Empowering Women
Land and Property Rights in Latin America

Carmen Diana Deere and Magdalena León

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To our parents,
Carmen García Deere and Don U. Deere
and the memory of
Lola Gómez de León and Juan Francisco León

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The Importance of Gender and Property

To be a woman is to have children... to not have access to a parcel of one’s own... to do the housework and the field work.... Why is it a scandal whenever a baby girl is born?

Land for women has to do with survival; for men it has to do with power... the men will be the first ones to oppose our participation in land tenancy.

This book is about the disjuncture in Latin America between men’s and women’s formal equality before the law and the achievement of real equality between them, an issue particularly well illuminated by the gap between women’s property rights and their actual ownership of property. Until the early twentieth century, a major factor limiting women’s ownership of property was the restricted nature of married women’s property rights. The struggle to expand these was one of the main achievements of the first wave of feminism in Latin America, and it was intimately linked with the struggle to secure other civil and political rights for women. Because of the contentious nature of these measures, in most Latin American countries women achieved greater property rights and suffrage only in a piecemeal fashion during the first half of this century.

The next watershed, a product of the second wave of international feminism, was the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (UN 1982). Most Latin American states
that had not already done so subsequently revised their constitutions to
 guarantee explicit equality between men and women before the law and
 reformed their civil codes to establish the dual-headed household, where
 both men and women represent the family and share responsibility for
 the administration of its common property. Nonetheless, the attainment
 of formal equality of property rights has not resulted in anything like real
 equality in the distribution of assets between men and women. This dis­
 juncture is probably at its greatest in terms of rural women’s property
 rights and their ownership and control of land.

 Unfortunately, few studies have been carried out on the distribution
 of assets by gender. An oft-cited estimate is that women constitute one­
 half of the world’s population, one-third of the official labor force, do
 two-thirds of the work, but earn only one-tenth of the world’s income
 and own only one percent of the world’s property (UN 1980: 8). Data on
 the distribution of asset ownership is notoriously difficult to come by, but
 even if this estimate—produced for the Second UN World Conference on
 Women in Copenhagen in 1980—is only a very rough approximation, it is
 intended to put into stark relief the glaring inequality between men and
 women with respect to command over resources. Data on the distribu­
 tion of land ownership by sex is equally difficult to generate. Notwithstanding
 several decades of “women in development” efforts, most Latin American
 agricultural censuses still fail to report the gender of their nation’s farmers. Moreover, the censuses as well as most household surveys rarely inquire
 about farm ownership by sex, highlighting the general lack of attention
 to this issue until recently. As we will demonstrate, rural women in Latin
 America are less likely to own land than men; and when they do so, they
 own less land than men, motivating one of the central questions of this
 study: Why is the distribution of land ownership between men and women
 in Latin America so unequal?

 We argue that gender inequality in land ownership in Latin America
 is attributable to the family, community, the state, and the market. The
 principal means through which ownership of land is acquired include in­
 heritance, adjudication by the state, and purchase in the market. We show
 that gender inequality in land ownership is due to male preference in in­
 heritance, male privilege in marriage, male bias in state programs of land
 distribution, and gender inequality in the land market, where women are
 less likely to be buyers than men. In many regions of Latin America, land
 is owned or held collectively by indigenous and/or peasant communities,
 with the internal distribution of land governed by traditional customs and
 practices. We show that gender inequality also permeates these practices,
 with land rights primarily vested in male household heads.

 Following Bina Agarwals (1994a: 19), who pioneered the study of gen­
 der and land rights, we define land rights as the “ownership or . . . usu­
 fruct (that is, rights of use) associated with different degrees of freedom
to lease out, mortgage, bequeath or sell” land. Land rights must be dis­
tinguished from the more general and loosely used term “access” to land.
Whereas rights are “claims that are legally and socially recognized and en­
 forceable by an external legitimized authority,” such as the community or
 state, access to land includes not only land rights but also informal means
 of obtaining land, such as by borrowing it for a cropping season from a
 relative or neighbor (ibid.). Land rights, as opposed to land access, thus
 imply a measure of security tied to an enforceable claim.

 This book investigates how, until recently, women have been excluded
 from land rights, and it explores the struggles that have led to their atta­
 ching them. The mechanisms excluding women from land rights have
 been legal, cultural, structural, and institutional. They are interrelated
 and have as their basis patriarchal ideologies embedded in constructions
 of masculinity and femininity and the “proper” gender division of labor
 between and within public and private spheres. One of the main mecha­
nisms excluding women from land rights has been that these are often
 ceded by communities and the state only to household heads, the great
 majority of whom are male. In the Latin American agrarian reforms, for
 example, it was assumed that by benefiting male household heads, all
 household members would benefit as well. This practice was supported by
 civil codes under which the husband represented the family in all external
 matters and was the administrator of the common property of the house­
 hold. This practice was also supported by a gendered division of labor in
 which men were socially recognized as agriculturalists and women were
 regarded only as “helpers,” or secondary family workers, irrespective of the
 amount of time they dedicated to agricultural activities. Further, an objec­
tive of the agrarian reforms was to change the structure of land tenancy in
 favor of the creation of family farms. In this context it was inconceivable
 to reform planners—as well as to the leadership of the peasant organiza­
tions who led the struggle for agrarian reform in Latin America—that
 women might want either joint or independent rights in land.

 A number of conditions had to change before the question of women’s
 land rights could begin to be addressed. Of singular importance was the
 rise of the second wave of feminism internationally and the growth and
consolidation of national and local women's movements in Latin America. Since the 1970s the series of United Nations World Conferences on Women, which began with the UN Decade on Women in 1975, focused attention on ending discrimination against women, achieving equality between men and women, and incorporating women and gender concerns into national development plans. In addition to securing and expanding married women's property rights, another thrust has been to establish rural women's land rights, specifically by including them in state programs of land reform, colonization, and titling, and by guaranteeing their inheritance rights.

The rise and consolidation of the women's movement throughout the region coincided with the rise to dominance of the neo-liberal model of development in Latin America in the 1980s, motivating two of the other questions of this study: What has happened in terms of rural women's land rights and ownership of land under neo-liberalism? And what difference has the contemporary women's movement made with respect to women's property and land rights? Most of the early literature on gender and neo-liberalism focused on the impact of the debt crisis and structural adjustment policies on women, as well as children; and the role of these policies in producing the "Lost Decade" in Latin America, a period during which growth rates tumbled and poverty rates skyrocketed in most countries in the region. Besides a transfer of surplus from the Third World to the advanced capitalist countries, and from workers to capital, structural adjustment policies brought about a shift in the costs of reproduction of labor from the state to households, and within households, from men to women.

The economic crisis, nonetheless, had a number of unintended consequences. For example, it contributed to the expansion of the women's movement beyond its original social base in the middle class to include a popular women's movement. The latter was largely a product of poor women's survival strategies and collective action, supported by a growing network of nongovernmental organizations (NGOs). It led to growing awareness within policy circles that public policy was not gender neutral—that is, policies that were apparently gender blind were, more often than not, gender biased. And the crisis led to a dialogue between the women's movement (which up to that time had been quite anti-state in its positions) and the state regarding the vulnerability of women as a social category, which then legitimizes state action.

