeared in court. Because of lack of money, she regarded her chances as being very slim.

An educated woman had developed the divorce strategy in a more straightforward way. She aimed at getting a divorce, but to make sure she would win, time had to work for her:

In fact I wanted the case to be simple so that they should see me separated for a long time and then it shouldn’t take me a long time to be told to go on separation and all that, that is why I gave him enough time. So I think it will be over this year.

She had taken care of the children since he left her nine years previously. He had not paid maintenance and he had no objections to the children staying with her. Her lawyer had assured her that “whoever stays with the kids will have to be in a home”. So she was very confident about the outcome of the divorce concerning custody of children and the house. This woman had no hesitation to have the house registered in her name.

Indirect control

Many women in the project area did not aim at having the house registered in their names. Their strategy was instead to gain indirect control over the house by having it transferred to and registered in the name of the eldest son, in some cases a nephew. Through such measures the women felt that the husband could not interfere if the woman died. Many women regarded the child who was
most helpful to be the one who deserved the house. Some childless women looked upon their nephews the same way. There were also other advantages with appointing a younger relative as the owner of the house; the women could expect support in the future when needed.

The role of women in housing

Although the low-income women interviewed were reluctant to become registered owners, they were aware of the important role of housing when taking care of the family. Some wanted the state to change the laws in favour of women. One woman said when asked if women could be house owners:

I think women should be the house owners, because they know all the difficult things, they are the ones to bear children, they are the ones to care for the children, they are the ones to care even for the rooms and so on. So I think if there can be something like a law, or what, to help the women to upgrade them, then it would be okay. ... we still want to change everything really, ... yes, it was a custom, it is still our custom, but I can say this was a custom of past days, but now it is up to us to jump to the conclusions because we feel we are the ones that are hurt, so I think that it is better that the laws protect us, and help us, to have something.

An educated woman questioned the fact that men according to ideologies and laws are recognised as heads of households:

We Basotho women have realised that that does not exist, that the husband is the head of the house, because you find that women are stronger than men, because men don’t care whether an account had been paid, or something is done with the homes, we find that we are almost equal or even better than men can be. We do not longer consider that the man is the head of the household. As long as you can get enough income to maintain the kids and the house, you keep yourself.

CHANGING GENDER CONTRACTS AND HOUSING

One of the main purpose of this study was to reach an understanding of the relationship between housing and men and women respectively by using the theoretical framework elaborated around the concept gender contract. The model identifies gender contracts at different levels of society: as cultural overlay and ideologies, at the institutional level and at the personal level.

A dominant gender contract

The study indicates a fairly consistent gender contract dominating the relationship between housing and men and women respectively. At the institutional level common and customary laws recognise the husband as the owner of property and the decision maker concerning matters related to the matrimonial house. The wife is placed in a subordinate position. This contract is also inherent in ideologies and interpersonal relations.
At the same time women are recognised as responsible for the well-being of the household, and for this duty the house is an important means. This is especially evident in the traditional organisation of polygamous marriages. Today it is reflected in the High Court’s decisions to link the house to the custody of children rather than to regard the home as property and an economic asset. It is also evident in the strategies women develop to gain control over the house in the case of separation.

The State as an actor

The dominant gender contract is by no means static, negotiations take place. The study has shown that they do not primarily take place at the institutional level represented by legislation and common law courts. The state has not been a very active force in a process to improve the situation for women. Women’s legal subordination in marriage is in sharp contrast to the constitution stating that all adult men and women are majors and the laws entitling all citizens to hold land. The actions of the state have not questioned the husband’s authority within marriage, nor do courts recognise women’s rights to get support by common law courts when matrimonial conflicts arise. The state and the judiciary are conservative actors reinforcing traditional gender contracts rather than being radical forces.

The application of Hirdman’s (1991) model to the context of urban housing shows that information and gender aware policies, often called upon to promote equal opportunities and equal rights for women, are not enough. Negotiations and actions must take place simultaneously in many different arenas located at different levels as the dominant sex makes use of many different means, often very subtle ones, to control the other sex.

Perhaps the most subtle means to hamper women’s action for improvements is to refer conflicts, which could have been solved in the court room, to be settled between individuals. This was evident in all three studied countries. In this way women are not only denied the legal rights they may have according to the law, they are also denied the chance to have their cases made visible in the public sphere. There will be no or few records available for the public, no comments in media for people to watch or read, to discuss and learn from, and only limited incitements for actions by women groups. What could have been a public matter in the society becomes highly individualised.

To ask a husband and wife today to settle a marriage conflict through discussions at home is also to put the woman in a very vulnerable situation. Being at the same time a minor in relation to the husband, in conflict with him and perhaps without the support of relatives, the wife is indeed at the mercy of her husband.
Ongoing negotiations

Being mainly negotiated at the personal level, the gender contract changes as a result of silent negotiations rather than open conflict. Although women are subordinate to men, they participate actively in the process. Their means may vary. Divorcees and women who live separated are in a vulnerable position. They do not challenge the former husband as the owner, but try to maintain control over housing by developing different strategies.

Changes in ideologies can also be traced. A new view of inheritance has been introduced; inheritance is worked for, the one who deserves to inherit will be the heir. Such a rule is often to the advantage of widows and unmarried daughters, who may be recognised as plot holders. These changes have long been supported by the local chiefs and the local community. In contrast to the state, their application of traditional law illustrates a somewhat more flexible and egalitarian approach.

REFERENCES


Chapter 6

Gendered Housing Responsibilities in an Unauthorised Settlement in Mali

Mariken Vaa

INTRODUCTION

Squatter settlements, be they on the urban fringe or more centrally located, are often referred to as the communities of the poor (Hardoy and Satterthwaite, 1989). A large number of studies corroborates this; in extra-legal areas, where housing standards are low, the residents’ incomes tend to be low, too. Some authors treat the shared poverty of squatters as the focal point of their analysis. Lomnitz, in her study of a Mexican shantytown (1977) observed how marginals who were barred from full membership in the urban industrial economy had to build their own economic system. She describes the reciprocity network as the basic social economic structure in the settlements, formed by people who cooperate in the daily task of mutual economic survival. These networks were based on fundamental equality of wants among member families.

More recent studies tend to focus on how settlements which appear very poor, may nevertheless be highly differentiated, not only by age and gender, but also by income and housing status. It is well documented how slums and squatter settlements comprise a variety of housing forms and several housing submarkets. This paper presents material from an unauthorised settlement in Bamako, Mali.¹ The theme of the study was women’s income-earning activities in a context of rapid urban growth and increasing poverty. They lived in a neighbourhood which by outsiders was perceived as fairly homogeneous. Yet, closer scrutiny revealed an extraordinary variety in income levels, in access to housing and in household forms.

The paper deals with this variety. It has five sections. First, some background material on Mali and on the growth of Bamako and its unauthorised

settlements is presented. Then follows a brief outline of how the data for the
case study were collected, with an account of respondents’ age, marital status
and the diversity of household forms. The third section deals with occupations
and incomes and discusses gendered responsibilities in households. Women’s
incomes were generally low or irregular, and unregistered. However, with
decreasing real wages in the formal economy, widespread unemployment among
men and increasing costs of living, their earnings were the main source of
livelihood for many families. In the fourth part, some data on housing condi-
tions and variations in housing status are presented, and how attitudes towards
an up-grading project which had just started varied by gender and housing
status in rather surprising ways. The final section discusses two distinct urban
change processes: how people’s access to housing is likely to be profoundly
affected by the urban renewal policies underway, and how women’s new eco-
nomic responsibilities may modify gender relations and family forms.

Before turning to the case study proper, a few words need to be said about
prevailing gender relations in Mali. Despite differences among ethnic groups,
and between urban and rural society, stratification by gender and age is still
pervasive. Men and women also live to a large extent separate lives. Post-inde-
dependence legislation proclaims the equality of men and women in most areas,
but observers stress how traditional norms of segregation and power differen-
tials still govern relations between the genders in most social fields (Lambert de
Frondeville, 1987). Men’s reputation is tied up with that of the kin group and
the communal, while women are first and foremost evaluated as wives, home-
makers and mothers. A woman not only owes her husband deference and sub-
mission, but she is also to some extent maker or undoer of his reputation. A
man’s successes or failures are often explained by reference to his wife.
Women’s position is thus characterised by ambiguity, subordination and re-
ponsibility at the same time (DiaIlo, 1988).

THE SETTING

Mali is one of the poorest countries in the world, ranking among the last on any
chosen development indicator, with negative growth in recent years (UNDP,
1995). But like its West African neighbours, it has experienced explosive urban
growth, particularly in the capital. Population increase was particularly strong
in the 1960s and early 70s, with an annual growth rate of almost eight per cent
then it slowed down to about four per cent and in 1987 the population of
Bamako was close to 700,000 (PUM, 1984, BCE, 1987). This growth was quite
unevenly distributed within the town, from less than one per cent annually in
the central, older zone to close to nine per cent in new, peripheral settlements.

The growth of the urban population was partly due to high rates of natural
increase of a young urban population, partly to in-migration. Since the late
1960s, urban poverty has also become more widespread. The cost of living has
increased, wages have declined and wage work in itself has become harder to
find. Urban households have to supplement wages by other forms of income, or find their livelihood outside formal employment.

As in other rapidly growing cities of the developing world, the authorities in charge of urban planning were in no way equipped to keep up with the growth of the urban population, and the provision of housing and other amenities fell behind. Up to the early 1960s, the demand for popular housing was met through densification of older wards, and through building by contractors and future house-owners in areas released by the authorities. The supply of low cost public housing was negligible. Densification possibilities were virtually exhausted during the 1970s, and very few sites were being made ready for construction, so people had increasingly to look elsewhere for shelter. Contractor-built dwellings on regulated sites had in any case never provided really low cost housing (Traoré, 1988).

During the 1960s, a new type of neighbourhood appeared, the so-called quartiers spontanés, or unauthorized settlements. Until then, Bamako had not had any of the bidonvilles characteristic of for instance Dakar and Abidjan. The larger unauthorized settlements which emerged during the late 1960s were not the result of invasion of land and self-help construction over night, in fact, there is nothing spontaneous about them. Rather, they grew up around old villages on the outskirts of the city, where the local chiefs initially transferred land for cultivation to relatives and friends. Some of these new occupants sold lots to home-builders and city speculators. In 1985 the unauthorized settlements gave shelter to about a third of Bamako's inhabitants. Since 1975 they had absorbed almost half of the city's population growth (PUM, 1984).

This extra-legal housing does not consist of self-help, makeshift structures of flimsy materials; they are usually erected with the help of professional builders. To look at, these new settlements are not much different from other townships. Houses are rectangular and built in banco, i. e. dried mud bricks, and have tin roofs. The rooms are usually placed around walled-in courtyards, forming compounds, called concessions or parcelles in French. The style is that of many larger rural Malian villages and the older, regular townships of Bamako. Some houses are fortified with cement and have painted outer walls.

What distinguishes them from regular townships is of course the lack of amenities. Water is supplied by wells in the compounds or by street vendors. There is no electricity supply, nor storm drains or sewerage. Each compound has a latrine linked to a shallow cess-pool outside the wall, frequently overflowing into the street. Access to individual compounds may be by narrow footpaths only and in the rainy seasons, floods are frequent.

A World Bank survey of 1983 found that 56 per cent of Bamako's households were owners, 40 per cent were tenants, and four per cent were free guests (PUM, 1984:56–57). Generally, there was a strong correlation between income and ownership. Rather surprisingly, the proportion of owners was higher in the unauthorized settlements, almost 63 per cent. Their average incomes, though, were far lower than the incomes of house-owners in the regular settlements, but
considerably higher than those of their own tenants. This indicates that the clandestine allotment process has given people from lower income groups a chance to own their own houses. At the same time, the unauthorized settlements have provided cheap rental housing to the lowest income groups.

The locality chosen for study is one of Bamako's largest unauthorized settlements, called Banconi. It is situated a few kilometres east of the city centre. Until the late 1950s, a few scattered hamlets with fields and mango groves were the only signs of human habitation. In 1987, more than 50,000 people lived here. The first urban settlers built their own houses in agreement with the local chiefs, but gradually, speculators acquired land and built houses for rent, without ever taking up residence there themselves. By the late 1980s, the population of Banconi had become very mixed, ethnically and economically. Some well-to-do merchants, middle class functionaries and industrial workers live here, but the majority of residents probably have incomes well-below city averages, from a variety of occupations and activities in the informal economy. The proportion of recent migrants is fairly high.

The authorities' policy towards Banconi and Bamako's other large, unauthorized settlements was for a long time one of laissez-faire. Since 1977, rehabilitation and legalisation of tenancy have been proposed several times, both by locally elected officials and by national authorities. The inhabitants themselves have twice contributed funds towards upgrading, once for the installation of a water supply system and once for registration of land occupancy. In both cases, the officials in charge of the collection disappeared with the money.

It was not until the mid-1980s that the Malian government decided that Banconi should be part of a comprehensive urban rehabilitation programme undertaken in cooperation with the World Bank. The scheme was partially implemented in 1988–1990, and provided parts of Banconi with public water taps and access roads with storm drains and street lights. Gradual legalisation of tenancy was also envisaged. Those house-owners whose property was directly affected by the construction of new roads were granted a temporary permit to occupy, but full-scale registration and legalisation of land occupancy was to be part of a cadastral plan for the city as a whole, and thus a fairly long-term project. Recently, the urban renewal process has been speeded up, in ways which are likely to affect this particular neighbourhood more profoundly than was dreamed of at the time when the data for this study were collected.

THIRTY WOMEN IN BANCONI

The theme of the study was women's economic roles in a context of urban poverty. Banconi was chosen because it, according to available data, was one of the poorest parts of Bamako. Fieldwork took place in 1987 and 1988, for nine months in all, divided into three sojourns. Time was divided between tracing and systematising existing studies and available statistics on living conditions, labour market and migration to Bamako and interviews and observations in
one particular neighbourhood. To do a representative sample survey was ruled out, partly because it would be too costly, partly because it would not yield data suited to analysing individual strategies in detail. Instead, a combination of qualitative and quantitative methods was used, focusing on women in different life situations, but living in the same area of the city.

The final sample grew out of a snow-balling process, starting with a young woman who lived in the neighbourhood. She was interviewed at length about her background, migration history and present situation, including her economic activities, family responsibilities and friendship ties. She also agreed to act as interpreter when that was necessary. An interview schedule was hammered out, and a sample of thirty women emerged gradually, consisting of all adult women resident in the key informant's compound, and at least one woman from each of the compounds in the same block, her closest friends in the locality, and friends of her mother's who were also local residents. The sample had thus both a social and a locational basis: most of the respondents were linked to each other in various ways, be it through kinship, work, friendship or residential proximity. Although the sample was small, it was large enough to highlight a variety of conditions and responses.

Data were recorded in various ways. The interview schedule covered the usual background variables of age, marital status, number of children and migration history, and focused on economic activities and responsibilities, housing conditions, house-work, consumption, and social and associational life. The interviews were supplemented through daylong observation in compounds, social visits of farewells and returns, discussions on a number of subjects with particular informants, both men and women, shopping at the local market with respondents, and participation in naming ceremonies and traditional wedding rituals. A lot of information about community life was gleaned from casual encounters, as when giving lifts to people, waiting around for people who did not turn up, conversations with shop-keepers etc. Some local dignitaries, such as the mayor, municipal councillors, the president of the local section of the now dissolved Union Nationale des Femmes Maliennes, and the chef de quartier of the section of Banconi where the respondents lived were also interviewed.

Table 1. Thirty women in Banconi by age and marital status

<table>
<thead>
<tr>
<th>Age</th>
<th>Engaged</th>
<th>Married</th>
<th>Divorced</th>
<th>Widowed</th>
<th>Single</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>50+</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>40-49</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>30-39</td>
<td>1</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>20-29</td>
<td>3</td>
<td>9</td>
<td>2</td>
<td>1</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>3</td>
<td>20</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>30</td>
</tr>
</tbody>
</table>
Table 1 shows a certain bias in favour of the 20–29 age group, where the key informant belonged. It also indicates a fairly high level of marital instability, which is not unusual even in Malian rural society. However, lengthy engagements and prolonged periods of being single after divorce or widowhood, reflects new, urban norms. Of the twenty women currently married, half lived in polygamous unions or under polygamous contracts. But only one shared residence with her co-wife, who is not included in the sample because she refused to be interviewed. Three of the married women were childless, one of them had been given the child of a relative to foster. Some who had children of their own had also taken in girls to foster, who helped them in their economic activities. One woman who at the age of 29 already had six children, had sent the three oldest home to her village of origin to be brought up by her parents. Those old enough to have completed their reproductive career had five to seven children each.

These thirty individuals were distributed over 13 compounds, which housed 55 households in all. Not all the thirty respondents lived in separate households; the sample includes four pairs of mothers and daughters living together, and two housemaids were counted as residing with their employer.

What constitutes a household was, as it often is, a most complicated question. The assumptions of economics and physical planning, where the housing unit and household are taken to be overlapping, and households are considered undifferentiated units pursuing a shared goal, does not apply everywhere. That households are not necessarily cohesive, mutually supportive and enduring units has been amply documented (Dwyer and Bruce, 1988; Rakodi, 1991) but these insights are slow to gain acceptance, both in statistical surveys and in the formulation of housing policies.

In Malian statistics, households are defined as groups of related or non-related co-residents who recognise the authority of a common household head. This is a problematic definition in a number of respects, of which two will be mentioned here. First, there is the combined requirement of co-residence and recognition of authority. In urban Mali, when a man has several wives, they do not necessarily live together. Sometimes, each of the wives have their own place, and the husband circulates between them, usually enjoying a lot of authority, but without having a separate residence of his own, nor a principal residence with one of the wives. Three of the respondents in the present study lived in arrangements of this type. The second problematic aspect of the definition above concerns the arenas in which the presumed household head enjoys authority. Co-residing families may consist of several units for some household functions, such as eating or raising children. Considered from a more limited shelter aspect, such a group may be considered as one single unit, because the compound is owned by an elder and they all pay deference (and sometimes cash) to him in return for shelter. This type is also represented in the sample. The point is that household forms are both varied and impermanent. Little can
be assumed about to what extent members of a household pursue joint or individual economic strategies.

The criteria for delineating a household used in this study are co-residence combined with shared meals on a fairly regular basis. By this yardstick, these 30 women lived in 24 separate households, of which three were women-headed. About half of the households consisted of parents with young children, the others of two or more generations of related grown-ups. The diversity does not only reflect variations in the stages in the life-cycles of domestic groups, as when grown-up children move away and a previously extended household become several nuclear ones, or previously independent parents move in with children, creating an extended household out of two nuclear ones. In present day urban Mali, it would not be surprising to find a one-time nuclear household joining forces with relatives for shelter as well as for other household functions. Such a move should not necessarily be interpreted as an expression of the strength of tradition, but rather as motivated by economic necessity.

GENDERED RESPONSIBILITIES IN HOUSEHOLDS

In the cities, where the provision of basic necessities such as shelter, clothes, food and fuel have to a large extent become monetised, men’s and women’s productive tasks are no longer complementary in the way they were in rural society. While Islamic norms enjoin a man to provide for his wife and children (Boyé, 1987:60), many urban men fail to do so. But there is also the notion that a woman’s earnings are her own to dispose of. As reported in numerous studies from urban West Africa, household incomes are not necessarily pooled to be used for whatever needs arise. A husband’s income is normally kept secret from his wife, so is hers from him, and each spouse covers a defined set of expenses, often borrowing from each other (Le Cour Grandmaison, 1979; Pittin, 1987). This form of contract between husband and wife, where men and women have separate economies may be seen as an outcome of the gender-based division of work and responsibilities prescribed by tradition.

Whatever the prescriptions of Islam, it is now probably the case that the majority of urban husbands do not manage to provide fully for their families. Among the better off, the norm and to some extent the practice seems to be that a husband should be responsible for lodgings, children’s tuition and monthly supplies of cereals and fuel, and a daily *prix du condiment*, i.e. money for vegetables, spices and meat or fish to go with the cereals. The women may also expect new clothing for themselves and their children for major religious holidays. But for most of the urban households, the reality is very different. The cost of living in Bamako, compared to the extremely low level of wages and the high level of unemployment, means that husbands often do not manage to raise money for rent or to buy staples every month, nor do they always provide the necessary cash for daily food purchases.
Table 2 shows the women in the sample by their spouses’ occupational status and their own income-earning activity. It shows that more than a third of the married women were without any support from male income at the time of the study. Only three of the women pursued no income-earning activities. One of them was very old and now provided for by her children, but had earlier been engaged in trade. The other two were young housewives with small children, whose husbands were traders, and the only ones to provide fully for their families. Their wives both hoped to take up some trade later, if their husbands would allow them to and provide them with funds for getting started.

Table 2. Thirty women in Banconi by husband’s and fiancé’s occupational status and own income-earning activity

| Husband’s/fiancé’s occupational status | Own income-earning activity | | | | | |
|----------------------------------------|-----------------------------|---|---|---|---|
|                                        | Trade | Production | Salaried work | None | Total |
| Self-employed                          | 2     | 5           | -              | 2     | 9     |
| Salaried                               | 4     | 2           | 2              | -     | 8     |
| Unemployed                             | -     | 2           | -              | -     | 2     |
| Retired                                | 2     | 2           | -              | -     | 4     |
| No husband                             | 3     | 1           | 2              | 1     | 7     |
| Total                                  | 11    | 12          | 4              | 3     | 30    |

The trades, productive or salaried work taken up by the women were all typically female occupations. Of the four women in salaried work, two were young girls who had come to Bamako to work as housemaids. They both stayed with relatives but had their meals with their employer, where they worked for 12–14 hours a day. They earned very little (the equivalent of 70–100 FrF a month), and planned to bring all their earnings back to their families. The other two working for wages were the only ones in this sample who had regular jobs at wage levels comparable to that of men in the formal sector. One worked as a cook with an expatriate family, the other had for several years worked as a cook and cleaner, or as a “boy” as it is called in Mali, at a dam construction site some distance from Bamako. She was divorced and spent her leaves in a brother’s compound in Banconi, where her daughter and mother lived permanently. Most of her earnings went to a common fund to feed fifteen people.

The traders were all un-licensed. Some went on trading trips to other West African countries. Their earnings and trading activities were sporadic. Other traders were involved in door-to-door or market trade locally, some also sold goods from their own compounds. There was, however, an interesting difference between those who traded in everyday consumption goods sold in small quantities, and those who dealt in goods which were not everyday necessities and where the price per item was higher, such as printed cloth. The first group never had any windfalls; their earnings, as far as it was possible to calculate them, were small and they sometimes incurred losses, but they usually man-
AGED TO STAY IN BUSINESS ON A REGULAR BASIS. THE SECOND GROUP MIGHT HAVE A
BRISK TRADE NOW AND THEN, FOR INSTANCE IN THE WEEKS PRECEDING A RELIGIOUS HOLI-
DAY, WHEN EVERYBODY WHO COULD AFFORD TO DO SO BOUGHT NEW CLOTHES FOR THEIR
CHILDREN OR THEMSELVES. BUT AS WITH THE LONG DISTANCE TRADERS, THEIR BUSINESS WAS
SPORADIC AND DEPENDED ON THEIR ABILITY TO RAISE FUNDS TO BUY STOCK FOR EACH
TRADING EPISODE.

