Who Cares!: Prevailing Narratives on Paternity Leave within Select Kenyan Media Content

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ACRONYMS

CEDAW- Convention on the Elimination of All Forms of Discrimination against Women

FKE- Federation of Kenyan Employers

GDP- Gross Domestic Product

ICRW- International Center for Research on Women

ILO- International Labor Organization

NGO- Non-Governmental Organization

Abstract

This study explores public narratives on paternity leave in Kenya as expressed in selected media content, using a qualitative content analysis approach and viewed within a Marxist feminism lens. The study analyzed 6 YouTube videos and one newspaper article, exploring perceptions from both males and female participants, some of whom were experts in field of human resources, legal professionals, scholars, and members of the general public. Analysis indicates that despite being established in law, paternity leave remains highly debated among the public as retrogressive gender norms remain dominant. Female participants expressed concerns on whether paternity leave is useful and necessary, citing men's reluctances towards childcare and care work in general, while their male counterparts on the other hand, perceived paternity leave as a time for their personal needs rather than for domestic reasons. Some narratives justified men's absence from care work based on culture and the long-held gender-roles divide. Through the lens of Marxist feminism, these narratives reflect a system that exploits women's uncompensated labor and reinforces patriarchal structures. The study emphasizes how social reproduction—the social processes that sustain labor—remains invisible yet crucial within Kenya as a capitalist economy. The study recommends policy development based on sound scientific studies, implementation of policies that consider societal dynamics that are knit within cultures and future research based on samples comprised of a wide range of stakeholders.

Key Words: Paternity Leave, Care work, Gender roles, Culture, Employment

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Introduction

In January of 2022, a practicing surgeon in Kenya brought to light one of the issues that fit within the feminist agenda in the search for social justice. He petitioned the High Court to reconsider the duration of paternity leave[1]. At first sight, it did appear as if the surgeon was interested in extending a holiday for new fathers, given the views that some people have of men and their roles in the domestic arena. In reality, the surgeon opened discussions on many other dimensions of paternity leave. By extending paternity leave, women and men would have the same consideration from employers in terms of their productivity. If men are going for 3 months for paternity leave, employers would no longer have any preference since all the sexes have the same duration for leave. This was an inspiration for this study, aiming to analyze selected media narratives around paternity leave in Kenya based on paternity leave extension debate. Narratives shapes realities (McGuinness & and Wellborn, 2024) and can produce and reproduce social relations that can either maintain the status quo or break barriers. In summary, this study builds upon the discourse on paternity leave, which has been recentered by the aforementioned paternity leave extension case filed and submitted in 2022 in the Kenyan high court. This study conveys that some of the Kenyan public on selected Kenyan media express views that hardly support the implementation of paternity leave provisions, creating opposing narratives that have implications for how childcare roles and care work continue to be shared between women and men, or how employers view the employability of women and men. Simply put, views expressed with cultural undertones do not give a thriving ground for paternity leave. Similarly, the narratives around gender roles reinforces the *doing gender* mentality, with the expectation that men's paternity leave is not necessary as they are not needed home.

What is important to point out at this point is that the discourse on paternity leave does not come out from nowhere. Kenya like many countries went through struggles of their own to arrive at a provision like paternity leave. As noted by Mr. Atwoli Francis, the secretary general of the Central Organization of Trade Unions in Kenya," the workers union fought a vicious battle to ensure the leave days were part of Kenya's laws"[2]. This sentiment of struggles is reminiscent of earlier contention between workers and employers around the world. As early as the industrial revolution, women organized themselves and

[1] See the content of the petition document here, with the title, Benjamin v Ministry of Labour & 5 others; Senate (Interested Party) (Petition E001 of 2022) [2023] KEELRC 1439 (KLR) (31 May 2023) (Judgment) and on URL link https://kenyalaw.org/caselaw/cases/view/260584/#:~:text=According%20to%20Dr.,prohibits%20discrimination%20of%20any%20form. Accessed on 26th April 2025

[2] See the Daily Nation, titled *The politics of paternity leave: do men deserve it?* Using the URL link: https://nation.africa/kenya/life-and-style/lifestyle/the-politics-of-paternity-leave-do-men-deserve-it--1189862, - accessed on 19th May 2025

through a series of strikes and demonstrations (Cliff, 1984; de la Mare, 2008; Dekker, 1987), they were able to gain some of their demands. Among the early wins were improved safety measures at factories, improved wages, regulated working hours, and abolition of child work. Other gains come later, for example, maternity leave, which came in the form of health insurance in Germany in 1883 (Scheubel, 2013). This later became more elaborate in the Maternity Protection Convention (1919) within the International Labor Organization (Addati, 2015). Since then, over the years, various countries have developed laws supporting employee rights, including leave. Sweden, for example, eventually replaced the maternity leave with mandatory parental leave by allowing either of the parents to care for the child (Haas & Hwang, 2008). In the case of Sweden, the shift towards parental leave was a process that entailed the government passing the law on parental leave itself, followed by additional supportive laws like laws ensuring access to quality childcare and policies that availed funds to pay the leave-takers. Such comprehensive provisions provided motivation for the implementation of parental leave as an action towards gender equality as regards parenting responsibilities. In developing countries such as Kenya, the foundation to incorporate laws such as paternity leave are found in the post-colonial constitutions and legislative Instruments. In Kenya, the labor law spells out the rights of workers as regards pay, annual leave, maternity leave, paternity leave etc. However, the implementation of the law is solely based on employer's terms and available capacities.

Within the scope of this study, paternity leave is only a trigger point. In its broader dimension, it is considered within the discourse of gender equality, only zeroing on paternity leave as a starting point. As we have seen in the struggle by women during the industrial revolution, the discourse on paternity leave today in Kenya is part of a struggle for gender equality. That is to say; the way paternity leave is designed and implemented has implications for gender equality. We learn from other contexts that, despite the provisions for paternity leave, men are hesitant to take this leave either because of their personal preference for what they consider priorities, or because they want to conform to societal expectations of what men are supposed to do or not to do (Koslowski & and Kadar-Satat, 2019). Therefore, if men do not take up this leave as studies have revealed, what implications would it have for women? At the time when the fathers of newborns are needed to reduce the loads of childcare or any other care work on women, they are absent. This means that women continue to shoulder such burdens. A briefing note by the International Center for Research on Women (ICRW) (ICRW, 2023), which was based on a Household Care Survey conducted by OXFAM in Kenya (OXFAM, 2019), confirms that despite the criticality of household work and childcare in society, policies and practices consistently fail to recognize, reward and represent such tasks as paid labor. Similarly, such policies do not pay

attention to the redistribution of care works between men and women. Further, the briefing note highlights that "women had greater childcare responsibilities than men and were 20% more likely than men to assume childcare responsibilities in the last 24 hours." (OXFAM, 2019, p. 9) On a general note, the household survey pointed that there is a glaring difference in the level of involvement between women and men in terms of childcare and care work, with women averaging 9.1 hours in a 24-hour cycle, compared to men at 2.1 hours in a 24-hour cycle. Therefore, more than just the surface issue of duration of paternity leave, this study, just like the Household Care Survey 2019, brings to light the realities of childcare responsibilities in a household, and highlights that social norms are one of the main impediments to any form of equality in terms of gender roles. Generally, the downside is that, despite the provisions of paternity leave, we understand from studies that such laws "have thus far failed to accomplish its most important mission: to succeed in placing the right amount of domestic and family work on men, at the risk of slowing down their careers (Allouche, 2019, p. 7) It is said that "no matter the dimension of public policies, as proved by the generous Nordic policies, the wage gap and the uneven division of labor at home remain a reality" (Ibid). These studies appear to conform to the Marxist Feminist central claim which argues that women are oppressed from double ends; the exploitative and oppressive nature of the capitalist system, while being trapped within the patriarchal structures.

