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Gender and Command Over Property: A Critical Gap in Economic Analysis and Policy in South Asia

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Summary. — This paper focuses on a much neglected issue: the links between gender inequities and command over property. It outlines why in rural South Asia, where arable land is the most important form of property, any significant improvement in women's economic and social situation is crucially tied to their having independent land rights. Better employment opportunities can complement but not substitute for land. But despite progressive legislation few South Asian women own land; even fewer effectively control any. Why? A complex range of factors — social, administrative, and ideological — are found to underlie the persistent gap between women's legal rights and their actual ownership of land, and between ownership and control. The necessity of collective action by women for overcoming these obstacles and the aspects needing a specific focus for policy and action are also discussed.

1. INTRODUCTION

We want [arable] land, all the rest is humbug.
(Landless women in South India answering a query whether they wanted better houses)¹

Please go and ask the *sarkar* [government] why when it distributes land we don't get a title. Are we not peasants? If my husband throws me out, what is my security? (Message conveyed by poor peasant women to the West Bengal government in 1979 through their women representatives on the village council)²

Economic analysis and policies concerning women have long been preoccupied with employment, to the neglect of a crucial determinant of women's situation, namely the gender gap in command over property. This is especially (but not only) true in analysis relating to South Asia.

It is argued here that the gender gap in the ownership and control of property is the single most critical contributor to the gender gap in economic well-being, social status and empowerment. In primarily rural economies such as those of South Asia the most important property in question is arable land.

The discussion below, divided into six sections, focuses on the following dimensions of gender and rights in arable land. Section 2, traces the considerable neglect of this issue by policy makers, activists and

academics in South Asia. Section 3 examines some conceptual links between property and gender, while section 4 elaborates why it is important for rural women to have independent rights in land. Section 5 looks at gender relations historically in those South Asian communities in which women traditionally enjoyed rights in land. Section 6 identifies the obstacles women face in realizing effective land rights in most parts of South Asia today, and illustrates how women's command over economic resources is crucially mediated by noneconomic factors. Finally, section 7 highlights some aspects of the interventions needed for change.

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2. THE BACKDROP

The assumption that the household is a unit of congruent interests and preferences, among whose members the benefits of available resources are shared equitably, irrespective of gender, has been a long-standing one in economic theory and development policy; and one which, until recently, has been shared widely by governmental and nongovernmental groups, institutions and individuals. The process by which this assumption of a unitary household, and more generally of the gender-neutrality of development, has come to be challenged over the past 20 years is a complex one. It has been a process of negotiation and struggle involving multiple actors — academics and researchers, women's activist groups, government policy makers, and international agencies.³ Today, as a result, the idea that development is not gender-neutral has gained fairly wide acceptance in development enquiry and policy, even though there is no consensus on the causes of the gender gap or on how it could be bridged.

Typically, policy directives and programs treat gender as an *additive* category, to be added onto existing ones, with women as a special target group, rather than gender as a lens through which the approach to development should itself be reexamined. The programs are essentially couched in welfare terms, under the umbrella of the "basic needs" approach that gained currency in development thinking in the mid-1970s. This approach emphasizes the provision of "basic" goods and services (such as food, health care, literacy) to the economically disadvantaged, without seriously questioning the existing distribution of productive resources and political power, or the social (gender/class/caste) division of labor.

In this scenario, the issue of women's land rights has, until recently, received little attention in policy formulation in South Asia. For instance, in India, it is only in the Sixth Five Year Plan (1980–85) that we see the first limited recognition by the government of women's need for land (and only in the context of poverty): the Plan stated that the government would "endeavor" to give joint titles to spouses in programs involving the distribution of land and homesites to the landless. In the Seventh Five Year Plan (1985–90) the directive on joint titles was not restated, while the recently formulated Eighth Plan (1992–97) makes only two specific points in relation to women and agricultural land: one, it recognizes that "one of the basic requirements for improving the status of women" is to change inheritance laws so that women get an equal share in parental property, but it lays down no directives to ensure that this is implemented. Two, it asks state governments to allot 40% of surplus land (i.e. land acquired by the government from households owning more than a specified maximum) to women alone, and to allot the rest jointly in the names of both spouses (GOI, 1992a, p. 34).⁴ This

sounds good in principle; in practice only about 1.04 mha of surplus land remains to be distributed, constituting a mere 0.56% of the country's arable land (GOI, 1992a, p. 34).

The situation in other South Asian countries is even more discouraging. Nepal's Eighth Five Year Plan (1992–97) Summary highlights women's employment and the need to encourage women's participation in various activities, but contains no reference to their need for land. Bangladesh's Fourth Five Year Plan (1990–95) again emphasizes issues such as female employment, literacy, health, nutrition and credit, but makes no mention of land for women (Government of Bangladesh, 1990). Similarly, although Pakistan's *Report of the Working Group on Women's Development Program for the Sixth Plan (1983–88)* recommended that all land distributed under the land reform program should be jointly registered in the names of both spouses, this recommendation was not incorporated into the formal plan document. In addition, Pakistan's Eighth Five Year Plan (1993–98) Approach Paper promises women preferential treatment in education and employment, but does not mention property rights; it also casts gender relations in traditional terms, with the State explicitly undertaking "to protect the marriage, the family, the mother and the child . . ." and to forgo any approaches "which (could) antagonize male members of the community . . ." (Government of Pakistan, 1991, pp. 22, 24).

In other words, the issue of women and land, even today, remains one of marginal, not central concern to development policy in South Asia. What is especially striking is the disjunction between public policy formulation and the rights encased in personal law. The idea of women having independent property rights (including rights in land) was accepted by most South Asian countries in laws governing the inheritance of personal property when gender-progressive legislation was passed in the 1950s⁵ (and even earlier in traditionally bilateral and matrilineal communities).⁶ But such legislation remained confined to inheritance laws on private land; in policies governing the distribution of public land the issue of women's land rights was not discussed till the 1980s. Hence the redistributive land reform programs of the 1950s and 1960s in India, Pakistan and Sri Lanka, and of the 1970s in Bangladesh, continued to be modeled on the notion of a unitary male-headed household, with titles being granted only to men, except in households without adult men where women (typically widows) were clearly the heads. This bias was replicated again in resettlement schemes, even in Sri Lanka where there has been a long-standing practice of bilateral and matrilineal inheritance.

The possible factors underlying this disjunction between government policy in relation to public land distribution and the legal rights in private land granted

to women under inheritance laws, cannot be traced here. But among the factors underlying the reluctance to change public policy and the tardy implementation of any changes would certainly be the following: the (noted) assumption of gender-congruence in intra-family interests; the dominant view that men are the breadwinners and women the dependents; strong male vested interests in all land, including public land; gaps between the central government's policy directives and the shape these are given at the state/provincial level; and the belief that land distribution to women will further reduce farm size and fragment cultivated holdings, thereby reducing agricultural productivity. The farm size and fragmentation arguments (discussed in section 4) have also been used in many regions of India to undercut post-Independence gender-progressive personal laws, by retaining age-old customary laws that disadvantage women in relation to agricultural land.

An ambiguity toward this issue is also found among those who have otherwise been strong advocates of redistributive land reform, namely Marxist political parties and left-wing nongovernmental organizations, but who still see class issues as primary and gender concerns as divisive and distracting.⁷ At the same time, most women's organizations (whatever their political persuasion), with some recent exceptions, have been preoccupied with employment and nonland-related income-generating schemes as the primary means of improving women's economic status and welfare, paying little attention to property rights.⁸

This neglect of women's land-related concerns by both governmental and nongovernmental institutions mirrors a parallel gap within academic scholarship, where the relationship between women and property has remained virtually unattended and little theorized. For instance, a vast body of economic development and political science studies document a strong interdependence between the rural household's possession of agricultural land and its relative economic, social and political position. But characteristically these studies focus on the household as the unit of analysis, ignoring the intrahousehold gender dimension. Again, a substantial body of sociological and anthropological literature on South Asia, especially that relating to kinship and marriage, helps us construct a picture of some aspects of women's position; but even in the best of ethnographies up to the 1970s, the analysis is typically ungendered. Women appear mainly as objects of study and exchange, not as subjects; their presence is registered, seldom their perspective; and gender relations are depicted as essentially unproblematic. Often implicit in these descriptions is the assumption that underlying women's social subordination are the cultural values of the community to which they belong; and the possible material basis of women's subordination, or the dialectical link between their material context and gender ideology is

seldom recognized. Over the past decade and a half, however, a body of work has emerged which does incorporate gender analysis in diverse ways. This includes some gender-sensitive ethnographies which fill critical gaps (mainly on women's work and roles), and a spectrum of studies that could loosely be termed "women and development" literature. This literature examines gender biases in economic development, often giving primacy to women's economic position as a significant indicator of gender inequality and sometimes also as a causal factor underlying noneconomic dimensions of that inequality. But the measure of women's economic status is still typically employment and labor force participation, not property rights.⁹

In my giving centrality to the gender gap in command over landed property, a question that assumes significance is: Why do women in South Asia need independent rights in land? An answer to this question is attempted in section 4 below. Before "making the case," however, it is useful to consider some of the wider conceptual links between gender and property, why a focus on *landed* property is important, and what I mean by "rights" in land.

3. GENDER, PROPERTY AND LAND: SOME CONCEPTUAL LINKS

Consider first the relationship between gender and property. In the present discussion, five interrelated issues need particular focus: gender relations and a household's property status; gender relations and women's property status; the distinction between ownership and control of property; the distinctiveness of land as property; and what is meant by rights in land. The first three issues are discussed in the subsection below, and the last two in separate subsections.

(a) *Household property and women's property*

The links between gender subordination and property need to be sought in not only the distribution of property between households but also in its distribution between men and women, in not only who owns the property but also who controls it, and in relation not only to private property but also to communal property. Further, gender equality in legal rights to own property does not guarantee gender equality in actual ownership, nor does ownership guarantee control. The distinctions between law and practice and between ownership and control are especially critical: most South Asian women face significant barriers to realizing their legal claims in landed property, as well as to exercising control over any land they do get.