THE TWELVE WOMEN WHO WERE INVOLVED IN PRODUCTION ALSO SOLD WHAT THEY
MADE. AS WITH THE TRADERS, THEY FELL INTO TWO DISTINCT GROUPS; THEY WERE EITHER
ENGAGED IN PRODUCING GOODS AT LOW COST PER UNIT FOR WHICH THERE WAS A DAY TO
DAY DEMAND, OR THEY PRODUCED MORE COSTLY ITEMS WHERE PROFIT PER UNIT MIGHT
BE HIGHER, BUT WHERE DEMAND WAS LESS CERTAIN. THOSE WHO PRODUCED AND SOLD
STREET-FOODS IN PARTICULAR HAD LONG WORKING DAYS AND SMALL PROFIT MARGINS. THE
OTHER GROUP TYPICALLY WERE IN VARIOUS TYPES OF TEXTILE TRADE, SUCH AS DYEING,
EMBROIDERY OR TAILORING. WHILE THEIR WARES RARELY WERE LUXURY ITEMS, NEITHER
WERE THEY DAY-TO-DAY NECESSITIES. THEY COMPLAINED OF MONEY BEING TIGHTER AND
THEIR BUSINESS DWINDLING. MOST NOW ONLY MADE THINGS ON ORDER, THEY COULD NOT
AFFORD TO BUY INPUTS IF THEY WERE NOT ASSURED OF SELLING WHAT THEY PRODUCED.
THEIR CUSTOMERS WERE EITHER FROM THE NEIGHBOURHOOD OR FRIENDS OR RELATIVES OF
NEIGHBOURS. THEY WERE EXPECTED TO GIVE CREDIT, AND WERE OBLIGED TO CONSTANTLY
ASSESS THE RISK OF GIVING CREDIT AGAINST THE RISK OF DISPLEASEING THOSE WHO HAD
FOUND THEM THEIR CUSTOMERS.

ALL THE WOMEN WERE INVOLVED IN INTRICATE NETWORKS OF RECIPROCAL EXCHANGE OF
GOODS AND SERVICES WITH OTHERS, BOTH IN THE NEIGHBOURHOOD AND BEYOND. THEIR
DAY-TO-DAY SURVIVAL MIGHT DEPEND AS MUCH ON THEIR SOCIAL SKILLS AS ON HOW
MUCH MONEY THEY MANAGED TO MAKE. THIS UNDERSCORES THE IMPORTANCE OF SEEING
ECONOMIC ACTIVITIES IN THEIR CULTURAL SETTINGS. WHEN ACTIVITIES THAT GIVE LITTLE OR
NO PROFIT IN MONETARY TERMS STILL CONTINUE TO BE PURSUED, THE EXPLANATION MAY BE
THAT THEY PROVIDE ARENAS FOR INTENSE SOCIAL ACTIVITIES, SUCH AS EXCHANGES OF GIFTS,
SERVICES, VISITS ETC. WHICH ALLOW FOR CIRCULATION OF BOTH GOODS AND OF PEOPLE. THE
SOCIAL NORMS OF RECIPROCITY THAT ARE OBSERVED THROUGH THESE PRACTICES, MAY IN
THEMSELVES CONSTITUTE AN IMPORTANT BASIS FOR SURVIVAL (VAA, FINDLEY AND DIALLO,
1989).

THE HUSBANDS' OCCUPATIONS AND INCOMES WERE VARIED. AS IN OTHER POLYGA-
MOUS SOCIETIES, AGE DIFFERENCE BETWEEN HUSBAND AND WIFE COULD BE CONSIDERABLE.
FOUR OF THE HUSBANDS WERE ALREADY RETIRED, BUT ONLY ONE OF THEM FROM A JOB IN
THE FORMAL SECTOR WHICH PROVIDED HIM WITH A PENSION. THE OTHER MALE SPOUSES
(INCLUDING FIANCÉS) WERE EQUALLY DIVIDED BETWEEN SELF-EMPLOYMENT IN EITHER
TRADE OR CRAFTS, ALL IN THE INFORMAL SECTOR, AND SALARIED EMPLOYMENT/TEMPORARY
UNEMPLOYMENT ALSO IN THE INFORMAL SECTOR. ONLY FIVE WERE EMPLOYED IN REGULAR
JOBS, ONE AS A POLICEMAN, ONE AS A SCHOOL TEACHER, ANOTHER AS AN ACCOUNTANT, THE
FOURTH WAS A SHOP ASSISTANT AND THE FIFTH WORKED AS A MESSENGER IN AN INDUSTRIAL
PLANT. ACCORDING TO INFORMATION FROM OTHER SOURCES, SALARIES FOR THIS TYPE OF JOBS
RANGED FROM 20-35,000 CFA (THE EQUIVALENT OF 400-700 FRF IN 1988), OR A BIT
BELOW THE AVERAGE MALE INCOME IN UNAUTHORIZED SETTLEMENTS IN BAMAKO. THE NET
incomes of the self-employed were difficult to estimate, not only were most men unwilling to reveal any information about their incomes, to their wives as well as to a stranger, but possibly they did not know them too well themselves, since their earnings were very irregular. They probably ranged from next to nothing to well beyond the neighbourhood average.

Several of the married women were in fact sole providers. Those who still were single, usually pooled their earnings with those of their mothers and helped to support a larger group. Some had very long working days, and the poorer they were, the longer. Both self-employed men and those who were wage-workers had much shorter working days than women. So while poverty may be an equaliser in status among women, it does not equalise ways time is spent nor the division of work between men and women.

In studies of urban poverty, it is often stressed that one dominant feature of survival strategies is maximum diversification of income-earning and social activities. In Banconi, it seemed that women more often than men resorted to a wide variation of activities in order to earn money and secure household survival. Few of the unemployed men used their time to seek other work than what they were trained for, although relatively well paid casual construction work might be available. Perhaps this expresses traditional taboos linked to social hierarchy: in many West African societies, only slaves or those who acknowledged slave descent were free to do any type of work (Grosz-Ngate, 1989). While there certainly still are taboos regarding what type of work women can do, a wide range of activities is open to them within their gender role.

The extensive economic responsibilities that many of these women carried had not yet led to a remodelling of the stereotypes of what is intrinsically male and female. Men’s abdication of economic responsibility did not seem to diminish their authority in the home. They might be economically marginalized, but the ideology of their superiority over women remained intact. It is protected by the way Islam is interpreted and through their membership in power hierarchies outside the household, such as the religious community and various types of associations. Men maintain their status through religious observance and by seeking each other out for company. Being Moslems, they do not spend their leisure drinking alcohol as under employed husbands in many other poor regions of the world do. On the contrary, Bancon men seemed particularly concerned with upholding respectability, both through adhering to an elaborate etiquette when consorting with each other, and in insisting on proper behaviour on the part of women and children when men were present in compounds.

The way poverty was shouldered differently by men and women is an interesting case of norms being broken without there being any relevant sanctions in operation. Men should provide for their families, but in many cases they failed to do so. Not all seemed to exert themselves to find work and money. However, resentment was rarely expressed against husbands for being poor providers; this was accepted as no fault of their own. Whether this widening gap between
the normative and the actual will in the long run modify family roles and hierarchies remains to be seen.

HOUSING

Most of the dwellings in Banconi were in banco, and densities varied greatly. Housing units were laid out partly on a grid pattern, but some formed veritable mazes with no apparent pattern to them, reflecting gradual densification. There was one big market, several schools and mosques built by the inhabitants themselves, and one maternity unit. Compounds varied greatly in size, some were vast with only a few residents, while others were narrow strips between two rows of rooms, sometimes with several tenants to each room. A compound might for instance be occupied by one extended family and their resident visitors, or by the owner and his or her nuclear family in some of the rooms, with tenants in the other rooms. Some compounds were entirely filled with tenants, who might be couples with children or single persons. The rooms were mainly used as sleeping quarters. Sometimes, one room was used as a communal kitchen, but mainly for storage of food and utensils, since cooking normally took place in the courtyard. There was usually a communal wash-room and toilet, and larger compounds might have sheds for chicken, goats or sheep. Most compounds had their own well, but water quality was variable, and some residents were dependent on neighbours or street vendors for drinking water.

In 1977, Mamadou Sarr (1983) did an in-depth study of housing and economic activities in an area of Banconi which partly overlaps with the present study. Comparing the two sets of data, it is fairly obvious that both housing standards and levels of living in general had deteriorated. Relative incomes had gone down and the number of occupants per room had gone up. Young couples who would like to set up their own household continued to live with parents etc. The decline was also reflected in the physical state of the buildings. In 1977, expansions and improvements occurred frequently, while ten years later, most compounds were in a sad state of disrepair.

In table 3, the individual respondents are recorded by their housing status and the type of compound they live in. It should be kept in mind that due to the locational basis of the sample, some respondents actually live in the same compound. Compounds vary not only in size but in type of occupancy. In this sample, the modal group were tenants who lived in compounds with absent owners. Some of these compounds were extremely crowded, with cramped rooms and houses in disrepair, while others might be spacious with better quality housing. The same variations could be observed in the owner-occupied compounds. Some had been subdivided several times, resulting in fairly narrow courtyards. Others were more spacious, but with great variations in quality of houses.

The second largest group lived in owner-occupied compounds where either tenants or guests also resided. Only in one case did rent constitute an important
part of a resident owner's income. Guests were often relatives of the owner, but not necessarily so. Some compounds were occupied by the owner's family only, forming a single household. Grown-up daughters staying with their parents are found here, and old people staying with an owner son.

Rents varied from 3,500 to 5,000 Fr CFA per month (in 1988 the equivalent of 70–100 FrF) for two rooms, depending on location, size of the rooms and the quality of the construction. This was from a third to a half of what one would have to pay for similar accommodation in more central parts of the city, but still considerable, given the level of incomes. Overcrowding was probably more a reflection of poverty than of there being no more rooms available for renting. During the rainy season of 1988, two of the lodger families in the sample had to vacate their homes because the walls fell in, but they had no difficulty in finding new lodgings in the same neighbourhood.

Table 3. Thirty women in Banconi neighbourhood by housing status and type of compound

<table>
<thead>
<tr>
<th>Type of compound</th>
<th>Housing status</th>
<th>Tenant</th>
<th>Free guest</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Owner/wife or depend. of owner</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner's family only</td>
<td>5</td>
<td>-</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>Owner occupied</td>
<td>6</td>
<td>2</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>with tenants/guests</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner absent</td>
<td>-</td>
<td>13</td>
<td>-</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>15</td>
<td>4</td>
<td>30</td>
</tr>
</tbody>
</table>

There are no legal restrictions on women owning property in Mali. In fact, two of the owner-occupied compounds belonged to women, who had inherited them from their husbands. Several of the compounds owned by absentee owners also belonged to women. But house-ownership was not necessarily perceived as an asset, as an inquiry into attitudes towards the up-grading and legalisation process revealed.

Opinions of the rehabilitation process varied according to gender, housing status and income. Women, regardless of whether they were owners in their own right, wives of owners or tenants, or were tenants in their own name, looked forward to the improved water supply, as it would save both their time and money. Very few had any views on other aspects of the rehabilitation project. The legalisation of plots in particular they felt was the men's domain. Male tenants on the whole also appeared to be indifferent to this question and felt it was the owners' problem. Rents had not yet started to go up, and several dwellers, particularly those who were relatively better off, had hopes of erecting their own houses on plots further away from the city, as squatters in their own right.
Owners fell into two distinct groups; the better-off, who welcomed rehabilitation, and the poorer, who feared it. The first group, and in particular those who owned several compounds, had noticed that land prices had gone up and expected enormous increases in the value of their properties as soon as the legalisation process had been concluded. They also though that wholesale destruction of houses was ruled out for political reasons. Poorer owners gave a variety of reasons for their fears. They were afraid that many houses would have to be demolished to make the streets wider, and were convinced that they would get no compensation. Even if they were to be given new plots in cases where houses had to be pulled down, they knew that they could not afford to build new houses. Another fear was that the legalisation process would entail enforced improvements to all houses, also beyond their means. They might then be forced to sell their houses and become tenants. The two women owners were on either side of this divide. One had several young children and an absent husband who did not have any stable income, the other was a widow with a single son who supported her, and who had a fairly high and stable income.

When this study was done, processes of differentiation in access to housing were already underway. By 1991, informants reported to the author that although legalisation had so far only been proposed, and not yet achieved, a lot of construction work had been started and rent levels had increased. There were also rumours of massive land speculation, whereby absentee owners, often city notables, convinced poorer house-owners that it would be advantageous to sell their property rather than to wait for the inevitable costs of legalisation. Their options thus became the same as those of the poorer tenants: either to seek shelter further away from the city, which would increase the cost of getting to work, or to accept even higher levels of overcrowding than in their present shelter.

URBAN CHANGE

In April 1995, the Malian government adopted a revised master plan for the city of Bamako, which entails *inter alia* a more active policy of urban renewal and housing. Large, unbuilt areas are being made ready for construction, partly in the form of subsidised, serviced sites. Some unauthorized settlements are being demolished and the residents are relocated to these new sites. Others are being upgraded.

The part of Banconi where data for this study were collected, is affected by these changes in various ways. Being centrally located close to a main road and having residential, regular neighbourhoods on two sides, the authorities have decided that it shall become a mixed commercial and residential area. To achieve this, extensive demolition of houses is necessary, to make room for access roads and to make the streets wider. Some of the largest properties are being divided, and the owners are given titles to part of their former property. Owners whose whole property is needed for redevelopment, are relocated
further away from the road, in other, less crowded neighbourhoods where land titles have recently been regularised.

It has not been possible to do a follow-up study of how these changes have affected the individuals in the study. But two outcomes are fairly certain, not only for Banconi, but for the city as a whole. One concerns access to shelter for the poor. Up to recently, housing has not been fully commercialised. The legalisation and rehabilitation process will give houses and land in the former unauthorized settlements not only a negotiable market value, but make them valid as collateral for formal credit institutions. Better off owners, in cooperation with entrepreneurs and speculators may be able to take over houses and land as investment objects. Standards may be raised, but so will prices. In the longer run this may effectively bar poorer groups from becoming or remaining house-owners in the neighbourhoods where they previously lived, or from renting rooms there at prices they can afford. This process has been observed in a number of other cities, both in Africa and elsewhere (Durand-Lasserve, 1986; Sinou, 1987; Amis and Lloyd, 1990).

The second process, linked to the first one, is spatial and economic differentiation of the city. Unless specific policies of a redistributive character are introduced, the commercialisation of housing and raising of standards will lead to increased economic inequalities. Those squatter settlements which have attractive locations—former communities of the poor—are likely to become middle class suburbs. Affordable rental accommodation—usually of low quality and offering little or no security for tenants—will be located further way from the city centre, where wage work or other income-opportunities tend to be concentrated. Increased transport costs and diminished earning opportunities will hit women harder than men, since the economic activities of self-employed urban women are frequently home-based, and dependent on a local demand which either presupposes a central location or a differentiated neighbourhood (Moser and Peake, 1987; Moser, 1993).

Increased spatial differentiation of the city and ensuing changes in poorer strata’s access to housing and income are fairly straightforward to predict. Regarding the second topic to be discussed; whether the changing economic roles of women will lead to changing power relations between men and women and ultimately to new family forms is more complicated. Two specific cultural traits shared by most West African societies need to be kept in mind. The one concerns the economic organisation of households, which are not joint enterprises, but governed by more or less explicit contracts about who pays for what. The other is the normative strength of male superiority, women’s identity and worth to a large degree being dependent on marriage and motherhood.

As noted above, men’s de facto abdication from their prescribed role as providers does not seem to have challenged their authority in the home. Women’s earnings, while still in theory their own and which they are entitled to keep secret, often have to cover a large part of household expenses. Such shifts in the actual division of economic responsibilities may in the longer run have
implications for gender relations. Two possible outcomes are (a) new cooperative patterns between spouses, and (b) potentially greater economic and social autonomy for urban women, both single and married.

While it may be in women’s interest to keep their earnings secret, if they actually carry a large burden of daily outlays, women may get negotiating power vis-à-vis their husbands in the direction of pooling resources and of redefining food and other necessities as joint responsibilities. Particularly in younger monogamous households where both husband and wife earned money, some reciprocity and sharing of expenses was observed already in 1988. However, this often took place in combination with at least paying lip service to having separate economies.

As to the possibility of increased economic and social autonomy for women, urbanisation has also led to a larger proportion of women being on their own (Antoine and Nanitelamio, 1989). This is partly because divorce is not as automatically followed by remarriage as before, partly because some women migrants to town choose to live alone, or in looser unions than marriage. Young, adult women may also have a fairly extended period of engagement, because their fiancés cannot afford the expenses connected with wedding ceremonies. When these young women earn money, it is in theory their own, but is often used to help mothers and siblings.

Both single and married women are allowed to keep their earnings and expenses secret. The freedom to do so becomes rather illusory if the money they earn is barely sufficient to cover the daily needs of their dependants. But there is at least a normative basis for personal enterprise and economic independence for women. Thus, the autonomy of urban women may be more limited by the overall economic situation than by prescriptions of what it is proper for a woman to do. Women do sometimes succeed in their enterprises, and in turn become role models for other women. In her summing up of a large number of studies of changing gender roles in urban as well as rural West Africa, Oppong (1983:372) notes how both women and men have increasing scope for independent adult status, economically and socially, and how marriage and parenthood are no longer the *sine qua non* for adult social status.

Economic independence may be a prerequisite for personal independence. But as long as the culturally prescribed superiority of men over women is accepted by the women themselves and upheld by religion and other social institutions, drastic changes are not likely to occur quickly. The situation is very different from what Lomnitz observed in Mexico City, where women of the shantytown saw (the frequently absent) men as “emotionally immature, overweight children” (1977:94).

The proportion of both *de jure* and *de facto* women-headed households has for a long time been fairly high in some parts of urban West Africa (Locoh, 1995:21). It is a household form that may be on the increase in other parts of the region as well, such in Mali and Burkina Faso, where it has not been widespread till now. Some women may have to fend on their own mainly from
necessity, others may chose to do so as a deliberate strategy. Whatever the circumstances, the outcomes for gendered power relations would be worth further study.

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Chapter 7

Housing for Domestic Workers in Swaziland

Miranda Miles

INTRODUCTION

One of the most common problems of rapid urbanisation in the Third World has been the failure of conventional government programmes to satisfy low income housing demands for the growing numbers of migrants in the city (Gilbert and Gugler, 1982; Moser, 1982). The direct consequence of this failure has been the proliferation of squatter and shanty settlements. Large-scale migration from the rural areas has caused pressure on the limited, formal housing supply. Because many migrants are unable to find jobs, conventional housing supply is not only scarce, but often too expensive for most urban residents. Consequently, the majority of the low income population have been forced to occupy land illegally, or to build their own shelter in irregular settlements.

Very little attention has been paid to the fundamental issue of the role of women in the provision of housing in Swaziland and other such basic services and the gendered power relations in their access to housing in Swaziland. This becomes a matter of critical concern in view of the fact that women have increasingly formed a large proportion of migrants to the city, in response to both economic and social transformations caused in large part by rural impoverishment and counter-balanced by increased industrialisation and urbanisation in Swaziland.

As housing provision has failed to keep pace with the burgeoning urban population, for many female migrants domestic service has provided not only a means of getting a job for earning money in town, but it may also provide a cheap means of accommodation, in spite of the indignities and constraints that they face. This chapter draws out an important aspect of urbanisation on the lives of migrant women: the housing situation of women in domestic service. Because domestic service has become an important sector in absorbing rural women migrants into the urban economy, albeit their numbers in this sector remain unconfirmed, their housing situation as domestic workers merits close examination (see also Schlyter, 1989).
Housing policy in Africa in general is made on the assumption that households are made up of a nuclear family. The housing delivery process has also been based on predictable population sizes and distribution. Yet in practice, it increasingly becomes evident that traditional planning does not work in Africa, or anywhere else for that matter, unless recognition is made of the different needs of the different sectors of society in addition to different income groups and household structures (Moser, 1993). That men and women have different needs (Moser and Peake, 1987, Moser 1993) cannot be over-emphasised. In identifying the extent to which low income women in developing countries in particular, have specific housing needs on the basis of gender, Moser (1993) calls for the implementation of gender planning that recognises the needs of women in their own right apart from the planning for the needs of families and households.

Schlyter (1989) shows for Zimbabwe how domestic work is an important strategy for women in the city. By examining the reality of their lives in terms of present assumptions underlying government policy, in the case of Swaziland, the focus on migrant women in domestic service offers interesting opportunities to review women’s access to housing in Swaziland and the coping strategies that they adopt as alternatives to home ownership. The women being referred to in this study are low income women who are living below the poverty datum line. The vast majority are female heads of households. Their everyday experiences draw attention to the inability of government housing policy to adequately incorporate low income women as active players in the housing market. The battery of laws, traditional tenure patterns and institutional barriers that cooperate to limit women’s access to decent urban housing are reviewed. Yet in their bid for survival, women devise alternative housing strategies that government documents, housing policy and academic research have not addressed.

URBANISATION IN POST-COLONIAL SWAZILAND

Swaziland is a small country with a population of less than a million. Approximately one fourth of the population is urban and a majority of them live in the two main urban areas of Mbabane and Manzini and in the corridor between them. The population of Swaziland is growing rapidly at an estimated rate of more than three per cent per annum, with Mbabane and Manzini having grown at a rate of about five per cent (Government of Swaziland/MHUD, 1995).

Independence from British colonial rule in 1968 marked the beginning of remarkable economic and social change in Swaziland. Marked growth in the economy gave impetus to an irreversible process of rapid urbanisation. However, the fruits of development after 1968 were manifested unevenly as rural impoverishment continued unabated in spite of economic growth. The effect of this imbalance in rural and urban economic growth was large scale migration to the urban centres of the country, mainly to the economic hub of Manzini and the capital city of Mbabane. Women have increasingly formed a large propor-
tion of migrants to the city in pursuit of a livelihood to support their families. Though academic research on migration in Swaziland has been extensively documented (Maro, 1991), very little work has been devoted exclusively to women (Miles, 1991); a fact that Olurode (1995) attributes to the tremendous social change throughout society that has not been accompanied by a commensurate shift with respect to the perception of gender roles. Migration literature in Swaziland has simply excluded women as migrants on their own and instead has merely categorised them as dependent migrants, numerically insignificant for social analysis.

Yet women have played an important role in the economic and social development of the country. Historically, Swazi women have migrated to the towns from the early part of the century, but in no significant numbers. Colonial and traditional social structures worked together to minimise women’s mobility. Although those who migrated were labelled *loose and immoral*, women did migrate to town and even as far afield as South Africa in pursuit of employment. The number of women in the towns increased in the post-colonial period as traditional patriarchal structures were forced to relax their control on women’s labour in the face of growing rural impoverishment. Also, women’s access to the otherwise male-dominated labour economy had increased as more jobs opened up for women with increasing multinational foreign investment.