For this study therefore, the dynamics around paternity leave makes it an interesting exercise. In the Kenyan context, the recent conversations propagating narratives about masculinity and femininity, has almost pitted women and men against each other as if competing for a championship among the increasingly progressive Kenyan population. This push and pull about what it is to be male or female in a contemporary world, has resulted in very intriguing 'gender wars' in online spaces such as podcasts and radio shows, even news features. There has also been sprouting online communities like the manosphere[3], that further carry narratives and sustain them. The key focus of this study therefore is: what narratives are propagated in online spaces about paternity leave, and how have these narratives influenced the views on paternity leave and roles related to childcare?

[3] See CNN news, titled, *The hostility was something I'd never experienced before': The cost to women of the overlooked rise of Kenya's manosphere*, using URL link - accessed on 19th May 2025

1. Research Background

1.1. The Research Problem

The problem that I will concern myself with in this study is what some have viewed as the limited duration of paternity leave, according to the Employment Act of Kenya, section 29. To demonstrate this, in January 2022, a practicing medical doctor, Benjamin, raised an issue to be addressed by the Ministry of Labor, pertaining to paternity leave. The matter of concern was discrimination against men in terms of being accorded only a few days to bond with their new babies during the critical early stages. Benjamin also argued that the few days for new fathers relative to new mothers was a basis for discrimination against women by employers as they were viewed by employers as liabilities given the long duration of maternity leave. Thus, making equal the leave duration for both sexes would usher in equity in the employment world for both men and women. After petitioning the high court, the case was dismissed on grounds that the policy (on paternity) would disadvantage employers. The respondent (Kenyan Ministry of Labor) argued that already employers were beginning to consider less capital-intensive means of production, which according to the judge was a challenge to the employment agenda for the country. Overall, the Ministry of Labor pointed out that any policy should be in tandem with the investment interest of the country.

Because of the petition, a discourse on the subject emerged. Many of these debates were recorded on YouTube and online newspaper articles. In this study, I focus on the views expressed by the public to understand the narratives around the policy of paternity leave.

1.2. Research Significance

By understanding narratives around paternity leave, this study offers a new dimension in explaining care work and gender roles in general. By exploring the narratives on paternity leave based on recorded media discussions, the research provides insights into the interpretation of laws and how such provisions of law may be a subject of contestation. In this case, the social attitudes and cultural norms towards paternity leave are highlighted in as far as they shape gender roles and the care for newborns

and childcare work in general. It thus contributes to the limited body of research but with emphasis to the importance of perceptions in relation to the implementation of gender-related policies.

By applying the Marxist feminist framework, the study brings to the attention of stakeholders the usually overlooked role of uncompensated care work within a capitalist society like Kenya. It highlights the structural inequalities that pushes women further to the domestic spheres by normalizing their discrimination within the formal employment. In terms of practice, many different groups can draw lessons on how to put into practice the provisions of paternity leave and other related policies. The labor unions in Kenya, employers and advocacy groups can draw insights by understanding the dynamics of putting policies to practice, or the distinction between legality and cultural legitimacy. This study emphasizes issues related to gender responsive employment policies and caregiving as a shared responsibility. In summary, the study contributes to the ongoing discourse on gender equality in employment practices within the context of existing socio-cultural norms.

1.3. Research Justification

This study is justified based on the gaps in studies that have so far been conducted in the Kenyan context with regards to paternity leave or any such topic close to it. In terms of actual studies conducted, my search yielded only a few pieces of work done in line or related to use of paternity leave. Precisely, only two studies are worth mentioning. Others are anecdotal information, either through newspapers or online news cable. Moreso, the only difference between these two studies is that they were conducted in different locations at different times. But essentially, their focus and conclusions were the same. Firstly, among the employees of Rift Valley Bottlers a census of 69 workers was conducted and the conclusion stood pretty in alignment with the orthodox arguments of the potential benefits of paternity leave. The study “found that Maternity/paternity leave significantly influenced firm performance” (Chungo & Anyieni, 2019, p. 19) in a positive sense. Similarly, in Nairobi Kenya, another study focused on work-life Integration practices and employee performance at a non-state organization. This study too concluded that there was a positive correlation between maternity/paternity leave and employee performance (Ngari, 2019). From a household survey conducted by OXFAM in 2019, we understand that women still bear the larger burden of care work in the Kenyan Community (OXFAM, 2019). Despite these useful studies, however, none has yet explored the narratives around paternity leave. The OXFAM study while more detailed, it does only present the realities of the gender gap that within the Kenyan context. It does not apply any analytical framework such as the feminist theory to

understand such gender gaps. The justification of this study lies in its feminist approach and understanding narratives around the existing realities. For this study I consider that, the stories we tell matter (McGuinness & and Wellborn, 2024) because they shape our reality. Understanding the perceptions and narratives goes beyond the need to know the gender gap, or the benefits of paternity leave, or the uptake of paternity leave, but why those gaps exist.

1.4. Research Objectives and Questions

Research Objectives

To analyze selected media narratives around paternity leave in Kenya in the context of paternity leave extension debate

Specific Objectives

1. To explore the perspectives of some discussants on paternity leave as expressed in selected Kenyan media content.
2. To establish the relationship between the perspectives on paternity leave and gender roles in domestic work.

As I have pointed out in the introduction section, the gender gap index in Kenya is said to stand at 0.71[4], which is considered high. Secondly, from the 2019 household care survey conducted by OXFAM, it was established that despite the criticality of household work and childcare in society, policies and practices consistently fail to recognize, reward and represent such tasks as paid labor. (OXFAM, 2019, p. 9) Such policies, as noted do not pay attention to the redistribution of care works between men and women. Some of the specific issues the survey raises is, “women had greater childcare responsibilities than men and were 20% more likely than men to assume childcare responsibilities” (Ibid)

While these have become evident in lived realities, i.e. being in a position where we see and understand the predicament of women, no study has provided a sound explanation as to why this is happening. In

[4] This data is referenced from Statista, a German based company that that provides a platform with an extensive collection of statistics, reports, and insights on over 80,000 topics from 22,500 sources in 170 industries. This particular reference was obtained on the URL link https://www.statista.com/statistics/1220570/gender-gap-index-in – accessed on 1st May 2025

other words, if women were more likely to assume childcare roles than men despite having provisions in law to cover any gaps in financial status quo, why is that so? This study uses the paternity leave debate as a springboard to explore: how do Kenyan discussants in select media content perceive paternity leave? And in what ways do these perspectives relate to gender roles and domestic work? The study attempts to understand the prevailing narratives and to decipher an in-depth understanding of the reasons beneath the current state such as those depicted by the OXFAM survey.

2.0. Background

2.1. Why Talk About Paternity Leave?

The storyline that I intend to develop in this paper begins with a move by a surgeon who petitioned the high court of Kenya in the year 2022 to extend the paternity leave duration from 14 to 90 calendar days. That act (of petitioning the high court) quicky became a subject of public debate. To date, the records of these debates are still afloat on different media platforms, notably, YouTube video recordings and online newspapers. From these debates, certain narratives emerged and as it will unfold, these narratives form the core of this study. From other scholars, we learn that the stories we tell matter because even from myths, humanity has immortalized certain experiences and has created collective imagination of the world they live in (McGuinness & and Wellborn, 2024). For this paper which draws on the discourse around gender equality, it may be important to understand the prevailing narratives which may contribute to shaping agendas that address or respond to the concerns that are expressed by the public.

As a starting point, I will note here that the motivation to extend the duration of paternity leave could represent a milestone in the struggle to address the gender gap for a country such as Kenya with an ever-widening gender gap index. Whilst being a legal provision that falls within the general employee welfare, paternity leave may also lay a foundation for a discourse on care work, especially the division of care work between men and women. The logic is rather simple. As put forward by the petitioner; if men have the same paternity leave duration with women, then all will have time to attend to domestic care work, including care for the newborn. This study draws from a 2022 national news highlight, where a medical doctor from Nakuru, Kenya, petitioned the Kenyan high court on 8th March 2022 to reconsider the duration of paternity leave. He argued that the Employment Act, 2007 was discriminatory and

unconstitutional "in so far as it grants different durations of maternity and paternity leave to female and male employees"[5]. His other argument was that granting different duration for the respective leave days placed the women in a disadvantaged position given that employers would see the sex with more leave days as less productive. As it turned out, the petition was later dismissed by a high court ruling on 31st May 2023. Despite the setback for the petitioner, raising a matter that appeared to have fallen within the gender equality movement received a decent applause as a step towards the address of the noticeable gender gap index in Kenya that stands at 0.71[6].

