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### Research paper No. 15: **How do Actors Contribute to the Maintenance of the Institution of Property Rights of Women in the Agricultural Sector in Uganda?**

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## Executive Summary

Women's property rights, in particular land ownership rights in the rural areas of a developing country are very limited and violated. The purpose of this paper is to analyze how actors contribute to the maintenance of the institution of women's property rights, especially land ownership in the agriculture of Uganda. Based on a research trip to Uganda, this inductive qualitative study suggests that three conditions are purposefully maintained, that is why it leads to various restrictions on women's property rights. First, the informal structures such as social norms and traditions are maintained. Second, the formal structures such as laws and regulations lead to the maintenance of the institution of property rights. And third, the superior status of men is constantly maintained on every level. To advance this research, the study contributes to the literature by identifying a new form of institutional work in the context of Uganda called 'gender oppression'. The findings show that women are oppressed by policing and the direct and indirect abuse of power of men which negatively affect the gender equality and women's social and economic position. This study gives insight into the problems of women's property rights and supports practitioners in their activities tackling the problematic institution at source to promote women's rights. Furthermore, it creates a path for future researches *in order to reduce the inequality*.

**Keywords:** women's property rights, institutionalization, institutional work, agriculture, Uganda

## Introduction

In Sub-Saharan Africa married women do not co-own marital property, neither do they have any rights to the land of the family. Many developing countries are characterized by an insufficient protection of property and inheritance rights of women which place them in a social disadvantage (Joireman, 2008). Worldwide women contribute as a vital part to the economy but the chance to fully exploit their potential in developing countries is not given (UNDP Uganda, 2018).

In Uganda women have hardly any property rights, in particular land ownership rights. Moreover, women are generally not well informed about them, especially those who live in the rural area (Joireman, 2008) which are more than 80 percent of the population (World Bank Group, 2016). According to the customary law, traditionally men own land which derives from the fact that there is a lack of inheritance and property laws. Evidence shows that the co-ownership of marital property should ensure that women have access to it, but usually in a customary marriage men own land and even after death, rights are denied to women (Joireman, 2008). Providing them the chance to contribute to the development of the country will not only reduce poverty and enhance Uganda's economy substantially, but also enhance women's social role (UNDP Uganda, 2018). This simultaneously represents one of Uganda's national objectives and directive principles (United Nations, 2015).

The agriculture in Uganda is particularly important to women, as they dominate the sector: about 76 percent of the agricultural workforce are female (OECD, 2015). Although women in the agricultural sector are prevalent and the driving force, land is still perceived as a men's business and mainly controlled by them - only one out of three landowners are women (OECD, 2015).

Evidence shows that in the average household, land contributes to 50 percent of

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the assets and is recognized as a key resource for producing goods (Rugadya, Obaikol & Kamusiime, 2004). While many factors, such as a low level of education (World Bank Group, 2016), determine poverty, land ownership is a powerful one in Uganda. Due to the fact that land inheritance is patrilineal and patrilocal, women are economically dependent on men (Ellis, Manuel & Blackden, 2006).

Reasons why women have little control over land is due to several facts, for instance, women are generally less educated than men and often not aware of their legal rights. Moreover, a lack of property laws does not effectively protect women's land rights. Other barriers are cultural norms and traditional attitudes that are deeply rooted in the culture of Uganda. These have a vast impact on a woman's economic and social position, and therefore, limit women's access to assert their rights (Rugadya et al., 2004). Traditional attitudes and practices, customary law, inheritance and property rights in Uganda make it hard for women to be treated equally, especially because land rights of women are embedded in the Ugandan culture and social system. Currently, only marriage or kinship serves as regulator of their rights (Rugadya et al., 2004). Together, the traditional attitudes and practices, customary law, inheritance and property rights represent an institution in the context of Uganda.

In general, institutions play a large role in shaping behavior and social norms, particularly in a developing country. They arise from intentional actions and are organized processes that consist of 'standardized interaction sequences' and are supported by a particular procedure of control (Jepperson as cited in Lawrence & Suddaby, 2006). Instead of addressing institutional theories that primarily consider restrictions of actors in their environment and the impact on them, this paper focuses on institutional work that deals with their actions (Battilana, Leca & Boxenbaum, 2009). Lawrence and Suddaby (2006) introduced the concept of institutional

work as 'the purposive action of individuals and organizations aimed at creating, maintaining and disrupting institutions' (Lawrence & Suddaby, 2006, p. 215). It refers to the relationship between agency and institutions, whereby actors have the ability to maintain or transform available institutions (Battilana & D'Aunno, 2007).

In Western countries there is an institutional belief that each human being has the right of property which are related to human rights and are taken-for-granted parts of their contemporary life. However, in a developing country as Uganda, the maintenance of women's property rights is a prevalent form of institutional work toward preserving the power of the unequal distributed rights. To ensure the protection of women's property rights and its implementation, institutional work is significant, however, it is important to comprehend why the inequality still exists. Therefore, a deep research is required to understand what factors contribute to the inequality.

As concluded from the previous section, women's property rights are a great issue in Uganda. In order to raise awareness of this problem and the resulting issues, institutional work should address the perception of property rights as an institution. Instead of focusing on gender equality as institutional work, the emphasis of this study is on women's property rights as institutional work. Providing women access to equal property rights is a central instrument to improve gender equality. A wide range of literature suggests that gender inequality has a vast impact on the daily work of organizations (Styhre, 2014). Although several developing countries in Africa have been subject to this research area, too little emphasis has been placed on the institutional work of property rights of women, especially in a developing country as Uganda.

This study investigates how institutional work as an ongoing process contributes to the maintenance of the institution of property rights of women. Evidence (Ellis et al., 2006)

suggests that cultural beliefs and norms have a pervasive impact and influence the roles of women and men, which simultaneously creates their social status and determines their power. In order to analyze the problematic circumstances, the developed research question seeks to give insight into the purposive actions of individuals and organizations and reads as follow: *How do actors contribute to the maintenance of the institution of property rights of women in the agricultural sector in Uganda?*

Discussing the issue related to the research question, is of prime importance, as a theoretical view adds valuable insights into the literature of the maintenance of institutional work and property rights of women in Uganda, which bridge the two theories. In order to answer the research question qualitative data will be conducted through semi-structured interviews with male and female farmers, officers and members of non-governmental organizations. The objective is to gain insights into men's and women's lives, their perception of the issue and to understand the structures that contribute to the maintenance of the institution of women's property rights.