By the end of that decade, the state-oriented model of development associated with import-substitution industrialization had been largely discredited in favor of a renewed focus on export-oriented growth, liberalization of the economy, and a reduced role of the state in the economy. The sectoral and gender consequences of this shift were reflected in the growth in the literature on women in the free trade or export processing zones, women in the informal sector, and the feminization of agricultural labor. As Latin America struggled to compete under new terms in international markets in the 1990s, this sectoral restructuring would become known by the process that was orchestrating it: economic globalization.

Globalization required a second round of economic reforms in Latin America to deepen the reliance on market mechanisms, internally as well as externally. With respect to the agricultural sector, these policies are often referred to as "modernizing agriculture" but may be characterized more accurately by their intent of "getting prices and institutions 'right'" (Carter and Barham 1996: 1142). Under the neo-liberal agrarian legislation of the 1990s, the agrarian reforms of past decades were brought to a formal end or undone by the parcelization of production cooperatives and collectively held land and by the withdrawal of the state from the provision of services, such as credit and technical assistance, a process we refer to as "counter-reform." In addition, the preconditions for the invigoration of land markets were laid in place through land titling projects and programs to modernize registration and cadastral systems. These changes raise the question of what has happened in terms of rural women's land rights as the state withdraws from the process of land redistribution.

Our previous research showed that rural women fared quite poorly in the agrarian reforms of the past. With the withdrawal of the state from land redistribution, would rural women be in any better position to benefit from new opportunities to acquire land through the market? And would the land market be gender neutral or as gender biased as state programs of land distribution in the reform period? The new factor here was the women's movement and its potential impact on the neo-liberal agrarian legislation that in the early 1990s was defining the new rules of the game.

The rise and consolidation of the women's movement in Latin America coincided not only with the rise to dominance of the neo-liberal paradigm in the region but also with the struggle for democratization and the subsequent transition to democracy in areas such as Brazil and the Southern Cone. Moreover, the women's movement was supported by and gave impetus to the development and expansion of national women's offices within Latin American states, offices committed to promoting the rights of women. State support for these offices and attention to gender issues was also a product of the growing international consensus around these
goals, particularly after the 1979 UN Convention on ending discrimination against women went into effect. The development of national women's movements was also supported by the expanded activities of non-governmental organizations (NGOs), which were, in turn, related to the shrinkage of the state and moves to enhance the status of civil society in the 1990s. The consolidation of feminist and research-and-action-oriented NGOs greatly contributed to the growth of the women's movement at the local level, and many of these focused their attention on rural women and their aspiring organizations in this period. These factors motivate a question about the extent to which the consolidation of the women's movement has influenced neo-liberal policies. Specifically, to what extent is neo-liberal agrarian legislation more gender-progressive than the agrarian legislation of the past? Following Agarwal (1994a: 9), we define gender-progressive as "those laws, practices, policies, etc. which reduce or eliminate the inequities (economic, social or political) that women face in relation to men." Further, has gender-progressive agrarian legislation increased women's ownership of land?

The women's movement was not the only new social actor of the 1980s and 1990s. In a number of Latin American countries, the indigenous movement erupted on the national scene with the events leading up to 1992, the quincentennial of the European discovery of the Americas, which generated the 500 Years of Resistance Campaign. Among the main demands of indigenous organizations was recognition of the territories to which they have traditionally had access, guarantees of collective property rights, and autonomy with respect to the exercise of traditional customs and practices. Their intervention into the debates regarding the adoption of neo-liberal agrarian legislation prevented neo-liberal advocates in most countries from dismissing collective property rights altogether. The agenda of the indigenous movement also raised the issue for feminists of whether collective rights might be an obstacle to achieving women's individual rights. Another major concern of this study thus became the apparent tension between respecting the collective land rights of communities and guaranteeing the individual rights of women, if land continued to be distributed according to traditional customs and practices that discriminate against women. In addition, was there any way that gender equity could be pursued if women did not directly participate in the decisions governing how collective land was distributed to households and to the individuals within them?

Agarwal (1994a: 19) defines effective rights in land as including legal rights as well as the social recognition of these rights and the effective control over land, an important distinction in Latin America. For example, within the collective landholding system in Mexico known as the ejido, the state (between 1971 and 1992) guaranteed land rights to all adults above a certain age, irrespective of sex. However, effective land rights were tied to membership within the ejido and only one person per household, generally the male household head, could be an ejido member. Thus, while men and women may have been equal before the law, in that either could potentially obtain land rights, in practice the rules of ejido membership excluded married women from effective land rights. Moreover, when new national legislation in 1992 permitted ejidos to be legally parcelized and converted to individual private property, the majority of women were excluded from participating in this crucially important decision regarding the future of their communities.

Inheritance rights offer another pertinent example. All Latin American civil codes provide, when a person dies intestate, for equal inheritance among all children irrespective of sex. However, in many regions women are not considered to work in agriculture so that it is not considered socially legitimate for them to inherit land. Thus, in those cases where a formal division of the property takes place, women are expected to renounce their inheritance share of land or, at best, to sell this share to a brother. Moreover, even where women's work in agriculture is socially recognized, in practice the rules of residence may effectively hinder women's inheritance of land.

Effective control over land includes control over the decisions about how land is to be utilized and control of the benefits it produces. Thus it includes control over such decisions as whether land is to be farmed directly or let out under a tenancy agreement, what is to be produced and how, and on the disposition of the products produced or of the income generated from its rental (Agarwal 1994a: 19). Thus, while a woman may inherit and own land in her own name in Latin America, she may not effectively control it if, for instance, her inheritance is incorporated into the family patrimony managed by the male household head.

In her path-breaking book A Field of One's Own, Agarwal (1994a: 3) defines independent land rights for women as those "that are formally untied to male ownership or control," that is, independent land rights exclude joint titles with men. Her reasoning:

Independent rights would be preferable to joint titles with husbands for several reasons: one, with joint titles it could prove difficult for women to gain control over their share in case of marital breakup.
Two, women would also be less in a position to escape from a situation of marital conflict or violence. ... Three, wives may have different land-use priorities from husbands which they would be in a better position to act upon with independent land rights. Four, women with independent land rights would be better placed to control the produce. Five, with joint titles the question of how the land would subsequently be inherited could prove a contentious one. This is not to deny that having joint titles with husbands would be better for women than having no land rights at all; but many of the advantages of having land would not accrue to women by joint titles alone. (Agarwal 1994a: 20)

We argue that joint titling of land and other assets such as housing is a crucially important mechanism of inclusion of women in the ownership of property. In Latin America the achievement of joint titling represents the culmination of a century-long struggle to secure women's property rights within marriage and consensual unions and to establish joint management of the common property of the household. Nonetheless, the dual-headed household represents a formal mechanism of exclusion. What might contribute toward real equality in practice—that is, a more equitable distribution of household assets between men and women—is precisely joint titling."

This is not to take issue with Agarwal's proposition that independent land rights for women are preferable to land rights shared with men. In Latin America, as in South Asia, independent land rights (as illustrated in the case of the inheritance of land, which is almost always on an individual basis) are associated with an increase in women's bargaining power within the household and community and with female economic autonomy, factors that contribute to women's empowerment and enhance their well-being and that of their children. Rather, given the prevalence of family farming in Latin America, and the current conjuncture—when the most important state initiative in agriculture consists of land-titling programs—joint titling of land to couples will potentially benefit more rural women than any other measure.

In Latin America the discussion of independent land rights for women has been largely limited to the case of female household heads. A particularly important mechanism of inclusion of women has been the priority that a few land-reform and land-titling programs have given in recent years to female heads of household. These can be viewed as a form of affirmative action in that they represent an attempt to redress the discrimination in land rights to which women have been subject in the past.

