



ECONOMIC INDEPENDENCE FOR GENDER EQUALITY

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Background

Property is universal and the rights to property is a complex weave of culture and economy that overlaps facets of the law and the state. Ownership of property would mean a concrete inalienable, economic and social rights. It would entail exclusivity and usufructuary capacities and thus holds and confers power to the owner thereby enhancing their bargaining power in societies. Effective rights in property is a critical determinant of women's socio economic and political empowerment. This is primarily because ownership and effective control over property means command over productive resources (like land,) and liquefiable assets (like gold and silver), which enables women the ability to bargain and choose the life they wish to lead while providing them the buffer against poverty and deprivation. However, this path to autonomy and self-determination is not well paved as there continues to be an unequal and differential access and control over resources for women and men, especially over productive resources like land.



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The primary objective of this paper is to examine how effective property rights and land ownership facilitates a better bargaining position for women within the household and other areas of their lives. Equity in property and landed assets is instrumental in accessing economic independence and empowerment for women in developing countries.

In its efforts to end discrimination against women, the Committees on the Elimination of Discrimination against Women (CEDAW) required all signatory states (179 of the 185 member countries of the United Nations) to modify or abolish all existing laws, customs, practices and regulations that discriminate against women. Part IV, Para 2 of Articles 15 and 16 of CEDAW, states that all signatory states must (1) "Recognise women's rights to own, inherit and administer property in their own names; (2) Provide equal rights for both spouses in respect to ownership, acquisition, management, administration" (UN 1980).

A study on Latin American countries has found that although there has been substantial improvements to women's rights to household assets and community property, "all but three Latin American countries recognise the dual-headed household....Nonetheless, everywhere in the region, there is a disjuncture between women's formal equality before the law and real equality when it comes to accumulation and management of assets" (Deere and Doss 2006: 21). In the developed countries of the North, the distribution of property between spouses upon separation or divorce was heavily influenced by CEDAW. In the UK and New Zealand the property acquired during marriage is evenly split between the spouses and in the US (even though it is yet to ratify the convention) it is noted that most states have passed an equal rights amendment and favour the women in cases of separation and widowhood. The property rights systems of many African countries are a mix of customary and legal systems coloured by their colonial past (much like in India) and traditional law and often exist riddled with ambiguity.



South Asian countries, like China, India and Vietnam have formal legislation safeguarding women's property rights, including in land rights and these policies and laws enhancing property and land rights for women have an enormous empowering potential. Unfortunately these 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 directing their choices to use the courts for legally provided asset rights.

Theoretical Framework

Within the broad framework of understanding the linkage between gender equality and empowerment and command over property this study focuses on the property rights of women as the axis of power relations in all societies. The earliest known theoretical questioning of women's oppression is by Friedrich Engels (1884) who in his treatise *The Origin of the Family, Private Property and the State* proposed a historical analysis that locates the source of women's oppression and male domination upon piecing together an anthropological and societal evolution of human society. He stated that women's subordination has a specific historical origin in the emergence of private property as a social institution. Feminist scholars have critiqued this and argued that unequal gender relations are present in property-less households (Sacks, 1974) (Rao, 2008) and the root cause of this female subordination and devaluation requires a deeper probe into “the entry of women into social production without an accompanying change in the ideology of gender and socialisation of the sexual division of labour institutionalises the double shift that women work” (Evans, 1987).

Karen Sacks points out that “although property ownership seems important for women's domestic position within the household vis a vis the husband, the exercise of domestic power, particularly in class societies, is limited by whether or not women have adult status in the social sphere beyond the household” (Sacks, 1974) In other words, possessing access and control over property is an important determinant of one's position within a social hierarchy pervading class, caste and gender. The sphere of the domestic is ideologically treated as private and hence belonging to women thereby alienating her from decision making capacities in the public realm which is the real basis for social adulthood. (Rao, 2008).

