
November 2004

Livelihoods, Security and Needs: Gender Relations and Land Reform in South Africa

Susie Jacobs

Follow this and additional works at: <https://vc.bridgew.edu/jiws>

 Part of the [Women's Studies Commons](#)

Recommended Citation

Jacobs, Susie (2004). Livelihoods, Security and Needs: Gender Relations and Land Reform in South Africa. *Journal of International Women's Studies*, 6(1), 1-19.

Available at: <https://vc.bridgew.edu/jiws/vol6/iss1/1>

This item is available as part of Virtual Commons, the open-access institutional repository of Bridgewater State University, Bridgewater, Massachusetts.

This journal and its contents may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Authors share joint copyright with the JIWS. ©2022 Journal of International Women's Studies.

Livelihoods, Security and Needs: Gender Relations and Land Reform in South Africa

Dr. Susie Jacobs¹

Abstract

This article focuses on the land reform programme in South Africa as well as on broader questions of rural women's needs. It draws on interviews with 47 key informants, drawn particularly from the NGO sector, carried out in 2002 and 2003. It examines the importance of 'land' compared with wider issues such as personal and bodily security. Despite some encouraging state initiatives, most informants felt that poorer rural women remained marginalized within the land reform programme and more generally. Needs for independent income, health, and personal security were emphasised, with secure access to land seen as potentially beneficial although not as strong a priority. However, this should not be 'read' as an argument for ignoring the benefits of land rights for women: a rural women's movement is needed to carry this forward demands both for economic rights and those linked to bodily integrity.

Keywords: land reform, South Africa, women's needs/interests

Introduction

This article concerns gender relations and the land reform programme in South Africa. The research on which the article is based, conducted in 2002 and 2003, analyses the views of 47 key informants.² The 'land' question in southern Africa concerns livelihoods, but is also central to a nexus of other political and symbolic issues concerning traditional authority and new types of citizenship; communal vs. individual rights, and what a democratic outcome might look like in rural areas. Tangled as are these questions in a general sense, they become even more complex when seen through a gendered lens. From the late 1970s, feminist work on land rights, and on land reform more specifically, developed, but these continue to be seen as 'side' issues within most feminist writing, despite the large numbers of women residing in rural areas of low-income countries.

Despite the radical or reformist aims of most land reform mobilisations, land reforms have been largely negative, or at best ambiguous, for rural women and particularly for married women (Jacobs 1997; see later discussion). In the late 1990s, South Africa enshrined gender equity as a key aspect of its land reform programme, and so appeared to be an exceptional case in which married as well as single women might be able to access rights within a state-based reform process (see Jacobs, 1998). By early in the new century, such an outcome appeared overoptimistic.

Against this background, the article asks what importance should be given to equitable inclusion of women in land reform: do other aspects of women's lives present more pressing needs? The article analyses the views of a sample of land activists and gender specialists, drawn from the NGO sector as well as from government, academia and consultancies. In particular, it focuses on views concerning

¹ Manchester Metropolitan University

² With thanks to the British Academy and the Lipman-Miliband Foundation for financial support for this project.

types of land tenure that might be of benefit, and on the place of 'land' compared with other types of needs in rural women's lives. Another contribution is the linking of areas not always seen as related: land rights and economic rights as connected not only with food security or to agrarian issues but to personal security more broadly conceived. As Segal points out, the specific contribution of feminist thought lies in the ability to make connections between the economy, the personal and psychic, and the cultural within women's lives (1999).

Relevant literatures

The research discussed here draws on a range of background literatures. The debates discussed concern four (main) areas:

- i) Literature on gender and land reform; and
- ii) On deagrarianisation or diversification of rural livelihoods.
- iii) I have drawn together some observations on risks and insecurities in S. African women's lives;
- iv) Literature relating to women's needs and interests.

Gender and land reform

Land reforms have historically either taken place along collective or else individual household lines, with the latter being predominant and most successful in terms of raising agricultural output. Agrarian reform has been one of the main aims of peasant movements, the intended outcome being to democratise rural sectors through land distribution, and to improve the lives and livelihoods of smallholders. However, such democratisation may not extend to smallholder women.

A limited number of case studies of women within land reforms exist, as well as some more general literature (see, e.g. Deere and León, 1987). My overview of the subject (Jacobs, 1997) indicates that outcomes of land reform programmes have been negative or ambiguous for women, especially married women: this is notable, as the results of land reform programmes as reported are remarkably similar across continents and cultures. The main reason for negative outcomes – which lower women's status and livelihood chances – has been the allocation of land titles or land permits to 'household heads' who in most contexts are seen as male. This may result in vesting property rights in male hands, usually a husband's or father's, in settings in which men already hold much social and household power. A number of studies report that women have lowered incomes, less access to services and loss of household status through resettlement in land reform programmes. Many wives do benefit through increased food security, but lose autonomy and household power through the husband's enhanced property rights.

Were women's rights not to be mediated through husbands, fathers, brothers and sons, outcomes of land reforms would be more favourable for most groups of women. Bina Agarwal has forcefully argued (1994, 2003) for women's land rights on four grounds: welfare, efficiency, equity and empowerment.

Deagrarianisation in South Africa

A second debate moves away from focus on land to query the importance of agriculture in contemporary rural economies. The 'deagrarianisation' of a number of economies throughout the world previously largely or highly dependent upon agriculture is now widely discussed in development literature. A growing body of

work emphasises the decline of peasant communities and the necessity for rural dwellers to diversify out of agriculture (Bryceson, Kay and Mooij, 1999; Ellis, 2000). The authors note in particular the impacts of structural adjustment and liberalisation on peasant livelihoods, and smallholders are forced to compete in the global market, but with reduced state backing. As elsewhere, rural livelihoods in the sub-Saharan African region have diversified as agriculture becomes less viable, productive, or possible, or as access to land becomes more insecure (Francis, 2000). South Africa presents a particularly acute example of this phenomenon, due to a number of factors, including apartheid agrarian policies, 'removal' campaigns and land quality.

Most rural South Africans rely on a variety of activities, of which subsistence agriculture is not necessarily favoured, to survive (Cobbett, 1988). Wage labour and state pensions now form the major sources of income in rural areas (May, Rogerson and Vaughan, 2000); agriculture is the third most important activity.