There have also been a few experiments in giving certain other categories of women priority land rights as a social group, but these attempts have been poorly understood or highly contested.

The discussion of property rights and the mechanisms of inclusion of independent land rights for women in the ownership of assets is potentially as important to urban as to rural women, as seen in recent struggles for access to decent housing and for women's ownership rights in a number of countries. As part of the urban housing movement, women are participating in land takeovers and assuming responsibility for legalizing their claims; they are also contributing their savings as well as their labor to self-help housing schemes (Valenzuela 1997; Sagot 1997; Gonzalez and Durán 1992; Sevilla 1992; Varley 1994). All too often, as happens to rural women with land, at the moment of titling these properties, officials give preference to male household heads, titling the home only in the name of the husband. This makes women particularly vulnerable. In the event they are abandoned, separated, or widowed, they may not have any legal claim to the property (AVP et al. 1995: 10; Meertens 1986: 44; Molina, Sagot, and Carcedo 1992; Varley 1996; Barrig 1988: 153; Moser 1987: 199).

Nonetheless, the women's movement in Latin America in recent years has given lower priority to the defense of property rights relative to such issues as reproductive rights or ending domestic violence against women. This is partly because the theoretical energy of feminists in Latin America as well as internationally has centered on what Nancy Fraser (1997: 2) has called issues of recognition rather than redistribution. Primary attention has focused on women's gender identity and the struggle for recognition of the differences between men and women, coupled with the understanding that the category "women" is marked by fundamental differences of class, race, ethnicity, nationality, sexual preference, and so on. The rise of identity politics more broadly in the postsocialist neo-liberal era in both North and South has shifted, in Fraser's terms, the "political imaginary of justice" away from issues of class, political economy, and redistribution to the cultural realm. Our intention in this book is to bring "the material" back in and to show its interconnection with issues of recognition. We argue that the relationship between gender and property has been insufficiently explored and that attention to issues of redistribution, particularly of property, is fundamental for transforming gender relations and ending women's subordination to men.

Until the publication of Bina Agarwal's (1994a) book, the relation between gender and property had been understudied and undertheorized.
The primary point of reference had been Engels’s classic text, *The Origin of the Family, Private Property, and the State* (1884/1972), which has had enduring influence upon socialist feminists. The kernel of Engels’s theory was that the subordination of women was associated with the rise of male-owned private property and the patriarchal family alongside that of class-divided society, which led in turn to the development of the modern state. In brief, the transformation of women from equal, productive members of society to subordinate and dependent wives was associated with the transition from production for use and communal ownership of property to production for exchange and individual male ownership of private property in a class-divided society.

Engels’s theory has been the subject of much criticism and debate, particularly with regard to the origins of women’s subordination. Our main concern is with Engels’s proposition regarding gender and property relations under capitalism. He argued that gender relations would be hierarchical among the property-owning families of the bourgeoisie where women did not go out to work and were economically dependent on men, and egalitarian in propertyless proletarian families where women were in the labour force. The ultimate restoration of women to their rightful status, in his view, required the total abolition of private property (i.e., a move to socialism), the socialization of housework and childcare, and the full participation of women in the labor force. (Agarwal 1994a: 12)

That gender relations among propertyless proletarian households could hardly be characterized as egalitarian was amply documented by feminists from almost the time that Engels’s manuscript was published. But this did not diminish the appeal of his prescription for the emancipation of women: their full-scale entry into the labor force accompanied by the socialization of housework and childcare in the transition to socialism. Agarwal rightly praises Engels for his “emphasis on women’s economic dependency as a critical constituent of the material bases of gender oppression” (1994a: 13). Nonetheless, she argues that by advocating the abolition of private property, Engels bypassed the question of women’s property rights altogether. He failed to consider the impact on gender relations in propertyless households if women, too, owned property and did not consider other alternatives, besides their joining the labor force, that would change women’s status of economic dependence. As Agarwal demonstrates, independent property rights for women—particularly when accompanied by effective control over property—can be equally successful, if not more so, in promoting women’s economic autonomy and bargaining power.

Engels’s failure—not considering alternatives to wage labor as a means to change women’s economic position—has been mirrored in feminist research on Latin America. In the 1970s and early 1980s the driving issues in the new field of women and development concerned the gendered division of labor, making women’s work visible, and the implications of women’s growing presence in the labor force. Whether women’s labor force participation automatically led to an improvement in their status was widely debated, but little attention was given to women’s property rights as an alternative means of enhancing women’s position and challenging existing gender relations. And while the economic crisis kept empirical research focused on economic issues, the theoretical energy of the feminist movement in the 1990s increasingly turned to questions of identity, difference, representation, and political participation, with less attention to the material realm. Moreover, while there was considerable theoretical interest in questions of autonomy and empowerment, few connections were made to the factors that might promote these, such as an increase in women’s bargaining power as a result of enhanced property rights or ownership of assets.

In *A Field of One’s Own*, Agarwal (1994a) argues for the importance of gender and land rights in terms of women’s welfare, efficiency, equality, and empowerment. We draw upon and expand these below in terms of women’s well-being, equality, and empowerment.

**Women’s Well-Being and the Family**

The basis of Agarwal’s welfare argument regarding gender, property, and land rights is that—given intra-household gender inequalities in the distribution of benefits, the differences in how men and women spend their incomes, and the positive links between children’s nutritional status and income controlled by mothers—“the risk of poverty and the physical well-being of a woman and her children could depend significantly on whether or not she has direct access to income and productive assets such as land, and not just access mediated through her husband or other male family members” (Agarwal 1994a: 31).

To illustrate the general case that a woman’s economic condition is
not necessarily the same as that of her family or household, and to understand the importance of a woman's ownership of assets to her well-being, consider the case of a hypothetical adult single woman living alone. For simplicity, let us assume that she has no family or other ties upon which she may draw for support. Under these conditions, the assets she owns and controls largely determine her income-generating possibilities (particularly whether she will need to engage in wage labor) as well as her ability to deal with adversity. Ownership of durable goods might also provide the means of production for a series of possible income-producing activities (such as preparing food-stuffs for sale or becoming a seamstress). Moreover, any of these assets may serve as collateral for the credit she needs to invest in any of these ventures, making her more productive. Access to savings plays an important role in being able to postpone the decision to enter the labor market, to weather unemployment and underemployment, and perhaps to invest in additional productive assets. Finally, the possibility of selling an asset is another important form of security. What we want to highlight is that ownership of assets, even for a poor woman, expands the range of income-generating activities in which she may engage, increasing her options and available strategies.

Among these options and strategies is the decision whether to marry. Holding other, non-economic factors constant (such as falling in love, wanting to form a family, familial pressure to marry), this decision is influenced by the assets that each partner brings to the union and the terms of that union. Once married, the options of this woman are conditioned by the legal rights of married women and by the marital regime governing the union. Marital regimes in Latin America vary according the disposition of property brought into and acquired during the marriage and thus define the property rights of married men and women. For simplicity, assume that there is only one legal marital regime, that of full common property (known as comunidad absoluta or comunidad de bienes), in which all property acquired before or during the marriage by either spouse is pooled, along with all the income generated during the marriage. Until recent decades in many countries, the common property of the household was controlled by the husband; this included the property that a woman brought into marriage as well as her own earnings. A married woman could not legally enter into contracts, run a business, or engage in wage labor without her husband's consent. By establishing the property rights of married women, we refer to those revisions of the civil codes that allowed married women at least to control their own individual assets and earnings. The reforms that established wives and husbands as joint administrators of common property are even more recent, and have yet to be attained in several countries in the region.

