

# Women, Wives and Land Rights in Africa: Situating Gender Beyond the Household in the Debate Over Land Policy and Changing Tenure Systems

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**ABSTRACT** *The debate over land reform in Africa is embedded in evolutionary models, in which it is assumed landholding systems are evolving into individualized systems of ownership with greater market integration. This process is seen to be occurring even without state protection of private land rights through tiling. Gender as an analytical category is excluded in evolutionary models. Women are accommodated only in their dependent position as the wives of landholders in idealized 'households'. This paper argues that gender relations are central to the organization and transformation of landholding systems. Women have faced different forms of tenure insecurity, both as wives and in their relations with wider kin, as landholding systems have been integrated into wider markets. These cannot be addressed while evolutionary models dominate the policy debate. The paper draws out these arguments from experience of tenure reform in Tanzania and asks how policy-makers might address these issues differently.*

## 1. Introduction

Since the 1980s, the formulation and implementation of land tenure reforms in Africa has fallen into a familiar trap, conflating two seemingly similar but quite distinct processes. The first is the actual historical process of transformation towards a modern, capitalist, industrial economy—development as social change. The second is the series of state policies and practices that are intended to promote economic growth and reduce poverty—“intentional development” as Cowen and Shenton refer to it (Cowen & Shenton, 1996; Ferguson, 1994; Williams, 1994, 2000). This ambiguity in the meaning of development arises from the 19th Century idea that when “intentional development” comes to bear on the processes of history it can correct its disordered faults and realize “the potential and possibility for a linear movement of human improvement” (Cowen & Shenton, 1996, p. 57). The linear movement that has come to represent the potential for human improvement is the evolution of so-called “traditional” forms of social organization to modern forms—a process I refer to as

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evolutionary development. Here, complex and gendered historical processes are represented through “the prism of analytical models” (Williams, 2000, p. 8), which explain how evolutionary development occurs, and which provide the theoretical bases for the design of development policies. Gender as an analytical category is absent in these models.

Evolutionary theories of landholding, and the policies and reforms that they have generated, provide an exemplar of evolutionary development. These theories make a number of common assumptions about the transformation that “traditional” landholding systems undergo on their journey to the market. The theory, which has gained currency over the 1990s in debates over tenure reform in Africa, derives from the Boserupian thesis. This thesis explains how the shift from “traditional” systems of landholding (at times, characterized as “communal”) towards “modern”, “individualized” systems begins spontaneously under conditions of growing land scarcity associated with “increases in population density, advances in farming technology, and the emergence of agricultural markets” (Boserup, 1965; Feder & Noronha, 1987, p. 143). As land acquires a new scarcity value, landholders assert more individualized rights in land, which cannot be protected under the customary system. This leads to disputes over land and rising litigation costs, causing inefficiencies in the rural economy. The state protects emerging rights and ends costly litigation by providing private titles in land. Titling provides tenure security and incentives to invest on, and transfer, land. This stimulates new markets in land, which improves production as inefficient farmers sell up to more efficient producers (e.g. Feder *et al.*, 1988; World Bank, 1989; see Platteau, 1996, for an overview).

Evidence has shown that titling has not improved the efficiency of production systems in sub-Saharan Africa and it is now widely regarded as unnecessary and even harmful in the African context (e.g. Atwood, 1990; Bruce & Migot-Adholla, 1994; Platteau, 1996; Deininger & Binswanger, 1999; Toulmin & Quan, 2000). Nevertheless, the belief in evolutionary development remains. Landholding systems are now considered to be spontaneously evolving with greater market integration, even without state-sponsored protection of private land rights.

This paper argues that underlying evolutionary models as they apply to landholding are a series of assumptions concerning the masculine orientation of development. The decisions driving the evolution of landholding systems are taken by men as heads of idealized “households”. Women exist only as the wives of household heads; their actions are considered secondary or unimportant to the changes that landholding systems undergo. The paper demonstrates that gender is central to understanding the organization and transformation of landholding on the continent, shaping women’s differential experience of tenure insecurity, not only as wives, but also as sisters and daughters and as divorced or widowed heads of households. Evolutionary models and the policies they generate render women’s land claims, and the forms of tenure insecurity that they face, invisible. The paper draws out these arguments from a study of tenure change in Tanzania. In light of recent experience of land policy and tenure reform in Tanzania, it asks how policy-makers might address these issues differently.

## **2. Land Policy and Evolutionary Development: A Gendered Critique**

### *2.1 The Evolution of Land Tenure Systems*

From the early 1970s, the World Bank has consistently maintained an interest in land titling as a mechanism for tenure reform (e.g. World Bank, 1974, 1975, 1989; see

Deininger & Binswanger, 1999). Initially, this interest was driven by concerns that smallholders, the key to agricultural growth, did not have sufficient access to and control over land (Platteau, 1992, p. 9). In contrast, interest in titling in the late 1980s became tied to economic liberalization and the belief in state privatization of land rights as an essential element in the new restructuring process (Platteau, 1992; for Tanzania, see McAuslan, 1996; Sundet, 1997).<sup>1</sup> This belief is espoused in the 1989 document *Sub-Saharan Africa: From Crisis to Sustainable Growth* (World Bank, 1989). Here, the World Bank follows a widely rehearsed logic concerning the inability of “traditional” systems to adapt to changing conditions (Williams, 1994). Under conditions of population increase and land scarcity “long fallow periods can no longer be relied on to maintain land fertility, and the transitory nature of land use rights fails to provide incentives for individuals to improve their land” (World Bank, 1989, p. 104). The document recommends new technologies to be adopted. Farmers should be provided with incentives to “change their ways”, including the right permanently to cultivate land and to bequeath or sell it (World Bank, 1989). Land titling provides tenure security, a necessary incentive for farmers to make on-farm investments (World Bank, 1989). Although this argument is presented alongside evidence that titling can lead to “land-grabbing, concentration of ownership and concomitant landlessness” (World Bank, 1990, pp. 18–19, cited by Williams, 1994, p. 169), “the logic of the model reasserts itself over such empirical findings” (Williams, 1994, p. 169).

The assumptions underlying this particular theory of landholding—that landholding systems are static and inflexible in the face of changing economic conditions—have more recently given way to a model derived from the Boserupian thesis. This model assumes that landholding systems are responsive to changing economic conditions. In the former, titling is seen as necessary in order to promote long-term market-driven processes, while in the latter, titling is seen as a means of providing security to emerging or established individualized rights in land (see Platteau, 1996).

The latter model is evident in a series of World Bank-funded studies conducted in the early 1990s. The volume produced from this series of studies (Bruce & Migot-Adholla, 1994) promotes the evolutionary thesis that African landholding systems are spontaneously evolving in response to new market conditions. Customary systems provide security of tenure for smallholders and do not constrain agricultural productivity as previously assumed (see also Bruce, 1993; Deininger & Binswanger, 1999; Migot-Adholla *et al.*, 1991; Platteau, 1996). Formal titling can provide incentives for land improvements and heightened productivity in a “fully-developed market economy”, such as Thailand, for example (Feder *et al.*, 1988), but not in Africa, which we are told is insufficiently developed (Bruce & Migot-Adholla, 1994). It is the weakness of rural infrastructure, inadequate technological advances and the limited development of markets for agricultural input, credit and insurance that place constraints on agricultural development in sub-Saharan Africa (see also Migot-Adholla *et al.*, 1991; Platteau, 1992, 1996; Wachter, 1992; Pinckey & Kimuyu, 1994). Customary smallholders should rely on normative procedures to protect their interests combined with some strengthening of local institutions (see also Deininger & Binswanger, 1999; Migot-Adholla *et al.*, 1991; Platteau, 1992, 1996). The “market economy [in Africa] will eventually produce a land tenure system that, while not identical, will bear a strong resemblance to the western concept of ownership” at which point cadastral survey and registration can be used as “a capstone on an evolutionary process of tenure change” (Bruce *et al.*, 1994, p. 262). The World Bank thus appears to have backtracked on the immediate titling option for Africa (e.g. Deininger & Binswanger, 1999), though it has not yet published a policy document specifically addressing this issue.<sup>2</sup>

A third view, which has been gaining ground, is that proposed by Jean-Philippe Platteau (1992, 1996, 2000). Here, titling is seen to interrupt the spontaneous shift towards individualization and should be abandoned altogether. Titling, argues Platteau, does not provide tenure security as is assumed in the “evolutionary theory of land rights” (Platteau, 1996). The invalid assumption underlying individual titling is that the adjudication procedure can recognize and accurately record existing land rights. Because a range of different claims can coexist on the same piece of land, the registration of exclusive individual rights can create uncertainties for those who rely on customary practices to safeguard their land claims.<sup>3</sup> However, when titling is removed from the evolutionary sequence, the transformations that take place in customary landholding systems are “geared towards increased individualisation of tenure rights and increased transferability of land” (Platteau, 1996, p. 74). This thesis predicts increased individualization of tenure without state-sponsored protection of private land rights.

