

**LAND REFORM:  
STILL A GOAL WORTH PURSUING FOR RURAL WOMEN?**

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Paper to Development Studies Association  
*Different Poverties, Different Policies*  
10th-12th September, 2001  
Owen's Park  
University of Manchester

<p><b>Note:</b> a subsequent, shorter version of this paper has been published in the <i>Journal of International Development</i>, <b>14</b>, 2002, 887-98.</p>
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Land reform, after a long period of being considered irrelevant or passé, has now emerged into the media and political limelight. To some extent, this is due to the well-publicised land invasions in Zimbabwe. However, the Brazilian MST's mobilizations in the 1990s have attracted attention and land invasions have also occurred in South Africa in the recent period (Merten and wa ka Ngobeni, 2001; MacGregor, 2001). Although more attention is now being paid to gender rights, these still tend to be treated as an 'add-on' category.

This paper asks to what extent land rights within redistributive land reforms might benefit rural women in contemporary conditions. The experience of women within most previous land reforms has been negative, or at best ambiguous. Moreover, the recent period has seen marked changes in agricultural production and diminution of reliance on agriculture within livelihood strategies, which have become more diversified in many regions. Thirdly, although many rural women lack direct land rights they are subject to a range of insecurities, beside which the lack of land rights may not appear the most pressing problem. Where women do acquire land rights, these are usually intertwined with macro-level conflicts and may generate additional conflict.

Within these contexts, it seems fair to enquire whether it a struggle to engender land rights remains worthwhile. If so, what benefits might control over land give to poorer sectors of rural women?

The main point of this paper is to raise general questions and issues rather than to discuss specific societies. However, it is recognised that 'rural women' operate within specific geographical, social and cultural circumstances and so any benefits or constraints may vary. I also draw more heavily on examples from southern Africa (Zimbabwe and South Africa) than elsewhere, although I make reference to other regions and cases.

The paper is structured into a number of short sections, as follows: the first (and longer) section discusses the experience of women in land reform programmes. The second notes evidence for deagrarianization. The third briefly reviews some of the non-agrarian insecurities facing women in rural Zimbabwe and elsewhere as a means to contextualise what the importance of landholding might be. The fourth follows on to consider several cases of women (especially widows) holding land and the constraints they face. The fifth considers arguments concerning land titling vs. customary law, and Latin American developments.

The sixth section considers arguments for women's land rights. The seventh briefly takes up the question of what social and legal changes might be helpful in facilitating rights being carried out in practice. The last discusses the phenomenon of conflicts around increased landholding and property rights for women.

### **Gender and Land Reforms:**

The results of land reform processes have usually been disappointing for women, especially married women. Below I summarise twenty-two case studies of gender and land reform, taken from Africa, Asia and Latin America<sup>1</sup>. (See Jacobs, 1997 for fuller discussion.) Ingrid Palmer (1985) has also written a hypothetical case, drawing on studies worldwide. Here, in general I discuss results of land reforms 'for women'; this is largely due to the constraints of the literature - sparse in any case - which usually does not differentiate among social groups of women. I do not, as noted, assume that women are a homogeneous category. The extent to which gender predominates over other positions/identities/divisions such as class, nationality, ethnicity depends to some extent on particular instances (Anthias and Yuval Davis, 1983). Nevertheless it is the case that despite wide variation in geographical regions, extent and intent of reform, in the status of women, in culture and religion, and in kinship types, reforms along individual household/family lines have had strikingly similar results, and many of these are negative for women.

The most important factor in land reforms in which individual households benefit is that married women generally are excluded, or else subsumed under their husband's title. Only people deemed to be household heads - nearly always men - are granted land. In effect, male household heads may be confirmed as a new class of small landowning farmers. In some schemes, for instance in Honduras, Tanzania and Zimbabwe, 'female household heads', always defined as women without adult males present, are allowed to hold land, but in practice few benefit. Agarwal (1994b: 281) notes a 'negative' case in West Bengal, in which land redistribution meant a *loss* of widows' land to male beneficiaries. Palmer (1985) argued that a married woman's access to land is akin to that of a bonded labourer. This aspect of land reform policies sets the basic parameters within which they must be analysed. Wives start out structurally disadvantaged vis-a-vis husbands. Other possibly advantageous, changes that may occur, do so within this framework.

Below I list the main factors that emerge when considering individual tenure land reforms in gendered terms. It should be noted, however, that each case of land reform contains some aspects which are beneficial to [most] women and other aspects which are 'detrimental' - i.e. they tend to undermine women's, especially wives', influence, household power and autonomy.

*General consequences of individual tenure land reforms:*

In some areas/regions, particularly in Africa, married women customarily have access to a plot of land on which to cultivate 'women's crops', generally food crops. As Lastarria-Cornhiel points out (1997), although women were (and are) not the social equals of men in African systems, nonetheless in the past, customary lineage-based systems usually functioned so that a woman had access to land adequate to feed herself, her children and the husband. Due to a variety of factors - colonialism; appropriation of land; migration; wars; Islamisation; famines; HIV/AIDS; titling, such systems have broken down, or at least operate sporadically in many parts of Africa, so that today many women lack lands adequate for subsistence (Lastarria-Cornhiel, 1997). Nevertheless, women's rights to some land for cultivation persist, albeit patchily. Where such rights still exist, most African studies of land reform report that women have lost such rights with reform and land resettlement. Thus they have lost an important basis for a degree of autonomy in agricultural production.

Most reforms increase the burden of work both for both sexes, but particularly for women. Initial preparatory work is arduous, and there is more land to cultivate, more pressure on labour generally and an urge to make a profit (or just a living).

