

MAASAI WIDOWS AND DAUGHTER'S EXPERIENCES IN PROPERTY INHERITANCE RIGHTS DISPUTES AT THE GRASSROOTS LEVEL IN TANZANIA

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Abstract

Property inheritance rights dispute is the socio-cultural gendered problem that has been persistent over the years in Tanzania. Based on the existing literature, Maasai widows and daughters in regard to the problem are less explored; therefore, this study explores Maasai tribe unveiling how they divide property inheritance rights based on the customary rules. This study seeks to investigate the Maasai widows and daughters' experiences in property inheritance rights dispute at the grassroots level. This study employs a qualitative ethnography research methodology to investigate the problem. The findings have shown that Maasai widows have both positive and negative experiences in regard to property inheritance rights dispute and completely negative for both married and unmarried daughters. Therefore, this study contributes to the widows' literature as it has revealed that customary rules are not always negative. They also have a positive aspect. As for the daughters married and unmarried, their experiences are completely negative though there are also exceptions concerning their inheritance rights. **The finding is slightly** different from previous studies which state that daughters have inheritance in the third degree. Lastly, for policy implication this study suggests that there is a need of Maasai widows and daughters' association at the grassroots level as they do not have a joint union. This will enable them to share their own experiences and raise awareness among themselves. The researcher believes that the association will be a foundation for Maasai widows and daughters' empowerment as well as a platform to raise their voice.

Keywords: Maasai Widows and Daughters; Experiences; Property Inheritance Rights; Grassroots Level

Introduction

Property inheritance rights in Tanzania the socio-cultural gendered problem that has been addressed over the years. Recently, the problem has gained more attention for its persistence. The problem is relevant to most Tanzanian societies as the country is highly diverse. For instance, Genicot and Hernandez-de-Benito's study confirms that customary patrilineal practices still play a large role in the matter of inheritance in rural Tanzania (Genicot & Hernandez-de-Benito, 2022, p. 2). In these patrilineal societies, property is inherited through the male line and the primogeniture distribution rule gives preference in inheritance to the eldest son (Genicot & Hernandez-de-Benito, 2022, p. 5). Similarly, Urassa's study states that customary rules in Kyela are strong and inheritance flows through the paternal relationship. Furthermore, unequal share of property inheritance rights has resulted in gender gap in Tanzania like any other African societies. Therefore, gender gap in property inheritance right is common under customary rules. Duncan defines customary rules as rules that are recognized by the communities and may be either written or unwritten (Duncan, 2014, p.13). The researcher defines the term as rules that govern a certain ethnic group or tribe, and they involve customs, values, beliefs, and traditions. In most cases, customary rules are unwritten. Tanzania has more than one hundred and twenty ethnic tribes. Therefore, all ethnic tribes carry unique customary rules even though at the larger extent they have similar features such as patrilineal and matrilineal societies (IWGIA, 2012, p. 1). As stated by Shayo, over 80 percent of Tanzania's rural communities are patrilineal (Shayo, 2016, p. 2).

In Tanzania the two broad concepts: property rights and property inheritance rights respectively have different meaning as well as different implementation. The Tanzania Law of Marriage Act of 1971, explains the concept of property rights as a means to grant women the same rights as men in acquiring, holding and disposing of property. Article 24 (1) of the 1977 Tanzanian Constitution states that "every person is entitled to own property and has a right to the protection of his property held in accordance with the law". According to Duncan's study, the Indian Succession Act of 1865 is the primary legal document governing property inheritance rights in Tanzania. The legal document applies to inheritance of both movable and immovable property. According to him, there are four legal systems that govern property inheritance rights in Tanzania which are the Indian Succession Act, Hindu law, Islamic law, and customary law (Duncan, 2014, p. 12). The researcher further elucidates that property right in Tanzania can be defined as the right to access and own any property either movable or immovable. Meanwhile, property inheritance right in Tanzania is defined as the right to inherit either movable or immovable

property from the deceased person either father or husband according to the chosen study. The main feature that distinguishes property rights from property inheritance rights is that the male figure husband, father, brother, and uncles are still alive, but a woman is denied the right to access and own any property either immovable or movable. While the opposite of this scenario leaves women in dilemma as in most cases, they do not have access to ownership any property but can use the property until the spouse or husband dies. In Tanzania, there are three parallel systems that govern the inheritance practice. These are customary rule, religious law and legal or formal laws (Ezer, 2006, p. 606). Dancer's study reveals that while the legal or formal law is shown to be gender neutral, both customary rule and religious law are discriminative (Dancer, 2017, p. 3).

