


GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT

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Abstract

Equity in property and landed assets is instrumental in attaining economic independence and empowerment for women in developing countries. The primary objective of this paper is to examine how effective property rights facilitates a better bargaining position for women within the household and other areas of their lives. A number of studies have verified that this has also enhanced the investment in human capital of the household in areas of health, nutrition and education.

Through an extensive literature analysis on the question of gender gap in ownership of property in the global and Indian contexts, this paper aims to provide an overview of the empowering potential of property rights and how effective property rights are linked to reducing vulnerabilities and shocks in the lives of families all over the globe and specifically India.

In the recent years it has come to light that worldwide, women own only 1-2% of land, and the gender gap in land ownership is glaringly high. This paper indicates that in areas where the population is heavily dependent on agriculture and allied sectors as the main source of income, direct and secure land and property rights for women can improve their capabilities and levels of public participation and increase agricultural productivity given the high male out migration and increase in female headed households. In the case of married women, effective property rights are shown to improve the bargaining power of women in all matters within marriage.

The policies and laws enhancing property and land rights for women has empowering potential but the laws envisioned for social empowerment take shape in specific social and cultural contexts controlled by men and is reconstructed and reinterpreted depending on customary practices of inheritance within different communities, thus alienating women from owning landed assets and wielding their capabilities and limiting their choices. There is a need to enhance women's rights to land and assets and reconsider the possibility and constraints to land access for women and other vulnerable groups.

Keywords: *Gender, Effective Property Rights, Empowerment, India, South Asia*



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The journey for women towards gender equality is wrought with many complex social factors. These factors influence how women are perceived publicly, society's expectations of them, their access to capital and mobility, as well as where they are situated within the social landscape. The intersection of these social factors form a pretext to the various dimensions that form a woman's identity, goals, aspirations and limitations in having those aspirations come to fruition. The literature analyzing female autonomy has become incredibly nuanced in the turn to look beyond conventional indicators; more direct measures of autonomy can lead to different results in the overall analysis whether women truly



have agency in developing countries such as India. Autonomy has been measured in terms of access to and control over household income, the ability to make one's own decisions and choose course of actions, as well as micro-level decisions within the household to reveal continuities and disjunctures from conventional social development outcomes in regard to women's autonomy (Sen, 2013; Garikipati, 2012; Kabeer, 2010; Mitra and Singh, 2007; Agarwal, 1997). Understanding a woman's control within the household is an important indicator of her sense of autonomy and empowerment. Likewise, the public space (that space outside the home within the community) can also be examined in how women make decisions and navigate this space, how they are perceived by others, and how those perceptions influences the decisions they make in what can be seen as a feedback loop. My paper explores this feedback loop, and how social phenomenon in Kerala limit women's access to true autonomy.

Devika is a leading scholar in analyzing the gender coding of public and private spaces, and the ways in which women navigate these spaces. For Devika, "social and physical mobility does not necessarily lead to women's autonomy (Devika, 2011, p. 1148). She outlines the history of what she refers to as 'gender coding' of spaces - women's ability to move freely between these spaces and what the coding of these spaces means for women's autonomy. More, she encourages a closer look at the spatial categories that underwrite caste and gender exclusion in Malayalee society (Devika, 2011, p. 1150). There are many works that build upon and support this idea which lend themselves to future analysis of how a woman may ultimately overcome limitations to her autonomy, when the society she lives within is ruled by patriarchal norms that seem to stand against political, economic and seeming social change. Indeed, it is critical to understand that while women may not technically be denied physical access to empowerment, "the paths to their endeavours are obstructed by multiple road blocks" (George, 2011, p. 304). For example, beyond a woman requiring skills and education for a particular spot in the labour market, there are also "domestic responsibilities which reduce her job options" as well as employers gender based assumptions, "cultural specifications of appropriate female behavior" and male biases (Agarwal, 1997, p. 29).