To proceed, the first section of this paper discusses the theoretical background of institutional work, property rights and institutional work in relation to property rights of women in Uganda. After outlining the research context and the research method, the results of the study are presented. Based on this a theoretical contribution is made, followed by practical implications and the limitations of the research. The paper concludes with suggestions for future research and a conclusion.

## Theoretical Background

### Institutional Work

Institutional work consists of two components, 'institutions' and 'work'. There are numerous ways to define the concept of institution but

within the context of this study the most suitable one is to describe it as the enduring elements of social life (Hughes, 1936) that have an impact on an individual's thoughts, beliefs and behavior (Lawrence, Suddaby & Leca, 2009). From an economic point of view, North (1990) defines institution as 'the humanly devised constraints that structure human interaction' and distinguishes between formal institutions that contain laws, regulations and rules such as property rights, and informal institutions that deal with norms, cultures and ethics such as traditions (Peng, Sun, Pinkham & Chen, 2009).

However, too little emphasis has been placed on the concept of work (Barley & Kunda, 2001). The word 'work' itself is defined as an 'activity involving mental or physical effort done in order to achieve a purpose or result' (Oxford English Dictionary, 2018) which shows the connection between effort and an aim. Associated with institutions, there are two aspects - intention and effort that relate to it. Hence, the former describes the intentionally reshaping of social institutions and the latter represents the amount of contribution to institutional work (Lawrence et al., 2009).

After having defined the two components, according to Lawrence & Suddaby (2006) institutional work is 'the purposive action of individuals and organizations aimed at creating, maintaining and disrupting institutions' (Lawrence & Suddaby, 2006, p. 215) which becomes more and more salient in management and organization theory (Lawrence et al., 2009). The reason is the vast impact that individuals and organizations can have on institutions, that is why this research focuses primarily on maintaining and disrupting institutions.

### *Maintaining Institutions*

Institutions are characterized by an autonomous mechanism of social control, which is why they have a strong self-reproduction. Nevertheless, the fewest are

such powerful that they do not need to be maintained (Jepperson, 1991 in Lawrence & Suddaby, 2006, p. 229). Therefore, Lawrence & Suddaby (2006) suggest six different forms of institutional work for maintaining institutions that are divided into two categories:

Forms of Institutional Work	With Emphasis on
1. <i>Enabling work</i> 2. <i>Policing</i> 3. <i>Deterring</i>	Compliance with the rules of the system
4. <i>Valourizing &amp; Demonizing</i> 5. <i>Mythologizing</i> 6. <i>Embedding &amp; Routinizing</i>	Reproduction of established norms, thoughts and traditional systems

Table 1: Maintaining Institutions based on Lawrence & Suddaby, 2006, p. 230.

To maintain institutions the first category of the first three forms of institutional work, named 'enabling', 'policing' and 'deterring', focuses on the compliance with the rules of the system, whereby the second category of the last three forms of 'valourizing and demonizing', 'mythologizing' and 'embedding and routinizing' places emphasis on the reproduction of established norms, thoughts and traditional systems.

*Enabling work.* To ensure the institutional survival the enabling of work is necessary which is associated with the establishment of regulations with the aim to facilitate, complement and promote institutions. Another possibility to pursue institutional routines is to create new roles respectively to establish legitimating actors who carry on the routines (Lawrence & Suddaby, 2006).

*Policing.* Monitoring, auditing and enforcement describe the second form of institutional work and ensure adherence to the rules of the system, whereas both sanctions and inducements (Russo, 2001) can often be used by the same agents (Lawrence & Suddaby, 2006).

*Deterrence.* The last form of institutional work is called deterrence and emphasizes the creation of coercive barriers to prevent institutional change by threatening institutional actors to gain their obedience. Compared to the other two forms, this kind of work is visual and obvious whereas actors who are involved in it, are aware of the consequences of this work which is maintaining institutions (Lawrence & Suddaby, 2006).

*Valourizing & Demonizing.* The institutional work of valourizing and demonizing is done by actors who identify the moral status of the participating people and assess them afterwards aimed at keeping the power of the institutional beliefs. There are both positive and negative examples that are demonstrated to the public with the goal to clarify the groundwork of institutions (Lawrence & Suddaby, 2006).

*Mythologizing.* Unlike the previous forms, actors who use this form emphasize the past and mythologize their history to maintain institutions (Lawrence & Suddaby, 2006).

*Embedding & Routinizing.* The last form of the second category of institutional work focuses on an active implementation of institutional norms in the daily routines of participants and practices of organizations. Thus, the maintained and reproduced institutions are ensured through routines that are embedded and repeating practices, for instance, educating, training and ceremonies (Lawrence & Suddaby, 2006).

Lastly, to distinguish both categories of the maintenance of institutions from each other, there is a crucial difference. The actors of the first three forms of institutional work (enabling, policing and deterring) have a high comprehensibility compared to the latter (valourizing, mythologizing and embedding). The reason is that in the first category, participants act consciously and purposefully while in the other one they do not and are not



aware of the outcome of their actions (Lawrence & Suddaby, 2006).

*Disrupting Institutions*

Evidence (DiMaggio, 1991) suggests that there will always be a conflict of interests between actors and existing institutions and that these actors will continuously work to disrupt institutions. Although it is likely to disrupt institutions by creating new ones, Lawrence & Suddaby (2006) propose three further forms of institutional work for disrupting institutions:

Forms of Institutional Work	With Emphasis on
1. <i>Disconnecting sanctions</i> 2. <i>Disassociating moral foundations</i>	Manipulation of the status apparatus through, e.g. elites
3. <i>Undermining assumptions and beliefs</i>	Powerless actors

Table 2: Disrupting Institutions based on Lawrence & Suddaby, 2006, p. 235.