Reflecting from the above explanation, the following are the few cases studies regarding women and property rights in Tanzania. To begin with, Lusasi and Mwaseba study accounts that woman are only involved in the management of family land, but they are not entitled to own the resource. For example, a woman in Isaula village complained with one voice against the traditional social practices that limit women and daughters from owning immovable resources...“You want the share of money, but when we got married, did you come with the soil from your father?” On a similar account, the daughter claimed “why is my father treating me like this? I am his daughter like my brothers. I deserve a share of land, even if it's just a little plot.” (Lusasi & Mwaseba, 2020, pp. 7–8). These cases show how women both mothers and daughters are deprived of their rights to own property in Tanzanian context. In addition to that, Magambo and Nyamwesa's study depicts that gender gap still exists in matters regarding ownership of asset in Tanzania (Magambo & Nyamwesa, 2022, p. 352).

Research Objectives

1. This study seeks to examine Maasai widows' and daughters' experiences at the grassroots level in regard to property inheritance rights disputes in Tanzania through a qualitative ethnography approach.

Literature Reviews

In this section, the researcher illustrates how Tanzanian women especially widows and daughters are hindered with inheritance laws in most cases the customary rules while they seek for their property inheritance rights. To begin with, Ezer's study reveals that Tanzania's inheritance laws and rules are in urgent need of reform. Both customary rule and Islamic law are regarded as the two predominant systems of intestate succession in Tanzania that limit women's inheritance based on their gender. Under customary rule, a widow is generally

denied inheritance altogether as her share is to be cared for by her children, just as she cared for them (Ezer, 2006, p. 601).

On the same study, Ezer explicates that daughter inherit the smallest share with attached restrictions. Thus, Tanzania's customary inheritance rules impoverish women and leave their survival at the mercy of men. In addition to that, Ezer claims that the Tanzanian government has urged the abandonment of customs and traditions that hinder development, particularly those that perpetuate discriminatory gender practices in inheritance. Therefore, there is a need to revisit and review the bad customary practice rules (Ezer, 2006, p. 603). However, Dancer's study reveals that reform to laws of inheritance and succession, including codified customary rules, remains left out and untouched (Dancer, 2017, pp. 1-2).

As for the daughters, Ezer's study shows that customary rule grants daughters the smallest share of inheritance. Tanzania's Law Reform Commission characterized customary rule as embarrassingly discriminatory to children. It sets out a hierarchical scheme based on gender under which older children receive more than the younger ones and males receive more than females. Customary rule divides heirs into three degrees, where the first degree obtains the largest share, and the third degree the smallest. Under this scheme, the first degree is for the first son, the second degree is for other sons, and the third degree is for daughters. Thus, daughters inherit less than both their older and younger brothers (Ezer, 2006, p. 612). In addition to allocating daughters' smaller shares, customary rule attaches limitations to property they do inherit. A daughter cannot fully inherit clan land. She may use the land but unlike her brother she is forbidden to sell it even if she is the only child. Daughters can only inherit completely in the rare cases when there are no men in an entire clan. This is an impossible scenario (Ezer, 2006, p. 612).

Furthermore, Moyo's study remarks that customary rules are mostly unwritten, relevant in patrilineal societies and criticized on matters regarding property inheritance rights in Tanzania (Moyo, 2017, p. 60). In addition to that, he clarifies that under customary rule widows are seen as victims as they are denied inheritance rights after their husband's death. Moyo states that customary rules provide that widows do not have their share of inheritance and they cannot inherit if the deceased have his own relatives. Therefore, a widow can only have inheritance only through their children. Worse than this, daughters have limited or no property inheritance rights. Similarly, to Ezer's study shows that a widow may have inheritance if she has no children and no male relatives from her husband's side with which this situation is rare to find (Moyo, 2017, p. 62).