An important conclusion of Platteau’s argument is that customary tenure systems and rural communities still have a dominant role to play in the new policy arena, as the state is a key source of insecurity. Since the mid-1990s, this has been the emerging consensus among some of the key players in the land reform debate (Whitehead & Tsikata, 2001). This is evident in the volume *Evolving Land Rights, Policy and Tenure in Africa* (Toulmin & Quan, 2000). Produced by key land reform specialists in DFID, IIED, NRI<sup>4</sup> and Oxfam, this volume promotes bottom-up community-based customary, or modified customary, solutions to the tenure insecurities that smallholders face, rather than top-down reforms including formal titling (Whitehead & Tsikata, 2001). At the same time, it promotes the thesis of tenure change in Africa where emerging land rights are seen to be “individual, transferable and enforceable under customary law and practice” (Quan, 2000, p. 34).

Evolutionary theories of land rights assume that private claims on land will eventually replace those made on the basis of kinship. But in many parts of Africa, this does not appear to be occurring. Although increased commercialization and land scarcity may have provoked private claims on land, evidence shows that these processes simultaneously provoke a proliferation of customary claims and counter-claims over land, and struggles over how “custom” is defined. Thus, even in areas of commercial agriculture where there is evidence of land markets, landholding systems remain tightly bound up with kinship institutions (Berry, 1988, 1993, 1997; Carney, 1988; Carney & Watts, 1990; Haugerud, 1989; Mackenzie, 1990, 1993, 1998; Moore, 1986; Okoth-Ogendo, 1986; Shipton, 1988; Williams, 1988; Yngstrom, 1999). This provides some explanation as to why the inequalities in landholding that are expected to occur under these conditions are frequently not evident (Berry, 1988; Williams, 1988). As Megan Vaughan notes, this “assumed opposition between ‘the market’ and ‘kinship’ just does not hold in any straightforward way for [African] history” (Vaughan, 1996, p. 73). To understand changing tenure systems, we need to look at the organization of landholding within kinship institutions and their processes of integration into wider markets. Gender is critical to understanding how these processes unfold.

## 2.2 Gender in Landholding Systems: A Critique of Evolutionary Theories

Gender as an explanatory factor is absent in evolutionary models. It is the “household” as the smallest decision-making unit that is central to the explanation of changing tenure systems. In evolutionary theories of landholding, the male landholder as the household head is assumed to be the primary decision-maker in matters regarding land use and land transfers. Women’s decisions and actions, and their relations with men,

are considered secondary or unimportant to such decisions. This is evident in the 1994 World Bank series of studies investigating the relationship between customary tenure systems, security of tenure and agricultural productivity (Bruce & Migot-Adholla, 1994). Unifying each of the studies is a structural model of land rights assumed to exist within households. Multiple rights in the same parcel of land exist in a “hierarchical relationship” (Bruce *et al.*, 1994, p. 252), where the right of the male household head is superordinate to other rights exercised by household members. “The majority of studies relied on a single household head (usually male) for information ... Decisions by women are captured only to the extent that they are recognised as household heads” (Place *et al.*, 1994, p. 37). Women heads of households are not treated as an analytically distinct category.

The assumption that the right of the male household head is superordinate to other rights has led to the characterization of women’s rights—as wives, sisters, daughters or mothers—as “secondary” to, and dependent on, those of men (e.g. Toulmin & Quan, 2000; Hilhorst, 2000; Platteau, 1996; Lastarria-Cornhiel, 1997; World Bank, 1989). This characterization is particularly prevalent in reference to women as wives. Thus Platteau notes: “In most traditional tenure systems women do not inherit the land but are usually allocated land for usufruct as wives in their husband’s clan” (Platteau, 1996, p. 40). This has been important in explaining why “farmers’ wives” (Platteau, 1996, p. 42) have not fared well under registration and individual titling. Because registration only recognizes exclusive individual rights in given pieces of land, the only rights that can be recognized in this process are those of the principal landholders—men. Thus, women as wives will be disadvantaged in the registration and titling process (Platteau, 1996; Golan, 1994; World Bank, 1989, p. 103).

Platteau’s argument draws principally on studies of titling which took place in Kenya in the 1950s, including that of Fiona Mackenzie. In Fiona Mackenzie’s historical study of land in Central Province of Kenya, debates over what constitutes “custom” had been intense over the course of this century and have been profoundly shaped by colonial attempts to codify “customary law” in the 1920s. In the codification process, male rights to allocate land “pre-empted the previous visibility and legal significance of rights to usufruct” held by women (Mackenzie, 1998, p. 171) (also see later). Drawing on these “historical” precedents of custom, men found they were able to manipulate “custom” in order to exercise greater control over land to the detriment of women. In a context of severe land shortage and rapid commoditization of land, this process masked what was in fact an emerging class struggle over land. Land registration, which took place in the 1950s, did not extinguish women’s customary claims on land as wives; nor did it create these gender struggles over land. Rather, it intensified existing insecurities (Mackenzie, 1990, 1993, 1998). Thus, rather than being the general condition in Africa, women’s tenure insecurity as a result of titling is found to be explained by the particular conditions in Central Province at the time that titling took place.

The characterization of women’s rights as “secondary” to men’s has led some to argue that women should receive their own land titles (e.g. Gopal & Salim, 1998; World Bank, 2000; for Tanzania, LTSG, 1995; Mbughuni, 1994; Kaijage & Tibaijuka, 1995; Manji, 1998).<sup>5</sup> In Africa, this debate has frequently turned on the claim that women’s subordination in landholding results from their being insufficiently modernized, discriminated against by “the customary law of inheritance, whose ... rules favour men” (Gopal & Salim, 1998, p. 48). As Ann Whitehead and Dzodzi Tsikata point out, the debate over land reform has become locked into an overly legalistic language with the prevalence of such terms as customary law, rights, ownership, usufruct—terms that

lead analysts to underestimate the dynamic power relations which are central to understanding gender inequality in access to land (Whitehead & Tsikata, 2001). As such, it cannot accommodate the ways in which women use existing social relations and customary institutions to their own advantage in order to gain access to land and other resources (Mackenzie, 1998; Carney & Watts, 1990; Waterhouse, 1999) even though at times they may need to draw on the support of male kin in order to do this (see later).

Moving beyond the limited analyses and assumptions of women's rights being determined by men, Rebeca Leonard & Camilla Toulmin (2000) argue that in the context of greater market integration, women have contested claims made on their land, and it is their ability to negotiate access to land that needs to be supported and harnessed into land policies. Beyond this, there is a rich and varied literature on how women have fared in changing tenure systems across different historical contexts (see later and Vijfhuizen & Waterhouse, 2001; Davison, 1988; Berry, 1993). Unfortunately, the implications of these studies have tended to be absorbed into the mainstream debate over the supposed evolution of African tenure systems. In her analysis of such material, Susana Lastarria-Cornhiel (1997, p. 1325) finds that increasing transformation of customary tenure systems in Africa is not "unlinear" and affects women differently. However, she concludes that with the move towards "market-based individualized tenure systems ... women's limited land rights may be ignored and consequently lost" as private ownership transfers "the few rights, such as cultivation rights ... to some men who are able to claim all rights to land" (Lastarria-Cornhiel, 1997, p. 1329). This benefits particularly "male heads of household" (Lastarria-Cornhiel, 1997). This argument turns on the assumption of primary male landholding rights superseding women's "secondary" rights.