Within this context, rights or access to land nonetheless remain of importance. The 1997 figures indicate that 70% of the rural population have access to land, although for half this is to one hectare or less (May 2000:23). One-third of rural households engage in some agricultural production (May, 2000:24), and for 18% of households, it is the prime activity.

Marcus et al. found in a national survey that a majority of people, over 67% (1996:13) *wished* to have some land; however, about half of respondents – including many women - wished for land for housing and gardens rather than for agricultural use. Access to land is also important for retirement; thus land continues to be significant even under changed livelihood strategies.

Insecurities

Even were rural women to have secure access to land, it would not be a panacea for most: landlessness and economic insecurity are only one set of risks among many. Without implying that male lives are secure, it is nevertheless the case that insecurity is a gendered phenomenon. As is well known, South Africa has made many gains at the formal (especially, state) level in terms of women's representation within parliament. Famously, women constitute nearly 30% of MPs and are well represented as deputy ministers and in some ministries (Hassim, 2003). In 1998, a series of important Acts were passed concerning rights to abortion, to maintenance after divorce and to protection from domestic violence. Despite the importance of these gains women's lives in many respects are framed by customary law, and this is especially so for rural women.

Within a context in which the poor are concentrated in rural areas, women are far more likely to be impoverished than men (Magardie, 1999, citing UNIFEM statistics; May, Rogerson and Vaughan, 2000); homelessness is a particularly severe problem due to forced removals under apartheid and because men usually hold property rights to houses.

Two other risks, health and crime, have been much discussed in the Northern press. Although this has sometimes led to a distorted picture of South Africa, it remains the case that these topics are of great concern to large sectors of the population. HIV/AIDS is one health risk among many (e.g. malaria), but its incidence, with over 20% of adults HIV positive is exceedingly high (UNAids, 2004). HIV/AIDS has become particularly gender-related, with women more likely to be infected and to care for the ill and dying; at the same time, they are often blamed for the disease (Turshen, 1995; interviews).

Crime rates in general are high in rural as well as urban areas, and for a country not at war, South Africa has the highest reported level of violence against women and girls in the world. The organisation Womankind estimates that at least one in three women in the country will be raped during her lifetime (www.womankind/africa); also Magardie, 1999; Green, 1998; Hirschmann, 1998). 'Domestic' violence is commonplace and there is little redress in situations in which violent assaults occur frequently. The Domestic Violence Act is beneficial, but the budget for its implementation remains small (Meintjes, 2003).

Literature

A fourth set of debates draws on literature on women's interests and needs. Molyneux famously distinguished between practical and strategic gender interests (1985), but she stresses that this was never meant to be a hard- and- fast grid (Molyneux, 1998: 78). The nature of demands for land provides a good illustration. Land is a practical, material necessity in agrarian economies. However, particularly in patrilineal contexts, it is also necessary for symbolic of lineage continuity and of male authority. Thus any demand for women to hold land or to obtain secure access, not possible under customary law, raises wide-ranging issues of a longer-term nature.

I have discussed the intertwined nature of women's expressed needs (Jacobs 1995); economic needs are, for instance, not easily detached from those concerning health and reproduction, or from bodily integrity.

The (or an) other aspect of the above discussion of needs and interests, concerns expression or suppression of needs and wishes: where needs are not overtly expressed, particularly by socially subordinate groups, can we assume that no underlying need exists? In the context discussed here, if poorer rural women do not express a desire for land, might a suppressed interest still exist? Lukes argued that the most effective demonstration of power is the manipulation or rendering of some issues as 'off the agenda', so that they never come up for discussion (Lukes 1974). In many societies, demands that women have land rights equivalent to men's (in whatever form of land tenure...) is seen as outrageous and as inviting conflict (Author 1998). In such contexts, women may be unlikely to envisage outcomes, which lie outside the realm of possibility (see discussion in Agarwal 2004; Jackson 2004). This theme is taken up in the concluding section.

The remainder of the paper is organised as follows. The next section examines the main policies of the land reform programme. The third discusses fieldwork methods. The following two discuss findings: firstly, issues concerning gender and land reform; secondly, concerning women's needs more generally. The article concludes with an analysis of implications of these data.

Background: the land reform programme in South Africa

As a result of European expropriation of African lands, approximately one-third of South African people now live in ex-Reserves, the majority being female (May, 2000) Within these, land was held communally, under the control of chiefs/lineage-based leaders. Large commercial white-owned estates, numbering approximately 55,000, dominate the agricultural sector. Thus, the agricultural sector in South Africa is bifurcated between small-scale agriculture in the (mainly) arid ex-Homelands and large commercial estates. Following the 1994 elections, the ANC-led government instituted a land reform policy. The programme has three 'prongs':

1. Land Restitution: This concerns restitution of land expropriated since the passage of the first segregationist Land Act; the date for restitution has now passed. Most Restitution claims are settled in cash, so no land is transferred (interviews).
2. Tenure Reform: This involves several elements, including:
 - a) Strengthening the land rights of workers/occupants of commercial farms, under the Land Reform (Labour Tenants) Act 1996 and the Extension of Security of Tenure Act 1997 (ESTA).
 - b) Changes to land allocations in ex-Homelands. This is contentious because it involves the rights of chiefs. (See below).
3. Land Redistribution forms the third plan of land reform and is the plank on which most popular expectations have been placed.

To date there have been two Ministers of Land Affairs and somewhat different policy directions between 1994-99 and from 1999. Broadly, land redistribution policy in the first period, under Derek Hanekom was directed at the poor: i.e. the landless or land-hungry, although remaining within a market-based ('willing-buyer/willing seller') structure. In this phase, land redistribution mainly took the form of 'pilot' programmes in various provinces. Households were able to access a one-off grant or payment of R16,000 – the Settlement Land Acquisition Grant or SLAG. Grants were targeted at low-income households. Wives as well as husbands were and are listed as land reform 'beneficiaries' on official documents.

In practice, due mainly to the cost of land, grants are often pooled among households. Grants can be pooled either in a Trust or a Communal Property Association: both are legal entities. In 1999 when the new Minister, Thoko Didiza, was appointed, a change in policy direction was initiated. The land redistribution policy has shifted to be more in line with the GEAR's (Growth, Employment and Redistribution Programme) neo-liberal orientation, incorporating many of the World Bank's proposals made in the early 1990s. As Gavin Williams points out (1996 and 2000), these favoured the development of a class of 'emergent' farmers who would use land 'productively' or commercially. The new policy direction was consolidated in 2001 with the announcement of the LRAD/ Land Redistribution and Development Policy.

