

Gender and Identity: Journalistic Perspectives on Wambui Otieno's Struggle

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Abstract

The research examines how Wambui Otieno's court battle became a turning point in the fight against gender inequality and the depiction of women in Kenyan society. Journalists have described her as a strong woman leader who goes against male norms and her struggle for burial rights to bring attention to larger systemic misconducts women face. Her resistance to cultural norms that put women in subordinate roles makes it clear that women need more power in decision-making processes that are usually run by men. As a widow defending her claim against her husband's family, Wambui's actions are seen as a brave break with tradition, representing the rights of women who are often ignored in male-dominated environments. Her combat brings to light the systemic barriers that keep women from being represented in societal and cultural systems. It starts a significant discussion on how gender, identity, and culture all have an emotional impact on each other. Journalists also play a dynamic part in this case to signify it in the newspaper and social media. The incident, which is mostly about Wambui's determination and leadership, showed how a woman's stand became a sign of strength, women's rights, and the search for justice in postcolonial Africa.

Keywords: divorce rights, female leader, gender inequality, identity

1. Introduction

The research analyses the problems of gender inequality, women's under-representation, and the struggle through the important court case of Wambui Otieno with the help of a media report. Journalism is a crucial component of mass communication. Electronic media has emerged into the world with great impact in the present era. "Journalism is a contemporary report of the changing scene, intended to inform readers of what is happening around them" (Muthukrishnan, 1998, p.12). As a powerful woman in postwar Kenya, Wambui rebells against patriarchal norms to fight for her late husband Otineo's burial rights. Her case brings light on important problems like how women are pushed to the edges of culture and the law, how their property and income rights aren't fully recognised, and how hard it is for women to get divorced and widowed in traditional societies. Journalists' vivid descriptions of her battle show how modern legal systems and deeply rooted traditions lead to continued inequality. Feminist groups use Wambui's life as a rallying point to

stress the need for more women to have a voice in cultural discourse and decision-making processes. By standing her ground, she not only struggles in the modern way in the postcolonial African society, but she also fights against the structures that keep women from being empowered. She is a powerful example of how personal contests lead to changes in society as a whole. From different reporting points of view, this research shows how her case is a mix of gender, identity, and culture.

Objectives

- To examine how Wambui's case shows how gender inequality is built into Kenyan society and how women face traditional and legal barriers.
- To examine Wambui's contributions as a female leader who confronts patriarchal norms, fostering discussions on women's agency and leadership in Africa.
- To examine how both local and international journalists portray Wambui's struggle, utilising it to highlight wider themes of gender, identity, and cultural transformation.

2. Literature Review

Kariuki (2005) shows and analyses Wambui, emphasising her resistance to the symbolic order of cultural norms in Kenya. Bourdieu's notion of habitus demonstrates that Wambui's current resistance to social norms in contemporary Kenya has arisen from her historical experiences of defiance. Special emphasis is placed on how Otieno's habitus shapes her defiance, as it highlights that history is the essential notion for comprehending the female fight represented in her rebellious actions.

Howell, (2019) discusses that African Customary Law is undermining Western organisations established by European invaders and is prevailing over Islamic customs introduced by the Arabs. The event of Virginia Wambui Otieno vs. Joash Ochieng 'Ougo exemplifies the tension between Western legislation and the African c commandment in Kenya. The research explores how traditional tribal customs impact contemporary votes among the Luo and other pastoral clan communities in Kenya. The dogmatic scenario exemplifies the emblematic connection between traditional African society and contemporary Kenya. Cloete (2006) analyses the realities, myths, and stories surrounding one of the newest additions to the many stories about Wambui Otineo's Mau Mau's Daughter. The two histories are trying to show how complicated it is for one person to tell the story of their life. The researcher gives an opinion on historical events that are considered inappropriate. Musila's (2020) research is on two famous and controversial women in South Africa and Kenya, Winnie Madikizela-Mandela and Wambui Waiyaki Otieno. They were important to nationalist and feminist ideas in those countries. This research looks at what the two women's reactions to being mothers and widows meant from the point of view of being well-known people in their communities who held symbolic meanings. Nyaiburi (2023) analyses how Wambui Waiyaki Otieno's Mau Mau's Daughter: A Life History uses national narration in the past. In it, the researcher looks at how Otieno's life story is connected to Kenya's social and political history from before and after colonisation. The main idea of the study is that when a Kenyan woman writes her autobiography, she also writes the history of her country. A structure that combined autobiographical, national, and gender theories was used to read the main text.