Existing field research on women and land in Africa challenges the idea of women's "secondary" rights as wives (Mackenzie, 1998; Kevane & Gray 1999; Yngstrom, 1999). In Fiona Mackenzie's study of land in Murang'a District of Kenya, under the customary system women were unable to inherit land. Usufruct rights acquired upon marriage were, however, secure and women maintained considerable control over subsistence production through land and the control of its products. Women referred to these plots as land that they had received from their mothers-in-law. This signified the "structurally significant place that a woman held as head of a *nyumba* (lit. hut) the 'matricentric unit' of a polygynous household" through which her sons would inherit rights in land (Mackenzie, 1993, p. 206; see also Mackenzie, 1998). Following Okoth-Ogendo (1989), Mackenzie argues that there is a strong case against vesting particular individuals or groups with "superordinate power" in understanding land tenure relations. "Both (male) rights to allocate land and (female) rights of access ... had legal visibility under customary land law" (Mackenzie, 1998, p. 31). The (male) right to allocate was subject to the economic functions of (female) rights to cultivate it. This ensured that "women's 'proprietary position' in an economy that relied so heavily on their labour was a strong one" (Mackenzie, 1998, p. 25).

African women gain most of their access to land—and the means to work it—through marriage (Moore, 1988). As wives, they acquire both the right and the obligation to cultivate it. They may also be expected to fulfil certain other labour obligations, commonly existing in food provisioning, and in the preparation of banana or grain-based beer to exchange for labour (e.g. Kevane & Gray, 1999; Mackenzie, 1998; Moore & Vaughan, 1993; Whitehead, 1984; Yngstrom, 1999). In this context, Kevane and Gray note that certain groups of married women in Burkina Faso can demand land from their husbands' lineage should the husbands be unwilling to provide it (Kevane & Gray, 1999). Elsewhere, married women may provide labour on their

husbands' farms. For this, they might expect certain tokens (Moore & Vaughan, 1993; see examples in Berry, 1993, pp. 142–145), including land for their own cultivation (Carney, 1988). Among the matrilineal Akan of Ghana, Okali found that if a man did not recognize his wife's contribution to the household cocoa enterprise by providing her with land in later life, divorce proceedings could ensue (Okali, 1983).

In a context where labour is frequently a key limiting factor of production, and where women can and do provide a significant share of this, especially in terms of household food provisioning, the obligation by men to acknowledge their wives' contribution and to provide land for food is critical to the farming and household enterprise. Particular historical circumstances can nevertheless create conditions for these claims to be weakened and eventually lost, as Fiona Mackenzie's study from Kenya shows. Elsewhere, women may be as, if not more, vulnerable to greater claims on their labour as they are to loss of land in the context of increased commercialization (Moore, 1988; Whitehead, 1991; and below). The analysis presented here, therefore, does not view the conjugal unit, or "household", as either "bounded" or "consensual" (Berry, 1997, p. 1228). The dynamics occurring within domestic units are seen both to shape, and be shaped by, wider economic processes (e.g. Guyer, 1988; Berry, 1984; 1997; Moore & Vaughan, 1993; Moore, 1994; Carney, 1988). In order to understand how rights and interests in land and labour are exercised within the conjugal unit in different historical contexts, the organization of production within the conjugal contract needs to be seen as an integral part of wider structures and processes of production. Evolutionary assumptions about the 'secondary' rights and roles of women within idealized "households" preclude such an analysis.

### **3. Gender and Historical Transformations in Landholding, Dodoma District, Tanzania**

Domestic units in Africa take multiple and historically specific forms (Guyer, 1981; Guyer & Peters, 1987; Vaughan, 1983). In terms of institutional arrangements regarding rights and responsibilities in land and production, the conjugal unit needs to be understood in the context of wider sets of relationships among groups organized on the basis of descent and the gender ideologies implied therein. As landholding systems have been integrated into wider economic systems, women and men have worked both within and around the constraints of these institutions in order to exercise claims both on land and on each other for the means to work it. In the process, these institutions have transformed, as have the rights and claims that individuals and groups can exercise through them for access to productive resources. The study presented below provides an analysis of these kinds of processes in one historical context. Because gender is a critical factor in explaining rights and responsibilities in land and production, it is also critical to explaining the transformations that these systems undergo with greater market integration. It is only with this historically informed gender analysis that it is possible to show how women not only as wives, but also as widows, sisters and daughters, and as divorced or separated women, have differentially experienced tenure insecurity.

#### *3.1 The Case Study Area<sup>6</sup>*

Dodoma District, home to the so-called Gogo people, is a dry and barren area, where rainfall is unpredictable and crop production is risky. The Gogo have frequently been characterized as "traditional", "semi-pastoralist", "shifting cultivators" operating

mainly outside the market until relatively recently (Rigby, 1969; Christiansson, 1981; Thiele, 1984; Yngstrom, forthcoming). Historical evidence shows that livestock-keepers in Dodoma District have been engaged in commercial grain and livestock transactions since at least the late 19th Century. In the more central areas of the District, settled forms of cultivation have probably been practised since at least the 19th Century. The 1940s saw the beginning of new interactions with wider markets as young men left to work on colonial plantations and as livestock and groundnut production were integrated into the cash economy (Yngstrom, 1999). In Mvumi, the case study area, this has been the most important factor affecting transformation of the tenure system in spite of potentially far-reaching interventions at the village level. Thus, in contrast to what has previously been argued for Dodoma District (Thiele, 1986; Christiansson, 1981) and for Tanzania more broadly (Alden Wily & Mbaya, 2000), the villagization programme of the 1970s did little to alter the customary<sup>7</sup> rights of the majority of farmers who held, and continue to hold, land in the designated farming areas (Yngstrom, 1999).<sup>8</sup>

In Mvumi, at the time of settlement possibly around the late 18th Century, land was fertile and access to water was good, attracting large numbers of cattle-keepers from neighbouring areas infested with tsetse (Yngstrom, 1999; Maddox, 1996). The population density of Mvumi grew more quickly than other parts of the District and by 1988 had reached 164 inhabitants per square kilometer in one of the villages of this study (DLUMP, 1995). The villages lie about a day's walk south of Dodoma town.<sup>9</sup> All arable land is under more or less permanent cultivation—fallowing is rare.<sup>10</sup> Agricultural production is carried out entirely with the hand hoe. The main staple food crop is millet, second to which is sorghum. The main cash crop is groundnuts, providing the most reliable source of cash income for the majority of men and some women. Tomatoes are also an important cash crop for men, cultivated on hand-irrigated garden plots. Vines are the only non-food cash crop in the area, cultivated by a small proportion of men.<sup>11</sup> For cash, men rely mainly on sales of groundnuts, tomatoes and charcoal sold locally and in Dodoma town. Women rely on local sales of beer and woodfuel, and a few rely on the groundnuts produced on their own fields. Figures from a 1992 land registration exercise (see later) in the most densely populated village of this study show that the proportion of land directly inherited by women, i.e. not acquired through marriage, is less than 9%.<sup>12</sup>

Soil erosion has been identified as a significant problem in the villages since the 1930s (Yngstrom, 1999; Kaaya, 1993). A number of measures have been introduced in order to try and combat this. In the 1980s, a soil conservation programme was initiated under the authority of the Ministry of Tourism and Conservation, which in 1986 culminated in the removal of all stock from Mvumi. As a result of this, many livestock owners lost stock either from theft or from the inability to manage herds from afar. In the early 1990s, a land use management project was initiated under the authority of the Ministry of Lands. A series of technical measures was introduced to arrest soil erosion combined with a land registration exercise designed as a means to improve farmers' tenure security, increase on-farm investments and aid soil regeneration. The implications of these programmes for the tenure system are evaluated in more detail below.

### *3.2 Marriage, Descent and Transforming Land Rights*

In Tanzania, the 1963 Customary Law Order was introduced to regulate marriage and succession in Tanzania among so-called patrilineal peoples at the lowest level of the court system—the Primary Court. This Order excludes women from inheriting or



owning land except in specific circumstances (cf. Mtengeti-Migiro, 1991; Rwebangira, 1996; Manji, 1999). Even though applicable in certain parts of Tanzania (cf. Manji, 1999), it does not reflect existing practice in the case study area and is not applied in the Primary Court of Mvumi in relation to land (Yngstrom, 1999; cf. Moore, 1986). To understand the regulation of customary marriage and succession regarding land, we must look to its historically informed organization of marriage and kinship relations over time.