Under the LRAD, the grant system has been revamped in order to encourage the growth of African and Coloured commercial farmers and to encourage use of land for agriculture, rather than for housing. Importantly, income has now been dropped as a criterion of eligibility, signalling a shift away from class to racial criteria. Additionally, grants are now to individuals not households, so women can also apply. They are now awarded on a sliding scale, from R20,000 to R100,000, with individuals expected to contribute a proportion: the minimum contribution is R5,000 for a R20,000 grant and the maximum, R80,000 (80%) for the maximum R100,000.

In 2001, the stated target of 30% of lands to be redistributed was put forward. Delivery of land redistribution in practice has been extremely slow since 1994: less than 2% of national land (Festus, 2003; Hendricks, 2003). A social movement attached to the National Land Committee (the main umbrella body linking land movements and campaigns), the Landless People's Movement, has formed in part as a reaction to the slowness of land transfers. Although not large, it has launched several

land invasions and achieved a high profile at the Earth Summit in Johannesburg in August 2002.

Another development is the recently published (10/2003) and complex Land Rights Bill (CLRB). This seeks to address the situation concerning land tenure in the ex-Homeland/Bantustan areas, which are nominally administered by chiefs under communal tenure. However, in many areas this system – flawed as many consider it to be – has broken down and the situation is chaotic, with no one able to allocate land rights, no budget for surveying sites, no-one able to control plunder of common property resources, and illegal/informal land sales and land grabs (Cousins, 2003:2). Thus a crisis is developing in the ex-Homelands (ibid.) Despite acknowledged need for tenure reform, the Bill has been fiercely criticised.

The draft Bill transfers land in the former homelands to communities, which must register 'community rules' for the process: it is likely to entrench the power of chiefs locally (Cousins 2003). The CLRB has negative implications for women: although requiring a 25% female representation, there are no penalties for communities which do not abide by this, and chiefs may appoint their own family members to committees (Classens, 2003). The Bill additionally allows community boards to decide to issue title deeds to individuals, who can then sell or lease the land: this is likely to lead to privatisation (*M&G*, 22/1/2003; Cousins 2003). Thus the backdrop to this research includes policies making concessions to chiefly tenure, but at the same time with initiatives to include women, and a generally slow pace of land redistribution.

Methodology

The research for this project was conducted during two visits to South Africa in early 2002 and in late 2003. Forty-seven people were interviewed, and fifty interviews were conducted.¹¹ The research took place in six places: Durban, Johannesburg and Cape Town, and in Pietermaritzburg, Pretoria and Stellenbosch. The interviews lasted between half an hour and three hours, with the average length being between 1 ¼ - 1 ½ hours. This was a snowball sample, with respondents suggesting other relevant key informants. A few of the respondents were known to me before the initial research trip; others were contacted initially by e-mail, letter and by telephone.

A note concerning interviewing key informants is in order: it is not assumed that people, however wide their knowledge or however close their backgrounds are to those of 'grassroots'/rural people, can speak 'for' others. However, the people interviewed were in general highly knowledgeable about social and state policies, often including land policies, about the situation/s of the rural poor and about gender issues. The sample was of course not uniform, and so here I describe variation within it.

Where possible, I tried to interview people knowledgeable about both gender and 'land/ agriculture' issues and such interviewees formed the majority of the sample. Those familiar with both 'gender' and 'land' issues ranged from grassroots workers dealing with e.g. gender on commercial farms and in areas of traditional authority to regional NGO workers to people involved (or recently involved) with policy formation at national and regional levels. This grouping also included several academics who had worked at the intersection of these two policy areas. Another, small grouping was highly familiar with issues of land/agriculture but less so with gender issues: this grouping included NGO workers, academic – activists, more

traditional academics and consultants. A third grouping (of eight) was comprised of women working in the area of gender policy and practice, but who were less familiar with 'land' issues. These included academics, lawyers working with cases of violence, national officials and rural NGO workers. Twenty-three people interviewed worked for NGOs oriented to rural areas and/or land issues, of which eighteen were fieldworkers in rural areas. Most of the six people interviewed who were consultants had worked until recently in government or for NGOs.

Analysing the sample according to other social characteristics: nine of the informants were male and 38, female. In terms of the racial categorisations commonly employed in South Africa, six of the sample were Asian; six were Coloured; 20 were African and fifteen, white/European. Many of the African and Coloured people interviewed had rural backgrounds. Lastly, a large percentage of those interviewed had been active in social movements – especially anti-apartheid and feminist movements - prior to 1994. A number remained active, although NGO work was sometimes seen as a substitute for social movement activism.

The interview form was semi-structured. Most informants began by discussing their own work and most people discussed their own social, political and professional backgrounds. Other topics I brought up in case these did not arise during the interview, were:

- the progress/direction of land reform in general;
- the question of rural women's problems and needs; and
- a question concerning types of land tenure of most benefit to poorer rural women .

Thus, the structure of interviews varied somewhat. For instance, to a person working in a 'gender' NGO, I might have needed to ask a direct question concerning women in land reform. Otherwise, interviews varied according to the informant's interests and experience. A wide range of issues were discussed, including: the three 'prongs' of the land reform programme; the impact of legislation for rural people; state and NGO capacity, state power; the role of NGOs; social movements for land; gender movements and organisation; the legacy of *apartheid* in these respects; economic directions and globalisation; differences between provinces; the relative importance of land in improving women's position; and violence against women and girls.

Given the range of topics discussed, some data are omitted here. I analyse the material relating to gender and land reform, and that relating to women's needs and problems, including that of violence.

Land reform and economic policy directions in general

All but a small minority of informants (four) discussed the progress of land reform, although several gave brief answers to questions on this subject. Nearly all (41) noted that the progress of land reform to date has been unduly slow. In particular, in the Western Cape – dominated by mainly white-owned commercial farms, no land has been redistributed. As might be expected, those working in NGOs, academia and consultancies were more vociferous about the pace of land reform, while those working in government, or who had recently done so, were more circumspect and at pains to explain the progress that had been made. Both the changed policy direction since 1999 and the small amount of land redistributed were seen as according with the general neo-liberal direction of economic policy. However, informants voiced somewhat different views about the general direction of economic policy, with seven (15%) agreeing that this policy shift was necessary in a climate of globalisation.

