Women, land and power in Bangladesh: Jhagrapur revisited

Arens, A.M.J.

Citation for published version (APA):

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This chapter addresses the first main question: what relationship do women in Jhagrapur have to land and has this changed since I first lived in the village in 1974/75? Here, I will present and analyse my research data on women's ownership of and control over land in Jhagrapur. The issue of women and land ownership is complicated and the various dimensions can be conflicting. The main questions that will be dealt with in this chapter are: What is the extent of women's ownership of land in Jhagrapur? Do more women in Jhagrapur claim their inheritance share compared to the 1970s? Under what circumstances do women claim their land rights, and which factors facilitate or constrain women's access to and control of land? To what extent do women control the land they own? What are the obstacles to women's own control over their land? To give an idea of some of the complexities of women's ownership of land I will first present the stories of three women.

7.1 Women and land: three women
In 1999 Halima, who grew up in Jhagrapur but was married in another village, told me:

My father died more than 30 years ago and as I was the only child I inherited all his land, some 12 bigha\textsuperscript{138}. I entrusted my land documents to one of the befriended rich peasants. I trusted him as he had helped me settle my affairs. He persuaded me to sell a small piece of land to him and got my thumb impression on the registration document. But I cannot read and write so I did not notice that the amount of land mentioned in the document was 2.5 bigha instead of 2.5 katha\textsuperscript{139} as we had agreed and he had paid for.

Obviously, this man had different motives for his kindness. He and a few other rich peasants, who are notorious in Jhagrapur for grabbing other people's land with dirty tricks, saw an opportunity. Little by little, Halima lost all her land to these land grabbers in the village. One of them even managed to buy one bigha from her for not more than a sari. The fact that she had given all her land documents in custody to one of the land grabbers made it even easier for them to cheat her, as they knew all the particulars of her land. After her husband's death 25 years ago, Halima returned to Jhagrapur and lived with her cousin-sister's family. But after she had lost all her land and her cousin-sister had died, she was kicked out of the house. Ever since, she roams the area begging for food and money and all her possessions are in one shopping bag (Plate 52). In 2000, with the help of her son-in-law and a villager, Halima started a court case against the land grabbers. When I met her again in 2005, she told me that the court had finally decided that all her land had to be returned to her, but that so far she had not received any of it back. She was still begging and staying at various people's houses. In the following years, the story becomes even more complicated. The villager who had helped her with the court case turned out to have his own interest in the case. His grandfather had also

\textsuperscript{138} 1 bigha is equal to 0.33 acre.
\textsuperscript{139} 1 bigha is equal to 20 katha, so, actually, he had taken 20 times more.
‘bought’ some land from Halima, so he wanted to get the land properly registered in his name. The other land grabbers also cooperated and had the land that they had occupied registered in their names. In the meantime, some other villagers had come to know about the case and convinced Halima that if they could successfully occupy her land they would buy it from her and give her money. They would try an old trick: to harvest the paddy that had been planted by the land grabbers who now cultivated the land. This resulted in a big fight between the rival groups in which both groups beat each other up. The original land grabbers were in an advantageous position as they had access to all the official papers and were in the process of getting the land registered in their names while the rival group could not show any documents. Halima confessed that she had not received any money from the second group. In the end, the original land grabbers had to give her some money and the case was settled. Halima is now spending her old age with her daughter in another village.

Selima’s story is quite different. She is a rich peasant widow who belonged to an influential family in Jhagrapur and was married into another influential family in the village. She told me in 1975:

I inherited 30 bigha of land, partly from my father, partly from my husband. My father died last year, my husband the year before that, my youngest son was in my stomach at that time.
Several of her eight children were still very young. She managed her household with the help of her daughter and two daughters-in-law and two of her sons cultivated her land. Selima was clearly in control of all household affairs and of her land and she refused to give her sons their share of land in their names after they had set up their separate households. She gave each of them only 1 bigha and kept the rest in her own name. One day, after another son had separated from her household and pleaded for some land she told me: “They will have to manage their own households, otherwise how will I live if I give all the land to them?” Although Selima inherited land from her husband’s family, 5 bigha of her rightful share were denied to her after the death of the second wife of her father-in-law a few years ago. One of Selima’s sons told me in 2002:

In a shalish (village court) it was decided that we should get the remaining land as well, but the widow of Omar [his father’s half brother] refused and started a court case. One day the police even came to arrest me on some false charges, but I was again released. The land case is still continuing.

Had Selima’s husband still been alive, he would certainly have had his due share, but because Selima is a widow, they could get away with denying her part of her rightful share. Nevertheless, Selima’s ownership of the land that she does have under her control has not been challenged, not even when she was in a most vulnerable position after her husband’s death.

So both Halima and Selima inherited a good amount of land long back, but their present situation is completely different. Both examples illustrate several interlinking factors that play a role in the issue of women and landownership. As is clear from Halima’s example, inheriting land and control over that land are two different matters. Other influences also come in to play, such as class background, gender roles, education, and post-marital residence. Apart from Selima’s strong character and the fact that she has several educated sons, her class background and the fact that both her father and her father-in-law had been influential mondols (village leaders), are important reasons why none of the rich peasants dared to play tricks on her, not even when she was in a most vulnerable situation with several very young children. Halima, on the other hand, did not have such a high status class background. Moreover, after marriage she lived in her husband’s village, far away from her own land. Apart from class, gender is a factor that works against both of them. As we have seen before, unlike in other Asian countries, women in Bangladesh are dependent on male members of the household for the cultivation of their land as they do not work on the land. The fact that women in Bangladesh have to conform to gender specific roles and norms can affect their control over the land. In Halima’s case it certainly would have made a difference if she could have managed the cultivation of her land herself. As for Selima, an advantage for her was that she had grown-up sons who could take care of the cultivation. But because she is a woman it was easier for her husband’s siblings to deny her part
of her husband’s share and challenge her full claim to it. Her class background works in favour of her, but her gender works against her. Another factor that plays a role is the custom that women move to their in-laws’ place after marriage and that most women are married outside the village even though village exogamy is not a must. For Halima this was an additional difficulty. If she had not been married outside the village, she could have managed the cultivation of her land herself with the help of her husband, she would have known better which plots were hers, and might not have been cheated so easily. Besides, she might have had some protection from other villagers, as she would have been settled into the village community. Lastly, education may be an important factor as well, but apparently only in combination with the other elements. Where both women are illiterate, Selima had literate sons.

These examples show several dimensions that play a role in the issue of women’s ownership and control over land and they can be conflicting with each other. But the complexity of the issue does not stop there. Apart from the above-mentioned factors of class, gender division of labour, exogamy and education, other factors such as gender ideology, social norms, and intra-household dynamics play a role as well, as is clear from the following example of Hazera, a rich peasant woman. Hazera and her husband are both from rich peasant families. When they had three children they separated from his joint family. In 1999 Hazera told me this:

We were afraid that there would not be enough food for our children. Nobody knows it but at that time we had food shortage in the family. And in the joint family I would not be able to keep chicken, ducks and goats and keep our income for ourselves. After a few years we could buy a little plot of land. We bought it in Ratan’s father’s name, for that I sold all my gold jewellery. He wanted to register the land in my name; he said “most of the jewellery you got from your parents.” But I said “no your parents also gave, I don’t want it in my name.” After we bought more land and by raising goats, chicken and ducks our situation slowly became good, with a lot of hard work.

When I asked Hazera why she didn’t want land registered in her name she said:

It gives only trouble because my children will start fighting about how to divide it. …No, it is not possible to give equal shares, they won’t agree and they’ll get angry. As for their father, they don’t dare to get angry with him, but with me they do. They are scared of him, not of me, because I always took care of them; they were always with me. …To have these golden earrings or bangles is all right, they are not worth so much. If I give these to one of them the other children won’t really mind, they’ll think: ‘Oh, that is not worth much’. But if I give land, they will get angry: ‘why did you give it to her or him and not to me?’

Apart from the fact that land is the most valuable asset, Hazera indicated that land ownership conflicts with her gender role as a nurturing and loving mother.
She does not regard land ownership as an asset for herself, but rather sees it as a burden. Therefore she prefers not to have the purchased land in her name. Apparently, gender roles can interfere with women’s desires to have formal ownership of land. Women’s authority in Bangladesh is more based on the love and care they provide, while men’s authority lies in their control over land. As in Hazera’s case, women may feel that they can avoid conflict and assert their authority over their children better if they do not have formal ownership over land. This does not interfere with her decision-making power in the household. Hazera is fully involved in the decision-making and has control over affairs concerning the household and land, as is evident from the above. Moreover, this does not mean that Hazera is not interested in acquiring land. One day in 1999 she told me about a piece of land next to their bari [homestead]:

That land is in Ratan’s name [her son] because there was a fight about it. Ratan’s father didn’t want to buy the land; he said we have no money for it. But I wanted it; we need it for my ducks because others won’t let our ducks roam there. If my ducks wander of to that land it might give problems. So I talked to Ratan and he supported me to buy the land. I myself scraped money together, sold a goat, some money from selling chicken and ducks, borrowed some from my father and then we bought it. That is why it is registered in Ratan’s name and not in his father’s. In the end Ratan’s father kept quiet.

Hazera clearly had an interest in buying this land, but she didn’t want to have it registered in her name. Apparently, women do not always desire to own land in their own name as it may interfere with other factors. Nevertheless, they may have control over household affairs and land matters, even if they do not have any land registered in their names.

Hence, the issue of women’s ownership and women’s agency is complex as many different factors are involved. Religion, class, education, gender ideology, social norms and marriage customs, all can play a role and can be conflicting with each other. The above examples also illustrate that both a class point of view and a gender point of view need to be taken into account. Class and gender are interlinking factors in economic and social processes. Class aspects influence gender aspects and the other way around.

7.2 Inheritance practices

Inheritance is an important way for women to obtain land. Women in the village usually know their inheritance rights. They know that they are entitled to half of what their brothers inherit of their parents’ property. They also know that widows are entitled to one-eight’ of their husband’s property if they have children from their husband, or one-fourth if they have no children. One widow who had only one daughter told me for instance:
My husband died when my daughter was 3, 4 years old. He had 4 bigha and I got 2 ana\textsuperscript{140} [one-eight’s share], my daughter got 8 ana [half share]. My husband’s brother and his two sons took the rest. If I had had a son we would have gotten all the land.