Before qualifying the doctor (who petitioned the court) as an ally of feminists, it may be worth exploring the possible motivation behind his petition. From some newspaper articles, Dr. Magare Gikenyi Benjamin is reported to be a surgeon who is not new to the news mills in Kenya. One newspaper describes him as a person with a passion for human rights. From 2021 to 2024, he is reported to have submitted 9 petitions to the high court of Kenya. The report further indicated that he won 5, lost 3 and 1 is yet to be concluded. The question that I pose here is; was this doctor indeed interested in women' rights as he argues? Let's consider his arguments. He raised the point that men were being discriminated on the account of their sex, given that when it comes to paternity leave days, maternity leave extends for more days. He also raised the point that because women had more days to stay at home during maternity leave, employers looked at them as a liability and therefore less motivated to give them employment. These arguments appear compelling at first sight, however the immediate question here is; which discrimination was the doctor (petitioner) more concerned about? If the concern was more on the discrimination of men, then the petitioner could have considered an alternative view if he had the access to certain studies and insights. The interesting aspect about paternity leave, although having useful benefits to the newborn and the family (Petts et al., 2020), it remains largely unutilized by new fathers across the world (Koslowski & and Kadar-Satat, 2019). According to Koslowski and Kadar-Satat, "the use of leave polices is highly gendered everywhere and take up of more than a couple of weeks of leave by fathers is very low" (*Ibid*). Possibly, if the doctor understood that men were not so keen on this particular leave, (paternity leave), he would have possibly focused on the second part of his argument which highlighted the discrimination of women by employers. This carries some weight because already some organizations have documented extensively on how employers discriminate

[5] See the petition document on the URL link https://kenyalaw.org/caselaw/cases/view/260584/- accessed on 1st May 2025

[6] This data is referenced from Statista, a German based company that that provides a platform with an extensive collection of statistics, reports, and insights on over 80,000 topics from 22,500 sources in 170 industries. This particular reference was obtained on the URL link https://www.statista.com/statistics/1220570/gender-gap-index-in-kenya/#:~:text=In%202023%2C%20Kenya's%20gender%20gap,the%20category%20of%20Political%20Empowerment. – accessed on 1st May 2025

women during maternity. One newspaper[7] described this as maternity penalty that must be paid by women. In some cases, if the woman goes on maternity, her job is never guaranteed if she wanted to return after delivery. At this point also it may be worth to point out that even recently, Kenyan school girls who got pregnant while at school had to pay a heavy price by losing their entire education. Whichever grade you got pregnant, that grade became your last grade. It does seem therefore that the odds are stacked against women when it comes to reproduction. Therefore, in my view, policies such as paternity leave should be designed with more consideration for the women – i.e., will such a policy open space for fair opportunities for the women? Would such a policy relieve the women from the burden of care work which has almost become their prerogative? From earlier studies, we understand that even where women are employed, care work is still largely performed by women (Lamb, 1987). Thus, instead of viewing a shorter paternity leave duration as a discrimination on men, my view is that the discrimination is still more on women as the short stay of new fathers at home, pushes the women more into the confines of care work. This often unpaid care work is also left out of policy agenda (Ferrant et al., 2014). This also happens to be one of the concerns of feminists (Elson, 2021), who have often sounded the alarm to signal an unhealthy trend where many countries do not include care work in their Gross Domestic Product (GDP) accounting (Alonso et al., 2019).

2.2. Previous Research

Literature on paternity leave in Kenya may be described as scanty. To the best of my search, I only gained access to two master's theses related to use of paternity leave. One of them focusses on employee leave and its effects on employee performance (Chungo & Anyieni, 2019), while another focus on work life balance and its effects on performance (Birir, 2023). In summary, these studies are more or less the same in terms of objectives. They set out to find out if employee leaves and other welfare packages such as flexible working arrangement had positive effects on the performance of employees. The only difference probably was in terms of the location. One of them was conducted with employees of the Kenya Energy and Petroleum Regulatory Authority (Ibid), while another was conducted with the employees of Kenyan Rift Valley Bottlers (Chungo & Anyieni, 2019). In both studies, the results showed that indeed employee leave or the implementation of certain work life balance practices had positive effects on employee performance. Perhaps this is not so surprising, given the overwhelming bodies of

[7] A Newspaper publication house known as The Daily Nation provides an insight into how women lose the career because the had to take maternity leave in an article titled, *The motherhood penalty: How becoming a mum jeopardizes a woman's career, earnings*. This information can be accessed on URL link https://nation.africa/kenya/life-and-style/saturday-magazine/the-motherhood-penalty--4326742

studies across the world that affirm the usefulness of paternity leave and other types of employee leave (Petts et al., 2020). This brings me to another study, which although does not focus on any form of employee leave, explores the absence of a father in the life of a nursing mother. In Nairobi slums, a study revealed that teen mothers' heightened stress levels were associated with the absence of the father of their newborns (Wainaina et al., 2021). Thus, would this happen where paternity leave is only for a short duration? From the same study, I note that the heightened stress was associated with the amount of work that must be accomplished by the new mother (*Ibid*). One of the study participants noted;

> After I gave birth, I got stressed because I didn't have somewhere to leave my baby as I go to work, others at home are working and I don't have money to pay for baby care…so I used to work with my baby on my back (Wainaina et al., 2021)

Here one hears the burden of care work[8] being re-echoed. This burden appears to be a reality in Kenya according to a study, which concluded that the "conventional wisdom that women in less developed countries, such as Kenya, are disproportionately engaged in unpaid family activities relative to men is strongly supported by the Kenya Integrated Household Budget Survey" (KIBHS) data for 2005/6 (Muriithi et al., 2020, p. 1). The study further pointed that "it is unlikely that this difference is due to gender-related productivity differences" (Ibid). What is important to point out is that a study such as this provides some baseline facts, confirming the burden that women bear in terms of care work in the absence of the fathers of newborns– which is also related to paternity leave. Although this data shows us women are burdened, is it reflected in the narratives among the public? The novelty of this study is therefore to understand whether these realities are reflected in the narratives of different categories of people. As I pointed out earlier, the stories we tell matter because they shape our realities. For example, it is possible that women struggle with the burden of domestic care work, but if these do not appear in the public discourse, it tends to escape policy debates as women continue to silently carry the load.

[8] Reid (1934) defined care work as "the productive effort which are paradoxically not rewarded when applied to produce goods and services that have the power to satisfy wants or needs" (cited in Muriithi, M. K., Mutegi, R. G., & Mwabu, G., 2020)

3.0. The Theory Supporting this Study

3.1. Introduction

This section provides the lens through which to view the emerging narratives, starting with those around the court petition to extend paternity leave and those around paternity leave generally in Kenya. As I already pointed out, the constitutional debate on paternity leave has attracted a variety of views expressed by different groups of people in different forums. To understand this, I rely on the Marxist Feminist theory, which claims that women' oppression and exploitation is rooted in two aspects; the capitalist mode of production and the institutionalized patriarchal structures which have been maintained through traditions and customs. Whereas this theory is traced over centuries, my focus will be on looking at its relevance to the recent discourse on paternity leave in Kenya. The main question here is how would a Marxist Feminist view the court petition on paternity leave in Kenya?

3.2. Marxist Feminism

There is much to write about Marxist Feminism, given the sizeable scholarship exercises that have gone into the topic (Dalla Costa & James, 2017; Federici, 1975). For this study, however, two key issues are important. The first one is to point out that despite the association of the theory with Marxism, Karl Marx or Frederich Engels who laid down the Marxist theory were less concerned about the issues raised by feminist. They were preoccupied with critiquing the capitalist mode of production and the class struggles between the owners of capital and the workers (Federici, 1975). Instead, the relevance of their theory to the feminists is that later it became a framework through which to analyze oppression and exploitation (*Ibid*). In as much as the bourgeoises oppressed the working class, so the women were further oppressed by men within the capitalist mode of production.