Studies that pay attention to the aspect of social class are able to add evidence on the subject of increased workloads as well as other factors. Several studies, in Ethiopia, Zimbabwe and Mexico [the latter, in a more general context: see Young, K, 1978], find that wealthier peasant women's labour is least essential to the household, since labour is more likely to be hired in; there may also exist, in some areas and cultures, a notion of dishonour attached to women's public field labour. This data concerning wealthier peasant women does not contradict my own: 'middle' peasant women's labour is most important for smallholding households that hire in few outside labourers (Jacobs, 1989b; 2000). Examining poorer peasant households, it is a common and unsurprising finding that women are most likely to labour for wages outside their households: even if some stigma is attached, bringing in wages may increase women's power within households (Dwyer and Bruce, 1988; Jacobs, 1989a; Blumberg, et.al. 1995; Pine, 1996). With regard to workloads, middle and poorer strata women have the heaviest workloads, especially where households are female-headed and/or hire in little outside labour. Many, although not all, female headed households are poor, as is now commonly observed. Their poverty also reflects the importance of gender: women-headed households often lack access to credit and new technologies (Chant, 1997).

Analysing women's reproductive roles in relation to land reform, it seems that land reforms may increase the pressure to reproduce children, given the importance of family labour on plots (Palmer, 1985).

Concerning provision of services such as shops, clinics, schools, water, and cattle dips: although in some cases these are completely (or near-completely) lacking, it is common to find that schools and clinics are in process of being constructed in the early period of land reform. Similarly, access to potable water is often a government aim. However, women frequently have long distances to travel on foot, especially to fetch water and fuel. Poor communications also exacerbate problems of marketing. Generally, conditions on new land resettlement and land reform areas may be arduous, and this factor is linked particularly to poor service provision.

A main aim of land reform policy is to raise peasant subsistence and income levels. Studies, even ones very critical of policies concerning class and gender, find living standards and food security are often improved by land reform (Barraclough, 1991; El-Ghonemy, 1990; Ghimire, 2001), despite the burden of more (and heavier types of) work. Tadesse (1982) reported, for instance, that for Ethiopia, resettled peasant women at the time of study were enormously relieved that they did not have to worry about absolute food security. Increased food security was also an important factor in Zimbabwean women's feelings of support for resettlement (Jacobs, 1995).

Are women's own incomes raised as a result of increased household income? According to the literature, married women typically lose control of their 'own' incomes while that of the household head rises. This factor parallels female loss of control over land. Nearly all studies reported similar results. Women lose income through the following factors: loss of access to raw materials and to land; loss of economic niches (i.e. trading and marketing opportunities) through relocation; the need to travel very long distances; and loss of personal contacts. At the same time, men often acquire monopolies of new cash-cropping opportunities only available to women through male mediation. Men's new opportunities often increase their power vis-a-vis women in the household. It might be noted here that Zimbabwe seems to be an anomalous case, since evidence suggests that wives' incomes increased.

Decision-making is mentioned in a few studies. In Honduras, Mexico, Libya, the Mwea scheme, Kenya and in Sri Lanka, wives' scope for decision-making was reduced due to loss of women's land, due to greater surveillance by the husband, due to the increase in male authority and *machismo* and due to women's greater confinement to the role of 'housewife' (see Brunt, 1992). Agarwal (1994b: 436) argues, additionally, that middle and wealthier peasant women are less likely to oppose husbands than are poor peasant women, because wealthier peasant women have more to gain through identification with 'the' household.

Growth of the nuclear family *model* (or sometimes, on-the-ground nuclear family arrangements) is important. It is related in part to the fact that reforms often involve relocation. People who are moved to unfamiliar areas with unfamiliar people may retreat emotionally; they may turn inwards towards the 'couple'. Colson noted (1960) that husbands and wives may come to rely more upon one another with resettlement: this implies dependence of the husband upon the wife as well as the wife upon the husband. However, where the nuclear model is also of a monogamous family, one or several wives may be completely left out and/or deserted, since a man can register only one wife (Fapohunda, 1987). The wife (or, the only legitimate wife), without access to land or to her own income sources, becomes almost completely dependent upon the husband. Usually this occurs at a time when she is separated from wider kin networks. General disruption also appears to render women more vulnerable to divorce, which in turn, often leads to impoverishment.

Concerning how loss of wider kin is viewed, much depends upon the prior kinship and marriage system. In particular, it may be that many women prefer nuclear families to patrilocal patrilineages. In China, Judith Stacey reports (1982, 1983), women preferred the smaller family system under land reform because it attacked the power of husbands' patrilineal relatives (especially, that of the mother-in-law) over younger wives. The nuclear family in this instance enhances wives' influence. In the Zimbabwean schemes I studied, most women also preferred

to be free of the husband's patrilineage relatives.

At the same time the nuclear family model and other changes have usually meant that women have lost autonomy. By 'autonomy', I mean not complete independence - few human beings have this - but space to negotiate; or, to 'bargain' (Kandiyoti, 1988; 1998) from a position of social power and status equivalent to other community members. A number of women have benefited materially from land reforms, it seems, but at the price of loss of room for manoeuvre inside and outside their households. The nuclear family model is often double-edged for women, meaning a growth in surveillance and control by the husband, but also more interdependence, intimacy and potential influence.

The experiences of many women in individual family resettlement schemes in Zimbabwe, from my 1980s research, were more positive than the picture I have outlined above, which is based mainly on other cases. In my study, I found that women had gained both in terms of access to their own incomes and in amount of own income (see also Goebel, 1999); to more of their 'own' land [i.e. granted by the husband]; and by greater influence in family decision-making. There was also a slight shift in the gender division of labour in favour of women: men took more part in fieldwork, lightening women's loads. Additionally, women benefited indirectly from the power of Resettlement Officers (who administered Resettlement Areas until early 2000), since the latter encouraged men to be 'better husbands' - drinking less and reinvesting money in households and farms (see Jacobs 1995).

However, the Zimbabwean case does not alter the general observations made: husbands have benefited, in most cases at their wives' expense. 'Gender-blind' policies have meant some deterioration in women's position within marriage, even though these effects do vary, for instance by class and by age. And in most of the societies studied, women's situation will deteriorate markedly in case of divorce, particularly without access to land.

#### *Gender-Blind Discourses:*

The above policies have been constructed by governments and agricultural ministries, not academics (although academics act at times as advisors). It is perhaps not surprising that policies are constructed which appear gender blind but which discriminate against women when even much academic work in 'peasant studies' remains little-touched by three decades of feminist work.