In order to find out the extent of women’s land ownership in the village and the variables that may play a role, I conducted a survey in the village between October 2006 and January 2007. The survey covered 84 percent of the households (427 of the 506 Jhagrapur households at that time).\textsuperscript{141} I asked the female heads of the households whether they had inherited land from their father, their mother and/or, in case of widows, their husband or whether they expected to inherit land in the future. I also asked the women whether their husband had registered any purchased land in their name and/or whether they themselves had purchased any land in their own name. Besides these questions, I asked the women about the location of their paternal village, their level of education, the number of siblings they had, whether they were still in the possession of the land and who was cultivating it.

The survey results show that inheritance is the most common way for women to acquire land. Only nine percent of the women owned land that their husbands purchased in their name or, even rarer, that they purchased themselves. As the majority of the women who own land obtained it through inheritance, I will first deal with this. Out of the 427 women in the survey sample, 371 women came from landed families, so they were entitled to an inheritance share from their parents. Thirty-six percent (132 women) of these women inherited land from their father and/or mother; that is more than one in three women. The majority had inherited land from their fathers (thirty-two percent) and only four percent had inherited from their mothers. Nine women had received land both from their fathers and from their mothers. Sixty-three percent of the widows had inherited land from their husbands. However, women did not always get the full share they were entitled too. Often parents used the argument that women receive less than their share because they received dowry and gold at their wedding (ignoring the fact that dowry is mostly controlled by the husband). Thus, more than one-third of the women in Jhagrapur received their inheritance share (fully or partly) from their father and/or mother. This is more than I had expected, given the general idea that women renounce their parental share. As we have seen in chapter 3, most of the literature on women in Bangladesh mentions that women usually renounce their inheritance share in order to keep their brothers happy and so safeguard their right to maintenance and the right to return to their paternal home in case their marriage breaks down. But seeing that one in three women have inherited land from their parents is a considerable number which cannot be dismissed as irrelevant. So what does this mean?

\textsuperscript{140} This is an old measurement dating from the pre-British period. One ana is one-sixteenth part.

\textsuperscript{141} The class distribution of the 16 percent of the households that are not covered is more or less proportional to the percentage-wise distribution of the classes of all the households in the village.
7.3 Women’s inheritance 1975/2007

Does the fact that one in three women receives (part of) their inheritance share indicate a change in inheritance practices? Or is it simply not true that most women renounce their inheritance share? Agarwal (1994: 282) suggested on the basis of studies by several scholars that there is a change and that more women receive or claim their inheritance share nowadays. If this is true, then is such a change also visible in the village? A few women in the village said that this is the case, but others could not give a clear answer. One woman was very outspoken:

If brothers don’t want to give, then women quarrel with them for their rights. But if their father has registered all his land in their brothers’ names then she cannot do anything. …No, they don’t go to court, you need money for that.

In order to examine whether more women in Jhagrapur claim their inheritance share nowadays, I compared my data on inheritance of 1975 with my data of 2007. In 1974/75 I collected data on several issues, including land inheritance, from a sample of 20% of the female heads of households (thirty-six women) of a total of 173 households that were living in the village at that time. I realised that this 1975 sample is rather small to draw any conclusions, but it does indicate a trend. I compared the numbers and percentages of women who said that they had inherited land in 1975 with those in 2007.

<table>
<thead>
<tr>
<th>Table 7.1 Women who inherited parental land 1975/2007</th>
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<tr>
<td>Women with landed parents</td>
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<tr>
<td>%</td>
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<tr>
<td>Women 1975 sample (N=32)</td>
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<td>Women 2007 sample (N=371)</td>
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In 1975 thirty percent and in 2007 thirty-six percent of the women in the sample whose parents had land inherited (Table 7.1). The difference between 1975 and 2007 is not statistically significant. This means that, proportionally, no more women had received their inheritance shares by 2007 compared to 1975. Thus, from my data it cannot be concluded that more women have started claiming

142 Unfortunately I cannot provide detailed data on women’s ownership of land of a larger part of the households in the village for 1974/75. When we conducted the study in 1974/75 we did not ask each household systematically how much of their land was owned by women and how much land women had inherited. Although I did collect some figures on women’s inheritance the data were too limited and therefore not included in the book. At that time we also did not see the importance of women’s land ownership sufficiently. I dealt with the issue in one small paragraph only (Arens & van Beurden [1977] 1980:46/53).

143 All significance tests have been done with the $\chi^2$ test.
their shares since 1975. However, as there is a big difference in the size of the samples and the 1975 sample is rather small, I hesitate to draw any definite conclusions from these data. More research is needed to come to a clear conclusion on whether more women claim their inheritance share nowadays.

So, the above findings indicate that both in 1975 and in 2007 around one-third of the women whose parents owned land received or claimed their land. What about the remaining two-thirds of the women? Did they all renounce their share? In order to examine this question I asked the same women from the 1975 sample once again in 2007 whether they had inherited land from their parents or whether they had renounced their share. Then I compared their answers in 2007 with what they had told me in 1975 (Table 7.2).

| Table 7.2 Women of the 1975 sample who inherited parental land by 1975 and by 2007 |
|-----------------------------------------------|-----------------|
| Women of 1975 sample with landed parents (N=27) | Women who inherited land |
|                                               | %               |
| by 1975                                       | 30              |
| by 2007                                       | 78              |


Table 7.2 shows a big difference between the figures of 1975 and 2007. While in 1975 only 30 percent of the women had inherited land, by 2007 seventy-eight percent of these same women had inherited land. Thus by 2007 almost three out of four women of the 1975 sample had received their share meaning that the majority had not renounced their share. Almost half of the women had received their share only at a later stage in life. The determining factor that explains the difference in the figures between 1975 and 2007 is the age of the women. In 1975, the parents of many of the women in the 1975 sample were still alive, but by 2007 both parents of most of these women had died and they had received their share. Hence, life cycle is an important factor or, more precisely, the fact whether both parents are still alive or not. Many of the women told me that they had not yet taken their share after their father’s death because their mother was still alive and needed it for her survival. Women usually take their share only after both parents have died.

Given the above findings, it can be argued that many of the women in the 2007 sample will get their share only when they get older, after their parents have died.

144 The total number of women in the sample here is only 27 as four of the women had died by 2007 and 5 women were from landless families. Although this sample covered 20 percent of all households in 1975 (173), it covered less than 7 percent of all households in 2007 (506). Hence these data have to be treated with caution.
I asked the women both in 1975 and in 2007 whether they expect to inherit land from their parents in the future. Table 7.3 shows the numbers and percentages of women in the 2007 sample that said that they will or that they may inherit land from their parents later on.

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<tbody>
<tr>
<td>100</td>
<td>18</td>
<td>19</td>
<td>36</td>
<td>27</td>
</tr>
</tbody>
</table>


The second column shows that 18 percent of the women whose parents own land said that they will inherit land in the future. They had been promised their share by their parents and/or brothers or they were confident that they would get or claim their share. Another 19 percent of the women (third column) said that they may get their share, but they were not sure yet. Especially some of the young women felt shy about this question or started laughing. They said that they might inherit some land, but they did not know yet. Their parents’ circumstances might change, or something else might happen. In fact there is a realistic chance that a woman’s parents will sell all or most of their land in the course of their life and so the children lose their potential inheritance share, or that brothers use tricks to register their parents’ land in their own names. This also happened to some women of the 1975 sample who did not inherit the land that they were entitled to because their father had sold all his land in the meantime. Nevertheless, as Table 7.3 indicates, 37 percent of the women (18 percent who ‘will’, plus 19 percent who ‘may’ inherit) have prospects of inheriting land from their father and/or mother at one point in their life. If all of these women indeed inherit land it would mean that potentially 73 percent of the women in the 2007 sample would inherit land (37 percent plus the 36 percent who already inherited land). This percentage is not very different from the 78 percent of women of the 1975 sample who had received their share by 2007.

Thus, given these findings, the conclusion can be drawn that, at least for Jhagrapur, it is not true that most women renounce their parental inheritance share. The majority of women whose parents own land will potentially inherit land in the course of their life (Plate 53).  

145 It is also imaginable that men keep up the myth that women renounce their share to conceal the fact that they deny their sisters their (full) inheritance share. This study does not give an answer to this. It would have been interesting to ask the men whether their sisters had been given or claimed their inheritance share and assess their attitude in this respect. However, I did not think of asking this at the time.
In order to find out whether my findings are exceptional or comparable with those of other villages or areas in Bangladesh, I searched for official figures on women’s inheritance and figures in other studies. Unfortunately, there are no official figures on women’s ownership of land, let alone on women and inheritance in Bangladesh. Government statistics on land ownership are not gender specific.\textsuperscript{146} Statistical data on land ownership do not distinguish whether the land is owned by men or by women. Besides, there are only few studies that give figures on women’s inheritance or women’s ownership of land in Bangladesh (White, 1992; Rahman Khan, 1992; Rahman & Van Schendel, 1997). Unfortunately, it is difficult to compare my data with their figures. Sarah White (1992: 129-130) mentioned in her study in a section on (women’s) ‘land and property’ that out of the 40 women in her case-study three Muslim women and one Hindu had gained land (10 percent), and one Hindu woman and eleven Muslim women had prospects of inheriting some land (30 percent). This is much lower than my findings of respectively 36 percent of women who inherited and 37 percent women who had prospects to inherit.

\textsuperscript{146} In the census of 1996, a distinction in land ownership is given between male headed and female headed land holdings, but not between land owned by men and land owned by women.

\textsuperscript{147} If White had calculated the percentage of the Muslim women who had inherited separately it might have resulted in a higher percentage as Hindu women have no right to inherit land. Besides, White’s figures are confusing. She writes in this section about 40 case study women, but in an Appendix she described only 30 cases of women out of which 15 were Hindu, 13 Muslim and 2 Santal. So it is not exactly clear how many of her 40 case study women were Muslim, nor is it clear how many women had parents who owned land. Because of this it is not possible for me to exactly calculate the percentage of Muslim women who owned land in her village.

