

Widows Weeds:
Gender, AIDS, and the Agrarian Question
in Southern Africa

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Loveness, ... is 20 years old and originally from Maronda communal area in Mwenezi District [Zimbabwe]. Her husband was a long-term labour migrant in South Africa. Her in-laws chased her away from their home when she had a relationship with another man and got pregnant. She moved in with her sister in Chiredzi where she became an active member of the ZANU(PF) women's league and was amongst the first to settle on Fair Range. She admits to working as a prostitute in the resettlement area – raising money to purchase goods in South Africa for resale. As she puts it: 'I do not care [what other people think] as I now have my plot here and I am taking care of my children ... I no longer bother my sister and I am now independent' (Chaumba, Scoones et al. 2003, p.591).

Individualization of women's land rights and tenure reform in southern Africa

In the curious interface between donors, national governments and consultants that defines the policy agenda around agrarian issues in southern Africa today, the security of women's land rights has become a central preoccupation. At one level it appears as a consensus issue, driven by the poverty agenda and human rights advocacy. Who could oppose on either grounds the proposition that the rural women who cultivate the land should have access to it?

The crisis of AIDS has heightened concern for greater security of tenure for women. Patterns of mortality have left many widows, both grandmothers and mothers, caring for young children while often ill themselves. The policy discourse on the impact of AIDS in Africa almost inevitably presents the AIDS widow - stripped of her possessions and chased from her land by rapacious in-laws while left to care for her children though ill herself - as an object of moral outrage. The minimum that can be done would seem to be to ensure that she can legally own land in her own name and inherit the property of her husband, to which her labour has contributed.

Yet behind this apparently uncontroversial appeal to gender justice lie much thornier issues for in fact in southern Africa most smallholder farmers, men as well as women, do not have registered title to the land they cultivate. Rather they have varied forms of access to different kinds of land, many of them adjudicated by local communities, often through hereditary chiefs and headmen. The question of registry of women's land rights thus leads to the issue of the form and content of local governance. Further in some parts of the region rural people, both men and women, are either landless or cultivate small and infertile plots. The question of women's land rights thus also leads directly to the issue of redistributive land reform, which in some parts of the region remains embedded in the continuing racial divide in ownership of land that

gives the issue an emotive political weight that seems to go beyond its economic significance.

The land laws that were adopted throughout the region (and in eastern Africa) in the 1990s, and which bear a distinct family resemblance to each other, addressed tenure reform but not redistributive land reform. There was substantial pressure from donors and international financial institutions to adopt land laws that would give investors greater security of tenure and to codify liberal notions of governance and the rule of law (McAuslan 1998; 2000). These stopped short of instituting full private landed property or the extension of freehold rights to all who currently occupy land. Forms of community or collective rights were maintained for those areas governed in the colonial period or under apartheid by customary authorities. Indeed the political reforms of the 1990s strengthened the formal role of chiefs in local government and allocation of land in South Africa, Zimbabwe and Mozambique. Most national land laws or policies also specified that the state would remain the ultimate owner, or custodian or arbiter of access to land.

The apparent anomalous inclusion of customary hereditary authority within liberal land laws was in part due to pressure by NGOs that participated in the sounding processes that accompanied the drafting of the laws. They were concerned to ensure that existing forms of land use and occupation by the broad mass of the rural population had a legal defence against land grabbing by big investors and political elites.¹ Feminist groups, particularly activist legal organisations, were part of these broad campaigns and tried to ensure (not always successfully) that clauses on gender equality were incorporated in constitutional provisions or in land laws.

IFI tolerance for maintaining customary land rights under what remained an essentially neo-liberal economic consensus reflected a new appreciation for the security of individual control of land and capacity for innovation and investment under existing customary tenure arrangements in Africa (see Deininger 2003). This position drew on the work of John Bruce and others (Bruce and Migot-Adholla 1993) showing that there was little evidence that individual titling is required to promote investment in land by African smallholder farmers; different forms of land tenure have tended to evolve with technological innovation and the development of commercial production. Individual title to land is not an important determinant of access to credit in a context where most holdings are very small. Land-titling schemes are also expensive to implement, demanding a capacity for cadastral registry.

The consensus around maintaining customary tenure has, however, proven to be unstable. Following de Soto (2001), and in the name of a new 'Green Revolution for Africa', many in international financial institutions and among donors, domestic capital and political elites have returned to their demands for full privatization, permanent title and unrestricted commodification of land. Land activists also diverge in their approach to individual registry. Some continue to fear that titling will favour the rich and powerful, and that distress sales of titled land will fuel the dispossession of the rural poor. They note that titles set boundaries and assign discrete rights to individuals but in doing so they exclude others, many of whom may be landless or

¹ This was not true in South Africa where the political clout of the Congress of Traditional Leaders of South Africa (Contralesa) was criticised by many land activists.

very poor. Others note that on-going processes of community registry are awkward, lengthy and subject to corruption; individual titling might be more transparent. They also observe that land markets are developing in the absence of formal title and that individual titling and leasing have been taking place in customary areas and on government land in many countries since at least the mid-1960s. Formal titling would open ongoing transactions in informal land markets to legal regulation, benefiting both buyers and sellers of land.