Many accounts of various aspects of peasant life and economy still have not attended to the question of gender, although they disagree profoundly in other respects. Populist-inspired writing sees the 'peasant' form as existing outside capitalism (Cox, 1986) and is, in my opinion, virtually unable to incorporate concerns of either class or gender. For instance, despite Lipton's (1993) concern that land actually be redistributed to poorer/poorest producers, he writes only of 'family' farming. Marxist writing is of course able to analyse capitalism and its transformations - which sometimes mean a near-obliteration of peasantries -but is often defensive as to the implications of gender analyses (e.g. Brass, 1995). In this respect, then, the two schools become unified. Much writing assumes that households/families are undivided entities in which the 'head of household' manages on behalf of the family, taking all interests into account. In discourses of land reform - and more widely, in much work concerning peasants - women are assumed to 'reside' conceptually and practically within households, with little attention paid

even to the most obvious factor, their productive contribution to household agriculture and petty industry. Such assumptions, of course, have been critiqued by a still-growing body of feminist literature. What is notable is that this body of feminist work on the household still, in general, exists separate from mainstream literature on land reform. In six 1990s published books on land reform (Barracrough, 1991; Christodoulou, 1990; El-Ghonemy, 1990; Prosterman, Temple and Hanstad, 1990; Sobhan, 1993; Thiesenhusen, 1995), gender divisions are either omitted or else mentioned only in passing.

This omission means that the intertwining of kinship, gender and class relations *within* smallholder households remain unanalysed. Failure to disaggregate 'the' household is particularly serious for studies of smallholding agriculturalists because these holdings (or rather, the male holders of land) depend crucially upon 'family' labour. Other sources of labour, such as (especially) child labour; cooperative labour; wage labour, can be and are used in varying combinations. However, adult female labour remains the most reliable and important labour source for most small and medium-holding households.

Recently, work on land reform has taken gender into account more seriously. For instance, a collection on land rights and tenure in Africa contains a chapter on gender (Toulmin and Quan, 2000). However, another, useful, recent work on land reform tends to treat gender as an add-on category, discussing women as one of the categories of the poor (like commercial farm workers, indigenous populations) who might benefit from land reform (Ghimire, 2001). Although an improvement from complete gender blindness in that it recognises 'double oppression' and women's increasing dependence upon men with commercialization, this approach fails to recognise the above complex linkages between family and economy.

It has been left to feminists - and not a large group of them - to analyse gender with regard to land reform policies. (See e.g. Deere, 1977; 1986; Deere and Leon de Leal, 1987; Agarwal, 1994b; Davison, 1988; also Meer, 1997a and 1997b; Meurs, 1997 among others.)

### **Changing Livelihoods and Deagrarianization:**

The 'deagrarianization' thesis is now widely discussed and documented. Hobsbawm noted the trend of depeasantisation except in sub-Saharan Africa, China, and south/southeast Asia (1995). Now a growing body of work emphasises the decline of 'traditional' peasant communities and the necessity for rural dwellers to diversify out of agriculture in a variety of ways (Bryceson, Kay and Mooij, 1999; Ellis, 1999, 2000; Francis, 2000a). Bryceson notes in particular the impacts of structural adjustment and liberalisation on peasant livelihoods, and smallholders are forced to compete in the global market, but with reduced state backing (Bryceson, 1999). Bryceson et al. (1999) as well as Ellis (2000) and Francis (2000a) discuss these trends for various world regions.

As elsewhere, rural livelihoods in the sub-Saharan African region have diversified as agriculture becomes less viable, productive, or possible, or as access to land becomes more insecure; people must rely on a range of income sources (Bryceson, 2000; Francis, 2000a; Murray, 2000).<sup>4</sup>

Deagrarianization has occurred both in Zimbabwe (before the present land invasions and economic crises) and in South Africa. Scoones et al. (1996) found in Chivi district Zimbabwe,

that people relied on a range of income sources, particularly during time of drought. Kinsey (2000) found that even in Resettlement Areas (see below), income sources were not confined to agriculture and that for women, activities such as sewing, trading, beer brewing, and raising chickens were significant in maintaining income. Wage remittances and/or pensions form the primary income source in many areas of the country and within many households (Francis, 2000a: 181; Cousins, Weiner and Amin, 1992; Jacobs, 1989b).

Nevertheless, agriculture remained of great importance both in the Zimbabwean macro-economy and in household economies, even before the Accelerated Resettlement Programme. The majority of rural people have some access to land, although the amounts are often very small, and of poor quality. Land hunger, as seen in recent events, is a real phenomenon.

In South Africa, agriculture is no longer the main rural economic activity. Most people rely on a variety of activities, of which agriculture is not necessarily favoured, to survive (Cobbett, 1988; Marcus, Eales and Wildschut, 1996). The share of farm income within the former Homelands is particularly low, averaging 15% (Sahn, 1994, cited in Francis, 2000a:56). Nevertheless, 1997 figures indicate that 70% of the rural population have access to land, although half of this number have access to one hectare or less (May, 2000a: 23). One-third of rural households engage in some agricultural production, (May, 2000a: 24). For 18% of households, it is the prime activity. Such statistics may not wholly reflect the importance of subsistence agriculture, however (see Shackleton, Shackleton and Cousins, 2000). Access to land is also important as a retirement strategy, making land an important resource even in an era in which multiple livelihood strategies prevail. It also continues to hold much symbolic importance.

The extent of deagrarianization, and responses to it, of course vary between countries and between regions and localities within them, but the trends are clear. Overall, for many rural households access to land is of less importance than previously in ensuring livelihood security. Despite this, land remains of both material and symbolic importance (El-Ghomy, 2001).

### **Insecurities**

Equitable access to and control over land is very difficult for women to effect within land reforms, as seen above. Even were they to have secure access to land, however, it would not be a panacea for most rural women, including those in southern Africa.