The second issue that I point out is that the Marxist feminist central claim is that the oppression and exploitation of women arises from two ends: the capitalist mode of production and the institutionalized patriarchal structures. Capitalism, according to some of the feminists builds upon, thrives and is maintained based on the exploitation of women reproduction work. Women do most of the care work and because of that, their male partners are relieved, nourished and psychologically cushioned to

continuously expend their labor power for the production of goods and services within the capitalist mode of production (Federici, 2004). Patriarchy on the other hand provides the structures that traps women to perform reproductive work (Oakley, 2018). Frederich Engels notes that these reproductive tasks have overtime become the natural tasks for women as viewed by society (Engels, 2001). For some scholars like Christine Delphy, women oppression and exploitation arise from their role in sustaining production within the capitalist system and their roles in domestic work, which are often not compensated (Delphy, 1980). For women therefore, their salvation seems to lie in a radical force that will dismantle both capitalism and patriarchy.

Based on the Marxist Feminism claims therefore, how would one analyze the paternity leave as it is in Kenya and why should it become a concern for feminists? To some, the fight for paternity leave is a feminist battle because of the many associated implications for the welfare of not just the newborn but the woman as well[9]. Would I say that the doctor who petitioned the high court to extend the duration of paternity leave is a feminist? Perhaps I may not be able to establish that aspect but one thing which is important is that he may have opened space for feminists in Kenya to engage in the discourse of gender equality. Paternity leave as it is in Kenya is shorter, relative to maternity leave and as such has downsides for the welfare of not just the newborn but women. When men take a shorter paternity leave and women have an extended one, women's career are likely to be interrupted, given a perceived lack or commitment on their part by employers. In Kenya, anecdotal reports have indicated that in some industries, women who went home on maternity leave were not able to resume their positions at work.[10] In the long run, such a trend may affect earnings. A look at the Kenyan household survey of 2019 revealed a pay gap of 17.7% on hourly basis and 33.3% on monthly basis (UN Women, 2019). In other contexts, particularly Denmark, a study established that father's leave reduces the within-household gender wage gap through increasing mother's wages. Furthermore, the study pointed out that father's leave causes an increase in total household wage incomes (Andersen, 2018). In a study of more than 22,000 firms from 91 countries, the authors argued that in countries where "fathers have access to more leave have significantly more women on corporate Boards" (Noland et al., 2016, p. 17). In summary therefore, by wearing the Marxist Feminism lens, the short paternity leave as in the case of

[9] See an article titled, *Why Women Need to Fight for Paternity Leave*, published on The TIME magazine using thehttps://time.com/4214097/why-women-need-to-fight-for-paternity-leave/ URL link – accessed on 14th May 2025

[10] See a publication on the Daily Nation titled, *The motherhood penalty: How becoming a mum jeopardizes a woman's career, earnings* using the URL link https://nation.africa/kenya/life-and-style/saturday-magazine/the-motherhood-penalty--4326742 - accessed on 14th May 2025

Kenya is a reminder to the exploitative capitalist system where women are set aside for reproductive work and hindered from personal growth.

Reflecting further on how the petition (to extend the paternity leave) was handled, the Cabinet Secretary for Labor, who was one of the respondents, argued that extending paternity leave would increase the cost of employment and scare away investors. This sort of argument in my view in a way reflects the capitalist mentality of exploitation of labor and power as much as possible. Usually within the capitalist system, labor is like a low hanging fruit to pick in cases where the cost of production need to be reduced (Harvey, 2011). The secretary to the cabinet mentioned that governments all over the world had the obligation to protect investors. But one could ask, protect investors at whose cost? Possibly, it's at the cost of women at home who happen to be the atonement for the cost of investments within the country.

In conclusion therefore, Marxist Feminists may have first sounded the alarm on women oppression and exploitation more than a century ago, however for a context like Kenya, the oppression and exploitation continue to permeate societies in different forms. As I have pointed out, even the judges who provide the custodian role for the policies and laws seem to be absorbed into the philosophical underpinnings of the exploitative and oppressive capitalist system that care more for the capitalist (investors) than the workers. While this exploitation and oppression can be easily noted in the events surrounding the petition to extend paternity leave in Kenya, the institutionalized patriarchal manner of exploitation remains to be seen in the narratives that this study aims to analyze. This is addressed in the findings section.

4. Methodology

4.1. Introduction

This section explains how this study was carried out. It explains the research approach, research method, and the justification thereof. Specifically, this is a qualitative study, relying on content analysis as a method. Herein below is a detailed explanation.

4.2. Research Approach

This is a study that delved into understanding the perception of the community on the topical issue of paternity leave in Kenya. The first point to note is that perceptions are rather subjective. Ontologically therefore, the study follows that track which defines knowledge as being subjective, which by implication is that interpretations are based on the subjective view of the research participants. To an extent, this echoes the view expressed by Thomas and Thomas that whatever the community defines as true, they are true in their consequences (Link et al., 1999). As Bornmann and Marx put it, we see an emphasis to the idea of "objective consequences of human subjectivity" (Bornmann & Marx, 2020). But even as this idea may be compelling, Hammersley and Atkinson caution us. They point out the idea that as social researchers, we develop the tools, and play a role in research, which may lead to the possibility of impacting the outcome of the research (Hammersley & Atkinson, 2019). Epistemologically therefore, I did recognize that this study would take the path of constructivism, acknowledging that through the consideration of the recorded materials, in combination with my study protocols, especially the research questions, knowledge will be constructed. As regards how I set about obtaining knowledge, (Maedche, 2002), the research involved understanding issues based on combination between I as the researcher and the 'study participants' whose voices were already recorded - constructivism. The approach is qualitative. Specifically, in the overall analysis, I concerned myself with the "why and "how" questions (Tenny et al., 2024). Given the materials of this study (video recordings and newspaper article) and the views expressed therein, I considered how they were expressed and why they were expressed. On the "how" question, I considered the context – i.e. by whom the views were expressed, the manner in which they were expressed – that is the emotions expressed, whether they were expressed as an experience somebody went through or whether the views were simply opinions of what ought to be. On the "why" question, I focused on the context of the discussions. For this study, the discussions were around two things, what are the paternity leave provisions, and for some, the discussions were related to whether paternity leave be extended or not? My departure point was the basic grounds on which the views expressed in response to these discussions were based. These grounds for rationalization were the important issues that I captured. From the basic template of qualitative research, I paid attention to the depths of information (DiCicco-Bloom & Crabtree, 2006) and varieties of perspectives (Hancock et al., 2007) and being keen on the nuances (Beeson, 1997). For research of this nature, I prepared to encounter multiple realities, multiple perspectives, some of which would only possibly be subtly different from each other.

4.3. Method: Qualitative Content Analysis

The method selected for this study was qualitative content analysis. From literature, this method came into light in the 1970s, following huge volumes of transcribed data that were collected through interviews in addition to materials from the mass media (Mayring, P., 2019). In some literature, this method (qualitative content analysis) is associated with studies in the field of nursing (Forman, J., & Damschroder, L., 2007; Elo, S., & Kyngäs, H., 2008), however it is a method that is also widely applied in the field of social sciences (Mayring, P. (2014). In some literature, at first glance, it may seem that qualitative content analysis is only applicable to textual data. However as defined in the same literature, textual data encompasses a variety of data types; books, book chapters, essays, interview discussions, newspaper headlines and articles, historical documents, speeches, conversations, advertising, theatre, informal conversation, or any occurrence of communicative language (Devi, N. B. 2009, May). Given the wide range of data that fall within the definition of this method, this study sits well on the data type generated through conversations, newspaper articles, informal conversations - recorded on YouTube and other sources such as podcast and online news cables. Given the available media content, particularly those which were relevant to the topic of paternity leave, I have considered 6 YouTube recordings, 1 newspaper article. In terms of organization, I started by coding the recorded YouTube videos by assigning unique codes for each of them for ease of reference in the subsequent sections. The codes were for VR01, VR02, VR03, VR04, VR05, VR06 and NP01. The initials VR meant Video record, while NP meant Newspaper. In terms of analysis and based on inspiration from literature, the inductive approach was preferred, given that knowledge related to paternity leave in Kenya is rather scanty and fragmented (Elo, S., & Kyngäs, H., 2008). In practical terms, having listened to all the audio and read through the selected newspaper articles, I identified the recuring sentiments, grouped them into themes and counted the different themes to generate frequencies. Despite these frequencies, however, it is important to point out that the appearance of some basic figures should not create the impression of a quantitative study, but rather a simplification of data based on the materials under consideration. Further, the analysis of the selected materials was done in two ways as explained by Devi (2009). First, I relied on conceptual content analysis, where I focused on the explicit data. Based on this (conceptual content analysis), I identified 4 key themes (points) and quantified them to present the overall image of the surface level findings, without necessarily offering interpretation. Secondly, I relied on the relational content analysis. By this, I was able to decipher meanings (Devi, N. B., 2009, May) especially how the themes related to some of the key points that I previously identified while discussing the Marxist theory.