Gender issues within land reform

Within this sample, 25 people were knowledgeable enough about the whole land reform programme, and its gender impacts, to discuss most policy issues in detail. Another fifteen had worked in specific areas of gender/land policy and could comment on these, but not necessarily on all issues. This section discusses the issues within land reform of particular relevance to rural women.

The institutional framework

The 1997 White Paper on Land Policy strongly endorses gender equity (DLA, 1997). A Gender Unit within the Department of Land Affairs (DLA) was established in 1996. However, the implementation of gender equity measures in land reform has become an issue of contention. In a critique of the implementation of land policy, Walker writes that the Gender Unit is “handicapped by weak institutional location and lack of authority” (Walker, 2003: 125; interview 1). Operationalisation of general principles of gender equity remains patchy, so that specific guidelines for fieldworkers or local-level officials are often lacking, and this translates into lack of gender policy ‘on the ground’. Unit officials say in response that they lack power and that they are marginalised with regard to policy formulation (interview 30). Another body potentially interested in gender land policy is the Commission for Gender Equality (CGE), with national and provincial offices. With some exceptions, it has not prioritised land matters (interviews 1, 8.9.15, 21, 31, 44, 49).² CGE offices are also understaffed, with huge policy briefs, limited resources and many difficult issues to confront (Interviews 17 and 19).

The new LRAD arrangements

Respondents had strong differences of opinion about the new LRAD arrangements, which as noted, favour better-off farmers. Some (ten) felt that the direction of encouraging medium and larger-scale black farmers would be of great benefit in ‘softening’ the country’s historic racial divide. Additionally, most informants welcomed the allocation of grants to individuals, including women, rather than to households. There was also general approval of the fact that the capital contribution necessary was ‘progressive’ (i.e. the percentage of state grant is much larger for those with little capital). A few (five) respondents were optimistic about prospects for rural women, feeling that in practice, some would be able to raise capital in order to access land and that many women did not in any case wish to farm. However, in general, most informants (35) felt that women were unlikely to be able to access land under the new arrangements: poor women would not be able to muster the capital needed, and would not be familiar with the required business plans.

Customary law, land tenure and gender rights

Customary law and chiefly tenure frame discussions about women’s land rights and their lives more generally in rural areas. In my first research visit, the issue of chiefly tenure formed a general backdrop; however, the Communal Land Rights Bill (see above) was gazetted between the two visits, and published in late 2003, so its specific provisions were an important topic during my second visit.

Chiefly tenure and customary law

Many aspects of gender relations, including land rights, in rural South Africa are governed by customary law, under which women (along with minor/unmarried men) are legal and social minors, unable to make contracts or to represent themselves in court. Customary marriages are potentially polygynous and *lobola* (bridewealth) is paid, transferring rights over the wife to the husband and his family/lineage. The husband has the right to the woman's domestic and sexual services and to her obedience; husbands also had the right physically to chastise their wives within reasonable limits. Although customary law also exists without the presence of chiefly authorities, chiefs and traditional authorities help to enforce this.

Under customary law, tribal/lineage land is vested in the chief on behalf of lineage/tribal members. Traditional systems mix elements of individual rights (e.g. over houses, and individual use-rights over agricultural land) and communal rights (e.g. to pasturage, water). Before discussing chiefly tenure in detail, the caveat discussed earlier should be noted: customary tenure systems have in some areas broken down.

In administering land and land allocation, chiefs should ideally be attentive to the 'African land ethic' (Cross, 1992), which stresses universal access to land for lineage members; transfer to the land-hungry from households with sufficient land; and attention to principles of seniority, so that the first settled in an area have priority of use. Some women, nearly always older women with children (and especially, sons), gain access to land through showing need, asserting a lineage-based link and asking chiefly permission: they are thus granted land under a PTO (Permission to Occupy) (interviews, 2002). Some researchers and administrators knowledgeable about both gender and land issues included in this sample feel that there are possibilities for women to retain access under traditional systems (see the PWAL document 2002); alternatively, they feel that the alternatives of privatisation [see below] may be worse.

Traditional systems are often criticised, however, as being open to corruption and patronage as well as violence (Levin and Weiner, 1997). A number of ANC activists and ordinary rural people (see Classens 2003) see chiefly power as highly undemocratic, as did many in this sample (32 or 70%). Most feminist writers conclude that chiefly authority presents grave problems for women's land access (see e.g. Haripriya and Gilmartin, 2002).

Communal vs. individual rights

The question of chiefly tenure relates closely to that of communal vs. individual land rights. As noted, much debate exists around the questions of communal tenure and land titling/individualisation of tenure - particularly as the provision for sale of land within the Land Rights Bill signals a move towards privatisation. Within the African context, Bruce and Migot-Adhola (1994) argue that privatisation and individualisation have led to increased land concentration and landlessness, including for women (Lastarría-Cornheil, 1997). Marcus et.al. argue that land title registration (i.e. individualisation) would in South Africa mean that women would lose land, as few can compete in the market.

Types of land tenure of benefit

Given the contentious nature of this issue, I asked nearly every informant a direct question about the type of land tenure they saw as most beneficial for poorer rural women. A few (five) informants in this sample (which included practitioners and academics who had expressed reservations about land titling) felt that titles should not be individualised. One informant expressed great reservations about the consequences of separating women from the family - and therefore provoking conflict - when they have few other relational and economic alternatives. Another handful of people (six) felt that married women should have joint titles with husbands but that single women should have their own land titles. However, the remainder felt that women definitely needed some type of land registration, even if this were not full title to land. As one NGO worker/researcher stated: "Women go to enormous trouble to see that their names, and also all dependants, appear on land registers: if necessary, they queue all night" (interview 9).

A number of people (21) in this sample went further and stated that women should have *full* land titles. In other regions, Agarwal (1994) and Deere and León de Leal (2002) have also argued for individual land rights for women, although these are within privatised contexts.³ Although some informants were concerned about processes that might economically disadvantage women in a market system, it was generally felt that individual titles offered the only possibility of women gaining some control over the land, its products, and any income from these – in other words, this offered 'escape' from customary law. Most were scathing about the continuation of chiefly control and tenure, and desired that it be phased out. One informant, an NGO worker, stated her suspicion of traditional authority, recounting the reaction of an (angered) chief to discussion of land rights for women: "A woman doesn't have anything to say about land. She only has to talk about her underwear. Everything is mine – the house, the children.....!"