*Disconnecting sanctions.* The first form includes state and non-state actors who invalidate institutions mostly through the judiciary to disconnect sanctions and rewards from practices, technologies and regulations. It is important to define and redefine concepts (Suchmann, 1995) with the aim to recreate relationships between actors (Lawrence & Suddaby, 2006). Especially professional actors are opponents of the predominant structure of the system and rules (Abbott, 1988).

*Disassociating moral foundations.* Another form of disrupting institutions can occur through disassociating practices, regulations or technologies indirectly rather than directly (Lawrence & Suddaby, 2006). Greenwood and Suddaby (2006) found out that most of the actors who used this kind of form to disrupt institutions are elites and that ‘these initial innovators were particularly adept at using their prestige to develop and disseminate

technical rationales that justified being different’ (Sherer & Lee, 2002, p. 115).

*Undermining assumptions and beliefs.* The last form of institutional work to disrupt institutions includes illustrating new ways how to act, substituting existing templates or diminishing the risk of innovation and differentiation (Lawrence & Suddaby, 2006).

All three forms of work that disrupt institutions, focus on the relationship between institutions and the social controls by decreasing the effects of the latter. While the first two ‘disconnecting sanctions’ and ‘disassociating moral foundations’ refer to the manipulation of the status apparatus through actors such as elites, the last form ‘undermining assumptions and beliefs’ relates to powerless actors (Lawrence & Suddaby, 2006). Evidence suggests that less powerful actors with limited resources are able to disrupt institutions (Moore, 1987 in Marti & Mair, 2006, p. 107). Lastly, different actors are needed for each kind of institutional work (Lawrence & Suddaby, 2006).

This research investigates how institutional work contributes to the maintenance or disruption of the institution of women’s property rights in the agricultural sector of Uganda. In the following, the context between institutional work and property rights is further explained.

**Property Rights**

According to the Universal Declaration of Human Rights ‘Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property’ (UN General Assembly Resolution, 1948). Clearly, property rights are a concern for human rights and evidence (De Soto, 2000) indicates that well defined property rights have a powerful impact on the economic growth. Especially in the context of developing countries, they affect the poor in a substantial way and allow them to access new possibilities

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such as a higher education level (Joireman, 2008). Following economists poorly defined property rights are compared to the commonly known pool problem which states that far too many actors have the right to the usage of a resource that becomes overused as a result (North, 1981; Ostrom 1990; Libecap 1989). This comparison mirrors the situation of women in Sub-Saharan Africa who have to face this challenge on a daily basis (OECD, 2015).

In the context of developing countries, there are many factors that determine poverty. However, one powerful is the land ownership that concerns women in Uganda to a large extent. Although the Land Act of 2004 was created to enhance women's property rights and access to own land, cultural norms, traditional beliefs and practices and customary law were dominated to the disadvantage of women. Another aspect that limits the economic position of women is ascribed to the inheritance law which constitutes a further reason for the dependency of women on men (OECD, 2015). Not only would an improved protection of women's property rights contribute to an enhanced economic and decision-making power which, in turn, will positively affect women's status in society, but also to the economy of Uganda. Women as a dominant part in the agriculture, play an important role in the agricultural sector: More than three out of four women represent the work force which constitute an essential business part of the country's economy (OECD, 2015).

In that respect, property rights are particularly relevant to the question of how property rights are linked to institutionalization as property rights have now become institutionalized. As described in the beginning of this chapter, institutions are distinguished between formal and informal ones, whereby the former regulates laws and rules and the latter norms and cultures regarding the recognition of property rights to land (Taylor, 1988). Although the formal procedure provides for

transferability, different actors can make decisions within the institution of property rights that violates social norms (Feder & Feedy, 1991) in order to benefit from their rights (Lee, Peng & Barney, 2007). This is where the role of the actors becomes important and this inductive research prompts to identify the purposeful actions.

Another important effect of addressing property rights is to use it as a key resource to establish gender equality by approaching women aimed at achieving one of the Sustainable Development Goals (UNDP Uganda, 2018). Addressing property rights provides women access to equal rights and has a positive impact on gender equality, which makes it even more interesting to study the relationship between property rights and institutional work.

### Property Rights & Institutional Work

The existence of institutions has a crucial role since they shape behaviors, cultural thoughts and practices, and generally reduce uncertainty for various actors (Peng et al., 2009). However, there are individuals and organizations who act to their own advantage by pursuing their interests within an existent institutional framework (Lee et al., 2007). In the context of developing countries, property rights can be seen as institutions that do constraint human interactions by shaping the environment. In Western countries the institutional belief of the right to own land may be taken-for-granted but in this scope of developing countries, property rights need to be seen as a powerful institution that is embedded in the culture and social system and is inaccurate (Feder & Feedy, 1991).

Property rights as an institution 'implies a system of relations between individuals... it involves rights, duties, powers, privileges [...]' (Hallowell, 1943, p. 119) and represents a significant category of institutions, whereby the implementation may lack because the enforcement depends on the support of

different actors such as officers, police, financial institutions and courts (Feder & Feedy, 1991). Taken together, property rights are exclusive, heritable, transferable and have an enforcement mechanism (Alchian & Demsetz, 1973).

From that perspective, actors who believe in cultural norms and traditional views are hard to change in their thoughts especially in favor of their position. Therefore, institutional work as an ongoing process can help to understand what aspects contribute to the disruption or maintenance of the institution of property rights. To approach the issue, the focus of this study is on both disrupting and maintaining institutions whereas maintaining institutions are particularly considered to a wide extent to understand what factors lead to the institution that is sustained. Consequently, on one hand the purposive actions of those individuals or organizations need to be identified who are able to disrupt and simultaneously change the problematic institution. On the other hand, investigations need to be done about those who intentionally act aimed at maintaining institutions. With these findings a contribution can be made to the literature of institutional work in relation to property rights in the context of Uganda.

## Research Method

This chapter discusses the research design, the research context, the data collection and the data analysis to support this research. The objective of this paper is to analyze how actors contribute to the maintenance or disruption of the institution of property rights of women in the agricultural sector in Uganda, based on the forms of institutional work for maintaining and disrupting institutions proposed by Lawrence & Suddaby (2006). Moreover, the aim is to add valuable contribution to the existing forms of institutional work of Lawrence & Suddaby in the context of women's property rights in Uganda.