Conclusions, according to the reviewed literature from previous studies, it is evident that Tanzanian women suffer from customary rules as they seek for their property inheritance rights. However, the researcher argues that there should be light and positivity from the same customary rules that are deemed to be always negative and leave women at the merciful of men. It is for this reason that this study has explored the diversity and complexity of Maasai widows' and daughters' experiences in regard to Maasai customary rules property inheritance rights dispute at the grassroots level in Tanzania.

Research Methodology

According to Kitchin and Tate, methodology refers to a coherent set of rules and procedures which can be used to investigate a phenomenon or situation within the framework (Kitchin & Tate, 2013, p. 6). This is an ethnography qualitative research, the study has used a case study design because it has only focused to study one selected area, local people and culture in-depth and detail.

The study area of the chosen research is Olasiti village located at Minjingu in Babati district. The village is found at Manyara region in the northern Tanzania. It is close to the wildlife corridor between lake Manyara national park and Tarangire national park which is seven kilometers from the center station. The village is also close to Burunge wildlife management area. The three neighboring villages to Olasiti are Minjingu, Nkaiti and Kakoye. The dominant tribe in this village are the Maasai people who are traditionally pastoralists. However, in recent years as part of development, a growing number of Maasai people have increasingly engaged in farming. The wealth of the Maasai is still measured by the number of cattle or livestock.

In this village almost, all households have livestock. Maasai value most their livestock than they do land. Most of their house are traditionally built by women with cow dung, soil, bricks and covered by grass at the top. The Maasai nutrition is based on meat, milk, "*Loshoro*", blood of their cattle, goats and sheep. "*Loshoro*" is the Maasai food prepared by milk and maize mixed together. The village has government schools both primary and secondary, dispensary, water service, electricity though not in all households at most at the center station that has cultural shops, local restaurants, food market, and Minjingu Fertiliser industry. The village is mostly visited by tourist as it is the path to Tarangire national park and the center attracts foreigners to interact with the locals, buy cultural beads "*Shangaa*", cloth "*Maasai Shuka*" and local food "*Nyama choma, na Loshoro*".

Population and Sample: From the government official report obtained at Olasiti village office in Minjingu. There are 728 total residential households and 32 households that have lost a father or a spouse. Therefore, for this study the thirty- two

(32) households were marked as target sample size. However, only six families were reached out of the thirty-two families.

This is because during data collection, the researcher encountered minor challenges as follows. First, unfavorable weather condition. It was rainy season during data collection and therefore, it was challenging for the researcher to reach all thirty-two households. Second, the research participants residence was far part from each other. The researcher had to walk few miles to reach the next participant residence. Third, it was challenging to get all married daughters, but this study made efforts to reach enough of them. Fourth, it is within the Maasai nature to reside close to the national park. The selected area of study Olasiti Village at Minjingu, Babati District in Manyara region is close to two national parks; Tarangire and Manyara national park and therefore, it was challenging for the researcher to reach to all participants residence as some resided few miles from the national park, and it is dangerous. Fifth, cost such as travelling and incentives cost were other challenges the researcher had encountered during field work. Therefore, the sample size of this study was 11 Maasai widows and 10 Maasai daughters; 7 married and 3 unmarried. All of the research participants were above 20 years old. The sampling technique used are purposive and snow balling sampling techniques. Data has been analyzed through narrative analysis.

Instruments: This study has used both primary and secondary data collection methods to enrich this research with detailed and enough information and provide answers to the research questions. On the one hand, this study has gathered primary data from the field work to answer the research questions through the following data collection tools; in-depth interview, narratives (stories), direct observation, and diary. On the other hand, this research has used secondary data to enrich the study with detailed information regarding the research problem. The following secondary data collection tool that has been used is document review analysis such as government official report. This is a valuable tool for ethnographic qualitative research because it allows researchers to collect information that would not be accessible through other methods, such as in-depth interviews or direct observations. Documents can provide researchers with a historical perspective about the researched problem. For example, this study obtained data from the government official report on household residences at Olasiti village in Minjingu. The reason was to substantiate how many Maasai widows' families are available on site. On the least, this study has adhered to research ethical considerations by obtaining the approval certificate to collect data from the field work.