Feminist land activists are similarly ambivalent about proposals for formal individual titling of women's land rights. They are deeply uncomfortable with land allocations being controlled by customary authorities who recognise only secondary land rights for women (Whitehead and Tsikata 2003). Divorced or widowed women might be less vulnerable to loss of land and livelihood if they held separate individual title to the land they occupy. On the other hand, most rural women are poor, and there are many documented instances of women losing their land rights under titling schemes. This is not an academic question nor one that can be easily postponed. The Centre for Juridical and Judicial Training² in Maputo is, for example, currently considering whether to pursue a test case on the constitutional right of women to opt out of a community delimitation of its land to pursue their own rights to separate title.³

The question of the security of women's land access is obviously one that demands a gendered analysis, but the way that is done depends on broader frameworks of analysis that locate the question of women's land rights within the debate around tenure reform. This paper explores two contrasting approaches to a gendered analysis of the question of women's land rights. The first is the liberal vision of that currently dominates both political and economic agenda in southern Africa (and informs projects such as NEPAD⁴). The second is drawn from the Marxist literature on the agrarian question, which because of its contributions to anti-colonial and anti-apartheid struggles in the region enjoys some political resonance in the region – and carries some compromising political baggage as far as rural areas are concerned. Finally it reviews some points from feminist work on the question of women's land rights that raises questions that are not fully addressed by either liberal or Marxist approaches. These have, I think, particular importance for what is arguably the central concern of class analysis in southern Africa, constructing a political viable counter-hegemonic response to the agrarian question, one that will challenge market fundamentalism in a way that liberalism cannot be expected to do.

The Southern African Region

Regional boundaries are always approximations – political constructs. Southern Africa is a diverse region but many of its commonalities today were delimited by the boundaries of colonial empire and defined by its distinctive political economy. These commonalities include: the concentration of capital accumulation in certain key sectors in particular locations – manufacturing, mines and plantations in South Africa, Zimbabwe and the Zambian copperbelt; the constitution of the remaining rural areas as labour reserves and recruitment of male circulating migratory wage-labourers; the

² Centro de Formação Jurídica e Judiciária

³ Interview with Christopher Tanner, Maputo, 2 March 2007

⁴ New Partnership for African Development. For a critical analysis of South Africa's role in NEPAD, see Bond (2002). "Thabo Mbeki's New Partnership for Africa's Development." *Foreign Policy*.

appropriation of land with most commercial potential by settlers a sustained settler presence; industrialization in South Africa and to some extent in Zimbabwe and other regional urban centres; a racially based political system established by British colonialism⁵; and a late and protracted struggle for decolonization.

The region has been historically marked by the sharp dualisms explored by Mamdani (Mamdani 1996)– between citizen and subject, between black and white, between rural and urban, between the life experiences of men and women. For issues of gender and land reform today, it is particularly important to understand the legal and administrative dualism that functioned in different forms across Africa. One system based on the legal systems of the colonial powers allowed for appropriation and commodification of land by settlers and companies. the other, applied in areas specified for African occupation and which forbade formal land sales, was based ‘...on various reconstructed and adapted versions of indigenous systems in the form of colonial “customary” law’ (Walker 2002, p. 8).

Beneath these dualisms, however, there was a fundamental unity – the exploitation of black labour. For several generations both the urban and industrial labour force was gendered: migrant men living in hostels; women farming and raising children in rural areas. Migrants travelled long distances to do wage-work, sometimes contracted for fixed periods and sometimes searching out better jobs on their own. Some families were divided and others never firmly established. Women also migrated to urban centres, particularly in South Africa, but gendered pass laws, identity cards and border restrictions regulated their mobility.

These gendered patterns of migration are reflected in the high incidence of women-headed households in southern Africa (see Table 1). The AIDS widow or the grandmother caring for grandchildren whose parents have died of AIDS are thus a subset of a much larger and historically enduring category of women who are caring for children on their own. The high incidence of women-headed households is, however, not just a matter of missing migrant husbands or early male mortality. There are also many men who never succeed in forming a stable conjugal household.

There is a terrible irony in the situation of southern Africa today. Historical processes have made rural livelihoods heavily dependent on regular remittances, making some form of wage-labour a way to invest in agriculture and cattle, to weather the uncertainties of harvests, or simply to survive while working very small plots of land. Capital no longer searches out unskilled labour to hire in either rural or urban areas. Mining and capitalist agriculture have mechanized and liberalization has undercut domestic industry except in South Africa. Investors focus on tourist complexes, including the establishment of privately run nature reserves and game parks, the cutting of timber and outgrower schemes. So as rural areas have come to depend on wage-labour, the reality is chronic unemployment or underemployment in both rural and urban areas.

AIDS is, like drought and famine, a revelatory crisis in southern Africa. Writing in 1989, before the AIDS epidemic was so evident in South Africa, Hunt (1989) argued

⁵ Though a Portuguese colony, Mozambique, or at least the area below the 22nd parallel that marked the boundaries of the South Africa labour reserve, was fully integrated in this system while Angola was not.

that the distribution of HIV/AIDS in southern and eastern Africa suggested that the best explanation for the epidemic lay in the history of the migrant labour system: protracted absences of men, family breakdown and a high number of sexual partners. He noted that historically people of the region have suffered from epidemics of sexually transmitted diseases that make women particularly vulnerable to AIDS (and we might add the tuberculosis that miners brought back to rural communities). The subsequent evolution of the epidemic in the region confirms the explanatory power of Hunt's argument. As one would expect from migration patterns initially the incidence of HIV/AIDS was higher in urban areas and among men; women are now disproportionately victims of the disease and it has become endemic in rural areas. Deep inequality within the region, of class, gender and region, also undermines prevention and the capacity to treat the disease.