Post-independence development and the Swaziland government’s emphasis on the need for rapid industrialisation (Government of Swaziland, 1978) created serious implications for the employment patterns of women. On the one hand, a demand for female labour in both the public and private sectors of the wage economy was created. Yet on the other hand, as increasingly more Swazi women joined the labour market, a vacuum was created at the household level with the greater demand for household help and nannies for childcare. The gap could only be filled by a contingent of women in domestic service.

The feminization of the Swazi labour market (Government of Swaziland, 1990; Akinmusi, 1991) in the 1980s and 1990s generated a new wave of female migration as women with few or no marketable skills joined the ranks of domestic service (Russell, 1986). By the 1980s domestic service constituted the largest source of employment for migrant women in Swaziland (Armstrong, 1984) and continues to be a female-oriented sector of employment in Swaziland, which unlike South Africa (van Onselen, 1982), Zambia (Hansen, 1989) or Zimbabwe (Pape, 1993), lacks a history of male domestic labour.

Women’s migration to the city of Manzini is testimony not only to women’s increasing involvement in the urban economy, but also to the diverse coping strategies that they adopt as female heads of households to support their families. While predominant as a major source of female employment in Swaziland, domestic service is hardly recognised as remunerative employment in government labour records. Yet for many women, it is an occupation through which they gain entry into the urban economy. The work and living conditions of
domestic workers have not been subjected to policy statements nor to much academic scrutiny.

Women and housing

The vast body of literature on gender and housing in the Third World raises important questions that cannot be ignored. Do women have particular housing needs that differ from those of men? Are there specific constraints that limit women’s access to formal housing in Swaziland? An overview of Swaziland’s recently formulated Housing Policy brings to the forefront particular constraints that have prohibited low income women from gaining access to formal housing, forcing them to devise housing strategies as alternatives to home ownership.

In an attempt to cope with urban growth and the demand for housing during the 1970s, the Swaziland government initiated several donor-aided self-help housing schemes. However, these schemes failed for several reasons which included unresolved tenure problems and unclarified responsibility for infrastructural provision, maintenance and cost recovery. Public sector low income housing projects were also initiated by the Industrial Housing Board and various other government and parastatal institutions with the aim mainly to house their employees. In reality, only a small number of rental housing projects have been developed for low income households. While most of them were heavily subsidised to make them affordable for low income groups, high rent increases in several of these schemes have made them less accessible to the target group (Hoek-Smit, 1988).

For migrant women in domestic service the housing situation is even more volatile. It is common for migrant women to migrate to town without their families and because of the cost of housing that far exceeds their income and financial commitments with their family in the rural areas, as in many developing countries (Engracia and Herrin, 1984; Palabraica-Castello, 1984; Preston-Whyte, 1991) many of them in domestic service are forced to resort to live-in domestic work, while others rent rooms in the yards of slum landlords/ladies. The inability of the city councils to cope with the rapid growth and the absence of a housing policy have undermined the setting of housing and service standards, and have also meant that the majority of urban growth in the Mbabane-Manzini-Matsapha corridor has been unplanned, unserviced and uncontrolled. As a result, approximately sixty per cent of all Mbabane and Manzini residents live in houses constructed of informal materials (Hoek-Smit, 1988; LHMS, 1993). Many of these households do not have access to safe water, sanitation or electricity. Disease incidence is high and the quality of life is poor. Even middle-income and established working class Swazis are often unable to find housing in zoned areas due to an acute housing shortage, and instead revert to low cost informal housing (LHMS, 1993). The result is a high degree of economic stratification in these settlements.
With the call to identify the extent to which low income women in developing countries have particular housing needs, by examining the reality of their lives in terms of present assumptions underlining government housing policy, focus is placed on the precarious situation of migrant women in domestic service and the housing strategies they adopt as alternative housing policy. It is within the domain of domestic service that the social relations of housing can be addressed.

Constraints in Swaziland’s housing sector

Recent expansions in employment opportunities have made Manzini a focal point for migrants coming to urban areas. This has placed enormous stress on the existing land and the housing resources in the area (Hoek-Smit, 1988). Even though a relevant housing policy has been absent to cope with the growing urban population and to plan and control housing supply in Swaziland, several constraints in the housing sector in general, may be identified which at a micro-level provide pointers to the ways in which women face constraints in gaining access to decent housing in town. Despite the stated objectives in the new housing policy to be equitable, sustainable, comprehensible and flexible, Swaziland’s housing sector is riddled with different forms of constraints that work together to limit the proactive objectives of national housing policy, and that also act as major constraints to the access of low income groups to decent formal housing in urban areas.

Financial constraints specific to the housing sector include a lack of access, both physical and financial, of low income groups to housing finance. For example, the Swaziland Building Society, rarely lends to households earning less than E1000\(^1\) per month, which is six times more than the minimum salary. In real terms domestic workers’ wages can range from between E50 and E300 per month.

The institutions which play key roles in Swaziland’s housing sector include the Ministry of Housing and Urban Development, the Swaziland National Housing Board, Swaziland Building Society, the Mbabane and Manzini City Councils, the Water and Sewerage Board, the Office of the Surveyor-General and the Deeds Registry Office. For the most part, the serious institutional constraints that affect low income groups at large and more acutely women, include the fact that many of these institutions are relatively new and therefore have very little experience, not only with the various types of housing solutions on a large scale, but also with incorporating the needs of different groups of society in their planning actions. The operations of these institutions are also hindered by an inadequate framework of sectoral policies and legislation.

Legislation governing urban planning, land survey, development control and local government, not only lack a planning approach, but are outdated and

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1. The Swazi currency is the lilangeni (plural emalangeni) and is pegged to the South African Rand. The bank exchange rate for one U.S. dollar is approximately E3.50.
conflicting (MHUD, undated). Notwithstanding the National Housing Board’s assigned primary responsibility towards implementing government housing projects with a priority on those for low income households, in reality its continued emphasis on implementing middle-income housing projects, has systematically excluded women, especially female heads of households from participating in their housing projects.

Perhaps the greatest constraint women face with regard to access to housing concerns their rights to land. In general, the land question in Swaziland is a particularly sensitive one in view of the existing tenure patterns. Swazi Nation Land represents more than half of the kingdom’s territory. Held in trust for the nation by the king, it is allocated to Swazis for use by the chiefs and in accordance with customs and tradition (Oyowe, 1994). A sum or gift of money is paid out to the chief before he allocates land. The remaining land is Crown Land or given over to private tenure. Insecure land tenure on Swazi Nation Land has also discouraged private investment on such land and banks from giving loans. For Swazi women the situation is worsened by the fact that traditionally, Swazi Nation Land is inalienable. Land allocations by chiefs are normally made to men and land is passed on to male children (Nhlapo, 1990). Divorced, widowed and never-married women may control land, but as Nhlapo (1990) points out, their access to land may only be acquired through a male representative, even if he is a minor. In the case of private tenure land, the situation is different in that women have the same rights over land as men do. Although this has enabled women to own land in urban areas, for the domestic worker, home ownership still remains a distant dream.

The constraints identified in this section have created a gap in Swaziland’s housing sector, which is increasingly being filled by informal housing. For migrant women, this type of housing is the most accessible in terms of availability and affordability as migration continues to have an impact on the type of housing units required to fulfil growing housing needs (Hoek-Smit, 1988). For domestic workers, informal housing is also flexible, given the versatility of their jobs in the city. Inappropriate policy, outdated legislation, insecure tenure, poor management, insufficient and mis-directed planning and unavailable finaces have successfully worked together to marginalise low income women in the already precarious housing market. For domestic workers, this has called for the adoption of other housing strategies that may be seen through an examination of the reality of their lives in the city. Their choices are limited: informal housing is one option, or worse still, being a live-in helper. Both options are discussed in the following section.

THE HOUSING STRATEGIES OF DOMESTIC WORKERS

Confronted with a general housing dilemma, in this section the housing strategies of domestic workers are discussed based on field research conducted on migrant women employed as domestic workers in the city of Manzini in 1994–
1995. The general paucity of information on domestic workers in Swaziland has been made up for in this study by qualitative research on the housing strategies of domestic workers in the city of Manzini which brings to light the strategies women adopt in overcoming their housing needs in the city and the power relations involved in the housing at their disposal. Because of the peculiarities of domestic work as a form of paid employment, some of the salient features of live-in domestic work are realised which reinforce the unequal employer-employee relationship based on control and power. Not only are power relations played out in the various forms of spatial and linguistic deference, helplessness and exploitation but they have their greatest bearing within the context of domestic service as a housing option.

Within the social sciences has arisen a growing realisation that critical methodologies and theoretical perspectives should be deployed to include those typically excluded from the research agenda (Hordagneu-Sotelo, 1988; Miles and Crush, 1993). The choice of using qualitative research methods to investigate the housing situation of domestic workers in Swaziland was guided by two principles. First, the research question raised did not lend itself well to quantitative analysis and second, because of the near total absence of written material on the domestic service sector in Swaziland, a method that would provide insight into the lives of people absent from the literature was required; one that would provide an understanding of the social processes that provide the context for their migration and access to housing in the city. Existing literature on domestic workers in Swaziland is limited to their legal position (Robinson, 1992; Maziya, 1993). Alternative sources of information were sought and this required qualitative research methods.

Varley (1993) has cautioned against the tendency to restrict discussions of gender and housing to the problems facing single mothers living alone as this may easily render a great majority of other women "invisible". Despite her valid observation, my choice of subjects focused on women in domestic work because of their predominance in these employment sectors, and because of the very nature of their employment that was intriguing in its ability to illuminate the position of women in the labour process, workplace, household, housing sector and in their everyday experience.

Various authors (Bozoli, 1991; Miles and Crush, 1993) have noted the value of qualitative research and the use of the informal interview in navigating women's lives and its ability to unravel unsolicited information. Based on twenty one in-depth interviews conducted with domestic workers in Manzini, I have sought to investigate their own perceptions of their jobs and how their housing strategies have been influenced by needs and preferences in a form of employment that offers little hope for the future or security. Differences in live-in and live-out domestic work are brought out because of the variations displayed in the intimacy of the employer-employee relationship and the power relations wrought in this relationship in the case of live-in domestic work. Yet the housing situation of live-out domestic workers clearly speaks to larger
issues that concern women’s access to land and the prohibitions they face in building homes of their own on the periphery of the city. Their coping strategies to circumvent traditional barriers women face in Swaziland with respect to housing, become evident. Rather than present case studies, their experiences are used in a more unconventional manner in that they are woven into the text, so that more than being merely anecdotal, the stories of some of the women interviewed are used to “give voice” in this chapter to their personal but diverse experiences.

The interviews with the domestic workers, all women, used in this study bear testimony not only to the diversity of their experiences as migrant women, but also to the dynamic and even harsh conditions that they are forced to live under as domestic workers in the city of Manzini. By way of demonstrating the rather common experiences of the typical live-in domestic worker, the story of a young migrant woman is selected and narrated below as a case study.

**Case study: Phindile Mamba**

Phindile Mamba was born in 1967 at Engculini, approximately 30 km east of Manzini. She is a single mother of a four year old boy. She works as a live-in maid for a female headed household in the middle-income residential area of Fairview in Manzini, a job she has held for less than a year. She came to the city in 1980, after she ran away from home because her mother was ill-treating her. With a standard five education, Phindile has worked as a domestic worker since 1980. Her first job as a domestic worker paid her E30.00. Fifteen years later, she is earning E120.00. Although Phindile has been a domestic worker for many years, she does not entertain the idea of going back to school: *there was this theory that if a child successfully completes her education, she will go mad... so I feared going back to school*. Instead, Phindile’s ambition is eventually to break away from domestic work and to learn how to bake and to sew.

Given the conditions under which she left home, Phindile maintains only weak ties with rural kin and considers herself a permanent resident in the city. Because the city is her home, yet she has no family there, nor can she afford to rent her own accommodation, Phindile has always sought domestic employment which provides accommodation. In all her jobs, this accommodation has either meant sleeping with the children in their bedroom, or sleeping on the floor in the living room, or at the very worst, sharing a room with the gardener in the servants quarters. Her living and working conditions have been harsh, although to a varying degree depending on the households she has worked for. Phindile has very vague memories of some of the jobs in which she has worked, yet others are still vivid in her mind, for the sole reason that in her opinion, they epitomise oppression and humiliation. Yet her experiences draw attention to the variations in the work and living experiences of a domestic worker that may be brought to bear by the household she works for. Other than taking care of
the children and cleaning the house, for a salary of E30.00, Phindile was expected to render other services to her male employer:

He lived with his wife and his mother and their children. My job was to take care of the children because his wife worked at the casino. I worked there for a while and I was earning the same money, R30.00. But then I left because of that man, Tsaela ... he was too cheeky, in a way I couldn’t understand. Another problem with him was that when there was a domestic worker in the house, he expected her to “take his wife’s place as well”. So I did not want that. So he suggested to his wife that I should be fired, and yet I knew the real reason why he wanted me to leave—because I resisted him.

In one case, Phindile worked as a live-in maid for a family that lived in a caravan. Out of desperation, not only did she have to succumb to the cramped living conditions, but also had to face the reality of being treated as a “servant”:

It was a caravan. It had a main bedroom, the children’s bedroom, a bathroom and a combined family room. I slept in the sitting room. Mrs Drummond, -- she wasn’t cheeky, she just had an attitude towards us. She was very unfriendly ... we were not eating the same food as they were. We cooked porridge and then she would make us some soup. Our food was different from theirs. Now the man (of the house) did not live at home, he worked out, but when he was home, he would shout until we ran into a corner. The children were naughty!! and they used to call us names.

That she was a “servant” and “different” was made very clear to Phindile by the restrictions placed on what she could or could not eat, yet she was treated “as one of the family”, and in some cases, she even had to use a separate spoon, cup and plate. Two particular incidents stand out in Phindile’s mind that have caused her deep pain. The first, was when she worked for a certain white family that gave her only dry porridge to eat every day. To add insult to injury, Phindile tells of how in the same household, she was not given a separate room to sleep in, but instead had to share a room with the gardener. The room she says was very draughty:

I suffered in that place. He slept on one side of the room, I slept on the other side. He never said anything, he was never ever tempted to do anything to me ... he would fall asleep and so would I, and I never feared that he would do anything. Then I left that job after being sick and the doctor said it was because the place was cold. So I left and I left even before I got paid because I had been told to rest. I went back to ask for my money, and I never got it.

The second incident was when she worked for a certain black family. The wife was a teacher and the husband was a banker. The irony of this situation was that she was oppressed by a woman she had considered kin. She was expected to work around the clock, there were no days off, the house she was expected to clean was a nine-roomed house, and worse still, she was subject to verbal abuse from the “madam”. This “madam” Phindile recalls, constantly reminded her that she was a mere domestic worker, while she, was a “degree, qualified teacher”.
I found a Missus in the true sense!!! -- with her, I had my own spoon and my own dish -- it was known that these were my eating utensils. Such that one day I made a mistake and used another plate to eat out of without her permission. Ha! She told me off to no percent, and I burst into tears ... I was not allowed to use milk. She would serve me just enough food for me on the plate. In the morning I ate soft porridge, but only a small amount. During the day I made myself tea and ate it with bread. There was no time to rest. I didn't even have time to bath myself because the small baby needed my attention and she was always on my back ... She had this attitude that she was educated and had her certificate. She always reminded me that she had a certificate, unlike me, a domestic maid who would have to go knocking from door to door looking for a job after she has fired me. She also told me that she didn't care about me because she could get another maid any time she wanted.

Sleeping in the main house with the children also meant that Phindile had to take care of the children around the clock which gave her employers the liberty to go out in the evening, sometimes returning home as late as 1.00 a.m. This job paid Phindile E50.00. The reason that eventually caused Phindile to leave this job, was when she became subject to physical abuse from her madam. At present, Phindile works for a female headed household in Fairview, composed of four adults and five children. The house is a five-rooms house and Phindile sleeps on the floor with some of the children.

The live-in housing strategy

Phindile’s story is not unique. It demonstrates the complexity of experiences of a live-in domestic worker. It is the story of many live-in workers, who by virtue of being migrant women in the city and usually with no family, are constantly under the control of their employers (who may even be relatives) whom they live with as dependants. As stated earlier, being a live-in is an attractive option, especially for a young migrant woman like Phindile, because they do not pay rent. Yet there is a price to be paid, as this means losing a measure of control over their lives and the freedom to make basic choices in life. Employers decide what food to eat and how a live-in should spend her free time (if any). Live-in maids tend to be underpaid because: after all, they are given a place to sleep and food to eat. In Swaziland, race and class do not necessarily determine the servant-employing population as it did in colonial Swaziland. In fact today many income earners can afford to hire a helper or a nanny. This has been made easy by the fact that servants’ wages are normally determined by the employer. Even the legislated terms and conditions of service for domestic workers are not recognised, enforced, nor even known by employers, domestic workers and labour officials themselves (Maziya, 1993).

Live-in workers lead subservient lives, and the findings of this study reveal that none of them were able to negotiate and articulate their conditions of service and concerns about living conditions for fear of being reprimanded or fired. That there is no Domestic Workers Union in Swaziland, has made it even more difficult for them to negotiate their terms of service. The result is that they
have to do multiple jobs: childcare, house-cleaning, laundry, cooking, outdoor chores and running errands. Because of the multiple roles, it is little wonder that many live-in domestic workers complained of being tired and overworked. Sometimes their duties call for them to work well into the night, especially where childcare is involved. However, variations in living and work conditions were found in terms of whether the employers were black or white, female headed or male headed households. Phindile’s story draws attention to these variations which, more often than not, are the common experiences of many live-in workers. The racial group of employers is also closely related to their income level. Generally, the white population resident in the city of Manzini are expatriates who hold professional, managerial or administrative posts in major business ventures. Domestic workers in their employ are known to earn higher wages than those employed by locals. In some cases, these domestic workers are even on the payroll of the company their employers work for.

Working in a male-headed household may subject live-in maids to verbal abuse and even sexual harassment, as Phindile’s story reveals. Yet in the case of female-headed households, the live-in worker is treated like “one of the children”. In fact in most cases, working for a female-headed household makes living-in imperative for the security and companionship both employer and servant need. The interviewed domestic workers felt that while black families tend to treat them as one of the family, placing no limitations on what they could eat or use around the house, the disadvantages of being “one of the family” far outweighed the advantages. Wages tended to be lower and erratically paid on the premise that the maid would “understand” their financial situation. Incorporating a domestic worker into the family circle is usually a sure way, although not always, of depressing wages and possibly hiding even the most discrete forms of exploitation involved in the employer-employee relationship.

Live-in domestic work also raises the important question of privacy. More often than not, under these circumstances, a domestic worker is denied her privacy because being one of the family not only means little or no time off, but either sharing a bedroom with the children, or for lack of sleeping space, sleeping on the floor in the living room. In a similar study on the social and living conditions in Zambia, Macwan’gi (1995: 191) concluded that “although not expressed, there are likely to be problems of shared accommodation such as lack of privacy or undressing in the presence of the children ...” Romero (1992) very adequately develops the point on the use of space by domestic servants in the workplace, a fact complicated further when the servant in question is a live-in worker. She notes that although a domestic worker is hired to clean the whole house, she normally has very limited space for her own use. This is usually the kitchen or garage where she does the ironing and takes her meal(s). Even when a domestic helper sleeps in the house, her privacy is not ensured. If they were given a bedroom to sleep in, in most cases it was shared with the children, or also used as a store room. In the latter case, the employer reserves
the right to enter that room at any time. While domestic workers are expected to respect their employers privacy, theirs is not respected (Romero, 1992).

Hansen’s (1989) description of the relationship between servants and employers as “distant companions” is more explicit in the case of white employers. The common response amongst interviewed domestic workers was that their white employers treated them as strangers, sometimes even as thieves. They were given “servants” food. This was usually a daily ration of *liphalishi* (traditional stiff porridge) and a helping of soup. In exceptional cases, like Mildred’s, her employer gave her stale food, which made her ill. Some domestic workers complained of not being given food at all.

It is easy to make the assumption that white employers oppress black servants, and male employers oppress and harass female servants. But in domestic service, the question of female (black) employer oppressing a (black female) live-in worker, is raised. In her study Macwan’gi (1995) found that the most common problem encountered by nannies was that of abusive and threatening language used by female employers. Macwan’gi suggests that this may be because nannies interact more with female than male employers. From her findings Macwan’gi also suggests that female employers are jealous of their nannies. Phindile confirms this point, when asked how her male employer responded to his wife’s constant abuse of her. She said: *he was a quiet man because if he said anything, his wife would think we were having a secret relationship.* Unfortunately, the attitudes of female employers towards their domestic workers are sometimes mirrored in the children’s attitudes too. Phindile comment on this was: *You see when a woman treats you badly, even her children will be disrespectful towards you.*

The sense of insecurity fostered by a lack of accommodation undermines the self-confidence of domestic workers, which leads to a state of helplessness (Macwan’gi, 1995). A frequent comment heard was: *she never treats me like a person.* The power relations involved in the employer-employee relationship are also manifested in the various forms of spatial and linguistic deference which reinforce a domestic workers’ inferior and dependent position (Romero, 1992), and govern the unequal power relationship between employer and employee.

In some cases, live-in domestic work is also a conscious preference on the part of a domestic worker. For the young domestic worker who had migrated to town and saw domestic work as a stepping stone, permanent housing was not an option but rather, living-in was seen as a means to an end. This category of women chose to live-in because it was a means of saving money that would otherwise be used to pay rent, buy food and cover travel costs. Their savings would be used to realise a dream and to invest in their future. One young migrant woman told me she came to the city because “*seeing my elder sisters working and buying for themselves clothes, cosmetics and furniture ... I longed to have these things too*”. For this reason, she has chosen to live in a servants quarters even if it means working longer hours, even as late as 9.00 p.m. sometimes if her employer is entertaining guests. Her living quarters consist of a sparsely
furnished bedroom and a shower and toilet. Back home in the rural area she has built herself a one roomed house in her father's homestead, which she has furnished from her savings. Apart from helping her mother with groceries, most of her salary is put into her savings account. She earns R200 a month.

Marital status is an important factor in determining the housing needs of domestic workers. Unmarried women with no children or with children left at home or with a relative in the rural areas, are more at liberty to assume live-in domestic work. This normally meant living in the main house with their employers where they either shared a bedroom with the children, or for lack of sleeping space, slept on the floor in the living room.

However, it is not always that domestic workers are allowed to live in the servants quarters even when they are available. When domestic work as a housing strategy is thwarted, this may call for alternative strategies: rental accommodation. Another of my informants, Ma-Khuzwayo, first migrated to the city in the 1960s leaving her three children in the care of her sister. She found a job working for a middle-aged bachelor who lived alone in a three-bedroomed house with servants quarters. Because she had no plans to build her own home in the city and wanted to save money for her children's school-fees and well-being, she requested to live in the servants quarters. Her employer refused. Instead he housed the gardener. Ma-Khuzwayo had to find a room in a squatter settlement, a two-hour walk from work.