Walibora, (2014) discusses how incarceration and being a woman are connected through the story of Kenyan self-determination warrior Wambui Otieno's book Mau Mau's Daughter (1998). It speaks about the importance of noting why Otieno's story of being locked up was written and released forty years after she was locked up. McQuail, (1993) outlines the chief goal of media presentation is to frame and look at the history of a specific, however very wide, line of research into how the mass works in the public interest. This research tells how mass media performance was judged in the ancient and how it could be judged in the forthcoming through new standards based on the interests of the public. Turow (2019) emphasises that the media schemes method helps students to think about how the media layer is made, shared, and shown in the fresh world that digital upheaval has made. It details some of the most important media industries, like the movie, book, and video game industries. It also has serious, expanded coverage of social media, especially journalism. Hanitzsch (2004) analyses that peace journalism is built on naive realism and on the idea that media has strong, direct, and causal effects. But there's no question that journalism brings about peaceful solutions to problems, even if it can't make a big difference. Peace journalism has been talked about for thirty years, but many questions still haven't been solved. So, this research points out some important areas that need more study. Yeo et al (2025) research is to understand why some groups don't have access to the same amount of information. This uses a chance sample of American adults that includes too many Black and Hispanic Americans, two groups that aren't often surveyed, to analyse differences in science knowledge based on race and income and how media coverage of these gaps in knowledge affects them. These results show some differences in how media attention was linked to bigger or smaller knowledge gaps. This show how important it is to use samples that help researchers better understand how underserved groups use media. Ng and Lim (2008) opine, "There are more journalism courses offered by institutions of higher learning, and the intake of students has increased, but the quality of journalism education has not improved proportionately". This research aims to

analyse the current significance of journalism education in Malaysia. An extensive interview has been utilized to gather data from academic and media professionals. A different point of view is used to analyse this research. By using Judith Butler's theory, the Wambui case study from a media point of view is different from other studies because it looks at how the media reports, frames, and shows the case instead of directly looking at it legally (Omoit, 2016).

3. Method

This study uses a qualitative research style to probe the intricate interplay of gender, identity, justice, and societal transformation as depicted in the journalistic coverage of Wambui Otieno's legal case. It uses a variety of qualitative methodologies to acquire a better understanding of how gender disparity, female leadership, and women's rights concerns are portrayed in the media. The principal methodology for this research is content analysis of journalistic articles, reports, and narratives of Wambui's case. This is a systematic analysis of news articles, editorials, and feature stories disseminated by both local Kenyan media and international media. The emphasis is on discerning themes, frameworks, and terminology related to gender, inequality, female leadership, divorce rights, and the under-representation of women. This approach aids the researcher to analyse the framing of Wambui's fight across various media platforms and the construction of gendered narratives.

4. Discussion

The media coverage of Wambui case provides significant insight into the construction and performance of gender and identity in society. This research analyses how her opposition to masculine authority challenges and changes traditional gender roles by using Judith Butler's theory of gender performativity. The theory says that gender is not a natural trait but a set of actions and acts that are shaped by social norms and expectations. This research investigates Wambui Otieno's battle with the help of Butler's theory, focussing on issues like gender, inequality, women's leadership, divorce rights, and women's lack of representation.

Judith Butler's Theory of Gender Performativity

In *Gender Trouble* (1990), Judith Butler states that gender is not something a person is, but something they do. Butler says that people form their gender identities by doing things over and over again that fit with social ideas of what it means to be masculine or feminine. These acts are controlled and required by social rules and time, which give the impression of a firm gender identity. Butler disagrees with the two-sided and essentialist views of gender and says that gender is more like a performance and can change over time. "Gender is an identity tenuously constituted in time, instituted in an exterior space through a stylized repetition of acts" (Butler, 1999, p.179). Butler's theory is grounded on the idea that these performances are not just done by one person, but are also affected by things like society, religion, and the law. In this case, gender identity is not based on biology; instead, it is a social construct that is formed by doing things over and over again that fit with cultural norms. This framework is especially helpful for looking at how Wambui Otieno's actions in her court case go against and question traditional gender roles in Kenyan society.