Varied local histories are reflected in great intra-regional diversity. Some former labour recruitment areas have found some alternatives to migration: in northeastern Zambia some redundant Bemba miners became growers of hybrid maize (Moore and Vaughan 1994) and in the Zambezi valley in Mozambique sons of plantation workers have become bicycle traders. There are parts of South Africa and Botswana where 'urban villages' sit in a countryside that appears rural but has little agricultural production outside large farms or ranches. In some places men migrate and women continue farming in rural areas, but in others young women migrate as farmworkers, domestic servants, vendors, office workers or vendors. Some rural areas are supported by remittances, old-age pension and government food-banks; others depend on humanitarian aid from local NGOs subject to the vagaries of donor funding. Yet beneath these real differences there is a fundamental unity of shared history that makes change in one part of southern Africa reverberate in others.

The liberal approach to rural poverty and inequality in southern Africa

Different theoretical approaches capture different aspects of this history shared. The liberal account underlines the absence of liberal institutions. The liberal ascendancy in the 1990s has given much greater attention to a broad range of human rights and to the political dimensions of poverty than obtained under the neo-liberal Washington consensus of the 1980s. Its charter text could be Amartya Sen's (1999) *Development as Freedom*, with its emphasis on freedom as individual autonomy and choice. Despite this shift in emphasis, the liberal economic agenda maintains neo-liberalism's prescriptive emphasis on the development of the market.

Private property is a basic human right because without it the individual has no basis for autonomy and thus freedom of choice. Almost everything in human life can be understood as individual property: knowledge is human capital; kin and friendship networks are social capital. Clear and discrete relations of property and transparent information about the terms of exchange are needed to reconcile myriad individual choices in an outcome that maximizes welfare for all. Institutional barriers, such as gender inequality, that prevent agents from maximizing their own utility or hamper the free flow of information, lead markets to work imperfectly. If allowed to function without institutional fetters, however, the freely functioning market creates the best possible moral universe.

This set of assumptions goes beyond economics. It also grounds the moral language of individual 'rights', permeating the discourse of the human rights movement and organizations such as Human Rights Watch. In a liberal moral order, the proper rule of law is to allow each individual the right of free choice, to protect individual autonomy and rights of property and to assure the free flow of commodities and ideas.

From a liberal perspective, poverty and stagnation have universal causes - the absence or failure of liberal institutions - private property, free markets, voluntary association, free information, free expression of individual opinion, and parliamentary democracy.⁶ The liberal vision captures much of the reality of southern Africa for its history has indeed been a negation of liberal values under *apartheid*, protracted colonialism and some very illiberal post-colonial regimes. Pass-laws and forced labour regimes impeded the development of labour markets and state intervention disrupted or even suppressed the development of capital and commodity markets. Politically, the exclusion of the vast majority of the population from the rights of citizenship under colonialism and apartheid lingered on in rural areas under post-colonial regimes.

The liberal political agenda has dominated the region since the 1990s (even the formal political and legal institutions in Zimbabwe). Constitutions were written or revised along liberal lines (Mozambique's post socialist constitution includes a specific commitment to a market economy); multi-party elections have been held; independent media are present if somewhat uneasily so; trade unions have been nursed away from ruling parties; local NGOs function as both advocacy groups and service providers; parastatals have been sold off and private sector investment, domestic or foreign, is encouraged. The rhetoric of 'rights-based development' has displaced the aspirations of socialist revolution. South Africa was once a glaring anomaly in the liberal vision of the region since it combined relatively health economic growth with the denial of democratic rights to the entire black population. Today it appears to be the most secure embodiment of liberal values, judging by the extent of commodification, the sway of private property, and the independence of liberal institutions.

In the liberal script for resolving rural poverty in Africa, land tenure reform has a central place. Followers of de Soto (2001) now argue that the combination of state ownership of land and maintenance of communal access under customary tenure regimes in the labour reserves has hindered both the free flow of labour and the allocation of land to the more efficient forms of production. The current liberal economic consensus does not assume that large-scale holdings are more efficient than small-scale holdings and thus does not oppose redistributive land reform (Brink 2002). It also recognizes that individual tenure and the commodification of rights of land have developed within customary tenure regimes in southern Africa. But it does assume that the overlapping property rights associated with such systems impedes security of tenure and thus ultimately reinforces poverty, inequality and economic stagnation.

⁶ Szreter (2007) has recently suggested that the right to a registered individual identity should also be included in the list, particularly ironic in the southern African context where the identity card was a constraint on individual mobility.

Liberalism has no difficulty in accommodating demands for independent land rights for women though historically it was slow to abandon a universal bearer of human rights (Man). In its incarnation in neo-classical economics, liberalism for many years took the unitary household as a unit of analysis, though as Hart (1995) has pointed out, its methodological individualism would appear to mandate discrimination.