Results

This study provides answers based on the experiences of Maasai widows and daughters both married and unmarried in regard to property inheritance rights dispute at the grassroots level in Olasiti village, Minjingu Babati district in Tanzania. Using narrative analysis method, the findings are sectioned into six unheard family stories narrated from Maasai widows' and daughters' own experiences. The findings of this study reveal that Maasai widows have both positive and negative experiences in regard to property inheritance rights. From their narrations, Maasai customary rule allows widows to acquire inheritance from their late husbands. Nevertheless, disputes are still inevitable. For the daughters both married and unmarried, the findings have shown completely negative experiences. The daughters do not have property inheritance rights according to the Maasai customary rules. However, the findings found that daughters have inheritance from their husbands'. Nevertheless, there are exceptions for them to acquire property inheritance rights from their fathers'. This study begins with the section of the six unheard stories of Maasai widows and then daughters' experiences proceeded by discussion.

The Brave Widow: A story from Elizabeth a Maasai widow who is brave enough to fight for herself from male patriarchy even at the midst of her sorrow. Elizabeth narrated that she lost her husband in 2019 and was left with four children: three daughters and one son, a house and land. They had no livestock such as cows and goats at the time. She narrated her experiences and said that the husband fell sick and that was the reason for his death. After his funeral, they had a clan meeting that was held on the fortieth day known as "*Olpolosati*". On this day, all family members, the community members, Maasai leaders known as "*Laigwanani*", and elderly men are present. Elizabeth further narrated that during this day, the widow along with her children are required to choose one male relative from the husband's lineage to look after the family as a guardian. This person is known as "*Msimamizi wa Boma*" in Swahili language. She affirmed that according to Maasai customary rules the choice of the guardian should not be influenced by any outside member besides the widow and her children. But unfortunately, in her own case there was a lot of pressure from her in-laws. Elizabeth further stated that a day before "*Olpolosati*" her in-laws threatened her not to speak during the meeting and she must immediately relocate to another region at Morogoro. Elizabeth did not understand why she was asked to leave from her own house to another region where she has no house or land to cultivate. She said "I am neither employed nor do I have a business. I depend on the land we bought with my late husband for cultivation and food. Why should I leave my land and be dependent?" (E. Lomnyaki, personal communication, January 10, 2024).

Elizabeth had so many questions in her mind but at the moment she could not question her in-laws' decisions. In addition to that, she blamed the nature of Maasai customary rules are male dominant. Therefore, widows need courage and braveness to fight for their own rights. Elizabeth, said during the "*Olpolosati*" she attended the meeting as she remained calm. As the meeting progressed, the Maasai leaders "*Laigwanani*" called upon her and requested for a male name from his husband lineage. Elizabeth gave the name and that was passed during the meeting. She added that this was a fair customary rule process. After the meeting, Elizabeth revealed that her in-laws came back to her house. This time they were furious why she did not obey their order. They asked, "why did you choose the youngest in our male lineage and not the eldest?" (E. Lomnyaki, personal communication, January 10, 2024). Elizabeth reports that her in-laws changed the name from the youngest to the eldest brother-in-law and that was not right.

When inquired from her about the land. Elizabeth explained that during "*Olpolosati*", she made it clear that she is not willing to relocate to any other region. Therefore, the "*Laigwanani*" and other Maasai elderly men declared her all the property inheritance rights. Elizabeth emphasized that if she was weak and followed her in-laws order, they would have probably taken her land inheritance and left her with nothing in Morogoro. As for her daughters they are all not married and still live with their mother. The eldest said we have no property inheritance rights. When inquired from their mother Elizabeth why her daughters' have no property inheritance rights? Because with the exception of her first born who was above eighteen years old, the other two were young. Therefore, not suitable as research participants for this study. Elizabeth replied that Maasai customary rules do not give inheritance to daughters either married or unmarried. Instead, the mother is given all the inheritance and she then divide it to her male children. She added that daughters have their inheritance from their husband's when they get married. Elizabeth said in her own experience since she has four children: three daughters and one son. Then all the properties belong to her son. She therefore has not given the daughters' any of the property inheritance rights. Elizabeth stated that "even I was not given inheritance from my father" (E. Lomnyaki, personal communication, January 10, 2024). I have acquired my inheritance from my late husband. She concluded that if any of her daughters will have any problem the brother is there to help them.