Suma Scaria, in her micro-level study of a Keralan village, explores this concept of space and ultimately argues that women's subordinate status has failed to be elevated. While her argument is rather commonplace in popular literature about gender struggles in Kerala, she outlines important historical processes that have contributed to the complex portrait of gender norms in Kerala today. Through colonization, different agencies, including the state, missionaries and social reformists, reconstructed the traditional space of women "by advocating women's education, health and work participation albeit within a patriarchal framework since the early 20th century" (Scaria, 2014, p. 427). Scaria's work brings attention to the fusion of old Brahmanical values, showing a woman as chaste and devoted to her husband, alongside a Victorian influence of a woman who must be enlightened mothers and companions to their husbands (Scaria, 2014, p. 428). It highlights the types of education women receive, as well as the rates and types of employment of women.

The question then persists of who holds a place within or outside of the lines of "respectable femininity valorized by Kerala society?" (Aswathy and Kalpana, 2019, p. 202) Through mechanisms of social control (such as gossip and ridicule), one may easily find where economic, health and educational liberation fall short through the candor that is exchanged, as well as women's fear of the candor that will be exchanged. Scholars P. Aswathy and K. Kalpana (2019), in their piece on Kerala's women artisanal fishers, explore the concepts of 'social control' among Kerala's market fishing community, known as the "*Mukkavas*". Their piece outlines an example of the process of gendered identity



formation and subjugation in the fisher community backdropped against capitalist modernization (Aswathy and Kalpana, 2019, p. 197). The fisher community in Kerala has been largely impacted since the 1960s due to mechanization and catering to an export market; as a result, artisanal fishers' livelihoods eroded, and a turn to motorize and mobilize their fishing craft was the only means of survival (Aswathy and Kalpana, 2019, p. 197). More, after the 1990s saw many other artisanal practices erode, women were largely to the fisher markets for work: seen as a scandalous occupation, with women seen as *Cantha Pennu* (the market woman in Malayalam), a contrast to her 'feminine' counterpart: *Kulashtree* (domestic woman). In their case study, women are bringing home the money by selling fish with 70% of fish transactions taking place through women vendors (Aswathy and Kalpana, 2019, p. 196). More, women have income for approximately 300 days of the year, whereas the fishermen about 100 days. By normative indicators of gender development, one might think that this access to capital would imply that women may exercise a great deal of autonomy. Their work, however, displays the ways mechanisms operating within the communities, such as peer monitoring, ultimately regulates women's behaviour through surveillance and gossip (Aswathy and Kalpana, 2019, p. 197). The *Meen Kaari* (woman who sells fish), is associated with "images of coarse, aggressive, and sexual promiscuity" (Aswathy and Kalpana, 2019, p. 200). Here, the discussion of the public perception of women as workers becomes incredibly important: this was a poignant example of "moral condemnation" of women "transgressing conventional feminine norms"; indeed alongside the growth of work for women in this space was a subsequent overwhelming public anxiety, "articulated through commentary on their sexuality and mobility" (Aswathy and Kalpana, 2019, p. 197). As the job of a market woman often required travel and selling at night, gossip became a "powerful mode of social control", whereby 'good' market women (those who sold in the day) would separate themselves through *malu* (shame) of those who sold in the night (Aswathy and Kalpana, 2019, p. 202). What is most important in Aswathy and Kalpana's work is the clear display of the processes where women have to constantly negotiate with their social surroundings in every decisions they make, even if it is for their own basic economic benefit. The patriarchal undertones that shape community perceptions of how a woman may occupy both her public and private spaces crosses religion, caste and economics. Tanja Ahlin and Kasturi Sen (2020), in their piece about elder care practices in transnational families in Kerala, explore the concepts of 'good daughters' within Syrian Christian families. These women often migrate abroad for work in order to maintain or improve their families economic status. Here, the notion of 'mobility' increasing a woman's power is also debunked: their article shows the complexities and power of gender dynamics, even when women act as breadwinners (Ahlin and Sen, 2020, p. 1396). In this example, while women were able to improve their family status as well as change their dowry stories (releasing families of financial burden), a similar 'hushing' and gossip was common in families who would not openly claim that their daughter was supporting parents (a relatively frowned upon practice in Malayali and Indian culture). Ultimately, this practice of a daughter being able to financially contribute did not confront the patrilineal system (Ahlin and Sen, 2020, p. 1404). As a final example about how resources translate to women's empowerment, N. Kabeer demonstrates how women's access to resources changing the choices they make depends on the conditions in which they are making the choices (Kabeer, 1999, p. 443). For Kabeer, while studies will often highlight women's access to land, they "seldom reflect pathways where access to the land translates to agency or achievement" (Kabeer, 1999, p. 443). This is seen, for example, in the practices of land inheritance among upper caste Syrian Christian families. It is imperative to understand that resource availability (equal access) doesn't translate to empowerment: indeed while "Syrian Christian