This formulation departs significantly from standard Marxist analysis, particularly from Engels's still-influential, though much-criticized, *The Origin of the Family*,

Private Property and the State, where intrafamily gender relations are seen as structured primarily by two overlapping economic factors: the property status of the households to which the women belong, and women's participation in wage labor. Engels argued that in capitalist societies, gender relations would be hierarchical among the property-owning families of the bourgeoisie where women did not go out to work and were economically dependent on men, and egalitarian in propertyless proletarian families where women were in the labor force. The ultimate restoration of women to their rightful status, in his view, required the total abolition of private property (i.e. a move to socialism), the socialization of housework and childcare, and the full participation of women in the labor force. In the context of industrializing Europe, Engels (1972, pp. 137–138) argued: "the first premise for the emancipation of women is the reintroduction of the entire female sex into public industry."¹⁰

In his analysis, therefore, the presumed equality of gender relations in a working class family rested on *both* husband and wife being propertyless and in the labor force, and the inequalities in the bourgeois family rested on men being propertied and women being both propertyless and outside the labor force. This underlying emphasis on the *relational* aspect of gender is clearly important. So is the emphasis on women's economic dependency as a critical constituent of the material basis of gender oppression. By advocating the abolition of all private property as the solution, however, Engels bypassed the issue of women's property rights altogether, and left open the question: what would be the impact on gender relations in propertied households if women too were propertied as individuals? Entry into the labor force is not the only way to reduce economic dependence; independent rights in property would be another, and possibly the more effective way.

Engels's emphasis on women's entry into the labor force as a necessary condition for their emancipation has been enormously influential in shaping the thinking of left-wing political parties and nonparty groups, including left-wing women's groups in South Asia.¹¹ They too give centrality to women's employment, but the necessary accompaniments emphasized by Engels, namely the abolition of private property in male hands and the socialization of housework and childcare, have largely been neglected, as has the question of women's property rights.

A critical additional point (missed in Engels's analysis and associated discussions) is that of property control. Property advantage stems not only from ownership, but also from effective control over it. In societies which underwent socialist revolutions, while private property ownership was legally abolished, control over wealth-generating property remained mainly with men; any positive effects on gender relations that could have stemmed from the change in ownership, if accompanied by gender-egalitarian mechanisms of control, thus went unrealized.¹² Indeed in most societies today it is men as a gen-

der (even if not all men as individuals) who largely control wealth-generating property, whether or not it is privately owned, including as managers in large corporations. Even property that is under State, community, or clan ownership remains effectively under the managerial control of selected men through their dominance in both traditional and modern institutions: caste or clan councils, village elected bodies, State bureaucracies at all levels,¹³ and so on. Moreover, in most countries, men as a gender exercise dominance over the instruments through which their existing advantages of property ownership and control are perpetuated, such as the institutions that enact and implement laws,¹⁴ the mechanisms of recruitment into bodies which exercise control over (private or public) property, the institutions which play an important role in shaping gender ideology, and so on.

A second issue concerning the relationship between gender and property is: how do we define a woman's class? Marxist analysis, for instance, implicitly assumes that women belong to the class of their husbands or fathers. Hence women of propertied "bourgeois" households are part of the bourgeoisie and those of proletarian households are counted as proletarian. As is now well-recognized, however, there are at least two problems with this characterization. (i) A woman's class position defined through that of a man is more open to change than that of a man: a well-placed marriage can raise it, divorce or widowhood can lower it. (ii) To the extent that women, even of propertied households, do not own property themselves, it is difficult to characterize their class position;¹⁵ some have even argued that women constitute a class in themselves.¹⁶ In fact, neither deriving women's class from the property status of men nor deriving it from their own propertyless status appears adequate, although both positions reflect a dimension of reality. Women of rich households do gain economically and socially from their husbands' class positions. But women also share common concerns which cut across derived class privilege (or deprivation), such as vulnerability to domestic violence; responsibility for housework and childcare (even if not all women perform such labor themselves — the more affluent ones can hire helpers); gender inequalities in legal rights; and the risk of poverty with marital breakdown. This ambiguity in women's class position impinges with critical force on the possibilities of collective action among women. On the one hand, class differences among women, derived through men, can be divisive. On the other hand, the noted commonalities between women's situations and the relatively vicarious character of their class privilege make class distinctions between them less sharp than those between men, and could provide the basis for collective action on several counts (as discussed in section 7).¹⁷

A third aspect of the relationship between gender and property concerns the links between gender ideology and property. For instance:

— Gender ideologies can obstruct women from getting property rights. Assumptions about women's

needs, roles, capabilities, and so on, impinge on the framing and implementation of public policies and property laws. Again, ideas about gender underlie practices such as female seclusion, which restrict women's ability to exercise their existing property claims and to successfully challenge persisting gender inequalities in law, policy, and practice in relation to such claims. Hence ideological struggles are integrally linked to women's struggles over property rights.

— Those who own and/or control wealth-generating property can directly or indirectly control the principal institutions that shape ideology, such as educational and religious establishments and the media (defined broadly to include newspapers, TV, radio, film, theater, as well as literature and the arts). These can shape views in either gender-progressive or gender-retrogressive directions.

— The impact of gender ideologies can vary by a household's property status (given the household's religion, caste, etc). For instance, both propertied and propertyless households may espouse the ideology of female seclusion, but the former group would be in a better economic position to enforce its practice, and in so doing reinforce its emulation by unpropertied households as a mark of social status. At the same time, gender ideologies and associated practices are not derived from property differences alone, nor can they be seen in purely economic-functional terms. They would tend rather to change in interaction with economic shifts.

A fourth issue that arises in relation to women and property is the possible links of women's property rights with control over women's sexuality, marriage practices, and kinship structures. For instance, would women with independent property rights be subject to greater or lesser familial control over their sexual freedom than those without them? It would also be important to examine whether societies which historically recognized women's inheritance rights in immovable property, in order to keep the property intact and within their purview, tended to control women's choice of marriage partners and postmarital residence (as discussed later).

(b) *The significance of land as property*

Thus far our discussion has revolved around property in general, but not all forms of property are equally significant in all contexts, nor equally coveted. In the agrarian economies of South Asia, for instance, arable land is the most valued form of property, for its economic, political and symbolic significance. It is a productive, wealth-creating, and livelihood-sustaining asset. Traditionally it has been the basis of political power and social status. For many, it provides a sense of identity and rootedness within the village; and often in people's minds land has a

durability and permanence which no other asset possesses.¹⁸ Although other forms of property such as cash, jewellery, cattle, and even domestic goods (the usual content of, say, dowry in rural India and Nepal) could in principle be converted into land, in practice rural land markets are often constrained, and land is not always readily available for sale (Rosenzweig and Wolpin, 1985; Wallace, Kempler and Wilson-Moore, 1988). In any case, ancestral land often has a symbolic meaning (Selvaduri, 1976) or ritual importance (Krause, 1982) which purchased land does not. Hence in land disputes people may end up spending more to retain a disputed ancestral plot than its market value would justify (see examples in Selvaduri, 1976). In addition inheritance systems usually have different rules for the devolution of ancestral and self-acquired land. In other words, both the form that property takes and its origin are important in defining its significance and the associated possibility of conflict over it.

(c) *What do we mean by rights in land?*

Rights are defined here as claims that are legally and socially recognized and enforceable by an external legitimized authority, be it a village-level institution or some higher level judicial or executive body of the State.¹⁹ Rights in land can be in the form of ownership or of usufruct (that is rights of use), associated with differing degrees of freedom to lease out, mortgage, bequeath, or sell. Land rights can stem from inheritance on an individual or joint family basis, from community membership (e.g., where a clan or village community owns or controls land and members have use rights to it), from transfers by the State, or from tenancy arrangements, purchase, and so on. Rights in land also have a temporal and sometimes locational dimension: they may be hereditary, or accrue only for a person's lifetime, or for a lesser period; and they may be conditional on the person residing where the land is located, e.g., in the village.

As distinct from rights in land, we could speak of "access" to land, a term used very loosely in the development literature. Access can be through rights of ownership and use, but it can also be through informal concessions granted by individuals to kin or friends. For instance, a man may allow his sister to use a plot of his owned land out of goodwill, but she cannot claim it as a right and call for its enforcement. There are thus several ways by which a woman may, in theory, have access to land, but of these, having "rights" provides a measure of security that the others typically do not.

In relation to land rights, four additional distinctions are relevant. First we need to distinguish between the *legal* recognition of a claim and its *social* recognition, and between recognition and enforcement. A woman may have the legal right to inherit property, but this may remain merely a right on paper if the law is not enforced, or if the claim is not socially recognized as legitimate and

family members exert pressure on the woman to forfeit her share in favor, say of her brothers. Second, as noted earlier, is the distinction between the ownership of land and its effective control. (Control itself can have multiple meanings, such as the ability to decide how the land is used, how its produce is disposed of, whether it can be leased out, mortgaged, bequeathed, sold, and so on.) It is sometimes assumed incorrectly that legal ownership carries with it the right of control in all these senses. In fact, legal ownership may be accompanied by legal restrictions on disposal: for instance, among the Jaffna Tamils in Sri Lanka, under the *Thesawalam* legal code a married woman needs her husband's consent to alienate land which she legally owns. Or there may be no legal restriction on disposal but social constraints on doing so: for instance, the sale of ancestral land to strangers is often socially disapproved by kin and the village community. Third, it is important to distinguish between ownership and use rights vested in individuals and those vested in a group; and fourth, one might distinguish between rights conferred via inheritance and those conferred by State transfers of land.

Given the different forms (ownership and usufruct, as vested in individuals or in groups, etc.) that land rights can take, and given the variation in the organization of production and distribution that can accompany them, it is not possible to specify with any precision for all contexts, what may be the most desirable form for women's land rights to take. But a broad specification can be attempted here. When speaking of the importance of women having "independent rights in land" I mean *effective* rights, that is rights not just in law but in practice. When referring to legal rights alone I will say so explicitly. By "independent rights" I mean rights independent of male ownership or control (that is excluding joint titles with men). Independent rights would be preferable to joint titles with husbands for several reasons: first, with joint titles it could prove difficult for women to gain control over their share in case of marital breakup. Second, women would also be less in a position to escape from a situation of marital conflict or violence: as some Bihari village women said to me, "for retaining the land we would be tied to the man, even if he beat us." Third, wives may have different land use priorities from husbands which they would be in a better position to act upon with independent land rights. Fourth, women with independent rights would be better placed to control the produce. Fifth, with joint titles the question of how the land would be inherited could prove a contentious one. This is not to deny that joint titles with husbands would be better for women than having no land rights at all; but many of the advantages of having land would not accrue to women by joint titles alone.