Rental housing strategies

Although rental accommodation is expensive for many domestic workers, it is still a better option than being a live-in worker. The great majority of women interviewed who were not employed as live-in workers, lived in rental accommodation in informal housing settlements in the peri-urban areas of Manzini. Swaziland's informal housing sector has supplied the bulk of all low income housing in recent years. It has provided a much needed response to growing housing demand. There are serious deficiencies in the quality of informal housing, both structurally and in terms of access to services and infrastructure (Hoek-Smit, 1988). The quality characteristics do however, vary for different areas and for different cities. But in general, more than half of all housing units in the informal sector were classified as poor or bad. The great majority of houses are built in temporary material. Hoek-Smit's (1988) survey of low income housing in Swaziland reveals that in Manzini, more than half of informal houses are constructed from sticks and mud. The quality of such housing is summed up in one informant's statement: I wanted to build a concrete house because when it rains, a stick and mud house will fall. Still less than a third of the houses are made from cement blocks. More than half of households draw water from a standpipe, and a great majority use a communal pit latrine. Electricity connections in informal settlements are rare and kerosene is the major source of fuel. On average, low income houses tend to have no more than three rooms
(Hoek-Smit, 1988). To cut down on transportation costs, most of the women reported that they walked forty-five minutes to one and a half hours to work. Others spent up to a quarter of their monthly salary on transport to work.

Why rental accommodation and why informal housing? After in-depth interviews with domestic workers, the answers to these questions were made rather obvious. For women with families, irrespective of their marital status, being a live-in worker is impractical because servants quarters, when available, are rarely used to accommodate employed help. Even if they are, as Ma-Dlamini remarked: I don’t think servants quarters are good because we have families; maybe for young girls because they do reduce transport costs. Also a domestic worker, Beatrice’s feeling was that: It is slavery, because you are told that you cannot stay with your family. (She) states that she needs your life not your family’s, so it restricts relationships.

An interesting finding was that, in the sample of women interviewed, although all lived in stick and mud houses, those who were heads of their households did not own their houses, but were sub-tenants in the yards of landlords or landladies. In this case, the yard comprised the main house (owner or main tenant) and outer rooms sublet to tenants. These could range from 2–20 rooms. For the female head of household, there is a preference for this type of housing arrangement, because even though it may be overcrowded, it offers a degree of safety and security in view of the high levels of crime reported in low income housing settlements. Furthermore, the housing design with its inner courtyard, allows women to live and work within sight of other tenants, and more importantly, to leave their children under the watchful eye of other tenants (see also Schlyter, 1984).

The home ownership strategy: A distant dream?

The major limiting factor to their building their own houses is their marital status. Without a husband or a male relative, according to Swazi traditional tenure laws, they cannot be allocated land. *It is not possible ... because I am a widow, so they cannot give me a place without a husband*, Ma-Zwane told me. Mildred, now separated, also said: *I had already tried to erect a house, but the man in charge of the area told me that a woman is not allowed to establish a home on her own. It only has to be a man and his wife."

On the contrary, domestic workers who were married or lived with a man as his common-law wife, were able to build their own houses. The home ownership strategies adopted are varied. One way is for a woman’s husband to acquire land from the chief, as was the case with Ma-Khuzwayo: *It belongs to this old man that I live with. He got the place and built our two-roomed house*. Alternatively, a woman may marry into a family that already has land and then is given a piece of land by her in-laws to build a house. Ma-Hlope migrated to Manzini from South Africa in 1968 with her in-laws, who were given land by the chief in peri-urban Manzini. They in turn gave her and her husband a
portion of their land to build their own house: My elder brother-in-law decided to give me a small piece of land to erect my own house ... to me it was like a dream! There is yet another strategy of securing a house of one's own that domestic workers have employed; and that is to rely on the goodwill of a friend who already has land. This is usually an informal agreement in which a woman is given permission to erect a building structure on his/her land free of charge. After attempts to get land had failed, Ma-Zwane and Ma-Mazibuko resorted to this option. But this option has its risk, risks both women are aware of: My husband and I built the house ourselves. The roofing alone cost us £400. Yet I fear that my friend could chase me off her land any time, Ma-Mazibuko told me. In Ma-Zwane's case, the insecurity of tenure determined the type of structure she could build: My friend's husband is a greedy man. If I build a concrete house, he will change his mind and throw me off his land, so I built a house using off-cuts so that if I have to leave, I can take my corrugated iron, window and door frames. In all cases, the politics of who actually owns the house are interesting. Although her husband built her a two-roomed house when they got married, after she refused to let him bring in his girlfriend into their house, Mildred's husband told her in no uncertain terms that though he built her the house it did not mean she owned it! Similarly, should Ma-Mazibuko and Ma-Zwane have to leave, they cannot pull down their structures because as Ma-Zwane told me: You have to leave the walls standing because it is un-Swazi to pull them down.

The findings of the study also suggested that decision-making in the household was determined mainly by income. In most cases, the domestic workers interviewed were the principle breadwinners and decision-makers. In one woman's case, because her son acquired land from the chief for his mother in his name, he determined when, how and what they should build.

Whatever strategy women adopt to get land and/or build a house, they still remain vulnerable. This was made clear in the case of Ma-Zwane who was duped by a chief. After paying the required gift of money to the chief for a piece of land, she was told to wait. Her wait was indefinite and she eventually never got the land promised. Because of a land dispute, one woman was told by the chief to tear down her house, shortly after she had built it.

The houses being referred to here are either one or two-roomed houses (normally combined sleeping and cooking space) built mainly with sticks and mud, corrugated iron roofs, two or three windows and a single entrance. Although they are temporary structures, the costs of building them are still beyond the budget of a domestic worker. In her study of the housing strategies of women householders in Zimbabwe, Schlyter (1989) found that domestic workers adopted various short term strategies to cope with emergence situations. These strategies relied strongly on the urban network of relatives and friends (see also Hansen, 1989). Similar strategies were adopted by domestic workers in Swaziland. Paramount amongst these was the luholiswane system devised to overcome obstacles of lack of finances. None of the women interviewed had any banking accounts, nor had they any knowledge about ways of
accessing commercial housing finance. Instead, the normal practice is for monies to be allocated to a rotating credit system, known as luholiswa ne. In luholiswa ne, two or three women alternate an agreed sum of money, usually E50–E100, amongst themselves every month. As the principal breadwinners, luholiswa ne has enabled them to pay their children’s school-fees or build a house or buy much needed furniture.

HOPE FOR THE FUTURE?

In general, low income households in Swaziland live in appalling conditions in dwellings that are cramped, unsafe, insanitary and lack basic facilities. The legacy of colonial policy which was pursued to discourage the permanent establishment of Swazis in town has failed to cope with the rapid rates of urbanisation experienced in Swaziland in recent years. This has resulted in a proliferation of unplanned, uncontrolled and unserviced housing settlements in the Mbabane-Manzini urban corridor. The problem has only been exacerbated by the fact that until recently, a strategic national housing policy has been absent. Although it is still to be implemented, the policy has been formulated at a time when the country’s existing housing crisis is invariably beyond the objectives of the policy. Without government action to counteract it, future urban growth will continue in the same vein. Although Swaziland’s housing policy pledges a commitment to providing adequate low income housing, its omission of a gender perspective leaves the prospects of countless women, especially female heads of households, uncertain.

Domestic workers, the subject of this chapter, are in a more precarious situation because their occupation in itself offers no future. Its persistence and growth in Swaziland has made it a force to be reckoned with. Yet the Swaziland government continues to treat it as an “invisible” occupation, one that provides jobs to women with little or no education and marketable skills. Their presence in the city of Manzini has increased the demand for housing, a demand which has not been met.

This essay has been concerned with the positive efforts of domestic workers to satisfy their housing needs. As migrant women confronted with housing shortages in the city, their housing strategies are two-fold. To enter live-in domestic service or to opt for informal housing. The powerlessness, vulnerability, hardships and constraints that live-in domestic workers have to put up with as a price for the roof over their heads, are indicative of their position as disposable property in the households they work and live in. To avoid this situation and possible forms of conflict with an employer, coupled with commitment to her own household, a domestic worker may resort to alternative accommodation in informal settlements.

However, because rental accommodation is expensive, women’s aspirations to build a home of their own are hindered by their marital status, rights to land and lack of financial resources. Unless the land question with regards to Swazi
Nation Land, is resolved, women will continue to be denied the right to own their own home. For the domestic worker whose chances of owning a dwelling unit in the formal housing market are only remotely possible, this calls for adopting alternative housing strategies which may include informal agreements for land that only increase their vulnerability.

The three main gender needs that Moser and Peake (1987:199) identify (i.e. security, safety and the abolition of the sexual division of labour) are relevant to the case study of domestic workers in Swaziland. To gain security, they need to acquire tenancies or ownership of land. To gain safety, they need to live in an environment free from abuse, and lastly, unless recognition is made of their productive, reproductive and management roles, their health is at risk. The Swaziland government’s promises to take steps to ensure an adequate supply of land for housing with secure tenure, and of streamlining housing finance to low income groups should be made a reality even for women in domestic service.

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Chapter 8
Women Owners, Tenants and Sharers in Botswana

Kavita Datta

INTRODUCTION

The built environment is, by its very nature, implicitly political with the design, allocation and location of space often reflecting the interests of the dominant sex, race or ethnic group (Matrix, 1994). It can be argued that the provision and design of housing in the developing world has traditionally lacked a feminist perspective and been gender blind in both its conception and execution of shelter programmes. Consequently, housing projects are still largely planned on the "norm" of male experiences. It is vital to enhance our understanding of the complex relationship between gender and housing in view of the fact that housing provides security and stability as well as a chance for economic betterment. Moreover, a dwelling in the urban area is often an important survival strategy for poor households, particularly those headed by women (Datta, 1995a). The commodification of urban housing markets means that the ownership of land/dwelling is now an important form of saving which appreciates over time (Moser, 1992). Thus, restrictive land use planning, discriminatory land tenure which favours male heads and legal regulations can all collude to deny women in both nuclear and female headed households the same opportunities as men: namely benefiting from housing as an economic investment or as a source of earnings.

The growing recognition of the marginalisation of women's interests in the housing arena has prompted research from feminists (Moser and Peake, 1987). This work has largely concentrated on female headed households with justification given the earlier neglect; relative poverty and numerical significance of these households. It is estimated that one third of all households in the developing world are headed by women rising to half of urban African and Latin American households (Buvinic et al., 1983; Dwyer and Bruce, 1988). The 1971 Census in Botswana reported the growing incidence of single mothers who were not getting married and by 1991 it was estimated that one third of the
households nationwide were headed by women (Central Statistics Office, 1991). Moreover, numerous studies reported that female headed households in the country were generally poorer than their male counterparts (Bond, 1979; Koussoudji and Mueller, 1983).

Yet this focus on “women living without men” has, in turn, had two consequences. First, it has resulted in the neglect of women living in nuclear households. There is increasing debate about the numerical significance of female headed households (Varley, 1995) as well as a growing realisation of the fact that a significant proportion of Third World women are part of nuclear households. It can be argued that the status of women living in nuclear households is more precarious than that of female headed households given that the rights and the benefits of the home are experienced differently by men and women (Allan and Crow, 1989; Varley, 1994). Second, early research has concentrated on certain types of female headed households—namely the poor, single mother with dependent children (Varley, 1995). One has to recognise the heterogeneity of these households as pointed out in the case of Botswana by Kerven (1979:5) who argued that “the term female-headed is in danger of becoming an empty category, if it is not recognised that there is considerable and significant variation in social and economic status between female-headed households.” Thus, this group consists of single women who live by themselves; older women who live with their grown children; widows living by themselves. Each of these types of household experiences different choices and constraints in the housing market.

This paper seeks to examine the complex relationship between gender, households and housing in the context of a city wide property market. By focusing on women, living in a variety of households, the paper will examine three main issues. These are firstly accessibility to housing. The issue of access has often been examined from an economic or political perspective. Here, we will examine whether (and how) gender determines access to various sectors in the housing market. Second, it will examine the distribution of households across various forms of tenure with a view to illustrate the inherently heterogeneous nature of households. Finally, the paper will turn to the question of the consumption of housing and the gendered experiences of the women who live as owners, tenants and sharers in the city. Urban Botswana provides a good point of observation for a number of reasons. Biases towards home ownership and the commodification of the housing market in the 1980s have made home ownership an important form of investment in the urban areas, particularly Gaborone. However, shortages of serviced land and more recently in the availability of housing finance has meant that a significant proportion of households either rent or share in the city. The information presented in this paper is derived from interviews conducted in the low income self-help housing areas of Gaborone in 1992 and 1995.  

1. I would like to acknowledge the Nuffield Foundation for an award which enabled me to undertake research on shared accommodation in Botswana in August 1995.
GENDER AND URBAN PROPERTY MARKETS

Theoretically, the men and women searching for accommodation in Gaborone can own, rent or share in the public and private housing sectors. However, access to each has varied with time along gender and class cleavages. Generally, it can be argued that access to ownership has declined over time and correspondingly the rental and sharing markets have become more important.

The home ownership market

Ownership opportunities for the urban poor in Botswana are largely provided by the Self-Help Housing Agency. The Agency’s aim has remained to encourage the urban poor to construct their own homes with some financial assistance from the government (Ministry of Finance and Development Planning, 1970). The introduction of this programme was a significant juncture in the distribution of tenures in the city as ownership has became more widely available to the urban poor. This has been primarily achieved through the hitherto wide spread subsidisation of the scheme. Prior to 1993, land was provided at virtually no cost to applicants and the re-payment of building materials loans and levies was also subsidised. Thus, by the 1980s, a curious situation had developed where ownership was significantly cheaper than renting. Economic inequalities between owners and non-owners were further exacerbated by a property boom at this time and the commodification of the housing market. It is estimated that between 1982 and 1987, the value of a self-help house increased more than three times while the cost of living only rose by fifty per cent (Ministry of Finance and Development, 1991). Ownership also provided a means of supplementing incomes through informal activities such as the letting of rooms or a hawking business (Datta, 1995a).

It can be argued that although in terms of policy, gender does not determine access to ownership, in practice there are various obstacles in the way of women. Rights of ownership (in the form of a Certificate of Rights) are commonly passed on to heads of households. Thus, while female householders can acquire land in their own right, women living in nuclear households or de facto female headed households are adversely affected (Datta, 1995a). The vesting of property rights solely on male heads makes their position precarious in view of the inherently fluid and dynamic nature of households. Moreover, intersections of gender and class positions do actively constrain women, particularly those who are heads of households. Accessibility criteria such as formal employment and minimum incomes of P800–3000 per annum are often hard to fulfil in view of the subordination of women in the urban labour markets. Women’s employment is still viewed as being secondary and subordinate to that of men as shown by various factors. In spite of the rapid expansion of formal employment opportunities since the mid 1970s, this sector only caters for one fifth of the

1. One Pula is equivalent to £0.23.
population and tends to be biased in favour of men. Where women do obtain employment in the formal sector, they tend to earn lower wages (Brown, 1980).

On the whole, however, women are more likely to be self-employed or in part-time employment (e.g. domestic work; hawking business) where incomes are low and irregular (Datta, 1995a). Moreover, the 1991 Census reported that about three fourths of urban women are unemployed as compared to about one fourth of men (Central Statistics Office, 1991). Hence, eligibility criteria based on minimum and regular income can pose a problem for women householders due to the progressive feminisation of poverty in the country. In spite of repeated recommendations that the minimum income criteria of the scheme be removed, it has remained (Ministry of Local Government, Lands and Housing, 1992). In this situation, women living in nuclear households are in an advantageous position. Not only are the incomes of their male partners relatively high, one third of such married women interviewed were also engaged in formal employment. Still others were engaged in informal activities.

Having obtained plots, the consolidation of dwellings is the next hurdle facing many female headed households. Although women have traditionally been associated with the construction of dwellings in the rural areas, the self-help housing agency’s specification that dwellings should be built using modern building materials\(^1\) means that many households, particularly those headed by women, have to hire construction workers. This is both an expensive and slow operation (Datta, 1995a). Moreover, a review of the agency in 1992 found that extension workers often enforce unnecessarily high building standards (Ministry of Local Government, Lands and Housing, 1992). Nuclear households are, again, at an advantage here both due to higher incomes and the fact that the wife often assumes responsibility for overseeing the building process. Prior to 1993, a Building Material Loan was available to households for construction purposes but the high incidence of payment arrears resulted in the scheme being replaced by a voucher system. Again, this has particular consequences for women who benefited from the location of building stores in the settlement.

It can be argued that restrictions caused by income will only increase in the foreseeable future due to recent developments in the self-help housing sector. During the 1980s, this programme was plagued by a number of problems. The foremost was the shortage of serviced land which was resolved by the initiation of the Accelerated Land Servicing Programme in 1988. This scheme delivered thousands of serviced plots for low, middle and high income groups. However, almost concurrently the government decided to extricate itself from the subsidisation of housing. Consequently, a decision was made to charge applicants an “affordable” land acquisition fee at the time of the transfer of these plots. Although in principal this policy is sound, (it will eventually reduce the eco-

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1. One has to recognise here that the urban poor often also want to use modern building materials to construct their homes. This seems to be tied to the desire to appear to be modern, urban individuals.
onomic inequalities between home owners and tenants/sharers), standards of plot development under the Accelerated Land Servicing Programme were very high and there has been a mis-match between what households can afford and the price of plots (Ministry of Local Government, Lands and Housing, 1992). Housing finance has emerged as the most critical constraints to owner-occupation in the present day urban market. Existing financial institutions, such as the sole Building Society and commercial banks, have hitherto exhibited a reluctance to extend housing finance to low income households on the grounds of limited collateral. Again, one can postulate that given their subordinated position on labour markets, women heads of households will be particularly harmed by this.

The rental market

Problems in the supply of self-help housing plots in the past and housing finance in more recent times has meant that the renting and sharing option has become increasingly important. The primary public housing agency providing rental options in Gaborone is the Botswana Housing Corporation. The Corporation is primarily responsible for the provision of rental accommodation to high, middle and low income groups. Traditionally, access to the Corporation’s housing has been seen as being dependent on administrative and income criteria. I would argue that gender is just as critical. 40% of the Botswana Housing Corporation’s housing is allocated to the government which in turn allocates these units to its employees. This has significant gender implications as the majority of government employees are men particularly in higher profile jobs. The provision of this housing also discriminates against female headed households. Occupants are required to have income levels four times in excess of the rent of dwellings. Only the earnings of a husband and wife can be added to determine household income. This discriminates against female headed households where often adult relatives are part of the household. Moreover, in spite of government subsidisation of the Corporation’s dwellings, the majority of its tenants belong to the above median income group due to high standards of construction. This has particular consequences for women, especially those who head their own households, who are over-represented among the poorest segments of society as shown above. The lack of an affordable low income rental sector has not been tackled by the government as it does not want to further commit itself to the costly solution of subsidisation. Furthermore, it has maintained that rental housing is a residual sector which primarily caters for expatriates and government employees in transferable jobs. With the Corporation’s more recent decision to solely cater for middle to high income groups and a further increase in service standards, the access of the poor, and women in particular, to Botswana Housing Corporation housing is becoming increasingly difficult.
In part, the government can afford to ignore the rental market due to the existence of a flourishing private rental market. The 1991 Census found that 61% of the households renting accommodation in the urban areas of the country were doing so on an individual basis (Central Statistics Office, 1991). Many of these people are found in self-help housing areas and it is estimated that over half of the owners here let rooms (Ministry of Local Government, Lands and Housing, 1992). The importance of letting in self-help housing locations can be further gauged by the relatively higher plot densities found here. The majority of tenants are "roomers"—that is they rent one or two rooms and these are usually located towards the back of a plot. It is common to find two or more tenant households sharing a plot with a resident landlord (Datta, forthcoming).

Access to private rented units is largely predicated upon a capacity to pay the rent. Rapid urbanisation in the 1980s led to rising rent and by the end of the decade, tenants were paying anything up to P80 for a single room (Datta, 1994). However, there was some element of choice as rents varied across low income settlements. Generally, the settlements which were upgraded or unconsolidated charged the lowest rent. The setting of rent, itself, is a somewhat arbitrary process with landlords stating that they determine rental levels according to the size of the rooms and the ability of the tenant to pay the rent. Interviews with tenants revealed that most tenants are shown around a room followed by a discussion of rents. There are some gender differences in terms of access to rented units. One landlady who was interviewed in 1992 said that she had had problems with one of her previous tenants (a single young woman) who "had too many boyfriends and was always fighting with them." Another landlady stated that she did not like to let rooms to women who had children as they tended to use more water (which tenants do not usually pay for) and that the children made noise. In the past, the children of one of her tenants had drawn all over the walls which had subsequently had to be re-painted. However, complaints against male tenants were more frequent and included things like failure to pay rent on time; getting drunk, misbehaving and damaged property. There was also no significant incidence of women preferring to live with women landlords and vice versa. Both male and female tenant householders employed the same means of locating vacant rooms—namely by walking through a settlement asking for vacancies.

Shared accommodation

Obviously, the critical factor in determining access to rental accommodation is the ability to pay the rent which is a problem for those people who are unemployed or have an irregular income. The sharing sector of the urban property market is crucial in the housing of these people. The 1991 Census classified seven per cent of urban households as living "free" (Central Statistics Office, 1991). Sharing refers to the living arrangement whereby adults share accommodation with relatives or friends without regularly contributing towards either
the rent or the mortgage. In the urban areas, sharing is a form of tenure with fairly permeable boundaries. Interviews revealed that respondents pay rent when they have jobs but move in with relatives if they subsequently lose their jobs and hence are unable to meet regular rent payments. This is indicative of the motives of relatives for providing accommodation. Often, they started their urban lives as sharers and may in the future need to move back into shared accommodation if they lose their jobs. Hence, it is a form of social security.

Access to shared accommodation is culturally determined and respondents commonly shared with siblings, aunts/uncles or parents. There are significant gender differences here in terms of who sharers live with. The women interviewed tended to predominantly live with either their parents or siblings (19 and 28 respondents respectively) while men were more prone to reside with their siblings or aunts/uncles in Gaborone. The majority of respondents were, however, living with family. Women sharers predominantly live with women relatives (e.g. sisters, aunts) while male sharers live with their male kin. This is a reflection of the difficulties in sharing with the opposite gender especially in those cases where the relative lives in one room. Moreover, overwhelmingly, sharers were living with single female or male headed households—again a reflection of the problem of restricted space. To some extent, access is also determined by what the sharer can contribute to the household. Women sharers, in particular, are required to assume responsibility for much of the domestic work in the household. For example, some of the women interviewed were asked to come to Gaborone to look after the young children of their relatives.

TENURE AND HOUSEHOLD CHARACTERISTICS

This section will examine the socio-economic characteristics of the women who own, rent and share accommodation in the city with a view to illustrate the heterogeneity in the types and forms of households.

The respondents who were interviewed were either owner-occupiers; tenants or sharers. If one examines the variations in types of households found in each tenure, the following is revealed. Firstly, among the owners, 47 per cent of the women were part of a nuclear household while a further 42 per cent of households consisted of female householders living with their children. Eleven per cent of the households were made up of single female householders. On the other hand, 50 per cent of the women tenants lived alone as female householders and 29 per cent as part of a nuclear household. The remainder of the tenants consisted of either female heads living with their children or female householders residing with adult relatives. Finally, among the sharers, the presence of nuclear households was non-existent. All the women who were interviewed were single. Although over half of the women interviewed had children, only some of them were actually living with their children in
Gaborone. These variations are a reflection of several factors which we will examine by looking at owners, tenants and sharers in turn.