Gender as a Social Construct

Otieno belongs to the Luo tribe and Wambui belongs to Kikuyu of Keny. Based on their customary rule, they are not married, and they convert to Christianity. They speak English. Their children have gone to schools in the West, and all of their friends work in Nairobi. "The parties differed in terms of class, gender, ethnicity, and their relationship". (Gordon, 1995, p.884). When Otieno died, both clans claimed for the dead body to be buried in their ritual. In the case of Wambui, her refusal to follow the traditional burial rights followed by her husband's family is a clear example of how performative acts shape gender identity in society. She fails to let her husband's male relatives decide how he should be buried goes against both the traditional male role of the widow in the Kikuyu community and the rules about inheritance. The social norms in this community are that a widow should listen to men in charge. It is clear that "she also claimed in court that the Umira Kager clan wished her to enter into a levirate marriage with either Otieno's brother Joash Ochieng Ougo or some other clan member, as the clan would not allow Wambui to walk away to her Kikuyu people with Otieno's property" (Stamp, 1991, p.814). This research illuminates that her acts are seen as a gender performance that goes against what society expects of women. She shows a new way to be a widow that is not submissive and dependent, but independent and strong, by standing up for her rights and openly challenging male power. This act of defiance isn't just one person's choice; it challenges the performative nature of gender roles and shows that widowhood, like all gender roles, is a socially created identity that changes everywhere.

The Impact of Female Leadership

Wambui's fight is primarily about how she became a leader for women in a society that values men more than women. In many countries, women mostly play passive roles, especially when it comes to the law, politics, and family. The media's coverage of Otieno's case focuses on how strong and outspoken she is, showing her not as a victim but as a strong woman who challenges gender norms. Her leadership is a gendered act that goes against traditional ideas of what a woman should

do. Butler declares that gender is not about who a person is. It is about how societal rules affect and limit what people can do. "Gender, according to Butler, is by no means tied to material bodily facts but is solely and completely a social construction, a fiction, one that, therefore, is open to change and contestation" (Dino, 2011). Her ability to lead when family and society put pressure on him is an example of how gendered behaviours can be changed over time. Gender is, thus, a construction that regularly conceals its genesis... That genesis is not corporeal but performative, so that the body becomes its gender only through a series of acts which are renewed, revised, and consolidated through time (Butler, 1990, pp.273-274). By taking charge of her late husband's funeral and fortune, Wambui does an amazing thing as a woman leader who goes against the patriarchy in her community and the laws that keep women from having equal rights. Butler is not claiming that gender is a performance, and she distinguishes between performance and performativity (although at times in Gender Trouble the two terms seem to slide into one another). In an interview given in 1993 she emphasizes the importance of this distinction, arguing that, whereas performance presupposes a pre-existing subject, performativity contests the very notion of the subject (Salih, n.d.).

Butler's idea of 'performative acts' is used to explain Wambui's whole court case. Her choices to stand up for her rights, speak out against a legal system dominated by men, and take charge of her husband's funeral show a level of leadership that goes beyond standard gender roles.

Divorce and Widowhood: Re-examining Gender Norms

In traditional Kenyan society, women are expected to stay quiet, follow the rules set by men, and depend on male relatives to make decisions about property and family chores (Cloete, 2006, p.12). While marrying Otieno, Wambui said to her father, "I am not going to be married under any bride price because you know women then become a property of the clan. I am not a property of the clan" (Harden, 1990, p.110). After his husband's death, she wanted the body to be buried in a civilized manner. She said in the court, "[My husband] told me that there are some Luo rituals performed after the death of a husband to which he would not like us to be subjected, such as building a hut symbolizing his home, where I would have to sleep the whole night with his body and a juneko [Luo] for Lunatic would be paid to allegedly remove demons. I would also have to wear my husband's clothes inside out and my hair and that of my children would have to be shaved. After his burial, elders in his family would sit down and nominate a man to be my husband. My late husband did not want either me or our children to be subjected to these rituals. I don't think I can go through that" (Harden, 1990, p.116).