Aside from diversification of livelihoods, landlessness is only one risk among many. Human lives are chronically insecure; as Francis points out, the lives and livelihoods of the majority of the region's population, who are poor, are fraught with risk as a generalised condition (Francis, 2000b). Without implying that male lives are secure, it is nevertheless the case that insecurity is a gendered phenomenon. It is also one that crosses cultures, although the components of insecure and disadvantaged life-chances differ. Women in Britain, for instance, are divided according to racial, ethnic, religious and class positioning. Despite these divisions and differences, and despite recent recognition of success in education, many women are affected by low pay, ghettoization and discrimination at work and in employment contracts. Women are subject to derogatory sexual stereotyping, especially through the mass media (and much of popular culture..); a large minority of women suffer from 'domestic' or intimate violence, from

rape and from other forms of abuse.

Considering at greater length the Zimbabwean example: the generalised risks of life for nearly all people are now overwhelming. Both men and women suffered from structural adjustment programmes and now from general economic crisis, from political violence and from lack of delivery of services such as police protection and health care. However, women are affected differently from men: e.g. Zimbabwe's health care system has recently been ranked by the WHO the worst in the world (*Financial Gazette*, 2001), and women tend to be responsible for family health care, as in most societies.

Another source of insecurity lies in the legal sphere. Zimbabwean women's legal situation, although improved since independence, still constitutes a great restraint on their life circumstances. The Legal Age of Majority Act (1983) gave women some basic citizenship rights (e.g. the right to vote at age 18; to represent themselves in court; to make contracts) but customary law still structures women's lives, especially in rural areas. Although customarily women could claim the right to proceeds from activities 'of their own hands' -e.g. midwifery, beer-brewing, sale of own crops - it has become common for husbands to claim rights to all property and income of the wife (Ncube and Stewart, 1995). Divorce and desertion are endemic, constituting a major source of gendered risk, particularly as deserted/divorced women frequently find themselves without means of support (Mpofu, 1983; Batezat and Mwalo, 1988; Pankhurst and Jacobs, 1988; Moyo, 1995). Inheritance rights are another major cause of insecurity. Even African women married in civil (Christian) ceremonies stand to have nearly all marital property appropriated by the husband's relatives should he die, as most people do, intestate (Stewart and Armstrong, 1990). A 1997 law guaranteed equality of inheritance between female and male heirs, but this has been partly undermined by a recent judgment. From 1998, the Legal Age of Majority Act has been queried in Parliament, with attempts to overturn it (Zulu, 1999:8).

Even were they aware of the rights they have in law, in rural areas most women lack financial resources, time and confidence to bring court cases to assert their claims (Kazembe, 1986; Hilhorst, 2000).

Malnourishment and disease are further sources of risk, particularly as at least 60% of the population now live below the official poverty line (BBC, 2001). Many people in southern Africa are malnourished, among them many mothers. Arduous hours of work - up to 16 hours or more a day - are common for rural women seeking to help their families to survive, and this takes its toll on health. Major diseases include malaria, tuberculosis and cancer. Over 25% of Zimbabwean adults are carriers of HIV/AIDS (Lowensen and Kerkhoven, 1996), with rates of infection in the most sexually active age groups (15-45) even higher. Approximately 30% of pregnant women were found to be HIV positive in one Harare hospital (Boseley, 2000b). Turshen (1995) notes that, throughout the continent women bear the brunt of the disease, in the mid-1990s constituting 60% of cases in Africa as well as being carers for the ill, but often being blamed for the disease. The spread of HIV/AIDS in Zimbabwe as in South Africa (which has slightly lower rates of infection) is thus exacerbated by lack of strong state action in terms of programmes of education; by lack of knowledge about the cause of disease in both urban and rural areas, and by a culture which does not discuss it openly (BZS *Newsletter*, 1998; Boseley, 2000b and c).



In South Africa, women are far better protected through legislation than in Zimbabwe due to recent and radical gender related reforms<sup>3</sup>; however, customary law operates in practice in rural areas. The poor are concentrated in rural areas, which contain over 70% of the country's poor being rural people (Hargreaves and Meer, 2000: 265). As elsewhere, women are far more likely to be impoverished than men (Magardie, 1999, citing UNIFEM statistics; May, 2000); homelessness is a particularly severe problem due to forced removals under apartheid.

Despite the aftermath of official apartheid, South African society is more stable/intact than Zimbabwe's at present, and much official/rhetorical support for gender equity exists. However, crime rates especially in urban areas are very high: violent assaults and murder are commonplace, as is rape and sexual assault (White, 1993; Fagan, Munck and Nasaden, 1996; Misihairambwi, 1998; Hirschmann, 1998). South Africa is one of the world's most violent places with regard to sexual crime (Magardie, 1999). It may not be far-fetched to employ the term 'wars against women' (e.g. Kelly, 2000) in this respect.

The above examples are patchy but aim to illustrate the range of risks and insecurities which frame women's lives. The demand for land should be viewed within this context.

### **Land Tenure and Land Titling:**

I do not assume that 'security' is equivalent to individualisation and land registration. Much criticism of land titling exists, especially in the African context. Bruce and Migot-Adhola (1994) argue that privatization and individualisation have led in Africa to polarization: ie increased land concentration and landlessness.

El-Ghonemy fiercely criticizes the dominant international policy of treating land as a marketable commodity like any other - e.g. fertilizer (2001:130)

"The experience of the countries examined...suggests that in many ways implementation of LMR (land market reform) within the context of economic reforms offers few prospects for disadvantaged groups to secure access to land, It curbs public investment in expanding crop land and enhancing human capabilities among the poor and reduces funds needed for government to purchase private land for sale to poor peasants." (El-Ghonemy, 2001:131)

For Africa, some argue that where land is not scarce, titling is unnecessary; in any case, customary systems work efficiently in these circumstances (Platteau, 2000).

A number of critiques of the effects of titling for rural women are emerging. El-Ghonemy points out that institutional changes coupled with commercialization of agriculture increase the uncertainty of women's individual access to land and often threaten household food security (2001). Marcus, Eales and Wildschut (1996) maintain that [for South Africa], land title registration would be likely to mean that women lose land, since most cannot compete in the market (see also Lastarria-Cornhiel, 1997); within customary systems, poor women are more likely to retain access. Hilhorst writes that registration of land is likely to weaken local institutions which used to provide economic security to all community members and which kept economic differentiation in check (2000:189).