Specifically, in the analysis, I considered how the aspects that emerged were related to the key themes identified, that is, gender relations, culture, employment and investments

This method is justified, first because, while it is highly flexible (Elo, S., & Kyngäs, H., 2008) and effective in studying perceptions, it can be done with minimal budget. For this study, I spent a minimal amount of internet data on downloading the YouTube materials and newspaper articles from open sources. Qualitative Content analysis as a method is suitable not just for recorded materials but also for recorded interviews. In this case, the YouTube materials provided materials for analysis without necessarily having to go out and collect data through focus group discussions or key informant interviews.

4.4. Research Limitation

As I pointed out while explaining the study method, information on paternity leave in Kenya is quite fragmented. Despite some discussions around the topic, many of the audio materials on YouTube are short, some of them only over one minute discussion. Moreover, there are only a few discussants, meaning the views are not varied. Some of the videos are only informative, i.e. creating awareness on the provision of paternity leave in Kenya. Some materials only minimally touch on paternity leave given that the main topic of such discussions are different. Although some themes were clearly identified, the quantification may not be generalizable since only a few of such themes were recurrent. What is important in this study is that it highlights the narratives on paternity leave. More importantly, it paves way for more in-depth studies with a bigger number of research participants. To understand perceptions deeper, a workshop could be organized for different groups of people in different sectors to discuss the topic of paternity leave

5.0. Analysis

5.1. Introduction

The analyses section of this study is based on 6 YouTube video recordings and 1 newspaper article that captured discussions around paternity leave. The storyline is that a doctor moved to court, petitioning the jury to extend the two weeks duration of paternity leave to 90 days. This sparked several responses,

many of which were expressed in the media and have been developing into a narrative. In my analysis, I identified 4 main themes, gender roles, culture, employment, providing highlights of what the themes were about, the frequency of their usages by the participants and which person (in terms of sex) mentioned it. In the second part of this section, I explore the narratives around these themes and how related they are to each other and how they fit within the Marxist feminist discourse. Having outlined what to expect in the section, I start by providing context to the YouTube videos that were selected for this study.

5.2. Providing Context to the Data (YouTube Video Recordings and Newspaper Article)

As I mentioned in the methodology section, this study was based on 6 YouTube videos which were codenamed; VR01, VR02, VR03, VR04, VR05 and VR06. In addition, the study incorporated one newspaper article into detail. This was codenamed NP01. In terms of context,

- VR01 is a 9-minute and 36 long recording. It features two participants, one (female) taking up the role of a moderator another (male) appears to provide expertise information related to Human Resource. The messages were delivered to provide awareness information, given the packaging which mostly focused on the provision of the law. The YouTube recording appears to have been taken off from a series that offers human resources advisory to employees.
- The second YouTube recording, VR02 is a 1 minute and 9 seconds long recording, featuring three men. The men in the discussion did not introduce themselves but they appear as media personalities discussing political issues related to a particular public servant whose whereabout in office was not known to the public but later when he reappeared, he claimed to have been on paternity leave. Although the video recording was short, it was interesting for this study as it brought forward issues related to cultures and how paternity leave is viewed in certain cultures.
- The third recording VR03 is a 5 minute and 20 seconds long recording of a radio program presentation. Two radio presenters (a male and a female) are engaging callers and another person (male) on a video call joining these two presenters to offer expertise information on law on paternity leave to the callers. The video was selected because of its content on paternity leave.
- The fourth recording VR04 is 3 minutes and 37 seconds long, featuring one female who is moderating discussions and two other discussants – both males). The video is recorded from a

radio program that targets ordinary citizens low to middle class within the city of Nairobi with topical conversations.

- The fifth video VR05 is 14 minutes and 1 second long. Two females are discussing employee leave in general. One of the females is a moderator and another introduced herself as an advocate of the High Court of Kenya. The target group for this series (which was called *Sairo Law Global*) seems to be the citizens within Nairobi. There were no callers to the program, but the discussants addressed questions that seem to have come from the public, particularly on paternity leave.
- The sixth video is 3 minutes and 13 seconds long. It is a video based on a TV news feature with street interviews of the general public in Nairobi. It centered on paternity leave, arising from the petition that had just been done by the surgeon.
- Lastly, one newspaper article was considered for analysis. This was an article from a print media house called *The Nation*, with the newspaper title; The Politics of Paternity Leave: Do Men Deserve it?

What is important to note at this point is that the exact date of the discussions on the videos may not be known, although 3 were uploaded before the petition and 3 were uploaded after.

It is based on the discussions on these YouTube video recordings and the newspaper article that I tease out the narratives around the themes which I have highlighted in the introduction section and also discuss how these themes are related to one another and other feminist scholarly arguments.

5.3 **Conceptual Analysis:** Perspectives of some Discussants on Paternity Leave as expressed in Selected Kenyan Media Content.

This section addresses the first specific objective, *To explore the perspectives of some discussants on paternity leave as expressed in selected Kenyan media content.* It details the surface level analysis and makes some observations pertaining to the figures. Listening to the 6 YouTube videos and reading through the newspaper article, first, I took note that 22 people (13 males, 9 females) participated in the YouTube recording. Among these were three experts in the field of human resource - all males and 1 high court advocate at the Kenyan high court. These YouTube recordings had a total of 6,993 views as at the time of access (26th April 2025). Three of them were uploaded after the petition made to the high

court by the doctor, and 3 were before. For the newspaper article, it referred to one male scholar (anthropologist), who interviewed the Executive Director of Federation of Kenya Employers' (female), 2 new fathers, Chairperson of the Central Organization of Trade Unions in Kenya (1 male) and a Cultural analyst (1 female). The key issues that arose were in response to the debate on paternity leave. I mapped out four; 1) gender roles, 2) culture, 3) employment, 4) investment. Below is a table detailing the number of times each of the issues was brought up either in the recorded YouTube discussion or in the newspaper article. I have separated them in terms of the sex of the participants.

Table 1: The number of times Identified Themes on Paternity Leave were mentioned or discussed in the Selected Kenyan Media that was studied

Issues Discussed	Number of times The Issues were mentioned	Sex	
		Females	Males
Gender Roles	28	17	11
Culture	3	0	3
Employment	10	1	9
Investment	8	1	7
Total	49	19	30

5.2.1. Observations on the Table

Generally, the number of male discussants were more, however there were some interesting patterns in the number of mentions for some themes. For example, females had more mentions of gender roles (17), more than that of men (11). On the other hand, no female made mention of culture but at least men made mention of cultures 3 times. As a caveat, I need to point out here that these mentions were not necessarily by different people but mentioned at different times, some of which were mentioned by the same people who had mentioned it prior, making different explanations of the same point. Below I

provide more details on each of the themes (issues) discussed by the discussants/participants in the media studied.