### *Research Design*

Pursuing a qualitative research seems to be the most appropriate research design to examine inductively how property rights and the institutional work interrelate. In particular, it was important to gain first-hand information of participants within a conversation and to be able to make observations. To get a deeper insight, seeing and understanding the context the participants are acting in, characterizes a qualitative research primarily. In order to answer the research question and to comprehend the complexity of the issue, it required exploration, in particular in the context of developing countries which are characterized by its many problems (Creswell, 2007). This can only be achieved by researchers who accurately 'study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them' (Denzin & Lincoln, 2005, p. 3). To facilitate making sense of the data, it was an asset to collect secondary data as observations next to the interviews (Creswell, 2007).

*Interviews.* One of the main reasons why qualitative research was opted over quantitative research was next to the language barrier, that existing measures are not sensitive to gender issues (Creswell, 2007). Therefore, to interact with the participants semi-structured interviews were conducted. Another reason is that the Ugandan culture allowed to have spontaneous appointments which is why it was preferred to have face-to-face interviews. Furthermore, it was important for the researcher to have the opportunity to ask open-end questions and to adjust the questions during the interviews, not only to build a basic understanding of the problem after a certain stage (Creswell, 2007) but also to gain a deeper insight into the problems and to avoid misunderstandings. Furthermore, the researcher needed to be flexible enough to react to changes in emergent situations. Compared to a structured interview with standardized questions, a semi-structured interview gave the possibility for the interviewer to ask all relevant questions which



were not planned and to make individual statements at the same time (Töpfer, 2012).

Whereas primary data was conducted from 21 semi-structured interviews mainly in the agricultural sector of Uganda, secondary data was obtained from observation notes and photographs in order to increase the accuracy and confidence of the results, since it involves triangulation (Jick, 1979).

### Research Context

As mentioned earlier, the primary data gathered mainly in the agricultural sector for this research are all from face-to-face interviews with different participants such as farmers, focus groups, officers and members of non-governmental organizations to name a few. The reason for selecting this setting is because of the collaboration with Agri-Quest, a research project, which is aimed to achieve a better business climate to encourage a sustainable change in several areas such as in practices and attitudes in different value chains of the agriculture (Agri-Quest Uganda, 2017). This study, in particular focuses on the actors in the agricultural sector and how they purposefully act within the institutional framework of property rights. Therefore, the agricultural sector in Uganda represents a qualified research context due to its characterization by a high lack of women's access to land, which is one of the most significant economic imbalances (Tripp, 2004). In developing countries where socially constructed inequalities control the power between men and women, land is given a high importance (Deere & Léon, 2001).

### Data Collection

Together with the Agri-Quest team which consisted of four members and five other students of the Vrije Universiteit Amsterdam, the data collected for this research was gathered within a three-week trip in three different places of Uganda. To ensure a rich amount of different and a variety of data, the

Agri-Quest team chose to focus besides on Kampala, where the team was based, on field trips to the rice and cassava districts, Bugiri and Oyam.

*Bugiri & Oyam.* During the field trips to both places a camera team was always present to assure that face-to-face interviews were recorded. The interviews were mainly held in English, however, in some cases the interviews were conducted in the local language, which is why a local guide who was responsible for the translation and interpretation was required for each trip. Within group interviews each researcher was allowed to ask one question but in smaller group interviews with only one to three interviewers it was possible to ask follow-up questions. In order to interview selected participants, it was required for the researcher to be active and to make individual approaches. Overall, eleven interviews with a duration between 15 and 78 minutes were conducted, tape-recorded and fully transcribed. Only two further interviews were not recorded because the circumstances of loud noises did not allow it, hence, detailed notes were taken, and secondary data were included additionally.

*Kampala.* To receive more variety in the data, but on a different perspective, eight additional interviews were conducted in the capital of Uganda. Therefore, the interviewees were chosen from different areas such as one from the Makerere University, three from non-governmental organizations, one from the parliament, moreover, a teacher, an orphanage owner and an employee of a company. To reach the desired interviewees, the researcher provided the Agri-Quest team a list of potentials, but also was in contact with NGOs via e-mail to arrange an appointment. After the field trips, where hands-on information was provided, it was now important to ask more specific questions related to the research question. Based on the first insights, new open-ended questions were formulated where the focus of the research gradually moved to the emphasis on the maintenance of

institutions. In total, seven interviews were conducted, tape-recorded and fully transcribed with a duration between 15 and 90 minutes. Moreover, one informal talk took place which was not recorded due to the circumstances of loud background noises, therefore notes were taken.

Semi-structured interviews allow to cover a set of created questions and depending on the respondent, the questions were based on an interview guide (see Appendix V) and have varied from interview to interview, so that some questions were added or omitted, giving the specific context of each participant (Saunders, Lewis & Thornhill, 2007). Due to every student's individual research, different topics were part of the most interviews. Altogether, after each conducted interview, contextual data was also recorded such as the location, time and date, setting, relevant background information and observations notes if required.

#### *Data Analysis*

For the analysis of the data the 'Gioia Methodology' was applied which required to follow three different steps to achieve 'qualitative rigor' to the inductive research (Gioia, Corley & Hamilton, 2013). The first-order analysis was performed by conceptualizing the collected data, using informant-centric labels to stay close to the origin of the data and keep its richness. While coding and grouping single quotes, the concepts step by step were established, however, the labeling process was repeated several times and concepts had to be renamed in order to develop relevant themes. The next step represented the result of the second-order analysis and consisted of the examination of patterns that emerged, which is research-centric. The analyses of the informant and researcher provided the basis, so that the theory-based research and the emerged themes could easily be compared which is a common process in the qualitative research. In the last step, abstract concepts, called aggregate dimensions, were developed.