women, for example, are given equal legal inheritance rights for both sons and daughters, in practice women waive their inheritance claims on property out of loyalty to their male counterparts” (Kabeer, 1999, p. 443). One can deduce that the social perception of a woman claiming the land and inheritance is stronger than her legal right to it. As noted in another work on access to economic resources, land is important in the role it plays for women’s empowerment: it can work as a ‘fallback position’ in the context of marital discord: so while “the land reforms in Kerala gave access to land for all communities... the redistribution programme was internalized and developed through a patrilineal framework” (Scaria, 2014, p. 441). Ultimately, the social consequence of deep-rooted patriarchy means that laws are limited in reaching the goals of female empowerment.

This extends to larger discussions around the changing dynamics of matrilineal kinship in the state (Arunima, 2003; Chacko, 2003; Panniker, 1989; Jeffrey, 1982, 1976; Schneider and Gough, 1961). Ultimately, this literature indicates that the structure of matrilineal kinship “underwent continuous change, ranging from legal redefinition by colonial state to economic ideological pressure that was brought to bear in the tharavadu by changing circumstances of Malabar in this period” (Arunima, 2003, p. 14). The dismemberment of the Tharavad over the 20th century changed varying rights to residence and obligations of kin, which may be structurally still present in Kerala households observed in the last fifteen years. Female rights to residence and property were gradually lifted and replaced with the formation of a colonial vision of a patrilineal household. In many cases, while women were the line through which property and ownership was passed, men were still making household decisions. British reform, in many ways, exploited the weaknesses currently present in the existing matrilineal system. This is to say that if males were still often the decision makers, having a law which designated revenue payments and management of economic affairs to the eldest male of a house, further legitimized the dominant presence of a male-headed household, sweeping away any access to empowerment a woman may have been closer to before reform. This brief overview of the changing systems of land inheritance and matrilineal practices is important for recognizing the theme among most aspects of social, political, and economic change in Kerala: the patriarchal values of the society permeate the daily spaces in which women try to operate. Thus, despite all changes in laws, educational status and notions of access, women are constantly having to navigate the silent social pressure that patriarchy has feeds: her status as second and subservient to men. Ultimately, these works serve to challenge notions of autonomy and empowerment in women by outlining the powers at bay in the social situations, pressures and perceptions that root themselves in patriarchal undertones and display themselves in women’s decision making. In dominant Western thought, the emancipation or empowering of women stops at offering them access to particular fundamental rights and freedoms: this is insufficient, of course, as the process of modernization is taking place in an entirely different landscape in India. Indeed, many “formal institutions” associated with modernization have been “incorporated within the traditional social structure” and “not free from an elitist bias” (Trivedi, 2007, p. 53); instead, modernization efforts can often evoke groups that “reinforce traditional, hierarchal cultural patterns” (Boserup, 1990, p. 24). Without a thorough acknowledgement and subsequent disruption and erosion of these social factors that limit women’s agency, gender equality is not possible.

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