1. **Gender Roles**: As we can observe, the mention of gender roles came up in the participants' discussions more than any other theme. In my observation, the participants appeared to be enthusiastic in justifying their position as to whether paternity leave should be provided for or not. 5 women who expressed their views on the role of men during paternity leave were less optimistic whether the men would play the role for which they needed to be at home. These women noted that men did not help with domestic chores but instead chose to socialize more and brag about their newborn during the paternity leave days. The men, particularly 2 of them argued that it was necessary for new fathers to get an extended leave days to allow them to bond with the child during the first days of its early life, celebrate the birth, while acknowledging that certain roles such as bathing the baby was more suited for women. As is common with qualitative research, sometimes issues do not have clear cut boundaries. This was noted as the discussants/participants justified whether the paternity leave days should be provided for, or not. From observation, 5 women argued against the extension of paternity leave based on grounds that: a) men's roles during their paternity leave is not felt, and, b) extending the leave would be a costly affair for employers, while at the same time acknowledging that men do not give birth, so it was not necessary for them to even get that leave. 2 women argued for the extension of the leave because according to their experiences, they were assisted by their husbands in terms of domestic chores and being there to help with the child at night. 2 men argued for paternity leave to be extended because they needed time to celebrate and to bond with the child, while 3 men argued against paternity leave because the men didn't play any role in delivery of the child and that culturally men were encouraged to have another wife whenever their wife was on maternity. One woman noted that given the three months of paid leave for women, it was actually a good thing, like privilege, to be pregnant. That was in response to the idea that men's paternity leave should be eliminated all together so that women can get more days.
2. **Culture**: It was interesting that no female mentioned anything to do with culture in reference to paternity leave. Two men talked about it but on three occasions. One of them said that from his culture, polygamy was set up to accommodate childbirth so that when one wife is on her maternity, a new one would serve the man in other aspects, possibly questioning the need for paternity leave. The other reference was on the newspaper article, where the writer referred to

a scholar, saying that he, the scholar (John Mbiti), studied certain cultures in Kenya where men had nothing to do with children both during and after childbirth. The third reference was the same scholar further emphasizing this stance in saying that "naming of children was the role of women" (NP01)

3. **Employment**: The participants who talked about employment made the point that given that the law provides for one paternity leave once a year[11], it would be a challenge to those men with multiple partners, in which case they would have to forfeit others. One expert encouraged the radio callers that whatever is provided in the law was a minimum requirement and the employees could negotiate for better terms with their employers. A participant noted that paternity leave and other leaves are not bad, and it would be a good idea to meet all the employment needs if the social security system in place would provide the financing. Further, one participant/discussant stressed that the rate of unemployment was high and increasing paternity leave days would increase the cost of employment and therefore render more people unemployed. Another important issue that was discussed in relation to employment was that women were discriminated by their employers in that the burden to prove their pregnancy was more than that what was required for men. For a woman to go for maternity leave, the advocate of the high court (a female expert discussant) pointed out that she needs to present to the employer proof of medical condition like lab tests, something that the men didn't have to do. While making this point, the moderator also pointed out that women were being discriminated at their places of work when they return from maternity leave.
4. **Investment:** The people who related paternity leave to investments were key players in the Kenyan economy and people close to the policy space. The argument was that already the cost of employment was very high because of maternity leave and increasing the paternity leave days would escalate the problem further. The argument was that with such a policy, investors would have to think very seriously if they were to invest in a profit-making company. On the other hand, some participants (1), from the policy space (Central Organization of Trade Unions in Kenya) pointed out that there was no evidence to support the argument that leave days were increasing the cost of investment. He pointed out that employers always like to intimidate employees whenever they are planning to lay off workers.

[11] This was based on views from the discussions and not necessarily the provision of the law.

From the observations, what can be pointed out is that the discussions on paternity leave, some of which started before the court petition brings out many dimensions from which to think about paternity leave. In consideration of an extended paternity leave, many aspects need to be factored in. Will the men (new fathers) take up the roles which they are expected to perform during paternity leave? What about what some called the fact or biology; if men can impregnate women as and when they wish, wouldn't they be going on paternity leave perpetually? Cultural issues too need to be considered if paternity leave need to be normalized as some cultures pushed the men in the background in the scene of childbirth. While some of the employees have had the experience of paternity leave, some have pointed out that their employers were ignorant of the law. For those concerned with the economy, they see paternity leave and any other leave as a bottleneck to the investment environment. These issues are important for the next section, the relational analysis, where I provide links between these issues and gender and care work.

5.3. Relational Analysis: The Relationship Between the Perspectives on Paternity Leave and Gender Roles in Domestic Work

This section addresses the second specific objective, '*To establish the relationship between the perspectives on paternity leave and gender roles in domestic work''* In the previous section, I have presented the key issues that were pointed out by those present on the YouTube discussions and the newspaper article. In this section, I direct my attention to establishing the link between the narratives that were expressed during the debate on paternity leave, based on the Marxist Feminist framework of analysis. As I pointed out in the section that discussed this theory, the Marxist feminist main concerns are the oppression and exploitation of women that are a result of both the capitalist system and patriarchy. Essentially, the argument is that within the capitalist mode of production women are the producers of labor power. For that reason, the system of production tends to draw women in unpaid care work. To sustain such a system, patriarchy propagates an arrangement where women's place in society is within the domestic spheres. In this study and from the selected YouTube videos, the observation is that narratives concerning gender roles, cultures, employment and investments were coming up frequently. Whereas gender roles tended to reinforce the patriarchal arrangement where women lived and worked within the confines of the homes, the themes on employment and investment expressed the interest that underly the capitalist mode of production – reduced cost of production to

maximize profits. What may be a concern is that the burden of unpaid care work appears to be conspicuously silent, yet unpaid care work is a growing concern for the gender equality movement. It is further a concern for the Marxist feminist where in many countries, care work- done mostly by women- is not factored into the national accounting systems.

To illustrate the underlying context and nuance, I start by presenting two excerpts of dialogues from two of the six YouTube video recordings

Excerpts 1 (from VR05):

Moderator: that's interesting yes okay so um you also mentioned uh paternity leave yes uh just take us through what a paternity leave

Discussant/Participant: so um it's basically the opposite of maternity leave for the for the man who is responsible for this pregnancy so they are entitled to two weeks of paternity leave with full pay

Moderator: Why?

Discussant/Participant: Who knows!! The main reason is so that they can go get congratulations from their friends...

Moderator: That's unfair!!

Discussant: ..but I think the idea behind it is uh, families are recognized under the constitution. I mean it recognizes the family unit as the basic unit of society. And it's important also for the father to bond with the family it's a new family a new baby. So I would say help around with the baby as well…

Moderators: (Emphasizing)Help…help…help

Discussant/Participant: Yeah many fathers would throw stones but I think that is the essence of paternity leave, so that the family can bond.

Moderator: Aah okay okay…and help the mother… help…help…

Discussant: Yes…yes… help the mother… more importantly....yes although the law does not provide what you should do with your paternity leave but um well I think men… fathers… should stop going to …you know

Moderator: Yeah I know! So actually, on that note, I'm thinking uh when the rationale behind a maternity leave is so that the mother can heal physically and also bond with the child and accommodate

all these changes that have come into her life. But now on this paternity leave that I am seriously frowning on..uh Well what happens? The guy is just…is just congratulated… he's always out here getting free whiskey being congratulated coming home at 3 a.m. and just making life harder. So uh, Oh well, if they were helping it would be fine, but if they were not helping then it would be worse. So I'm just thinking, and probably this is not in the law maybe you'll make a comment about it,…. that instead of this man staying at home for two weeks and coming home at 2 a.m every day, can I write to his employer and say "Dear employer of my mister, please have him at the office and then those two weeks' pay send them to me?"

Discussant/Participant: okay this is this is my view the ones who are helping should get longer periods of leave

Moderator: Oh that would be nice….