Marriage and kinship relations are inextricably tied up with the exchange of livestock and the organization of labour (Rigby, 1969). Historically, marriage has been established through the transmission of livestock from a groom's family to that of the bride. The homestead—comprising domestic units established by each wife—was the main stock-owning group, and livestock were transferred through the male line (Rigby, 1969, p. 5). In the early 20th Century, Gogo men acquired their labour force mainly through livestock. Through the marriage contract, men gained access to their wives' labour. The marriage contract also signalled the forging of new social ties across homestead groups providing for mutual exchange of labour. Livestock-wealthy men also loaned cattle to more impoverished, often junior, households in exchange for labour services. In a context where labour was the main limiting factor of production, the more livestock a man could acquire, the more grain he could produce; grain which could also be traded for more livestock. In this way, livestock was used by men to maintain control over production.

Marriage was and is the basis of household production, and has also been the means through which both women and men have gained access to land and labour. However, the organization of this has undergone some important, albeit limited, changes over the course of this century. Men have only been granted land through the lineage once they have married. As a husband, a man grants a proportion of inherited (or newly cleared) plots to his first wife, and to successive wives thereafter. These plots are mainly for grain production, though the sandier, less fertile plots have also been used for groundnut production. Men have also kept back plots for themselves, though it is not clear when this practice began. A married woman has been responsible for household food-provisioning, and for helping her husband on his own plots. Around the 1940s, with greater integration into the cash economy, men began to turn over their own plots to the cultivation of groundnuts in order to acquire cash with which to purchase livestock. This shift involved an extension of male control over their wives' labour, a process that appears to have been contested by women (Yngstrom, 1999). Two points are important to note here. First, with greater integration into the cash economy, women have seen a loss of control over their own labour rather than the land they acquire through marriage. Second, women and men are equally dependent on marriage for access to land, to the extent that women often spoke of receiving land from their "fathers-in-law".

Marriage provides secure access to land, but only as long as a woman remains married. Widows have generally inherited their deceased husbands' land to hold in trust for their sons, though this is not always the case (see later). If a couple divorce, a woman is expected to leave the homestead and farm with her own family. In recent years, divorce has become increasingly difficult with the decline in livestock endowments in the village. Since very few men now own livestock, and the movement of livestock within the local economy through brideprice transactions is very limited, few men are able to return the initial brideprice, necessary in order to secure a divorce. For women, the long-term implications of this are unclear, though from limited evidence it

seems that for now, “separated” women will still be able to continue cultivating their plots as long as they remain unattached.

These changes in the domestic organization of labour, and changes in divorce settlements, are related to ongoing changes in the wider economy. In the late 19th Century, men cleared land and established territorial areas that had come to be broadly associated with lineage groups by perhaps the late 19th Century. At that time, land, unlike livestock, could pass from fathers and mothers or grandparents to daughters or sons. Some women from wealthier lineages claimed to have inherited as much land as their brothers. Over time, with population increase, land available for clearing has declined. Oral testimonies from the area indicate that uncleared forest was not available from about 1940 onwards. With this decline, specified plots began to be associated with distinct lineage groups—referred to as “lineage lands”. This did not (and has yet to) imply any extension of corporate control over land (Yngstrom, 1999).

The institutional changes implied by the emergence of the concept of “lineage lands” are tied to a decline in livestock endowments since the 1950s and related attempts by senior men to maintain control over production in the context of greater market integration. What appears to have been a fairly dramatic decline in livestock endowments after the 1950s began with a serious famine in 1947, when many livestock died. After this, men found it more difficult to build up herds and acquire the cash to purchase this increasingly precious commodity. Land shortage also prompted the out-migration of large livestock owners in search of grazing, reducing the circulation of livestock within the local economy (Yngstrom, 1999). The decline in livestock meant a decline in access to labour for senior men, in particular through livestock trustee contracts. In the search for other means to maintain control over production, senior men began to negotiate loans of land in exchange for labour services; but by the 1950s, senior male control over production was not just threatened by the shortage of livestock, it was also being threatened by the shortage of land.

It is in this context that the importance of “lineage land” comes into play. In order to maintain control over production, senior men began to assert greater control over land, by limiting land transfers made by lineage members to female family members. Many women not only began to inherit little or no land from their families, but also found that land was being “taken back” by male relatives. Some have “returned” land to brothers or other male relatives, at times supported by their husbands, anxious to maintain good relations with in-laws. Others have contested these claims (see later). Women, it is said, can still inherit lineage lands on the understanding that their brothers have “enough” land. Since nowadays most people could claim to be suffering from land shortage, men have begun to claim lineage lands on the grounds that women should “cultivate with their husbands”. This is a powerful argument because it brings into play the gendered ideologies shaping women’s responsibilities as wives in production for the household while simultaneously downplaying their historical claims on lineage lands. It is also indicative of the central importance of marriage for access to land and the rights and responsibilities implied therein for men as well as women, men being obliged to provide their wives with land to cultivate.

The decline in women’s inheritance of land through the lineage has meant that women have increasingly come to rely on marriage for access to land. Likewise, with the decline in land available for clearing, men have also come to depend more on marriage for access to land, though they still have other, albeit limited, options, such as clearing temporary plots in the surrounding hills,<sup>13</sup> or negotiating temporary access to land from wealthier, more senior, men. More impoverished men with no land, or educated men with employment opportunities, have left the village to seek out waged employment,

some returning to purchase or inherit plots once their parents are too old to cultivate. In the 1970s, permanent exchanges of land for cash began to occur in the villages, principally among men. There was a significant increase in these sales after the mid-1980s, mostly made by wealthy livestock owners choosing to leave the area in the wake of the 1986 enforced de-stocking. There were also a number of sales made to pay emergency expenses, particularly health-care fees, something that would once have been made through sales of livestock. There is little evidence to suggest that these sales constitute an emerging individualized market in land (Yngstrom, 1999).

### *3.3 Land Registration and Gender Conflict: An Historically Informed Explanation*

An experiment in land reform was carried out in the two case study villages in 1992 and 1995, respectively, involving adjudication, demarcation and registration of individual plots.<sup>14</sup> The analysis provided here is designed to make two key points. First, it questions the universalist assumption embedded in evolutionary models that women as wives lose out because their “secondary” rights are weakened or extinguished in the process of individual titling. During land adjudication, demarcation and registration, no attempts were made by their wives to register the farm plots they had acquired from their husbands through marriage, strongly suggesting that women as wives did not experience land registration as a threat to their tenure security. Their claims on land are secured through the mutual responsibilities that husbands and wives have to each other in the production process.

Second, it demonstrates that the effects of registration can only be understood in a historical context. The conflicts that emerged during registration are directly related to ongoing debates and struggles over women’s continued claims on lineage lands. I documented 10 cases of male attempts to reclaim land from women on the basis of lineage interests.<sup>15</sup> In only two of these cases were women able successfully to challenge these claims, by drawing on the support of their mothers’ brothers. The following case study is indicative of the form that such “conflict” took. It illustrates the difficulties of succeeding without male support.

*Rehema, 50 years.* Rehema inherited land from her paternal grandmother when she died, land that she was not cultivating. At some point, her grandfather’s brother’s son, Jonas, as a lineage member, established his claim on Rehema’s plot, by reclearing and cultivating it for himself. Rehema says there was no quarrel at the time. However, during registration, both Rehema and Jonas wanted the plot registered in their respective names. Rehema failed. She says that if she had been a man, or if she had had a brother to support her, she could have resisted Jonas more successfully, but her mother had no other children.

Rehema saw registration as a vehicle with which to regain access to her land, acquired by Jonas in the context of ongoing senior male extension of control over lineage lands. But Rehema, like a number of other women, was unable to participate on equal terms with Jonas in this process of institutional reform.

The most extreme cases of women’s lack of power within institutions regulating land are those of women whose origins lie outside the local community.

*Melea, 37 years.* Melea came from another village to live with her husband after being married. He died 3 years after they were married when she had only two children but she continued to use the 3.5 acres of land she acquired

from him. Now she has two more children by a man from another lineage. This man has not paid brideprice for Melea. In the context of Melea's uncertain marital status, her brothers-in-law reclaimed the land, fearful that it would move beyond control of the lineage.