The formulation of gender equitable policies in this respect is far from straightforward. Gender-friendly land titling in a market-based system is likely to marginalise the majority of rural women, who are poor, and customary law marginalises wives and other women as an entire group while maintaining better chances of access to *some* land, usually within highly patriarchal households. The differing opinions expressed here, reflect this dilemma.

Representation of women within land reform bodies

Given the limitations of policy implementation described in the section A, and the dilemmas in section B, there exist two main arenas in which attempts have been made by the DLA to promote women's interests. Women (as wives, or else as heads of household) are:

- i) listed as beneficiaries of land reform (that is, their names are listed on relevant documents)
- ii) are included as members of Trust and Community Property Associations (see earlier discussion) committees.
- iii) A report prepared for the DLA in 2000 found that 47% of beneficiaries were female, and that 31% of total numbers were female-headed households (May et.al, 2000).

However, this has been criticised for its methodology, and for greatly overestimating women's participation (interviews 1, 7, 9, 15, 44). Bob notes that 80%

of the women she interviewed had no knowledge that they were listed as beneficiaries (Bob, 1999:180). Despite optimistic figures, a large majority of people commenting on gender and land reform in detail (22 of 30) felt that married women had not gained access to land on similar terms to men in their households.

Where women have gained land, their rights can still be threatened by patrilineal relatives at the death of the husband. Thus inheritance practices remain a crucial impediment. For instance, even where women do (rarely) inherit, pressure exists to relinquish land to the husband's relatives (interviews 12, 17, 20, 21, 22, 49). Pharoah's findings were similar: inheritance is seen by Trusts as a 'family' matter and so they do not as a matter of course intervene.

The main area of impetus for enactment of policies of gender equity, then, concerns the composition of Trust and CPA committees.⁴ Grants for these entities will not be approved without female representation – technically this should be 45%. Thus CPAs were seen as an innovatory vehicle for ensuring continuation of community control while promoting access to land on similar terms to men in their households.

Bob (1999), Pharoah (2001) and Walker (2003) have all explored women's participation on CPA and Trust committees within Kwa Zulu Natal (KZN) Province, in which social and gender norms remain conservative. Pharoah found that women are elected onto committees, although not necessarily in numbers required by regulations. At times, particular women are elected or chosen due to kinship links with men; although some are chosen due to their strong personalities. Women tend to be elected to posts associated with female roles (e.g. as secretaries). In the studies cited, women are considered to be 'quieter' than men and to find it difficult to speak and to participate. Some interviews conducted here (5, 12, 15, 16, 18, 26, 35, 49) also report ridicule and teasing of women, and women's fear of being subject to public shame. Women often lack confidence, due to lack of education and the perception that agriculture is a 'male' sphere.

This finding is not specific to the Trusts studied, but reflects wider norms in the region concerning women's participation in public fora (Cross and Friedman, 1997, Hargreaves, 1996; Mogale and Poshoko, 1997). In customary settings, women should ideally not speak in front of men, and if they do so, this should be done with due modesty and deference, although a few women do now break such norms.

Although some informants felt that the provision for gender representation on CPAs raised possibilities for rural women's participation, none felt that so far, this provision had dramatically affected their weak positioning within rural communities. Ominously, some observed that wives were at times sent to meetings to simply voice the husband's opinion.

Despite the limitations of what has been achieved so far, most informants (30 or 75% of those commenting on this) indicated that there have been positive spin-offs for women from the above initiatives, even if these are limited and do not always amount to 'representation'. In particular, the presence of women on committees and the act of listing them as beneficiaries does mean that space has been opened up for discussion of women's social position, including at times with regard to economic and land rights. In the next section, I turn to another, more general topic.

Needs and problems of rural women

This broad topic was one about which I asked a direct question if the respondent had not brought it up spontaneously; therefore the views of all are recorded. It relates to the broad research agenda in terms of contextualising land

demands or needs within wider sets of needs, problems and interests. The most frequently mentioned needs of rural women, in order, were:

- i) Jobs/employment to own income;
- ii) practical needs such as electricity and housing;
- iii) better health provision which recognised women's needs;
- iv) greater human rights: within this rubric, rights to land/other property were mentioned by twelve informants.

Problems were seen as numerous and multifaceted. Two problems, HIV/AIDS and violence against women, were seen as of the greatest importance by most informants. However, there was relatively little discussion of the sensitive issue of the government's policies on HIV/AIDS causation and treatment or the impact of HIV/AIDS. Those willing to speak out on this issue, at a time when the government was fighting a prominent court case over the issue of retrovirals for babies of infected mothers and for other infected people, were vocal, but due to the sensitive nature of the topic, I did not probe. Some (eight) mentioned the devastating impact of the disease for many women, and for rural communities in general. Others mentioned 'health' in a more general way as a prime women's issue.

In contrast, a number of discussions took place around the issue of violence against women. A large number of those interviewed (35) brought up this issue themselves, and elaborated on the topic. Because the project was based on qualitative research, it allowed scope for discussion of issues not initially seen as central. Thus, although not a large part of my original research agenda, the topic of violence emerged as central.

A number of informants stated that violence against women was very widespread, even ubiquitous, in South Africa. Due to the range of issues connected with violence discussed, here I mention several briefly and expand on a few. A first issue concerned different types of abuse: physical, but also psychological and economic – e.g. leaving women destitute. Several informants commented that many rural women, like urban women, endured violence on a near-daily basis, or several times a week. A related issue is the 'naming' of violence. Three informants mentioned that physical acts of coercion are not termed 'violence' unless they resulted in serious physical damage/disability; violence was often termed 'chastisement' or was not named. The latter relates to the commonly found problem of silencing: many informants noted rural women's reluctance to discuss this issue openly. Women's lack of 'voice' in this regard, related to lack of household and community power were also noted as pressing issues. Nine informants also expressed worries about violent backlashes against women, which already occurred and might increase were they to gain more rights. (See later discussion.)