#### *Validity*

To achieve a more detailed result and to confirm the validity of the established codes, after the first-order analysis, secondary data was compared with the interview statements to ensure consensus of the content. Moreover, after the conducted interviews additional background information and interpretations with the Agri-Quest team was exchanged. Likewise, after the transcription process each student was able to add and share notes and observations to the interviews, with the aim to prevent misunderstandings and ensure validity on the qualitative research. Lastly, to ensure truthful answers, the participants were anonymized due to the concern of social desirability. It refers to the interviewees who tend to respond in a way that would be more accepted from the society than honestly with the purpose to avoid embarrassment (Fisher, 1993).

#### **FINDINGS**

The findings enabled the researcher to identify two existing and one new form of institutional work toward the maintenance of the institution of property rights. Although the literature covers both maintaining and disrupting institutions, in comparison, particularly many data was found on the former. The reason is that the analyzed data was not convincing enough to label it as a disruption of institutions whereas there were strong data collections that could draw conclusions about the maintenance of institutions. To add more detail and richness in existing assumptions, the findings can be divided in three main categories: 1) the maintenance of the informal structures, 2) the maintenance of the formal structures and 3) the maintenance of the superior status of men in the context of Uganda. Together, they represent strategies related to the institutional work of maintaining the institution of property rights of women in Uganda (see Appendix I).

#### **Maintenance of Informal Structures**

As noted in the introduction, informal institutions deal with norms, cultures and traditions (Peng et al., 2009) and the data reveal that social and cultural norms are maintained through two activities: embedding and routinizing, and cultural practices and traditions.

### *Theme 1: Embedding & Routinizing*

According to Lawrence & Suddaby (2006) the institutional work of embedding and routinizing involves active actions such as integrating norms and practices in the daily lives of participants. Therefore, routines are embedded through repeated doings and ceremonies. In the context of Uganda, the same pattern of embedding and routinizing could be found and refers to the agricultural work, the informal marriage and to widows.

**Agricultural work.** The agricultural work is typically divided in the production and the marketing, whereby most of the women are involved in the previous mentioned and men in the latter. This unequal division of work impacts the decision-making power in a marital relationship and results in a low one for women, especially because men do not show transparency when taking care of the finances as a woman described: *'Most of the work in production is done by women [...]. But when it comes to marketing – aha, now the gentleman comes! [...] And when comes back from the market after selling it, the woman does not know how much he got from the sell'* [8].

Furthermore, the data shows that women do not generate any income although they are the ones who are involved in the production of food [11]. Several interviewees stated that while females work hard for their own and family consumption, men tend to behave irresponsible instead and prefer to join drinking games in the city [1]. This is a common practice in most of the families and thus shapes the decision-making dynamics in rural homes. Another aspect gives the males even more power and control over resources, that is

the financial and hence existential dependence of women on the men.

**Informal marriage.** The informal marriage is the common type of marriage in Uganda which means that this ceremony is not recognized by the Ugandan constitution [21]. This practice has among others, two significant disadvantages for women regarding property rights. In order to be entitled to land, a woman needs to be in an official marriage that would provide a joint ownership of properties. But entering a customary marriage mostly means for women to lose and not being eligible for land, which a legal officer further explained:

*'Most of the women think they are married because they live in a domestic relationship with a man but they are not. [...] we don't know how to protect wives in customary marriages. [...] Our biggest challenge is the lack of proof if she is in an informal marriage'* [21].

The data reveals another drawback that is known as a common practice in an informal marriage and that is that men are entitled to have several wives. Polygamy makes it difficult for women claiming an individual contribution or an ownership of property [5]. If these women decide to claim for their right to inherit land, they lack evidence being in a domestic relationship as a labor officer confirmed: *'[...] only legal woman gets the land, if multiple wives, then those wives get nothing'* [5].

**Widows.** Interviewees repeatedly emphasized that in an informal marriage, after a husband has passed away, a widow is actually legally entitled to inherit 15% of his land, but usually the clan members of the deceased ignore the law and take away her ascribed piece of land [1] which shows how little widows are financially protected and how their rights are violated. A community development officer ascribed this to the common practice after the husband passes away that is embedded in the culture: *'Even after death of a man, for a widow for example it is hard to own land*

*because the clan members will grab the land of the widows. They have no chance' [14].*

When interviewing widows in the rural areas, all of them faced the same issue in the past and have not resisted but were helpless and accepted it as a routinized practice [2; 15].

### *Theme 2: Cultural Practices & Traditions*

Cultural practices and traditions refer to social and cultural norms that are maintained through the traditional belief that all land is men's, traditional roles and the difficulty to claim for land.

**All land is men's.** Firstly, the traditional belief that only men can own land, is strongly marked and deeply embedded in the Ugandan culture because the majority of the interviewees, no matter which gender, perceived it as natural and accepted that solely males are landowners [14; 20]. Although there are laws that clearly provide both women and men equal rights to own land, females only have the permission to access but not to own land, as an informant confirmed:

*'They [women] have access to land but do not own it. Women do not actually own the land, they mostly use their husband's land.*

*Therefore they do not have the rights to it' [9].* This practice is deeply integrated in the culture and therefore, the belief is seen as a fact as many interviewees stated, especially in the rural areas [1, 16].

**Traditional roles.** The traditional roles are the biggest problem in Africa [11] and are still very pronounced in Uganda, whereby men claim the symbolic role of being the head of the household and women are ascribed to the typical housewives' activities [1]. The following instance highlights the importance of traditional roles which is endorsed by a local farmer: *'Family is typically controlled by the men. He buys the land. It is for the family, not him. Me, I bought for me and my family because I have a family. So I need to take care of my family' [6].*

He continued by giving an example of a previous incident: *'In Uganda, we have a vice president who is a woman. [...] even if you are a woman who is a president in public life, when you come home, it's the man who is the head of the household' [6].* This suggests that land ownership is strongly associated with being the head of the household. Land ownership symbolizes hierarchy within and outside of the domestic sphere. The maintenance of the unequal structure within families is a significant restriction for women to own land, independently what kind of position they have in the society – it affects women on every level. As a result, a woman's property rights finally depend on the quality of her relationship with her husband.