During registration, Melea managed to register the land of her deceased husband in her own name, supported, it seems, by the land registration team.<sup>16</sup> Despite this success, she later decided to leave the village. As an outsider and a widow, Melea is reliant on the goodwill of her husband's kin as a channel of access to resources. When good relations break down, these women often find themselves forced to return to their natal villages, where there may or may not be land for them to farm (cf. Manji, 1999).

Despite ongoing challenges to the ability of women to inherit land through the lineage, married women's land rights have remained secure. Divorced women have no claims on land they acquired through marriage. The fate of "separated" women is unclear, but in time they too could become vulnerable to claims on land by ex-husbands or in-laws. As Melea's case shows, young widows may become vulnerable to claims on their land from their in-laws. In order to understand how women experience different forms of tenure insecurity, we need to begin with the historically specific organization of land and production within marriage and the descent system and the transformations these undergo with greater market integration. The prevalence of evolutionary models in debates over land has led to the claim that African women's rights are universally "secondary" to men's, and the assumption that these rights will eventually be replaced by private land transfers made by male household heads. Such an approach does not allow us to understand why married women do experience tenure insecurity as wives in certain historical contexts and not in others. It also renders invisible women's struggles and success in maintaining access to the land where they are experiencing insecurity. Finally, it precludes analysis of the ways in which customary landholding relations have been transformed, as opposed to being replaced, by greater market interaction, as evolutionary theories would predict.

#### **4. Land Tenure Reform: A Suitable Tool for Securing Women's Land Claims?**

The mainstream debate over land tenure reform has increasingly come back to the option of relying on customary procedures to protect smallholder rights in land, with limited attention to women's tenure issues (Whitehead & Tsikata, 2001). In this section, I evaluate the reforms that have been proposed in Tanzania and draw out the implications for women's tenure security in Africa more generally.

Land tenure reform in Tanzania was designed to provide tenure security to smallholders, promote private sector investment and free up land markets (URT, 1994; Sundet, 1997; McAuslan, 1996; Havnevik, 1995; URT, 1995). The context for reform was escalating land litigation and tenure insecurity, in particular in relation to the state, arising from ambiguities inherent in the legal and administrative framework, and exacerbated by the new liberal economic environment (Sundet, 1997; URT, 1994). The 1923 Land Ordinance was identified as the source of these problems, as it did not legally recognize customary landholdings, and vested control and management of lands in the President. The delegation of power from the President through the central state bureaucracy to the village, and the lack of transparency in the relationships between different institutions, had paved the way for significant abuses of power in allocation of land (URT, 1994; Shivji, 1999). The 1999 Tanzanian Land Acts have granted customary land tenure legal recognition, but they confirm the existing power of the

central state bureaucracy in land administration, under which village governments remain managers and arbiters of village land (Shivji, 1999). Shivji argues that the Acts cannot address smallholders' tenure insecurities as long as administrative powers are vested in the executive (Shivji, 1999). Elsewhere, the Tanzanian reforms have been provided as an example of how power can be devolved to local communities to manage their own land (see, e.g. Toulmin & Quan, 2000; Alden Wily, 2000). Alden Wily, for example, states that land rights in Tanzania are now "fully-legally tenured 'as is' in which ever form and whatever characteristics they currently possess" (Alden Wily, 2000, p. 5). The following paragraphs question whether this is likely to be the case.

Prior to the 1999 Land Acts, women's customary rights to land were virtually invisible under the Law, despite gender equality being recognized in the Constitution. In the lead up to the drafting of the Land Acts, there was very little debate and analysis over the specific forms of insecurity facing women and how to tackle them (Manji, 1998). The exception to this was some suggestion of land titles for women from some groups and individuals (LTSG, 1995; Sundet, 1997, Chapter 7; see also Mbughuni, 1994; Kajjage & Tibaijuka, 1995; Manji, 1998). The limited extent of this debate, I would suggest, is a reflection of the limited gender analysis in land policy in the wider policy arena.

The New Land Acts declare, in principle, the importance of gender equality (Havnevik & Hårsmar, 1999).<sup>17</sup> A particular cause for celebration in the Acts themselves was the possibility of co-spousal registration and titling of customary rights, though as Shivji points out, this has not been made mandatory (Havnevik & Hårsmar, 1999; Shivji, 1999; URT, 1996). The entire Tanzanian reform programme is predicated on the belief that it is possible, and cost-effective, to register millions of tiny parcels of land. It is this belief that poses the problem. All forms of adjudication and registration are complex and contested processes, with the potential to exacerbate existing insecurities. Even if joint titling could provide the required protection to women within the law, it would be impossible to carry out such an exercise without bringing to bear all the other problems associated with formal titling in Africa (see Platteau, 1996).

Providing tenure security means providing legitimate and appropriate mechanisms for effective dispute settlement. The lack of these institutions was identified as a key source of smallholders' tenure insecurity in Tanzania by the Presidential Commission (URT, 1994). Under the Tanzanian Land Acts, customary rights can be exercised through the statutory courts. However, the courts are not equipped to deal with the perplexing array of customary land rights, and the flexibilities embedded in them, which exist at the local level. The difficulties faced by colonial courts in establishing "customary law" in this context are well documented (e.g. Chanock, 1985; Mann & Roberts, 1991; Berry, 1993; Mackenzie, 1998; Hay & Wright, 1982). As these and other studies document, more powerful individuals—usually men—fare better when the content of custom is subject to negotiation in new institutional arenas (see also Mackenzie, 1990, 1993, 1998; Carney, 1988; Carney & Watts, 1990).

For women who experience particular difficulties in exercising their land claims through the courts (Wanitzek, 1990/91), the issue of control over land and mechanisms for dispute resolution at the village level are vital. The Tanzanian Land Acts make provision for Village Councils (elected village governments) to adjudicate and register customary rights and to preside over land disputes in the first instance, though without mandatory jurisdiction (Shivji, 1999). Female representation on these Councils will be mandatory, a measure intended to address the lack of female representation on decision-making bodies in Tanzania (Shivji, 1999; Havnevik & Hårsmar, 1999, p. 102).

Women elected to these Councils are unlikely to demonstrate particular support for women's land claims. Across Africa, social claims made on others—in the support of land claims, for example—are frequently made on the basis of kin or patron–client alliances, rather than on the basis of alliances of gender or class, for example. Village Councils are highly politicized institutions, representative of a diverse set of individual and group interests in land and other resources. Council members cannot be disinterested parties in the regulation of land rights, as villagers know only too well. This explains why the village government in the case study, comprising men (occasionally women) from some of the larger and wealthier lineages, are almost never consulted in land cases (Yngstrom, 1999). The only legitimate forms of dispute resolution in matters of lineage land are those made up of senior male lineage elders. In this context, it is questionable whether Village Councils could successfully (or fairly) adjudicate land-holdings for men or women.

The principles involved in regulating land conflicts at the local level are historically specific and it is the institutions which have emerged from within this context that are best suited to the task of dispute settlement, as many land tenure analysts are now proposing. It is clear that women cannot participate on equal terms with men in these institutions, but that does not mean that these are inappropriate institutions to regulate land rights. Women are less successful than men in realizing their claims in all forms of dispute settlement, and we should look to the wider social context to understand those inequalities. The case of land registration is instructive. Here, women have not fared well in the adjudication of titles, not because their secondary claims cannot be formally recognized, but because they are unable to participate equally in the actual process of institutional reform. Men have gained in these processes because they can exercise greater social claims on others in support of their claims. This is why support of male kin can be critical in the success of a woman's land claim. Women also rely on social networks to gain access to productive resources, and successful management of their existing relationships, including conflict avoidance, is an essential strategy in this process. Women will continue to find ways to negotiate rights to land and labour from within existing systems as long as those systems provide other forms of social protection. There may be ways to support such claims at the local level, which could be further investigated (Leonard & Toulmin, 2000). The women whose interests are not served by local institutions are those women who originate outside the local community, who are generally unable to make social claims on kin to support their claims. These women are often unable to control the land they acquire from husbands in cases of divorce, widowhood, or in extreme cases where husbands sell off land that has been granted to their wives upon marriage. It is here that the state has an important role to play.