In line with its focus on equality under law and rights of property, the liberal approach to women's land rights focuses on the content of law, particularly family and inheritance law, and the functioning of legal institutions. They point out that traditional systems of African customary law are inequitable because they give women only secondary land rights, particularly in southern Africa where descent is often patrilineally traced.⁷ This means that even where women have land their tenure is insecure or 'fuzzy' because other people may have claims to the same plot.

Statutory law makes much clearer provision for gender equity in ownership and inheritance of property, particularly after the wave of liberal constitutional and legal reform of the 1990s. Women are often not able to claim their statutory rights, however, particularly in rural areas. Ik Dahl et al (2005) reviewed women's land rights in southern Africa from a human rights point of view focusing principally on the content of legislation and its implementation. They found that although there were some differences in the quality of legislation, the main problem was women's lack of information on the property rights they legally enjoyed. To exercise their freedom, women must know their rights.

The crisis of AIDS has strengthened demands for women's independent land rights on human rights grounds. As part of their general review of gender inequality in ownership of assets, Deere and Dos (2006, p. 40) suggest that in the context of HIV/AIDS in Africa 'Owning assets may even be a matter of life and death'. They emphasize that current inheritance laws deprive women of property that would both protect their livelihoods after the death of their husbands and give them better exit options in relation to risky sex and domestic violence. Various regional NGOs support will-writing projects to assist men in writing wills that favour their own wives and children and exclude their patrilineal kin.

Bina Agarwal (inter alia 1990; 1994; 2003a; 2003b; 2005) has provided the most worked out theoretical account of the liberal argument for women's land rights. She brings together a rights-based approach to gender equity and the efficiency concerns of neo-classical economics. Her argument, that women need fields of their own, is somewhat predictable, given the emphasis that liberalism placed on individual autonomy as the basis of freedom, but she argues with such clarity that her work has acquired great legitimacy in both World Bank circles and among land activists. Applying Agarwal's arguments, for example, the World Bank Gender Unit (Blackden and Bhanu 1999; IBRD/The World Bank 2001) advocates formalization of women's land rights as an important contribution to poverty reduction, particularly in Africa.⁸ Though Agarwal's own research focuses on South Asia, it easily extends to Africa

⁷ In much of the northern part of the region, matrilineal descent predominates.

⁸ For a critical discussion of these reports see O'Laughlin, B. (2007). "A Bigger Piece of a Very Small Pie: Intrahousehold Resource Allocation and Poverty Reduction in Africa." Development and Change 38(1): 21-44.

where the high proportion of farm work done by women on small plots provides a strong ethical, economic and political base for arguing that control over land is an essential right for women. The question remains whether this is best done by formalizing individual tenure.

Using a bargaining model approach derived from neo-classical economics, Agarwal provides the theoretical grounding for three main arguments in support of formalization of women's independent land rights. First, if women's land rights are not derived from those of men, their greater autonomy will give them stronger bargaining positions within households and greater respect in public domains. Second, women manage they own differently to men, using it in ways that provide better for overall household well-being, separate title allows women to manage their particularly for the nourishment of children. Third, formalizing land rights for women will lead to greater economic efficiency – women will be able to mortgage their land for credit, thus obtaining access to technologies and information currently open only to men. Women will also be more assiduous in their work on the land if they know their hold on the land is secure.

Agarwal does not entirely dismiss the idea of joint registration of household land, but she argues that individual title of some kind – 'a field of one's own' - gives women greater protection. With formal individual title women are able to maintain land rights after the break-up of marriage. Having an 'exit option' may protect women from domestic violence. Separate title facilitates deviating from their husbands' patterns of land use and gives women better control over the produce of the land.

More recently Agarwal (2003a; 2003b), in response to charges of individualism, has said that she is not necessarily wedded to individual ownership. She suggests that women might join their plots in group farming schemes with state provided credit and support. Apart from a substantial literature showing how much investment long-term effort must be put in to make group-farming work (and its troubled history in the region), the proposal also compromises some of the advantages to women that are said to flow from individual land rights. Exit options are not so easy to follow when women's property is held collectively with that of other women, nor is inheritance a transparent issue.

Agarwal links the campaign for women's independent land rights to the broader liberal political project of achieving women's citizenship rights. She recognises that land rights in themselves will not transform women's lives but argues that '...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 crucial bearing on gender relations (Agarwal 2003, p. 573)'.

If we return to the description of Loveness with which this chapter begins, we can see in some ways she is the embodiment of Agarwal's liberal vision. Spurned and dispossessed by her in-laws, she was nonetheless able to care for her children as an autonomous woman once she had her own field.

The agrarian question and women's rights to land in southern Africa

The most uncompromising alternative to the liberal analysis of the relation between rural poverty and land rights in southern Africa comes from Marxism, which is, like liberalism, both a theoretical approach and a political programme.⁹ Whereas liberalism sees the crisis of rural southern Africa today to be rooted in the weakness of liberal institutions, particularly fragmented and imperfect markets, Marxist political economy emphasizes the transformations wrought over more than a century of commodification of land and labour. What underlies of rural people in southern Africa today is not the absence of markets but the specific historical forms of inequality through which they have been integrated in a global economic and political order.