\textsuperscript{148} As explained by Willem van Schendel in personal communication.

\textsuperscript{149} Eleven of the seventy-one widows in the village had husbands who owned no land at all.
Rahman Khan (1992:69-85) found in her study on women and work that 13 of the 36 land-holding households in her sample were female-headed, but only two of these women had inherited land from their father (she does not mention any women who had inherited land from their mother). The rest of the women had inherited land from their husbands. So, in her sample, only 5 percent of women inherited land from their fathers. This is much less than what I found. Lastly, Rahman & Van Schendel’s (1997) study deals specifically with women and land inheritance, but their data cannot be compared to the Jhagrapur data either as their point of departure is different. They studied official land records available for their study village and compared these with fieldwork data and a plot survey to understand how the land of a village was passed on by inheritance. Thus, their point of departure was the gendered inheritance practice of a particular village, while my starting point was the women living in Jhagrapur, their in-laws’ village. These three studies do not give a clear picture of women’s actual inheritance of land that is comparable to the data from Jhagrapur and therefore no conclusion can be drawn based on a comparison of their data with the data of this study.

So far I have dealt only with women inheriting land from their parent, but another category of women who have inherited land concerns widows who inherit land from their husbands. I deal with inheritance by widows here separately, as inheriting land from a husband has different dynamics than inheriting land from parents. I will start with a presentation of my figures.

Out of the 71 widows in the village, 57 widows had a husband who owned land. Of these 57 widows, 63 percent (36 widows) inherited land from their husband. Seven of the 19 poor peasant widows inherited only house-land, as that was the only land their husbands had. The other 29 widows also inherited agricultural land.

<table>
<thead>
<tr>
<th>Class position</th>
<th>Widows whose husbands have land</th>
<th>Widows who inherited land from husband per class</th>
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<tbody>
<tr>
<td></td>
<td>( N )</td>
<td>%</td>
</tr>
<tr>
<td>Rich peasants (RP)</td>
<td>17</td>
<td>82</td>
</tr>
<tr>
<td>Middle peasants (MP)</td>
<td>9</td>
<td>44</td>
</tr>
<tr>
<td>Poor peasants (PP)</td>
<td>31</td>
<td>58</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>63</td>
</tr>
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Source: fieldnotes 1998-2009 and survey 2006/07

In Table 7.4 we see that there is a big class difference between the widows who inherited land. The percentage of rich peasant widows is by far the largest (82 percent) and much larger than the percentages of middle and poor peasant
women who inherited land. Middle peasant widows appear to be at a disadvantage compared to widows from other classes with regard to inheriting land from their husband as the percentage of middle peasant widows who inherited from their husbands is the lowest (44 percent). The differences between the three classes are statistically significant. An explanation for this could be that in rich peasant households there is less contestation about the land after the head of the household has died than in middle peasant households because the former have surplus land and therefore there might be less contestation by the immediate heirs.

On the other hand, there might be more contestation in middle peasant households as these have just sufficient land to manage and so a widow’s sons may want to keep the land under their control to ensure their own livelihood. In contrast to the middle peasant women, it is striking that more than half of the poor peasant (PP) widows inherited land from their husband, even if seven of them only inherited house-land and no land for cultivation. Nevertheless, house-land is also extremely important for these widows as it secures the place where they live (Plate 54). Economic vulnerability may be working to the advantage of these widows here. In the previous section we saw that class position does not seem to play an important role in inheritance of parental land, but in the case of widows inheriting from their husbands, there does appear to be a difference.

7.4 Factors that play a role in women’s inheritance

The fact that potentially almost three out of four women received their parental inheritance share means that about one in four of women whose parents own land will probably not get it. What determines whether women are successful in
receiving their inheritance share or not? It is not always possible to distinguish the
different factors, as it is often a combination of factors that play a role in facilitating
or preventing a woman from claiming her inheritance share. Agarwal (1994: 291)
mentions that dimensions such as class, exogamous marriages, education, gender
ideology and social and religious norms play a role in the issue of women’s owner-
ship and control over land. Agarwal also argues that the greater the male support
that a woman can fall back on, the more likely she is to file a claim. In most circum-
stances a woman’s male support will come from her husband, her sons, her father,
or her brothers. Apart from being a source of strength, this dependency on male
support also makes a woman vulnerable. Especially when it concerns claiming her
rights; a woman’s mediators may have different interests and be inclined to act in
their own interest. The case of Halima who lost all her land is an example of this;
the villagers who “helped” her all clearly had their own interests. In the following
sections I will examine some of the above factors.

Purdah norms and practices
Do purdah requirements form an obstacle for women claiming their inheritance
share as Agarwal (1994:291) hypothesised? Purdah requirements restrict women’s
mobility and contact with outsider which necessitates mediation to the outside
world by a male relative, usually husband, sons or brothers and makes a woman
dependent on their support. These restrictions can form an obstacle for women
managing their own land, as they have to hire labourers and deal with matters that
are regarded as men’s jobs. This can be especially difficult for widows if they have
to defy in-laws who may not accept that she acts independently and has taken over
their son’s tasks. In fact this has more to do with patriarchal norms of women’s
dependency on men than with purdah norms. Purdah can also restrict women’s
access to knowledge, information and education, so women may not always be
informed about their rights. As mentioned, I found that women in Jhagrapur are
quite aware of their inheritance rights, although they do not always know exactly
how much land their parents own. Nevertheless, purdah requirements can be an
obstacle for women’s access to information and education. Illiteracy clearly puts
women at a disadvantage, as we have seen in the case of Halima.

Next to Halima, there are several other examples of women who lost their land
in the village, even recently, when they were asked to put their thumbprint on a
piece of paper on some pretext. For instance, a rich peasant made his old illiterate
mother sign a land registration document when she was very sick. She was under
the impression that it was to register the land in all her children’s names, but in fact
she signed her land away to only two of her sons. But as we have seen in chapter
6, women now move around in public spaces much more (Plate 55) than before
and, for at least some of them, purdah is no reason not to buy land or to register
land in their name. Farida, a rich peasant woman who bought land by herself when
her husband was abroad, went to Gangni to register the land that she had bought

150 Significant at p=<.05.
in her name. As she said: “Nowadays many women do that. Women are much wiser now.” Given the changes in purdah practice and women’s visibility in public spaces, it is very well possible that purdah restrictions have become less of an obstacle for women claiming their inheritance share than before. However, this cannot be concluded from this study as I have no data on this from the earlier study. The fact that many women told me that they will or may get an inheritance share may be an indication, but this will need further research.

**Post-marital residence and distance to natal village**

In Bangladesh, women usually move to their in-law’s village after marriage, although it is also accepted that after marriage a couple stays in the wife’s village. This can be the case when a family has no sons to cultivate the land or when the husband has no land, while his in-laws do. There is no strict norm of village exogamy but the majority of the marriages are exogamous which can be an obstacle for women to get their inheritance share. One of the women told me: “My brothers got all my father’s land in their names because from daughters it doesn’t stay, that is why, that’s what my father said.” What she meant was that the land would then get into the hands of another family elsewhere and the land would be lost for the patrilineage. In order to see whether distance from Jhagrapur to the natal village has an impact on women getting or claiming their inheritance share, as Bina Agarwal (1994) hypothesised, I also asked the women in the survey where their natal village was. Based on the answers, I divided the women into five categories with varying distance from Jhagrapur to their natal village. For each of these categories the percentage of women who inherited land can be seen in Table 7.5. In total 27 percent of the women in the sample were from Jhagrapur and 19 percent of the women were married to someone in one of the neighbouring villages (see third column), so
almost half of the women came from the village or its immediate surroundings. I did not find any significant class differences with regard to distance to marriage village. The class distribution of the various categories of distance between Jhagrapur and marriage village are proportionally more or less equal. Thus, not significantly more rich peasant women have been married within the village, or been married further away from the village than women from other classes.

Table 7.5 Inheritance according to distance to parental village (2007)

<table>
<thead>
<tr>
<th>Distance to natal village</th>
<th>Women who inherited parental land per distance from parental home (%)</th>
<th>Women whose parents own land per category (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Jhagrapur itself</td>
<td>51</td>
<td>27</td>
</tr>
<tr>
<td>From a neighbouring village (1-2 km)</td>
<td>45</td>
<td>19</td>
</tr>
<tr>
<td>Bordering a neighbouring village (3-6 km)</td>
<td>26</td>
<td>7</td>
</tr>
<tr>
<td>Further away (6-10 km)</td>
<td>22</td>
<td>28</td>
</tr>
<tr>
<td>Far away (&gt;10 km)</td>
<td>29</td>
<td>14</td>
</tr>
<tr>
<td>Village not known to researcher</td>
<td>19</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total (N=371)</strong></td>
<td><strong>36</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: fieldnotes 1998-2009 and survey 2006/07

The last column of Table 7.5 shows that 51 percent of the women who were born in Jhagrapur have inherited land. With 45 percent, women coming from neighbouring villages rank second. Both these percentages are significantly higher than the percentages of women from beyond the neighbouring villages.¹⁵¹ In other words, significantly more women who are from Jhagrapur and its immediate surroundings have inherited land than women who are from villages that are further away. Hence, from my data it can be concluded that distance from parental home makes a difference in whether women receive their inheritance share or not. These results are in line with Agarwal’s hypothesis.

What could be an explanation for why significantly more women from Jhagrapur and immediate surroundings got their inheritance share compared to women who come from further away? One hypothesis could be that women whose parental

¹⁵¹ Significant at p<0.001.
village is further away may be more inclined to sell their land than women who are from Jhagrapur one of the neighbouring villages as it is more difficult to manage and control that land. They would not be given their share because of their parents fear that their daughter might sell the land. For the neighbouring villages this would not count as village lands usually surround the village and so most of the land from the neighbouring villages is bordering on the land from Jhagrapur. It is almost as easy to access their land in neighbouring villages as land from the village itself.

To verify whether women are more inclined to sell their inherited land if it is far away from the village where they are married, I calculated the percentages of women who have sold all their inherited parental land according to the distance to their natal village. Table 7.6 shows that the percentage of women from Jhagrapur who have sold their land (13 percent) is lower than the percentages of women from all the other villages. However, this difference is not statistically significant. Besides, the percentage of women from neighbouring villages who have sold their land (23 percent) is not significantly lower than the percentages of women from all the other villages. This means that the hypothesis that women are more inclined to sell their inherited land if it is far away from the village where they live is not supported by my data.

