

Women and Property: Reducing Domestic Violence, Enhancing Group Rights

Bina Agarwal

There is a growing recognition globally that women's ownership of property, such as house and land, can critically enhance theirs and their children's economic and social well-being, and promote women's overall empowerment. It can add to livelihood options and poverty alleviation, and increase the likelihood of children surviving, attending school and receiving health care.

With a feminization of agriculture, land titles for women can also enhance agricultural productivity. But there is an additional and little recognized link, namely between women's property status and domestic violence.

This article establishes that link, and also outlines how a group approach to asset acquisition, control and use by women could prove more effective than the typical individual-oriented approach. The focus is on India's experience, but the conceptual and policy directions have wider relevance.

Women's property and spousal violence

Spousal violence exposes the myth of the home as a protective space. It devastates the women who suffer it, scars the children who witness it, and dehumanizes the men who perpetrate it. In India, spousal violence is estimated to range between 20-50% (varying by region). These too are underestimates since many women fear to report it. Several studies have sought to identify the factors underlying spousal abuse, but few have examined the impact of women's property status.

Property ownership can act as a security against spousal violence in several ways. A house or land visibly signals the strength of a woman's fall-back position and her tangible exit option, and can thus act as a deterrent to violence. And should she face violence, owning (or otherwise having access to) a house or land provides her an escape from further abuse, without facing the painful choice between homelessness and injury. Whether or not she actually uses it, the very existence of an exit option can deter violence.

A house can be especially helpful, but even with land she could build a shelter or start a micro-enterprise. Also, land access enhances women's livelihood options and sense of empowerment, thus reducing her risk of violence by increasing her economic security and lowering her tolerance to violence.

Employment, in contrast, cannot provide the same protection. For a start, employment is subject to the vagaries of the labour market. Also many women are unpaid workers on family enterprises and earn no independent incomes, or have insufficient earnings to rent a place should they need to escape from violence.

Indeed, rented accommodation cannot always be found at short notice and landlords are often unwilling to take single women tenants. A woman with a home or land would not face such difficulties. Not surprisingly existing studies which test the relationship between women's employment and spousal violence get mixed results – some find lower violence among employed women, others higher, or no difference.

The critical impact of women's own property status on their risk of spousal violence is clearly brought out by a study I coauthored with Pradeep Panda, the findings of which I summarize here. The study is based on data collected by Panda in 2000-01 for a sample of 502 ever-married rural and urban women in the 15-49 age group, in ten wards of Trivandrum district (Kerala).

The households were randomly selected within each ward. We examined both physical and psychological violence, and both *long-term* (that which occurred at least once during the woman's married life) and *current* violence (that which occurred in the last year), not leading to death.

Physical violence included slapping, hitting, kicking, and beating, and psychological abuse included insults, belittlement, threats, etc. Here the focus is on long-term violence, but very similar results obtain for current violence. The results from this survey are supplemented by the findings of a panel resurvey of the same households that Panda and I jointly undertook in 2004-05.

Overall 34% of the women surveyed owned either land or a house or both. Some 6% owned only land, 14% had only house titles and 15% had titles to both. Many communities of Kerala had a matrilineal tradition but we found property-owning women among both matrilineal and non-matrilineal households. Despite Kerala's favourable human development indicators, 36% of the women reported long-term physical violence, and 65% reported psychological abuse. Physical violence during pregnancy – which can cause

miscarriages, low birth weight infants, and even fetal and maternal death - was especially high. Quite trivial issues triggered abuse, such as wife's presumed inadequacies in care of the children or cooking.

However women owning immovable property faced dramatically lower spousal violence: 49% of the propertyless women reported long-term physical violence compared with 18% and 10% respectively of those who owned either land or a house, and 7% if they owned both.

The figures for psychological violence were even more dramatic: the incidence was 84% for propertyless women and 16% for those owning both land and a house. In other words, women's ownership of immovable property clearly serves as a protection against spousal violence.

Equally, it provides an escape if violence occurs: of the 179 women experiencing long-term physical violence, 43 left home. The percentage leaving home was much greater among the propertied (71%), than the propertyless (19%).

Moreover, after leaving home, few of the propertied women returned - 88% of those returning were propertyless. Thus not only are propertied women less likely to face marital violence, they are also more able to escape further abuse. Property ownership can thus serve both as a deterrent and as an exit option.

The deterrent impact of property was significant even after controlling for many other factors such as the household's economic status, the woman's age, duration of marriage, number of sons, hers and her husband's educational and employment level,

spousal gaps in education or employment, the husband's alcohol consumption, support from parents and neighbours, and witnessing such violence in childhood by the woman or her husband.

Factors other than property which also reduced women's risk of physical violence included social support from her birth family and neighbours, belonging to a well-off marital household, and the husband being employed. In contrast, being employed herself did not reduce a woman's risk of violence, except if she had a regular job.