Marxism provides an alternative discourse for claims to social justice and human rights. It is politically concerned with collective agency and thus maintains a conception of human rights that does not begin with autonomous individuals each able to dispose of property according to her/his own preferences. So pervasive is the language of liberalism in contemporary everyday life, that it is sometimes difficult to remember that it is possible to conceive of human rights without making private property a fundamental right. Rather than a universal right to property - even to land or water - one might have a right to a livelihood and decent health. From this alternative viewpoint, prescriptive commodification of everything and the privileged legal status of property rights constitute the defence of class privilege in a capitalist world. In such a context there are limits to what one can expect to obtain from courts and governments that reflect dominant class interests.

The classical literature of the agrarian question grew out of the political concerns of European working-class movements trying to decide whether to support peasant demands for land redistribution. One thing was to support emancipatory demands of enserfed or bound workers against feudal ties to land. Another would be to support the conversion of these bonds to individual property rights. To do so seemed to be promoting a class that must necessarily identify itself with capitalists whose control over the means of production would be protected by bourgeois property rights.

The form of the agrarian question in southern Africa today is not so different from that in 19th century Europe, but the context of global capital accumulation in which it is asked is very different and thus so will be the answers. We do not find capitalists hungry for cheap labour tearing peasants away from the fabric of rural life.¹⁰ The classical literature focused on class differentiation within the peasantry and thus from it came the concept of an alliance between workers and poor peasants. But the clarity of older categories of property and class has been compromised. Today a fragmented proletariat confronts informal labour markets, sub-contracting, individuals combining farming with off-farm labour and households and while other float between rural and urban areas, or between different rural areas. Old linear sequences

⁹ The main failures in the realisation of that political programme explain why some now prefer to use terms such as 'critical political economy', but because of its importance in the anti-colonial struggle, Marxism still enjoys some legitimacy among academics and oppositional movements in the region.

¹⁰ These changes are discussed by Bernstein, specifically in relation to South Africa (Bernstein 1996), in southern Africa (Bernstein 2003) and globally (Bernstein 2004)

are destabilised as workers sometimes move from industry back to small-scale farming and families and retreat (or are driven) from urban areas to the countryside. There are powerful national and multinational capitalist firms, but there are also NGOs and government agencies doing service provision according to commercial principles and 'donor' governments carrying out the functions of finance capital.

Not all of those who address the agrarian question from a critical political economy perspective answer it in the same way. Some think that the call for redistribution of land to small farmers is a neo-populist fantasy attempting to recreate a non-existent peasantry, while others would say that it is an appropriate response political and economic response to the new inequalities of globalisation.¹¹ There is general agreement, however, that the answer requires dealing with the historical dynamic of three interdependent aspects: accumulation, class and politics.¹²

To take account of the dynamics of accumulation means attending to the structure of the economy, an unpopular term as far as contemporary development economics is concerned. That implies that no agrarian question can be purely about agriculture. Whereas liberalism sees markets yet to develop, Marxism sees workers displaced from labour markets by mechanization in mining and the demise of manufacturing in many parts of the region with the adoption of liberal trade policies over the last thirty years. It highlights the feedback effects of unemployment on agriculture through the interrupted flow of remittance income that has come to be necessary to invest in plough, inputs, irrigation pumps, bore-holes, cattle and to hire casual labour. The break between agricultural and industrial accumulation explains why even in contexts of land shortage, in areas such as northeastern Zimbabwe where some people are landless, land can still lie vacant or poorly cultivated and why rural producers speak of labour shortages (Paradza 2006). It follows that forms of land ownership *per se* cannot explain poverty in southern Africa.

Shifting patterns of accumulation in rural areas are related both to contradiction and change in class relations over time and to shifts in global patterns of accumulation. The relation between capital and labour has come to be the central determinant of rural life in southern Africa, not because agrarian capital is strong but because proletarianisation based in non-farm labour is so deep. Rural proletarianisation is reflected in out-migration and in the large numbers of women who do casual wage-labour areas where there are commercial farms and plantations, even though some have access to land (Sender 2002; Sender, Oya et al. 2006). For them the core poverty issue may not land but instability of employment, low wages or wretched conditions of work. These the processes of change that Bernstein (2003) refers to when he suggests that the classical agrarian question was the question of capital; new agrarian questions are questions of labour.

¹¹ See the special 2004 issue of the *Journal of Agrarian Change* 4(1&2), particularly the introductory essay by Terry Byres Byres, T. J. (2004). "Introduction: Contextualizing and Interrogating the GKI Case for Redistributive Land Reform." *Journal of Agrarian Change* 4(1&2): 1-16.

¹² This means returning to the earlier work of Terry Byres Byres, T. J. (1982). "Agrarian Transition and the Agrarian Question." *Rural development: theories of peasant economy and agrarian change*. London: Hutchinson. Michael Lipton and Terry Byres. In Harriss, J., ed. *Rural development: theories of peasant economy and agrarian change*. London: Hutchinson: 66-89.