Owners

Owners were the oldest people in the sample with an average age of 46 years. The older age of owners is part of the reason for the preponderance of nuclear households here. A long history of male emigration has led to a relative decline in the incidence of marriage (Datta, 1995b; Suggs, 1987; Potts and Mutambirwa, 1990). Data collected in the 1990s reveals that more than half of urban women as well as of urban men have never been married (Woman’s Affairs Unit, 1991). The women householders in the sample were significantly older than women living in nuclear households which is indicative of the fact that they take longer to establish their own households—due to both cultural factors and problems of access. Household composition and tenure were also significantly related. Over half of both nuclear and women headed households were living with their children. This can be largely attributed to the fact that owners often have the space to accommodate their family. One of the common complaints of tenants was that they were unable to accommodate relatives due to lack of space. The higher incidence of women living with their children here is also an indication of age of the children. On average, these children were in their late teens which means that some of them were working and able to supplement household incomes—which is a particular help in female headed households. Moreover, due to their older age the children do not need to be constantly supervised. Some female householders were also living with their siblings or other adult relatives and consequently the average household size of female headed householders was larger than that of nuclear households. It is becoming increasingly common for single heads (both male and female) to provide this accommodation for newly arrived rural kin (see below).

Employment characteristics of the owner population revealed the following features. Firstly, levels of unemployment were the highest amongst the owner population. This may be partly due to their older age (although only six women in the sample were over the age of 60) but also due to the lower educational levels among this population. With time, the standard of education demanded by the formal sector has generally increased. High levels of unemployment in the formal sector were counteracted by the greater participation of owners in self-employment. Here, owners enjoy a particular advantage as many of these informal activities are actually based on the residential plot—such as a small vending stall or the letting of rooms on the plot. Thus, some tenants complained that their landlord would not allow them to set up a vending business on the plot while others said that they wanted to be homeowners because they could then own up their own businesses. Informal activities also allow those women living in their own dwellings to juggle two roles—namely domestic and cash earning responsibilities. Again, there are some differences between women
householders and women living in nuclear households. Women householders are more likely to let rooms than their married counterparts—a reflection of the fact that for the former this is the only income while in the case of nuclear households often rental income supplements the earnings of the head (Datta, 1995a).

Tenants

Tenants were younger than owners with an average age of thirty-three years. This sector of the urban housing market is dominated by women householders living by themselves. In fact, the incidence of women householders living with their children is the lowest in the tenant population. This is not so much an indication of the fact that these women do not have children but rather that the children are too young to be able to live with their mothers without constant supervision. Hence, often young children are left in the villages with their grandmothers. Moreover, a lack of space (see above) also means that it is difficult to accommodate a family. Young children often oscillate between the villages and the towns but often periods of separation can be quite long.

Tenants faired better on employment markets when compared to owners or sharers and tended to be concentrated in full time jobs. However, universally, they earned less than male tenants which is a reflection of the persistence of an ideology which sees men as bread winners and women as dependants. The fact that women’s employment is seen as being subordinate to that of men is also shown by the type of jobs these women were commonly found in—shop assistants, low paid clerks and full time domestic workers. Full time employment and child care can often impose conflicting demands on the time of these women which again results in the lower incidence of women living with their children. Generally, however, tenants had the highest incomes in the sample. The fact that tenants have higher incomes than owners is somewhat incongruous but in the case of Gaborone it is a reflection of the fact that in the past ownership has been cheaper than renting as shown above. Soaring rents through the 1980s and rights of occupation are largely determined by the ability to pay rent.

Sharers

Sharers were the youngest respondents in the sample and were largely between 15–19 years old. Their young age can be partly explained by the existence of family ties in Gaborone. One of the women I interviewed in Gaborone had emigrated here when she was just 17 years old in search of a job. When I asked her if her parents had objected to her migrating at a young age, she said they had not because her uncle and aunt lived in Gaborone. They had undertaken to look after her and she was able to stay with them for almost five years. The predominance of young single women in this tenure is an indication of both their
young age and the generally increasing age of marriage in the urban areas. Survey data revealed that after owners, sharers were more likely to live with their children. Often, this is not because they have the space to accommodate them but due to the fact that unemployment levels are particularly high among this population as well as the fact that they have the social support of their urban-based kin. These relatives can look after children if a job is found or if the mother goes out to look for a job.

Unemployment levels were the highest among sharers in the survey population. This is partly why they are sharing accommodation in the first place—they cannot afford to undertake regular monthly rent payments. Some of the respondents had only been in Gaborone for a couple of months and were still looking for work. A shrinking economy and competition with better skilled urban residents means that often unemployment can last for a long period of time. While some sharers oscillate between rural and urban areas during periods of unemployment, others remain in Gaborone in the hope that something will turn up. Urban kin are a very important source of economic support at this time. Sharers do not contribute towards bills unless they are working although they are required to pay in kind—by doing domestic work and looking after young children (see below).

THE CONSUMPTION OF HOUSING

The consumption of housing is dependent on a variety of factors. Here, the issue of space and the control of this space will be considered. At a general level, owners have the largest amount of space while sharers have the least. Again, however, there are variations in this pattern according to the type of household. I will examine these specifically by looking at owners, tenants and sharers in turn.

Owners

The majority of owners have two/three rooms for their own use. However, there was a great deal of variation not only in the number of rooms households had but also in the quality of this space. Generally, nuclear households exhibited a greater capacity to consolidate and expand their dwellings. This was due both to their higher household incomes as well as the presence of one person who can supervise the construction process. The case of Berata below is an illustration of a success story.

Berata was 56 years old at the time of the interview in 1992. She migrated to Gaborone in 1966 to join her husband. By this time, he had been successful in obtaining a self-help plot in the settlement of Bontleng. They first built a temporary room at the back of the plot and lived there while they were constructing the main house. By the 1970s, they had finished the main house which consisted of differentiated inner space which they now occupy with their two children. They were also able to build two rooms at the back of the plot which they rent out (1992 Field Interviews).
Moreover, one must note that this situation is not restricted to nuclear households alone. There were instances of women householders achieving the same level of consolidation—albeit taking a longer time to do so. Consider the case of Pondi below:

Pondi came to Gaborone in 1968 when she was in her early twenties. She left her two children behind in her village with her mother. When she arrived in Gaborone, she resided with some relatives. Then when the self-help housing scheme was started in the 1970s, she was able to obtain her own plot. Initially, she built a temporary structure which she occupied while she was building the main house. She started a beer brewing business and at the time of the interview, she was earning between P400-500 a month. By 1992, Pondi had been successful in building a modern house consisting of a sitting room, dining room, kitchen, toilet, bathroom and two bedrooms. Additionally, as her business picked up, she was able to construct two additional rooms at the back of the plot which she rented out in 1990. Eventually, she aims to give those rooms to her children when they come to live with her in Gaborone (1992 Field Interviews).

Unfortunately, not all households are able to capitalise on their status as home owners and there does seem to be a disproportionate number of female headed households in this category. Again, this is partly due to their household composition as well as their position on urban labour markets. Thithi, for example, came to Gaborone in 1970 and has three children one of whom lives with her. She was unemployed at the time of the interview and her rental income was her only source of cash. When she was allocated the plot in the 1970s, she moved onto the plot immediately and built a mud hut. Eventually, she was able to build one room and she rented it out in 1982. She still lives in the mud hut with her child while her tenant lives in the concrete room that she constructed.

Thus, there is some degree of variety in the amount and quality of space that different households have. What all these households do share, however, is a control of this space. Often, as shown above, the plot is the site of informal activity and owners universally use this space for themselves—tenants are denied the use of this space for any informal activities that they might want to participate in. Moreover, the owner uses the space outside the dwelling for multiple purposes but again usually denies tenants the same rights (see below). Although tenants are usually denied access to this semi-public space, they are often required to help in keeping it clean. Moreover, the fact that tenants' accommodation is usually located at the back of plots means that some owners also determine who visits them and some tenants complained that their partners were denied access. However, one has to note here that in spite of the fact that owners control the use of space and access to this space, relations between tenants and owners are generally cordial.

**Tenants**

In the main, tenants occupied one room—especially those households which were headed by women. Nuclear headed households were more likely to be
able to afford to rent two rooms—usually due to relatively high household incomes. This is illustrated below:

Mpho is 28 years old and lives in Gaborone with his wife and five year old son. He came to Gaborone in 1987 and was later joined by his wife. He is a driver in one of the government offices and earns about P350 per month. His wife is also self-employed and earns over P200 a month (although her income varies from month to month). The couple moved to this plot in 1989 and pay P85 for two rooms. Mpho’s brother used to work for the owner of the plot and it was he who informed them that the rooms were vacant. Mpho paid a deposit for the rooms before they moved onto the plot. Mpho felt that his housing situation was good and they get along well with the landlady (1992 Field Interviews).

However, the majority of tenant households occupy one room. Some tenants are happy with this especially if they have spent some time in shared accommodation. A room for themselves is a luxury—they now have the space to purchase their own goods such as a bed, wardrobe, pots and so on. However, due to their disposable income female headed households tend to occupy the smallest rooms—some as small as 5 metres square and others between 6–11 metres square. This has obvious implications on how this space is used. As shown above, landlords are generally against tenants making constant use of outside space as well as their own private kitchens/bathrooms which means that tenants commonly use their single room to sleep; cook and bathe in. Women heads in particular complained about the lack of access to a kitchen which meant that the smell of the food got into their clothes. Moreover, one tenant complained that her landlady “limited visitors and chased some visitors away from the gate”. (Young single mother interviewed in 1992.) Other women in the sample also felt that they were being cheated. Thus, one single mother complained that she did not get any receipts when she paid her rent even though her landlady kept a rent book. Another young woman who was living by herself complained that her landlady had cheated her over the deposit for her room. Female headed households were also much more likely to experience changes in their rental agreements than their male counterparts. Usually, these changes were in the form of rent increases. Evidence of strained relations between landlords and tenants are illustrated by Kgomotso:

Kgomotso is 24 years old and moved to Gaborone in 1990. She is working as a shop assistant and earns P200 per month. She moved to this plot in 1991 and pays P70 a month for her one room. Her room is approximately ten metres square. Kgomotso did not know her landlady before she moved to the plot and feels that her relationship with her is strained. If she is late with her rent, her landlady gets annoyed. Although she does not say anything to Kgomotso, the latter can tell she is annoyed as she does not greet her. She also feels that her landlady is constantly complaining about dirty water (used for washing clothes/dishes) which is disposed of on the plot. Moreover, sometimes she does not allow Kgomotso’s visitors access to the plot. Kgomotso complained that home owners could do anything that they felt like doing while tenants had to ask their permission for everything (1992 Field Interview).
The question of access to tenants’ rooms, and hence control of space appears to be a bone of contention amongst landlords and tenants. However, one has to qualify this statement by stating that in general relations between landlords and tenants were amicable. Some of the arguments between landlords and tenants were really an indication of the strain of sharing limited space and resources—especially where owners are not significantly richer than tenants.

Sharers

Sharers, in the main, have the least amount of space for their exclusive use. Usually, the women who were interviewed were either sleeping in the kitchens, sitting rooms or sharing a room with their urban based kin. In the case of the former, often they shared the kitchen/sitting room with their children and/or the children of their relatives. This is shown by Joyce below:

Joyce is 31 years old and came to Gaborone in 1993. She has two daughters who she left behind in her village with her mother. She came to Gaborone in search of employment and was finally successful two months ago when she found a job as a domestic worker. She earns P110 per month. Joyce shares with her sister and occupies one room which she shares with her sister’s children. She does not have any possessions because she does not have the space for them (1995 Field Interviews).

However, some sharers are fortunate in that they are given the exclusive use of a room even though they are not contributing towards the rent or any household bills. Consider Kagiso:

Kagiso is 21 years old and came to Gaborone in 1993. She lives with her two brothers (both of whom are single) and they all occupy her parents’ house. Both her brothers have part time jobs and so help her when she is unemployed. There are four rooms in the dwelling and Kagiso has exclusive use of one room. She can also use the kitchen but does not have access to her brothers’ rooms (1995 Field Interviews).

The constraints they experience in terms of space were shown by the fact that they often said that they had no possessions because there was no space to keep them. Indeed, some women said that that was the main reason why they would move—they wanted to rent space so that they could buy their own furniture and other goods. Their general lack of control over this space is reflected by various things including the fact that very few of the women who were interviewed could lock their own rooms.

Re-payment of the privilege of sharing space is often done by performing domestic chores. Women sharers, in the main, were responsible for cooking, washing, cleaning and looking after the children and interestingly, unlike their male counterparts women sharers were required to do domestic chores irrespective of whether they contributed towards household bills or not.
CONCLUSION

Women live in a variety of household forms in urban Botswana and as such, they exhibit differing characteristics in terms of household composition and economic well-being. This, in turn, is related to their access to and consumption of housing. Women living in nuclear households gain easier and earlier access to home ownership than female householders although rights of ownership pass on to their male partners. Moreover, although they take longer a significant proportion of female headed households have also been successful in becoming owner-occupiers in the past. This allows them to live with their children who begin to contribute to household income as they grow older and enter the workforce. However, recent changes in the ownership market mean that in the future a significant number of households will be found in the renting and sharing markets. Here restrictions in space and rights often determine the composition of female headed households.

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INTRODUCTION

What will the housing scenario be for the rapidly expanding population of Lusaka, Zambia’s capital, especially its low-income groups, at the beginning of the next century? There is no doubt that changes in long-held policy approaches are called for, given Africa’s inequitable position in the world’s political economy in general and the deteriorating economy of a country like Zambia in particular.

Discussing the low-income housing question in Zambia, this paper draws on long-term research undertaken over more than twenty years in Mtendere, a low-income township in the capital city of Lusaka. Representing anthropological concerns with the interaction of the material and social worlds, the paper contributes insights to the study of gender and housing which rarely are discussed in development studies. The paper views access to and consumption of houses as influenced by local social and cultural practices rather than by planners’ normative ideas of the nature of household composition and the constitution of basic needs. Tracing the housing process over time through the experiences of members of households in Mtendere, I demonstrate that housing has to do with much more than physical shelter. As part of the material world, housing encompasses social and economic relations that are interpreted through cultural beliefs and practices concerning gender. As a spatial arrangement, housing does not reflect the socio-cultural order in a passive sense.

1. This paper draws on Keeping House in Lusaka (Hansen, 1996). My initial research in Mtendere was conducted in 1971-72 and consisted of a sample of 100 households. I made subsequent returns in 1981, 1983-84, 1985, 1988, 1989, 1992 and 1993 and followed up developments concerning both the remaining residents in my sample and those who had left. Over the years, I also interviewed a variety of supporting samples, and in 1988 and 1989 I turned my attention toward the second generation, i.e., the young adult children of the parents I had first begun to interview in 1971.
Rather, because gender beliefs and practices themselves are subject to debate, they are questioned, redefined and at times they change. And because they are constitutive of action, such beliefs and practices have material consequences that have important ramifications for housing.

The relationship between housing as a process and larger-scale economic and political processes is a complex one. To be sure, post-colonial political and economic processes affected the housing situation of low-income households in Mtendere. Yet the way in which they used housing was also influenced by the changing economic activities of members across the household development cycle and by cultural notions that shaped their access to resources. I use the term urban arrangements for living to highlight that the physical environment of housing often is inseparable from a host of activities and social relations that stretch beyond the house. My work shows that although housing can support people's social and economic efforts, it can also complicate them, particularly when access depends on gender, and women obtain it through men. I highlight the contested nature of household interaction by referring to it as the home front. Confictual debates on the home front also involve the children, who now are young adults, of the parents I first met in 1971. In today's strained economy young people face difficulties both in establishing and maintaining households on their own. Most likely, the dream of a house of one's own will be replaced by accommodation in rented rooms.

Against this backdrop, the paper invites a rethinking of the long-held ideal of providing owner-occupied housing. I begin with a brief overview of Zambia's history of rapid urbanisation and turn then to a discussion of the development of Mtendere township. I next go into some detail discussing the contributions of individual household members both in terms of productive labour and income; and in describing how these contributions were negotiated as women and men householders worked out their sense of obligation and autonomy as spouses, parents, and individuals. I demonstrate how ongoing economic decline and unequal gender relations both within households and in society at large work against providing women with houses in their own right. In suggesting the rental market as a housing option, I acknowledge the reordering of economic activities, especially by gender, that has taken place in many low-income households in Mtendere since the 1970s. This ongoing restructuring of activities, including the gender division of tasks and of responsibility, that is turning more women into important contributors to household welfare may gradually unsettle men's cultural claim on housing. I make this observation with reference to prevailing Third World housing policy prescriptions which have not been particularly attentive to the social and cultural construction either of gender or of space (Lawrence and Low, 1990; Rotenberg and McDonogh, 1993).
URBANISATION AND HOUSING IN ZAMBIA

Among all the countries of Sub-Saharan Africa, Zambia has experienced one of the highest and most rapid urbanisation rates (Wood, 1986). In terms of formal estimates, the population that lived in urban areas increased from 21 per cent to 40 per cent of the total population between 1963 and 1980, a figure nearly twice that of the rest of Sub-Saharan Africa (Republic of Zambia, 1990:5–7). Informed estimates place that figure at 50 per cent in the early 1990s. Zambia’s urbanisation is a product of the colonial period during which newly established towns first grew by a trickle, increased considerably during the World War II period, and expanded rapidly after independence in 1964, especially Lusaka, the new nation’s capital. Favourable economic circumstances during the years immediately preceding independence and continuing through the 1960s turned the capital into an attractive destination for a growing number of migrants who anticipated better work and housing opportunities in the wake of independence. Between 1963 and 1990, Lusaka’s population grew from 123,146 to close to one million.

Lusaka entered independence with a severe housing back-log, especially for the population with limited economic means. For most of the colonial period in Zambia, urban policy discouraged the development of African owner occupancy. The exceptions to this were small schemes of self-help housing both on the Copperbelt and in Lusaka, and squatter settlements, particularly in Lusaka, which provided self-built shelter in a housing market that otherwise was tied to employment. How and where was the capital’s rapidly growing population to find shelter and how was the much needed expansion of its housing supply to be financed? While employer-provided housing or subsidised rents continued to be standard procedures and many workers expected employment-dependent or supported housing as part and parcel of working for wages, the massive population increase in the wake of independence placed enormous pressures on Lusaka’s existing housing stock. Having a house of one’s own was possible largely for those who took up residency in the rapidly expanding squatter areas where in fact the matter of ownership was an issue since such areas were not authorised and their inhabitants had no legal tenure rights.

Two developments aimed at harnessing the ability of squatters to house themselves took place in the field of low-income housing during the 1960s and 1970s in the effort to meet rapidly increasing housing needs. One was a policy of establishing low cost serviced plots on which people could construct houses within a set of established specifications. When this proved to be too costly, requiring higher and more stable income than most prospective residents could afford, housing policy shifted toward the upgrading of squatter areas. During the 1980s, very little took place in the field of low-income housing, except for the sale of council owned houses to tenants. While some squatter upgrading has continued to take place, and some new site-and service schemes have been opened, there has been no significant allocation of resources either to compre-
hensive squatter upgrading or to the construction of additional low-income housing.

Meanwhile, Lusaka’s residents are making do as best they can with regard to shelter. Increasingly, they are becoming tenants and lodgers rather than owners. In view of Lusaka’s shortage of low-income housing, it is not in the least surprising that commoditization of low-income housing is taking place in the form of the renting out of rooms by owner-occupiers or even absentee landlords (Bamberger, Sanyal, and Valverde, 1982; Rakodi, 1988:317; Schlyter, 1991:37). This process is becoming more widespread in Lusaka although it does not yet appear to have become as extensive as it is for example in Nairobi in Kenya (Amis, 1984) and in Harare in Zimbabwe (Potts, 1991). While such subletting is illegal, its growing incidence across Lusaka’s high density housing areas demonstrates not only marked differentiation in housing access in general but also unequal distribution within specific residential areas.

MTENDERE: A TOWNSHIP CALLED PEACE

A house may become an asset, a work place, and a source of income. Because a house of one’s own in Zambia’s rapidly growing cities above all is a stake in the city, shelter and space are objects of struggle. Such struggles were the key to the establishment and subsequent development of Mtendere, the township that has been an important site for my research in Lusaka since the early 1970s. Throughout the township’s existence, Mtendere residents have engaged in a two-pronged battle for tenure: tenure as a legal right to build and own a house which I discuss below; and tenure as a socio-economic foothold in the city which I turn to in the next section.

What eventually became known as Mtendere opened in August 1967 as Chainama Hills site-and-service resettlement scheme. Situated on Lusaka’s eastern outskirts ten kilometres from the city centre on hills behind the state mental hospital Chainama, the township was planned to accommodate residents from some of Lusaka’s oldest squatter settlements. By the end of 1967, a total of 3,030 plots had been demarcated. While the city council records are somewhat ambiguous concerning which squatter settlements were targeted for resettlement at Chainama Hills, they leave no doubt that the majority of the new residents came from Kalingalinga, an adjacent squatter settlement that lacked most basic amenities.

But services were slow in being installed in the new township. Some residents refused to start building until public transport was provided. In June of 1968, the ministry of local government and housing instructed the city council staff in charge of the settlement to discontinue their work. The township’s supervision was then taken over by the squatter control unit which carried out this function until the end of 1971.

What prompted this change? A variety of observations may be brought to bear on the fall from official grace of a carefully conceived resettlement scheme
for people with few economic means that had been planned to avoid the problems associated with shelter provision in already built-up areas. Because of the non-delivery of services, the new residents were unwilling to pay their monthly plot rents; because households had widely different water needs, they were reluctant to pay identical water rates for the use of communal stand pipes; and because the incomes of many households were low and/or unstable, few residents had applied for roof loans. In addition to these economic problems which in no way were unique to this particular scheme, there were other issues at stake. There were rumours of plot allocations that did not follow city council procedures but were made as individual favours. And hints were dropped about absentee landlordism by persons of influence.

What is more, the new township’s very location became an issue. The scatter of unfinished houses on the hills was visually very prominent, and some considered it an eyesore. But the Chainama Hills scheme was not only located within full view from Lusaka’s Great East Road that led to the airport, it was also situated on land that was scheduled for a “superhighway” in the new Lusaka development plan, designed in 1968 by the government’s Greek planning consultancy firm, Doxiades Associates. In effect, discussion was underway to discontinue the Chainama Hills scheme entirely and to move its residents to another location, yet this never took place.

Although the squatter control unit officially was in charge of the supervision of the township, in practice the local UNIP organisation took control (United National Independence Party, one of the two major parties at that time). Disliking the connotation of Chainama, the nearby state mental hospital, they renamed their settlement Mtendere, which means peace in Nyanja, the lingua franca of Lusaka. This name condenses their story of leaving Kalingalinga, which they considered full of political strife and dangerous because of its widespread poverty, and moving to Mtendere where they found a space for peaceful party-line association.