Owing to the complex nature of landholding systems and the interdependencies of rights and interests in productive resources, land tenure and associated institutional reforms are not well suited to tackling the problems of tenure insecurity faced by women. They would be far better tackled as issues of family law. An example of successful reform in this area has occurred in Ghana with the 1985 Intestate Succession Law. This has ensured that a woman has the right to her deceased husband's land in the face of claims from the husband's kin (Manuh, 1995). Reform of marriage laws could enable divorced women to claim rights to a proportion of land acquired upon marriage, and married women could be protected against sales of conjugal property. Changes in laws of succession would also be able to provide for widows, an especially important issue now with the onset of Aids (Manji, 1999). A more difficult issue is whether women might also be empowered to exercise claims on family land

through such changes. Women's rights to inherit family lands are highly variable and do not exist in many parts of Africa (even if they might have done in the past). However, the law could allow for these kinds of claims, where such practices can be established.

Tanzania already has a law of domestic relations that recognizes both the right of the wife to 50% of the household's assets, as well as legal recognition of her labour contribution (Law of Marriage Act, No. 5, 1971).<sup>18</sup> Recognizing a woman's labour contribution within the law does not confer power on women to exercise their property rights. It implies, yet again, that women make a "secondary" contribution to the primary male enterprise, an inaccurate reflection of the realities of landholding relations within many marriage systems in Africa. The law needs to recognize men and women's equal claims on marital assets in the context of the mutual rights and responsibilities they have towards each other in the production process under custom. This would give a woman's case far more weight in a court of law. For women to be able to exercise their claims, however, the problem of limited access to courts and knowledge about rights and presentation of evidence needs to be tackled (Wanitzek, 1990/91; Rwebangira, 1996). This could be done through, for example, awareness campaigns, backed up with resources to provide advice and support to claims. Rather than seeing such reforms as transformative in and of themselves, marriage reform should be seen as an enabling device providing opportunities for women to contest their claims. Land tenure and associated institutional reform, in contrast, have tended to operate as a constraint on women's ability successfully to exercise their claims.

## **5. Conclusions**

The dominance of evolutionary thinking in policy debates has frequently reduced the debate over land to one of women's rights as wives. Universal claims that women are dependent on men for access to land has deflected attention away from questions about why women as wives experience tenure insecurity in different historical contexts, and why others do not. It also deflects attention away from the insecurities faced by women other than wives. The historically informed organization of marriage and descent, and gender ideologies implied therein, are central to understanding the dynamic changes that landholding systems undergo with greater market integration. The logical conclusion of evolutionary models is that the road to modernity will gradually weaken or even extinguish women's rights. This paper has demonstrated that this is not an inevitable process. The transformations involved in landholding systems have multiple trajectories, rather than the unilinear pattern implied in these models. In this context, evolutionary models emerge as rather static, incapable of explaining real change, and masking important questions about the nature of agrarian transformation in Africa.

Women in Africa not only experience a variety of forms of tenure insecurity, but also experience much greater difficulty in exercising their claims. They rarely command the same kind of control over productive resources as men and face difficulties in building up sustainable farming enterprises. Success in agricultural production in Africa frequently derives from being able to make claims on people (Berry, 1989, 1993). Men not only have a much greater capacity to make social claims, but are also more likely to be able to transform these claims into commodities. Men must continue to invest in social institutions in the face of greater market penetration in order to gain access to labour, and therefore cannot completely ignore the economic contribution of women. It is in this context that women as wives have been able to maintain some control over the production process and maintain a stake in landholding, albeit under different conditions from men. However, women's direct control over land, their own labour and

the labour of others has been in gradual decline with the integration of local economies into wider economic systems (see also Moore, 1988; Whitehead, 1991). This process has not released women from kinship obligations; on the contrary, it has, in many cases, intensified women's reliance on these as channels of access to productive resources. This is not a process that can be reversed, or fixed, by a simple land tenure reform procedure.

Landholding systems have been profoundly transformed by 20th Century upheavals of colonialism, population growth and the integration of local economies into global markets. It is simply not possible to regulate the flexibility of institutions and relationships that make up systems of landholding and production. Marriage has also been affected by these changes, but has proved to be far less flexible as an institution over time, and as such more amenable to legislative reform. It also remains the most important channel of access to land, as well as to the means to work it. If the law could recognize the mutual responsibilities that men and women have to each other in landholding and production, this could prove a powerful tool for women to exercise their land claims. The main obstacle to securing rights through statutory channels remains the legitimization of the institutions that can enforce marriage reforms, as well as access to these institutions. Women willing to exercise these rights may risk alienating existing support networks. This does not mean that they will not be prepared to take those risks. Whether or not they choose to do, we can be sure that their choices will be made on the basis of how best to protect their interests.

## Notes

1. The origins of this policy approach can be found in the 1954 Swynnerton Plan for agricultural development in Kenya and the East Africa Royal Commission of 1955 (Swynnerton, 1954; EARC, 1955; see Yngstrom, 1999).
2. The World Bank is preparing a new document on Land Policy and Administration, which at the time of writing was only in draft form (see [www.worldbank.org](http://www.worldbank.org)).
3. For case studies on the effects of titling in sub-Saharan Africa, see e.g., Haugerud (1989), Mackenzie (1990, 1993), Okoth-Ogendo (1986) and Shipton (1988). For the general argument, see Atwood (1990), Berry (1993) and Platteau (1996).
4. DFID, the UK Department For International Development; NRI, the Natural Resources Institute at University of Greenwich; IIED, the International Institute for Environment and Development.
5. This was influenced by the publication of Bina Agarwal's (1994) account of women's land rights in India (Whitehead & Tsikata, 2001).
6. The case study derives from 78 interviews and historical testimonies collected in two villages between October 1996 and March 1997, from unpublished statistics from the Regional Lands Office, Dodoma, and from figures from a land registration exercise in 1992. The names of informants have been changed.
7. In this paper, I use the terms customary and custom to refer to common practices that are legitimated at the local level, mindful that there is considerable debate over the appropriateness of such terminology (see Whitehead & Tsikata, 2001, for a discussion of this).
8. In Mvumi, however, villagization has affected the content of what are seen as legitimate "customary" claims on plots in an area acquired by the government for the communal farm (see Yngstrom, 1999, for a fuller discussion).
9. Dodoma became the official capital of Tanzania and home to Parliament during the socialist years. Dar es Salaam has nevertheless remained the *de facto* commercial capital.
10. The hills surrounding the village are the only areas in the villages that could be considered open access lands, and have long been used for grazing, cultivation and charcoal-burning. Land cleared in the hills is rarely cultivated for more than 2 or 3 years and individuals have no interest in claiming rights to such land beyond the period of cultivation.
11. In the mid-1990s, less than 1% of arable land was under vines in the first village, rising to around 5% in the second village (unofficial figures, Regional Agriculture Department, 1996/97).



12. The figure of 9% includes land inherited by widows and held in trust for sons or daughters.
13. See note 10.
14. This exercise was undertaken by the Regional Lands Office in Dodoma District as part of a Land Use Management Project (see DLUMP, 1995, 1996).
15. In the first village, differences over who should register land were discussed and “resolved” (at least in the short term) during demarcation and registration. In the second village, villagers were asked to “resolve” land conflicts before land demarcation took place. Six of these are directly associated with registration, and a further four, which occurred around the time of registration, may have been influenced by these proceedings
16. The gender component of the land registration exercise aimed to support women’s claims on land (DLUMP, 1996).
17. This paragraph is based on ‘A Draft of the Land Act’ (URT, 1996) and on secondary analyses of the final Acts.
18. Application of this law has failed for a number of reasons, not least because “customary law”, has frequently been given precedence over statutory law (Rwenzaura, 1989).