Murdered Husband, Is there any Difference? Just like any other day, my husband left home early in the morning for his daily duties. But this day when he left us, he never returned home reported Namnyaki. “It has been eight years since I lost my loving husband, one who loved and protected our family. Now I am alone left with six children; two sons and four daughters that I must care for. In 2016, my husband was murdered and shot dead by his Kurya friend”. Namnyaki narrated that after the funeral, they had “*Olpolosati*” meeting which was carried out on the fortieth day. She elaborated that this day involve clan and community members, Maasai leaders “*Laigwanani*” and elderly men. The main agenda of the meeting is to divide properties, choose the family heir, and guardian.

The researcher asked, “Murdered husband, Is there any difference?” Namnyaki replied ‘YES’. She narrated that Maasai have their own ways to resolve issues in peaceful manner through dialogue. They prefer to maintain peace, unity, and solidarity in the community rather than hate and disunity. At most times, Maasai do not seek for revenge even if it is a crime case. They do not believe in the principle of “an eye for an eye”. Namnyaki further narrated that during the “*Olpolosati*” the Kurya’s brought forty-nine (49) cows as a symbol of forgiveness, maintaining peace, unity and solidarity within families. She clarified that this remains as one among the customary rule practices that Maasai embrace. Namnyaki said the whole process is what makes it different from other “*Olpolosati*” procedures.

When inquired about her experiences in regard to property inheritance rights. Namnyaki replied that the Maasai customary rules concerning property inheritance rights are fair, but family members have been oppressive in her own case. To begin with, Namnyaki explained that the forty-nine cows given during the “*Olpolosati*” were not fairly divided. She said according to the Maasai customary rules forty cows are supposed to be shared among members who have attended the “*Olpolosati*” and nine cows to be given to the widow. Instead, she was given six cows; one was used to prepare food on that day and two were taken by her brother -in-law who happens to be the “*Boma*” leader at the same “*Laigwanani*”. Namnyaki affirmed that her brother-in-law took the two cows and never paid her or the family.

Furthermore, she clarified that her husband left them with a house, land, and livestock such as cows. During the “*Olpolosati*” all these properties were given to her. Therefore, she was satisfied with the customary rule process. However, Namnyaki pointed out that she faced challenges with her brother-in-law in regard to the inherited properties. She said the inherited land was taken by the government, but she was compensated 3.8 million Tanzanian

Shillings. This money was taken by her second brother-in-law. As the result she did not get anything out of it. Namnyaki sadly said, “....my brothers-in-law are oppressing me because I am a widow. There is no man to defend me as my husband did when he was alive. If my husband was alive, they would not have oppressed me” (N. Lekitoni, personal communication, January 4, 2024). She further stated “I have no education, no job. I depend on land and livestock keeping. If I had land, I would cultivate. If I had enough livestock, I would sell to take care of my children and they would have acquired at least basic education” (N. Lekitoni, personal communication, January 4, 2024). Lastly, Namnyaki said she is grateful to the Government of Tanzania Social Action Fund. Because every after three months the action fund provides her with financial support. Namnyaki’s four daughters all shared the same experiences in regard to property inheritance rights. All of them stated that they did not acquire any of their father’s inheritance as much was taken by their uncles. Additionally, the two married daughters named Naishooki and Narisyo clarified that based on Maasai customary rules daughters obtain inheritance from their husband.