However, customary law is highly discriminatory against women in patrilineal systems. Opinion is divided among South African and Zimbabwean feminists. For instance, the Zimbabwe Women Lawyers Association favours enactment of statutory law, but the Women's Land Lobby Group is more equivocal on the question and appears to call for corporate not individual title as well as the codification of customary law. The Women and Law in Southern Africa (WLSA) Trust argues that customary law (in its contemporary but not historical operation) is oppressive, and opposes codification but does not have a clear policy on land tenure (Whitehead, 2001). The difficulty that many feminist groups have in reaching a clear policy reflects the dilemmas mentioned above: is some reform of customary law possible so that women will be included more equitably?

Toulmin and Quan, writing of Africa, note that statutory law is more favourable to women than customary law but that "it is difficult to see how these proposals can be implemented". In other words, it is difficult or impossible to ensure gender equity, or even large shifts in gender relations, within villages and kinship groups let alone households.

Deere and Leon in recent research present a far more positive picture of the gender implications of current neo-liberal land titling in Latin America (1999). These processes are occurring in the wake of dismantling or alteration of land reforms in various countries, many of which had assumed collectivist forms. Due in part to pressure from women's groups as well as to the emphasis on individual rights with neo-liberalism, wives have gained mandatory rights to joint land titles with husbands in a number of countries, including Colombia, Costa Rica, and Nicaragua. Honduras, where joint titles are optional, refers to rights of *campesinas* as well as *campesinos* in context of granting rights to juridic persons rather than household heads. Some countries emerging from periods of protracted political conflict have given rights to specific groups: women refugees [Guatemala] and female combatants [El Salvador], as a result of peace accords. Costa Rica attempted affirmative action for women in consensual unions by granting title (in 1990) in the woman's name alone; however, in 1994 this was overturned as a group of men brought legal suit, alleging gender discrimination.

The authors document that, even where titling is not joint, wives have in a number of cases gained land title through the individualisation of land rights: e.g. in cases of land adjudication in Colombia (1995) women gained 19% of titles; in Costa Rica (1990-92), 45%; in Nicaragua (1992-96), 45% (1999: 34). Notably, in Brazil, the country with the largest agrarian reform (and the greatest demand for land by the landless),<sup>4</sup> joint titling must be requested by the couple.

Deere and Leon also point out that it is in indigenous communities that conflicts between gender rights and communal rights are most acute.

Deere and Leon are highly optimistic about gender progressive land titling, but they are silent on the subject of social class and on the possibilities of increasing polarization among women as well as men. Nevertheless, the formal changes in Latin American land titling are substantial and are likely to lead to shifts in gender (as well as social class) relations.

For those hoping for, or attempting to formulate, gender equitable solutions, the choices appear harsh: either gender friendly land titling which will nevertheless marginalise poorer sections of rural women (ie the great majority in most instances) or else continued marginalisation as

`secondary rights holders' through customary law.

This issue is deeply emotive, and possibly intractable. Here I simply argue that social and legal policy should not advantage men over women. For instance, if land is state owned and held through permits, adult women should hold permits as well as men. If titles are individualised, then women should have access to titles regardless of marriage status, and the titles should explicitly name both/all [in the case of polygynous marriages] parties. Subsumption of women's claims and rights under the rubric of community or household will simply result in the persistence of female invisibility.

### **Limitations to land:**

This section examines several instances of women with smallholdings and other forms of property. Most women in the African region outside matrilineal pockets who have managed to gain land are widows /divorcees with dependants. Examination of the case of widows<sup>5</sup> on Zimbabwean RAs provides some indication of the types of problems faced by female-headed households which do have independent access to land.

Although few widows were resettled early on in the Zimbabwean land resettlement programme, they have become more numerous. Widows who held land titles in the mid-1990s constituted about 15% of settlers (Gaidzanwa, 1995). They have been able to gain such titles for several reasons. One is that men tend to marry women much younger than themselves, so die before their wives. Recent rulings have meant that customary law is deemed not to operate in this respect within Resettlement Areas (henceforth, RAs), and widows are seen as legitimate heirs of land. This has not stopped patrilineal relatives moving in to claim land, but some Resettlement Officers ruled on widows' behalf. In Allison Goebel's Wedza study, about one-fifth of settlers overall were widows (Goebel, 1999). These proportions cited are exceedingly high in international terms.

Despite the benefits conferred by access to adequate amounts of land, resettled widows commonly suffer from a number of constraints. It is a common finding that female-headed households are impoverished (Jacobs, 1989b; Cousins, Weiner and Amin, 1992; Burgess and Beilstein, 1996), and sometimes this is assumed to include all widows/ divorcees. However, some writers note that not all widows/female headed households are poor: in my study I found a minority to be well-off. More usually, though, lack of command over labour hindered widows' ability to cultivate land; such lack of command over labour is not a localised issue but has been reported world-wide and in different economic and cultural contexts.

Agarwal (1994b, 1998) cites the South Asian taboo on women using ploughs as a particular constraint; widowed women who inherit land must still rely on other's labour, and must be able to employ or to command others, although they may still be able to manage farms. Another, Mexican, case (cited in Blumberg et.al., 1995) concerns similar issues female-headed households commonly face in petty commodity/petty capitalist production, although the type of property differs (see also Chant, 1997). A widow inheriting a husband's thriving garage found it difficult to command labour, as men did not wish to take orders from a woman. Nor did the woman have community `respect' as an owner of property (especially, that related to `male' sphere of motoring.) She lost business gradually and had to sell the garage. Intertwined with

lack of control over labour is a general lack of social power and social status. This may be compounded by great isolation and loneliness; in Zimbabwean RAs, these emotions were compounded by married women's suspicions.

El-Bushra (2000) is among authors who have pointed out a gendered 'by-product' of recent wars and civil conflicts: African women have often gained in status and assumed new roles due to the absence (or death and injury) of male family members. These roles extend to ones in agricultural production (in societies where women's roles were more hidden than in Zimbabwe/South Africa) and as household decision-makers.

Widows (and other female-headed households) who have access to/rights over land and other forms of property may gain autonomy, but they still face both general and gender-related obstacles. Such autonomy usually comes at a 'price' of poverty, huge workloads, loneliness and lack of community status.