## References

- Agarwal, B. (1994) *A Field of One’s Own: Gender and Land Rights in South Asia* (Cambridge, Cambridge University Press).
- Alden Wily, L. (2000) Land tenure reform and the balance of power in Eastern and Southern Africa, *ODI Natural Resource Perspectives*, No. 58.
- Alden Wily, L. & Mbaya, S. (2000) *Land, People and Forests in Eastern and Southern Africa at the Turn of the Century: An Overview of Findings*, IUCN Report.
- Atwood, D.A. (1990) Land registration in Africa: the impact on agricultural production, *World Development*, 18, pp. 659–671.
- Berry, S. (1984) *Households, Decision-making and Rural Development: Do we need to know more?* Development Discussion Paper No. 167, Harvard Institute for International Development.
- Berry, S. (1988) Concentration without privatisation, in: R.E. Downs & S.P. Reyna (Eds) *Land and Society in Contemporary Africa* (Hanover, University Press of England), pp. 53–75.
- Berry, S. (1989) Social institutions and access to resources in African agriculture, *Africa*, 59, pp. 41–55.
- Berry, S. (1993) *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison, The University of Wisconsin Press).
- Berry, S. (1997) Tomatoes, land and hearsay: property and history in Asante in the time of structural adjustment, *World Development*, 25, pp. 1225–1241.
- Boserup, E. (1965) *The Conditions of Agricultural Growth: The Economics of Agrarian Change under Population Pressure* (London, George Allen and Unwin).
- Bruce, J.W. (1993) Do indigenous tenure systems constrain agricultural development?, in: T.J. Basset & D.E. Crummey (Eds) *Land in African Agrarian Systems* (Madison, The University of Wisconsin Press), pp. 35–56.
- Bruce, J.W. & Migot-Adholla, S.E. (Eds) (1994) *Searching for Land Tenure Security in Africa* (Iowa, Kendall Hunt).
- Bruce, J.W., Migot-Adholla, S.E. & Atherton, J. (1994) The findings and their policy implications: institutional adaptation or replacement, in: J.W. Bruce & S.E. Migot-Adholla (Eds) *Searching for Land Tenure Security* (Iowa, Kendall Hunt), pp. 251–265.
- Carney, J.A. (1988) Struggles over crop rights and labour within contract farming households on a Gambian irrigated rice project, *Journal of Peasant Studies*, 15, pp. 334–349.
- Carney, J. & Watts, M. (1990) Manufacturing dissent: work, gender and the politics of meaning in a peasant society, *Africa*, 60, pp. 207–241.
- Chanock, M. (1985) *Law, Custom and Social Order* (Cambridge, Cambridge University Press).
- Christiansson, C. (1981) *Soil Erosion and Sedimentation in Semi-arid Tanzania* (Uppsala, Scandinavian Institute of African Studies).
- Cowen, M.P. & Shenton, R.W. (1996) *Doctrines of Development* (London, New York, Routledge).
- Davison, J. (Ed.) (1988) *Agriculture, Women and Land: The African Experience* (Boulder, Westview Press).
- Deininger, K. & Binswanger, H. (1999) The evolution of the World Bank’s Land Policy: principles, experience and future challenges, *The World Bank Research Observer*, 14, pp. 247–276.

- DLUMP (Dodoma Land Use Management Project) (1995) *Participatory Land Use Management (PLUM) in Mzula, Dodoma Rural District Tanzania, Vol. 1: Participatory Preparation, Introduction and Rural Appraisal* (Dodoma, Regional Lands Development Office).
- DLUMP (1996) *Notes on Participatory Land Use Management* (Regional Lands Office), May.
- EARC (East African Royal Commission) (1955) *East African Royal Commission 1953–1955 Report* (London, HMSO).
- Feder, G., Onchan, T., Chalamwong, Y. & Hongladarom, C. (1988) *Land Policies and Farm Productivity in Thailand* (Baltimore, Johns Hopkins University Press).
- Feder, G. & Noronha, R. (1987) Land rights systems and agricultural development in sub-Saharan Africa, *Research Observer*, 2, pp. 143–169.
- Ferguson, J. (1994) *The Anti-Politics Machine: 'Development', Depoliticization and Bureaucratic Power in Lesotho* (Minneapolis, London, University of Minnesota Press).
- Golan, E. (1994) Land tenure reform in the peanut basin of Senegal, in: J.W. Bruce & S.E. Migot-Adholla (Eds) *Searching for Land Tenure Security* (Iowa, Kendall Hunt), pp. 231–249.
- Gopal, G. & Salim, M. (1998) Gender and law: Eastern Africa speaks, *Proceedings from a Conference Organized by the World Bank and the Economic Commission for Africa* (Washington, World Bank).
- Guyer, J.I. (1981) Household and community in African studies, *African Studies Review*, 24, pp. 87–137.
- Guyer, J.I. (1988) Dynamic approaches to domestic budgeting: cases and methods from Africa, in: D. Dwyer & J. Bruce (Eds) *A Home Divided: Women and Income in the Third World* (Stanford, Stanford University Press), pp. 155–172.
- Guyer, J.I. & Peters, P.E. (1987) 'Introduction' to: conceptualising the household: issues of theory and policy in Africa, *Development and Change*, 18, pp. 197–213.
- Haugerud, A. (1989) Land tenure and agrarian change in Kenya, *Africa*, 59, pp. 61–90.
- Havnevik, K.J. (1995) Pressing land tenure issues in Tanzania in the light of experiences from other sub-Saharan African countries, *Forum for Development Studies*, 2, pp. 267–284.
- Havnevik, K.J. & Hårsmar, M. (1999) The diversified future: an institutional approach to rural development in Tanzania, Expert Group on Development Issues, Swedish Ministry for Foreign Affairs, p. 3.
- Hay, M.J. & Wright, M. (1982) African women and the law: historical perspectives, Boston University Papers on Africa VII.
- Hilhorst, T. (2000) Women's land rights: current developments in sub-Saharan Africa, in: C. Toulmin & J. Quan (Eds) *Evolving Land Rights, Policy and Tenure in Africa* (London, DFID/IIED/NRI), pp. 181–196.
- Kaaya, A.K. (1993) Soils of Mzula Village (Dodoma Rural District) and their suitability for the selected crops under rainfed conditions, Department of Soil Science, Sokoine University of Agriculture, Morogoro, Tanzania.
- Kajjage, F. & Tibaijuka, A. (1995) *Poverty and Social Exclusion in Tanzania* (Geneva, ILO, UNDP).
- Kevane, M. & Gray, L.C. (1999) A woman's field is made at night: gendered land rights and norms in Burkina Faso, *Feminist Economics*, 5, pp. 1–26.
- Lastarria-Cornhiel, S. (1997) Impact of privatization on gender and property rights in Africa, *World Development*, 25, pp. 1317–1333.
- Leonard, R. & Toulmin, C. (2000) Women and land tenure: a review of the issues and challenges in Africa, IIED Drylands Programme.
- LTSG (Land Tenure Study Group) (1995) Land policy in Tanzania: issues for policy consideration, *National Conference on Land Policy*, Arusha, 16–19 January.
- Mackenzie, F. (1990) Gender and land rights in Murang'a District, Kenya, *Journal of Peasant Studies*, 17, pp. 609–643.
- Mackenzie, F. (1993) 'A piece of land never shrinks': reconceptualizing land tenure in a small-holding district, in: T.J. Basset & D.E. Crummey (Eds) *Land in African Agrarian Systems* (Madison, The University of Wisconsin Press), pp. 194–222.
- Mackenzie, F. (1998) *Land, Ecology and Resistance in Kenya, 1880–1952* (International African Institute, Edinburgh, Edinburgh University Press).
- Maddox, G. (1996) Environment and population growth in Ugogo, Central Tanzania, in: G. Maddox, J. Gibling & I.N. Kimambo (Eds) *Custodians of Land: Ecology and Culture in the History of Tanzania* (London, James Currey).
- Manji, A. (1998) Gender and the politics of the land reform process in Tanzania, *The Journal of Modern African Studies*, 36, pp. 645–667.