A common perception was that violence had escalated (mentioned by eighteen). If this topic was broached, I probed, asking why this might be the case. Reasons for escalation were widely seen as twofold: 'men's' (it was common to generalise about men, including by male informants) dislike of losing power and the tendency to see women as property, and their loss of employment due to economic stringency, factory and mine closures, and other macro-trends, affects their sense of self-worth. Many women had assumed important economic roles when men were migrant labourers and returned husbands may now lash out at wives. One informant spoke of the feeling of some men that the world would 'be alright' if women assumed their former place.

A surprisingly large number of informants (twelve) brought up the disturbing issues of child sexual abuse, particularly rape and incest. I had not set out to research this issue, and assume that its mention is evidence of a problem now beginning to be discussed.

Lastly, there was some discussion of initiatives that would be helpful to rural women. Seven people noted that the Domestic Violence Act was not widely implemented and felt that the state should do more to help rural women in this respect. Many, especially those working at local/grassroots levels, stressed the importance of women having someone to talk to about abuse suffered. However, this seemed at times to be an end in itself rather than a step towards a more effective policy to prevent violence and abuse.

Turning to issues of economic security, approximately two-thirds of informants mentioned the need for rural women to earn and control their own incomes, as first or second priority when listing 'needs'. However, far fewer (10, less than one-quarter) - - classed 'land' as a prime need, in a sample including many people working around agrarian issues. Another 30% (fourteen) placed land as a need lower down their rankings (that is, from third to fifth ranked). Where informants did not mention land access as a problem or need, I asked a direct question about its importance. Predictably, activists working in the agrarian sector rated lack of land as a great problem. Gender activists (i.e. those working on general or legal issues of women's subordination) saw land rights as less important. However, most informants (40) saw land rights as having potentially an important role to play in lessening women's poverty, as well as more power within households and communities.

Thus, in this sample the prime 'needs' for rural women were seen as having their own incomes, better health and action against gender violence. This sample contained many past and present activists, and many called for a renewed women's movement, as well as stressing the need for other strong civil society movements (e.g. 'land' movements). It was notable that a general trend was perceived as incorporation of movement activists, including gender activists, into the state. The women's movement was seen as important in pressing for improvements, including for rural women - perceived as the most in need, but the most neglected. However, it was acknowledged that poorer rural women faced great constraints when attempting to organise. The CGE was seen as important, but unable to substitute for a social movement. Although detailed discussion of this factor is beyond the scope of this article, it is notable that a proper focus of women's movements was seen to be to combat violence. Thus, in general, land rights per se were not seen as the most pressing need: the significance of this evaluation is examined in the next section.

Discussion: Needs and adapted expectations

One of the purposes of this research, as stressed, has been to explore rural women's need for land, given the other pressing issues faced. To what extent did this sample of activists, NGO workers, academics, and state officials perceive a need for land, and for what purposes? Nearly all informants agreed that direct access to land - leaving aside the question of forms of tenure - would benefit rural women. However, with some exceptions, there seemed to be a mutedness about this acknowledgement. Thus land was seen as necessary for housing and vegetable production, and agricultural land, as useful *along with* other inputs: irrigation, training, etc.

In contrast, discussions about the extent of violence facing women occurred spontaneously (I did not have to broach the topic), was often discussed at length, and

with a degree of emotion lacking in most discussions of land. To some extent, this is because violence against women is perceived to have escalated and to be a very grave problem within the country; also, urban women's groups, NGOs and other bodies have had some success in highlighting the issue.

Does the fact that informants did not see land as a top priority, as opposed to one of several, signify suppressed demand for land, or adaptation of expectations to circumstances? Certainly, adaptation of expectations is a common phenomenon. An example comes from the material discussed above on gender violence in rural areas. Although urban-based informants were likely to mention wider social policies as part of a solution to gender violence, rural-based informants were more likely to stress the need for women to express themselves and to confide their suffering to another woman. Thus the wish to speak, to give voice, was prioritised without mention of wider measures to combat the problem.

It was certainly not the case that the particular informants were uninterested in social policies or social movements; however, it appeared that their answers were constrained by what they saw as realistic given circumstances within villages, and given the huge scale of the problem. As Agarwal points out (2003, citing Nussbaum) women's expressed demand for land is likely also to reflect adaptation to expectations. Walker (2003) notes that most women she interviewed expressed a 'pragmatic' preference for joint titles with husbands rather than individual titles: this was possibly because women live out their lives within families, with few other possibilities and joint titles were seen to be less disruptive to family stability. A number of informants here, as noted, expressed fears that women acquiring land rights outside customary law might exacerbate violence. One NGO worker quoted a village woman as saying: "Husbands might become very worried if wives got land, they might punish the wives."

It is true that land demands by women do give rise to great conflict, both in southern African settings and elsewhere (Jacobs, 1997, 1998). Considering the 'possibility' of rights, which are in practice unobtainable, may only give rise to failed expectations and to decreased security.

On the other hand, it is also possible that the lack of emphasis on demand for land reflects just that: women may prefer jobs, were they are available, and South Africa is highly urbanised. Since agriculture now form only one part of most women's livelihood strategies, informants' responses may reflect acknowledgement of this factor while recognising that land still has a place in such strategies.

Or, a third explanation is a compromise between the two views above: women see land as useful and necessary, but it is also recognised that acquiring it is likely to lead to great upheaval, particularly within patrilineal systems. Ironically, the less important a resource – e.g. land – is, the more likely it is that women will be able to access it (Pearson, 2001). It may be easier to sidestep the problem of the emotiveness of 'land' by simply trying to turn to other livelihood sources' which precipitate less male resistance.

Conclusion: Land vs. violence: against dichotomisation

Given debates between Southern and Northern feminists, the stress on violence and its impact upon women in this data is interesting. Does this stress signify a demand for bodily integrity (i.e. freedom from violence) as a priority over more 'material' needs for land and livelihood security? Dichotomising of needs was for some years, a feature of feminist debates (e.g. Northern feminisms seen as giving

priority to sexuality/the body; Southern, as stressing material needs).) Such dichotomous views can present the complexity of intertwined needs in terms of oppositions (see the argument in Jacobs, 1995). It is possible that discussion of violence is also a result of the successful 1990s global feminist mobilisations around violence (see Keck and Skikkink, 1998). In any case, some small groupings of rural women such as the Women against Community Abuse in Limpopo have formed, with an explicit focus on combating violence against women and children (interviews 48, 49).