The above examples may suggest that, in the absence of wider social changes, access to land alone might not radically alter women's lives. It is notable that in most of the examples above, women were relatively free of customary law, but other constraints continued to operate. Accompanying changes which might benefit women might range from the legal to the practical (e.g. provision of infrastructure and services to support land reform; access to credit) to the social and cultural (for instance, women's stated desire for changes in the patrilineal kinship system [Jacobs, 1995]; changes in other villagers' attitudes towards them). As Stivens et al. suggest (in the context of a Malaysian study), we cannot read off from land ownership, control over labour or product, or women's autonomy, in any direct way (Stivens et al, 1994:100).

### **Arguments for landholding:**

It is clear that access to and control over smallholdings would not eliminate insecurity from the lives of rural women, that land is less central to household economies than it has been previously; that many land reforms have had negative repercussions for married women and that women who do hold land/other property continue to face severe gendered constraints. Moreover, serious disagreement exists about the desirability of individual and communal tenure types, with neither being a clearly 'good' option for poorer female cultivators.

Despite all the caveats presented, I argue that land rights are worth having. In debates such as the above over the titling and customary law, the issue of gender rights over property can easily slip. For instance, following the observation that egalitarian laws are difficult to implement in village settings, Toulmin and Quan write, "...It may be just as important to ensure that women have good access to services and economic opportunities such as health, education and credit." (2000:24). Education, health and other services are indeed important, but need they be (even implicitly) counterposed to land rights?

If we can - as the song went - imagine a situation in which married women held land rights as a matter of course (rather than in exceptional circumstances), what benefits might independent access to land for women (regardless of marriage status) bring?

At a minimum, access to land with greater security and with greater decision-making powers

than obtain at present for married women, would mean greater chances of food security for women, children and also for many men. Women's enterprises and incomes are often more explicitly oriented to food security than are men's, perhaps especially in Africa (Koopman, 1997, Carr, 1991) but also elsewhere (Ghimire, 2001). Greater food security is likely to occur because of the cultivation of 'women's' (food) crops such as groundnuts and sorghum, as well as due to women's greater propensity to reinvest in farm activities (Kidder, 1997). This remains the case even where livelihoods are diversified.

Some evidence exists that food security does not necessarily increase even in circumstances highly favourable to (male-directed) peasant agriculture. In Zimbabwe, as noted, post-independence, peasant-based production has grown apace in RAs as well as CAs but evidence exists that this has taken place in part through intensification of women's labour. Blumberg points out that it has not been possible to establish a link between rises in men's incomes and improvements in children's nutritional status in Africa, although such correlations do occur with increases in mothers' incomes: a variety of studies find that income associated with mothers rather than fathers result in better-nourished children as well as better-educated ones of both sexes (Blumberg, 1988; see also Engle, 1995 on Central America). Kinsey provides indirect evidence for this statement: he has found high levels of child malnutrition even in prosperous Zimbabwean RA households. It is not hard to imagine that mothers of these children may also suffer malnourishment. In the particular case cited, the profits from more land and more intensive labour are not being used for women's food security.

Improved nutrition is not a minor matter. Better nutrition would increase resistance to (some) infectious diseases, would improve prognoses in the advent of disease, and - in the case of HIV/AIDS - would probably prolong the period during which a relatively healthy life was possible.

In a discussion of measures of 'empowerment', Kabeer cautions that access to a particular resource tells us more about potential than actual choices which women might make if they possessed such a resource (Kabeer, 2000); actual choices are affected by cultural context, and human agency is indeterminate. Bearing in mind this proviso, however, it is likely that property rights provide possibilities of a stronger bargaining position. We might hypothesize that in a scenario in which women had control over land, they could make decisions, or more decisions, concerning agriculture without husbands', fathers' or sons' permission. Women might also have more bargaining power in countering extra claims on resources; activities viewed as male (e.g. beer drinking; 'excess' consumption) often constitute a financial loss to the homestead (Jacobs, 1995; Ireson, 1996; Pine, 1996; Francis, 1997). These gender-differentiated spending patterns crop up in numerous testimonies worldwide.

Access to land might not directly halt violence, particularly where this is state-directed or involves police/military personnel. However, at the level of individual 'domestic' violence, it would mean that women could more easily leave abusive relationships with some ability to subsist. Landholdings (in whatever tenure form) are likely to better women's social status and social power.

Here, we can look to an example which is not hypothetical, that of the Bodghaya movement in Bihar, India. This example is very uncommon - possibly unique within land reform

programmes. Astonishingly, wives managed to gain not joint but sole titles within marriage.<sup>5</sup> Both the land reform in general and women's rights to land within it were obtained only after a long and violent struggle (see Manimala, 1983; Alaka and Chetna, 1987; Kelkar and Gala, 1990). Women's rights however, proved difficult to maintain within a patrilineal system. Nevertheless, they were of great significance. As Malan, a village woman said:

"Before, we used to work for a wage on the *Math's* [the religious body's] land. The men could beat us up and snatch away our wages. Now, we are at least able to feed our children from the produce of the field." (Alaka and Chetna, 1987:26).

And another woman commented:

"*Didi*, the men cannot so easily throw us out of the house now. They are afraid lest if they trouble us too much and we leave, the land too will go with us and they will get nothing." (ibid.).

Thus the economic rights gained by women in Bodghaya did go along not only with generally improved status but with a lessening of violence and abuse towards them (Alaka and Chetna, 1987; Kelkar and Gala, 1990). Security in land rights lessened other gendered risks. It is possible that land rights for wives might have broad effects such as this elsewhere.

The solution found by the Bodghaya movement is the (or at least, *an*) answer to the problem of community vs. individual rights. If individual rights break up community -- and they may -- then a solution is to vest those rights in wives/female partners...

**(a few) policy and practical initiatives:**

(The above suggestion is not listed under 'policy' but 'wishful thinking' because of its radical implications...see later section on conflict.)