When women get divorced or lose a spouse, strict gender norms make it hard for them to make their own decisions. These expectations are directly broken by Wambui, especially when it comes to her rights as a widow. By taking charge of her late husband's funeral and estate, she changes her role as a widow into one that is not dependent but independent. Butler's theory helps to understand her resistance in its proper place as a performance that changes the meaning of widowhood from an inactive, victimised identity to an active, self-determined one. Thus, "Gender roles, expectations, and norms are created, reinforced, and reproduced within various social contexts, such as family, education, media, and religion" (Aggarwal, n.d.).

Wambui's Representation in Media

Journalism facilitates personal development. News reports regarding different communities and individuals facilitate connection to others beyond the social circles. Media functions as a means to enhance global visibility and facilitate comprehension of diverse lifestyles. It facilitates the closure of prevalent disparities among global populations. There is a long history of journalists standing for human rights and social justice. They often report on the problems of underrepresented groups, bringing to light social injustices and inequalities. In their reports, they shed light on problems like poverty, inequality, prejudice, environmental issues, etc. calling for positive change and development that benefits everyone. This is clearly stated as; "The media is often referred to as the 'fourth pillar of the state'. In other words, it's a foundational part of any community or landscape. For people to work and live together effectively, they need to be informed, not just about current events, but about the changes in our world and the impact we each have on the landscapes around us" (Carter, 2024).

"The burial dispute remains a landmark in Kenya's legal history" (Nation, 2011). The case of Wambui's legal battle and public fight for control of her late husband's burial caught the attention of both local and foreign media. The news stories about her showed different points of view that are shaped by cultural, social, and political situations. Both local and foreign journalists wrote different things about Wambui Otieno depending on how they looked at her deeds and how important her case was. "Kenya does not have any legislation dealing with where and who should bury a dead person" (Omoit, 2016). Some reporters wrote about Wambui's refusal to follow traditional Kikuyu practices, which said that the male members of the deceased's family were in charge of the funeral and the inheritance. A lot of the news about her focused on her status as a widow, which, by customary law, should have made her submissive when it came to managing her husband's fortune. But Wambui's legal fight messed up these traditions. Local news outlets portrayed her as a strong woman who was questioning strongly held cultural norms, and they often emphasised how she was a victim of systems that were dominated by men. At times, she was shown in a sympathetic light, bringing out how unfair it was that her dead

husband's family treated her badly and tried to control her. But her life also showed how strong she was, making her an example of women's strength. This is clearly explained as, "After her husband's death in December 1986, Wambui was involved in a landmark court battle – the case of Wambui Otieno v Umira Kager Clan. The controversy surrounding Silvano's burial and Wambui's brave fight to secure her rights as a widow against her husband's family made her notorious in some quarters but also a hero to many Kenyans. The case dubbed the 'trial of the century' by the Kenyan press, brought attention to the rights of women, especially widows, under Kenya's constitution" (Adenekan, 2017).

International news outlets saw her case as a microcosm of bigger problems around the world with gender, inheritance rights, and women's rights in countries. This is clear from the news report, "Mrs. Otieno's intertribal marriage to her husband in 1963 was one of the first between Kikuyu and Luo in Kenya and at the time was viewed as shameful. She had portrayed the court battle, which touched on the role of women in modern Africa, as a test case for women's rights in Kenya. In this East African country, as in much of the rest of the continent, men dominate society and women have inferior status" (Rule, 1987). The way the media talked about Wambui was also affected by a global feminist view that brought up the need to change inheritance rules and give women more power in legal settings. The majority of people in Africa think that modern ways will finally replace ancestral practices. The judge's final statement is "Times will come and are soon coming when Luo customs for burial will be abandoned. It is an undeniable fact . . . that change is inevitable. But it must be gradual" (Kraft, 1987). "In the end, she lost the epic 154-day court battle and SM was buried in Nyalgunga on 23 May 1987. Otieno and her children boycotted the funeral" (Kenya, 2022).