Here the distinctions mentioned earlier between rights vested in individuals and those vested in groups, and between privatized land transfers via inheritance and land transfers by the State, need elaboration. In relation to privatized inheritable landed property, by effective

land rights for women today I mean inheritance as individuals linked with full rights of control over land use (*viz.* sale, bequest, etc.) and over the disposal of its produce. Where land transfers by the State to women are involved, effective land rights could either mean individual titles conferring ownership and control rights exactly as with private land; or they could take the form of land transfers to groups of women (say of landless households) who would hold it in joint ownership or long lease, having full control over its use and over the disposal of its produce, but excluding the right to sell or bequeath it. Although many of the potential advantages of having rights in land would accrue to women whichever of the above forms those rights take, some advantages are specific to the form. For instance, individually owned land can be mortgaged or sold, which could be advantageous in distress circumstances. But group rights could protect the land say from scheming relatives and enable its more productive use through group investment (as elaborated in section 7). Where such specific issues are involved, the discussion will seek to clarify what form of rights I mean.

With the decline in communal land in South Asia, access to privatized land acquires a critical importance today which it did not have even a century ago. In India, for instance, by a rough estimate about 85.6% of arable land is likely to be in private hands.²⁰ Hence the importance of women's land rights spelt out in the next section, while couched in general terms, is especially focused on rights in privatized land, with two caveats: one, given the importance of communal land (e.g., village commons) to the rural poor, and especially to poor women (who depend on it for gathering firewood, fodder and a range of items basic for survival; see Agarwal, 1992), there is a strong case for protecting the communal nature of any land which still exists in that form. Two, it is necessary to explore the possibilities of new institutional arrangements for jointly owned/controlled land holdings by groups of women, rather than by groups of households (as is the usual focus). Joint ownership need not, however, imply joint cultivation.

In *legal* terms women's property rights in South Asia are governed by personal laws which vary a good deal by religion and region, forming a complex mosaic (as detailed in Agarwal, forthcoming). Most of these legal systems give women considerable inheritance rights; and in traditionally patrilineal groups much greater rights than they enjoyed by custom, as a result of legal reform, especially after 1950. For instance, in India, the Hindu Succession Act (HSA) of 1956 gave the daughters, widow and mother of a Hindu man dying intestate equal inheritance rights to sons in his property. These were rights of absolute ownership and not just a limited interest for life (as had been the case earlier). In Pakistan, the West Pakistan Muslim Personal Law (Shariat) Application Act of 1962 extended the Shariat as the basis of personal law to the whole of West Pakistan, except to the "Tribal Areas" in the North-West Frontier Province.

This Act abrogated custom (which typically gave women few rights) as the basis of law and legally entitled Muslim women to inherit agricultural property (again as full owners and not just as a life interest) as prescribed by the Shariat. For Muslim women in Bangladesh again, the Shariat applies also to agricultural land. In Nepal the *Maluki Ain* Code of 1854 continues to be valid, but with later amendments which have made it somewhat less gender unequal than the original Code. In Sri Lanka, even traditionally (as noted) virtually all communities practiced bilateral or matrilineal inheritance laws, and modifications in the postcolonial period have been in the direction of furthering gender equality.

In virtually all the legal systems, however, some gender inequalities remain. For instance, some systems prescribe lower shares for women (Islamic law, e.g., prescribes a daughter's share as half that of a son); some others restrict the conditions under which women can inherit and retain that inheritance (e.g., the *Maluki Ain* in Nepal only allows daughters to inherit if they are unmarried and over 35 years of age, and they have to forfeit their claims if they subsequently marry). Yet other legal systems restrict women's freedom to dispose of their inherited land (as noted for the Jaffna Tamils in Sri Lanka). Inequalities also stem from gender discriminatory land reform enactments which affect women's rights specifically in agricultural land. In India, for instance, these inequalities are especially of two kinds. First, agricultural land subject to tenancy rights is exempt from the scope of the HSA of 1956, and is governed by the rules of devolution specified in state-level enactments. In a number of states, mostly in northwest India, succession rules relating to such land date back to customs prevailing before the HSA was passed, and which give priority to male agnatic heirs. Moreover, in some states (such as Uttar Pradesh) the definition of tenancy is very broad and effectively includes all agricultural land. Second, in the fixation of ceilings under the land reform laws, there are at least two serious anomalies: one, in many states, additional land is allowed to be retained by the cultivating household on account of adult sons but not on account of adult daughters. Two, in most states, the holdings of both spouses are aggregated in assessing "family" land, and there is considerable arbitrariness in deciding whose portion will be declared surplus and forfeited. As a result, there have been several cases where the wife's land (and not many women have some) was declared surplus and taken over by the government, while the husband's land remained untouched (Saradmoni, 1983).

Even more critical than the persisting legal inequities is the gap between women's legal rights in land and its actual ownership, and between ownership and effective control. Although economic surveys typically do not collect gender-disaggregated data, village studies (especially anthropological accounts) indicate that in most parts of South Asia women do not own land and even fewer are able to exercise effective control over it.²¹ These gaps are especially apparent in communities

which customarily practiced patrilineal inheritance, that is where ancestral property passed through the male line. Communities traditionally practicing matrilineal or bilateral inheritance were few and confined to northeast India, parts of south India, and to Sri Lanka. Before examining the nature of gender relations in the latter communities, consider below why having independent rights in land is important for women's well-being and overall empowerment.

4. WHY DO WOMEN NEED INDEPENDENT RIGHTS IN LAND?

The importance of South Asian women having independent rights in arable land rests on several interconnected arguments which can be grouped into four broad categories: welfare, efficiency, equality, and empowerment.²²

(a) *The welfare argument*

To begin with, especially among poor households, rights in land could reduce women's own and, more generally, the household's risk of poverty and destitution. The reasons for this stem partly from the general positive effect of giving women access to economic resources independently of men; and partly from the specific advantages associated with rights in land resources.

Consider first the general case. There is considerable evidence of intrahousehold gender inequalities in the sharing of benefits from household resources. For instance, in large parts of South Asia a systematic bias is noted against women and female children in intrahousehold access to resources for basic necessities such as health care, and in some degree, food.²³ This is revealed in gender differences in one or more of the following indicators: malnourishment, morbidity, mortality, hospital admissions, health expenditures, and female-adverse sex ratios (females per 100 males), although the evidence on food allocation *per se* is less conclusive.²⁴ The extent of this anti-female bias varies regionally, but it exists in some degree almost everywhere, particularly as revealed by the sex ratios which are female-adverse across all of South Asia, except Kerala in southwest India. The bias is strongest in northwest India, Pakistan and Bangladesh,²⁵ and much less stark in south India and Sri Lanka, where the sex ratios, although still female-adverse, are closer to parity.

Further, notable differences have been found in how men and women of poor rural households spend the incomes under their control: women typically spend almost all their incomes on the family's basic needs; men usually spend a significant part on their personal needs (tobacco, liquor, etc.).²⁶ A corollary to these gender differentials in spending patterns are research findings which suggest that children's nutritional status tend to be much more positively linked to the mother's earnings than the father's (Kumar, 1978).

In other words, the risk of poverty and the physical well-being of a woman and her children could depend significantly on whether or not she has direct access to income and productive assets such as land, and not just access mediated through her husband or other male family members. For female-headed households with no adult male support, the link between direct access to economic resources and physical well-being needs no emphasis. Such households constitute an estimated (and by no means negligible) 19–20% of all households in India and Bangladesh.²⁷

Moreover, as noted earlier, a woman's economic status cannot be judged adequately by the economic status of her family. Even women from rich parental or marital homes can be economically vulnerable without independent resources in case of marital breakdown or widowhood. In parts of western and northwestern India, not uncommonly, women — divorced, deserted or widowed — can be found working as agricultural laborers on the farms of their well-off brothers or brothers-in-law (Omvedt, 1981, and personal observation). Elsewhere, in east India and Bangladesh, there are many cases of women, married into prosperous households, being left destitute and forced to seek wage work or even to beg after widowhood (Cain, Khanam and Nahar, 1979, and Vina Mazumdar, personal communication). "This fact," as Omvedt (1981, p. 21) observes, "perhaps . . . more than any other, shows the essential propertylessness of women as women."

Within this general argument for women's independent access to economic resources, the case for their having effective rights in *land* is especially strong. Consider, for a start, the relationship between poverty and a household's access to land. In India, in 1982 an estimated 89% of rural households owned some land (GOI, 1987, p. 9), and an estimated 74% operated some (GOI, 1986, p. 12).²⁸ In Bangladesh, in 1978, the percentage of rural households owning some land (arable or homestead) was 89, and those owning arable land was 67 (Jannuzi and Peach, 1980, p. 101). In Sri Lanka, in 1982, 89% of agricultural operators owned some land (including home gardens) (Government of Sri Lanka, 1984, p. 17). Although, given high land concentrations, the majority of these households across South Asia only have marginal plots, they face a significantly lower risk of absolute poverty than landless households: a negative relationship between the incidence of absolute poverty and land access (owned or operated) is noted in several studies.²⁹ Land access helps in both direct and indirect ways. The direct advantages stem from production possibilities, such as of growing crops, fodder, trees, or a vegetable garden (unless of course the land is of very poor quality), or keeping livestock, practicing sericulture, and so on. In addition, land provides indirect benefits, such as increasing access to credit, helping agricultural labor maintain its reserve price and even push up the aggregate real wage rate,³⁰ and, where the land is owned, serving as a mortgageable or saleable asset during a crisis.

Moreover, for widows and the elderly, ownership of land and other wealth strengthens the support they receive from relatives, by increasing their bargaining power within the household (Caldwell, Reddy and Caldwell, 1988; Sharma and Dak, 1987). As an old man put it: "without property, children do not look after their parents well" (Caldwell, Reddy and Caldwell, 1988, p. 191).

However, given the noted biases, in the intrafamily distribution of benefits from household resources, exclusively *male* rights in land, which would render the *household* less susceptible to poverty by some average measure, will not automatically benefit all its members. Moreover, on grounds of both women's and children's welfare, there is a strong case for supporting women's effective rights in private or public land, independently of men. Although such rights are especially important as a poverty-alleviation measure for women in poor rural households, they are also relevant for those of better-off households, given the risk of poverty following marital breakdown faced by all rural women.

It needs emphasis here that the welfare case for women's land rights stands even if the plot is too small to be economically viable on its own. Indeed those opposing female inheritance in land often emphasize that women might end up inheriting economically nonviable holdings. In my view, this could be a problem where cultivation is seen as the sole basis of subsistence, but not where land-based production is one element (although a critical one) in a diversified livelihood system. For instance, a plot of land which does not produce enough grain to economically sustain a person or family could still support trees or provide grass for cattle. Moreover, although forced collective farming is likely to be inefficient, cases of people voluntarily cooperating to undertake land-based joint productive activities also exist: there are several successful instances of small groups of women doing so in India and Bangladesh (as discussed in section 7).