Bina Agarwal (1994) while discussing gender and command over the property in South Asia passionately advocates for property rights in the form of independent land rights with effective control as crucial determinant women's empowerment, well-being and equality in gender relations. She grouped these mutually supporting conceptualisations into four broad categories as below

Welfare Argument

Providing women independent land and property resources is likely to reduce the risk of poverty and associated vulnerabilities. Owning land has direct benefits of growing crops, fodder or a vegetable garden and indirectly it also increases the production possibilities like rearing livestock. It is also seen that households that operate with even marginal landholdings face a lesser risk of absolute poverty than landless households. Women tend to spend more resources for the well-being and sustenance of the families and their earnings from the land and allied resources will have an uplifting and affirmative effect on nutrition, mortality and morbidity. Feminist scholars like Kodoth (2009) and Rao (2011) agree with Agarwal who points that out-migration of male workers from rural to urban areas has increased women's responsibility and dependence on rural/agricultural sector to supplement the income for households and have also raised serious emphasis on having land as an asset base for women if they require to diversify into non-



farm sectors or continue in the same.

Efficiency Argument

Women face difficulties in freely participating in production and markets due to ideological and material constraints. The lack of titles for ownership and the legitimacy and acknowledgement of women as farmers in their own right, the small size of land holdings etc. put constrains their ability to improve land management, including accessing benefits from state programmes for farmers. (Rao, 2011). When women have titles to the land they own and cultivate, it can help to increase their access to infrastructural support like credit systems and technological assistance and this will allow for better returns to their investments and increase their agricultural output. Agarwal equates this to the land reform discourse that favours the security of tenure for the tenant which thereby builds on their incentive and capacity to invest in the land and thus increasing more rural jobs. Women tend to be better at paying back loans and adopt more sustainable practices of cultivation and can act as agents for the management and conservation of natural resources.

Equality Argument

Most feminist scholars explore how the ideology of gender places differential values in ownership of men and women within a household and emphasises that power relations exist within an intra-household dynamic. They point out that the preliminary intention of traditional inheritance systems is the preservation of immovable property as land for male heirs. (Agarwal, 1994) (Mukund, 1999) (Rao, 2008). The idea that women are only entitled to an unequal share in resource ownership comes from social values that are learnt in a patrilineal, patrilocal culture which conceptualises economic and social realities disparately for women and men (Mukund, 1999). It is observed in many studies among Hindu communities in North India that women are sent away with a dowry at the time of marriage in the form of movable assets and therefore cannot claim a share of immovable assets like land and property as an inheritance. Many women have therefore forgone their rights to equal inheritance although legally they are endowed with the same. (Basu, 2001) (Chowdhry, 2009) (Chowdhry, 2017). Most scholars who work on property ownership, inheritance and practices of dowry observe it as a problem that inflicts the Indian society and that modern Indian society is 'a curious labyrinth of land ownership patterns and land rights for women in various states'. (Chowdhry, 2009). The cultural ideologies and socialisation determine if and how much property rights women can have in society through their inheritance. In Srimati Basu's explorations on the present workings of women's ownership and inheritance of property in India, *She Comes to Take Her Rights: Indian Women, Property, and Propriety* she studies the lived experiences of middle-class and poor women, peeling back layers of intricate negotiations of familial kinship that make up a woman's decisions concerning family property. She moves beyond the common assumptions that its indifference, submission or the ignorance of the law, simplistic naive understanding about wealth, or unquestioning adherence to gendered socialisations that guides women's decisions. She claims that during instances where women do claim for the property they are seen as greedy disloyal figures out to break up the peace of the natal family by creating conflicts "Woh aayi hak lene" (she has come to claim her rights!), is often the response of the natal families towards women who do attempt to break cultural taboos to gain rights of inheritance and property (Basu 2005: 151).

Basu indicates that the stories of these women who are waiting to claim their share in inheritance and break up families are often exaggerated to disinherit women legally by the use and abuse of a will or testamentary power and by pressuring women to forfeit their share of land to the male heirs in the interest of good relations with the family, often by proposing a token amount to women in place of substantive property or indefinitely delay the property division.