**Difficulty to claim for land.** The data shows that claiming for land by suing the spouses prove to be difficult for three reasons, especially in the rural areas. First, in practice it is hard for women in an informal marriage to get divorced since there is no informal divorce, hence, the law usually does not protect these women unless they were officially married as several informants pointed out [1, 8, 21]. The second reason is that culturally women do not sue their husbands to own land although they could, but in the society it is not seen as acceptable practice, which was confirmed by the majority of interviewees. This example illustrates the customs: *'[...] the law is there whenever you go to report to a police station. But how many people are coming to report? And seeking legal help? Not many. Traditions have a lot to do with it. I will never sue my husband that he did A, B and C. [...] So I keep quiet' [12].* Subsequently, a local rice farmer emphasized the cultural aspect: *'[...] the law of property etc. is clear. [...] Women do not sue their husbands although they could. There are laws that state equal rights to owning land but it is still embedded in the system of the country that only men own land' [2].* A final reason observed in this context is that women who are willing to claim for land cannot afford the transport to Kampala and lack of money, hence, they accept their problematic situation



[12; 19]. Overall, the findings suggest that there are several barriers that prevent women from access to justice.

### Maintenance of Formal Structures

As stated in the introduction, formal institutions contain laws, regulations and rules (Peng et al., 2009). The interpretative data indicates how the patrilineal society and the lack of education lead to a maintenance of formal structures in Uganda.

#### Theme 3: Patrilineal Society

The patrilineal society of Uganda refers to the lack of the law enforcement, the inheritance law and the son preference.

**Lack of law enforcement.** The statutory law in Uganda actually provides equal rights to land and other properties to men and women, however, they *'are not as effective as they supposed to be'* [18] as a member of the parliament admitted. The problem is not the law itself but the lack of the implementation of this equality, especially in the rural areas, as an informant confirms: *'It (the law of property rights) is not reaching them'* [1]. Moreover, another participant reported that next to the lack of human resources and capacity of the legal system, there is a weak willingness to implement policies [7]. A further reason why the application is weak is the legal pluralism that arise from both the customary and statutory land tenure in the constitution [21]. In particular, two members of different NGOs emphasized the poor access to justice for women because in rural areas, for example, those affected sometimes do not even know where to report, if they seek for help [20]. This suggests that services of the government are either not existent or hard to reach, which is attributed to the patrilineal society and will be further explained in the section of 'policing'.

**Inheritance law.** According to the data the inheritance law represents a cultural practice that states that the brothers of the deceased

are allowed to inherit the land. Because of the patrilineal nature of the Ugandan culture [9], the purpose of this practice is to keep the property and children in the clan [2]. However, there are possibilities to inherit land as a woman. For example, parents can have a valid will for their daughter or a husband can write a will for his wife, but the patriarchal society still has the power to undermine the rights of a woman, as an officer confirms: *'There is a belief that a girl cannot inherit a land in the society. She does not even claim it although she could but she thinks she has no right over it. They would never claim regarding property rights and land ownership. [...] A girl can never inherit her father's land due to traditional belief'* [7]. The awareness of owning land might be clear for some women but the challenge to inherit land is apparently very big, as a participant confessed: *'As a woman, I can own my land and come and buy it. The biggest problem come in shared land and inheritance, women will lose in those cases'* [12].

As noticed before, widows are entitled to inherit 15% of the deceased, but taking a look at the amount, it is too less as one expected as spouse, which can be attributed to the male dominated society.

**Son Preference.** It was observed that education is related to money which most of the families in rural areas do not have, at least not enough to send their children to school. But if it was only just affordable, the parents rather sent boys than girls to school in the belief that an educated man can earn money to take care of the family whereas girls are supposed to stay at home [16]. A woman who experienced it by herself declared: *'It was more when I was growing up that boys went to school and girls stayed home. It is still happening. [...] When I was a child, my father was asked why your daughter (me) went to school? That she is supposed to stay at home and taking care of home. That she will get married and take care of children, that she then does not need to go to school'* [12]. This preference for boys is another common

practice that was passed on to the next generations and expresses the patrilineal society of Uganda. Consequently, it presents a basic barrier that makes it hard for women to stand on their ground.

#### *Theme 4: Lack of Education*

The lack of education refers to the ignorance of the law and the intimidation of women.

**Ignorance of the law.** According to the data, women, especially in rural areas are not educated and not aware of their property rights which are crucial restrictions to own land. More importantly, a researcher at the Makerere University in Kampala underlined the high level of illiteracy which is also a considerable issue in Uganda, why it is so difficult for women to own land [19]. Only one interview conducted in Kampala showed different data than the rest of the interviews, whereby the interviewee, an employee of Uganda Breweries Limited, was aware of her rights regarding land ownership: *'We have the same rights as men and not limited rights. I can own land if I want to. There is no problem with property rights. [...] Kampala is very open, it is a big city and very different to other areas. Most of the women in Kampala are educated'* [10]. Another legal officer confirmed the statement but drew attention to educated women who suffer in silence: *'[...] you think that even educated women know about laws but they do not, they are suffering'* [21]. This finding illustrates that even if women know their property rights, it does not necessarily mean that they are free to make use of it. Referring back to the lack of education, extremely urgent cases show that some women do not even realize that they have a problem which is ascribed to the lack of education [12]. An informant hinted at the problem: *'That is a big gap we now have'* [12]. The ignorance of the law refers to most of the women in Uganda due to the majority of the population that is still rural and involved in the agriculture.

**Intimidation of women.** Several interviewees often mentioned that the ability to express oneself and to speak out, are connected to traditions and education whereby the latter has a vast effect on women [20]. As a result, the lack of education leads to an intimidation of women and the consequences are a lower chance of owning land which is further explained by a chairwoman of a women's group: *'Women who are able to express themselves can own land but most are scared. The low level of education is the problem, they cannot speak out and are feared'* [3].

As noticed in the section before, it was common that boys were allowed to go to school while girls were supposed to stay at home. Even though the situation slowly changes, as a consequence this son preference challenges women now and leads to this conflict where women are in today.

#### **Maintenance of the Superior Status of Men**

The data shows that the maintenance of the superior status of men is managed by the institutional work of policing and gender oppression.