<table>
<thead>
<tr>
<th>Distance to parental village</th>
<th>Women who sold all their inherited land (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Jhagrapur itself</td>
<td>13</td>
</tr>
<tr>
<td>From neighbouring villages</td>
<td>23</td>
</tr>
<tr>
<td>Bordering a neighbouring village (3-6 km)</td>
<td>71</td>
</tr>
<tr>
<td>Further away (6-10 km)</td>
<td>23</td>
</tr>
<tr>
<td>Far away (&gt;10km)</td>
<td>27</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>22</strong></td>
</tr>
</tbody>
</table>

Source: fieldnotes 1998-2009 and survey 2006/07

What could then be an explanation for why significantly more women from Jhagrapur and its immediate surroundings have inherited land? Rahman & Van Schendel (1997: 257-259) argued that only women who are married within the patrilineage would take control of their land share. So, have women who are married within Jhagrapur or in a neighbouring village been married to someone from the same patrilineage? In the earlier study we collected information on which households belonged to which bangsa (patrilineage). Using this information, I found that none of the rich peasant daughters who were married within the village were married to someone from the same bangsa and only very few middle and poor peasant daughters. Instead, most daughters had been married to someone from another bangsa. Hence, my data do not give any indication that daughters are
married within the village to keep the ancestral lands intact. I did not investigate this question why parents would marry their daughters to someone from another bangsa in the village, but a likely explanation is that parents try to increase their influence in the village and one strategy for that is through marriage. Often members of one influential bangsa marry someone from another influential bangsa and it could even be further hypothesised that, if this is the case, parents are more likely to give their daughters their inheritance share to consolidate the bond between the two bangsas. This could then explain why more daughters from Jhagrapur were married to someone from Jhagrapur or a neighbouring village and it could be further argued that in particular rich peasant families would prefer to marry their daughters within the village. In order to examine this, I first looked at the class background of the households that have married one or more of their daughters within Jhagrapur itself (see Table 7.7).

### Table 7.7 Class background of landed parental households with daughters married in Jhagrapur (2007)

<table>
<thead>
<tr>
<th>Class position of all women from landholding parental households</th>
<th>Daughters from landholding parental households married within Jhagrapur per class (%)</th>
<th>Daughters from landholding parental households from outside married in Jhagrapur per class (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rich peasants (RP) (N=62)</td>
<td>52</td>
<td>48</td>
</tr>
<tr>
<td>Middle peasants (MP) (N=85)</td>
<td>28</td>
<td>72</td>
</tr>
<tr>
<td>Poor peasants (PP) (N=224)</td>
<td>20</td>
<td>80</td>
</tr>
<tr>
<td>Total (N=371)</td>
<td>27</td>
<td>73</td>
</tr>
</tbody>
</table>

Source: fieldnotes 1998-2009 and survey 2006/07

In total 91 land-holding households have married one or more daughters to someone in the village which is 25 percent of all the 371 landed households in the sample. If we look at the different classes, we see in the last column that 52 percent of

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152 There are also women who sold only part of their inherited land. These women have not been included here as they still own some inherited land.

153 There may have been some marital relations between some bangsas from earlier marriages, through marriages of sisters or mothers, but my information did not go beyond the present households and I did not include any questions regarding this in my survey.

154 These figures concern households of the parents of the women and not their present households. Several households had married more than one daughter within the village. One rich peasant (RP) and one middle peasant (MP) household had married three daughters within the village; three RP, one MP and two poor peasant households (PP) had married two daughters within the village.

155 Poor peasants (PP) are small peasants (SP) and semi proletarian peasants (SPP) taken together.

156 These include households with ghorjamai, a husband from another village who comes to live with his in-laws after marriage and women whose husband has come to live with their wife in the village, independent from his wife’s paternal household.
the rich peasant (RP) households have married at least one of their daughters to someone in the village, while for the other classes the percentages are considerably lower (28 and 20 percent for middle and poor peasants respectively).

The difference between the percentage of rich peasant households on the one hand, and the middle and poor peasant households on the other is significant, while the difference between middle and poor peasant households is not significant. Thus, significantly more rich peasant households marry their daughters to someone in the village than middle and poor peasant households. Does this also mean that relatively more women from rich peasant families who have been married within the village inherit land compared to women from other classes? The class-wise percentages of women married within the village who have inherited land are given in Table 7.8. The last column shows the percentages of all daughters married within Jhagrapur who have inherited land per class. The differences in percentages between the classes with regard to inheritance are not significant.

In other words, there is no class difference in inheritance between women who are married within the village. But if we compare these figures with the average 36 percent of all the women in the 2007 sample who inherited land (see Table 7.1), we then see a considerable difference. Especially more women from rich and middle peasant women who have been married within the village (respectively 53 and 67 percent) have inherited land compared to the average of 36 percent. These differences are significant. The percentage of poor peasant women who have been married within the village and who have inherited (42 percent) is not significantly different from the average of 36 percent.

<table>
<thead>
<tr>
<th>Class position of daughters married in Jhagrapur</th>
<th>Daughters married within the village who inherited land (%)</th>
<th>Daughters married within the village who did not inherit land (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rich peasants (RP) (N=32)</td>
<td>53</td>
<td>47</td>
</tr>
<tr>
<td>Middle peasants (MP) (N=24)</td>
<td>67</td>
<td>33</td>
</tr>
<tr>
<td>Poor peasants (PP) (N=46)</td>
<td>42</td>
<td>58</td>
</tr>
<tr>
<td><strong>Total (N=102)</strong></td>
<td><strong>51</strong></td>
<td><strong>49</strong></td>
</tr>
</tbody>
</table>

Source: fieldnotes 1998-2009 and survey 2006/07

157 Significant at p<0.001.
158 Significant at respectively p=<0.05 and p=<0.001.
159 Percentages have been calculated per class from the total number of women from landholding families who have been married within the village.
In conclusion, significantly more daughters from rich peasant households are married within the village and receive their inheritance share compared to daughters who are married to someone from another village. Although middle peasant households do not marry significantly more daughters to someone in the village, more of them tend to give their daughters their land share compared to those who have married their daughter outside the village. In other words, from these data it can be concluded that distance to marriage village is a factor in inheritance for women from rich and middle peasant households. If women were married outside the village, they were less likely to get their inheritance share. This may very well have to do with strategies of rich and middle peasant households to extend their influence in the village.

**Level of education**

Another hypothetical factor in whether a woman claims her inheritance share successfully is her level of education (Agarwal, 1994: 291). It can be argued that women who are more educated may be more likely to claim their share successfully as they may be better informed about the laws, are able to read the land registration documents, and may be better able to understand legal matters, procedures and the registration process. Men often take advantage when a woman is illiterate, as we have seen in the case of Halima who lived as a beggar because she lost all her land to rich peasants who had cheated her. In 1974/75 we heard of similar cases:

In one case for instance, a father had one son and one daughter. After his death both the son and the daughter got their legal share: 9 and 4.5 acres. The son, who was not content with this arrangement, brooded on a way to acquire the land his sister had inherited as well. (...) On a certain day her brother invited her to join him in going to Meherpur to see a movie. In Meherpur he asked her to put a thumb on a piece of paper, as her signature would be needed for getting tickets for the movie. But in reality she signed an agreement in which she transferred the legal ownership of her 4.5 acres to her brother. (Arens & van Beurden [1977] 1980: 163)

To examine the question whether women with more education are more likely to inherit land, I asked the women in the 2007 survey how many years of schooling they had. The class-wise distribution of education for these women can be seen in Table 7.9. In total 60 percent of the women did not have any education, 22 percent have had only (a few years of) primary school, 14 percent have had a few years in high school or more, and another 4 percent have been to college. So the majority of the women have not had any education.160

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160 It needs to be mentioned that all the women in the sample are married women. Most of them have ended their education before marriage. During the past decade the participation of girls has increased very much due to a government stipend programme for girls who attend high school. Most of the women in this sample have not had the benefit of this stipend programme as this was not yet introduced when they were of high school age. The education level of the young generations of married women is most likely to be higher. Future research may therefore give different results.
Table 7.9 Education of women and class (2007)

<table>
<thead>
<tr>
<th>Class position</th>
<th>No education</th>
<th>Primary</th>
<th>High school</th>
<th>College</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Rich peasants (RP)</td>
<td>40</td>
<td>31</td>
<td>19</td>
<td>10</td>
<td>100</td>
</tr>
<tr>
<td>Middle peasants (MP)</td>
<td>41</td>
<td>27</td>
<td>27</td>
<td>5</td>
<td>100</td>
</tr>
<tr>
<td>Small peasants (SP)</td>
<td>69</td>
<td>20</td>
<td>7</td>
<td>4</td>
<td>100</td>
</tr>
<tr>
<td>Semi-proletarian peasants (SPP)</td>
<td>78</td>
<td>14</td>
<td>7</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60</strong></td>
<td><strong>22</strong></td>
<td><strong>14</strong></td>
<td><strong>4</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>


Table 7.9 shows considerable class differences between women who have had education and women who have not. The percentage of women who have had no education (first column) is the highest among poor peasant women (SP+SPP), while the percentages of rich and middle peasant women are more or less equal. These differences are significant and hence class is an important determining variable in women getting an education.