This way of disinheritance is not uncommon in other parts of India, and we can be certain that all over the country the culture of patriarchy is so deeply embedded that it has metastasised to communities that were traditionally matrilineal like in the South and North-Eastern India. Most married women in India find themselves in a rather precarious situation with no position or power in their natal homes and nor economic assets to stand their own, having no choice but to accept and adjust to their affinal homes where they must try to belong and claim legitimacy and status and economic dependency on their husbands (Kishwar 2005).

There is a significant symbolic value in making women legitimate and equal heirs in ancestral inheritance and property, and this recognition trickles down to giving them a strong footing in decision making roles in the community and increases their bargaining power within the household and in the society.

Empowerment Argument

Feminist scholars have strongly backed the argument that with a manifested economic security associated with effective land ownership there is a positive effect on the well-being of women and their families. Scholars like Nitya Rao examine how relations of production socially value men's work and domesticates women, often with the support of legal systems of the state where land is titled in the names of men and thereby also influences the power dynamics and authority between men and women. Owning landed assets have influenced fertility, nutrition and resistance to domestic violence (Bina Agarwal, 2005) (Basu 2005). It has been expressed in acts of individual resistance and mobilisation of groups, thus it can be emphatically stated that entitling women with land can empower them as well as shape their identities to challenge social and political inequalities.

Findings with Discussion

Gender relations in the society are fuelled by customary practices and legislations of the state and they have steadily alienated women from owning assets and property. Thus it is quintessential to unpack how gender relations and hierarchies are reproduced within the family and state and thereby the socio political and cultural fabric of the society in which we live.

From the review it becomes clear that the women's access and control of property rights is conditional upon the nature of patriarchal structures. The repressive patriarchal assumptions of femininity and womanhood have further estranged women from claiming their rights to owning property. Daughters don't claim inheritance due to fears of damaging their relationships with their brothers and their families. Post marriage women's labour and care work is invisibilized and further confined them within a patrilocal household.

Most of the research in the areas are conducted on the wealth of the household, thereby assuming that this wealth is equitably distributed among its members. It is a convenient analysis to group communities on a household level than at an individual level and this makes it gender blind. An explicit analysis on assets and property owned by men and women will have to entail a differential study on the basis of age, education, occupation and marital status.

Conclusion and Suggestions

Thus one can conclude that although considerable progress has been made in measuring the distribution of property by gender and in understanding the factors that account for it, there exist challenging data gaps and a need to further more research in this area. Many studies focus on only one component of property, whether land in the developing countries or pension or non-pension assets in the developed countries (Deere & Doss, 2006). It is quite a challenge to collect data to include all these transfers along with some conceptual barriers like how to sort out who owns property



and who controls the property within the married couple in the household. Even in countries that have good sources of national level data there is little evidence on gender differentiated study of effective ownership of property and assets. Deere & Doss (2006) remark that this is because people may not know the actual value of many assets. While they may have a sense of the value of their house, they are less likely to reveal the value of their assets. In relation to women and property this summarizes as the need to examine the need for women's right to land and property, to define the constraints of that need, and to translate that need into actual rights in practice. And so, in order to understand women's access to property and assets it is essential to conceptualize it within the framework of the socio-political relations that determine gender relations and which in turn affect property relations.

The gamut of property rights becomes more indefinite and yet more significant. The socially entrenched nature of property with kinship and marriage systems, its linkages with cultural identities and symbolism makes it an interesting area of study. Women's struggle over claims for property and equal asset ownership and effective control is not just a struggle over resources and physical assets but a struggle over identities, notions of masculinity and femininity, poverty and marginality, power and honour. The empowerment potential of property rights cannot be overstated as it not only strengthens women's fall-back position and bargaining powers but also enable them to negotiate and navigate in situations of patriarchal control.