Before these reforms, the economic autonomy of married women was extremely limited. Without economic assets under their direct command, married women were extremely vulnerable, for their well-being (and that of their children) largely depended on their husbands' skills in managing the income and assets of the family, as well as their good faith. In the case of separation, divorce, or widowhood, nonetheless, women in Latin America found some protection from the state. Under the common-property regime, women were entitled to half the common property if the union was dissolved, irrespective of their own contribution. While this system gave women a certain degree of bargaining power during marriage, whether there was any common property left to distribute was still largely dependent upon their husbands' sound management of household income and assets and their good faith.

In the past, it was primarily through inheritance that men's and women's endowments were initially established, influencing their marriage options, bargaining position in marriage, and the range of their income-generating opportunities. If inheritance had followed the legal norm of equal inheritance among all children, irrespective of gender, the distribution of assets in Latin America today would be relatively equal between the sexes, a situation that is hardly the case. Social norms governing the transmission of productive assets—that is, the social construction of masculinity and femininity such that men are defined as the producers and primary income earners and women as dependent housewives—have generated considerable gender inequality in the ownership of assets. In addition, while under the common-property regime a widow automatically receives half of the common property of the household upon her husband's death, she does not automatically inherit from her husband's share of the estate. Thus, for example, if a husband willed all his assets to his children, a widow would not necessarily remain in control of the family home, farm, or business.

The full common-property marital regime as described above could be viewed as an attempt by the state to legislate income pooling and asset sharing among household members under the purview of the household
head, who is charged with its administration for the presumed benefit of all its members. This case parallels the assumptions of neo-classical economics regarding households—specifically, that the male head of household acts as a benevolent dictator, basing his decisions on the desire to maximize the welfare and well-being of all household members. Recent advances in feminist economic theory (Folbre 1986a, 1986b; Kabeer 1994; Agarwal 1994a) have challenged the view that households are governed by altruism rather than by self-interest. Moreover, a considerable amount of empirical evidence has been amassed cross-culturally demonstrating that (1) not all income generated by household members is necessarily pooled; (2) men and women spend their income in different ways; and (3) pooled income does not necessarily result in shared consumption or equal consumption shares for all household members. It has been found that the income controlled by women is more likely to contribute to household food security and child welfare than income controlled by men (ibid.; Moser 1989; Quisumbing et al. 1995; Quisumbing and Maluccio 1999).

In the Latin American case, there is a growing body of evidence showing that women are more likely to pool any income they earn individually for the family’s benefit. Men are more likely to spend part of their income for their own individual wants (particularly liquor and tobacco), contributing only a portion of their earnings to the household fund (Bourque and Warren 1981: 107; Beneria and Roldan 1987: 114-19; Deere 1990: 287-89; Brunt 1992: 91-92). The distribution of male income between discretionary consumption and household expenses is rarely a household decision (although it is commonly a source of tension and conflict), often being made unilaterally by the husband (ibid.).

Intra-household gender inequality in the sharing of benefits is apparent in a number of ways. For example, on peasant family farms in the Andes men generally control the fruits of the collective labor of all household members: “Prevailing norms supported an unequal distribution of benefits among family members, with women and children, in particular, having little recourse even when his decision meant their material deprivation” (Reinhardt 1988: 55). Similarly, in northern Peru, “Among poor peasant households, female economic autonomy was a necessary condition to guarantee shared consumption of the family labor product. Poor peasant men could walk away from a sale on market day right into a bar and drink away a month’s worth of family labor. It was not unusual to see a woman desperately trying to pull her husband out of a chicheria [canteen] for exactly this reason” (Deere 1990: 287).

With respect to the distribution of food, it is commonly observed that men are served first and given the largest helpings and the choicest morsels, including the majority of the protein (Reinhardt 1988: 215; Bourque and Warren 1981: 121), biasing the intra-household distribution of nutrients against women and young children, as in highland Guatemala (Katz 2000). A survey of household nutritional practices in Ecuador found that in over one-third of the households fathers received a larger portion of food than other household members, and in one-quarter they received extra meat and rice when these were available. Another study noted that the rationale for giving preference to men in the allocation of foodstuffs was not the greater physical energy they expended (since women also play an active role in agricultural work) but rather that the father’s role as principal breadwinner entitled him to certain privileges (Luzuriaga 1982: 34).

Detailed studies of the spending patterns of men and women in the region indicate that income controlled by women is more likely to improve household and children’s nutrition (Engle 1995: 155, 172-74). A study of urban households in Brazil showed that, relative to men, women’s control of income was associated with increased protein intake, positive weight-for-height ratios, and increased child survival (Thomas 1990: 646-67). A study in rural Guatemala found that the biggest improvement in food and nutritional outcomes was linked to women’s income-earning opportunities (Katz 2000). If women are more likely than men to spend a larger share of their income on items that are related to children, such as food, then it is not surprising that some studies have found female household headship to be associated with improved child welfare (Desai and Ahmad 1998: 232).

As the UN’s 1997 Human Development Report concluded, “Gender equality needs to be part of each country’s strategy for eradicating poverty, both as an end and as a means to eradicating other forms of human poverty. This means . . . empowering women by ensuring equal rights and access to land, credit and job opportunities” (UNDP 1997: 7).

Another factor that must be taken into account in the discussion of women’s well-being is the role of independent assets in reducing women’s vulnerability in old age. Given the low coverage of social security programs (particularly in the rural sector), the trend toward privatization of these programs under neo-liberalism, the lengthening of life expectancy in the region, and its gender gap, care of the elderly is becoming as urgent an issue in Latin America as in the advanced countries. This issue has not been addressed in recent reforms of the civil codes, and in most countries inheritance rights favor children over widows, making widows particularly vulnerable.

Bina Agarwal (1994a) makes a strong case for the special role of land
as a productive asset in rural societies, particularly those characterized by limited non-farm opportunities. In Latin America, as in South Asia, land has played a special role as a productive resource, means of livelihood and of accumulating wealth, and source of status and political power. Until recent decades, the unequal distribution of land in Latin America was probably the most important single factor in explaining the extremely unequal distribution of wealth and income in the region, which was the most unequal among regions of the world (IADB 1997: 41). Agarwal (1994a: 31) argues that in South Asia land serves as one of the best forms of security against poverty. In Latin America the evidence supporting this point is mixed. Nonetheless, while access to land may not keep a household above the poverty level, it may still serve as an important form of food security by allowing households—and specifically the women within them, if they have independent land rights—to meet at least a portion of their basic needs and keep from falling into extreme poverty or destitution. Agarwal also points to the many indirect advantages of owning land, one of the most important being, in the Latin American case, that it allows the pursuit of a more diversified livelihood system.

The thrust of Agarwal's (1994: 33) efficiency argument is that the ownership and control of land increases women's productive possibilities and the likelihood that they will have access to credit, technical assistance, and greater information. Secure ownership of land increases women's efficiency in that it directly increases both their capacity and incentive to invest, leading to higher productivity and production levels. Higher levels of production should lead to higher levels of income, which if also controlled by women should lead to higher levels of consumption and well-being for women and their children. Secure ownership of land can also improve natural resource management in terms of efficiency and environmental sustainability (ibid.; 37; Meinzen-Dick et al., 1997). Moreover, a woman's direct control of land, to the extent that it results in higher levels of investment in her own or her children's health and education, also results in greater labor productivity, or human capital accumulation.