To analyse the impact of education on inheritance, I combined the data on education and inheritance and calculated the percentages of women with education and without education who had inherited land. The bottom row of Table 7.10 shows that, in total, 32 percent of the women who have not had any education inherited land against 18 percent of the educated women. On the other hand, 22 percent of the women without education and 28 percent of the educated women did inherit land. These data show, contrary to expectations, that more women without education have inherited land than educated women. The differences between educated and uneducated women with regard to inheritance are significant.161

If we look at class differences (Table 7.10), we can see that the percentages of both educated and uneducated rich and middle peasant women who have inherited land are more or less the same, indicating that education is not a factor in inheritance. But for poor peasant women the percentages of uneducated who have inherited is much higher than for the educated poor peasant women. The difference between

161 Significant at p<.05.
162 Idem. 160.
Table 7.10 Education, inheritance of land and class (2007)

<table>
<thead>
<tr>
<th>Class position</th>
<th>No education &amp; inherited</th>
<th>Education &amp; inherited</th>
<th>No education &amp; not inherited</th>
<th>Education &amp; not inherited</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Rich peasants (RP)</td>
<td>20</td>
<td>22</td>
<td>18</td>
<td>40</td>
<td>100</td>
</tr>
<tr>
<td>Middle peasants (MP)</td>
<td>24</td>
<td>24</td>
<td>15</td>
<td>37</td>
<td>100</td>
</tr>
<tr>
<td>Small peasants (SP)</td>
<td>38</td>
<td>15</td>
<td>30</td>
<td>17</td>
<td>100</td>
</tr>
<tr>
<td>Semi-proletarian peasants (SPP)</td>
<td>45</td>
<td>10</td>
<td>24</td>
<td>22</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td>32</td>
<td>18</td>
<td>22</td>
<td>28</td>
<td>100</td>
</tr>
</tbody>
</table>


Educated and uneducated poor peasant women is significant which means that poor peasant women have a higher chance to inherit land if they have not had any education. For middle and rich peasant women education is not a factor in getting their inheritance share. It can be concluded that the hypothesis that educated women are more likely to inherit is not supported. A possible explanation for this may be that women who have been educated are thought to have more chance to get a job or get some other means of income than from land, while women without education have fewer opportunities. Another possible explanation could be that parents have to pay a smaller dowry for educated daughters, so uneducated daughters are at a disadvantage and this may be compensated by giving them some land (which they might then regard as dowry). These potential explanations would need further research.

It should be mentioned here that it is possible that this trend that uneducated poor peasant women are more likely to inherit land may change in the (near) future as girls’ participation in education has increased considerably, as we have seen in chapter 6. The effect cannot yet be fully seen and will need to be studied later when these girls have reached the age that they will inherit land.

Economic vulnerability

To examine the relation between a woman’s economic vulnerability and her inheritance of land, I combined the class position of a woman’s present (marital) household as a measure of her economic vulnerability with the data on inheritance. I argue that class position can indicate a women’s economic vulnerability. The poorer her present household, the more vulnerable a woman would be economically. The last column of Table 7.11 shows the percentages of women who have inherited land from their
parents per class. As there is no significant difference between the classes with regard to the number of women who inherited land, this indicates that class does not play a significant role in whether women inherit parental land or not.

<table>
<thead>
<tr>
<th>Class position of women whose parents have land</th>
<th>Women who inherited parental land</th>
<th>Women who did not inherited parental land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rich peasants (RP) (N=62)</td>
<td>39%</td>
<td>61%</td>
</tr>
<tr>
<td>Middle peasants (MP) (N=85)</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>Small peasants (SP) (N=97)</td>
<td>44%</td>
<td>56%</td>
</tr>
<tr>
<td>Semi-proletarian peasants (SPP) (N=127)</td>
<td>29%</td>
<td>71%</td>
</tr>
<tr>
<td><strong>Total (N=371)</strong></td>
<td><strong>36%</strong></td>
<td><strong>64%</strong></td>
</tr>
</tbody>
</table>

Source: fieldnotes 1998-2009 and survey 2006/07

Economic vulnerability, measured by class, does not seem to be an important factor in women’s inheritance. However, there is a possibility that, if economic vulnerability can work both ways as Bina Agarwal (1994: 291) suggested, it may have balanced out in the village sample. Another factor that could play a role in whether a woman gets their inheritance share or not is the class difference between her paternal household and her present household. The class position of a woman’s natal household and her present household, the household she is married into, is not necessarily the same. Women do not always get married to men from the same class or class position as their parents, or the position of their present household may change over time. Sometimes parents take their daughter’s economic situation into consideration when deciding whether to give her a share or not. It could, for example, be that parents may like to give their daughter some land to help her out if her present class position is worse than their own. Or the other way around, they may decide not to give her a share if her present class position is better than theirs and that of their sons. One rich peasant woman said:

163 I realise that a woman’s class position alone does not necessarily reflect her economic vulnerability. E.g. if a woman is married to a rich peasant but has a bad marriage she may be in an equally vulnerable position as a woman who is married to a poor peasant if she has no assets of her own. Nevertheless, I think that class position can to some extent be taken as a measure of economic vulnerability. Another measurement of economic vulnerability could be women’s (un)employment. However, hardly any women in the village are employed so this cannot be taken as an indicator in the village.

164 These percentages have been calculated from the number of women with landed parents in the sample per class. In total 56 women had parents who owned no land (3 RP, 5MP and 48PP).
I myself will get 10 katha of land from my father, I have not taken the land yet, my father is still alive. My sister will get 2.5 bigha because her situation is not so good. My brother will get the rest of the land.

So because this woman’s economic situation was good, her parents would give her less than she was entitled to, while her sister would get more. Another rich peasant woman told me that her parents did not give her a share because of her good situation. Only a few women in the village had renounced their share because their economic situation was better than that of their brothers. As one middle peasant woman told me:

My father and mother died about five, six years ago. We are three brothers and four sisters. We sisters would get altogether 26 katha (1.3 bigha), but we didn’t take it, out of love for our brothers and because we have enough land ourselves.

Thus a woman’s economic position can play a role in whether she gets her share (if her present class position is not so good) or whether her parents decide not to give it to her or she herself renounces it (if her present class position is good). Rounaq Jahan (1975) observed that daughters renounce their inheritance share unless they are from very rich or very poor families. Unfortunately, I do not have data of the natal and present class position of all the women in the sample in order to examine the overall trend, but I do have these data for the women who are married within Jhagrapur itself. I compared the number of women who inherited land and whose natal and present class position were different with the number of women whose natal and present class position was the same. The data do not indicate a significant difference meaning that in Jhagrapur class position does not play a significant role in whether a woman inherits land or not. My findings contradict Rounaq Jahan’s (1975) observation that daughters renounce their inheritance share unless they are from very rich or very poor families.

Finally, some villagers argued that a woman actually gets her inheritance share in the form of dowry at the time of her marriage. However, dowry cannot be equated with giving a daughter her inheritance share. First of all, dowry is only seldom given in the form of land; it is mostly a sum of money. But also, more importantly, dowry is not given to the daughter but to the bridegroom or his parents who control it subsequently. Furthermore, the way dowry is used may not be in the wife’s interest which is another important difference between dowry and inheritance. Generally, women have no say at all over the dowry that has been given for their marriage.

**Kin relations**

One factor that Agarwal did not mention, but that also turned out to play a role, is the character and circumstances of a woman’s natal family members, especially of her father and her brothers, and her relationship with them. This factor can work both ways. For example, there are parents who have registered their land in their
children’s names while still alive to prevent conflicts among their children after their death. Several women told me that their father or mother had registered land in their names and that they would receive that land later. One of them, Nurjahan, a middle peasant woman, told me:

My father is very good. He gave 1.75 bigha of land in my name when I was little. My brother also got land in his name. The papers are still with my father; he still cultivates the land and uses it. I will get the land after his death.

Nurjahan’s father has 8 bigha and she has only one brother, so her father did not register all the land that she is entitled to in her name yet, but she may get the rest later. As to land owned by mothers, a few women told me that daughters get land from their mother rather than from their father, as in the case of Nahar:

My father registered all his 7 bigha of land in my brother’s name but I got 2 bigha from my mother in my name. My sister also got land from my mother.

These examples are more the exception than the rule; many women do not get their inherited land officially registered in their name. This does not mean, however, that they did not get their share or part of it, but it does make women more vulnerable to tricks played by their brothers. Several women told me that their father or brothers had denied them their share or that their brothers had taken all the land (Plate 56) and that they felt powerless to do anything against it.

For instance Lutfa, a landless widow, told me:

My father had 9 bigha on his name. My only brother took all that. My father was illiterate, my brother took his fingerprint and took all his land. The day after that he let me know that father had given all his land to him. But my brother took the land by force. My father gave his fingerprint, I didn’t. If he would come for that to me would I give it? …I don’t have anything. My brother is very rich. Two sons are abroad, one of them is a doctor. …My body will smell with sweat, what to do? Can I do anything? They have paddy in their gola [storehouse], nice clothes. They don’t see me. I don’t go there; I feel a lot of hate.

Another trick that brothers use to keep the ancestral land in their own possession is to take the land benami (literally, anonymous, held in another person’s name). This is an arrangement in which a person registers land in another person’s name while the first person uses the land and takes the benefits of it. The benami arrangement dates back to at least the 18th century to facilitate registration of land in the name of wives, daughters or sisters who could not go to the registration office in person due to purdah requirements. Later it was mainly used to evade the
land ceiling law that put a limit on the amount of land that a person could possess. *Benami* transactions have been prohibited by the Land Reforms Ordinance, 1984 (Ordinance No. X of 1984). According to this Ordinance, the person in whose name the purchase is made is presumed to be the real owner and no evidence to disprove this presumption will be allowed by the courts. So in fact, the women whose land has been taken *benami* remain the real owners according to the law, but I have not heard of any women who challenged their brothers in court over this. Furthermore, as is the case with many laws, in practice the law is not enforced and brothers easily get away with their tricks.

In conclusion, the factors that play a main role in women’s inheritance are post-marital residence, distance to a woman’s parental village, and the character of the natal family. Education only plays a role in the case of poor peasant women, but contrary to expectations, more uneducated poor women have received their share than educated poor peasant women. I did not find any significant difference in inheritance with regard to economic vulnerability and class background and it has not been possible to come to a conclusion about the role played by *purdah* restrictions and the extent of male support.

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165 I could hardly find any literature on *benami*. On the Internet there were only few references to *benami*. See e.g. http://www.vakilo1.com/bareacts/Benamiact/introduction.htm on the Indian situation. See also http://banglapedia.search.com.bd/HT/L_0055.htm. Both viewed on 14 June 2009.