However, if women or their husbands had seen their own fathers beat their mothers in childhood, the women were more likely to be beaten themselves. But husbands who drank were not more physically abusive than teetotalers. Probably unemployment and drinking go together in large extent and the popular perception of drinking as the cause of wife-beating may cloak an unemployment effect.

Our 2004-5 resurvey of the same households in Kerala provided two further insights. One, women who were better employed than their husbands were more likely to be beaten, but women who owned property were less likely to be beaten even when the husband himself was propertyless. In other words, the woman's employment could produce a perverse effect, but not her ownership of property.

Second, propertied women had greater say in household decisions than the propertyless: 35% of the former relative to 18% of the latter decide about loans on their own; 56% of the former and only 2% of the propertyless decide on contraceptive use on their own; and 22% of the propertied relative to only 0.4% of the

propertyless said they have the main say in whether to have sex with their husbands. This last has special relevance since forced sex is a little acknowledged form of marital violence.

Are these links between the woman's property status and domestic violence specific to Kerala and its matrilineal tradition? The answer is, no. First, belonging to a matrilineal caste made no difference - irrespective of caste it was property ownership that mattered.

Second, a recent study (Gupta, 2006) in a very different cultural context, namely West Bengal (eastern India), also found that women's property ownership was linked with significantly less risk of physical abuse: current physical violence was 38% among propertyless women and 15% among the propertied. Owning a house made a particular difference.

These results add another major reason for promoting women's rights in land and housing. They also suggest that we need to broaden our approach to dealing with spousal violence. So far the focus has been mainly on legal protection and short-stay shelter homes. Both those measures, while important have proved inadequate. Women's groups remain handicapped in the help they can give when a battered woman has no independent economic means, or state-provided social security system.

More importantly, such measures deal with violence *after the fact*. Our findings suggest that women's greater access to housing and land can play a preventive role - it can *deter* violence. Also it can complement the efforts of women's groups to help a woman if she has a property base of her own. Women

BOX 1: IN WOMEN'S WORDS

Propertyless woman who faced violence - 'Property would have protected me from violence or at least I could have escaped from this house with my children if I had a house of my own.'

Propertied woman who faced no violence - 'A woman is afraid of her husband abandoning her one day or throwing her out from his house. If the house where they stay is in the woman's name, she can say... you go.'

'Propertied woman who faced violence - 'My mother gave me 15 sovereigns of gold and a house when I got married. But he used to punish me very cruelly. Once he threw me out in the middle of the night. I left but returned in a few days. He tortured me again. Finally I left him for good. I have been staying in my own house for 15 years'

Source: 2004-05 panel resurvey of Kerala households.

Box 2: ENHANCING WOMEN'S LAND ACCESS

FOR IMPROVING WOMEN'S CLAIMS IN PRIVATE LAND

1. Gender equality in Inheritance Laws
2. Legal literacy and legal support services
3. Village-level recording of women's shares
4. Social & economic support from outside family; social security scheme
5. Changing social attitudes

FOR IMPROVING WOMEN'S ACCESS TO PUBLIC LAND

1. Land titles for women in land reform schemes, resettlement schemes; poverty-alleviation programmes, etc.
2. Providing women group rights for use of public land (e.g. land trust)

FOR IMPROVING WOMEN'S MARKET ACCESS TO LAND

1. Subsidized credit for land purchase or lease by poor women
2. Land purchase or lease via group formation

FOR IMPROVING VIABILITY OF WOMEN'S FARMING

1. Agricultural infrastructural support for women farmers
2. Resource pooling & group investment and cultivation; cooperative marketing
3. Women's effective presence in village decision-making bodies
4. Gender sensitizing through the media, educational institutions, etc.

themselves clearly recognize the protection that property can provide (see box 1).

Rethinking policy: Group approach

How can we enhance women's access to land and house? There are three main sources for acquiring these assets: families, the state and the market (see Box 2). Access via families, apart from gifts or dowry, depends especially on inheritance laws and their implementation.

In India, for instance, with the recent amendment of Hindu Inheritance law, the laws for most communities are gender equal. In fact, the 2005 amendment of the Hindu Succession Act, which affects 80% of Indian women, not only enhances women's claims in parental property, it also gives married daughters rights of residence in and partition of the parental home which they did not have earlier (Agarwal, 2005). This means that women in violent marriages can now seek refuge with their parents as a legal right and not merely on sufferance.

Substantial barriers exist, however, in the implementation of such enabling legislation.

Most women lack information about the law as well as the means to act on it. They need legal literacy and legal aid. To provide this, apart from the state key, a key role could be played by civil society, including women's organizations, as well as village councils and municipalities which now have substantial female representation following seat reservations. The media can also contribute to raising awareness about the law.

Many families, however, have little property to give. Here the state and the market can be important sources. The government, for instance, distributes titles to agricultural land or urban homesteads under anti-poverty, land reform and resettlement schemes. Here if titles were given in women's names it would give her greater autonomy in functioning than joint titles with husbands (although the latter are better than no titles at all).