Of course, as the countries of South Asia develop and the industrial and service sectors expand, arable land would become less significant as a source of livelihood and a form of property. But today the majority of South Asia's population still depends on agriculture as a primary or an important supplementary source of sustenance. To this may be added the dependence on village common land and forests for fuel and other basic necessities, even among villagers whose income derives mainly from the nonfarm sector. In none of the South Asian countries do projections predict a rapid absorption of labor (especially female labor) into urban industry in the foreseeable future. Furthermore, since it is predominantly male workers who migrate from rural to urban areas (Bardhan, 1977), women's dependence on the rural/agricultural sector remains greater than men's. Although the rural nonfarm sector holds potential, its record in providing viable livelihoods has been mixed: there are some regions and segments of high returns/high

wages (such as the Indian Punjab), but many others that are characterized by low returns and low wages.³¹ In particular, women's nonfarm earnings (to the limited extent this has been studied) appear characteristically low and uncertain.³² Hence, although there is clearly a need to strengthen women's earning opportunities in the nonfarm sector, especially by ensuring their entry into its more productive segments, for most women nonfarm livelihoods cannot substitute for land-based livelihoods, although they could supplement them. It is also noteworthy that those who do well in the rural nonfarm sector through self-employment are usually those who have land as an asset base (Islam, 1986; Chadha, 1992). Effectively, therefore, land will continue to occupy a place of primacy in South Asian livelihoods in general and female livelihoods in particular, for quite some time.

In addition, with sectoral shifts, although the importance of land as property may decline, income-generating property *per se* is likely to remain a significant mediator of social relations and an important determinant of social status and political power. Who owns and/or controls property would therefore still be a relevant consideration; and many of the arguments in favor of gender equality in ownership and control of landed property could also be extended to other forms of property.

(b) *The efficiency argument*

Tracing the likely efficiency effects of women having land rights is much more difficult than tracing the potential welfare effects. Consider the issue situationally.

In several contexts, women are operating as household heads with primary and sometimes sole responsibility for organizing cultivation and ensuring family subsistence, but without titles to the land they are cultivating. For instance, due to long-term male outmigration many women are serving as *de facto* household heads, especially but not only in the hill regions of the subcontinent. There are widows cultivating plots given to them from joint family estates (as part of their inheritance claims to their deceased husbands' lands), but the plots are still in their in-laws' names. Again, tribal women cultivating communal land rarely get titles to their fields, which are typically given out by the State only to male farmers. Titling women in these circumstances and providing them infrastructural support could increase output by increasing their access to credit,³³ and to technology and information on productivity-increasing agricultural practices and inputs (in the dissemination of which both a class and a gender bias prevails).³⁴ Land titles could both motivate and enable women to adopt improved agricultural technology and practices and hence increase overall production. This is not dissimilar to the argument made in land reform discourse favoring security of tenure for tenants to encourage technical investments in land by increasing the tenants' incentive and capacity to invest.

A more general issue, however, is the likely efficiency effect of women inheriting land. Female inheri-

tance is often opposed in South Asia on the grounds that it will further reduce farm size, increase land fragmentation, and thus reduce output. Is this fear valid? The efficiency implications of female inheritance can be separated analytically into three: a farm-size effect (the average size of ownership holdings will be lower than if only men inherit); a land-fragmentation effect (fragmentation could increase insofar as the land is parcelled out to heirs, say according to land quality)³⁵; and a gender-transfer effect (some of the land which would have gone only to men would now go to women).

The concerns surrounding the farm-size effect are similar to those arising from redistributive land reform, namely the effect of redistributing land from big to small farmers on farm output, on the adoption of new technology, and on marketed surplus. Those opposing redistribution argue that the impact would be negative on all three counts. Existing evidence from South Asia, however, indicates otherwise. For instance, small-sized farms typically have a higher value of annual output per unit cultivated area than large-sized ones: this inverse size productivity relationship which was strong in the 1950s and 1960s (the pre-Green Revolution period) has sustained in the post-Green Revolution period, even if somewhat weakened, as studies for India, Bangladesh and Pakistan bear out (Berry and Cline, 1979; Agarwal, 1983; Boyce, 1987). Small farmers have adopted the new technology in most areas where large farmers have done so, although after a time lag³⁶; and the evidence on marketed surplus does not bear up to the skeptics' claim that this will decline because small farmers will tend to retain a larger percentage for self-consumption.³⁷ In any case, an improvement in the consumption of the poor in the farm sector cannot, in itself, be seen as an inefficient outcome. Indeed, a dietary improvement among the very poor may add to labor productivity.³⁸

The existing evidence thus gives no reason to expect that land distribution in favor of women would reduce output on account of the size effect. Moreover, the problem of land fragmentation again is not unique to female ownership, but can arise equally with male inheritance: in both cases it calls for land consolidation. There could, of course, be a negative output effect of female inheritance through what I term the gender-transfer effect, insofar as women usually face the earlier-noted gender-specific disadvantages as managers of farms, when operating in factor and product markets. But again the answer lies in easing these constraints by institutional support to women farmers, rather than in disinheriting them.

Indeed the experience of nongovernmental credit institutions such as the Grameen Bank in Bangladesh suggest that women are often better credit risks than men (Hossain, 1988). In addition, supporting women as farm managers would enlarge the talent and information pool; and in very poor households allocating resources to women could increase their productivity by improving their nutrition.

The provision of land to women could have other indirect benefits as well, such as reducing migration to cities, both by women themselves and by family members dependent on them; and increasing farm incomes in women's hands, which in turn could generate a higher demand for nonfarm goods that are produced locally and labor-intensively, thus creating more rural jobs.³⁹

(c) *The equality and empowerment arguments*

Equality and empowerment concerns, unlike welfare and efficiency considerations, stem less from the implications of land access or deprivation in absolute terms, and more from the implications of men's and women's *relative* access to land, and they affect particularly women's ability to challenge male dominance within the home and in society.

The equality argument for land rights can be approached in several different ways, but two aspects are especially important here. One is the larger issue of gender equality as a measure of a just society, in which equality of rights over productive resources would be an important part. Two, there is a specific aspect of equality in land rights as an indicator of women's economic empowerment and as a facilitator in challenging gender inequities in other (e.g., social and political) spheres. In the present discussion, the links between gender equality in land rights and women's empowerment are especially important. But first, what is meant by empowerment? The term has been used variously (and often loosely) in academic writing and by social action groups across the world, including South Asia. In the present context, it could be defined as a process that enhances the ability of disadvantaged ("powerless") individuals or groups to challenge and change (in their favor) existing power relationships that place them in subordinate economic, social and political positions. Empowerment can manifest itself in acts of individual resistance as well as in group mobilization. Entitling women with land could empower them economically, as well as strengthen their ability to challenge social and political gender inequities.

A telling illustration is provided by the Bodhgaya movement in Bihar (eastern India) in the late-1970s, in which women and men of landless households jointly participated in an extended struggle for ownership rights in the land they cultivated, which was under the illegal possession of a local *math* (a temple-monastery complex). During the struggle, women raised a demand for independent land rights, not only for reasons of economic security but also because this impinged on marital relations. They feared that if land titles went only to husbands, wives would be rendered relatively even more powerless, and vulnerable to domestic violence. Their fears proved correct. Where only men got titles there was an increase in drunkenness, wife-beating and threats: "Get out of the house, the land is mine now" (Manimala, 1983, p.15). Where women received titles they could now assert: "We had tongues but could not speak, we had

feet but could not walk. Now that we have the land, we have the strength to speak and walk." Similar responses were noted in China, when the Chinese Communist Party promulgated the Agrarian Reform law in 1947, which entitled women to hold separate land deeds for the first time (Hinton, 1972).

Land rights can also improve the treatment a woman receives from other family members, by strengthening her bargaining power.⁴⁰ Although employment and other means of earning could help in similar ways, in the rural context land usually offers greater security than other income sources — at the very least, a space of one's own. In the Bodhgaya case, for instance, the women were already wage laborers and were therefore not economically dependent; but their husbands were still able to threaten them with eviction. It is notable too that the Bodhgaya women saw intrahousehold gender relations being affected not just by their own propertyless state, but by their remaining propertyless while their husbands became propertied. In other words, land titles were important to women not only for improving their economic well-being in absolute terms (the welfare argument), but also for improving their *relative* bargaining position *vis-à-vis* their husbands: their sense of empowerment within the home was linked to economic equality.⁴¹

Outside the household as well, land ownership can empower women by improving the social treatment they receive from other villagers (Mies *et al.*, 1986), and by enabling them to bargain with employers from a stronger fall-back position. Land ownership is also widely linked to rural political power.⁴² Of course, there can still be social barriers to individual women's participation in public decision-making bodies, even for women endowed with land, but land rights could facilitate such participation. Group solidarity among women would also help. For instance, an individual woman with landed property may find it difficult to assert herself politically or socially in the village, especially where social norms dictate seclusion, but a group of women acting in unity could do so (see examples in Chen, 1983). (Here there could be some congruence of interests even between women of diverse class and caste backgrounds.)

Indeed in a limited sense, collective action may itself empower women by enhancing their self-confidence and their ability to challenge oppression, although in a larger sense it is a means to empowerment, wherein empowerment lies not only in the process of challenging gender inequity but in eliminating it. And collective action is likely to prove a critical means for effecting change toward greater gender equality in land rights (as elaborated later).

(d) *Practical v. strategic gender needs*

While each of the above arguments for women's independent rights in land is important, are they of comparable weight? Or do some merely serve to further what have been described as "practical" gender needs, while

others serve “strategic” gender needs? This distinction between practical and strategic needs, first made by Molyneux (1985) and elaborated by Moser (1989), is worth exploring since it also appears to define where, in public policy itself, a line is drawn on questions of gender. Practical gender needs, as defined by these two scholars, are the needs of basic subsistence (such as food, health care, water supply, etc): to satisfy them does not challenge women’s position within the gender division of labor, or a given distribution of property or political power. By contrast, strategic gender needs, they argue, are those needs that would help overcome women’s subordination, including transforming the gender division of labor, removing institutionalized forms of discrimination, such as in rights to own and control property, and establishing political equality. In these terms, land rights would fall under strategic gender needs.

However, the apparent analytical neatness of this distinction is confounded when examined from the perspective of *practice*, on several counts: first, certain strategic gender needs, such as for land rights, are also, in specific contexts, necessary for fulfilling practical gender needs, as evidenced from the welfare and efficiency arguments spelt out earlier. For instance, land titles for poor rural women may be a necessary component for improving female nutrition and health. At the same time, we also noted the significance of land in “empowering” women to challenge unequal gender relations within and outside the home. In other words, the case for women’s land rights has both a welfare-efficiency (“practical”) component and an empowerment (“strategic”) component.