#### *Theme 5: Policing*

According to Lawrence & Suddaby (2006) the institutional work of policing involves the monitoring and adherence to the rules of the system. In the context of Uganda policing refers to the male dominance on every level and the lack of political will.

**Male dominance.** While conducting the interviews, especially in the rural areas, it was very salient that the communities were always led by men. Pictures that were taken during the observations, illustrate that males were the leaders of communities and the spokespersons.



Figure 1: A Male Sub-County Officer

Additionally, the following example supports the findings on the male dominance: *'If you go to a village right now and say that you are from an institution and you want to speak to women and issues A, B, C. You must most likely first speak to a man because he is the LC - the leader. And the men are going to say what is it what you want to speak about? We want to tell women about their property rights. Do you think that men will let you speak to women? (Laugh.) Probably not. You would be very lucky'* [12].

The data shows that customs are hidden and governed by male clan leaders, the police, magistrate, local council, government and administration which indicate that men monitor on every level and every sector to maintain the situation they are benefitting from. It starts at the micro level in families, goes further to the local level and ends up at the national level, as an informant confirms: *'[...] they bribe and hide things. In every sector, including gender and education'* [12]. Moreover, an interviewee gave an example that if a woman wants to report about domestic violence, she should not expect to achieve something because *'[...] the structure to reach the report and succeed is delineated' and that the ' [...] majority of them are men'* [20].



Figure 2: Male Leaders of a Community

It appears that on every level there is an obstacle which makes it hard for women to change their situation and break through the maintenance of structures.

**Lack of political will.** As stated in the previous section, the majority of the government is run by males which affects laws and regulations that have not been passed yet or were declined. By filling positions with intentionally selected men and not women, they are in a greater number and hence stronger when it comes to decisions and monitoring procedures as a legal officer explained: *'When you go to parliament you will see the parliament is full of men who are actually in this kind of relationships [informal marriage]. They are living in cohabiting and they are probably not [officially] married, so the law [that provides cohabitation and would improve women's property rights] did not pass'* [21]. She continued and emphasized the inequality that leads to the lack of political will: *'[...] even if you look at our court system, you won't find a bench that say it should be a bench of five judges. You will find four men and one woman who are deciding about the fate of a woman'* [21]. These findings suggest that by policing, men try to keep this structure and refuse people who try to disrupt their power. The lack of support of female politicians



on the regional level on property rights is one of the reasons why there is no change in women's property rights.

#### *Theme 6: Gender Oppression*

The data suggests that gender oppression is a systematic and structural maintenance of the males who are seen as superior whereas women overtake the inferior position. The direct and indirect abuse of power of men are described as gender oppression.

**Indirect abuse of power.** According to the data the Ugandan people are very religious and believe in how god created the world: *'From a rib of man, they believe that man is superior'* [13]. Therefore men, in particular being in a domestic relationship, consciously put women in an inferior place by taking advantage of their given powerful position and influence women indirectly by telling them how things would work with the aim to benefit from their unawareness of their rights [12], as the following excerpt emphasizes:

*'It's the biggest problem. It's a big problem here that women believe what their husbands told them'* [21].

Women can own land, but most of the women are refused to know that information because

*'[...] it all comes from men. He comes to his wife and tells her to pass the manners to the girl child. He tells his wife to say this and this to the daughters'* [8]. This finding shows that this practice is an invisible abuse of the power of the men to get the best outcome out of the unaware women. Consequently, this problematic situation maintains because the children also grow up with this belief that parents teach them. It is a manipulative tactic of men to strategically keep this situation they profit from. To put it straight, an informant stated: *'Men can be very caring, loving, but they just pick the most suitable paragraph to their own advantage'* [8].

**Direct abuse of power.** In order to improve women's situation on property rights, the data reveals that they need to be empowered which is among others associated with the ownership of land. But many men are afraid of that because once a woman is empowered, the situation on the family level will be managed differently, whereby women and men together anticipate in decision-making processes, as a woman stated: *'I think, personally, that men block women. They do not want to empower women. Because if I empower you, you will get the land from the father and you will know your rights'*. She continued that men would lose their sole power, that is why men directly hold women from growing and developing by prohibiting them to have access to the information of their rights: *'[...] women could form women's organizations. Sometimes men do not let them join the organization. So when a woman ask to attend a meeting on Sunday, her husband says: "No, you cannot go." Because I am threatened by what people might say there. [...] The word for that would be gender oppression'* [8]. This suggests that the direct abuse of power on the micro level stops women from receiving essential knowledge that could not only change their situation regarding to property rights but also their perception of their current domestic relationship.

Overall, several structures and strategies were identified which clearly illustrate the maintenance of the institution of property rights.

#### **Discussion**

The research was motivated by understanding the enduring problem of women's property rights within the agricultural sector in Uganda. The findings reveal that the problem is mainly maintained through three strategic tactics the male part of the population uses in order to benefit from the situation. Firstly, the informal structures are maintained which stem from social and cultural norms, traditions and embedded practices. Hereby, the biggest issue



is the informal marriage. It is a common practice and mainly contributes to the maintenance of the institution of women's property rights. Secondly, the formal structures are maintained due to the patrilineal society and the lack of education of women. It needs to be highlighted that the inheritance law is a crucial barrier for women to own land. Thirdly, the superior status of men is not only maintained by policing on the micro level up to the national level but also by gender oppression which expands the literature. The applied strategies most likely contribute to the explanation of the situation of women's property rights.

### *Theoretical Contribution*

This study contributes to the concept of institutional work of maintaining institutions. As noticed in the literature review, institutions consist of informal and formal ones (North, 1990) which reflects the strategies of the maintenance of institutions. In the context of the agricultural sector in Uganda, two forms of institutional work were identified, suggested by Lawrence & Suddaby (2006).

The first one, called 'embedding and routinizing' describes the reproduction of established norms and traditions and is consistent with some practices, which are reflected in the findings of this research. This finding helps to explain the emphasis on the maintenance of informal structures and can be ascribed to the informal institutions. The second one, called 'policing', focuses on the compliance with the rules of a system and reflects the monitoring of males on the family-, community- and national level and the lack of political will. It supports to understand the maintenance of formal structures which can be attributed to formal institutions. Summarized, regarding to the formal and informal structures it is about laws and daily behavior that lead to a restriction of women's property rights.