In a time of structural unemployment proletarianisation is reflected in the concern rural people have with jobs, in the proliferation of small vendors and in the desperation and anger of unemployed youth. In the processes of 'consultation' that must be carried out with local communities when investors are requesting part of their land, community representatives have repeatedly asked that the investors provide jobs - and usually received very vague commitments in return (Tanner, Baleira et al. 2006).

There is growing class differentiation within rural communities, evident not only in income and housing but also in the size of herds and land holdings, in the type of agricultural techniques employed and yields achieved (Peters 2004). This differentiation is reflected in the growth of informal land markets even in areas held under customary tenure, particularly when these are areas of good commercial potential (Chimhowu and Woodhouse 2006; Peters and Kambewa 2007). Rentals are an important part of this market, as Peters and Kambewa (Peters and Kambewa 2007) have recently observed in Malawi. There are also increasing numbers of direct sales of land, particularly wetlands or near cities in areas administered by local chiefs throughout southern Africa. Part of this informal commodification is chiefs selling off land under their control, but there are also direct sales by those occupying the land. There are reports of HIV/AIDS driving distress sales of land to pay medical expenses in South Africa, Swaziland and Zambia (Chimhowu and Woodhouse 2006, p. 360-61; Wiegers, Curry et al. 2006)

Class differentiation crosses the rural-urban divide in ways that affect the ways we see disputes over women's property rights. It is notable that many of the accounts provided by Izumi (2006) of cases where Zimbabwean widows lost property to their in-laws are about urban women complaining about rural properties appropriated by their rural in-laws. They lost investments made in cattle, houses and implements made by their husbands in their rural areas of origin. The seizure of these assets may have been in the name of lineage rights but it also has to do with the politics of class differentiation in rural Zimbabwe. It is clear that in the familiar tale of the deprived AIDS widow, both the terms widow and in-laws need to be deconstructed by class.

In a class context so shaped by migrant labour the relation between landlessness and class is a complex one. The particular position of women reflects their varying positions within this shifting class structure. For much of the 19th century this meant women maintaining the land in rural areas while men migrated, a pattern that still holds in many parts of the region. Now, however, there the classical pattern of 'semi-proletarianisation' no longer holds. There are many women migrating to cities and living on their own. There are people, women and men, living in rural communities trying to scratch a living from very small plots or without any land at all, particularly in South Africa, Zimbabwe and in peri-urban areas throughout the region. The conditions of landlessness, the experience of agricultural production and the meaning of poverty also vary hugely across the region. James' (2007) in-depth study of one case of restitutive land reform in Mpumalanga, South Africa, showed that very high levels of government support would be needed to provide the semi-urban living conditions that even the poor expected from their life in the reserves. She also points out that not all those hungry for land are poor. She argues that focussing land reform on the land rights of the poor cuts out other landless but more prosperous groups with the resources and skills needed to make a financial success of farming.

Even in conditions of great land scarcity, there are people who have land but leave it in fallow, or badly cultivated, because they are too ill to work it, or because they are urban migrants but want to maintain their home base, or because they do not have the cash to buy inputs. In this case holding on to the land often means letting or lending the land to someone else. Paradza (2006), in her recent research on women's land rights in northeastern Zimbabwe, found that despite general agreement that land was scarce, there were many plots lying fallow. Many of these belonged to migrants who were reluctant to give up their rights to land in their home villages. Widows were lent these plots; their tenure was insecure, but the deaths of their husbands did not mean that they were expelled from the community and left landless.

There are also people who have owned land, but have lost it, because they could not keep it under cultivation. Vijfhuizen (2001) explains how women living on their own in one arid area of southern Mozambique came to lose their land. First their rain fed plots were included in an irrigation scheme built by an Italian aid project. But to keep their plots in the project they had to be able to pay water and maintenance fees. Those who succeeded belonged to households that had some forms of off-farm income; these were mainly households headed by men. Mutangadura observes that many AIDS widows have lost their land to their husbands' landless patrilineal kin, but this is not always because they have been expelled. Many HIV/AIDS affected families have not been able to make productive use of their landholdings. (Mutangadura 2004, p. 21). When a woman who has nothing but a plot of land, that plot may well be full of weeds.

There are thus many ways in which people, women and men, obtain (and lose) access to land in non-freehold areas in southern Africa. They may receive land in gift or inheritance from their own parents or members of their parents' descent group. They may be granted land by a local chief or land-board, often with some kind of payment. They may join a government resettlement scheme or a church community. They may be lent land by kin or friends, or they may buy it. The insecurity of these rights means that they cannot be used to raise a mortgage, but most of the holdings are so small that even with formal freehold no bank would be interested. This multiplicity of ways of obtaining land is not new in southern Africa; Cheater (1990) challenged the ideology of communal tenure and the idea that patrilineal descent barred women from access to land on the basis of her research in Zimbabwe in the 1980s. The research of the CEA in Mozambique in the 1970s and 1980s similarly showed that land was obtained in many different ways. Robertson (1987) underlined the importance of different forms of share-contracts in southern Africa in 1987. New research indicates, however that the scale of commodification has increased dramatically.