The efficiency argument for women's access to and control of land focuses not only on women's well-being but on that of society in general through the increased production that women agriculturalists will generate. As Agnes Quisumbing et al. (1995: 7) argue, "Barriers to women's productivity and the use of their experience and knowledge may impose a large opportunity cost to society in terms of foregone output and incomes, the magnitude of which is only now being realized." Perhaps because of this reason, it is the argument that tends to be highlighted by women-in-development advocates, particularly in the context of structural adjustment policies. We call this the "productionist" argument to distinguish it from arguments that focus on why women's ownership and control of land is critical whether or not women work the land directly themselves, or what we term the "equality and empowerment" arguments.

Equality between Women and Men

Agarwal's third argument is framed in terms of achieving equality between men and women. Our objective is to clarify the various ways in which the concept of equality has been utilized, to review the various means that have been posited to achieve real (as opposed to formal) equality, and to explore the relationship between equality and equity. Equality is a normative and historically constructed concept that is subject to differing interpretations and meanings (Jiménez 1995: 12). Feminist philosophers distinguish between the horizontal and vertical relations implicit in the concept. "Equality between" is a relation of reciprocal similarity in that it is established horizontally, between individuals at the same level. In contrast, "equality to" is unidirectional and implies hierarchies and dependencies, or vertical relations. The concern of feminists is that, in the struggle for sexual equality, women will be pressed to conform to a paradigm of "humanity" defined in masculine terms. This point was at the crux of the "equality versus difference" debate that dominated feminist theoretical concerns in the 1970s and early 1980s.

In brief, "equality" and "difference" feminists had conflicting views of gender differences and the causes of gender injustice and, hence, opposing views of gender equity (Fraser 1997: 177). For "equality" feminists gender differences have been used historically to rationalize women's subordination, and thus to stress these was to reinforce women's domestic role and marginalization. In contrast, for "difference" or "cultural" feminists gender differences were the foundation of women's identity, and androcentrism was the main problem. Whereas for the latter, gender equity had to be built around the recognition and revaluation of femininity, for the former it involved minimizing gender differences and establishing equal participation and distribution of valued goods.

In Fraser's reading, this debate was never really settled. While each side had convincing criticisms, neither had a fully defensible position. A solu-
tion would have been to integrate social and cultural demands, so that social inequity and cultural androcentrism were attacked simultaneously (Fraser 1997: 177-78). But before this could happen, the focus on gender differences gave way in the mid-1980s to that on “differences among women.” This debate had several axes: in the North it was spearheaded by lesbians and feminists of color who challenged the white, middle-class, heterosexual origins and perspectives of second-wave feminism; in the South, it was led by feminists who challenged Western conceptions of a universal feminine identity as well as the presumed unity of interests between women of North and South, an assumption made problematic by imperialism and class injustices. As the differences among and between women due to class, race, ethnicity, nationality, sexual preference, and so on began to be taken into account, both theoretically and politically, the feminist movement was poised to begin integrating cultural and social demands around “multiple intersecting differences.” Fraser (ibid.: 180–81) argues that this did not happen; rather, the politics of recognition were disassociated from the politics of redistribution, and, at least in the North, the former eclipsed the latter.

This schism has been less evident in Latin America, where the social movements of the 1990s (the indigenous and women’s movements, in particular) could not afford to neglect issues of maldistribution and the pressing demand for social equality. But it has served to orient priorities so that in the case of the women’s movement, these have focused on issues of recognition (e.g., reproductive rights and violence against women) rather than economic redistribution.

In response to the “equality versus difference” debate, since the 1980s feminists have placed great stress on the difference between “equality to” and “equality between,” emphasizing that the latter is the goal. What equality between requires, among other factors, is the capacity to choose and decide between alternatives, or equality between individuals with the same capacity to exercise power and authority (Santa Cruz 1992: 147). A precondition of equality between is hence a process of empowerment, a concept discussed in the next section. What we want to stress here is that equality between requires much more than just formal equality as defined in liberal political theory.

Another main concern of feminists has been the distinction between formal and real equality. Whereas formal equality refers to equality of rights, real equality refers to equality of outcomes. Equality of rights encompasses “all of the fundamental rights enumerated in a constitution, such as civil and political rights.” These are abstract, general rights in contrast to equality before the law, which is “a specific form, historically determined of equality of rights” (Bobbio 1993: 75–76). Equality of all citizens before the law, to the extent that it implies the abolition of all privilege, includes the principle of non-discrimination. As equality and political rights have been extended to new groups, this principle has evolved to include differences of sex, ethnicity, religion, and sexual orientation. Non-discrimination might be considered the first step in achieving real as opposed to formal equality between men and women. A second step is equality of opportunities.

In the liberal conception of equality of opportunities, social, economic, political, and cultural conditions must be restructured to allow individuals equal access to education, health care, employment, and other important social goods. In its narrowest form, as argued by conservatives, the goal is to end the obstacles to equality of opportunity that arise from explicit or implicit discrimination based on sex. Once opportunities are created, it is up to individuals to use them; in this view, the unequal utilization of opportunities is what accounts for unequal outcomes. This position has been criticized by feminists who argue that men and women do not share the same point of departure (Astelarra 1995: 31–33). As long as existing gender roles persist and the gender division of labor remains unchanged, men and women will not have the same equality of opportunities.

The principle of affirmative action (a third step toward achieving real equality) emerged as a response to these criticisms. Affirmative action, also known as positive action or pro-active measures, can be defined as a strategy to establish equality of opportunities “through a series of temporary measures that allow for the correction of discrimination which results from practices or social systems” (Osborne 1995: 301). Affirmative action recognizes that formal equality before the law and the liberal principle of equality of opportunity are insufficient for disadvantaged groups to achieve equality of outcomes. In order to “level the playing field” in terms of equality of opportunity, affirmative action policies include measures, for example, to increase the proportion of girls who graduate from high school or college and who have the appropriate skills, and to change the socialization of girls so that they become willing to acquire non-traditional skills and compete for non-traditional jobs.

Affirmative action measures in the workplace may include hiring a certain proportion of women applicants, even if they do not have the necessary skills for the job, with these to be provided by the employer. These are
more radical measures since they often require what is known as positive or "reverse discrimination," including the hiring of less qualified women over more qualified men. Another strategy employed to achieve equality of outcomes is the use of quotas, where a certain share of jobs or other benefits (such as housing or land) is set aside for a given group. The main argument in favor of such policies is that, given the history of male privilege, until the underlying gender relations and social institutions can be changed, temporary measures are justified to move toward real as opposed to formal equality of opportunity. That is, positive discrimination is justified on grounds of gender equity.