There is some reason to be hopeful with respect to the changing discussions of gender and women's position within agrarian policy discussions: at a minimum, women's rights are now usually included in discourses in some manner. Latin American changes have been noted. Hilhorst lists the following initiatives in Africa:

- The Ugandan and South African Constitutions include commitments to gender equity; Uganda also affirms the right to affirmative action;
- The Rural Code of Niger provides for equal rights of access to natural resources without discrimination by sex or social origin;
- Malian legislation allows women to register land independently of men;
- The Mozambican Land Act enshrines rights of both men and women to use and benefit from land (Hilhorst, 2000: 189).

And in Tanzania, a 1999 Land Law is a significant step towards greater gender equity. The new law's provisions include:

- Family land is presumed to be co-owned by both spouses;
- A married woman must first give her consent if her husband intends to alienate matrimonial landed property through mortgage, sale or lease;
- Affirmative action is exercised in women's favour, in that female representatives become

members of the National Land Advisory Council and of village adjudication committees to contribute to dispute settlement;

-- And village councils are prohibited from discriminating against women when allocating land or residence rights (Hilhorst, 2000, citing Longway, 1999: 193).

These provisions mark a great advance; however, the author notes that the actual implementation of these regulations and legislation will be challenging.

In Zimbabwe, although gender rights are not on the 'agenda' in the current fast-track/Accelerated Resettlement, women's groups such as the Women's Action Group and the Women's Land Lobby have been active in lobbying for a portion of land for women, especially female household heads, to be set aside. And where outcomes in Resettlement Areas have been 'gender-friendly', this is in part due to state policies such as the suspension of customary law with regard to widow's inheritance rights.

The South African land reform has been notable for its stress on gender equity, at least in policy pronouncements, which note its importance in the three prongs of the programme (tenure security; restitution; redistribution). From the late 1990s, however, critiques of the gender content of the programme were growing (Hall, 1998; Walker, 1998; see also Jacobs, 1998a). Within the Pilot Land Reform programmes, subsidies are granted to the husband (ie head of household), perpetuating household inequalities. Although in the mid - and late 1990s, government was seen to provide an enabling environment for dealing with gender issues and conflicts (Walker, 1998), by 2000 its commitment to gender equity was being questioned (Hargreaves and Meer, 2000; Cousins, 2000b). In general, land redistribution has been of low priority to the government. Although the rate of land restitution has increased, the programme as a whole is proceeding very slowly (Cousins, 2000b; Merten and wa ka Ngobeni, 2001).

Hargreaves and Meer suggest that measures such as the following be implemented in order to avoid marginalisation of women and to monitor movement towards gender equity:

- Women to achieve independent control over land, in different forms of landholding including group tenure;
- Challenges to the sexual division of labour, e.g. women should be able to work in areas such as livestock farming;
- Women to be represented on community and landholding structures;
- Changes in inheritance practices;
- Women to be informed specifically about options open to them with regard to land access and resource use. (Hargreaves and Meer, 2000:269).

The Commission for Gender Equity gave the land restitution programme some priority in its August, 2001 gender summit (Daniels, 2001), indicating that the women's movement recognises the import of land/agrarian issues.

In all of these instances, legal change, local level political change (ie community representation), and changes in education and training are all of importance. Necessary levels of changes range from the macro - scale (e.g. constitutional and national legislative change) to the micro- or household (and relational).

### **Conflicts over Land and Property**

Laws, institutions and regulations such as the above supporting transformations of gender relations are notoriously difficult to enact (as it were) 'on the ground'. Specifically, provisions of land reform intended to uphold women's rights are often ignored in rural areas. Workers for the South African NGO the Surplus People's Project found, for instance, in a study of share-equity schemes, that women's status had not been improved. Beneficiaries were usually men; women (where this was relevant) were paid less than men and were discouraged from learning to use machinery such as tractors (Owen, 1999). Du Toit observes that within a Southern Cape setting, women's new participation in public fora was merely formal: although a handful of 'powerful' women participate, most women do not feel empowered to speak in public in front of men (Du Toit, 1996).

But where there does seem to be more chance of real changes, then conflicts often ensue. Momsen writes of the backlash against relatively small-scale economic advances for women (see also Faludi, 1991; Jacobs, 1998b; Randall, 1998). For instance, an FAO project in northwest Sierra Leone from the 1980s-early 1990s succeeded in placing more trading and income in women's hands. By the early 1990s, young men who felt that they had lost out responded with witchcraft accusations (Momsen, 2001:53-55). In discussing another example, that of micro credit schemes in Sri Lanka, Momsen outlines three sets of reactions from husbands to the women's increased incomes: active, violent antagonism; 'passive' antagonism - e.g. public accusations of infidelity; and a third, smaller group who were supportive and who agreed to take over female chores to free wives' time for cashew nut processing (2001: 53). Thus although the great majority of men were antagonistic, a significant minority could be classed as 'allies' of women's greater public profile.

Deere and Leon's account of gendered changes in Latin American landholding does not discuss any reactions to the events. One reason may be the lack of customary law (except in some indigenous communities); another that in *latino* Latin America, kinship is bilateral and households usually nuclear. Deere and Leon note the conflict which exists in indigenous movements for collective rights (such as those in Bolivia) and calls for gender rights in land. Where land and agriculture are of declining significance in livelihood terms, it may be that titles are more easily ceded to women. Another possibility is that it may be assumed that the husband will in practice continue to exercise control where titles remain joint. The authors do not give detail on the results of joint titling, or on the extent to which wives may be able to exercise new rights in practice in a context in which *machismo* has not greatly diluted. Still another potentiality is, of course, that wives will gain household and community power without great conflict: but this scenario seems excessively optimistic.

One of the reasons for women's marginalisation from access to and control over land in many societies is the amount of social conflict entailed in engendering land issues. Firstly, land reforms are themselves, in most cases products of great social conflict and upheaval. Usually they result from movements of the land-hungry or landless; or else, when they are implemented 'from above', they usually follow wars and other social dislocation. Where women gain land as a result of state policy, male peasant reactions may follow (cf. Wiergsma, 1991 on peasant reactions following the Vietnamese collectivization). Falk



Moore has suggested (for African systems) that the degree of conflict entailed in women claiming land rights may not be worth the result (Falk Moore, 1997)

In southern Africa as elsewhere, deep-rooted fears about the possibility of women holding title to land exists. In Zimbabwe, the (then) Minister of Lands, Agriculture and Resettlement Joseph Msika, responded to a question from the Women's Land Lobby concerning whether a proportion of resettlement land could be set aside for women, saying: "...I would have my head cut off by men if I gave women land...." (Sayagues, 1998b).