Critical political economy would challenge the notion that legal dualism is the main constraint on women's land rights on political grounds as well. Descent groups, chiefs, district administrators, parliamentarians, judges and ministers all function within a cross cutting class structure. Communities in Mozambique found that when dealing with a potential outside investor accompanied by someone from government they often felt that they could not say no to requests for their land or its forest cover – they were just hoping to get something out of an undesirable situation (Tanner, Baleira et al. 2006, p. 19). Claiming one's constitutional rights or using a will to

contest an inheritance settlement require access to courts and lawyers, a right most often claimed by those who have substantial property.

Manji (2006) observed that African NGOs and legal networks working on women's land issues in Africa tended to focus on the statutory reforms and legal institutions that consolidated the property rights of middle-class women. The liberal rhetoric of donor-driven consensus – good governance, rule of law (and, it might be said, human rights) papered over the lines of class division and rural-urban difference that matter for the relation of different groups of women and men to land. The problem was not their robust (and contested) defence of legal principles of gender equality but the what was not raised – the distributional choices implied by an agenda of land reform (Manji 2006, p. 99).

Locating the question of land tenure reform in southern Africa within the context of the agrarian question thus leads to a much more skeptical assessment of the likely impact of formalizing women's independent land rights than the liberal argument would suggest. Formal title simply will not resolve the problems of rural poverty in southern Africa which have to do with structural problems of accumulation, class relations and politics that cross the rural-urban divide.

As to whether formal titling would improve the immediate situation of the poor, men and women, the answer is that there is no single answer; whether holding legal title to a field of one's own benefits the poor will depend on the particular economic and political contexts within which it arises. Even in the same context, there are no easy answers. Ntsebeza (2004), for example, thinks that those living in the former Bantustans would be better off if their permits-to-occupy could be converted into freehold tenure. Cousins (2007), while like Ntsebeza rejecting control of chiefs over land allocation, recently suggested that some kind of individual title that did not imply exclusive rights would be better. Yet some things are clear: for those who are landless titling is meaningless outside some sort of redistributive land reform; and holding title to a piece of land means little for the poor without some kind of regular non-agricultural income.

So returning back to the story of Loveness, from a Marxist perspective one might ask how long it had been since her ex-husband returned or sent remittances when she had her affair with another man. Many in southern Africa now claim the profession of miner who do not really have the job. And one would certainly note that 'fast tracking' gave Loveness a piece of land but that she is dependent on commercial sex work to complement what she gets from her field. Having a plot of land has not protected her from vulnerability to HIV/AIDS.

The figure of the widow robbed of her land by her predatory in-laws is an ideological construct that embeds a standard neo-liberal proposition – the centrality of privatization and commodification of land - within the liberal language of human rights. It focuses our attention narrowly on gender inequality in inheritance of property, of which the rural poor, women and men, have very little. Concerned with securing the property of those have, titling excludes those who have not. We are drawn away from the fundamental questions of restructuring a migrant labour system and redistributing wealth and power in a post-colonial southern Africa, away from the global, regional and national inequalities embedded in the enormous gaps

between rural and urban areas. A more exact metaphor for the situation of a rural widow living with AIDS would be widows' weeds. Without household members bringing in wage-income and without access to health systems that will help her care for herself and her children, an ailing widow will have little strength with which to cultivate her plot of land.

Gender and the political economy of land reform in southern Africa

Are appeals to formalise women's land rights no more than an ideological screen masking the fundamental inequalities underlying poverty in rural southern Africa? Is the question of women's land rights only an issue of class? This is where feminists begin to develop an uncomfortable sense of *déjà vu*. Marxist political practice was historically slow to oppose gender inequality, tending to regard feminist movements as bourgeois deviations from the main questions of class struggle.¹³ Both worker and peasant in the early literature on the agrarian question were generic ungended subjects. Feminists would strongly dispute the proposition that the relative positions of women and men can be simply read off their respective class position.

On the other hand, as Molyneux and Razavi (2003, p. 2) have pointed out, feminists working in developing countries remain deeply ambivalent about the liberal reforms of the 1990s and liberalism more generally.¹⁴ Greater emphasis on democracy and rights provided a political space that women's groups have actively used, but the use of this political space has not resulted in any decisive rupture with the neo-liberal market fundamentalism of the 1980s structural adjustment programmes. These did not address the poverty and inequality in which most women and men live in developing countries and have often intensified women's burden of care. Many feminists do not wish to find their political allies at the cutting edge of neo-liberal reforms. Individual registry of women's land rights is a good case in point for many feminists share the concerns raised by critical political economy: that it will legitimate titling exercises that promise nothing for the vast numbers of rural poor, men and women, who have little or no land on which to claim title; and that it exposes the land currently occupied under some form of customary tenure to enclosure by those who have the economic and political power to manipulate the registration process.

Feminist theory has been particularly critical of both liberalism and Marxism for focusing their attention so narrowly on commodified work and public space and ignoring *contradictory* relations of gender that cut across the commodified/non-commodified and public/private divides. I underline 'contradictory' for feminists have also pointed out that to the extent both approaches historically dealt with gender they treated it as a part of functionally harmonic and natural order of things (the sexual division of labour). To the contrary, gender much like class, is a concept that recognises both domination and resistance. This feminist critique has implications for the three main aspects addressed in the literature on the agrarian question in southern

¹³ For an early but still pertinent review of the issues see Hartmann Hartmann, H. (1979). "The Unhappy Marriage of Marxism and Feminism: Towards a More Progressive Union." *Capital and Class* 8: 1-33.