Our Customary Rules are very Clear: This is the story of two Maasai widows who lost their husband in 2017 due to sickness. Nganashe the first wife was left with six children: two daughters and four sons. Naningo the second wife was left with five sons. Both stated that their husband left land, house, and livestock such as cows and goats. From their narration, Nganashe and Naningo explained that they had no disputes and challenges faced in regard to property inheritance rights. They revealed that during the “*Olpolosati*” the Maasai leaders “*Laigwanani*” and the elderly men divided the properties equally between them. Additionally, they were allowed to choose a family guardian who would look after their families. There was “no pressure on us” either from the family members or Maasai leaders said Nganashe and Naningo. “Our choice was respected and we are satisfied”. Both Nganashe and Naningo narrated that the Maasai customary rules in regard to property inheritance rights are not oppressive. They said Maasai customary rules are very clear and allows widows to have inheritance from their husband. Their closing remark was that the problem is not with the Maasai customary rules but with the nature of human behaviour selfishness and greediness to forcefully grab from widows’ properties. From their two married daughters, they unveiled that daughter have no direct inheritance. However, they added during wedding ceremony daughters are gifted livestock such as cows and goats. Most families will not send their daughters off without anything. “Even in our own experiences, we were given cows and goats during our wedding ceremony”. Therefore, from their own view wedding ceremony gifts are daughters form of inheritance. Happy and

Elizabeth argued that daughters have inheritance. It is just not as direct as it is for the sons.

You Made Me a Wife, Cancer Made Me a Widow: This is another touching story from Simayo a Maasai widow who lost her loving husband from cancer in 2011. Simayo stated that the husband made her a wife, but cancer made her a widow. She was left with five children: four daughters and one son, a house, land, and livestock such as cows, goat, and sheep. Simayo detailed that during “*Olpolosati*” the Maasai leader “*Laigwanani*” along with the elderly men declared that she should inherit all her late husband’s property but not land. When inquired from her why was there an exception? She replied that the land was given to her a decade after his late husband’s death. She detailed that this is because the husband passed away before he was shown the land by his father. Simayo said, “we just knew that there was a share of land for us, but it was not officially given to my husband from his father” (S. Logoliye, personal communication, January 4, 2024). The researcher inquired from the widow, what did you engage yourself with before achieving the land inheritance? Simayo responded that her in-laws allowed her to be part of the family’s land cultivation. They cultivated and shared food crops with her to feed the family. She further said that her in-laws have been kind and supportive, loyal, trustworthy, and honest. Even after she lost her late husband, they did not treat her any different. She emphasized that if they meant any harm, they would not have given the land even after waiting for years. They would not allow her to be part of the family land cultivation. Therefore, from her experiences, Simayo emphasized that the Maasai customary rules have not been exploitive and oppressive as she did acquire all her property inheritance rights. Even though the land inheritance was delayed. For her four daughters, they are all under eighteen years old. Therefore, they are young and not suitable as research participants for this study. But inquiring from Simayo as a mother, if she has shared the property inheritance rights with her daughters or willingly to share in the future. Simayo clarified that as a mother she has not given any property inheritance rights to her daughters not in the present or in the future. She explained that it is not part of Maasai customs for daughters to be given property inheritance rights. They will get their inheritance from their husbands when married. Now that they are not married and under her care, it is her responsibility to care for them as a mother.

Hope for the Future “It has been more than a decade since we lost our husband. We have struggled for our inheritance rights since our children were young and now, they are married. But we still have hope for the future” said the third wife Nembulisi. This is the story of five wives who narrated