- Manji, A. (1999) The Aids epidemic and women's land rights in Tanzania, *Recht in Africa*, pp. 31–50.
- Mann, K. & Roberts, R. (Eds) (1991) *Law in Colonial Africa* (London, James Currey, Heinemann).
- Manuh, T. (1995) Ghanaian women, economic crisis and access to resources, in: I. Yngstrom, P. Jeffery, K. King & C. Toulmin (Eds) *Gender and Environment in Africa: Perspectives on the Politics of Environmental Sustainability* (Edinburgh, University of Edinburgh).
- Mbughuni, P. (1994) Gender and poverty alleviation in Tanzania: issues from and for research, Network for Research on Poverty Alleviation, University of Dar es Salaam.
- McAuslan, P. (1996) Making law work: restructuring land relations in Africa, 3rd Alistair Berkeley Memorial Lecture, London School of Economics, 30 May.
- Migot-Adholla, S.E., Hazell, P., Blarel, B. & Place, F. (1991) Indigenous land rights systems in sub-Saharan Africa: A constraint on productivity?, *World Bank Economic Review*, 5, pp. 155–175.
- Moore, H. (1988) *Feminism and Anthropology* (Cambridge, Polity Press).
- Moore, H. (1994) *A Passion for Difference* (Cambridge, Polity Press).
- Moore, H. & Vaughan, M. (1993) *Cutting Down Trees: Gender, Nutrition and Agricultural Change in the Northern Province of Zambia, 1890–1990* (London, James Currey, Heinemann).
- Moore, S.F. (1986) *Social Facts and Fabrications: Customary Law on Kilimanjaro, 1880–1980* (Cambridge, Cambridge University Press).
- Mtengeti-Migiro, R. (1991) Legal Developments in Women's Rights to inherit land under customary law in Tanzania, *Verfassung und Recht in Übersee*, No. 24, pp. 362–371.
- Okali, C. (1983) *Cocoa and Kinship in Ghana: The Matrilineal Akan of Ghana* (International African Institute, London, Boston and Melbourne, Kegan Paul International).
- Okoth-Ogendo, H.W.O. (1986) The perils of land tenure reform: the case of Kenya, in: J.W. Arntzen, L.D. Ngcongco & S.D. Turner (Eds) *Land Policy and Agriculture in Eastern and Southern Africa* (Botswana, Gabarone).
- Okoth-Ogendo, H.W.O. (1989) Some issues of theory in the study of tenure relations in African agriculture, *Africa*, 59, pp. 6–17.
- Pinckey, T.C. & Kimuyu, P.K. (1994) Land tenure reform in East Africa: good, bad or unimportant, *Journal of African Economies*, 3, pp. 1–28.
- Place, F., Roth, M. & Hazell, P. (1994) Land tenure security and agricultural performance in Africa: overview of research methodology, in: J.W. Bruce & S.E. Migot-Adholla (Eds) *Searching for Land Tenure Security* (Iowa, Kendall Hunt), pp. 15–39.
- Platteau, J.-P. (1992) *Land Reform and Structural Adjustment in Sub-Saharan Africa: Controversies and Guidelines*, FAO Economic and Social Development Paper, No. 107, FAO, Rome.
- Platteau, J.-P. (1996) The evolutionary theory of land rights as applied to sub-Saharan Africa: a critical assessment, *Development and Change*, 27, pp. 29–86.
- Platteau, J.-P. (2000) Does Africa need land reform?, in: C. Toulmin & J. Quan (Eds) *Evolving Land Rights, Policy and Tenure in Africa* (London, DFID/IIED/NRI), pp. 51–73.
- Quan, J. (2000) Land tenure, economic growth and poverty in sub-Saharan Africa, in: C. Toulmin & J. Quan (Eds) *Evolving Land Rights, Policy and Tenure in Africa* (London, DFID/IIED/NRI), pp. 31–50.
- Rigby, P. (1969) *Cattle and Kinship Among the Gogo, a Semi-pastoral Society of Central Tanzania* (Ithaca, Cornell University Press).
- Rwebangira, M. (1996) *The Legal Status of Women and Poverty in Tanzania*, Research Report No. 100, Nordiska Afrikainstitutet, Uppsala.
- Rwezaura, B.A. (1989) The Court of Appeal of Tanzania and the development of the Law of Domestic Relations, *East African Law Review*, 16, pp. 146–181.
- Shipton, P. (1988) The Kenyan land tenure reform: misunderstandings in the public creation of private property, in: R.E. Downs & S.P. Reyna (Eds) *Land and Society in Contemporary Africa* (Hanover, University Press of England), pp. 91–135.
- Shivji, I.G. (1999) The Land Acts 1999: A cause for celebration or a celebration of a cause?, Keynote Address to the Workshop on Land, Morogoro, 19–20 February.
- Sundet, G. (1997) The politics of land in Tanzania, DPhil Dissertation, University of Oxford.
- Swynnerton, R.J.M. (1954) *A Plan to Intensify the Development of African Agriculture* (Nairobi, Government Printer).
- Thiele, G. (1984) State intervention and commodity production in Ugogo: a historical perspective, *Africa*, 54, pp. 93–107.

- Thiele, G. (1986) The Tanzanian villagization programme: its impact on household reproduction in Dodoma, *The Canadian Journal of African Studies*, 20, pp. 243–258.
- Toulmin, C. & Quan, J. (Eds) (2000) *Evolving Land Rights, Policy and Tenure in Africa* (London, DFID/IIED/NRI).
- URT (United Republic of Tanzania) (1994) *Report of the Presidential Commission of Inquiry into Land Matters, Vol. 1: Land Policy and Land Tenure Structure* (Uppsala, Ministry of Lands, Housing and Urban Development (MLHUD) and The Scandinavian Institute of African Studies).
- URT (1995) *National Land Policy* (Dar es Salaam, MLHUD).
- URT (1996) A Draft Bill for The Land Act, Prepared for MLHUD under ODA (now DFID) Contract.
- Vaughan, M. (1983) Which family: problems in the reconstruction of the history of the family as an economic and cultural unit, *Journal of African History*, 24, pp. 275–283.
- Vaughan, M. (1996) The character of the market: social identities in colonial economies, *Oxford Development Studies*, 24, pp. 61–77.
- Vijfhuizen, C. & Waterhouse, R. (2001) *Strategic Women, Gainful Men: Gender, Land and Natural Resources in Different Rural Contexts in Mozambique* (Maputo, Universidade Eduardo Mondlane/Action Aid).
- Wachter, D. (1992) Farmland degradation in developing countries: the role of property rights and an assessment of land titling as policy intervention, Land Tenure Centre, University of Wisconsin-Madison.
- Wanitzek, U. (1990/91) Legally unrepresented women petitioners in the lower courts of Tanzania: a case of justice denied, *Journal of Legal Pluralism and Unofficial Law*, 30/31, pp. 255–271.
- Waterhouse, R. (1999) Gender difference in the resolution of conflicts over or involving land: a case study from Marracuene District, Southern Mozambique, Gender Working Group, Campanha Terra/Action Aid, Mozambique.
- Whitehead, A. (1984) 'I'm hungry Mum': the politics of domestic budgeting, in: K. Young, C. Walkowitz & R. McCullagh (Eds) *Of Marriage and the Market: Women's Subordination Internationally and Its Lessons*, 2nd edn (London, Boston, Melbourne, Henley, Routledge and Kegan Paul), pp. 93–116.
- Whitehead, A. (1991) Rural women and food production in sub-Saharan Africa, in: J. Dreze & A. Sen (Eds) *The Political Economy of Hunger Vol. 1, WIDER Studies in Development* (Oxford, Clarendon Press), pp. 425–473.
- Whitehead, A. & Tsikata, D. (2001) Policy discourses on women's land rights in sub-Saharan Africa, UNRISD Workshop on Gender and Land, Addis Ababa, September 2001.
- Williams, G. (1988) Why is there no agrarian capitalism in Nigeria?, *Journal of Historical Sociology*, 4, pp. 345–398.
- Williams, G. (1994) Modernizing Malthus: the World Bank, population control and the African environment, in: J. Crush (Ed.) *Power of Development* (London, New York, Routledge), pp. 158–175.
- Williams, G. (2000) Studying development and explaining policies, Keynote Address, Finnish Society for Development Studies, Helsinki, 4 February.
- World Bank (1974) *Land Reform*, World Bank Development Series (Washington, DC, World Bank).
- World Bank (1975) *The Assault on World Poverty* (Baltimore, London, Johns Hopkins University Press).
- World Bank (1989) *Sub-Saharan Africa: From Crisis to Sustainable Growth* (Washington, DC, World Bank).
- World Bank (2000) *Summary: Engendering Development, Through Gender Equality in Rights, Resources and Voice* (Washington, DC, World Bank).
- Yngstrom, I. (1999) Gender, land and development in Tanzania: rural Dodoma, 1920–1996, DPhil Dissertation, University of Oxford.
- Yngstrom, I. (Forthcoming) Colonial representations of custom, social identity and environmental relations in central Tanzania 1926–1950, in: W. Beinart & J. McGregor (Eds) *African Environments: Past and Present* (Heinemann/Currey Social History Series).