References

- Agarwal, B. (1994). *A Field of One's Own: Gender and Land Rights in South Asia*. (B. (. Agarwal, Ed.) Cambridge: Cambridge University Press. doi:10.1017/CBO9780511522000
- Agarwal, B. (1995). Gender and legal rights in agricultural land in India. *Economic and Political Weekly*, 30(12), A39-A56. doi: www.jstor.org/stable/4402533
- Agarwal, B. (2002). Are we not peasants too? Land Rights and Women's Claims in India. (21).
- Arunima, G. (1996). Multiple Meanings: Changing Conceptions of Matrilineal Kinship in Nineteenth and Twentieth Century Malabar. *Indian Economic and Social History Review*, vol xxxiii, no 3, 283-308.
- Basu, S. (2001). *She comes to take her rights*. Delhi: Kali for women.
- BinaAgarwal, P. P. (2005). Marital violence, human development and women's property status in India. 33(5).
- Chowdhry, P. (2009). *Gender discrimination in land ownership (Vol. 11)*. Delhi: Sage publication.
- Chowdhry, P. (2017). *Understanding women's land rights gender discrimination in ownership (Vol. 13)*. Delhi: Sage.
- Deere, C. D., & Doss, C. R. (2006). The gender asset gap: What do we know and why does it matter? *Feminist Economics*, 12(1-2), 1-50. doi: 10.1080/13545700500508056 .
- Deininger, K., Goyal, A., & Nagarajan, H. (2013). Women's inheritance rights and intergenerational transmission of resources in India. *The Journal of Human Resources*, 48 (1), 114-141. doi:10.3368/jhr.48.1.114
- Doss, C. (2016). We know women's legal rights to own, inherit and farm land are crucial. So why is it still so hard to know how many women have rights? Retrieved from Thomson Reuters Foundation: <http://news.trust.org/item/20160516120134-jqvsvx>
- Duflo, E. (2003). Grandmothers and granddaughters: Old age pensions and intrahousehold allocation in South Africa. *World Bank Economic Review*, 17(1), 1-25.
- Engels, F. (1884). *Origins of the Family, Private Property, and the State*. Retrieved from <https://www.marxists.org/archive/marx/works/1884/origin-family/preface.htm>



- Evans, M. (1987). Engels : Materialism and Morality. In M. E. Janet Sayers (Ed.), *Engels Revisited : New Feminist Essays*. London: Tavistock Press.
- Kabeer, N. (1999). Resources Agency and Achievements : Reflections on the measurement of Women's Empowerment. *Development and Change*, Vol30, Institute of Social Studies, 435-464.
- Kodoth, P. (2004). Gender, Property Rights and Responsibility for Farming in Kerala. *Economic and Political Weekly*, 1911-1920. Retrieved from <http://www.jstor.org/stable/4414994>
- Kodoth, P. (2009). Residual farmers on household land? Women and second generation concerns of regulation in Kerala. In P. Chowdhry, *Gender discrimination in land ownership* (pp. 117-139). India: Sage Publications.
- Mencher, J., & Saradamoni, K. (1982). Muddy feet, dirty hands: Rice production and female agricultural labour. *Economic and Political Weekly*, 17(52), A149-A167. doi:www.jstor.org/stable/4371700
- Mukund, K. (1999). Women's Property Rights in South India: A Review. *Economic and Political Weekly* 34, no. 22, 1352-358. Retrieved from <http://www.jstor.org/stable/4408023>.
- Rao, N. (2008). *Good women do not inherit land: Politics of land and gender in India*. Delhi: Social Science Press Orient Black Swan.
- Rao, N. (2011). Gender, land and resource rights in India. doi:10.4000/books.iheid.6757
- Sacks, K. (1974). Engels Revisited: Women, the Organization of Production, and Private Property . In L. L. Michelle Zimbalist Rosaldo (Ed.), *Woman Culture and Society* (pp. 207-22). Stanford: Stanford University Press. doi:doi:10.1177/027046768300300406
- Trat, J. (1998). Engels and the emancipation of women. *Science & Society*, 62(1), 88-105. Retrieved from <http://www.jstor.org/stable/40403689>