their experiences and said we were not given our fully inheritance rights during the “*Olpolosati*”. Naisisyon the second wife stated that our husband left us with land, house, and livestock such as cows, goats and sheep. But during the “*Olpolosati*” each of us was given livestock and house. None of us was shown her share of land as we were informed that the land had dispute. Therefore, we were requested by the “*Laigwanani*” during the meeting to be patient for the dispute to be resolved. Naishiye the first wife said with her experience what was given to them during the “*Olpolosati*” was not inheritance. She stated in Maasai customary rules in regard to polygamous families each wife has her own house. Even before we lost own husband, we stayed in our own separate houses but in the same area known as “*Boma*” in Maasai language. Same thing happens for the livestock. Therefore, during the “*Olpolosati*” the division of house and livestock was nothing new since we had our houses and livestock. What we expected was the division of land but unfortunately, during the “*Olpolosati*” we were informed that the land had dispute. We have waited for so long for the dispute to be resolved but there is still no fruitful result. We made efforts to follow- up from our leaders and yet this measure has not been effective. Both Naramatisho and Happiness said, “our customary rules have denied us our own right of inheritance” (N. H. Mollel, personal communication, December 11, 2023). However, our leaders “*Laigwanani*” have been promising to resolve this dispute for more than a decade. We are now getting old and do not have the same strength as we used too. In their closing remark all five widows said we still have hope that our sons will have their father’s land inheritance. As for their daughters’ experiences, they said we have witnessed the struggle of our mother’s fighting for their own inheritance rights. Our customary rules are male dominant and suppressive. Both Sarah and Agnes who are married confirmed that they did not have any share inheritance.

I am a Widow: I am Naomi, a Maasai widow who have lost my husband in 2001. My late husband left me with five children: four sons and one daughter, a house, and land only. Naomi narrated her experiences and said her husband died from illness. Naomi detailed that the Maasai customary rules have been fair to her as she achieved all her property inheritance rights. She said that there was not any dispute between families or within herself. She was satisfied with how the “*Olpolosati*” was carried out. As for her married daughter Nemayani, narrated her experiences and said it is not as different from other daughters in Olasiti village. She emphasized that the Maasai customary rules are very clear upon property inheritance rights. Daughters do not have property inheritance rights, but sons do. Nevertheless, there are exceptions on this matter. Nemayani short-listed that: 1) A daughter could inherit only if the father said before death that all his children regardless the gender should have equal inheritance rights.

There must be a third person as a witness on this statement to justify during the “*Olpolosati day*”. 2) If the daughter is not married or divorced and returns home. There is always a reserved land left for daughters in the family. Therefore, if not married or divorced the reserved land is given to her as inheritance. But she cannot sell this land or bequeath it. 3) A daughter could have inheritance if the father shared his properties before death. 4) Daughters can have inheritance if they are born alone with no sons in the family which in most rural Maasai societies this exception is rare. Nemayani said these rules have been evolving from their forefathers and have not changed. The practice still goes on and it has been the same for her. Nemayani added that, she is satisfied on the Maasai customary rules that has enabled her mother to fully inherit and that will be shared among her four brothers.

Discussions

The findings reveal that Maasai widows’ experiences are both positive and negative and completely negative for both married and unmarried daughters. The researcher affirms that Maasai customary rules and family members contribute to Maasai widows and daughters’ positive, negative, and completely negative experiences in regard to property inheritance rights dispute. For instance, Maasai customary rule does not allow daughters either married or unmarried to have inheritance. Instead, their inheritance is to be achieved from their husband’s. From the obtained data, none of the daughters both married and unmarried asserted to have acquired property inheritance rights. Therefore, in this regard the Maasai customary rule is the cause for daughters’ complete negative experiences. However, few daughters highlighted that there are exceptions for them to have inheritance. Meanwhile, few others had different opinion in regard to the concept of inheritance. For example, Happy and Elizabeth proclaimed that daughters have no direct inheritance. However, during wedding ceremony their families offer them gifts. Therefore, from their own view daughters have inheritance. It is just not as direct as it is for the sons. As for the widows, Nganashe and Naningo from one family specified that Maasai customary rules are clear and consistent as it allows widows to have inheritance from their husbands.

From their shared experiences both affirmed to have acquired their inheritance from Maasai customary rule. A similar experience was shared by Naomi a Maasai widow. Furthermore, Elizabeth and Namnyaki claimed to have encountered dispute earlier before the division of inheritance rights. They said despite the dispute caused by their family members but the Maasai customary rule allowed them to have their inheritance rights. Therefore, from their experiences not always does the customary rules deny widows from inheritance.