Foreign correspondents looked at it with a more objective and comparative view, "finding similarities with similar battles in other African countries and beyond" (Dino, 2011, p. 98). A lot of news sites around the world told the story in the context of feminism and emphasised how important her actions were as a symbol for women's rights movements all over the world. Many of the stories that foreign writers told about Wambui made her seem like an international symbol of women fighting against male power, not just in Kenya but all over the world as women fight for equality in the law and in social settings. "Wambui invited reporters to her home in the Nairobi suburbs. There she delivered a speech about women's rights. She vowed to fight for women's liberation worldwide" (Harden, 1987).International media, in particular, focused on how Wambui's situation was unfair because of his history and culture. In these stories, her resistance was often seen as a fight against long-lasting colonial and post-colonial systems that kept African women, especially widows, from voting. They looked at Kenya's social and political situation and pointed out how local customs were written into laws that made it harder for women to receive, make a living, and make their own decisions. Wambui's case was often brought up in feminist conversations around the world as an example of the bigger fight for gender equality in Africa. Journalists were interested in how her case showed how gender, race, and class can interact, especially in post-colonial African countries where women are often caught between legal, religious, and cultural expectations. Wambui was portrayed as a person who not only refused to follow these rules but also stood for the fight for women's rights as a whole. Her fight became a symbol of the larger global movement for women's rights, and women around the world who were going through similar things saw her as an inspiration.

5. Results

Using the Butler's theory of Gender Performativity to analyse Wambui Otieno's court case shows how "performing acts change the gendered identities because of situation and time" (Harden, 1987, p. 78). The legal battle Wambui is conducting against chauvinist ideas is more than just a fight for her rights. It is also an act of gendered resistance that questions ideas about widowhood, leadership, and legal power. Gender is not a fixed identity. Instead, it is a set of behaviours and acts that are changed and rearranged. The study's findings show that Wambui's gender performativity has the potential to question and break down the gendered power structures that keep inequality going. By refusing to play the standard roles women are expected to play, she becomes a force for change that opens up new opportunities for women's rights, representation, and leadership in society. In the end, her court case is a strong example of how gender is used to challenge patriarchal rules. It is clear from these lines, "There is no gender identity behind the expressions of gender; that identity is performatively constituted by the very 'expressions' that are said to be its results" (Butler, 1990, p. 33).

Even though local and foreign journalists looked at Wambui Otieno's case from different points of view, they all agreed that her battle was a major turning point in the fight for gender equality in Africa. Local journalists in Kenya focused on her direct effects and how she defied customary laws and gendered power structures. International journalists, on the other hand, put her story in the context of larger global movements for women's rights and saw her as a part of a bigger historical and socio-political struggle. In both cases, how she was portrayed in the media showed how important it is to fight gender roles and the things that get in the way of women's constitutional rights in the legal, political, and social spheres. Thus, Wambui is portrayed in the media as a strong example of how gender, society, and the law all affect each other. From the point of view of both local and international journalists, her case showed how traditional gender roles and current legal systems are at odds with each other. The way the media portrayed Wambui as a strong, independent woman fighting against patriarchal systems helped bring attention to the problems women still face in patriarchal societies. Since then, her case has become an important part of the global conversation about women's rights and gender justice. It is a powerful

reminder of how challenging gender norms change things and how important it is for the media to give women fighting for equality a voice. Wambui became the leader of the Women's Wing of Tom Mboya's Nairobi People's Convention Party. This party then became affiliated with the Kenya African National Union (KANU). In 1991, she became a member of the Forum for Restoration of Democracy, which sought to advance multiparty politics in Kenya. "In 2007, she established a new political party the Kenya's People's Conventional Party, and unsuccessfully contested a parliamentary seat as its candidate" (Wamai, 2011). Her substantial political involvement demonstrates her dedication to overcoming gender inequity, corruption, and ethnic tensions in Kenya. Journalism fundamentally entails the dissemination of news. However, its scope has significantly broadened nowadays. It encompasses news and opinions, information, and guidance. It is clearly stated as, "Journalism is the publication of news and views on various aspects of human activities in newspapers and periodicals. It performs a utilitarian function when it disseminates information. It conveys national policies to the public" (Muthukrishnan, 1998, p.14).