Second, even meeting subsistence needs often requires challenging existing political-economic structures. For instance, a demand for wage increases by poor women workers is a practical need in that it would improve their living standards, but it is strategic in that it challenges existing production relations and requires confronting the opposition of employers. Third, and relatedly, the same process, *viz.* group organization, is often necessary for fulfilling both practical gender needs (such as increasing women’s wages), and strategic gender needs (such as securing land rights). Fourth, action in pursuit of “practical” needs may easily turn into action to meet “strategic” needs. Group organization around economic issues often opens the door for women to question other aspects of their lives. For instance, poor women organized into groups for the better delivery of credit or other economic programs by the Grameen Bank in Bangladesh, or the Bangladesh Rural Advancement Committee (BRAC), or the Self-Employed Women’s Association in north India, have in many cases also been able to challenge gender violence or restrictive social practices such as female seclusion. Indeed even to participate in group meetings often requires women to overcome social constraints, or to negotiate childcare responsibilities with husbands and other family members.

In other words, the *process* of fulfilling “practical” gender needs cannot always be delinked from that of ful-

filling “strategic” gender needs.⁴³ That it is often more “political” to couch gender concerns in terms of practical rather than strategic needs because welfare and efficiency arguments resonate more with State planners, should not detract from this linkage.

We might of course ask why welfare and efficiency arguments resonate more with State planners. Part of the answer certainly lies in the fact that these arguments (especially those concerning welfare) focus especially on poor women, and can be subsumed within the poverty-alleviation component of planning, with special targeting toward “the most vulnerable” groups, identified as women and female children. But part of the answer must also lie in deep-rooted notions of appropriate gender relations shared by many men who make and implement policy, for whom empowering women to transform those relations into more equal ones would appear inappropriate and even threatening to existing family and kinship structures. Hence it is easier to push for changes where the goal appears to be to give poor women a slightly better deal, than where the goal is to challenge basic inequities in gender relations across classes. It is also the case that programs for health and nutrition are more readily perceived in welfare terms than programs which call for gender-redistributive land reform. It is not a coincidence that *land rights* have yet to become a necessary component even of women-directed poverty-alleviation programs.

Consider now what can be learned about the association between land rights and gender relations from communities where women historically had significant rights in land.

5. GENDER RELATIONS IN TRADITIONALLY MATRILINEAL AND BILATERAL COMMUNITIES

Historically, in some South Asian communities, women enjoyed significant rights in land, and even today do so more there than elsewhere. These are communities traditionally practicing matrilineal or bilateral inheritance and concentrated in parts of northeast and south India, and Sri Lanka, as follows.⁴⁴ Northeast India: the home of three matrilineal tribal communities, the Garos, Khasis and Lalungs; south India: here the Nangudi Vellalars of Tamil Nadu practiced bilateral inheritance, and several other groups in and around Kerala practiced matrilineal inheritance, including the Nayars of north and central Kerala, the Tiyars and Mappilas of north Kerala, and the Bants of Karnataka; and Sri Lanka: here all major communities practiced bilateral or matrilineal inheritance — the Sinhalese and Jaffna Tamils were bilateral, and the Muslim “Moors” were matrilineal.⁴⁵ Historical and ethnographic evidence (examined in Agarwal, forthcoming) suggests that in regions other than these, inheritance practices were essentially patrilineal.

The land rights that women enjoyed in matrilineal

and bilateral communities fell broadly into three categories. First are communities (such as the Garos) among which land was a clan's communal property and could not be inherited either by individuals or by joint family units. All clan members resident in the village had use rights to this land as individuals. Responsibility for land management vested with the husband who took up residence with his wife, but a woman's field labor was critical and she controlled the produce. Second are communities (such as the Khasis, Nayars, Tiyyars and Mappilas) among which land, although inherited in the female line, was held as joint family property, and women had no individual rights of alienation. Responsibility for land management vested principally with older men (usually brothers or maternal uncles). In decisions concerning the partition or transfer of landed property, however, women's concurrence was necessary. Finally there are communities (such as the Sinhalese and Jaffna Tamils) where both women and men had individual inheritance rights in land.

The picture of gender relations among these groups is a mixed one. On the positive side, women enjoyed considerable social independence and relative equality in marital relations. Indeed, in all the groups, a daughter's rights in land, and the fact that she either remained in her natal home after marriage or had inviolable rights to return to it if she so chose, provided her with a strong fall-back position within marriage. Women could choose their husbands (although heiresses faced some constraints) and initiate divorce. Where uxoricentricity or matrilocality was the norm, as it was in many of these groups, marital breakdown led to the husband departing, sometimes (as among the Garos) with only the clothes on his back.⁴⁶ (In contrast, in patrilineal, patrilocal contexts, it was women (especially if they violated sexual norms) who faced the very real risk of being evicted and being left with little means of support.) Norms of sexual behavior outside marriage ranged from relatively gender egalitarian (as among the matrilineal tribes of northeast India and among the Sinhalese), to restricted for women (as among the Jaffna Tamils). But in comparison with Hindu and Muslim women of patrilineal groups, especially those shackled by seclusion practices in northern South Asia, women among all the matrilineal and bilateral groups enjoyed greater sexual freedom.

They also had considerable freedom of movement and of public interaction. Even among the Muslim Moors, Munck (1985, pp. 8, 108) remarks: "Women move freely about the village without veils covering their faces . . . Interaction between men and women is frequent and casual and often sexual comments are exchanged publicly." This is strikingly different from women's situation among most patrilineal Muslims of the subcontinent. Daughters were also specially desired among groups such as the Nayars,⁴⁷ in marked

contrast to the strong preference for male children found in patrilineal communities across South Asia.

These favorable features, however, were counterbalanced by less favorable ones. First, women's property rights in the matrilineal and bilateral communities did not alter the overall gender division of labor: domestic work and childcare were still a woman's responsibilities. Second, the range of sexual mores found among these communities indicates that rights in land did not guarantee women the same sexual freedom as men. Third, formal managerial authority over land in a number of matrilineal communities lay with men (as husbands, brothers and maternal uncles). In practice, this would have worked in various ways depending on the role women played in the household's economy, the form (individual or joint) in which property was held, and the size of the estates involved. Where women's role in production and market activities was important (as among the northeastern tribal groups), and/or where women held individual rather than joint property rights (as among Sri Lanka's bilateral groups), they exercised greater control over the land. But where women played little role in farm production, and property was held in large joint family estates collectively owned by several generations of a woman's matrilineal descendants, as among the Nayars of central Kerala and the wealthy Mappilas of north Kerala, men's managerial control over property and their overall authority in the household and in public dealings appears to have been especially strong. This also highlights an important difference between matrilineal and patrilineal inheritance systems: in the former there is often a gender divergence between property ownership and its control, while in the latter there is convergence: men (as a gender) own as well as control the property.

Finally, and most importantly, in all the groups, customary institutions with jural power (such as the tribal and caste councils) were monopolized by men and typically excluded women. Among matrilineally inheriting communities, this meant that despite men's restricted access to property ownership, their rights (as a gender) of control over that property on the one hand, and their access to public bodies on the other (with links between the two domains), often enabled them to consolidate substantial social prestige and political power. The Nayar *karanavans*⁴⁸ of wealthy households and the Khasi chiefs commanded local influence in ways that the women heiresses of these communities appear not to have done as a rule. In addition, among all groups, men's control of the public decision-making domain gave them critical influence over the modification of legal and social rules when external conditions began to change in significant ways, especially under British colonial rule.

In short, ownership rights in landed property clearly conferred important benefits on women, but their virtual exclusion from property management (in

some groups) and from jural and overall public authority (in all groups) circumscribed the power they could derive from those rights. This holds lessons for women's struggle for land rights today, namely that the full advantages of land ownership cannot be derived by women if they continue to be excluded from managerial control and jural authority. And the arenas of contestation over effective land rights for women will therefore need to extend much beyond the courtyards of the household to encompass the complex institutions of community and State — the arenas where legal, social, and political rules are made and unmade. This is further illustrated below.

6. OBSTACLES TO ACHIEVING EFFECTIVE LAND RIGHTS

Today, most arable land in South Asia (as noted) is in private hands, access to which is mainly through inheritance. Although women enjoy considerable rights in landed property, gender inequalities and anomalies in land-related laws remain. Moreover, there is a vast gender gap between law and practice. Most women do not own land, and few among those who do are able to exercise full control over it. A range of factors — social, administrative and ideological — severely restrict the effective implementation of inheritance laws. These obstacles, examined in detail in Agarwal (forthcoming), are summarized below.

First, in most traditionally patrilineal communities, there is a strong male resistance to endowing women, especially daughters, with land. This resistance was clearly apparent when progressive legislation in the 1950s gave women in patrilineal communities the right to inherit land. Several ethnographers who undertook village studies soon after the passing of such laws, commented on this.⁴⁹ For instance, every single household surveyed in Jhatikra village near Delhi, after the 1956 Hindu Succession Act was passed, disapproved of its provisions allowing daughters to inherit the patrimony (Freed and Freed, 1976). In Himachal Pradesh, the inheritance law “struck the valley as so unfair that they petitioned the government not to introduce the law, but without avail” (Newell, 1970, p. 51). In Uttar Pradesh, the Rajputs felt that the Act was “a very serious breach of village customary law, which has always held that no wife, daughter, or daughter's husband could inherit land. This rule was a very important one and still is adhered to with deep emotion” (Minturn and Hitchcock, 1966, p. 28).

Quite apart from the reluctance to admit more contenders to the most valuable form of rural property, one of the important factors underlying such resistance is a structural mismatch between contemporary inheritance laws and traditional marriage practices.

Among the matrilineal and bilateral communities discussed earlier, historically families sought to keep the land within the purview of the extended kin either by strict rules against land alienation by individuals, or where such alienation was possible (as among the bilateral communities), by other means: these included post-marital residence in the village, and often an emphasis on marriage with close kin, especially cross-cousins. In fact proximity of the post-marital residence to the natal home appears to have been virtually a necessary condition for recognizing a daughter's share in landed property. Contemporary laws as framed by the modern State, however, give inheritance rights to daughters as individuals among most communities, including in traditionally patrilineal, patrilocal ones, but marriage customs are still under the purview of local kin groups and, on the relevant counts, have remained largely unchanged. In India this mismatch between inheritance laws and marriage practices is greatest among upper-caste Hindus of the northwest who forbid marriages with close kin and practice village exogamy, preferring marriage alliances in distant villages. Many such communities, moreover, have social taboos against parents on the economic support of married daughters even during crises. Hence, in the northern states (and especially the northwestern ones) endowing daughters is seen by Hindu parents as bringing no reciprocal economic benefit, while increasing the risk of the land passing out of the hands of the extended family. Resistance to entitling daughters tends to be greatest here. Resistance is less in south and northeast India where marriages within the village and with close kin are allowed and sought, and seeking the help of married daughters during economic crises is also possible.