Discussant:…. just those ones… the others stay in the office and Sian….feel free to write to the employer and ask for the pay … for the two weeks that he's working… yeah take it as compensation for your pain and suffering…

Moderator: Ah Amen

Excerpt 2(From VR04):

> *Radio Presenter: "my answer is, for what" I don't think men should be getting even two weeks. The woman is busy taking care of the baby and for you want to stay here and be eating and go and hang out with your friends and go to the garage, make your cars, wash your shoes, your sneakers...you are a distraction in your home. When your woman is in the delivery room, you are in the bar, waiting for a text...it's a baby boy"*
>
> *Guest Male Speaker: "Anything can be misused but it doesn't mean it is not needed".*
>
> *Radio Presenter: "Do you know how to wash a baby?"*
>
> *Guest Male Speaker: "personally I have ever done it, it's not my most favorite thing. You know the baby is so tender and would require expertise...*

The two dialogues presented are examples of the types of conversations that took place in all the YouTube videos. The narratives that were expressed, to some extent highlighted four key themes: gender roles, culture, employment and investment

Gender Roles: From the conversations recorded on the videos, it did come out that the socially constructed gender roles remain deeply seated on peoples' minds. Female participants largely expressed their doubts on the usefulness of an extended paternity leave because based on their experiences, and what they have observed over time, men have not been helpful in domestic work, choosing instead to socialize or celebrate at the time of childbirth and even beyond. Triggered by the debate on paternity leave extension, some women who expressed their views did so with a somewhat angry tone. Let's consider how this female participant responded:

> …my answer is, for what? I don't think men should be getting even two weeks. The woman is busy taking care of the baby and for you…..you want to stay here and be eating and go and hang out with your friends and go to the garage, make your cars, wash your shoes, your sneakers...you are a distraction in your home. When your woman is in the delivery room, you are in the bar, waiting for a text...it's a baby boy…. VR04

Similarly, another woman asked:

> we are asking what are the men coming to do at home? Instead of that, the three months they are asking for should be added for the woman, so that women have enough time to breastfeed their babies…VR06

These sentiments were expressed in response to the question of whether paternity leave should be extended to three months or not. For some (female participants), the extension was not necessary, and on their part, the question was; "for what?" (VR06). Other women went to the extent of pointing out the biological role of women in terms of reproduction; "*Why do you give men three months? Do they give birth to the children?" …* VR06. Based on the views expressed, it does appear that the women, from either experiences or what they have observed about men overtime, do not find any good reason for the extension of paternity leave. Indeed, having men at home during childbirth was expressed by some (women) as additional burden and a distraction. They may not have observed any relevance of paternity leave given that men's roles were not possibly visible.

As is always the case, there are exceptions. Two women had positive testimonies from their experiences regarding what their husbands were able to do during the time they had their newborns. One of them narrated:

> My husband was at home for 2 weeks and was very helpful. In fact, even the two weeks became very limited because I felt that I still needed him…NP01

For the other one; "*at least I was happy with the fact that my husband had the opportunity to bond with the child"* …NP01. At this point and based on this point of bonding, the views expressed by men do point to the need for men to bond with the children as the main reason for the extension for paternity leave. As one of them (men) pointed:

> ..at least we should also rest at home, so you can see the baby and they get used to you...you see. So, they should add us that leave so it will be good…VR06

What I will point here is that although all the men who argued for the extension for paternity leave did raise the bonding element as a justification, none of them elaborated on how they would go about the bonding process. It did not appear from their views that the care of the newborn or support to the new mother was part of the package for the bonding experience. Perhaps as indicated in the narrative above, all that would be required was for the men to be around the babies, to see them so that they (babies) can get used to them.

Regarding care of the newborn and care work in general, the women remained adamant in their expression of what reasons the men needed the three months for, and the men themselves could not make case on what care work they would engage in during the extended leave. In some cases, the men confirmed the women' concerns. Let's look at what one (man) of them said:

> Personally, I have ever helped to bathe a baby but that was not my favorite part. As you know, babies are very delicate and requires the soft hands of women…. VR04

What I noted from the overall discussions is that women, with the exception of 2 out of 7, were opposed to the extension proposal of paternity leave, while men on the other hand did not have any objection but instead advocated for it, for reasons noted in the preceding discussions. What is important here is that there appears to be a narrative which pits women against men in terms of the gender roles divide. Women on the one hand have reached a point where they seem to have accepted the role of childcare and care work in general as their own, while men appear to be happy being outside the domestic arena. While these issues are not always expressed, they remain unspoken truth within the Kenyan society. Let's take an example of an opening statement of one of the Country's newspaper article, the Daily Nation:

> March 16th, 2024 was the turn of Chief Inspector Emojel Okomer to become a father. A Kenyan Prisons Officer of his rank could not possibly be worried about his wife delivery. This is a man who has spent his entire career dealing with hard core criminals, something he says makes a man's soul tougher than steel[12]

With a national newspaper expressing rather subconsciously such a sentiment of what it is to be a man, and in addition to the narratives from both the men and women on the topic of paternity leave, it may in my view be suggestive of what Candace West and Don H. Zimmerman referred to as *doing gender*. The public in Kenya, as observed in their narratives were possibly subconsciously involved in a "complex of socially guided perceptual, interactional, and micropolitical activities that cast pursuits as expressions of masculine and feminine natures" (West & Zimmerman, 2009). The women in the YouTube video recording did acknowledge the primacy of their roles in the lives of newborns, while the men distanced themselves from such tasks. For me, understanding these patterns and narratives are important because they offer an explanation to the gender gap in Kenya. The subconscious act of doing gender places the women in the domestic arena, engaging in non-rewarding care work, while their male counterparts are relieved from care work to engage in other paying work outside of the domestic spheres.

Culture: From the discussions, the mention or reference of culture in relation to paternity leave were made only three times and by men. For example, in one of the conversations, one of the participants cited polygamy as a cultural response to childbirth, i.e. to allow the man to continue with the newly married woman, as the one with the newborn takes care of all matters pertaining to the newborn. He expressed:

> In fact, the design of polygamy in the Luhya culture. Luhya culture does not recognize paternity leave. In fact, they encourage the man to have a second wife, so that when one is on maternity leave, you are preoccupied with the other duties with the other wife…. VR02

More importantly, the narrative expressed by the participant on polygamy being a structural arrangement to cushion men's sexual needs in times when his wife has had a newborn highlights a prioritization of men's sexual needs over women's and childcare needs after delivery. This pattern, in my view dehumanizes the women and their needs as they engage in reproductive duties. Polygamy as presented by this discussant, implies that paternity leave is not necessary, as the man just shifts focus to the next wife, leaving the new mother with all the childcare and related tasks. Such a culture, wherever

[12] See the Daily Nation; The politics of paternity leave: do men deserve it? Using URL link https://nation.africa/kenya/life-and-style/lifestyle/the-politics-of-paternity-leave-do-men-deserve-it--1189862 - accessed on 23rd May 2025

practiced may also highlight the entitlement of men in society and how men control women's bodies. In addition, from the newspaper article, the confine of culture offers another structure within which women's care roles are approved. This newspaper article refers to the works of John Mbiti and notes:

> In some cultures, men had nothing to do with the birth of a newborn. The man was out of the child's life until after two weeks…NP01

The same article refers to the naming of the child being as being a woman's role. What is interesting as I pointed out earlier, throughout all the conversations in the YouTube video recordings, women never mentioned anything to do with culture. This may in a way be interpreted to mean that women may have reached a point where they have accepted their subordinate status or possibly navigating through a path that can avoid direct confrontation with what they may perceive as established cultural norms in public debates. Whichever the interpretation, here one can observe that cultures tend to normalize the division of labor along gender lines – which in many ways legitimize the absence of men from care work and affirms the position of women as sole and primary caregivers. As we have learnt, views from some scholars are that cultures influence not just thinking or language or human behavior, it does influence assumed or assigned roles based on gender as well (Neculaesei, A. N., 2015). Thus when the narrative about certain cultures are expressed, it does tend to strengthen the existing norms, the traditional divide of the place of women and men or the roles between men and women, which could maintain a pattern of both exploitation and oppression of women, like it has happened in the past (Ngesa et al., 2022).

Generally, as depicted by the emerging narratives, gender roles and culture as presented in these two dialogues highlight a patriarchal ideology, an arrangement that keeps women oppressed and exploited by keeping them subservient by way of maintaining their roles as reproducers of labor power. Such thinking has influenced women to believe and even accept that their role is more in the domestic set up, minimizing their interest in opportunities to improve their economic status like education and employment. In addition, the patriarchal thinking has also led to penalties for women who attempted education and employment as is the case of the failing school re-entry policy and cases of women in horticulture who lost their jobs once they get pregnant. While men, have the luxury to even choose not to take the paternity leave and focus on their jobs and other opportunities. Patriarchal ideologies are passed down through social and cultural norms that continue to reinforce oppression and exploitation of women through societal ideals. Such can only be shifted through continuous work of changing narratives.