In legal, administrative terms, Mtendere was an unauthorised township during those years. But in practical terms, Mtendere’s initial settlement was completed by efficiently organised planned squatting. The “illegality” of the settlement was an important source of the leadership power that evolved. The leader, one of the early UNIP sympathisers who had left Kalingalinga, allocated plots much in the manner in which rural headmen distributed land. Without permission, he transformed spaces designated for community services and commercial facilities into housing plots. He turned a blind eye to illegal practices such as beer brewing and distilling, and allowed extensions of buildings and subletting to take place. Meanwhile, he set himself up with a grocery store, two taverns, and he married a second wife. In tribute to his patronage, when the UNIP structure was formally established in the township in 1972, Mtendere residents re-elected him to the office of ward chair every three years until the dismantling of the one-party state at the end of the Second Republic in 1991.
Since the late 1970s, primary schools, clinics, formal markets, one tarred road, and fairly regular transportation have been put into place in the township. In the mid-1980s, Mtendere was linked to Lusaka's electric circuit, although only a minority of residents can afford the connection charges and monthly rates. The population grew from 10,000 in 1971, 22,000 in 1981, to an estimated 40,000 at the beginning of the 1990s (Republic of Zambia, 1981:22). With the physical expansion of the township curtailed in this way, most of Mtendere's population growth has been accommodated on subdivided plots, in housing extensions, and in rented rooms. All these practices are beyond the letter of the law.

URBAN ARRANGEMENTS FOR LIVING

The struggle for control of space that eventually gave home owners in Mtendere legal occupancy title involved not only housing but also work. Housing was an important asset in low-income residents' efforts to establish a socio-economic foothold in the city and improve the life situation for themselves and their children. I use the term urban arrangements for living in order to stress that housing and work together shape efforts to make a living, facilitating or constraining them as the case may be. Mtendere residents' urban arrangements for living involved many types of household forms in pursuing both economic and social ends. Household members did not always or necessarily agree on what these ends were; over the course of the household development cycle individual members gave priority to some, played down others, and put off still others altogether (Leeds, 1974:75).¹

By and large, Mtendere residents put together their houses as best they could. Some improved the temporary shelters they initially erected while others began building a house next to the shelter on the plot. Most construction was piece-meal, room by room. Many never completed the building process due to the rapidly rising cost and growing scarcity of construction materials as well as to tight household budgets throughout the 1980s. During this transformation process, many people continued to live in the house while adding rooms to it. They rarely undertook the actual building themselves but hired self-employed builders, mostly from within the township, to perform the task. Since few loans from formal lending institutions were available to low-income people, the building process sometimes took years; and in some cases, it never ended. But as households grew, some houses were transformed, expanded, and solidified. Through this process, houses acquired biographies that encompassed their residents' experiences. Such housing biographies contributed to the construction of

¹ I have taken the general meaning of the expression urban arrangements for living from Leeds (1974:75). Unlike him, I do not imply that households form co-operating units.
Mtendere’s history and to the positive attachment of long-term residents to “their” township.

Mtendere’s economic expansion took the form of the multiplication of many small enterprises, shops, market stalls, street stands, and yard and home based activities. Over the years of my study, these activities came to involve increasing numbers of women who entered at the very bottom of the range. Most of their husbands were wage employed in the sectors that always have sustained Lusaka’s wider economy: construction and related industries, food service and domestic work. A few were white-collar workers and some were self-employed within the township.

If small-scale trade during the colonial period in Zambia was very much a man’s world, it has increasingly become associated with women during the post-colonial period. In the view of most Mtendere women, income generating work meant trade. Several other studies of Lusaka’s low-income areas show that the proportion of women in market trade has increased considerably since the late colonial period (Bardouille, 1981; Schuster, 1979; Todd et al., 1979:iii–iv). This does not mean that more women are becoming better off economically, but that market trading is one of their very few income generating options. These studies and my own observations in Mtendere’s main market indicate that in trades in which both women and men operate, men consistently sold more. Women clustered in the least profitable trades, vegetable and fruit vending, and their profits were low. Most of these profits went “into the pot” instead of being reinvested in the expansion of enterprises.

My long-term observations in Mtendere clearly demonstrate not only that the number of women involved in informal sector work grew but also that the households that remained in the township through the 1980s weathered the overall economic deterioration in no small degree because of women’s work efforts. In spite of a restrictive regulatory framework, occasional harassment by police and party youth, and frequent maligning in the press, women’s small-scale work efforts contributed the economic margin that made a difference to their households’ ability to survive. In fact, as the economy continued to slide, women’s contributions became increasingly important in the face of the ongoing shrinkage both of formal employment and of wages that adversely affected their husbands’ earning ability.

Through their informal sector work many women also added value to the house. Their earnings from trade contributed to the extension of many houses and the addition of rooms to sublet. Incomes from subletting helped to tide many households over during the economic deterioration of the 1980s. In effect, almost all of the houses that remained part of my sample over those years undertook some subletting, many of them adding on special rooms for that purpose. And for the many women who traded from homes and yards, the house was their place of income generating work. Here we see the blending of space for working with that of living, which is another way of highlighting that housing and work together influence people’s urban arrangements for living.
ON THE HOME FRONT

A house of one’s own provides much more than shelter. As a low-income housing area, Mtendere facilitated arrangements for living in many ways. As noted above, a house was often an economic asset for the residents who remained in the township during the 1980s because it offered rental space and served as a place of income generating work for many women. But above all, as I discuss below, houses hosted social relations embedded in cultural practices that significantly influenced women’s activities.

The need to shore up sagging economies was not the only motivation for women’s economic activities during the progressive economic decline in Zambia from the early 1970s and onward. Explaining their initiatives solely as reactive responses to worsening economic circumstances in society around them hides both women’s agency and the cultural politics that shaped gender relations within households and the wider society. The home front stands between the individual and the wider society as a site where women and men negotiate efforts to make a living in accommodation to, or struggle with, normative cultural practices. Urban arrangements for living stretched across the threshold of the house where social organisational practices at times subsumed some of them.

In low-income households in townships like Mtendere, women’s economic initiatives are confronting male authoritarian cultural practices based on widespread norms and assumptions in society at large about male dominance and female subordination. This cultural bedrock prompts a conflictual negotiation process in which women at various stages of their married lives over the course of the household developmental cycle seek to fulfil expected roles as wives and mothers, yet pursue actions that make them economically independent of men at other stages. Moore’s and Vaughan’s observation from rural Northern Province applies equally well to Mtendere households. They suggest that “the cooperation implied in conjugality and evidenced in the sexual division of labour is something to which individuals aspire, but is often a feature of a particular stage in the developmental cycle of the household rather than a fact of life or of social organisation” (1994:225). Over the stages of the household development cycle, women and men in Mtendere hold different and changing views about who should engage in work and how to spend earnings. In short, they use money and networks for different ends.

The women who pursued income generating activity in Mtendere tended overwhelmingly to be close to the end of, or beyond, their child-bearing years. In other words, the informal sector is not “the natural resort of recent migrants to the city” (Sanyal, 1991:40). Because of their age, many of these women had considerable urban experience and knew their way around wholesalers, state shops, and middlemen as well as police and party youth who might harass them. Age also meant that child care no longer was a critical issue. Most of these women had teenage children who could look after younger siblings, and many of these households hosted a turn-over of young people from the villages
whose responsibilities blurred the line between being "kept" relatives and poorly paid workers. Another conspicuous category of traders and vendors were women who were single heads of households, either widows, divorcees, or unmarried mothers for whom an income in their own right was a must. While contributing to the pot, most women's income generating work now had another dimension. They were increasingly concerned to make money they controlled themselves.

This concern must be seen in the light of cultural norms and practices that shape gender relations within households in Zambia. Women's chief complaint was that their spouses did not support them and the children adequately. A wife expects her husband to be in charge; he is supposed to "keep" her and her children, by providing them with shelter, clothing, and a household allowance, yet she is well aware that cultural norms do not obligate him to do so. In short, wives do not anticipate their husbands' undivided attention, either economically or sexually. This does not mean that all conjugal relations were characterised only by discord: certainly among some of the households that remained in Mtendere spouses cooperated, especially around the task of raising young children. Yet the gender division of labour and responsibility diverged considerably as the children grew up and so did women's and men's involvements beyond the home.

HOUSING AND GENDER

Household resources in Mtendere were clearly struggled over, at times "with painful and contradictory results" (Guyer, 1981:101). While a house of one's own facilitates urban arrangements for living in important ways, it might also be a major factor of gender inequality, especially when women obtain their access to it through men. This is the case in Zambia where housing and housing allowances are allotted to men; wives get access to housing through husbands; and employed women who are single heads of households have no right to housing in their own right. Similar observations apply to women's access to land, credit, and building materials (Hansen, 1992). Because the statutory rules introduced after independence in 1964 have not specifically ruled out such practices, they continue to shape urban gender inequality. In this way, hierarchical power relations in interpersonal gender relationships extend beyond the household to reinforce gender inequality in society at large. The construction of gender that results from this is based on assumptions that are widespread across all levels of Zambian society which view women as dependent on men.

The contradictions that arise from this gender construction of claims is evidenced, for example, in the property snatching that takes place after a husband's death even after the passage of the new succession act of 1989.1 In spite

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1. The Intestate Succession Act of 1989 gives the surviving children the highest priority among the beneficiaries of the estate. They are entitled to 50 per cent. The surviving spouse and parents have the next highest priority. They are entitled to equal shares.
of women's own construction of informal sector trade as "work," the surrounding society views such activity as supplementation of household income. So do deceased husbands' matrilineal relatives who invoke "custom" to their advantage when they legitimate their right to household estate by referring to their payment of bridewealth when the marriage was initially contracted. Since few widows in Zambia today agree to become the wife (to be "inherited") of one of the deceased husband's male relatives as might have been the case in the past, in-laws expect that a widow will remarry and thus enter into a new property arrangement to which they will have no claims. Viewing the deceased husband as the breadwinner, they consider the wife's contributions, for instance, improvements or extensions of the house, as enhancing the deceased's estate rather than as a product of the wife's own efforts. In effect, the declining economy which has turned many women into important contributors to household welfare in the face of men's shrinking incomes from wage employment has aggravated the built-in tensions in the conjugal domain without transforming rights and claims in a manner that rewards women for their own work efforts.

Why do widows not remonstrate? Some do, and their ability to do so is affected by the extent and diversity of resources they command. These resources include not only their economic means but also their security of tenure in the house. Above all, resources also include their urban experience and the kinds of social networks they have established as a result of lengthy urban residence. Long-time full-time traders, for example, who had been used to operating independently of husbands, rarely agreed to be "inherited" by one of the husband's relatives on his death.

Once the husband's relatives have taken what they consider their customary right, an urban widow with small children might easily be left to her own devices unless she has adult children who are working or relatives from her own matriline to call on for support. Instead of remonstrating, some widows seek to keep up some semblance of good relations with the relatives of their deceased husband. They are concerned about their own and their children's future welfare. Many women, including widows, who have few economic means and little education, consider marriage as a means of economic support although they are well aware that many men are unreliable and that well-paying jobs even for men are few and far between. In order to remarry, widows in several ethnic groups within this region need to undergo a cleansing ritual conducted by their deceased husband's relatives; some widows do not interfere with grabbing relatives for fear that they might not perform the ceremony. Finally, there is also the ever present fear of witchcraft accusations from the deceased's family, which makes some widows reluctant to instigate action against in-laws.

Houses in townships like Mtendere are important economic assets for low-income urban residents. While they shelter the material circumstances of urban lives and facilitate many women's income generating activity, the chief beneficiaries of house ownership are men. Land record cards and occupancy titles
usually contain men's names, regardless of the extent to which their wives' work efforts directly or indirectly contributed to construction, maintenance, and improvement of a house. It is also men who are the primary actors in the buying and selling of houses.

Houses were rarely sold in the households that dissolved in Mtendere over the course of my study. The majority of these houses were rented out and a relative placed in charge of rent collection. In the view of retirees, and of senior relations of deceased householders, who like the older generation almost everywhere often claimed that the young are irresponsible, it made little sense to pass a house on to a young son or daughter. And it made no economic sense at all to sell a house in town. Because urban housing is in short supply and prices are skyrocketing, absentee ownership is an important hedge against inflation. Retaining the house in town also provided those who moved to the village a place of return in case rural life proved unbearable. Indeed, between 1972 and 1981, I saw former Mtendere residents return to the township from the village, precisely for that reason.

DIVERGENT GENERATIONAL INTERESTS

As the Zambian economy continued to deteriorate between the late 1980s and early 1990s, the preoccupations of Mtendere residents became increasingly divergent in gender and generational terms at the same time as inequality within the nation at large became more pronounced. While the desire for a better life materialised for some of the long-term house-owning residents who remained in Mtendere, the emancipatory vision most parents held for their children has in many cases not come true.

The children who now are adults in the households I began studying in 1971 have been exposed to influences from our late twentieth-century world which is very different from the one in which their parents grew into young adulthood. Today's young adults take less pride in their parents' consolidation of home ownership in the township and they are painfully and impatiently aware of their inequitable global position as citizens of a developing country. Their frame of reference is not defined exclusively in Mtendere, limited by Lusaka, or confined to their country. Instead, it engages a broader world of possibilities into which only few have been able to tap.

Zambia's political and economic developments during the 1980s did not bring about economic recovery. The foreign trade deficit grew, the debt burden increased, and foreign exchange shortages constrained local production. The availability of basic services in towns declined, the infrastructure was not maintained, consumer goods were scarce and, when available, beyond the means of many township dwellers. Formal sector employment declined from 23 per cent to nine per cent of the total labour force between 1980 and 1991 (EIU, 1992:18). These figures hide large gender and class discrepancies. A 1986 labour force survey showed four per cent of all women and 25 per cent of all men in formal
sector employment, two-thirds of them in urban areas (Republic of Zambia, 1991:27). And in 1990, the average formal sector wage in real terms was only 40 per cent of its 1983 level (EIU, 1992:19). The human and social costs which this progressive decline has helped to set into motion were becoming all too familiar in low-income townships like Mtendere: rising unemployment; illness due to poor health and inadequate nutrition; epidemics like cholera and AIDS; death; divorce; and pre-marital pregnancies that forced many parents to accommodate more than one generation in the home.

Of Zambia’s total population of 7.8 million in 1990, 49 per cent were children under the age of 15 years (Republic of Zambia, 1990). These are the children who grew up after the end of the economic growth period that followed independence. Their experiences are likely to diverge considerably not only from those of their parents but also from those of their older siblings. Mtendere parents’ hopes for a better future for their children have in many cases not materialised. But a blanket generalisation describing the opportunities of the second generation as worse than their parents’ would mask the complexity of the situation. For the generation of most of these parents, who grew up during the colonial period, education had been a privilege. Schooling during the colonial period served as an important channel for socio-economic advancement. The new government put a strong emphasis on extending educational facilities and great strides were made in providing health services, urban infrastructure, and transportation immediately after independence.

Anticipating that education might help their children to progress, Mtendere parents, especially mothers, went to great length to ensure that children went to school, boys and girls equally, at least at the primary levels. But in the mid-1970s the expansion of the educational system came to a halt and the economy has never fully recovered. This shift has produced a marked difference in the opportunity structure which the children of the Mtendere parents in my sample have been able to enter.

Through the early 1970s, young people who completed secondary school were almost certain to obtain jobs because of the Zambianization of both the public and private sector. Some went on to university, travelled abroad on training programmes, and some achieved positions of prominence. But students who completed secondary schools during the 1980s encountered a contracted formal sector job market, finding their school leaving certificates of limited value. Not only did those years see an overall decline in educational spending, but in the late 1980s the government also introduced school fees and examination charges in an effort to improve its fiscal operation. At that time, about 150,000 young adults were leaving the school system each year, placing enormous pressures on the formal sector which employed only 359,620 persons in 1989 (Banda, 1990:18). Yet as parents knew only too well from their own experiences, real incomes had eroded so much that being employed was no guarantee of earning a living wage.
Because the children born to Mtendere householders span a range of years, many parents had at least one young adult who had benefited from the immediate post-independence boom in education and held formal jobs in such fields as nursing, teaching, accounting, or white-collar work in general. In effect, these households had become very heterogeneous in socio-economic terms. Aside from accommodating a shifting retinue of dependent relatives and young children still in school, members of such households included a wife who more frequently than not conducted informal sector work; a husband in poorly paid wage employment or, if unemployed, in informal sector work, or both; an adult son or daughter in wage work; and teenagers "just sitting", which in local parlance means having completed, or dropped out of, school and not earning money. Last but not least, when adult children who were working no longer lived at home, they often remained part of the household's resource base, providing intermittent assistance.

Young persons "sitting" at home might do odd jobs, for example assisting mothers' businesses or helping out around the house; some young people were trading on their own, for example selling michanga (cigarettes by the stick), or doing piece-work. Young adults of both sexes discussed among themselves and with their parents the "use" of attending skills training programmes set up by the district council and NGOs. And young people with more advanced skills entertained hopes about attending courses in secretarial training, business related subjects, and more recently, computer programming. Above all, they spoke about the need for sponsorship of such training. In short, both basic skills training and skills upgrading required financial inputs which placed heavy burdens on already strained household resources.

Young boys and girls who "sit" at home do not face the same situations when having left school. Depending on their economic means, parents readily encouraged such young boys to continue schooling or supported their entry into training programmes, trying to edge them closer to potentially better paying or more secure formal sector jobs. But whether young girls continued depended on a host of other factors: attitudes of parents, elder brothers or uncles, and the needs of other children. And not all parents, especially fathers, were keen on daughters working away from home or outside Mtendere for fear that they might become pregnant, thus reducing their attraction as marriage partners.

Many parents painfully realised that the young people who "sat" at home were much less likely than they themselves had been to become members of households in their own right and to own houses that might help to establish their socio-economic foothold in the city. Young men's relatives may not have sufficient means to provide the amount of cash required for bridewealth to contract a proper marriage. In short, they are caught in a bind. So are young women. Because of the depressed economy and a gender ideology that encourages male initiative and female dependency, today's young women and their
children may be less likely than their mothers to become part of conjugal units in their own right.

Over the years, development in Zambia’s political economy has made a township like Mtendere less and less able to contain within itself the peace its name connotes. The senior generation’s pride in living there is getting undermined by developments in the society at large. The township is more occupationally diverse than it was when its earliest residents went to live there. This is due to a large degree to the general housing shortage in Lusaka which has caused more white-collar workers like teachers and clerks to seek accommodation in townships like Mtendere. The proportion of residents who now are tenants in single rooms has increased in response to declining real incomes and the rapid inflation of food and rental costs (Weinberger, 1991:6).¹ In future attempts to approach the low-income housing question in a rapidly growing city like Lusaka, the ramifications of young people’s difficulties in establishing households and of pressures on the existing housing stock must be reckoned with. So must socio-cultural practices that encode ideas about gender, especially the shifts in established ways of doing things that have consequences for housing.

THE LOW-INCOME HOUSING QUESTION

The social, political and economic contexts for urban living in Zambia in the 1990s have changed considerably since the mid-1960s and early 1970s when urban planning solutions to the low-income housing question proposed owner-occupancy, often of the self-help kind. My work during twenty years in Mtendere demonstrates that rapid population growth combined with economic decline are turning home-ownership into an exceedingly limited option for the next generation of urban residents. In fact, a growing proportion of Lusaka’s low-income residents are already finding shelter in rented rooms.

For the long-term residents whose lives I have followed over the years, owning a house in a low-income township such as Mtendere was an important asset, economically as well as socially. Once the township was legalised, a house of one’s own offered security of tenure and provided the possibility for sublease, giving members of these households access to a larger number and more fluid sources of income, broader networks, and the ability to sustain reciprocity with members who came and went, either young adult children, rural relatives or both.

Past and present, housing was an important economic resource in the political and economic geography that shaped urbanism in Lusaka. Throughout Zambia’s cities and towns, rental housing tied to jobs has always curtailed the development of owner-occupancy except at the top and the bottom of the

¹ Elisabeth Weinberger conducted research in Mtendere in 1990. Almost half of her sample of 93 households were tenants (1991:2–3).
opportunity structure. For the low-income population in a site-and-service settlement like Mtendere, a house of one’s own embodied not only considerable investment on their own behalf but it also created socio-economic space for residents who were not part of the capital’s shrinking formal wage labour force. Indeed, such self-built housing had facilitated income generating work from Lusaka’s early days, especially for women.

The relatively secure urban arrangements for living which long-term residents of Mtendere were able to establish for themselves are unlikely to be repeated by subsequent generations, including many of their own children, in Lusaka’s faltering economy. Continued urban growth during the 1970s and 1980s combined with difficulties both in supplying and maintaining the capital’s urban infrastructure. Barring overnight changes of the way in which the world does business with poor countries like Zambia, this process will no doubt continue in years to come when a slow-down in the overall rate of urbanisation most likely will be outweighed by continued natural increase among the already resident urban population. These difficulties will become even more challenging for future urban generations as well as for newly arrived migrants from the rural areas.

The major contributions to Lusaka’s urban growth during the 1970s and 1980s came from increased squatting and the sub-division of plots and construction of rental rooms in low-income areas like Mtendere. It is likely that more and more of Lusaka’s future urban residents will live in rented rooms and that the rate of commercialisation of rentals that already is taking place now in site-and-service schemes and squatter settlements will increase dramatically in scope.

This is an important observation for urban planners to reckon with. The low-income housing question was for many years approached with the presumption that houses, even in low-income areas, are occupied by owners. A growing literature from urban areas across the developing world, particularly Latin America, has begun to qualify this assumption (Gilbert, 1993). The renting out of rooms that is increasing in scope in many cities throughout Africa and the absentee landlordism and subletting that now is taking place in townships like Mtendere cast additional critical light on that assumption.

Since the mid-1980s, Zambian government policy on housing has neglected the rental housing market in favour of owner-occupancy. Home ownership is typically associated with male headship of households and tends de facto to deny women houses in their own right. But the declining economy which has turned many women into important contributors to household welfare in the face of men’s shrinking incomes from wage employment is shifting the economic balance of power between women and men. As more women are supporting households from their own work, they are beginning to take on one of the essential characteristics Zambian society conventionally has attributed to men: that of being in charge. This ongoing reordering of social relations has not
yet made its mark on the housing question. Thus, women still do not control one of their household’s most important assets, namely the house.

The low-income housing question has not been placed on the policy agenda by the government of the Third Republic that came into power after multi-party elections in Zambia in 1991. The time is long overdue for urban planners of low-income housing in rapidly growing cities like Lusaka to envision different scenarios than owner-occupied housing which is far too costly for the poorest population segments. The low-income housing question in Africa’s strained economies may well hinge on the rental housing market which ought not to remain neglected at the policy level. The rental option shifts the housing debate from questions of ownership to issues of access and are independent of men’s culturally constructed claim to houses. Above all, rental housing might enable women to get housing in their own right which would contribute an important step toward reducing the inequality of the present housing allocation system, most certainly in Zambia’s urban settings.