It is sometimes individual personal trait that cause dispute and not rules. Differentiating from other previous studies that have shown widows have no inheritance rights based on customary rules. Thus, widows have negative experiences only. The findings from this study denies their conclusion remark as it is revealed from the findings that Maasai widows can inherit under customary rules. Furthermore, previous study stated that widows do not have inheritance because their sons are heir. From the findings, this statement is arguable as according to Maasai customary rule in regard to property inheritance rights widows have fully right to acquire inheritance from their late husbands. They are the first person to inherit. Then she can divide the inheritance to her sons only. The choice she makes on her division is not to be influenced by any person. As for the daughters, previous research scholars asserted that they may or may not have inheritance rights and their share is limited. The findings from this study have shown a different perspective in their regard. First, from the daughters' narration both married and unmarried have no inheritance rights and therefore there is no any division degrees as who will inherit more than the other as shown from other studies. To elucidate, other studies clarified that there are three degrees of inheritance where the first- two degrees are for sons and acquire more than the third who are the daughters. According to Maasai customary rule, this is not part of their practice daughters either married or unmarried are completely excluded from acquiring inheritance.

New Knowledges

To begin with, the methodological approach used in this study has made this research significant such as the use of qualitative ethnography approach, narrative analysis, and emic perspective. Whereas the chosen geographical context, local people, and culture in relation to the research problem have not been studied by other previous research scholars contributing to new knowledge. **Second**, this study fills in the missing gap through exploring Maasai tribe and unveiling their customs and traditions on how they divide property inheritance rights among widows and daughters that other existing literature did not explore contributing to new knowledge. **Third**, this study contributes new knowledge to the existing literature based on the empirical data. **The findings** have shown that Maasai widows have both positive and negative experiences in regard to property inheritance rights dispute. This result contradicts the earlier studies that have shown only one direction that widows always face negative customary experiences in regard to property inheritance rights dispute. As for the daughters, both married and unmarried their exceptions and completely negative experiences contributes new knowledge to the existing literature as other previous studies have shown that daughters have inheritance in the third degree.

Conclusions

This study has narrated the unheard stories from six families of Maasai widows and daughters. From the six families, two of them are polygamous with more than one wife and four of them are monogamous with one wife. The findings have shown that Maasai customary rules in regard to widows' property inheritance rights can be positive as it is evident from Naomi, Nganashe and Naningo own experiences. They had no property inheritance rights dispute and obtained all their inheritance rights. Nevertheless, the same rules can be negative denying widows their share of inheritance rights as shown in the family of five wives. From their narration, the researcher has observed that Maasai customary leaders "*Laigwanani*" do not effectively perform their roles in resolving disputes and they are not held accountable. It is for these reasons there is prolonged property inheritance rights dispute at the grassroots level.

Suggestions and Recommendations

Additionally, Maasai customary rules are not always to be blamed for widows' denial to property inheritance rights. As evident, from Namnyaki (a Maasai widow) who acquired her property inheritance rights from the Maasai customary rule, but the properties were grabbed by her brothers -in -law. The researcher has observed that family members use the form of patriarchy to grab from widows' inheritance property rights. Henceforth, such an act is mostly associated to Maasai customary rule in regard to property inheritance rights. However, it should be noted that the Maasai customary rule allows widows to inherit from their late husband's properties.

For the daughters both married and unmarried, they do not have their share of property inheritance rights according to Maasai customary rules. This have shown completely negative experiences for them. None of the daughters both married and unmarried acquired inheritance rights at Olasiti village. Nevertheless, there are exceptions for a daughter to inherit either married or unmarried. One, if it was mentioned before the father passed away that all his children have equal share of inheritance. Two, if the daughter is unmarried and divorced. She can have a share of inheritance but with restrictions. The land given to her cannot be sold or bequeath it. Three, if the father shared his property inheritance rights before death. Four, if the family has daughters only with no son which in most rural Maasai societies this exception is rare to find.

For policy implication, the researcher suggests that there is a need of Maasai widows and daughters' association at the grassroots level as they do not have a joint union. This will enable them to share their own experiences and raise awareness among themselves. The researcher believes that the association will be a foundation for Maasai widows and daughters' empowerment as well as a platform to raise their voice.

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