The organisation of state bodies may reinforce lack of 'joined-up' policies and a tendency to separate issues such as livelihoods and personal security: state institutions are usually compartmentalised according to subject matter/expertise (e.g. health/education in their own departments; lands/agriculture and family law in others).

But a holistic rather than compartmentalised view of rural women's needs is precisely what is required. For instance, access to land (either through titling, as registered users or in joint schemes) must be accompanied by changes in inheritance practices. Secure access to land is not only an economic matter, or one of food security: it is in turn likely to increase women's self-confidence and might increase personal security (Agarwal, 2003). The hypothetical situation of simply giving land to women without envisaging the need for back up both in terms of other economic resources and services, and in terms of their physical security may do little to lessen vulnerability (Jacobs, 2002; Deere and León, 2002).

The issue of how the incidence of violence might relate to economic rights is contentious. As noted earlier, stronger land rights might backfire, and result in increased marginalisation and/or violence. On the other hand, several informants argued that land rights may *lessen* the extent of violence against women. Both positions are 'correct': increased rights for women (and for others, especially those marginalized) often do result in backlashes. At the same time, stronger rights, especially economic rights do give people bases to resist, and at times lessens violence due to the perception that the person is less vulnerable. However, these matters do not stand alone: others, including social acceptance of violence; its incidence, constructions of masculinities and femininities, individual actions, and (not least) the law and its enforcement, also frame the relationship between violence and gender rights. For instance, if violence against wives diminishes because they can retaliate (e.g. by ejecting a husband from property), because it becomes less acceptable, or because it is punished, then they are likely to be able to retain more secure control over resources and property. The existence of women's movements, or their lack, is another factor. A number of informants here emphasised the importance of renewed social – including women's - movements.

This sample of key informants on the whole saw women's needs in terms of the necessity for independent incomes, independent land rights, better health and freedom from violence: in other words, in terms of autonomy and the bodily health and integrity to exercise this. The findings from this sample that 'land' access was not seen as a first priority, points to the complexity of the issues involved. However, this should not be seen as an argument for downplaying the importance of land and of other economic rights for women. Instead, it points to the need to stress *both* land rights and rights to bodily integrity. Land continues to be an important livelihood resource and is crucial for rural food security. Women's movements may have been less successful in pressing for economic rights than for rights related to bodily health

and security; however, land and economic rights are indeed 'women's issues' just as are health, reproduction and violence. This study points to the importance of a renewed women's movement to take forward both sets of demands.

REFERENCES CITED:

- Agarwal, Bina (1994) *A Field of One's Own: Women and Land Rights in South Asia*, Cambridge, Cambridge University Press.
- Agarwal, Bina (2003) "Gender and Land Rights Revisited: Exploring new Prospects via the State, Family and Market" *J. Agrarian Studies*: 3: 1-2, Jan-August.
- Agarwal, Bina (2004) "Women's Land Rights and the Trap of neo-Conservatism: a Response to Jackson" *J. Agrarian Studies*, 3, 4.
- Bob, Urmilla (1999) *African Rural Women and Land Reform in South Africa: Case Studies from the Midlands Region of KwaZulu Natal*, Ph.D. thesis, W. Virginia University.
- Bosley, Sarah (2000) "The Disease ten times as deadly as war" *The Guardian*, London, 8th July:17.
- Bruce, John and Migot Adhola, S. (1994) *Searching for Land Security in Africa*, Washington, World Bank.
- Bryceson, Deborah (1999) "Disappearing Peasantries? Rural Labour Redundancy in the Neo-Liberal Era and Beyond" in Bryceson, D., Kay, C. and Mooij, J. (eds) *Disappearing Peasantries? Rural Labour in Africa, Asia and Latin America*, London, ITDG.
- Claasens, Aninke (2003) *Community Views of the Communal Land Rights Bill*, Research Report no. 15, Programme for Land and Agrarian Studies, University of the Western Cape.
- Cobbett, Wm. (1988) "The Land Question in Post-Apartheid South Africa: a Preliminary Assessment" in Cross, C. and Haines, R. (eds) *Towards Freehold*, Cape Town, Juta.
- Cousins, Ben (1997) 'How do Rights become Real?' *IDS Bulletin*, 28, 4, October: 59-67.
- Cousins, Ben (2003) "Comments on the CLR [B67-2003]" Submission to the Portfolio Committee on Agriculture and Land Affairs, 10th November.
- Cross, Catherine (1992) "An Alternate Legality: the Property Rights Question in Relation to South African Land Reform" *S. African Journal on Human Rights*, pp.305-331
- Cross, Catherine and Friedman, Michelle (1997) "Women and land: marginality and the left hand power" in S. Meer (ed), *Women, Land and Authority*, Oxford, Oxfam: 17-34.
- Daniels, Glenda (2001) "Rural Women to Fight for their Right to Land" *Mail and Guardian*, 1st June (<http://www.sn.apc.org/wmail/issues/010601/OTHER70.html>)
- Deere, Carmen Diana and León de Leal, Magdalena (eds) (1987a) *Rural Women and State Policy: Feminist Perspectives on Latin American Agricultural Development*, Boulder, Westview
- Deere, Carmen Diana and León, Magdalena (2002) *Empowering Women: Land and Property Rights in Latin America*, U. Pittsburgh Press.