166 Chapter III Prohibition Of *Benami* Transaction Of Immovable Property. In India a similar law has been adopted, the *Benami* Transaction (Prohibition) Act, 1988 (45 of 1988). In this law an exception has been made for “the purchase of property by any person in the name of his wife or unmarried daughter and it shall be presumed, unless the contrary is proved, that the said property had been purchased for the benefit of the wife or the unmarried daughter.” (See http://www.vakilo1.com/bareacts/Benamiact/s3.htm.) The Bangladesh law does not have such a provision.

7.5 Women’s land ownership 2007: the full picture

In this section I present all my data on women’s land ownership combined. Most women have obtained land through inheritance, but there are also women who have land that their husband purchased and registered in their name or, in exceptional cases, that they have purchased themselves. Apart from that, land is not only inherited or purchased, but in many cases women have lost the land that they had obtained, either fully or partly, either because they have sold it or because it has been snatched away from them, mostly by their brothers, their husband or their sons. Before giving the full picture of how many women actually owned land in 2007, I will first present my data on purchased land.

Purchased land

Table 7.12 shows the number of women who received purchased land registered in their names. The bottom row shows that, in total, only 10 percent of the women in the 2007 survey had purchased land registered in their name. If we look at the class background, there is a big difference between the rich and middle peasant women on the one hand and poor peasant women on the other. Only six percent of the poor peasant women have registered land in their names against respectively 23 and 16 percent of the rich and middle peasant women. These differences are significant.\(^{168}\)

<table>
<thead>
<tr>
<th>Class position of women from landholding</th>
<th>Women who have purchased land in their name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
</tr>
<tr>
<td>Rich peasant (RP) (N=62)</td>
<td>23</td>
</tr>
<tr>
<td>Middle peasant (MP) (N=85)</td>
<td>16</td>
</tr>
<tr>
<td>Small peasant (SP) (N=97)</td>
<td>8</td>
</tr>
<tr>
<td>Semi-proletarian peasant SPP (N=175)</td>
<td>3</td>
</tr>
<tr>
<td>Total (N=419)</td>
<td>10</td>
</tr>
</tbody>
</table>

Source: fieldnotes 1998-2009 and survey 2006/07

It is not surprising that poor peasant women have significantly less purchased land in their names. Poor peasants are hardly able to purchase any land, let alone will they register it in their wives names. But it is rather surprising that a few poor peasant households apparently did manage to buy land, albeit mostly very tiny pieces and often by taking a loan. In some cases the land that had been purchased concerned house-land and in several cases people were forced to buy their house-land by the landowner on whose land they had built their house. The landowner would threaten to evict the family from the plot if they did not buy it from him. There were

\(^{168}\) Significant at p=0.001.
also some poor peasants who had bought a little agricultural land, sometimes with a loan from an NGO. With the increased productivity of the land with two paddy crops per year, even a tiny plot can make an important difference in the survival of poor households. In a few rare cases, a woman has purchased land by herself as in the case of Farida (Box 7.1).

Box 7.1 Farida purchased land by herself and registered it in her own name

Farida is a rich peasant woman. Her husband has been working in one of the Gulf States since 1998. In 2006 she told me when I asked her whether she had any land in her name: “I bought one bigha of land on the main road to Gangni. I registered the land partly in my own name and partly in my son’s name. I had to go to Gangni for the registration.”

In 1974/5 I never heard of any woman who would go by herself to buy land and register it in her own name. I asked Farida how this changed. “Due to NGOs”, she replied. “Nowadays many women do that. Now women know more.” But when I asked her whether she had also changed due to NGO she said: “No. My husband was in bidesh [abroad]. I told him that I wanted to buy the land and he replied: ‘Ok, do it’. So then I bought it.”

Another rich peasant woman whose husband is working in the Gulf also told me that she had purchased land in Gangni, but when she had proposed to her husband to register that land in her name he had objected: “Huh, land in Gangni, register in your name?” Then she had registered the land in his name. Later on she bought 0.5 bigha in the village and registered that in her own name. Not only women told me that their husbands had purchased land in their names, several men told me as well that they had purchased land and registered it in their wife’s name. One middle peasant told me in 2007:

I bought 5 bigha and registered 0.5 bigha in my wife’s name and the rest in my son’s name. ...No, she is not allowed to sell that land. I have bought it for when she is old and I am dead, then she has something.

This man is obviously concerned about his wife’s livelihood security after his death. But there are also men who registered land in their wife’s name but later on sold it. Usually, women do not have control over land bought in their names as we will see further on.

Table 7.13 shows that 47 percent of the women have received land, both inherited and purchased. Rich peasant women are the largest group that has received land.
However, as we have already seen in Table 7.6, many women who inherited land from their parents have again sold all or part of it at some point of time. On top of that, women have also lost their inherited land because their brothers, their husband or their sons have simply taken it. Therefore, the above figures give a distorted picture of women’s actual ownership of land in the village in 2007. Below, I will first present my data on women who have lost their inherited land and after that I will give the final full picture of women’s actual land ownership at the time of the survey.

**Sale or loss of land**

Table 7.14 shows the class-wise percentages of women who have lost all their land. In total 26 percent of the women (one in four women) who inherited or purchased land have lost their land again.

About two-thirds of these women sold their inherited land, because circumstances forced them to do so, or under pressure of their brothers, while the other one-third lost their land because their husband or sons had sold it against their wish or because their brothers had taken it without giving them anything in return. Most of the women who sold were forced to sell their land to their brothers far below the market value. They spent the money they received for the land for common

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**Table 7.13 Women who received land (inherited and purchased) per class (2007)**

<table>
<thead>
<tr>
<th>Class position of present household (N=419)</th>
<th>Women who have received land (inherited &amp; purchased)</th>
<th>Women who have never received any land</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Rich peasants (RP) (N=62)</td>
<td>65</td>
<td>35</td>
</tr>
<tr>
<td>Middle peasants (MP) (N=85)</td>
<td>44</td>
<td>56</td>
</tr>
<tr>
<td>Poor peasants (PP) (N=272)</td>
<td>36</td>
<td>64</td>
</tr>
<tr>
<td><strong>Total (N=419)</strong></td>
<td><strong>42</strong></td>
<td><strong>58</strong></td>
</tr>
</tbody>
</table>

Source: fieldnotes 1998-2009 and survey 2006/07

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169 Several women had inherited land and also received purchased land in their names. Therefore the total number of women who received land is not equal to the sum of women who inherited and those who received purchased land.

170 Eleven women had sold part of their land. They have not been included in this table as they still have some of their inherited land. Eight women sold their land, but only to buy land in their marriage village so that it would be easier to control, either by themselves or, as in most cases, by their husbands. These women have not been included in this table either.

171 As percentage of the women who received land.

172 There might be another reason why so few rich peasant women lost their land compared to women from other classes. In the past it has been common practice for rich peasants to register their land on their wife’s, children’s or other relatives’ names in order to avoid the land ceiling of 100 bigha (33.3 acres) set by law. However, this is not very likely the case here as almost all rich peasant landholdings are far below 100 bigha.
household purposes, or their husbands and/or sons spent it for their own interest. Only a few of them invested the money. One woman invested part of the money in buying a cow and another one bought a sewing machine and gave the rest to her son in law to start a business. A third woman invested her money in the construction of a brick house and another paid for her stomach operation.

<table>
<thead>
<tr>
<th>Class</th>
<th>Women who lost all their received (inherited and purchased) land %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rich peasants (RP)</td>
<td>8</td>
</tr>
<tr>
<td>Middle peasant (MP)</td>
<td>24</td>
</tr>
<tr>
<td>Poor peasants (PP)</td>
<td>33</td>
</tr>
<tr>
<td>Total</td>
<td>26</td>
</tr>
</tbody>
</table>

Source: fieldnotes 1998-2009 and survey 2006/07

There are some striking class differences in the percentages of women who have lost their land where most of the rich peasant women have been able to retain the land that they have received. Only 8 percent of the rich peasant women have lost all their land against 24 percent of the middle peasant women and 33 percent of the poor peasant women. Significantly fewer rich peasant women have lost their land than women from the other classes. Obviously, the good economic condition of these rich peasant women protects them from losing their land. Especially for poor peasant women it is difficult to hold on to their land, even if they are from the village itself. They are often forced to sell their land driven by poverty. Sharda’s case (Box 7.2) is exemplary for many poor women in Jhagrapur who have inherited land. Due to various circumstances Sharda’s family had to sell or mortgage their land, including the land that Sharda inherited from her parents. There are several other cases in which women lost their land concerning not only poor peasant women but also several middle peasant women.

**Box 7.2 Sharda inherited land from her father, but had to sell it**

Sharda is from Jhagrapur and was married to a poor peasant from the village in the 1970s. When Sharda’s father died in 2002, she inherited 0.5 bigha (0.15 acre) of his 8 bigha of land. Actually she was entitled to 1 bigha, but she told me: “We are four sisters and two brothers, but 4 bigha had already been registered in my elder brother’s name and my younger brother had run away to my mother’s paternal village, my mother has 2.5 bigha of land there.” When I asked her who is cultivating the land she inherited she responded: “My husband could not
cultivate the land as we had no money for inputs and he cannot work on the land any more. He is too old now and has skin problems on his hands; he even has to eat with a spoon. My son does not like to work on the land. He has studied in high school and he wants a job. So because we could not cultivate the land that I inherited I sold it to my brother. He gave only 5000 Taka for it, all that money is finished on whatever we needed for the household.” The market value of Sharda’s share was at that time eight to ten times more than what she got for it from her brother.173 When I asked Sharda why she sold her land for so little money she said: “Do you think I could get more? For land from your sister you give much less.” And she added: “My brother promised me a lot of other things, but he never gave me anything.” Later, on another visit to their house, her husband’s brother told me that they had taken a lot of loans and were in problems, as they had to repay them. That had been another reason for Sharda to sell her inherited land. The economic situation of Sharda’s household fluctuated over the years. In 1974/75 they were landless, her husband had not yet received any land from his father. He worked as a day labourer and they had one daughter. When her husband’s father died, their situation improved as he inherited 10 bigha of land. They got one more daughter and a son; all their children have married in the meantime. But over the years their situation deteriorated again. Her son told me in 1998: “We still have 6 bigha, but 3 bigha has been mortgaged; the 3 bigha that we were cultivating has been flooded, we lost the whole crop. In 1996 we sold part of our land to pay Tk 50,000 to a middleman to get me a job, but he cheated us and we lost all our money.” Their situation deteriorated further and they took out more loans which only further indebted them. In 2007 they had only 5 bigha left and it all had been mortgaged to repay loans.