In addition, for urban housing, a large-scale campaign appears necessary for low-cost options. Even owning a one-room apartment would give a woman facing violence somewhere to go. Similarly, there is critical need to enhance women's ability to access

land and housing via the market through, say, subsidized credit. The 'Right to housing' and 'right to land' campaigns being promoted by the United Nations Commission on Human Rights (UNCHR), to enhance women's livelihood options also need to be broadened to embrace the link with domestic violence.

In both State and market-related efforts, however, to increase women's access to land and housing, a *group approach* can provide a breakthrough and constitute *an alternative vision* of protective security for the disadvantaged. Most women lack the financial resources to invest in immovable assets individually. Many could, however, afford the price of a room within a house that is purchased by a group of women jointly.

Similarly, when the government transfers land to the poor, for either housing or economic enterprises, it could do so to a group of women, who would hold joint rights over it, rather than to individual women. This can prove both more economically viable and socially empowering.

Although untried for housing, a group approach has been successfully promoted for land. A case in point is the work of the Deccan Development Society (DDS) in Andhra Pradesh (AP), south India (for details, see Agarwal, 2003). DDS works with poor women's collectives in over 75 villages in Medak district - a drought-prone tract - and has helped women from landless families establish claims on land, through purchase and lease, using various government schemes.

One such scheme of the AP government provides subsidized loans to groups of landless scheduled caste women for buying agricultural land. Women form a group and jointly buy land which is then divided equally and individually registered in each woman's name.

Cultivation, however, is done collectively by each group. Today 24 women's groups in 14 villages are cultivating purchased land in this way. Another initiative has been to help women lease in land as a group from private owners and cultivate it jointly. The women have used loan money obtained partly from

DDS and partly from the government's poverty alleviation scheme, DWACRA (Development of Women and Children in Rural Areas), along with their own resources. Initiated in 1989 this program is working successfully in 52 villages.

In working together women have learnt to survey land, hire equipment, travel to towns to meet government officials, obtain inputs, and market output. They farm organically and grow several crops (some grow as many as 24 in a single year). This reduces the risk of total crop failure and provides a balanced diet. Examples of group leasing and cultivation can also be found in some other states, such as Kerala and Gujarat.

However, there is also a third type of collective arrangement that could be tried. First suggested by me in Agarwal (1994) it is still largely untried, except on a very small scale. This alternative would involve the government giving poor rural women *group rights* over the land it distributes under various schemes.

Effectively, the women would be stakeholders in a kind of land trust. Each woman in the group would have use rights but not the right to alienate the land. The daughters-in-law and daughters of such households who are resident in the village would share these use rights. Daughters marrying outside the village would lose such rights but could re-establish them by rejoining the production efforts, should they return on divorce or widowhood.

In other words, land access would be linked formally with residence and working on the land. If such a scheme were initiated simultaneously in a group of villages within which there are intermarriages, and which constitute what could be termed "a marriage circle", then daughters leaving the village on marriage would gain rights in their marital village and so gain livelihood security there as well.

Such group arrangements can help women gain access to land through the market or through the community which women rarely get as individuals. Where linked with land pooling, joint investment, and collective

management, these arrangements can also help overcome problems of small size and fragmentation.

Moreover, a collective approach to land management helps women mobilize funds for capital investment on the farm, take advantage of economies of scale, and cooperate in labour sharing and product marketing.

In addition, if the land is held under a system of group rights (the third alternative) women could better withstand pressure from relatives and retain control over the land. They could also circumvent the problem of inheritance, since the land would not be alienable, as well as circumvent the issue of outside-village marriages, since women's rights would be based on residence.

Parallel to this, to make farming productive, women farmers need better access to infrastructure, information and technology. Again women working in groups are better placed to lobby for and access these than individual women.

In conclusion

To sum up, women's access to immovable assets such as land and housing can empower them in ways which employment alone is unable to do.

Apart from the now recognized benefits in terms of livelihood enhancement, poverty alleviation, improved child welfare and women's empowerment, access to land and house is also found to reduce women's risk of spousal violence.

However, to enhance women's access to these immovable assets in their own right we need to explore multiple channels – family, state and market. Equally, to help women acquire immovable assets, retain control over them, and use them productively we need innovative approaches. In particular, a group (rather than an individual-oriented) approach, such as joint purchase, joint leasing or joint use rights held by groups of women, accompanied (for land) by group cultivation, could well prove to be the vital key to effective empowerment. **PP**

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Bina Agarwal

Professor of Economics, Institute of Economic Growth, Delhi University

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13th Floor, Regent house,
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Bangkok 10311 Thailand
Telephone: +66-2-651-9066
Facsimilie: +66-2-651-9070
Email: peopleandpolicy@actionaidasia.org

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