Second, women in many parts of South Asia tend to forgo their shares in parental land for the sake of potential economic and social support from brothers. A visit by a brother is often the only regular link a woman has with her natal home where she is married into a distant village, and especially where there are social taboos against parents accepting the hospitality of a married daughter. After the parents' deaths the brother's home often offers the only possibility of temporary or long-term refuge in case of marital breakup or widowhood. A woman's dependence on this support is directly related to her economic and social vulnerability. Economically, limited access to personal property (especially productive assets), illiteracy, limited training in income-earning skills, restricted earning opportunities, and low wages for available work, can all constrain women's access to earnings and potential for independent economic survival. Socially, women's vulnerability is associated partly with the strength of female seclusion practices and partly with the extent of social stigma attaching to widowhood or divorce. Both economic and social factors vary in strength by community, region, and cir-

cumstance. But typically, rather than risk losing such support women give up their claims on parental land. Cultural constructions of gender, including the definition of how a "good" sister should behave, the widespread feeling that it is "shameful" for a sister to claim her share, also discourage women from asserting their rights (Hershman, 1981; Westergaard, 1983). In practice, the evidence on the support that brothers actually provide is mixed: ethnographies give examples both of brothers helping a sister in need, and of their neglect and duplicity.

Third, dependence on brothers is part of a larger social context in which many aspects of rural women's relationship with the world outside the family is typically mediated through male relatives: fathers, brothers, husbands and extended male kin. Such mediation is necessitated by a variety of factors (the nature and strength of which vary according to region, class and caste), but particularly by the physical and social restrictions on women's mobility and behavior. In many South Asian communities these restrictions are explicit in the norms and ideology of *purdah* or female seclusion; in many others, they are implicit and subtle, but nevertheless effectively confine women. These restrictions are manifest not just in the veiling of women, but more commonly in the gender segregation of space and the gendered specification of behavior. In fact, strict veiling is limited to some communities and regions — being stronger among Muslims in northern South Asia and among upper-caste Hindus in northwest India, than elsewhere; and even here it varies in extent by the woman's caste, class and age. More pervasive are the behavioral strictures imposed upon and internalized by women from late childhood, which define where women can go, whom they can speak to and in what manner, how they should dress, and so on. Although such gendering of space and behavior is strongest in communities which explicitly endorse *purdah*, its more subtle manifestations constitute an implicit code of expected female behavior in large parts of the subcontinent, even where (as in south India and Nepal) *purdah* is not endorsed. This circumscribes rural women's interaction with men and institutions, their physical and social mobility, their domain of activity and knowledge, and their access to education and to economic (markets, banks, etc), judicial and administrative institutions. All this severely limits women's ability to claim and control land.

Fourth, male relatives often seek to take preemptive steps to prevent women from getting their inheritance: for instance, fathers have been found to leave wills favoring sons and disinheriting daughters; and brothers have been known to forge wills or manipulate statements before the revenue authorities to make it appear that the woman has relinquished her right.⁵⁰ Natal kin are especially hostile to the idea of daughters and sisters inheriting land, since the property can pass

outside the patrilineal descent group. A widow's claims are often viewed with less antagonism, since with a widow there is a greater chance of the land remaining with agnates: she can be persuaded to adopt the son of the deceased husband's brother if she is sonless, or to enter into a leviratic union with the husband's (usually younger) brother, or made to forfeit the property if she remarries outside the family.

Where preemptive methods fail, intimidation is attempted. A common tactic is to initiate expensive litigation which few women can financially afford (Kishwar, 1987). Some women drop their claims, others press on with the risk of having to mortgage the land to pay legal fees, thus possibly losing the land altogether. Land disputes involving women were rising in parts of the subcontinent even in the late 1950s (Mayer, 1960). Today direct violence is also increasingly used to deter women from filing claims or from exercising their customary rights: beatings are common and murder not unknown. Indeed in eastern and central India, the murder of women who have some land, through accusations of witchcraft, is on the rise.⁵¹

Fifth, the logistics of dealing with legal, economic and bureaucratic institutions are often formidable and work against women staking their claims; and they may only decide to do so if they have male relatives who can mediate. Village women's typically low level of education, and the noted restrictions on women's interaction with the extra-domestic sphere and with institutions constituted principally of men, the complicated procedures and red tape involved in dealing with judicial and administrative bodies, and so on, all work to women's disadvantage, as does women's relative lack of financial resources.⁵² As a Pakistani woman lawyer notes: "lack of knowledge of the assets, the stamp duty, the cost and length of litigation and customary stigma, usually deters the sharer [who has been] denied her rights from going to court" (Patel, 1979, p. 139). The problem is especially acute in communities with high female seclusion, but it is not absent even where seclusion is not prescribed.

Sixth, local-level (largely male) government functionaries, responsible for overseeing the recording of inheritance shares, often obstruct the implementation of laws in women's favor. Social and official prejudice tends to be particularly acute against inheritance by daughters; widows' claims (as noted) are somewhat better accepted in principle, although often violated in practice. A survey I conducted in March 1993, of land records in three Rajasthan villages showed that of the women whose names were registered, 36 were widows and only two were daughters. Of the registered widows, 27 were registered jointly with their sons; and the popular perception was that this land was for the widow's maintenance and not for her independent use, bequest or transfer. Even such registration is a recent practice and only goes back 4–5 years. A village council secretary in Rajasthan clearly told

me in 1987 that he usually pressured daughters to sign away their shares in favor of their brothers, but sought to persuade widows to keep their shares. In many other regions, even widows' shares are not registered. Indeed male bias on these counts is found in greater or lesser degree at all levels of legal and administrative institutions (see examples in Agarwal, forthcoming).

The gap between legal ownership rights and actual ownership is only one part of the story. The other part relates to the gap between ownership and effective control, especially managerial control, attributable to a mix of factors. Patrilocal marriages in distant villages make it difficult for women to directly supervise or cultivate any land inherited in the natal village. But problems of directly managing land inherited even in the marital village (say as a widow) are compounded in many areas by factors such as the practice of *purdah* or the more general (implicit or explicit) gender segregation of public space and social interaction; high rates of female illiteracy; and high fertility (which increases women's childbearing and childcare responsibilities). Moreover, male control over agricultural technology, especially the plough (there are cultural taboos against women operating the plough), and (the noted) male bias in the dissemination of information and technological inputs disadvantage women farmers and increase their dependence on male mediation. Often added to this is the threat and practice of violence by male relatives and others interested in acquiring women's land. Pressure on women to sharecrop their land to relatives (at below market rates) is usually high, as are the difficulties of ensuring that they get their fair share of the harvest. Some of these factors, such as gender bias in access to production inputs and information, constrain women farmers even in traditionally bilateral and matrilineal contexts.

However, the strength of these constraints to women claiming and managing land varies considerably by region. There are geographic differences in the social acceptance of women's land claims (stemming in part from differences in traditional inheritance rights); in prevailing marriage practices; in the emphasis on female seclusion and control over female sexuality; in women's freedom of movement and labor force participation; in women's literacy and fertility rates; and in the extent of land scarcity. Obstacles stemming from these factors are greatest in northwest India, Bangladesh and Pakistan, and least in south India and Sri Lanka. In fact four geographic zones can broadly be demarcated, ordered in terms of the strength of resistance women are likely to face in exercising their legal rights: Pakistan, northwest India and Bangladesh fall at the high resistance end of the spectrum, and south India and Sri Lanka at the low resistance end; while western, central and eastern India, and Nepal and northeast India, come in between.⁵³

Over time, there is likely to be an increase in gen-

der conflict over private land with its growing scarcity and skewness in distribution. On the one hand male family members will be increasingly reluctant to part with this land. On the other hand, the importance for women of asserting their inheritance rights will grow for several reasons, including the limited expansion of economic opportunities for nonland-related earnings, and the erosion of kin-support systems, as brothers and other relatives become less able and less willing to economically provide for female kin. Bangladeshi evidence suggests that gender conflict over land is indeed on the rise, with an increasing number of women asserting or planning to assert their claims⁵⁴, and we can expect this also to be the case in other acutely land-scarce parts of South Asia.

In the case of public land, that is land which is under government or community jurisdiction, the obstacles are of a somewhat different nature. Here women's struggle is more directly against the consistent male bias in the distribution of land under land reform programs, resettlement schemes, and various land development schemes, and only indirectly against individual family members who may be rival potential beneficiaries. Government officials typically resist the allotment of public land to women on the grounds that allotments can only be made to heads of households who are assumed to be men (Lal, 1986; Agarwal, forthcoming). This bias is found not only in government programs which affect patrilineal groups, but even when land titles are distributed in traditionally matrilineal and bilateral communities (Agarwal, 1990; and Schrijvers, 1988). And it is found in the policies and programs of all the political regimes in the subcontinent, including communist ones.

7. INTERVENTIONS FOR CHANGE: SOME CONSIDERATIONS

The discussion above indicates that today for women to gain effective rights in land will require not only removing existing gender inequalities in the law, but also ensuring that the laws are implemented. It will involve strengthening women's ability to claim and retain their rights in land, as well as their ability to exercise effective control over it. In other words, it will involve contestation and struggle at every level — the household, the community and the State — and on both economic and noneconomic fronts. The complexity of the noted obstacles preclude any simple prescriptions on how this could be achieved. In addition, given the regional variability of these obstacles, specific strategies to overcome them can only evolve through the process of localized campaigns. This section, therefore, does not attempt to outline strategy, but only to highlight some of the issues that will need particular attention from gender-progressive groups and policy makers.

To enhance women's ability to claim and keep control over their rightful inheritance shares, several aspects are likely to need attention: establishing the legitimacy of the claim; reducing gender bias in village land registration practices and village council rulings; enhancing women's legal knowledge and literacy; improving women's fall-back position so that they are better able to deal with the ensuing intrafamily conflict, including providing external support structures that would reduce women's dependence on brothers and close kin, and so on. In all this the role of collective action is likely to be primary.