Actual land ownership
Having dealt with the various aspects of women’s land ownership - inheritance, purchase and sale - we can now appreciate the full picture of how many women actually owned land in the village at the time of the survey. Only 35 percent of the women owned land in 2007 against 47 percent who had received land meaning that one in four women had lost their land again. Not only is there a clear class difference in the percentage of women who received land, but also in the percentage of women who still own land. The figures of women’s actual land ownership (received minus sold or taken away) in 2007 are given in Table 7.15.

The last column of Table 7.15 shows that more than half of the rich peasant women, almost one-third of the middle peasant women, and one-fourth of the poor peasant women still owned land in 2007. Proportionally, almost twice as many rich peasant

173 Other women who sold their share to their brothers also reported that they received much less money for it, between two to five times below market value.
women own land compared to middle and poor peasant women. The difference between rich peasant women on the one hand and middle and poor peasant women on the other is significant\textsuperscript{174} while the difference between middle and poor peasant women is not significant. In fact, it is remarkable that quite a considerable number of poor peasant women (29 percent) owns some land, even if some of it is only house-land and no agricultural land, given the fact that poor peasant households have very little land altogether. In total almost half of the women (47 percent) have received land, but only one in three has been able to retain it. Nevertheless, this percentage of 47 of women who have received land is considerably higher than is generally reported.

<table>
<thead>
<tr>
<th>Class position</th>
<th>Women who received land (inherited &amp; purchased)</th>
<th>Women's current ownership of land in 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Rich peasants (RP)</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>Middle peasant (MP)</td>
<td>44</td>
<td>33</td>
</tr>
<tr>
<td>Poor peasants (PP)</td>
<td>44</td>
<td>29</td>
</tr>
<tr>
<td>Total</td>
<td>47</td>
<td>35</td>
</tr>
</tbody>
</table>


Concluding, we can say that this study indicates that the general idea that women renounce their inheritance share to keep a good relationship with their brothers is a myth. There are a few women who renounced their share and some of them were denied their share, but the majority of the women will receive their share later in life, after their parents have died. No evidence was found that there had been a change in inheritance practices since the time of the previous Jhagrapur study. Distance to marriage village turned out to be an important factor in inheritance. Significantly more women who were married within the village or its immediate neighbouring villages inherited land than women who were married further away. In other words, proximity to the natal village is the main factor that influences women’s inheritance. Except for poor peasant women, education and class did not seem to be an important factor in whether women inherit land or not. However, although women received land, especially for middle and poor peasant women it has been difficult to hold on to their land. This brings us to another aspect of women’s land ownership, the issue of women’s control over their land, which may well be the critical factor in women’s ownership of land. The final part of this chapter deals with various aspects of the issue of control over land.

\textsuperscript{174} Significant at $p<.01$. 

Women’s landownership in Jhagrapur 187
7.6 Women’s control over land

Control over land is a dimension of empowerment as it gives decision-making power and choice about the use of the land and its produce. The three examples of Halima, Selima and Hazera at the beginning of this chapter illustrated that control over land is a key issue. Halima had lost all her inherited land to big peasants who could cheat her because she was illiterate and lived far away from her natal village. Selima, who was from a rich influential family, was well in control of the land that she inherited from her father and from her husband, while Hazera preferred not to have any land in her name as she feared that it would create conflict among her children. We have also seen in the preceding sections that in total almost one in four women was unable to hold on to their inherited land. Twenty-six percent of the women had lost the land that they had received; they had sold it, mostly to their brothers and in a few cases their husbands had sold the land against their wife’s wish. Thus, the crucial question is how much control do women have over the land that they own and what are the obstacles for women to have control over their land? What are the practices in Jhagrapur and what are the main factors that play a role in women’s control over land? Has land been registered in women’s names? Do women manage the land themselves? Do they take their own decisions about the use of the land and its produce? Can they decide about selling or mortgaging the land, or giving it to someone else? These are some of the questions that will be addressed in the following subsections.

Ancestral land

The gender norm that women are dependent on men for their maintenance and the non-recognition of their roles in the production process, make it difficult for women to take care of their own land properly and to have direct control over it. Women are forced to leave the cultivation to someone else and a lot of the land inherited by women in Jhagrapur remains in the control of their brothers. Many women give their land in sharecrop to their brothers or sell it to them and many brothers clearly take advantage of the patriarchal norms regarding property and gender roles. This makes a woman’s relationship with her brothers important. Depending on the character of the brothers and their relationship with them, women either receive their full share of land and its produce, or not and often women get less than their full share, and sometimes even nothing at all. In some cases, this is with their own consent, as in the case of Hanifa, a rich peasant woman, who is from a neighbouring village. She told me in 2007:

My father and mother both had land. My mother had 1 bigha, she sold it to her brother long back for Tk 300. I don’t know how much land my father had, he died long ago, but I got 1 bigha of my father’s land. My three brothers always used that land; they didn’t give me anything. I didn’t want to take that land, what do I do with my share? Then my brothers’ sons said 8, 9 months ago: ‘We will take your land’. So I gave it to them. It was registered in their names, four of them, each took their share. I got Tk 14,000 for it. I bought a mobile phone for my son and a cow.
The market value of land was around Tk 60,000 per bigha at that time, so Hanifa received much less for her land than she should have. Not only do many not have control over the fruits of their inherited land, many also told me that their brothers did not allow them to sell their land, unless they sold it to them. So, if they wanted to sell their land they had no other choice than to sell it to their brothers and if they were to sell it to outsiders, their brothers would get angry. So keeping a good relationship with their brothers does play a role. Brothers feel that they have the exclusive right to buy their sister’s land and that much below the market value as it is part of their ancestral property. Ancestral property has a special connotation and is regarded differently than purchased land. A family’s concern is to keep their ancestral land intact as Rahman & Van Schendel (1997) have argued. If a sister were to sell her land to outsiders, their ancestral land would become fragmented as in that case an outsider would own a piece of land amidst the family’s ancestral land. The fear then is that their land ownership might be challenged more easily. Brothers like to keep their ancestral property together, which will better enable them to protect it. In a similar way, if a woman wants to sell the land that she has inherited from her mother, she mostly sells it to her mother’s brothers. Most women take it as an established fact that they can sell their land only to their brothers and that they get a low price for it. Nevertheless, a few women challenge this practice. Leila, a poor peasant woman, who has two brothers and no sisters, had inherited 0.5 bigha from her father. She sold her share to someone else in her paternal village at a good rate, bypassing her brothers. The latter were very angry with her and she is no longer in contact with them. In fact, Leila did not decide to sell her land herself; her youngest son forced her to do so. Leila told me in 2006:

My son wanted me to sell my land as he wanted to start a business. I sold it two years ago to someone in my parent’s village for Tk 35,000. I gave my son Tk 15,000 and I bought a cow for Tk 10,000. After two years my son stopped his business as he was running at a loss. ….No, I didn’t sell my land to my brothers, to some other people. My brothers were very angry; I have no more relationship with them. ….I also gave Tk 7000 to one of my brothers to help him go abroad, he went to Libya 2 years ago, but we have not heard from him since, no letter, nothing. All enquiries failed. We also could not trace the middleman whom he had paid Tk 230,000 to go abroad, even though he was from the same village but he lives in Dhaka and his parents say they do not know where he is.

So in the end, Leila had lost both her land and her relationship with her brothers and all she had left was a cow.

A few women who sold their inherited land did so to buy land in their in-laws village with the money from the sale. In that way they (or their husbands or sons) could have closer control over it. Amina, a small peasant woman told me:

I inherited 1.5 bigha of land from my father. I sold it and bought 0.25 bigha of land and a 0.5 bigha pukur [pond] here and also a buffalo cart.
...The 0.25 bigha is registered on my name, but the pukur is not yet registered; we did not have money for it yet. I want to get it registered in the names of my 5 sons.

Amina clearly had some control over her inheritance share. She chose to invest it in resources that would benefit her whole family and also give herself some security with land registered in her own name. Similarly, Rafiqua, a rich peasant woman, told me that she had sold part of the 2.5 bigha of land that her father had registered in her name to outsiders and had bought a plot of land in Jhagrapur, a cow and had spent Tk 10,000 for her daughter’s marriage. She had not yet taken the rest of her land. Both women managed to take control of at least part of the land that they had inherited.

Gender roles
Because women have been made dependent on men for their maintenance and they do not work on the land, most women give their land in sharecrop to their brothers, but in some cases a woman’s land is cultivated by her husband or her sons. As we have seen before, women who are from Jhagrapur itself are more likely to inherit land from their father. Their land is mostly cultivated by their husbands or, if he is too old or no longer alive, by their sons. If a woman’s relationship with her husband and sons is good she may have indirect control over her land. She can discuss land matters with her husband and have influence on the use of it. As one middle peasant woman told me: “I know much better than my husband what we need for the household. So if I tell him to cultivate mustard seeds because cooking oil is too expensive to buy he does that.” And a small peasant woman said:

We discuss everything together. If my husband asks me whether to sow musuri dal, then I say: ‘But the land is far away and then goats might eat it, so we better grow wheat.’ Then we grow wheat.

But there are also women who have no power to discuss anything with their husband and some do not even know what he cultivates. If the relationship with the husband is bad, it can be even a disadvantage for a woman to be married in the village itself. One woman told me that her husband had sold her land without her knowledge or consent. Another woman’s husband had sold her mother’s land and had not given anything to her mother. The mother was old and could not say anything. When I asked her whether she had not protested against her husband (who was also present), he said: “If she says anything, I will give her talak [divorce].” His wife then said:

I cannot do anything, my husband beats me. I cannot run away, how would I feed my children? I have no job. How do I get peace?” “…Now he doesn’t beat me any more, but if I don’t give him land again to sell then he will beat me again.
Not only husbands, but also sons can grab a woman’s land. Several widows told me that their sons had taken their land for themselves or sold their land against their wish. Khadija told me in 2006:

My parents died when I was young. My mama [maternal uncle] brought me up and married me off. I inherited 9 bigha from him. Now my sons have registered my land in their name, they took my fingerprint. They said they needed money, I don’t know for what.