REFERENCES


Chapter 10
Beer Brewing and Housing Strategies in Lesotho

Matseliso Mapetla

INTRODUCTION

This paper aims to describe the housing needs of the women migrants from the rural homes to the towns; and to examine strategies they employ to meet their everyday life demands for housing in the harsh urban environment. It is based on an on-going research focusing on the survival and coping strategies of women migrants who are found to be engaged in beer brewing activity. Research in housing in Lesotho has seldom been directed specifically at women because researchers have been mostly men who do not see the specific needs of women and there has been subordination and discrimination of women traditionally through the ages. There are now some women researchers who have recently conducted studies on housing from a gender perspective (Matete-Lieb, 1995; Rembe, 1995; and Larsson, 1995). However, none of these works look specifically at the housing situation of the informal sector workers. Therefore this discussion will be confined to housing for women migrants who make a living from beer brewing.

The information was obtained largely through a qualitative approach from two areas of Ha Hoohlo (border post) and Seteisheneng (industrial area), in Maseru city; and the border post area of Ha Moholisa in Maputsoe town. During a period of six months, open-ended interviews were conducted with key informants comprising officials in relevant government ministries, and the private sector. Utilising a snowballing technique a sample of eighteen women who fitted the researchers’ standard criteria of being migrants were selected. They had all over five years residence period in the urban area, and they were engaged in beer production and sale. Semi-structured questionnaires were used to gain basic data about the women; while opinions and personal information required discussions with individuals or groups of women who were willing to tell their life stories. Some of these were followed up for in-depth interviews. The observation technique helped to assess the physical housing situation, the facilities and their accessibility.
RURAL-URBAN MIGRATION IN LESOTHO

Historically the colonial government in collusion with Basotho male traditionalists tried to control women’s movement and labour by keeping them in the rural areas to perform domestic and agricultural labour (Walker, 1990). Then like in most developing countries women were barred from wage employment but somehow women found their way into the urban areas. This was and is due to education, the migrant labour phenomenon and changing economics, to an extent that there is now a high rate of rural-urban migration. Rural residents/households are constantly being pushed out of their rural home-base by inadequate availability of agriculture resources, poverty, and excessive rural-urban differentials (Mapetla et al., 1994), to relocate in urban areas for brief or extended periods in search of better living opportunities, employment and improved services.

In Lesotho migration occurs at two levels, international and internal. At the former level it is predominantly men migrating to the mines and industrial centres in the neighbouring Republic of South Africa. Internal migration is much higher in the lowlands, particularly into Maseru and Leribe districts, and less into other zones because of reclassification of boundaries (Bureau of Statistics, 1986). The lowland centres also act as transitory places for individuals from the mountains who intend to migrate to South Africa. This migration pattern in Lesotho has been referred to as “half-way migration”. Both men and women alike move at both intra-district and inter-district levels, with Maseru and Maputsoe being the most attractive because of their urban industrial economic base, and their proximity as gateways to the neighbouring country. Rapid movement into these towns has resulted in increased urbanisation. For example Maseru has almost half of the total urban population growing at the annual rate of seven per cent between 1976 and 1986, and at that same time the annual growth rate for Maputsoe was four per cent (Ministry of Interior, 1989). Looking at the gender differentials on internal migration, rural-urban migrants are predominantly female. Statistically the male: female ratio is said to be 1:2 (Sembajwe and Makatjane, 1992) suggesting that internal migration is more common with women than it is with men. Many of these women are either deserted, widowed or divorced. More than a third of women are heads of their households.

In this study all the women said they migrated because they wanted to earn a better cash income to be able to improve their lives and support their children and families; and take advantage of favourable conditions such as schools, and ownership of consumer goods, among other things. About half of all rural-urban migrant women are single heads of households, who remain alone with children (Wilkinson, 1987). Almost all the migrant women interviewed were either widowed or no longer living with their husbands. All of them have been to school although none have gone beyond primary education. Their age ranged from 25 years to 65 years. They migrated to town at least five years ago.
These migrant women admit that more often than not, their hopes for a better living in the urban centres had not come up to their expectations and dreams, because jobs are hard to get, and they live in bitterly poor conditions. Most of them had taken up domestic service in their initial period, and later opted for beer brewing which comes naturally and proves to be a viable industry to enter. It is argued by these women that towns provide a ready and lucrative market because of their clients’ better and stronger economic bases in formal employment in small industries; as well as a good pool of job seekers. They are among the six per cent of women in Lesotho who are self employed as beer brewers (Sechaba Consultants, 1991).

THE OCCUPATION OF BEER BREWING

Basotho are traditionally a (sorghum) beer drinking nation. Beer drinking is a social ritual significant beyond the act of personal indulgence. It is important in celebration of communal work achievement, and for completing serious discussions of family or community matters, as well as in negotiating and sealing agreements (Malahleha, 1984:121).

Production of the beer is a responsibility of women. Basotho migrant women later displayed this skill in the South African urban towns in the early 19th century to service the miners' need for beer consumption. The culture of beer drinking had been carried along as Basotho moved from an agrarian to being a capitalist migrant labour reservoir. Bonner (1990:227) notes that the occupation of beer brewing was connected with women and the migrants in the "earliest days of black urbanisation on the Rand". The migrants in the mining industry needed beer for relaxation and social interaction. The women also brewed and sold beer illegally as an easy option for their own economic survival.

From this the traditional beer became commercialised and Basotho women were well known for this activity, and dominated it as professionals by the late 1920s (Bonner, 1990). As victims of unhappy broken marriages, and rural poverty among other things, selling of the home brewed beer was a way for women to obtain access to the cash income of male migrant labourers (Ferguson, 1990:127). Following both customary laws and apartheid laws which prohibited Basotho women to live as migrants across the border, women resorted to selling in the Lesotho border towns to service the migrants to and from South Africa. Since then rural women have continued to migrate to these places including the industrial parts and the busy bus and taxi terminals, to brew and sell beer to migrant and local labourers. To date this is a significant informal income generating occupation accounting for a third of small scale enterprises in Lesotho. In the highlands water project area which is a recent urban development area, brewing and sale of beer were reported by half of respondents as being the main occupation of the residents. This occupation is
commonly chosen by women, and it was found to be almost entirely female owned (Sechaba Consultants, 1991).

Women choose this occupation because it is the easiest industry to enter and exit; it requires very little initial capital, as well as for being more flexible in serving their gender needs since it is an extension into the market of a household based enterprise; and thus it allows women who do it some freedom to organise their family demands or commitments. The interviewees admit that for them the beer brewing trade is a form of survival strategy rather than a profit-making enterprise.

HOUSING FOR MIGRANTS

Housing is a basic need for the survival of people anywhere. However, this resource is of immediate need for migrants who have relocated from their rural home to the urban areas. The migrants come in search of better living opportunities, employment and improved services. On arrival in their new places of abode the women who usually come from rural poverty require income, food, clothing, education, health service, and housing. However, once in the towns they are met by the daunting situation of urbanisation with no employment opportunities, and lack of adequate housing infrastructure to cater for their needs.

Despite the acute shortage of low cost housing in the urban towns the migrants have to live somewhere. As mentioned earlier, the beer brewers settle around busy town areas, like the industrial sites and along border gates to South Africa, parts of the towns which are old and settled, with a band of informal housing along the Caledon river which forms the border. Ha Moholisa is situated in the northern half of Maputsoe town centre. The other two areas in Maseru are situated close to the border post, about five kilometres from the town centre.

These areas had been administered traditionally without any planning provisions; the explanation is historical. During the colonial era, infrastructure in the towns which were purely administrative centres was intended to service the colonial masters and did not cater for development of the country, let alone women. Then only men participated in paid employment women were left in the rural villages to perform domestic roles, maintain labour reproduction and do the work of men.

Even now after thirty years of independence and in the phase of rapid urbanisation, no housing programmes, and urban planning and management policies have changed the general housing situation. The comprehensive Maseru Development Plan (Ministry of Home Affairs, 1987) which is intended to improve urban land and shelter of low income groups, and the draft National Housing Policy of 1988 (Co-operative Housing Foundation, 1988) have not helped to correct general housing deficiencies, and particularly not so in those areas where the research was conducted. There exists a shortage of housing in
the urban towns; a demand and supply imbalance which has adversely affected
the poor sectors of society, constituting largely the rural-urban migrants. This
has also led to the sprawl of the unplanned, unserviced, and haphazard living
settlements.

The migrants are among the poorly housed people. They are among the two
thirds of all urban households who are renters according to the 1986 population
census, with Maputsoe found to be the most tenant dominated area in Lesotho
(at the time of the Maputsoe Socio-Economic Study) (Ministry of Interior,
1992:6). Migrant women were also found to be squatters on open undeveloped
plots that government has not claimed. In most cases the plots are very big
(ranging from an estimated 600 to 1,500 sq metres) since they were created out
of hitherto farming land.

The house types vary; although in the settled areas the common structures
observed are malaene form of housing (each unit of about 10sq metres). These
are semi-detached, mud or stone wall houses with flat corrugated iron or, in a
few cases, thatched roofs. These have single entrances and bare floors of earth.
In contrast, those settled on undeveloped lands have informally constructed
mekhukhu or mashitiri i.e. shacks or make-shift structures made of all sorts of
temporary materials from masonite sheets, cardboxes or plastic, to sheets of cor-
rugated iron. These are of different sizes depending on the amount of building
material available. A number of houses are normally scattered, not necessarily
in any order. They can also be grouped in orderly rows or around the courtyard,
thus forming clustered residences. Lately it is not uncommon even to see
old car wrecks, and/or rail containers used for shelter. Some of these residences
are located close to posh and well-to-do neighbourhoods.

Although both men and women were found to live in these clusters, there
are far more women occupying the houses. The few men found were either
caretakers, guards or “friends”. Only two cases were found where men were
involved in the beer brewing industry. No reliable statistics are available on
how many women live in these areas. This problem was compounded by the
fact that respondents gave conflicting information. No official data is available
on these women because their activity is not perceived as employment, and
they are therefore not included in the national statistics.

All the migrant women interviewed were heads of households in the urban
areas, yet most of them although “single” denied occupying this status back in
the rural areas, where they regarded their male relatives, or their mothers as
being heads of their households. In her study Wright (1995:4) found that “more
female headed households than male headed household were single, the pro-
portions being 30 per cent and six per cent respectively”.

Clearly their locality and housing are inadequate, leading to their occupa-
tion of structurally defective units, in squalid conditions. What are these
women’s needs for housing in the urban towns? The following section attempts
to address this issue.
WOMEN'S HOUSING NEEDS

Women and men alike require an enabling environment to perform their gender roles in society. However, they differ in their needs for this. The migrant women have identified housing as a fundamental resource to their activity and accessing it is a priority having come to town as migrants with the main motive of earning money. They need housing either as tenants or as owners for purposes of social habitat and for economic production which refers to those activities which generate income like beer brewing. This leads these women to struggle to meet their needs through gendered strategies.

Tenancy is the most usual alternative for their urban accommodation in the common market and thus they end up renting cheap units whose rent was found to range from a minimum of M5 to maximum of M50 depending on location, size and quality, and affordability. The houses are normally rented by the women themselves from the landlords and landladies who in most cases live away from the tenants, and offer affordable rent in the women's views. Observed in the Matebeleng area, were a number of plots, like in the case of 'Ma-Boy who lives on a plot with a row of malaene whose owner lives in Bloemfontein, in South Africa some 140 kilometres away, and comes to collect rent at month end.

These landlords or landladies have all the rights and absolute powers over the maintenance and management of the estates, and the low rents seem to be the inhibiting factor for the tenants to demand improved services. All the compounds visited during the study were in an appalling state, with poor service conditions. There are hardly any toilet facilities, and water stand pipes within the premises are in such conditions that there may not always be clean water available for household use. Few, especially in Maseru had garbage dumps on the premises. The yards are not cultivated, and are filled with weeds, plastic, ash and are unsightly. A desperate need for social amenities such as water, sanitation etc., was identified by the interviewees, who regard them as most essential for everyday living in the towns.

Water is a priority need for beer production activity when people have to walk thirty or more minutes to fetch water, beer brewing is seriously hampered or adversely affected. However the women remain tolerant of their state of housing because of the low rents.

The interviewees think that the landlords take little interest in investing in the improvement of these housing conditions and providing essential services because the rents are low. Being a sellers' market the tenants are told to quit if dissatisfied; and in the absence of mandatory minimum standards of rental houses and services, the tenants have no choice but take what they are offered.

Tenancy comes in different forms. In the squatter areas, while some rent the actual units, others are allowed to rent pieces of land, on which they erect their own shacks. These structures can be demolished as and when the owners leave

1. 50 Malati = US$14.
the premises. Ownership of squatter housing is also sought through non-rental means such as occupation of public or private open spaces or seeking to acquire land in one's own right.

The research sample had few women whose aspiration was to invest in housing by acquiring land for themselves and families on which to build a house. Talking to one, 'M'e Khubelu in the industrial area, she no longer wishes to return "home" in the rural area, therefore she has acquired a site and is building a house in one of the new settlements in Maseru. This case—though exceptional in the study group—shows that it is possible for women like men to acquire land and own houses in the urban areas which could practically accord these women autonomy and a chance of self-improvement. However many low income earning women do not bother taking advantage of this due to limitations imposed by discriminatory laws and practices; lack of adequate financial resources; and their strong commitment to rural homes.

Restrictions to improved housing

As per the 1979 Land Act, the prevailing situation is that women, either "single" or married antenuptially have a right to acquire and transfer plots on their own in the urban places. This law which seems to be gender sensitive is still restrictive to women married in community of property as the Deeds Registry Act of 1967 limits their access to property registration and ownership. Women are under perpetual guardianship and goodwill of husbands. Mamashela (1991) has acknowledged this fact in her writings on Basotho women's property rights. Although a majority of the respondents are not married, a case or two of women in this predicament were met in Maputsoe. This is indicative of the contradictions of the property laws (Matete–Lieb, 1995), which with the one hand give women powers to access resources and with the other take them away, and vest them in men.

Women like their male counterparts need financial resources to access home ownership or improve housing conditions. During interviews the beer brewers indicated a desire to invest in housing, but identified lack of finances as their main constraint. This was evidenced by the fact that total monthly household income of these women ranges from M30 to M600, with a majority earning under M300 a month. However, these earnings are also less regular and are unreliable since sales are mostly on credit; and because they are consumed as soon as they come, on basic day to day household needs such as food and clothing.

This low income situation implies that where government or other interventions are concerned there is little hope for improved housing conditions for these women. In fact, these very low incomes are the main reason why these women cannot enjoy the assistance of the Low Income Housing Site and Services programmes whose objective has been to help low income urban households get access to land and affordable housing. These formal housing
efforts, although well intended have excluded the very poor women. This is so because of the programmes’ conventional definition of low income which assumes salaried and regular wage earning people to the exclusion of other sources of income which are temporary and irregular like those of the women in the informal sector. Accordingly, sites worth M800 were sold to low income families, defined in 1981 as those earning M250 a month. The same low income site today costs M1,500, and what is defined as low income for this purpose is M600. This implies that few of the beer brewers can afford to buy sites. However, it would also take them a life time to put houses up on those sites as poverty levels are increasing in Lesotho more and more people are earning less than M600. The situation is also as it is because of the government’s attitude that sites should be given to married people since it is not convinced that “single” women are fit to be householders (LHLDC, 1991 quoted in Wright, 1995:9).

Investment in improved housing is also limited by the strong urban-rural connection. The majority of the interviewees view urban settlements as temporary dwelling places, and have expressed their aspiration not to permanently settle in the towns, because they wish to maintain their land user rights, and control over families and homes in the rural areas. These women themselves are not interested to invest their meagre resources in improving their housing in towns because they do not see them as permanent homes. They generally regard themselves as sojourners and will later go back to their rural homes where they wish to build improved houses. Their earnings are invested in rural homes which the majority say they will return to for retirement.

Space and business

The question of space is very essential for the beer brewers. Women are settled in unplanned areas, and little or no consideration is given to their needs. The plot arrangements and size differ. However, those plots visited during the research are characterised by big open spaces. In most cases researchers observed inadequate land use where there is adequate space for gardening, which is unfortunately not done. It was also observed that the front spaces or mabala were big enough to allow for business activities, customers’ interaction and children’s recreation.

It is a considered view that the non-utilisation of the plots for gardening has to do with the women’s lack of security of tenure; which disempowers them as it gives them a feeling that they do not own the open land other than the unit they have rented, thus they cannot cultivate the urban gardens. Another reason is that it is perceived risky to invest in urban gardens as theft and vandalism are high in the urban areas (Ministry of Interior, 1989). During the research this fear was confirmed by the researcher’s observation of an old three legged pot used to grow about five cabbages, and situated by the door of the respondent’s room.
As mentioned earlier the individual rooms themselves are small and do not provide enough space to accommodate families as shown by the case of Ma-Boy who admitted that the size of her unit is too small to house her two sons, their wives and their children, should they come to visit as a group of more than two people of the opposite sex. Another case is that of M’a-Sello who has to share a 6 sq metre shack with her “town husband” and her three big girls, aged 17, 22 and 25 years old. Therefore, limited by space, the beer brewers urban households are small in size, and usually composed of, either just the woman, or the woman and her live-in partner or friend or relative, or even the woman and her small grand children who require very little sleeping space. The latter arrangement was found to be the most common especially among the older women. The majority of the rooms have space only to house the women’s bare essentials required for work and household purposes e.g. the big cooking pots, beer drums, pots and dishes, a bed and other personal effects. The presence of things like tables and wardrobes was not observed. Not everybody can have the big pots inside, hence they are stored outside. In these circumstances, the women have to fulfil their housing needs in order to achieve both their social and economic survival. What are the strategies?

THE HOUSING STRATEGIES

Given the poor inadequate housing conditions in which the migrant women find themselves in the towns, and frustrations with housing financial institutions, “women have resolved to take their lives into their own hands” as Molapo (1994) noted. The migrants in the urban towns devise a variety of formal and informal strategies for meeting their needs for housing.

Usually when the women move to town, they make sure that they know someone, usually from their home village. Upon their arrival in the towns all the women have depended on shared accommodation in a variety of ways, all of which are not costly. This is possible because at this initial stage they are without family members. One way is to move in with a relative, friend or acquaintance for a limited period until they can arrange accommodation of their own. There are those who first came as young women and lived with their mothers or with close relatives who had lived in the urban areas for a long time. Some of them never moved out, rather they inherited the rooms when the owners returned home to retire due to ill health or old age. Another common way for newcomers is taking up work as live-in domestic workers. This also guarantees free housing as long as the woman keeps the job, or until she is ready to move out.

Tenancy in privately owned houses is the primary strategy for the rural-urban migrants. Wright (1995:8) found three quarters of women in her sample living in rented housing. Once these women know their way around in town and have some initial capital they opt for cheap housing which they rent on their own, and pay for themselves. This gives them control over the space, and
thus the latitude to meet their needs for beer production, and to accommodate whoever they want.

It turned out during the research that the tenants utilise the rented housing in a variety of ways to fulfil survival requirements. One way which is common with the very poor ones is renting one-roomed units or shacks combining every-day living, i.e. sleeping and cooking, and beer production space, for very minimal rents, the maximum being M25.00 per month. They are tolerant of their state of housing because of the low rents charged, yet these houses are not in a good condition most times.

Another way is the "double-room" strategy which is common with younger women, who supplement beer production income by diversifying into piece-work jobs as laundry women, cleaners, or food sellers or who engage in other fund-raising activities. This is also common with those regarded as established and relatively "successful" for their stay in the towns. These women hire more than one room in their names. Either both rooms are located within the same plot or, they are situated in different locations altogether. The strategy is to separate business rooms from living rooms.

This arrangement serves the women well for purposes of fulfilling both practical and strategic gender needs. The "rooms for living" accommodate the children or lovers, or both. They are also used to house the women's valuable objects. The "business rooms" contain bare essentials like stools, cooking drums, beer drums, some household utensils and so on. Customers sit in and around these rooms to drink. For strategic needs the women prefer this arrangement in order to retain control over their property and to evade negative legal consequences which may arise in case of death or upon a sour ending of the relationship with the male partner.

According to both civil and customary law in a marital relationship a man, as the head of the family, is entitled to family property and decision making. Thus, in the case that the marriage is dissolved through death or divorce or separation, the man is entitled to marital property or gains. In the case of his death a man from his family inherits. It is common practice in these urban relationships that women lose to their "husbands". In case of conflicts, these men and their families (including real wives in some cases) regard the women not as wives, rather as prostitutes who therefore have no right over the man's property.

One of the younger women said "Oh 'M'e (mother)! we have learnt the hard way with men getting away with property rights; so you make sure that you pay rent yourself so that when you finish with him he goes." Her friend added "this also helps one to save one's valuables in case of death, by pretending to the man's relatives that in his life the man owned nothing worthy except what they see in the business room." Thus in this way the beer brewers ensure that they retain their property in their relationships with male companions.

The issue of gender relations over property rights was also noted in some cases where women have applied the land use or acquisition strategy. A good
example is that of a women in Maputsoe, whose brother "verbally" gave her permission to occupy his piece of land in town. On this, he helped her erect a lesihiti to house herself and her three children. This was done by the brother in fulfilment of his cultural obligation to provide for his divorced or widowed sister as he is regarded as the family heir and head of the family and thus responsible for the welfare of his "returnee" sister. The relationship here is such that the woman depended on the responsible male relative to be able to access that piece of land to put up a structure for shelter, even though on a temporary basis.

Showing the same strategy there is another case of 'M'a-Sello who has permanently acquired a site in Maseru in her own right, and has built a house. In her case she also has had to depend on male assistance to own a house. Since she did not have any collateral to be able to access a building loan, she got financial help from her live-in lover. By this means she slowly accumulated building materials, which were physically collected by the man. Although she says they consulted each other during the process of land acquisition and house construction, most times she let the man enjoy his authority and be the key decision maker "as a man and the head of our household in town". Wright (1995:8) in her research also found two women who had been able to secure sites only with the written or oral permission of their brothers.

This illustrates the fact that although the Land Act of 1979 confers on "single" women rights to own property in the urban areas, the traditional practice/stereotype which allows a man to dominate seems to be strong to the extent that in practice the women say little. On the other hand 'M'a-Sello is deliberately playing subservient to this man and giving status and letting him take the practical responsibility so that he cooperates while she gets the ownership power over the property since the title deed on the plot is in her name. Furthermore like most of these women she has consciously not entered into a formal marriage contract with her partner, so that he has no legal powers whatsoever over her and her property. This is a common strategy of the beer brewing women who enter into relations with men.

NEIGHBOURHOOD PROBLEMS AND THE COOPERATION STRATEGY

With regard to women's access to services the women generally have to do with very basic amenities. Generally, the women manage either through paying for the services, exploiting natural resources, or substituting their own unpaid labour and utilising extra household networks whenever possible in order to meet day-to-day housing needs. For example they reported that they pay about ten cents for use of a public toilet. In some cases they meet their customers' needs by erecting pit latrines, utilising all sorts of available material including an old refrigerator as was the case in one place.