Employment and Investment: These two themes are closely linked to each other in the sense that they demonstrate the relationship between the owners of capital (investors or employers) and the workers (employees). In the newspaper article that was part of this study, it was particularly marked by views expressed by the Chairperson of the Federation of Kenyan Employers and the Chairperson of the Central Organization of Trade Union- Kenya. Let's consider what each of them said as reported by this newspaper article:

> Chairperson of the Federation of Kenyan Employers: "Already the cost of employment is very high. To extend paternity leave to three months will make it unbearable to the investors. Therefore, investors have to think twice if their business ventures will generate profits"…NP01

> Chairperson of the Central Organization of Trade Union- Kenya: "Since when has the cost of employment increased? We know that when employers want to lay off workers, they start with excuses. This they do to increase their profits. We fought for this leave to be included in the Kenyan law, and it will only be removed over our dead bodies….NP01

In these dialogues one observes the contention between employees as represented by the Chairperson of the Central Organization for Trade Unions in Kenya, and employers as represented by the Chairperson of the Federation of Kenyan Employers. The employers are interested in retaining more surplus value while the employees are shielding themselves against exploitation. Put another way, my observation is that in many ways, the investors of today in Kenya harbor interests similar to the capitalist of the days of Karl Marx and Fedrich Engels. The primacy of reduced cost of production comes out in their narratives. More importantly, the inclination to maintain a low employment cost tend to devalue social reproduction cost, such as the work that goes on at home in terms of the care of the newborn is not adequately factored in and largely left to women without compensation. Using the lens of Marxist Feminism, we understand that capitalism thrives on the reproduction of labor power both biologically through childbirth and socially through the care work largely performed by women at home. The message from employers and investors may be interpreted to mean; let the men stay at work and only have a short paternity leave, while allow the women to stay home to engage in unpaid work which furnishes the chain of production within the capitalist system.

In summary, from the narratives around gender roles, culture, employment and investment, I come to a point where it appears as if there is a social reproduction process going on in society without being easily noticed. Based on the views from the discussants on the selected media content, is there any reflection of social reproduction? First, let's establish a baseline meaning here, and for that I turn to the explanation provided by Tithi Bhattacharya. Her explanation of the social reproduction theory builds

upon Marxism which suggests that under capitalism, workers produce commodities, the question then is, who produces the workers? The social reproduction theory is about the social processes that produce workers and that such processes are linked with the capitalist system. One of the ways in which workers are produced by these social processes comprise of the things that happen in the domestic spheres; cooking, cleaning for and nourishing, and another way is the direct biological reproduction of children (Bhattacharya, T.,2017). Referring to the perspectives of the discussants in the study material, we see how women are confined in childcare work, an aspect that they expressed by acknowledging their roles and being less optimistic about the ability of men to undertake such roles. But one may ask, what is the relationship between the social reproduction process and paternity leave? According to the submission of the doctor to the high court petitioning the court to extend the paternity leave duration, his argument was that because women had longer duration of leave, employers were inclined to employ men as they had more time to stay working. Women were on the other hand discriminated – a pattern that was also highlighted by an NGO called Hivos[13]. These reported employment discrimination against women led to reduced woman's place in employment outside home, while increasing their roles in care work – a part of the social process that regenerates the workers (men) within the capitalist model of production. This is consistent with findings of an earlier study which pointed out that, even in families where mothers are employed, the involvement of fathers with direct care of the children is much lower than that of the women (Lamb, 1987). Further, the women too were involved in the direct biological reproduction of workers. In the discussions from the YouTube recordings, at least 2 men linked paternity leave to anatomy. They mentioned that because men were at liberty to impregnate women as they wanted, it would be impractical to grant them leaves for more than two weeks, while women on the other hand can only have only one birth in a year. Therefore, the pessimism of women on bringing men in the domestic arena as expressed, and the reluctance of men on taking up childcare work, in addition to women's biological role of direct reproduction of children, may be viewed here as perpetuating the social process that regenerates workers for the capitalist system. Possibly as Bat puts it; the perception of pessimism on men's role in care work is an invitation for recentering of oppression of women (Bhattacharya, T., 2017), i.e. to pay more attention to the issues as expressed.

[13]See this report, titled, Impact of Covid-19 on Women Workers in the Horticulture Sector in Kenya on URL link https://hivos.org/assets/2021/02/Hivos-RapidReport-2020-web.pdf: accessed on 26th April 2025

6.0. Conclusion

In the preceding section, I have only discussed four themes/issues; gender roles, culture, employment and investment and linked them to gender and care work. From the discussions related to the two sections, my observation is that the discourse on paternity leave in selected Kenyan media is not straight forward. This is because such provision is influenced, as discussed, by gender norms, culture, economic concerns, and investment considerations. Based on discussions, although paternity is established by law, its acceptance by society and perceived value remain a matter of debate. Gender roles and cultural beliefs continue to diminish the importance of childcare work and make it the domain of women' within the domestic arena. As I noted, many female participants were pessimistic of men's actual involvement during paternity leave. On the other hand, male participants largely argued in support for paternity leave extension based on the justification to meet their personal desires rather than a commitment to caregiving responsibilities. In addition, the narratives around employment and investment mirror a capitalist mindset that devalues care work and prioritizes economic issues such as investments over employee welfare. Based on the Marxist feminist lens, these narratives point to a system where women's unpaid labor is critical for the running of a capitalist mode of production yet remain unacknowledged. The cultural and economic arguments against extending paternity leave thus serve to maintain traditional gender hierarchies and the invisibility of care work within national labor discourse. In summary, the analysis stresses the need for a deeper societal shift in attitudes towards gender, work, and caregiving. A milestone that would not only redefine fatherhood and shared parenting responsibilities but would also acknowledge and value care work as an important part of economic and social development.

7.0. Recommendation

Policy Development: In general, from this study the lesson that can be drawn is how policies are arrived at. In response to the petition made to extend paternity leave, Florence Bore, the Cabinet Secretary, Ministry of Labor & Social Protection argued that in the build up to the paternity leave provisions, there was a widespread consultation with many stakeholders and as such, changes to the law were uncalled for. While her argument to defend her department may have passed as concrete within the legal framework, the question that can be asked is how were the consultations for this paternity leave done

as they seem to lack legitimacy with the other section of the public? For any other policies that may come, it may be necessary to reconsider how public participation is done for it to generate legitimacy and acceptance. More importantly, policies need to be developed based on studies such as this.

Policy Implementation: Furthermore, from the narratives, this study underscores the importance of care work in the overall consideration of the socioeconomic development of a country like Kenya. Kenya is developing a National Care Policy which focuses on addressing both paid and unpaid care work, which implementation is yet to take off. From this study, it would be recommended for the different stakeholders concerned with the implementation of the policy (National Care Policy) to consider the dynamics of putting policies into practice, considering the distinction between legality and cultural legitimacy. Having a policy is one thing but for the policy to have a widespread legitimacy to allow for its implementation is another. As I have pointed throughout the analysis section, culture and the deep-seated gender divide in roles, especially with regards to care work had consequences in the way the public perceived paternity leave as provided in the law, and therefore its acceptance. In the case of the National Care policy, its implementation needs to take into consideration the dynamics concerning gender roles, culture, and the economic realities of the country.

Future Studies: I view this study as a pointer to further studies in an area which has not received much attention among scholars in Kenya. I did mention that only two studies related to use of paternity leave were conducted, one of which was a survey. Moreso, while those studies were important pointers to the benefits of paternity/maternity leave in general, they were not particularly anchored on academic theory. This study, while academic in nature is limited in terms of the sample size and methodology. For any other research in this area, it could be strengthened by increasing the sample size of research participants, organizing and conducting discussions with a complete focus on paternity leave among diverse groups of people, including cultural leaders, male worker and female workers in both formal and informal sectors

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