In terms of property rights, an example of the pursuit of formal equality before the law is the effort to establish the same property rights for men and women within marriage—that is, where both administer the common property of the union. But to establish real equality with respect to the outcome of equal property rights, that is, to change the distribution of asset ownership, requires a number of additional steps. A first step is the application of the principle of non-discrimination, for example, when men and women apply for the adjudication of a land parcel or a housing subsidy. To achieve equality of outcomes, a second step—affirmative action—is often necessary since men and women are socialized differently. In self-help housing programs, for example, applicants usually must be willing to contribute their own labor. Given gender socialization, women are less likely than men to have the necessary skills to work in construction. Thus establishing equality of opportunities would require the provision of training so that women could acquire the necessary skills to participate in such programs. A third step—positive discrimination—recognizes that women have often been discriminated against in terms of access to housing in the past. Also, female heads of household might have a more difficult time contributing labor for a self-help project since they are responsible for their family's sustenance as well as for domestic labor. Programs designed to achieve real equality, or equality of outcomes, would prioritize female household heads, notwithstanding the fact that by traditional criteria they might be judged less qualified than male applicants. Prioritizing female household heads in this case would increase women's ownership of real estate and thus translate a principle of formal equality before the law—property rights—into a concrete measure to achieve real gender equality via the redistribution of assets. The justification for doing so would be the pursuit of gender equity.

Equity refers to fairness, or what is considered to be just according to the dominant values of a society. One problem in defining gender equity is that most theories of justice do not take into account gender roles and, specifically, the family. According to Susan Okin (1989: 8-9), "In the past, political theorists often used to distinguish clearly between 'private' domestic life and the 'public' life of politics and the marketplace, claiming explicitly that the two spheres operated in accordance with different principles." While contemporary political theories give the appearance of being inclusive of women, Okin argues that they continue the same "separate spheres" tradition "by ignoring the family, its division of labor, and the related economic dependency and restricted opportunities of most women." The family may be ignored completely, with the subject of analysis being the "individual," who is assumed to be the male head of a traditional, patriarchal household. In this approach, the application of principles of justice to relations between men and women or within the household are ruled out from the start. Or, as in "the most influential of all twentieth-century theories of justice, that of John Rawls, family life is not only assumed, but is assumed to be just—and yet the prevalent gendered division of labor within the family is neglected, along with the associated distribution of power, responsibility, and privilege" (ibid.).

Okin, in Justice, Gender and the Family, argues that any satisfactory theory of justice must include women and address gender relations; that the principle of equality of opportunity is seriously undermined by the current gender injustices found in most societies; and that the family must be just if we are to have a just society. In her analysis "the family is the linchpin of gender, reproducing it from one generation to the next," and the traditional division of labor within the family is not just, either to women or to children. Moreover, "a just future would be one without gender" (ibid.: 170-71).

In the aftermath of the "equality versus difference" debate, there is consensus among feminists that gender relations must be transformed if gender equity and real equality between men and women are to be achieved. The challenge is how to develop a workable conception of gender equity to map progress toward that goal or to set standards to evaluate alternative propositions. Fraser (1997: 45) argues that we must break with the assumption that gender equity can be identified with any single value or norm; rather, the task is to develop a complex conception that encompasses a plurality of distinct normative principles. In Justice Interruptus she develops such a concept of gender equity, based on seven distinct yet interdependent normative principles, to evaluate alternative visions of
a postindustrial welfare state. One of her contributions in doing so is to illustrate how such a complex conception of gender equity must necessarily include elements of recognition and redistribution, of culture and the economy.

Latin American feminists are increasingly cognizant of this challenge — of the need to build a concept of gender equity around a plurality of normative principles as a framework for action (Valdés 2000). This task has a certain urgency since the language of gender equity is gaining increased currency in international and national public policy circles, where it is often stripped of its transformative potential. But there is also growing recognition that public policies once considered to be gender neutral were, in fact, gender biased. In the words of the Secretary General of the UN Economic Commission for Latin America and the Caribbean (ECLAC, or CEPAL, as it is known by its Spanish acronym), understanding “the differential impact of public policy on men and women has meant that any serious analysis of economic and social policy today must include a gender perspective, that is, a preoccupation with gender equity” (Ocampo 1998: 311). Among the key elements recognized by CEPAL researchers as obstacles to achieving gender equity are (1) the gendered division of labor governing production and reproduction; (2) women’s exclusion from decision making and the exercise of power; and (3) women’s unequal access to resources (CEPAL 1993a: 19). It is worth mentioning that this report, which is almost visionary in its analysis of how citizenship must be reconceptualized and domestic relations transformed to achieve gender equity, gives little specific attention to gender and property rights and to how equality between men and women is to be achieved in terms of the ownership of assets. That is, the tough issues of redistribution take a back seat to those of recognition.

Similarly, during the 1990s a growing number of Latin American states adopted national plans to achieve equality of opportunities for women. Most of these consist of a combination of general and specific objectives to be accomplished through state action in some specified time period (Martínez and Soto 1996: 20). They usually incorporate various forms of the affirmative action strategies discussed above, and recognize that women’s lack of access to resources constitutes one of the main forms of inequality between the sexes. At the same time, these plans often refrain from recommending concrete forms of positive discrimination that would increase women’s access to property. Thus, while considerable gains have been made in strengthening women’s property rights in pursuit of formal gender equality, there have been few concrete advances in remedying inequality in terms of men’s and women’s ownership of assets—that is, in terms of redistribution. If ownership of property is critical for women’s well-being as well as for establishing equality between men and women, inattention to gender and the distribution of assets remains one of the largest deficiencies in public policy.

**The Empowerment of Women**

Achieving equality between men and women requires a transformation in women’s access to both property and power, which itself depends on a process of empowerment of women. At the same time, the empowerment of women is transformative of gender relations and is thus a pre-condition for achieving equality between men and women. For feminists empowerment implies “the radical alteration of the processes and structures which reproduce women’s subordinate position as a gender” (Young 1993: 158). But the term “empowerment” has been used in a multitude of ways, and not always in an emancipatory sense. In the development field it is sometimes used as a synonym for people’s participation or integration into planning and development and confused with welfare or poverty reduction (Batliwala 1997: 187; Kabeer 1997: 120). But implicit in the different uses of the word is the notion of people acquiring control over their own lives and defining their own agendas; it is usually associated with the interests of those dispossessed of power and assumed to be an expression of desired change without specifying what that change implies.

In discussions over the appearance of the concept of empowerment within the women’s movement, the most cited text is Gita Sen and Caren Grown’s (1985) *Development, Crises and Alternative Visions*, a manuscript drawn up by a collective of feminist academic researchers and activists for the Third UN World Conference on Women in Nairobi in 1985. In this document the concept of empowerment appears as a strategy championed by Third World women to change their own lives at the same time that it generates a process of social transformation, the ultimate objective of the women’s movement. Empowerment is seen as the basis for generating alternative visions by women as well as the process through which these visions will become realities as social relations are changed. Among the preconditions for the empowerment of women are democratic and participatory spaces as well as the organization of women.
The term “empowerment” calls attention to the word “power” and the concept of power as a social relation. Power conditions the experience of women in a double sense: “it is a source of her oppression when it is abused and a source of emancipation in its use” (Radtke and Stam 1994, in Rowlands 1997: 21). Relations of power can mean domination, but they can also be a mechanism for resisting or gaining control over existing sources of power. In order to further the development of the concept of empowerment, Jo Rowlands (1997: 218–23) differentiates four types of power: power over, power for, power with, and power within. “Power over” represents a zero sum game; an increase in the power of one means a loss of power by another. In contrast, the other three forms—power to, power with, power within—are all positive and additive: An increase in the power of one increases the total power available or the power of all.