"Journalism and news reporting are very important for understanding complicated situations like Wambui's claim to Otieno's body" (Kraft, 1987, p55). They act as a link between the law, culture, and society, and they make sure that everyone is held accountable and transparent. By carefully describing the background, news reports make it clear about the relationships, conflicts, and situations that led to the disagreement. This helps the public all over the world understand and feel empathy for those involved. It depicts the complicated law issues and cultural practices, revealing biases in traditional systems that leave petitioners, especially women, on the outside, bringing to light systemic injustices that affect outcomes. Media gives underrepresented people like Wambui a chance to be heard on stage. This starts a conversation in society and makes people think about their lives. Investigations reveal secret facts or contradictions that revolutionise the way the law is applied and how the public sees it. This allows for a more examination of the court system. News stories connect specific cases to global conversations about justice, gender equality, and human rights by involving both local and international audiences. In the end, journalism not only reports on events but also changes public opinion and the responsibility of institutions. This research shows how powerful it is to fight for individuality and rights even in intense disagreements.

6. Conclusion

The court conflict involving Wambui Otieno and the ensuing public attention around her fight for authority over her deceased husband's burial and estate exemplifies a multifaceted interplay of gender, justice, and power relations, highlighting the contestation and redefinition of gender norms and cultural expectations. Her portrayal in both domestic and foreign media highlights the complex nature of her case, illustrating the conflict between traditional patriarchal systems and contemporary judicial structures. News reports portrayed her as a symbol of resistance against cultural traditions that undermined women's agency and autonomy, establishing her as an emblem of female empowerment and resilience. Conversely, international media contextualised her case within a global feminist framework, highlighting overarching concerns of gender inequality, legal disenfranchisement, and the systemic obstacles women encounter in post-colonial cultures. Although both viewpoints commended her bravery, the differing representations also underscored the constraints of personal defiance against established societal frameworks. This research exemplifies a personal quest for rights and a broader commentary on the persistent struggle for female equality. It demonstrates how a woman's legal and civil rights are frequently obstructed by patriarchal traditions, while simultaneously highlighting the transformative possibilities of challenging these conventions with the help of news reports.

Limitations are also there in the research. First, media representations are basically subjective, inclined by editorial policies, cultural biases, and political affiliations, all of which can distort the portrayal of Wambui Otieno's fight. The dependence on journalistic sources limits access to firsthand accounts, as many reports may reflect external perspectives. Furthermore, the study focuses more on English-language media, possibly leaving out key insights from vernacular press coverage, which may present alternative narratives more reflective of local opinions. Another restraint is the availability of archive materials, which can become unreachable, incomplete, or lost over time. The research also does not go into great detail about legal assessments of her case, which could provide a better grasp of the judicial significance of her struggle. Furthermore, the study does not investigate detail on the viewpoints on Kikuyu traditions around widowhood, which are essential to the struggle she encountered. The impact of colonial legacies on gender dynamics and media framing is vast and diverse, focusing more historical investigation beyond the scope of this study. Furthermore, because media narratives change over time, the study's findings may not fully capture altering public opinions of Wambui's actions in the forthcoming years.

Future research can look into how masculinity and male identity are constructed in media narratives alongside female challenges, and whether men who support or oppose gender activism are portrayed differently. Another approach could be to investigate the impact of media ownership and editorial policies in affecting gendered reportage, especially if state-controlled and independent media present different portrayals of women's confrontation. Furthermore, studies should look into the psychological impact of media portrayals on women who challenge traditional conventions, including how public awareness impacts their activism and personal life. Research could also look into the economic aspects of gender identity in journalism, such as how financial independence or reliance influences narratives about women's rights movements.

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Authors contributions

Ng Miew Luan conceptualized and developed the arguments presented in the article and wrote the manuscript. Megala Rajendran contributed to the literature review, validation of the arguments presented. Saranya C contributed to the development of the arguments, edit and revision of the paper. Revathi P contributed to the edit and revision of the paper. Tak Jie Chan contributed to the edit and revision of the paper. We, authors, discussed the research findings, contributed to the interpretation of the results, reviews and approved the final version of the manuscript. Informed consent Obtained. Preethi N. R review and Proofread. Prakash A provided critical insights and ensured the overall clarity of the paper. Priyadarshini M C drafted and revised. All authors read and approved the final manuscript. In this paragraph, also explain any special agreements concerning authorship, such as if authors contributed equally to the study.

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