Next to the already existing forms of maintaining institutions, the data indicates

another form of maintenance that is neither suitable to 'embedding and routinizing' or 'policing' and not listed in the literature. The previously described tactics are not nuanced enough and do not reflect a certain part of the findings. Therefore, a new term is needed to describe this but it, however, fits into a bigger picture of these tactics, particularly specified in gender issues. To add context sensitivity to the topic, I propose to label this in the following way 'gender oppression', which is on one hand connected to the literature, but on the other hand it could be interesting for other researchers.

For those who are interested in institutional work, can read this paper if they are interested in Uganda. With the contribution of the new form of institutional work to the literature, there is at the same time a significant contribution beyond the context of Uganda. To understand the term 'gender oppression', first of all the word gender needs to be defined, and that is '[...] an achieved status: that which is constructed through psychological, cultural, and social means' (West & Zimmermann, 1987, p. 125) and relates to the distinction between men and women which is, other than sex, not biologically ascribed, for example, the socially subordinated women by men (West & Zimmermann, 1987). Evidence suggests that gender oppression occurs through social systems which not only continuously subject women but also play a significant part in the feminization of poverty (Lugones, 2007; Sen & Grown, 1987).

In the context of Uganda, the term 'gender oppression' can be understood as a systematic manner where a group, in this case men, has a privileged status which is determined due to their gender. The disadvantaged status is represented by women, hence, it is linked to female oppression. The data shows two specific tactics, that men use which is the indirect and direct abuse of power. The former occurs through telling women who are not aware of their rights, how things would work aiming at passing this belief from mothers to

the children, so that men maintain the institution of property rights. The latter describes men who actively stop women from growing and developing by prohibiting them to receive information about their property rights. Together, these socially constructed gender groups create a hierarchy, whereby men are the superior and women the inferior. Based on the considerations, gender oppression is primarily used of actors in the context of developing countries, which aimed at maintaining institutions of property rights in order to take advantage of the superior status.

Beyond the literature of Lawrence & Suddaby (2006) this study contributes to the theoretical model of the 'Five Faces of Oppression', to be exact the face of 'exploitation' by Young (1990) which might explain the mechanism that results to this outcome on a theoretical basis. Oppression is described as structural constraints on groups due to embedded norms and habits that are integrated in everyday life. This finding of 'gender oppression' helps to explain that in cultural institutions systemic oppressions are over and over reproduced, that is why it is not possible to eliminate them, for instance, by creating new laws (Young, 1990).

Moreover, Young (1990) suggests that the conscious actions of individuals or groups contribute to the maintenance and reproduction of the oppression. However, these people sometimes are not aware of them being agents of oppression. From this perspective, this paper contradicts with the findings that individuals act on purpose aimed at maintaining institutions (Lawrence & Suddaby, 2006) and challenges the current thinking because it additionally considers the unawareness of some actors. This demonstrates that there is not only a high unawareness among women, but also among men who are unconsciously involved in institutional work.

Young (1990) specifically terms one of the 'Five Faces of Oppression' as 'Gender

exploitation' which is the 'systematic and unreciprocated transfer of powers from women to men' (Young, 1990, p. 15) regarding to emotions, material and sexual energies. The findings show that in the context of the agriculture of Uganda, 'gender exploitation' highly prevails. Moreover, Delphy (1984) underlines that in a marital relationship which she describes as a class relation, women perform any kind of tasks because of their economic dependency on men. In doing so, women are not rewarded at all whereas men take advantage of their labor. Hereby, she highlights in particular the agricultural sector where men earn money by selling the goods produced by women (Delphy, 1984). This literature strengthens the findings of this study.

### *Practical Implications*

The data provides several insights on where the problems of women's property rights arise from and where to approach them. The findings have important practical implications for women's rights activists who advocate for women's empowerment and could use this knowledge to tackle the problem at source. Since the perception of property rights, especially how land ownership should be managed in the context of developing countries, stems from embedded mindsets and routinized behavior, organizations that promote gender equality should be aware that to change it, it is a gradual process over generations that needs patience to succeed in a long-term. Therefore, in order to improve women's property rights, it should be considered that trainings require not only to involve the persons concerned to create awareness, but also men to sensitize them. The results suggest where practitioners should focus and put a lot of effort into when promoting gender equality. Lastly, the findings reveal that by forming women's groups, it enhances particularly women's economic position to become financially independent and it needs to be understood by men that in the end it benefits both.

## Limitations & Future Research

This study presents strategies that are directly and indirectly applied of men in order to maintain the institution of property rights. However, there are restrictions which led to some limitations of this qualitative study. Due to the sensitivity of the topic of property rights with focus on land ownership, the answers of male respondents who had a responsible position within communities, were not perceived as authentic and persuaded enough when talking about improving women's limited property rights. By simultaneously interviewing the female part of the same community, to receive confirmation about what was said, the researcher tried to create a bigger picture of it and to make sense of the responses. This elimination process was made in every district of the collected data. A further limitation is that some interviews were conducted in the local language and therefore needed to be translated. There were often only male translators provided which could be hardly avoided due to the limited availability of translators. It resulted that the women's freedom of expression was constrained because they feared that the translator would share their thoughts with the community and will be rejected by them.

This study limited the attention to chosen districts within Uganda's agricultural sector, that is why future research should focus on other developing countries in order to examine if institutions are maintained in the same way. The findings do not only raise questions for future investigation in other developing countries, but also in least developed countries to investigate if the strategies of institutional work are applicable in a broader context. It would be interesting to see if men use the same tactics but perhaps in a more invisible and professional way. One possibility is to look beyond the agricultural sector.

## Conclusion

This study contributed to the understanding of how actors maintain the institution of women's property rights in the agricultural sector in Uganda. By applying strategies that lead to the maintenance of formal and informal structures, and the superior status of men, it impacts the gender inequality and puts women in an inferior position in the society. The limitations and future research create a path to reduce this inequality.

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