Because it was assumed that the only form of power was power over, Latin American feminists long ignored the discussion of power; women in society were understood as victims, lacking in power. One of the first open discussions of the myths guiding the political practices of the movement took place at the Fourth Latin American Feminist Meeting in Taxco, Mexico, in 1987. There it was concluded that the number one myth, and one that had been an obstacle to effective action, was that “as feminists we are not interested in power.” Attention was called to the need to recognize the exercise of power in the activities of the movement and to see power as a resource for transformation. According to Marta Lamas (1998: 105), the recognition of this myth allowed “criticism of the denying and victimized way we feminists handle power” and the denunciation of the “idealization of our activism.” In the process of recognizing “power over,” the possibility of resistance, or of manipulating power in one’s favor, becomes apparent, reducing the association of power with victimization.

The Taxco meeting initiated a process in the Latin American women’s movement that has allowed constructive thinking about the other forms of power, as well as recognition of the positive and additive qualities of “power to,” “power with,” and “power from within.” “Power to” serves to catalyze change when one person or a group leader galvanizes the enthusiasm and action of others. It is a generative or productive power, a creative or facilitating power that opens up possibilities and actions without domination—that is, without the use of “power over.” “Power to” is related to “power with” in that it allows power to be shared. It is apparent when a group generates a collective solution to a common problem, allowing all potentialities to be expressed in the construction of a group agenda that is also assumed individually. It serves to confirm that the group can be superior to the sum of its individual parts. Another form of positive and additive power is “power from within” or internal power. It has to do with generating strength from within oneself and is related to self-esteem. “Power from within” is apparent when someone is able to resist the power of others by rejecting undesired demands. It also includes the recognition, which one gains from experience, of how women’s subordination is maintained and reproduced.

The empowerment of women challenges patriarchal familial relations, for it may lead to the disempowerment of men and certainly to the loss of the privileged position they have held under patriarchy. For empowerment occurs when a change has taken place in men’s traditional domination of women, whether with respect to control of their life options, assets, opinions, or sexuality. It is apparent when unilateral decision making is no longer the norm within the family. But from another point of view, the empowerment of women liberates and empowers men in both the material and psychological realms. For example, women begin sharing in formerly male responsibilities, such as breadwinning. And when men are liberated from gender stereotypes, new emotional experiences become possible for them (Olavarria 2000: 11–12). Hence, the empowerment of women implies changes not only in their own experiences but also in those of their partners and family.

Since women’s subordination seems natural within patriarchal ideology, it is difficult for change to erupt spontaneously from the condition of subordination. Empowerment must be induced by first creating consciousness of gender discrimination. This requires women to change their negative self-perceptions as well as their beliefs regarding their rights and capabilities. To facilitate the conditions that encourage such changes is the role of external agents. But is it possible for one person to empower another? Is this notion at odds with the very concept of empowerment? These are not easy questions to answer. Experience has demonstrated that empowerment takes place in different scenarios: Stromquist (1997: 79–82) talks of phases; Wieringa (1997: 159) of spheres or parts of a matrix; and Rowlands (1997: 222–30) of dimensions. There are no magic formulas or infallible designs, no single recipe or prescriptive model. Empowerment is not a linear process with a well-defined beginning and ending that is the same for all women. Empowerment is shaped for each individual or group by their lives, context, and history, as well as according to the location of subordination in the personal, familial, communal, and higher levels.

One of the other major currents in the development of the concept of
empowerment has come from feminist economists focusing on economic autonomy and how it is related to and constitutive of the relative bargaining positions of men and women within the household, community, and society. The bargaining-power approach was largely inspired by feminist critiques of the neo-classical model of the unitary family. In this model the household was treated as an undifferentiated unit of consumption and production where resources and incomes were pooled. It was assumed that household resources were allocated by an altruistic male household head who represented the household's tastes and preferences and sought to maximize household utility (Agarwal 1997: 4-5). Nancy Folbre (1986a and 1986b) was one of the first to question the contradictory nature of these assumptions, pointing out that since the time of Adam Smith, rational economic actors have been assumed to maximize their own self-interest. Why, then, was altruism posited to govern behavior within the family? Moreover, this story did not fit very well with the facts, for a growing body of evidence suggested that household relations were permeated by economic inequality. In response to the question of whether the household was governed by altruism or self-interest, economists began to develop alternative approaches to the study of intra-household interactions, in large measure inspired by game theory. 42

In Agarwal's (1994a: 54-71) approach, households are conceptualized "as a complex matrix of relationships in which there is ongoing (often implicit) negotiation, subject to the constraints set by gender, age, type of relationship (kinship association) and what is socially permissible to be bargained about. Following Sen (1980; 1990), household relations are posited to be characterized by elements of both cooperation and conflict: "The members of a household cooperate in so far as cooperative arrangements make each of them better off than noncooperation" (Agarwal 1994a: 54). One can envision a multitude of activities in which household members gain through cooperation—for example, by pooling resources and labor to prepare only one large meal a day. However, many different outcomes are possible in just this one cooperative activity—in terms of who does what, who gets what, and how each member is treated in the process. On one hand, all of these outcomes of cooperation may be more beneficial to the participants than the alternative of noncooperation (where the outcome is that no large meal is prepared). On the other hand, among the set of cooperative outcomes some are more favorable to each participant than others. The possibility of one person's gain being another person's loss highlights the conflict that may underlie cooperation. What determines which outcome prevails?

Which outcome will emerge depends on the relative bargaining power of the household members. A member's bargaining power would be defined by a range of factors, in particular the strength of the person's fall-back position (the outside options which determine how well-off he or she would be if cooperation ceased), and the degree to which his/her claim is seen as socially and legally legitimate. The person who has a stronger fall-back position (better outside options), and/or whose claim enjoys greater legitimacy, would emerge with a more favourable outcome, although both parties would be better-off than if they did not cooperate. (ibid.: 54-55)

According to Agarwal (1994a: 62), the most important elements of a person's fall-back position in a rural household include: (1) ownership and control of property, particularly land; (2) access to employment or other means of income generation; (3) access to communal resources (such as forests and grazing pastures); (4) access to traditional external social support systems (within the community or extended family); and (5) access to state support or that of NGOs. All five factors influence a person's ability to meet subsistence needs outside the household: "The premise here is that the greater a person's ability to physically survive outside the family, the greater would be her/his bargaining power" in relation to resource sharing within it (ibid.: 63).

Agarwal (1994a: 64-65) argues that under present-day conditions in South Asia, private rights in land hold a privileged position. 44 She goes on to argue that "effective independent rights in private land could strengthen rural women's fall-back position in ways that employment alone may not." This is not to argue against measures to enhance women's employment opportunities. Rather, "land ownership provides more than employment can, including a stronger base for social and political participation, and so for challenging gender inequality on several other fronts." This proposition seems particularly apt in the Latin American case, given the low wages and seasonal and part-time nature of female agricultural wage employment, even in regions that have favored female employment as a result of the development of non-traditional export crops.