Cross and Friedman (1997) indicate the level of feeling which underpins current debates and conflicts in the South African countryside. Many rural South African men and some women fear that if women gain land rights they will use their leverage to undermine the male-oriented system of power relations and familial social order. The sensation that things might materially and psychologically 'fall apart' is not simply an irrational fear. As noted above, it is the case that men and women may use land differently. Changes in relations on the land entail other widespread social changes, for instance in customary law; in women's visibility; in public power relations; in women's autonomy. And in many agrarian systems, land may symbolise (male) power, authority and links with the past.

Not surprisingly, such anxieties are linked to the possibility of a backlash, at household, community and wider levels. Violence, more commonly from men than women [but sometimes from women, too], is a common reaction to changes. Stephens, discussing Asian cases, writes that attempts to make women farmers visible are often vehemently opposed. The defensive fears of those in privileged positions may translate into dishonesty, distortion and violence (1995:62). Walker notes for South Africa that gendered land conflicts may be violent ones (1998).

Given this, it is perhaps not surprising that conflict is entailed. 'Women and land' cannot be hived off as only a legal, or a technocratic development matter, because what is entailed is questioning of women's social rights and position(s), as well as family and kinship structures, gender and sexualised identities. This is why discussion of gender transformation is never an 'add-on' matter, why it evokes such reaction and why sidestepping it is an easier option.

At the same time, it is perhaps ironic that the possibility of more gender equitable land rights causes so much conflict. Land rights constitute only a first step towards greater autonomy for rural women; more far-reaching changes would still be necessary in order to achieve greater household, and wider social power.

### **Conclusion:**

This paper has argued that a wide range of risks apart from landlessness face rural women at both the 'macro' and 'micro' social levels. Further, land and agriculture now in many instances constitute only one livelihood source among others. Where women do obtain access to agricultural land, they continue to face gender-based constraints on their ability to use it productively. And, like groups of men who lack economic resources, they need adequate infrastructure, inputs and other state support in order for holdings to be viable. Thus, for a wide range of reasons, obtaining land cannot provide a general remedy for the

highly gendered life risks of rural women.

Land reform processes would seem to be arenas in which women might be expected to be able to gain land rights. However, rural women have faced additional obstacles in gaining access to land within state programmes. Where women do gain land rights - most often, through gender-friendly state policies or else through social movements - conflict and backlash often follow.

Thus, faced with massive general socio-economic and political risks; the declining importance of agriculture; various hurdles in acquiring access to land in official schemes; and the possibility of backlash even if the latter efforts were to be successful, one might be forgiven for concluding that the struggle for women's land rights is not, on balance, a sufficiently worthwhile contest.

Such a conclusion would be mistaken, however. Even though more secure access to land cannot ensure total security, and even if a struggle for one economic right is not always the stuff of high drama (unlike in Zimbabwe..), this is no reason to downplay the importance of lessening the risk of hunger and malnutrition in the lives of the rural poor, which female land rights would facilitate. Many women are highly motivated to achieve food security and to improve their own incomes. And, as argued here, land rights have links with rights in other spheres - health, the acquisition of more negotiating space within and without households; and general betterment of social status. The struggle for land rights involves conflicts which may be serious, but this is perhaps because those who oppose such rights suspect that the engendering of such struggle might not stop simply with 'land' but could have wider social repercussions.

#### **Footnotes:**

<sup>1</sup> The case studies of land reforms along individual household lines are taken from the following countries:  
Africa: Burkina Faso/Upper Volta; Mozambique (post-1986); Southern Rhodesia and then Zimbabwe; Tanzania. Chambers has written a comparison of resettlement schemes of the 1960s across Africa.  
Latin America: Chile; Ecuador; Honduras; Mexico and Peru.  
Asia: Bangladesh; India; Pakistan; Sri Lanka; China (initial land reform, 1946-52; post collectivisation/liberalisation).

A number of other case studies discuss collectivist land reforms.

<sup>2</sup> Why southern Africa has the highest rates of HIV infection in the world is not entirely clear. Features of the region, however, provide ideal conditions for its spread: chronic and widespread poverty; health systems which have contracted as a result of structural adjustment; high circulatory migration; chronic levels of violence, and gender bias (Webb, 1998: 223).

<sup>3</sup> Abortion was legalised South Africa in 1996. In 1998, three Justice Bills were adopted by the National Assembly. The Bills are: the Recognition of Customary Marriages Bill; the Domestic Violence Bill and the Maintenance Bill. The first Bill provides that women in Customary Marriages (the great majority of rural women) will enjoy, at least in principle, the right to equality in respect of marriage age, consent to marriage, divorce and property rights. If a man wishes to take a second/third wife, he will have to apply to the courts for reassessment of property rights so that the first wife's and her children's interests are not prejudiced. The Maintenance Bill seeks to strengthen enforcement of the obligation of parents - in practice, mainly fathers - to support their children in case of divorce, separation or desertion. The Domestic Violence Bill provides that a

man can be convicted of raping his wife, broadens the definition of 'domestic relationship' and provides for greater protection for the victim. A draft Amendment of the Customary Law of Succession Bill proposes that women, under-age heirs and illegitimate children be allowed to inherit from a relative dying intestate (Magardie, 2000). This proposed legislation is radical in applying common law over customary law, and seeks to iron out contradictions between provisions of the Constitution which protect customary family law and outlaw gender discrimination.

<sup>4</sup> In Brazil, neo-liberal initiatives such as a land bank also exist.

<sup>5</sup> The term widow may also be used as an honorific title for divorcees and deserted female household heads.

<sup>6</sup> In Bodghaya, following the successful struggle for land reform, it was agreed that women would hold land for a number of years, as men had held the land for centuries. It was also agreed that the sexes would alternate in landholding.

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