For instance, the local bureaucracy is more likely to accurately register individual women's claims in family land (whether as daughters, widows, or in other capacities) if there were collective pressure on them to do so, say from gender-progressive groups, especially women's organizations. Such organizations can play a vital supportive role too in providing women with information on laws and contacts with legal experts, should legal action be necessary. A significant female presence in local decision-making bodies such as the village *panchayats* (village councils) could also strengthen the hands of rural women. Although women's presence in such bodies need not guarantee more gender-progressive programs, the record of elected all-women panels in village *panchayats* in parts of India (such as Maharashtra and Madhya Pradesh), and of field-level development administrators in Bangladesh, leave room for optimism: women in these bodies are found to be more sensitive to women's concerns and to give priority to local women's needs in ways that male *panchayat* members and bureaucrats typically do not.⁵⁵ The presence of women in decision-making roles and positions of authority also has a wider ideological impact; and South Asian women, especially but not only in purdah-practicing communities, are more likely to take their grievances to women representatives than to all-male bodies.

Local gender-progressive organizations could similarly strengthen women's fall-back position in case of intrafamily conflict over women's land claims, through economic and social support networks and programs which could reduce women's dependence on male relatives, especially their brothers in whose favor women often forfeit their claims. As a woman member of BRAC (a Bangladeshi development non government organization (NGO) which provides production credit and technical support to poor village women and men, organized separately into small groups) tellingly asserted: "Well the Samity is my 'brother'" (Hunt, 1983, p. 38). It is notable too that women after joining BRAC have been able to challenge purdah practices in their villages:

We do not listen to the *mullahs* [Muslim clergy] anymore. They did not give us even a quarter kilo of rice (BRAC women in Chen, 1983, p. 176).

They said . . . [w]e are ruining the prestige of the village and breaking *purdah* . . . Now nobody talks ill of us. They say: "They have formed a group and now they earn money. It is good" (BRAC women in Chen, 1983, pp. 176-177).

However, the obstacle posed by the practice of patrilocality-*cum*-village exogamy, to women claiming, retaining their claims, and self-managing land, does not lend itself to obvious solutions, given the rigidity of social norms and ideologies justifying such practices. We might expect, though, that as some success is achieved in establishing daughters' inheritance rights, postmarital residence patterns could become more flexible. For instance, uxorilocal residence by the son-in-law is an accepted practice among patrilineal communities where a brotherless daughter inherits her father's estate. In this context, a more gender-progressive approach by the State in the distribution of public land to women could also be helpful.

Apart from asserting their inheritance rights in private land, the most important other means of land acquisition for women (especially of poor rural households) in South Asia today is through the State. In the postcolonial period South Asian governments have distributed individual titles under various land reform and resettlement schemes, leased out public land under wasteland development and reforestation schemes, and legalized the distribution of land claimed by a peasant group through a land struggle. But as we had noted, there is a systematic male bias in all such allocations. Collective action by women again appears necessary for challenging these biases.

In this context, it is worth considering what institutional form of land ownership and management would be most desirable for women. For instance, should land be owned and managed individually or in some collective way? Consider first the issue of ownership. Although individual ownership gives a woman greater control over land use and the freedom to bequeath, mortgage or sell it as she wishes, it also carries the risk of the land being appropriated by a rapacious money-lender or by male relatives. In addition there is the dilemma of who would inherit the land from the woman — her sons or her daughters? An alternative arrangement to individual titles in the transfer of State land, or of land acquired by a peasant organization through a land struggle, could be for poor peasant women belonging to a set of households to seek rights as a group — women of each participating household having use rights in the land but not the right to individually dispose of it. The daughters-in-law and daughters of such households who are resident in the village would share these usufructuary rights; daughters leaving the village on marriage would lose them,

but could reestablish their rights should they need to return to their parental homes on marital breakup or widowhood. In other words, land access could be linked formally to residence, as was the case under some tribal land use systems (such as among the Garos), the difference being that here the land would belong not to a clan but to a group of poor peasant women. This would strengthen women's ability to retain control over the land. Collective ownership would also be a means of creating a more communal and egalitarian basis of land access. More generally, containing the trend toward the individual privatization of what is currently communal land, especially village common land, would help protect the welfare interests of poor households, and especially of women in these households.

Group ownership of land need not of course imply joint management, just as individual ownership need not preclude joint management. Women jointly holding ownership rights could cultivate the land either in separate plots allocated on a household basis or cooperatively as a group, with each woman putting in labor time and sharing the returns. Or there could be some combination of individual and group management, such as family-based female cultivation along with joint investment by the women's group in capital equipment and cooperation in terms of labor-sharing, product-marketing, etc. Group investment could be advantageous even when women individually inherit land from parents or husbands, or receive titles in government land on an individual basis. There are many examples of groups of male farmers jointly investing in, say, an irrigation well. In women's case, group investment may be especially beneficial since individual women would not usually have enough economic resources for investing in irrigation and other inputs. Women functioning in groups would also be in a better position to mobilize resources either from among themselves, or through available governmental and nongovernmental schemes. Group investment when linked with group management could further strengthen women's hands in this respect.

Some cases of joint land management by groups of women already exist in South Asia. For instance, in Bangladesh some groups of landless women organized by BRAC are jointly cultivating plots of private land that they have leased in (Chen, 1983); and in India under the Bankura project in West Bengal and the Sewa Mandir project in Rajasthan, poor women's groups are jointly managing village wastelands (N. Singh, 1988; Lal, 1986).

In initiatives like these, and more generally to enhance women's ability to function as independent farmers, infrastructural support for women is critical, in the form of access to credit, production inputs, information on new agricultural practices, and so on. Existing systems are known to be extremely male biased. While a greater female presence in agricultural

input and information delivery systems (women extension agents are often recommended for the latter) would probably help in reducing existing male bias in such systems, it appears equally necessary to reorient these systems so that male functionaries too recognize the importance of assisting women farmers. A systematic promotion of women's cooperatives for production inputs and marketing (both by the State and by gender-progressive NGOs) would also be very important.

Indeed, building group support among and for women, both locally and nationally, appears to be crucial for an effective struggle for land rights. Group support can take at least two forms: through separately constituted groups which provide specialized legal and other services to village women, and through organizations comprised of village women themselves. Initiatives of both kinds are likely to be important in the struggles not only of women from landed households seeking their inheritance claims, but also of landless or near-landless women seeking rights, say, in public land.

How and under what conditions solidarity for collective action may emerge among women is too large a question to be answered here adequately. But a number of complexities will need to be addressed, especially those posed by class (and caste) differences in the households to which women belong, and the associated conflict of interests among women.

There are, however, significant areas of mutual benefit which could serve as starting points for collective action by women across class/caste lines. One is legal reform: women of all classes with a stake in family land (or more generally in family property), whatever its size, stand to gain from more gender-egalitarian personal laws governing the inheritance of landed property. (And the percentage of such women in South Asia is not small: despite the highly skewed distribution of land in the region, a large majority of rural households, as noted in section 4, do own some.) Again a wide spectrum of peasant women (even if not agricultural laborers) would benefit from certain changes in land reform legislation, such as (in India) bringing tenancy land under the purview of contemporary inheritance laws, and treating adult daughters on a par with adult sons and recognizing the wife as a separate unit in land ceiling laws. That women with divergent concerns can cooperate strategically for some types of legal reform is borne out by recent struggles to amend dowry and rape laws in India, for which women's groups, despite significant differences in their ideologies, agendas and social composition, successfully came together to form common fronts.

Similarly ideological contestations against existing social constructions of gender (including assumptions about women's needs and roles) offer potential benefits to a very broad range of women. As noted,

whatever their class/caste, such contestation is intimately connected with women's ability to gain effective rights in economic resources, especially land. The issue of purdah is a case in point. Protests against the practice have come both from well-off upper-caste Hindu women in India (including those who campaigned against it in the 1930s), and from poor Muslim women in contemporary Bangladesh.

Some optimism on the possibilities of cross-class/caste action is also generated when we consider the important role played by many urban middle-class women activists in promoting issues affecting rural poor women. Indeed the role of such activists has been critical in catalyzing a focus on women's independent rights to land within mass peasant organizations and struggles such as the Bodhgaya movement in Bihar in the late 1970s, and the Shetkari Sanghatana's Mahila Aghadi in Maharashtra in the 1980s.

In this context, locationally separated efforts can gain and have gained from the emergence of countrywide women's movements in South Asia, espe-

cially over the last decade and a half. In India, for instance, the emergence of women's groups across the country and the spread of public awareness about gender concerns, even though not yet focused on the issue of property or land rights, have fertilized the soil on which the struggle for land rights can grow. Such developments enable the question of women's land rights to be placed in the arena of public debate — something which was not easy to do a mere two decades ago. At the same time, so far, the campaigns that have transcended local contexts and developed into national ones have been mainly around legal change, such as the noted campaigns in India on rape and dowry laws, and in Pakistan against gender-discriminatory Islamic injunctions and legislation. But the issue of gender equality in land rights — not only in law but in practice — calls for a much more multipronged and sustained effort than has been attempted so far on any gender-related issue in South Asia.

NOTES

1. See Mies, Lalita and Kumari (1986, p. 134).
2. Personal communication, Vina Mazumdar, Center for Women's Development Studies, New Delhi.
3. For a discussion on this see Agarwal (forthcoming).
4. In India, the term "state" relates to administrative divisions within the country and is not to be confused with "State" used throughout the paper in the political economy sense of the word. In Pakistan and Sri Lanka these administrative divisions are termed provinces.
5. The term "gender-progressive," as used here and subsequently, relates to those laws, practices, policies, etc., which reduce or eliminate the inequities (economic, social, political) that women face in relation to men. Individuals and organizations that work toward this end are also so described. "Gender-retrogressive" has the opposite meaning.
6. Bilateral inheritance: ancestral property passes to and through both sons and daughters; matrilineal inheritance: ancestral property passes through the female line; patrilineal inheritance: ancestral property passes through the male line. On the specific complex workings of these inheritance systems in South Asia, see Agarwal (forthcoming).
7. In West Bengal when the CPI (M) (Communist Party of India (Marxist)) government carried out "Operation Barga" (launched in 1978), a major land reform initiative which sought to provide tenants with security of tenure by systematically registering them, primarily men were registered. A similar bias has prevailed in the programs of most left-wing nonparty groups, one notable exception being the Bodhgaya (Bihar) peasant movement initiated in 1978 by the Chatra Yuva Sangharsh Vahini, a Gandhian-Socialist Youth Organization which also took up the issue of women's land rights (see Manimala, 1983).
8. Among the exceptions is the Shetkari Sanghatana's Mahila Aghadi, the women's front of the Shetkari Sanghatana — a farmers' organization founded in Maharashtra (west India) in 1980. Also noteworthy is the role played by *Manushi* (a women's journal from India) in reporting such initiatives, and by one of the journal's founders, Madhu Kishwar, who in 1982 filed a petition in the Supreme Court of India challenging the denial of land rights to Ho tribal women in Bihar (see Kishwar, 1982).
9. Two notable exceptions are Sharma (1980) and Kishwar (1987).
10. This is not meant as a summary of Engels's complex thesis, but merely of one part of his argument. Critiques of different aspects of Engels's analysis abound: see especially Sacks (1975), Barrett (1980), Delmar (1976), Molyneux (1981), and various articles in Sayers, Evans and Redclift (1987) and in *Critique of Anthropology*, Vol. 3, Nos. 9–10 (1977). In particular, Engels's assumption that gender relations within propertyless groups such as the industrial proletariat or under socialism would necessarily be egalitarian has been widely criticized: see Delmar (1976), Molyneux (1981), and Barrett (1980).
11. In socialist countries also (including those which were socialist until recently), the influence of Engels's analysis led to a similar preoccupation with women's employment as the primary means of eliminating gender oppression (Molyneux, 1981).
12. Women's representation in top political and economic

decision-making bodies in such countries remained minimal. For instance, in the late 1970s, in the USSR, Czechoslovakia, Poland, and Yugoslavia under 5% of government posts were filled by women (Molyneux, 1981).