As Agarwal (1994a: 66-67) demonstrates, bargaining may take place not only over the distribution of subsistence resources within the household but also over the endowments that constitute and contribute to each household member's fall-back position. Consider the case of women's ownership of land. Whether or not women bring land into a newly formed household largely depends on inheritance rights and practices. In Latin
America, in contrast to South Asia, the legal framework favors bilateral inheritance, with all children, irrespective of sex, entitled to equal shares of their parents’ estate. Among the factors influencing whether a daughter is able to successfully claim an inheritance share, as in South Asia, are the following: (1) women’s literacy; (2) the daughter’s knowledge of her legal rights; (3) the social legitimacy of her claim within the community; (4) her access to the legal machinery to enforce a claim; and (5) her access to resources for survival outside the support systems provided by potential contending claimants, such as brothers (ibid.: 66). These factors are, in turn, influenced by a series of other economic and non-economic factors and are, at times, interdependent. Women’s attainment of literacy, for example, depends on the availability of schooling and the propensity of parents to invest in the education of girls. A woman’s use of the legal machinery to press land claims is largely influenced by the social legitimacy of her claim (how common and acceptable it is for women to inherit land), the costs of pressing a claim (direct monetary costs and time), and her degree of economic and emotional dependence on the kinfolk who might contest the claim. As Agarwal (ibid.: 67) argues, “individual women’s struggles to acquire a share in family land would require interlinked struggles outside the household arena as well, such as struggles to legitimize women’s need for independent rights in land and to mobilize economic, social, and political support for the cause.” The point here is that “gender differences in intra-household bargaining power are thus linked with the person’s extra-household bargaining power with the community and the State” (ibid.).

Women’s ownership of land, and of assets in general, enhances their bargaining power not only within the household but also, potentially, within the community and wider society. In another contribution, Agarwal (1997: 14-22) provides a provocative discussion of social norms: of how these set limits on what can be bargained about, how they determine bargaining power, and how they affect the way bargaining is conducted. She also demonstrates how social norms constitute a factor to be bargained over—that is, they themselves can be subject to negotiation and change. This analysis is an important building block as we begin to conceptualize how gender relations are constituted, maintained, and reproduced over time, both within and outside the household, and how they can be altered.

To date little systematic research has been carried out in Latin America linking women’s ownership of assets to their bargaining power within the household and community, although case studies and anecdotal evidence support this proposition. There is good evidence on how peasant women’s inheritance prospects condition their marriage possibilities and relations within the marriage. In the northern Peruvian highlands, for example, daughters who stood to inherit land were more likely to marry and settle in the region than daughters of the poor peasant strata, whose main options lay in permanent migration. The former were also more likely to form households that reside uxorilocaly (with or near the wife’s parents), another factor associated with women’s greater bargaining position within the household (Deere 1990: 141, 188). In the Yungas region, north of La Paz, Bolivia, bilateral inheritance of land has also supported uxorilocal residence, since young couples usually reside near the parents who have the most land. In the 1990s, approximately one-third of the households resided with or near a woman’s family. Alison Spedding (1997: 325-26) notes that the spouse who resides away from their community of origin has less bargaining power in marital disputes than the spouse who is living among family members.

In the northern Peruvian highlands women landowners play a greater role in farm management, have a greater say in intra-household labor and income allocation, and play a decisive role in decisions regarding their children’s future—as such as which child will finish school, learn a trade, or migrate permanently from the region (Deere 1990: 288, 309-10). Similarly, the association between inheritance and ownership of land, women’s participation in household and farm decision making, and their stronger bargaining position in household affairs has been noted in southern Brazil (Hamilton 1998; Stephen 1997: 212).

In the northern Peruvian highlands, women’s lack of access to land has also been associated with domestic violence. As Ana de la Torre (1995: 15) found, “in family life, the main problem reported by women which generates violence against them is related to scarce resources, particularly in terms of the lands which they brought into marriage. . . . If I didn’t bring much or very little, then I can’t ask for much, much less have an influence on economic decisions in the family without creating conflicts.” There is also considerable evidence that landed peasant women have been able to use their superior fall-back position, terminating unhappy marriages when a husband’s behavior became too abusive. In this region, considerable marriage instability could be observed in the mid-1970s among all groups of peasant women, but women landowners were in much a stronger position to use “the threat-point” and evict a spouse than women who had no land or home of their own. Moreover, landed women were also
quick to remarry, often marrying men much younger than themselves, with their ownership of land serving as an element of attraction (Deere 1990: 128–29, 141, 309, 313).

Sarah Bradshaw (1995b: 112) also notes how in rural Honduras land plays a critical role in conditioning the ability of women to separate from an unhappy marriage. Land ownership by women also enhances their security in old age by increasing their bargaining power over grown children. Ester Roquas's (1995) Honduran case study documents in detail the crucial role that ownership of land plays for widows. While elderly women will often rent their land, with rental income being one of their main sources of income, it also is not uncommon for them to work part of the land themselves with the help of wage labor, such as a parcel planted with coffee trees. Most importantly for widows living alone, their ownership of land considerably enhances their bargaining power in relations with their grown children, who are more likely to keep assisting their mother—through the provision of labor or cash—while she keeps control of her own landholdings.

These examples demonstrate some of the ways in which rural women's ownership of land strengthens their fall-back position and hence their bargaining position within the household and family, leading to potentially more favorable outcomes for them. They also illustrate the more general point that ownership of assets is related to women's ability to act autonomously and to voice their own interests in negotiations affecting their own lives and those of their children. Not surprisingly, women's ownership of land can also be a cause of tension and domestic conflict, for it challenges relations of power: "The fact that women are owners of property is resented by their partners, and is not well viewed publicly, particularly when they are wealthier than men, for this goes against the view that men are the breadwinners and providers. The immediate association is one that links property to domination and authority; thus, when both members of a couple are owners it requires new gender arrangements and obliges them to negotiate" (Castañeda 2000: 10). In other words, command over property strengthens women's bargaining power in the terms introduced earlier, both "power over" and "power with." If increased bargaining power enhances the power to command the compliance of others or to control their actions, we are talking about "power over"; to the extent that increased bargaining power results in the ability to negotiate as equals, based on a position of strength, we are talking about "power with," which is the goal of feminist processes of empowerment.

This analysis of women's ownership of land, and of assets in general, is important at two levels. It is important for what it reveals in terms of the constituent elements of economic empowerment and also about the transformative potential of women's struggle for asset ownership. As Agarwal (1994b: 44–45) argues:

It is not just an increase in women's command over economic resources, but also the process by which that increase occurs that has a critical bearing on gender relations. Land rights are not a "given" and will not be "provided" to most South Asian women without contestation. Acquiring those rights . . . will require simultaneous struggles against many different facets of gender inequalities embedded in social norms and practices. . . . It will require shifts in power balances in women's favor in several different arenas: within the household, in the community and market, and at different tiers of the State apparatus. Even to organize collectively often requires challenging existing norms. . . . It is precisely the complex and wide-ranging nature of these obstacles that gives the struggle to overcome them a transformative potential; and this is also why a successful struggle by women for land is likely to have more far-reaching implications for gender relations in South Asia than possibly any other single factor.

One of the main reasons that we embarked on this research was to join and contribute to the ongoing process of contestation over land rights in which rural women in Latin America are currently engaged. We undertook this task with a certain urgency because the late 1990s and early years of the new millennium may constitute the defining moment for rural women's ownership of land, given the fact that most Latin American governments are currently pursuing relatively large-scale land-titling projects among smallholders. Once those land titles are issued and registered, it will be much more difficult to contest ownership of land within the household and community. Thus, rather than demonstrating how women's ownership and control over land results in women's greater bargaining power—an issue that requires much further empirical research—our primary focus is on documenting what rural women have already gained or achieved with respect to land rights and ownership of land as well as the process through which they have successfully done so in different contexts. Our aim is that the information and analysis contained in this book will contribute to the ongoing process of empowerment of rural women.