Her youngest son overheard what she said and told me: “She still has 2.5 bigha left.” Then Khadija added: “My youngest son is OK, he works and takes care of me, but my eldest son sells everything and eats up everything.” Khadija’s husband was a rich peasant. After his death the year before, she stayed with her two sons and their wives. Her sons control all the land and had meanwhile sold 6.5 of her 9 bigha of land. Khadija has no control over her land. She had a good life when her husband was still alive and never bothered about land matters. Several other widows are in the same position. Fatima inherited 1.5 bigha from her husband, who was a middle peasant, but her four sons sold her land against her wish and she became fully dependent on them. Her sons promised to take turns in giving her food and clothes, but a few years later only two of her sons still took care of her and she felt insecure about her future. Women are mostly dependent on their husbands and sons for their survival, even if they own some land. Many of them feel that they have no other choice than to comply with their husbands’ or sons’ wishes; otherwise they may not take care of them any more.

Nevertheless, Khadija and Fatima are much better off than some other widows whose sons have taken their mother’s land and do not take care of their mother at all as in the case of Latifa who lives with her divorced daughter. Her husband was a small peasant and left a small piece of land. In 1975 she was still together with her son, and although they had to struggle to survive, she was a bit better off then. But since her son has his independent household he has taken almost all of the little land they had. Latifa has only 0.2 bigha of land left but that land has long been mortgaged and she has nothing else left to live off than her VGF food rations, her daughter’s irregular income from whatever work she can get, and the charity of her neighbours and relatives.

Land registration

Finally, land registration customs and rules are a factor in women’s control over land. It is quite common in Bangladesh that all the inherited land remains registered in the deceased father’s or mother’s names, sometimes till many years after their deaths. Even the registration for purchased land is sometimes completed much later. The reason for this, as several people told me, is that the registration procedure is a hassle and the expenses for registration are high. People do not feel the need for registration of their inherited land in their own names as it is recorded that they are the lawful heirs anyway. In the words of one woman: “It will automatically
be recorded that father is dead and who are the heirs.” This puts women in a weaker position as usually their brothers have the land documents in their possession and with them all the necessary information about the land. These documents give the latter more power over the land and they can use it to coerce their sister to register her share in their names or in the names of their sons. Brothers also actively discourage their sisters from registering their share in their own names. When I asked a middle peasant woman whether the 2 bigha that she inherited from her father was registered in her name she told me:

No one does that [registration], because if I die then my brother’s son will get half of the land. If it is registered on my name then only my son will get it all.

So, obviously, her brother does not want the land to be registered in her name and told her that nobody registers inherited land in his or her name. Another trick that brothers use to keep the land in their possession and deny their sisters their share is to take the land *benami*, as we have seen in section 7.4.

**Against the odds**

So, for most women it is difficult to keep their inherited land directly under their control, even if they have been married in the village itself. Nevertheless, there are women who do manage their land themselves (Plate 57) although sometimes at a price. Given the prevailing gender norms that women are dependent on men for their maintenance, it is not surprising that most women who manage their land themselves are widows with no sons or only young school-going sons, or women whose husbands are absent. Circumstances force them to take on these tasks themselves and they are freer in their movements. At the beginning of this
chapter, we have seen the example of Selima who was widowed when most of her children were still young. She managed the cultivation of her 30 bigha of land together with her sons and grandson and kept the control over her land in her own hands.

Sharifa is another widow who manages the land herself. Her husband died all of a sudden while her two sons were still very young. When her husband was still alive, they were middle peasants and next to their 3 bigha of land they also had an income from his tailoring which made them self-sufficient. Sharifa complained that it is very difficult for her to manage the cultivation herself, arrange for the inputs, hire day labourers, and so on. Because of purdah norms she feels she cannot supervise the labourers directly as she fears that people will talk bad about her. So, it is difficult for her to control and check on the day labourers and it is not easy for her to keep an eye on her land. One day in 1998 Sharifa expressed her worries: “I still couldn’t arrange for the paddy to be brought from the field. Since a few days it has been raining and I am afraid that it will get stolen”. A few months later she told me that for the next crop she finally decided to give all her 3 bigha of land in contract. “Whatever happens, profit or loss, I will get 15 maund paddy for it, the rest of the harvest will be for the contractor.” Even though it was actually a loss for her, as the total yield of the three bigha would be between 30 and 40 maund paddy, Sharifa was happy about it because she was relieved of part of her burden and her worries. With her sons growing up, their situation will remain precarious for quite some more time. In 2005 she told me: “I have money tensions all the time. My sons are getting big and going to high school, I need a lot of money for them.” But then she added proudly that her elder son had come first class in 8th grade and her younger son was also doing very well in school which gave her hope for the future.

A rich peasant widow who manages the cultivation of her land herself is Munira. She has a son who is in high school and a younger daughter. After her husband died, she decided to arrange for the cultivation of their land herself. In 2004 she told me:

It is difficult to be alone, difficult to arrange for everything. We have five bigha of land; everything is cultivated by day labourers. I arrange for them myself and I often go to the field to see whether everything they are doing is alright. …Yes, people talk bad about me, but I don’t listen to them. My son has a teacher who comes home for tuition and my in-laws said that I have a relationship with that teacher, but that’s not true. I have already been married; I don’t need to marry a second time. I arranged tuition for my son because education is important. …It is very difficult to be alone.

Rather than entrusting her son with the management of their land, Munira took it up herself despite the insults that she had to take from her in-laws. She realised that education is important for her son’s future and wanted him to continue. The
hope that this will give him more opportunities from which she will probably benefit in future as well motivated her to defy gender norms.

Another category of women who managed the land themselves are women whose husband was abroad. One example is Farida, the rich peasant woman who purchased land in her own name when her husband was in the Gulf, as we saw earlier in this chapter. Farida clearly is self-confident. All the years that her husband was abroad she managed their land herself hiring day labourers and arranging for the necessary inputs. When I asked her how others reacted to this, she said that she has had no problems. Whenever she felt the need, she discussed things with her husband on the phone and they took decisions together. But in 2006 after her husband had returned home for good after eight years abroad, life changed again for Farida. She told me: “I am not happy now. All the time I was doing everything myself and I moved around freely. Now he has taken over again and I can’t just go anywhere, if I do he will beat me.” So after her husband had come back, Farida was once more subjugated by him. She had to readjust to his control and resented it. Her freedom and control over land affairs had lasted only as long as her husband was away.

The above examples indicate some of the factors that make control of land difficult for women. Most of these factors are related to patriarchal norms and values. To summarise, the main factors that constrain a woman’s control are first of all the norm that women are dependent on their father, husband and sons for their maintenance. Secondly, connected to the above, is the fact that women do not cultivate land and are dependent on male labour power for cultivation. Thirdly, a combination of the first two factors, and the importance given to keeping a family’s ancestral lands of the patrilineage intact, gives a woman’s brothers power over her inheritance share. Complicated and expensive registration procedures are another factor. Moral values of women’s honour and chastity that impose restrictions on women’s contact with men outside the family also make it more difficult for a woman to manage her own land as she risks being stigmatised. Despite these factors, there are women who manage the cultivation of their land themselves. These are mostly widows and divorced women and women whose husbands are abroad and who had no adult sons staying with them. These women had no men to control them and so they defied gender norms and had control over their own land and its produce showing that marital status and male migration are also factors in women’s control over land. A few other women sold their land to their brothers (albeit for a low price) and bought land in Jhagrapur, in some cases in their own name, so that they could enjoy the fruits of it more directly. Another way that women have control over land, at least to some extent, is by using their practical experience in running the household and their knowledge about risk factors involved in cultivation to suggest cultivation of certain crops that are more useful for the running of the household. On the whole, it is very difficult for women to maintain control over their land. If the question of control is not solved, the impact of women’s ownership of land on their position in the household and society is reduced.
7.7 Summary and Conclusion

In this chapter I have presented data on women’s ownership of land in Jhagrapur. Inheritance is the most important way for women to obtain land; more than one in three women have received their inheritance share. Contrary to what is usually reported in the literature, the data of this study indicate that it is not true that most women renounce their inheritance share in order to keep good relations with their brothers. There were no indications that nowadays more women get or claim their inheritance share than before. By comparing inheritance figures from 1975 and 2007 of the same group of women, it turned out that in 1975 almost one out of three women had inherited land, while by 2007 three out of four of these same women had inherited land. Thus, many women had inherited their share at a later age, only after their parents had died. Life cycle and age turned out to be an important factor in whether women had received their share.

I also examined factors that possibly enable or constrain women to claim their inheritance share and whether there is a correlation between women’s inheritance of land and class, village exogamy and education. There were no indications that there is a class difference in the percentage of women who received their land share. The data indicated that constraints faced by women to claim their land are largely determined by existing patriarchal norms and structures. Dominant gender relations and gender ideology make it difficult, not only for a woman to claim her share, but, more importantly, to control and hold on to the land once received. Distance from Jhagrapur to a woman’s natal village turned out to be an important factor in whether women receive their share or not. Significantly more women who are married within the village or to someone in one of the immediately neighbouring villages had inherited land than women who came from further away. It was argued that this is related to strategies to extend influence in the village rather than to protection of ancestral lands. Education did not turn out to be a factor in whether women had inherited or not, except for the poor classes. But, contrary to expectations, poor peasant women without education were more likely to inherit land than educated women. This was explained by the fact that educated women are expected to have more chances of finding a job.

The issue of women’s control over land turned out to be the most important issue with regard to women’s ownership of land. One in four women who had inherited land had lost their land again. They had mostly sold it to their brothers at a much lower price than the market rate, or their husband or sons had sold it against their wish. Factors that constrain control are mostly related to the gender ideology that men are the producers and women the dependents, and gender norms and values, such as exogamous marriages and the gender division of labour. For women, control over land is in fact more important than ownership itself. To enable full control over land, women should no longer be seen as dependents, but their role in the production process needs to be recognised. This also requires a change in the mindset of people.
Next, I will provide an analysis of what ownership of land means for women’s empowerment and for their position in conjugal, domestic and kinship relations and in the village power structure.