Water in the public water stand pipes cost M0.20 for a litre. Neighbours in formal housing may allow water to be drawn, there are also shallow wells.
Water is obtained illegally from the industrial sites or from the private homes in the neighbourhood. Male customers are employed to fetch the water for the women at a cost of M1.00 for two 2 litre drums of water per trip, or for payment in kind in the form of food or beer. It is interesting to note the reversal of roles whereby the beer brewers employ male labour to perform roles which they, the women, otherwise have to perform. Moreover they are the ones providing the men with wages. Some women get involved in community water management committees as was found in Maputsoe.

Open dumping and pit holes are common refuse disposal places created singly or collectively by the beer brewers. This is managed through burning or digging over, from time to time in some places like Ha Moholisa where the women have a single dumping area and have agreed not to throw metal or glass objects so that it can be possible to plough over the waste. However, in other places it is left exposed and is unsightly, has offensive odours and is generally unhygienic. It has been observed that strong social networks and support systems exist in the neighbourhoods.

Since both migrant men and women have left their extended families and communities in the rural homes they need each other for survival in the towns which is why most of them prefer closely situated or semi detached houses. There exists a strong sense of resource sharing. The shared resources include business input requirement, firewood, drums, water, utensils for household use and for beer business, accommodation, and outside space. All these resources are shared whenever the need arises. The open spaces, no guaranteed security, good neighbourliness and the small houses, make the migrant women live and work within sight of each other, and watch over others’ households and property. Utensils for beer brewing and production, accommodation and outside space are shared in cases of need. Space is also shared for purposes of trading, household and recreational needs of women, men and children. Sometimes they let other women come into their houses to sell food to the customers. The sharing results in maximisation of the scarce resources and effective running of these communities.

SUMMARY AND CONCLUSION

Housing is a basic need for most women, especially critical for the urban poor because of their subordinate position within the socio-economic order. In this context this paper has attempted to describe the housing needs of rural-urban migrant women who are involved in the beer brewing industry.

There are no job opportunities in the formal sector for women with low education and poor skills. The women have little choice but to engage in self employment especially in the beer brewing industry, a traditional occupation for Basotho women which early became commercialised.
Being a home-based production, it requires housing facilities. Unfortunately the quantity and quality of housing in the towns are inadequate, especially in Maseru city and Maputsoe town which absorb the highest number of migrants.

For the migrant women housing is a basic requirement for purposes of fulfilling their productive functions, their household reproduction work, and for community management activities, all of which they carry out for their socio-economic survival. Unfortunately the housing needs of these poor migrant women are largely ignored and not normally met through the formal housing sector, because of women’s disadvantaged position in the country’s contradictory laws and lack of money in most cases where the law is non-discriminatory. There is to date no national housing policy; and urban planning and management programmes do not incorporate the needs of the women. The majority are unable to access low income site-and-services programmes and take advantage of favourable property and land laws.

However in order to survive and meet their housing needs, women must do something. In this paper it is shown that arising out of women’s division of labour these women struggle to meet their needs through gendered strategies determined by their aspirations and affordability levels. These include shared accommodation, inheriting housing units, purchasing sites, squatting, tenancy; land acquisition and house ownership though for a very few; and employing the sharing or cooperation strategy, as well as their relationships to men in order to get services.

Tenancy is the most common strategy for the migrant women to access housing in the urban areas. However, while this helps them meet their needs, the main disadvantage is that because they do not own the property their empowerment is not sustained since they cannot for ever live in those houses. They can also be evicted any time. If these women had houses of their own they might have been in a position to improve their lives permanently i.e. their empowerment would be sustained.

The fact that women do not fight landlords and landladies back or make serious efforts to improve the housing situation is because they are more concerned with economic survival than dealing with social issues despite their awareness of the poor housing conditions. In a situation of few options or little choice for housing, they do not care so much for their housing conditions as long as they make money. Attempts to improve housing needs of women will have to address the unemployment and poverty issues which are the women’s primary reasons for moving to the towns. Government may be silent because it is women who seek housing.

There are some important gender relational issues which have emerged in this paper. The gender relations are relations of power between the women and the men. They are revealed in certain practices and ideas in relation to the division of labour, roles and resources. Noted in these relationships are strategies of decision making, cooperation, bargaining which all point to these women’s empowerment. For instance, it is amazing and remarkable how these women
are able to utilise their relations with men to their advantage in order to acquire housing. They also develop strong networks to protect each other and are also protected by the men they interact with.

In order to maintain certain powers and rights in their relationships they make sure that they do not enter into any formal marriage contracts which will legally transfer their rights to the male partners. The case of 'M'e Khubelu clearly shows that the locus of power of a Mosotho woman culturally lies in her playing docile or subservient and giving a man traditional status and power without legal authority as a strategy to pursue her interests or defend her rights. In her case she has made her man feel he is in practice in charge of financing the needs of the woman and ensuring she gets a site—when in fact he has no authority or legal powers. Since 'M'e Khubelu acquired property in her own name through the man, she gained legal rights over property, and thus met her strategic gender needs.

What should be done?

Some ideas of possible actions emerge out of this study. The following is proposed to alleviate problems of housing, and specifically for the poor migrant women, in the towns of Lesotho.

It is important for policy makers, planners and landlords/landladies to be aware that rural-urban migration of poor women is on the increase as they have to provide for their families. These women require housing. In order for these actors to develop appropriate policies and action programmes to meet the needs of the migrant it is essential first to establish the nature and assess the extent of those needs and the inherent problems. This calls for research, and provision of gender disaggregated information to reflect women's requirements. Also gender planning approach should be emphasised.

Government should urgently review and adopt the draft housing policy. The review should among other things address the plight of the poorest whose incomes do not make them eligible for assistance by existing housing finance utility service institutions. The Law Reform Commission must give special attention to laws like the Deeds Registry Act that continue to discriminate against women.

There should be a regulation that all rental property should have basic utilities on site, at least one stand pipe for water, and a toilet. The government has made some efforts to intervene. The Maseru City Council (MCC) responsible for urban management is trying to work towards upgrading housing and services in many areas including Matebeleng. According to discussions with MCC officials it is currently impossible to carry out improvements particularly in Matebeleng. At the moment, the landlords some of whom live in South Africa are difficult to contact while others refuse to give consent for upgrading because they do not live on the rental property. The tenants are interested in improvements but are worried that they would have to bear the costs which
they cannot afford. They might have to leave a trusted relationship with their landlords who allow them to postpone paying rent when business is bad. The present houses are also located in an area strategically situated to capture migrants, industrial workers and rural shoppers.

The women should organise as interest groups to take responsibility to meet their housing needs themselves as well as lobbying landlords and government to provide basic services. This will require consultative approaches to planning and policy making. Women should make use of the urban government representatives in their wards. They should also continue with the good strategies which so far have worked for them. They should enhance their networks to a point where they can collectively raise funds for investing in housing.

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Chapter 11

Women’s Groups and Shelter Improvement in Kenya

Joyce Malombe

INTRODUCTION

Women’s groups are a common phenomenon in many African countries. Women have been known to organise themselves to pursue "immediate and pragmatic concerns affecting each and every household—food, shelter, school fees, water, health care and so on stemming from the needs and interests of the family" (Bülow, 1991:9). In Ethiopia these groups have improved social support networks, in which women provided mutual emotional and moral support and exchange of information (Ardener and Burman, 1995). In Ghana the groups continue to play a dynamic role in helping to meet the cash needs of women traders and farmers. In both Kenya and Cameroon, and indeed in many other countries, women value these groups as the only way to guarantee savings (Niger-Thomas, 1995). They also assist in small-scale capital formation, providing a measure of security and credit on a very small scale (Nelson, 1995).

In Kenya there are several types of women's groups. There are commercial groups with the primary purpose to generate income and there are welfare groups primarily interested in improving the quality of life of members' families and communities. Other groups include revolving loan associations where each member contributes a pre-determined amount of money at regular intervals to a common fund and the money is then distributed to members in rotation often called "merry-go-round". Apart from registered groups, many women carry on their tradition of cooperation and mutual assistance through informal support networks. Women in informal groups emphasise that they operate only as a social support and mutual assistance network—a function of groups, whether registered or not, which may be just as important to women as formalised activities and starting businesses in community projects (Mazingira Institute, 1992).

Although the importance of these groups—to women, their families and their communities—is often underestimated, for many women membership
offers them the best hope for improving their lives. The groups play a significant role in both social and economic structures of their communities. They produce goods which contribute to their local economies and are a major force behind Kenya’s self-help development efforts. At times they may be a way to survive periods of hardships or an opportunity to earn cash to pay children’s school fees. For some, it is a place to exchange information on improved farming methods or health concerns; for others, a chance to save for better roofs over their houses (Mazingira Institute, 1992). The groups also empower women by helping them become to some extent economically independent of their husbands, families and boyfriends, and to create social standing for themselves within the community. It becomes obvious that they are natural vehicles for liberating and strengthening women in a very patriarchal society (Burman and Lembete, 1995).

This article presents the women’s group movement in Kenya and discusses women’s activities in housing improvement with a view to indicating some of the difficulties they face in improving their shelter in spite of organising themselves. The article draws from a study on women’s groups in Nyeri district in Central Province. The study is based on data achieved by a questionnaire administered to 159 women from seven of the women’s groups in the district (Malombe, 1995).

WOMEN’S GROUP MOVEMENT IN KENYA

Past studies on Kenya’s rural women have emphasised their crucial role in agricultural production and in the procurement and provision of basic household needs in childcare, food, water and fuel. Women contribute sixty to eighty percent of the total labour inputs in small-holder production. Few women have any education or are engaged in wage employment. Although the majority of women work as subsistence farmers, the laws of inheritance bar them from owning the land legally as this is still a preserve of the male members of the household. Precarious weather conditions, poor produce pricing and unreliable markets, inadequate extension services, insufficient farm labour and heavy childcare responsibilities are some of the factors that mitigate against women’s efforts to derive a decent cash income from farming activities. The low socio-economic and legal status of women in general permeates all development undertakings (Business and Economic Research Co. Ltd., 1985).

Kenyan women have a long tradition of helping each other through mutual aid and solidarity groups. In pre-colonial times they helped each other organise agricultural work groups and childbirth supporting networks to cope with periodic labour shortages and hardships. Also common were agricultural work groups in which women helped each other with their farm duties. These groups were based on the traditional division of labour that assigned most of the day-to-day responsibility of food production to women. Women would gather in small groups to cultivate and harvest each other’s crops, moving from one farm
to the next until all was done (Mazingira Institute, 1992). This system relieved some of the burden of working alone and provided extra labour during peak agricultural seasons, such as during harvest time. Working together, women were able to make their labour more efficient and productive (Nelson, 1995).

Women’s mutual aid groups were part of a larger tradition of community self-help which placed a high value on collective action. The age-old custom of self-help, in which groups of neighbours and sometimes entire villages worked together towards a common goal, was practised throughout Kenya. Everyone contributed what they could—labour, skills, goods, money—to a project benefiting the entire community. The tradition of self-help provided a cultural environment conducive to women’s mutual assistance activities and a strong foundation of the women’s group movement (Mazingira Institute, 1992). Though such initiatives often work against many obstacles, women have helped each other meet family and/or group welfare needs and have given moral support, advice and information to each other (DANIDA, 1989). This concept of self-help is not new in Kenya. It however gained new momentum after political independence in 1963 when the president called on all Kenyans to unite and work together for their own betterment. The projects started on this basis mainly relied on local initiatives and satisfied immediate localised needs. They also used essentially locally mobilised resources, had local leadership and used indigenous reciprocal and communal assistance principles.

The groups start by focusing on welfare oriented activities and moral and material support to members at times of need. They have to rely mainly on their own meagre resources before they can attract help from outside. Some of these primary “welfare” groups have ventured into small income-earning activities generally with limited success. The women’s organisations are normally engaged in a cross section of development activities that relate to women. Some are old and highly established in terms of organisational set ups and programme components while others are still fairly young, inexperienced and are struggling to get off the ground (DANIDA, 1989:6).

There are now over 23,000 women’s groups in Kenya organising almost one million women (Women’s Bureau Census, 1991). These groups have participated in development activities right down to the village level. Typical activities include farming, maize milling, honey processing, keeping livestock, making handicrafts, providing water and maintaining rental properties (GOK and UNICEF, 1992: 35). Many groups started by roofing the houses of the members.

MABATI WOMEN’S GROUPS AND HOUSING IMPROVEMENT IN NYERI

Nyeri District had over 1,300 women’s groups in 1993. These groups undertake different activities including roofing of houses with galvanised corrugated iron sheets. The groups roofing houses represent some of the oldest groups and are commonly known as mabati (the Swahili name for galvanised corrugated iron sheets) women’s groups. This was mainly because most of them were initially
formed to replace their grass thatched roofs with corrugated iron sheets. Although most of these groups were started after independence, a few existed before independence and were mainly involved in cultivation of their land. After independence some of these changed to mabati groups. Although most of the groups have completed roofing houses, new groups are being formed and are currently roofing their houses. These new groups are mainly in the newly resettled areas of Kieni East and West.

After completing roofing houses the groups have turned their energies to other projects including replacing mud walls with off cuts, building water tanks, fencing their homesteads and buying household items among others. In addition, the groups have undertaken projects of a civic nature which include building nursery and primary schools. The women do not do the actual roofing of houses but they meet and contribute money which is given to one individual to roof her house. If the member had already roofed her house she would still be given the money to undertake another development project of her choice in her own home. It is worth noting that groups formed before independence mainly provided labour but this changed after independence where women could no longer afford the time to contribute in terms of labour. The activities of the women’s groups changed from providing labour to providing money and members met once a month.

The reasons for joining these groups were many and varied but the main objective was to replace their grass thatched roofs with corrugated iron sheets. The concentration on roofing houses was mainly because women were traditionally responsible for roofing houses and this activity had become very tedious because grass was becoming scarce and it had to be replaced every year. This was compounded by the fact that the heavy rainfall in Nyeri made the grass rot very fast. This rotten grass was infested by worms which was a nuisance to the family. In addition, land consolidation and the spread of cash cropping meant that less land was left fallow and the grasslands used for thatching were becoming increasingly scarce. Further cash cropping had increased the work load of the women because they had to work on the farms longer and also provide food for their families and perform other duties. Consolidation, cash cropping and inability to gather grass at random contributed to the accelerated formation of mabati groups. This process was encouraged by chiefs and sub-chiefs who wanted their areas to look more progressive and sophisticated (Browne Dalls, 1975).

Another reason for joining groups was indicated as poverty. Most women had tried different things on their own and could not get anywhere because their incomes were very low. These women saw from the earlier groups what could be done by joining women’s groups. By joining these groups women could now solve otherwise insurmountable problems. They strongly felt that joining these groups was the only way to improve their standards of living.

Still another reason for joining these groups was to get income to solve everyday problems. Apart from contributing to group activities, these groups
had what they call merry-go-round where every time they met they gave an agreed amount of money which was given to one of the group members to meet her immediate needs. In addition, these groups were said to provide encouragement to the women and also provide ideas on how one could develop.

**Leadership patterns and membership requirements**

The structure of *mabati* women’s groups follows a definite pattern. Respect for age and wisdom derived from experience accumulated over a long period of time are powerful factors. Women who are selected to serve as leaders of groups in the area tend to be from the oldest age set of women within any group. Chairpersons are selected for their honesty and devotion to duty and on the basis of the reputation their families have in the community. Their abilities to arbitrate disputes and to speak well and convincingly, as well as their determination to further the interest of the group, are also factors considered in the selection.

The group members elected a chairperson, secretary, treasurer and regular committee members. None of the groups had a regular term of office but this very much depended on how well the elected members performed their specified duties. Thus leadership patterns were indicated as the main reason for the success of these groups. In addition, the groups had very strict rules of conduct which had to be adhered to by all the members. There was also strict control on entry to these groups. Most groups were closed and new members only came in when a member died. This closed membership was said to be a good way to control the group and made sure that people did not join for wrong motives. All the group members participated in decision making and this was said to be one of the major reasons for supporting the group activities wholeheartedly.

These groups have achieved a lot with very small contributions. They indicated that their main problem was lack of finances to effectively address their problems. In addition, recent years have been characterised by high inflation rates, making it very difficult for the women to continue with their activities. Some of the groups had resorted to temporarily suspending their activities because they could not cope. These high inflation rates will in future threaten the success of these groups given their low incomes and their lack of safety nets in hard times.

**SOCIO-ECONOMIC CHARACTERISTICS**

One of the main characteristics of the studied groups was the fact that most of the members were old with an average age of 49 years. Similarly most of them were married and this included three fourths of all the women. The remaining one fourth were in the single category (including never married, divorced and separated). It is worth noting that female headed households were the main initiators of *mabati* women’s groups. Other women, after seeing the benefits of
these groups, have joined them often without their husband’s approval. The high number of married women indicates a significant change in these groups since they were initially composed of single women who had lost their husbands during the independence struggle. In addition, these figures represent groups in other parts of Kenya which have a high number of married women.

Education levels among the women were generally low with almost a third being illiterate. The women with primary school education were almost sixty per cent. Although this is a high figure in rural areas, it is worth noting that most of these never actually completed primary school and were thus not able to compete in the formal labour market. Only two out of 159 women had secondary school education and these were employed in the formal sector as a secretary and a teacher. All the other women were subsistence farmers. These groups represent the typical picture in rural areas where most of the women are illiterate or have very low education. This clearly indicates that women and especially rural women are highly disadvantaged in getting access to education and thus to formal employment. These factors among others lead to low incomes. Low incomes have a lot of implications for women who are the main contributors to household expenses and also have to pay school fees for their children.

*Women’s labour patterns*

The survey showed that the women worked on their farms for more days than their husbands did. They worked an average of 4.9 days per week while their husbands worked an average of 3.7 days. Half of all women worked on their farms without help from other family members. The other half got some help but this was mainly from their children who only helped over the weekends. None of the women had permanent employees to help them with farm work but about half of them hired casual labour to help during peak times.

Apart from working on the farm women had many activities to perform in any single day: prepare breakfast, milk cows, prepare children for school, wash dishes, clean the house, take cows and goats to graze, feed poultry, go to the farm, prepare lunch, go back to the farm, pick tea, collect fodder for the cows, wash clothes, take milk to the dairy, make supper, clean the house.

In the midst of these activities, the women had to find time for development activities and church functions which take a lot of time. In addition, women were the main service providers and fetched both water and firewood. Almost a third of the women have to fetch water from the river. This is especially hard given the fact that Nyeri is very hilly and they have to fetch the water a number of times in one day. Sixty per cent of the women fetched the water without any help from other members of the household while the rest were mainly helped by their daughters. On the whole the women were the main providers of water and often did this without any help. It is worth noting that water was particularly a big problem for women from the drier part of Nyeri. These women were
forced to walk long distances especially in times of drought. This drought also affected their ability to continue with their group activities because they could not get money to contribute to the groups during this time.

OBSTACLES TO SHELTER IMPROVEMENT

As can be seen from the study rural women have very low incomes and have no safety nets in hard times. This has become particularly difficult given the high inflationary rate that makes it very hard for women to afford the daily necessities of life. Coupled to this is the rising cost of building materials. For example, immediately after independence, a group of 150 members could roof a house each month by contributing two shillings. The same amount of money cannot pay for one corrugated iron sheet today. This is compounded by the fact that the incomes of the women are low and prices of all household items have increased significantly.

Another problem was indicated as the increasing burden for rural women. As indicated earlier women are very burdened and have now taken over activities that were initially shared by the whole family. For example, both men and women worked on the farm and their children usually helped. Now many do not help with farm work and children are off to school and this increases the burden of the women. Their own way of dealing with this has been through forming these groups which take very little of their time. The current economic trends threaten their effectiveness in meeting women’s needs. This factor is further complicated by the fact that these women are the main service providers as well.

African traditional land and property ownership discriminate against women. For example, in spite of the women’s activities in improving houses, they have no legal right to these houses and if they separated from the husband today they cannot claim their investments. In spite of working on the farm they cannot use this land to acquire credit for development activities. This limits how much they can do and also leads to exploitation. The traditional control of women by men means that they cannot leave their home and go to urban areas to seek employment without their husband’s permission. These groups however provide women with the opportunity of group ownership of land which many groups have.

Most of the women are either illiterate or have received so little education it cannot allow them to obtain better paying jobs. There are indications that the girl child is very disadvantaged when it comes to education. This is a trend that seems to be continuing and thus minimises the opportunities to participate in formal employment in the future.

Another problem facing these women is inaccessibility to credit or any form of finance on account of their low incomes. It was very clear that most women cannot borrow any money from the bank or other lending institutions. This is because they have no collateral to give as security. In addition, the Government
has not financially supported these groups. All they seem to do is recognise their very active role in rural development but not much support is given with the recognition.

CONCLUSIONS

When asked how their lives could be improved most women in the study indicated that there is an urgent need for them to get access to credit. They strongly felt that if their income generating activities could be improved then they can more fully participate in the development of their homes. They also felt that the Government should support these groups financially instead of supporting them merely with nice words. The increased income would also help them deal with their major worry which is basically school fees for their children. They see education for their children as their only way out of poverty.

Provision of services like water and development of alternative energy sources needs to be addressed if the burden of women is to be reduced. Women’s participation alone will not solve the problem of lack of services that they have. As much as they have helped dig trenches most of them do not have water. In addition, participation in these activities increases their work loads which are already so heavy. A system should be worked out to pay for women’s labour so as to enable them to get income. The additional income could be used to get access to some of these services or enable them to contribute to their development activities.

The women also felt that there is a need for equal division of labour and support from their husbands. Some indicated that men had a negative attitude toward them and their activities and were not at all supportive. A number of women had secretly joined these groups and indicated that if their husbands knew, they would be in a lot of trouble. Apart from their husbands, the women felt that their activities were not appreciated and supported by the community. Many people looked at what they did as “women’s business” and did not support it at all although the whole family benefited from the activities of these groups.

To date no specific policy exists to address the difficulties faced by women. Target beneficiary groups are often referred to as “the poor people”, “small scale farmers”, ”informal sector”, etc. Women are hardly mentioned as a distinct target group and if they are, it is in the “social services” context and as groups whose development activities remain at the peripheries of the mainstream development. Thus the “Government’s policy towards women can best be described as ambiguous: public statements of recognition of women’s contribution to national development and intended to support women’s development efforts are common while on the other hand, development planners have failed to recognise the economic value of women’s contributions in and out of the home to overall national development. Although the Government generally recognises the women’s role as producers particularly in the agricultural sector,
which is also the mainstay of Kenya’s economy, allocation of adequate resources and other support systems to enable women to perform better and benefit from their labour have not always been forthcoming” (DANIDA, 1989:9).

It is clear from the above quotation that the Government holds a “social welfare” perspective on women’s issues and consequently intervention programmes supported by the Government have the same perspective. This attitude neglects the women’s role in development.

On the whole there is a need for a policy that recognises the role and supports the activities of these groups. The government has to practically support women’s groups and not just applaud what they are doing. This commitment to these efforts must also be shown by dealing with practical problems like removing or putting into place laws that address the issue of both land and property ownership for women. This is especially important because the traditional law supersedes common law. In most cases the common law should be made to supersede traditional law and an enforcement mechanism should be developed to protect women. Another issue needing immediate action is lack of both government policy and involvement in rural housing in spite of the fact that about eighty per cent of the population live in rural areas, the biggest percentage of whom are women.

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Contributors

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