13. In India, for instance, male dominance is apparent in the judiciary (in 1985, women constituted only 3.6% of the state bar council advocates, and 2.8% of High Court and Supreme Court judges), the government administration (in 1987 only 7.4% of the Indian Administrative Service Officers, and 5.8% of all central government service officers taken together, were women), and the legislature (in 1984 only 8% of elected candidates in the Lok Sabha were women). All figures are taken from GOI (1988, pp. 119, 126–127, 173).

14. Scandinavian countries have a better record than most others on this count: in Norway and Finland, for instance, women constituted 34% and 32% of all elected and appointed members of national legislative bodies in 1985–87, in sharp contrast to analogous figures for India, Bangladesh and Pakistan which ranged between eight and 10, and even those for the United States and United Kingdom which were 5.3 and 6.3, respectively (United Nations, 1990).

15. Also property differences alone do not distinguish classes. Education, lifestyles and so on, help forge class distinctions as well (see e.g., Bourdieu, 1984). For a useful discussion on some of the characteristics of “class” within Marxist and non-Marxist literature, see Wolff and Resnick (1989).

16. E.g., Millet (1970), Firestone (1970), and Delphy (1977) all deny the significance of class divisions between women, but from different standpoints (for elaboration see Agarwal, forthcoming).

17. Of course aspects of a person’s identity other than class can also be divisive or adhesive, such as caste, ethnicity, and religion.

18. See e.g., Selvaduri’s (1976) observations on a Sinhalese village in Sri Lanka.

19. Also see Bromley (1991) and Feder and Feeny (1991) for some useful discussions on property rights, as well as on rights in land.

20. This was calculated from India’s land use statistics for 1987–88 (GOI, 1992b) as follows: Total arable land comes to 184.73 mha by aggregating the net sown area, area under current fallows and other fallows, culturable wasteland, and land under miscellaneous tree crops and groves. This tallies with the Ministry of Agriculture’s method of estimating arable land. Of this, 158.09 mha, which is the aggregate of net sown area, land under current fallows, and land under miscellaneous tree crops and groves, could broadly be assumed to be in private hands.

21. There is little quantitative data by gender on land ownership and management in South Asia. None of the countries in the region, with the exception of Sri Lanka, collects gender-disaggregated land ownership and use data

in its agricultural and centennial censuses or in its large-scale rural surveys. In Sri Lanka, although such data were collected in the 1981 agricultural census, they were limited to agricultural operators (these included cultivators as well as purely livestock and poultry operators) and did not cover all rural households. Moreover, the published data do not give a gender-wise breakdown of land ownership even among agricultural operators. Again, most South Asian village studies by economists that have focused on questions of agrarian structure, have (as noted earlier) confined themselves to the household unit. Hence to gain an idea of where women have been given or have claimed their shares in landed property and under what circumstances, I have drawn on anthropological, historical, and legal sources, supplemented by my fieldwork observations.

22. The discussion here will concern land linked in one way or another to rural livelihoods, especially arable land, but will exclude homesites, even though the available data on land ownership do not always separate land under homesites from the rest.

23. For details see Agarwal (1986, and forthcoming).

24. Harriss’s (1990) literature review and detailed data analysis on intrahousehold food allocation in South Asia illustrates the difficulties of arriving at firm conclusions on this count. Nevertheless, her tentative conclusions include the following: (a) “discrimination in energy and protein intakes through the allocation of food within the household seems to be greater in the north [of the subcontinent] than in the south”; (b) “in the north it is least ‘fair’ for very young and very old females, and probably for adult women with special needs associated with pregnancy and lactation” (p. 405).

25. According to Dreze and Sen’s (1989, p. 52) estimate, India, Pakistan and Bangladesh respectively would have some 36.9, 5.2 and 3.7 million more women today, if these countries had the same sex ratios as sub-Saharan Africa, namely 102. As they note, for most of Europe and North America the sex ratio averages about 105, essentially indicative of women’s survival advantages over men in the absence of serious anti-female bias in the distribution of food and health care.

26. See especially Mencher (1988) and Per-Lee (1981) for South Asia, and the literature surveys by Blumberg (1991) and Hoddinott (1991) for other regions.

27. See Buvinic and Youssef (1978) for India, and Safilios-Rothchild and Mahmud (1989) for Bangladesh. According to the Indian census some 10% of households are headed by women, but this is a significant underestimate (see Agarwal, 1985, on reasons for the undercounting).

28. The estimates are based on the 37th round of the National Sample Survey (NSS) carried out in 1981–82. The figure for land ownership covers all land owned by the household, whether or not cultivated, including that used for nonagricultural uses.

29. See, Ali *et al.* (1981), Sundaram and Tendulkar (1983), and Gaiha and Kazmi (1981).

30. See e.g., Raj and Tharakan (1983).
31. See e.g., Islam (1986), Hazell and Haggblade (1990), and Basant and Kumar (1989).
32. See e.g., various case studies in Singh and Kelles-Vitanen (1987), *Shramshakti* (1988), and Islam (1987).
33. There is considerable evidence from Asia that tiling can critically enhance a farmers' access to credit (in terms of sources, amounts and terms) by enabling them to use land as collateral (see e.g., Binswanger and Rosenzweig, 1986, and Feder, 1989). See also Saito and Weidenmann (1990) on the problems women farmers face in getting credit in the absence of titles.
34. For class bias in agricultural extension see Dasgupta (1977) and on gender bias see Kilkelly (1986).
35. The term "fragmentation" as used here relates to the division of a farm into several noncontiguous parcels of land, and farm size relates to the aggregate area of such parcels held by the cultivator. The analytical distinction between the farm-size effect and the fragmentation effect is important, as will be seen from the discussion which follows. In popular parlance the term "fragmentation" has come to be used rather loosely (and incorrectly) to refer also to the process of declining farm size.
36. See the considerable evidence for India, Pakistan, Bangladesh, and several other countries in Lipton and Longhurst (1989).
37. For nonfood crops the marketed surplus is found to be very high on farms of all size groups (Lipton, 1992) and for foodcrops the higher productivity effect of small farms may well outweigh their higher propensity-to-consume effect, as found, for instance, in Kenya (Lipton, 1992).
38. See e.g., Struass (1986) and Deolalikar (1988) on the positive association between nutritional intake and labor productivity, although admittedly the interaction between nutritional intake and human functioning could be subject to interpersonal and intrapersonal variation (Dreze and Sen, 1989).
39. This is partly because women's lesser mobility would confine them more than men to local markets; and partly derivative of the more general observation that villages with greater equality in land (and farm income) distribution in South Asia tend to generate more demand for local non-farm products, especially through consumption linkages (Islam, 1986).
40. Personal observation in Rajasthan (northwest India); also see Dreze (1990) for similar observations on some other parts of India.
41. For further elaboration on the importance of women's rights in land in strengthening their overall bargaining position, and for a conceptual framework for characterizing gender relations, see Agarwal (forthcoming).
42. See e.g., Solaiman and Alam (1977), Merry (1983) and R. Singh (1988).
43. To some extent even elements in the State apparatus are beginning to realize this: in India a recent government attempt to promote adult female education (the *Mahila Samakhya* [Education for Women's Equality] Program launched in 1989) is not only couched in terms of female "empowerment" but recognizes that organizing rural women into groups to discuss gender relations can be a necessary first step toward that end (GOI, 1991).
44. For detailed case studies of these communities, see Agarwal (forthcoming).
45. Although the nomenclature "Moor" (given to the Sri Lankan Muslims under Portuguese rule) has today largely been subsumed under the general category "Muslim," I have retained the term to distinguish the group both from other Muslims in Sri Lanka who did not traditionally practice matriliney, and from the matrilineal Muslims (such as the Mappilas) of southwest India whose inheritance practices were different.
46. *Uxorilocality* implies that the husband takes up residence with the wife and (with or near) her parental family. Where this is a regular practice dictated by a preferred custom, this results in institutionalized *matrilocal* residence, where the normal residence of most husbands is with or near the matrilineal kin of the wives. *Patrilocal* implies that the wife takes up residence with the husband and (with or near) his patrilineal kin.
47. Personal communication, Joan Mencher, New York, 1992.
48. The *karanavan* was the head of the *taravad* and manager of the joint family estate; he was usually the senior-most male member of the *taravad*. *Taravad*: the matrilineal joint family, holding property in common and often sharing a common residence.
49. See e.g., Mayer (1960) for Madhya Pradesh (central India); Newell (1970) for Himachal Pradesh (northwest India); Freed and Freed (1976) for a village near Delhi; Beck (1972) for Tamil Nadu (south India); Ishwaran (1968) for Karnataka (south India); and Elgar (1960) for Pakistan Punjab.
50. See e.g., Parry (1979), Mayer (1960), Jansen (1983), Alavi (1972), and Elgar (1960).
51. See Chaudhuri (1987), Kishwar (1987), and Kelkar and Nathan (1991).
52. Although some of these constraints are also faced by poor rural men, women face them in greater degree; and several constraints are gender-specific.
53. For a mapping of these cross-regional patterns, see Agarwal (forthcoming).
54. See e.g., Abdullah and Zeidenstein (1982), Jansen (1983), Nath (1984) and Taniguchi (1987).
55. See Gandhi and Shah (1991) on the functioning of

some all-women village *panchayats* in India, and Goetz (1990) on the functioning of male and female field-level development administrators in Bangladesh.

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