- Department of Land Affairs of the RSA (1997) *White Paper on South African Land Policy*, Pretoria.
- El-Ghonemy, M. Riad (2001) "The Political Economy of Market-Based Land Reform" in Ghimire (ed) *Land Reform and Peasant Livelihoods*, London, ITDG
- Ellis, Frank (2000) *Rural Livelihoods and Diversity in Developing Countries*, Oxford, Oxford University Press
- Festus, Michelle (2003,) "We are the Women, we are the land" *Development Update*: 4, 2
- Francis, Elizabeth (2000) *Making a Living: Rural Livelihoods in Africa*, London, Routledge
- Green, December (1998) *Gender Violence in Africa: African Women's Responses*, London, Macmillan
- Hargreaves, S and Meer, S. (2000) "Out of the Margins and into the Centre: Gender and Institutional Change" in Cousins, Ben (ed) *At the Crossroads*, Cape Town, PLAAS
- HariPriya, Rangan and Gilmartin, Mary (2002) "Gender, Traditional Authority and the Politics of Rural Reform in South Africa" *Development and Change* 33(4): 633-58.
- Hassim, Shirin (2003) "Representation, Participation and Democratic Effectiveness: "in A-M. Goetz and S. Hassim (eds), *No Shortcuts to Power*, London, Zed Books
- Hendricks, Fred (2003) "Land Inequality in Democratic South Africa" in Michael M. Bell et.al. (eds) *Walking Towards Justice: Democracy in Rural Areas*, JAI Elsevier, Oxford.
- Hirschmann, David (1998) "Civil Society in South Africa: Learning from Gender Themes" *World Development*, vol.26, no.2: 227-238
- Jackson, Cecile (2004) "Gender Analysis of Land: Beyond Land Rights for Women?" *J. Agrarian Studies*, 3:4.
- Jacobs, Susie (2002) "Land reform: still a goal worth pursuing for Rural Women?" in *Journal for International Development*, no. 14, Autumn,: 887-898
- Jacobs, Susie (1998) "Past Wrongs and Gender Rights: Some Issues in South Africa's Land Reform" *European Journal of Development Research: Development and Human Rights*, vol. 11, no. 2, December.
- Jacobs, Susie (1997) "Land to the Tiller? Gender Relations and Types of Land Reform" in *Society in Transition* (journal of the Southern African Sociological Association; formerly, *J. South African Sociology*), vol.1: 1-4: 82-100.
- Jacobs, Susie (1995) "Changing Gender Relations in Zimbabwe: Experiences of Individual Family Resettlement Schemes" in Diane Elson (ed) *Male Bias in the Development Process*, Manchester University Press, Manchester, 2nd edition 1995
- Keck, Margaret and Skikkink, Kathryn (1998) *Activists beyond Borders*, Ithaca, Cornell Univ. Press
- Kemp, Amanda, Nozizwe Madlala, Asha Moodley and Elaine Salo (1995) "The Dawn of a New Day: Redefining S. African Feminism" in A. Basu (Ed) *The Challenge of Local Feminisms*, Westview
- Lastarría-Cornhiel, Susana (1997) "Impact of Privatization on Gender and Property Rights in Africa" *World Development*, 25, no. 8: 1317-1333.

- Levin, Richard and Weiner, Dan (eds) (1997) *No More Tears: Struggles for Land in Mpumalanga*, South Africa, Trenton, N. Jersey, Africa World Press
- Lukes, Stephen (1974) *Power: a Radical View*, London
- Mail and Guardian* (2002) "Landless movement threatens invasions" 29th November (<http://www.mg.co.za/archives>)
- Mail and Guardian* (2003) "Tensions Rise over land rights Bill" 22nd January
- Magardie, Khadija (1999) "Women: Still the Second Sex" *Mail and Guardian*, 29th December.
- Marcus, Tessa, Eales, K. and Wildschut., A. (1996) *Down to Earth: Land Demand in the New South Africa*, Durban, Indicator Press, Univ. Natal.
- May, Julian (2000) "The Structure and Composition of Rural Poverty and Livelihoods in South Africa" in Cousins, B. (ed) 2000, *At the Crossroads*, PLAAS, Cape Town.
- May, Julian, Rogerson, Chris and Vaughan, Ann (2000) "Livelihoods and Assets" in May, J. (ed) *Poverty and Inequality in South Africa*, Cape Town, David Philip.
- May, Julian, Roberts, Benjamin, Govender, Juby, and Gayadeen, Priya (2000) *Monitoring and Evaluating the Quality of Life of Land Reform Beneficiaries: 1998-99*, Technical Report prepared for the Department of Land Affairs, May.
- Meintjes, Sheila (2003) "The Politics of Engagement: ...Domestic Violence Legislation in S. Africa" In Goetz, A-M and Hassim, S (eds) *No Shortcuts to Power*, London, Zed Books
- Mogale, Constance and Phohsoko, Sophie (1997) 'The Women's Rights in Land Workshop' *Agenda*, no. 32: 66-68.
- Molyneux, Maxine (1985) "Mobilisation without Emancipation? Women's Interests, the State and Revolution in Nicaragua" *Feminist Studies*, 11: 227-54.
- Molyneux, Maxine (1998) "Analysing Women's Movements" in C. Jackson and R. Pearson *Feminist Visions of Development*, London, Routledge
- Pearson, Ruth (2001) Discussion, Development Studies Association Conference: *Different Poverties, Different policies*, Manchester, 11/9.
- Pharoah, Robyn (2001? - date not stated) *Social Capital and Women's Participation in Three Land Reform Trusts: a case of Mixed Blessings*, MA Thesis, University of Natal, Durban.
- Promoting Women's Access to Land (PWAL), C. Cross and D. Hornby (2002) Document presented to PWAL launch, Bloemfontein Hotel, Johannesburg, February.
- Segal, Lynne (1999) *Why Feminism?* Cambridge, Polity Press.
- Turshen, Meredith (1995) "Women and Health Issues" in Margaret Hay and Sharon Stichter *African Women south of the Sahara*, Harlow, Longmans, 2nd edition.
- UNAids.org/en/geographical+area/by+country (Downloaded 26th February, 2004)
- Walker, Cheryl (2001) *Agrarian Change, Gender and Land reform: a South African Case Study*, Social Policy and Development Programme Paper no. 10, UNRISD, Geneva.
- Walker, Cheryl (2003) "Piety in the Sky? Gender Policy and Land Reform in South Africa" *J. Agrarian Studies*: 3: 1-2, Jan-August.
- Williams, Gavin (1996) "Setting the Agenda: a Critique of the World Bank's Rural Restructuring Programme for South Africa": *J. of Southern African Studies*: 22,1

Williams, Gavin (2000) Paper to Workshop on *Land Reform in South Africa*, LSE, London, June

Womankind (2003) www.womankind/africa (retrieved May, 2003)

-
- ¹ One interview was with a group of three; five people were reinterviewed during my second visit.
- ² The CGE has made a submission concerning the CLRB (2003)
- ³ I would point out that I have reservations concerning individual land rights in a marketised system as the best way forward.
- ⁴ Differences between Trusts and CPAs include that CPAs are comprised of the landowners themselves, under the administration of a governing body, while Trusts hold land on behalf of their members. CPAs are more heavily monitored by government.