¹⁴ See Nussbaum's Nussbaum, M. C. (1999). *Sex and Social Justice*, Oxford University Press. defence of liberal feminism and Phillips' Phillips, A. (2001). "Review Essay, Feminism and Liberalism Revisited: Has Martha Nussbaum Got It Right?" *Constellations* 8(2): 249-266. Robust critique.

Africa and hence for the question of land rights in general and women's land rights in particular.

The contribution of non-commodified labour to accumulation

Feminist political economy emphasises the continuing importance of non-commodified work within capitalist economies and the fluidity of the boundary between commodified and non-commodified spheres. Both liberal economics and Marxist political economy locate the dynamic of accumulation in the sphere of commodities where value is realized. As with liberal modernization theory, there has also been a certain dose of residual teleological evolutionism in Marxist political economy; commodification was thought to be a unilinear and irreversible process, and non-commodified forms would disappear.

The current crisis of unemployment in southern Africa makes clear that the inevitable march of commodification while possibly true in the long run is not presently an analytically useful proposition in southern Africa. Feminists would probably point out that Marx never really explored the question of how the reserve army of labour sustained itself. Whereas one once could see wage-labour as the best form of social security given the vagaries of agricultural production in semi-arid southern Africa (Drèze 1995), one might now suggest that it is the contrary – a plot of land is in many places the best form of social security against the vagaries of wage employment.

How we look at the interdependence of commodified and non-commodified labour in the process of accumulation affects how we see different forms of land tenure. Women's access to land may have implications that go beyond the formal importance of agriculture in national GDP. In socialist practice in southern Africa, non-commodification has been usually understood as backwardness. Mozambique's socialist agricultural policy, for example, focused on marketed production; the rest was subsistence production and by definition could take care of itself. In deciding what to do with the land left by departing settlers, both Mozambique and Angola's socialist governments initially opted for establishing state-farms and co-operatives rather than redistributing land to peasants and provided extension support only for commercial crops. Similarly, in early resettlement projects, the Zimbabwean government refused to allocate land to households that included members with full-time urban employment and wanted resettlement land to be used exclusively for growing cash-crops (Potts and Mutambirwa 1997). Bernstein (1996, p. 32) pointed out that the joint ANC/COSATU sponsored MERG (Macroeconomic Research Group) report, one of its to-date most radical economic strategy documents, proposed a limited allocation of land to women who belonged to landless households on opportunistic welfarist grounds, which have been largely abandoned for other apparently more solid economic priorities were set.

Any major political assault on the massive inequalities of southern African societies would imply great economic dislocation. There are many people in southern Africa, particularly in South Africa, for whom non-commodified agricultural production is non-existent. Thus allocating land for it would not even be a very useful welfare measure. For others, however, land redistribution and/or explicit protection of smallholder land rights, including those of women and including land for non-commodified production, would be important for any broad social and economic programme.

Attending to the interdependence of non-commodified and commodified forms of work highlights another area that can be seen as unproductive labour – that of health care - which could matter as much as women's land rights for the agrarian question of labour in some areas of rural southern Africa. *Apartheid's* two-tier system based on race has given way to a two-tier system based on class, with 60% of health expenditure focussed on the 18% of the population covered by private insurance (Benatar 2004, p. 81). That excludes most of the population in rural areas, putting great pressure on government facilities and on rural home-care, carried out mainly by women, many of whom are ill themselves. This burden has of course been exacerbated by AIDS.

Gender as a relation of production: co-operation and contradiction

Feminists have emphasized that gender is a social relation and thus intertwined with but not reducible to class. Like class, it is a relation of inequality and thus a site of contradiction and resistance. But gender is also a relation of co-operation based on a gendered division of labour. The realm of family and household is not a Utopian private space, but it nonetheless fosters practices of sharing and mutuality. Thus women can recognize, resist and change relations of gender inequality within institutions to which they remain committed and from which they gain support. Feminist theory is particularly concerned with the ways in which collective agency arises out of the commonality of experience can transform a division of labour rooted in equality. Both Marxist and liberal approaches have had some analytical difficulty in dealing with this concern.

Marxist political economy easily recognizes collective agency within relations of inequality (that is after all the meaning of the concept of class struggle), but in the context of southern Africa generally focused on how gender relations closely reflected class. Socialist movements in southern Africa were historically suspicious of any cross-class collective agency exercised by women that was not tightly linked to a socialist party. As we have seen in the previous section, class does in fact explain a lot about the gendering of experience in a migrant labour system. The point was to show that women's oppression was good for capital's need for cheap labour. Bozzoli (1983; 1985; 1991) argued that this functionalist analysis of the migrant labour system ignored the ways that gender contradictions in rural households and communities also historically shaped the dynamics of change. Women confronted oppression by chiefs, husbands and brothers as well as by employers and pass-laws. The high proportion of women headed households in southern Africa is thus not just a reflection of the fact that men left and women remained behind, but also of women's protest against the terms of their remaining. These contradictions of gender often implicated tensions of generation and pitted younger women against their mothers'-in-law.

Liberals have no difficulty recognizing that gender relations are contentious, but the importance that is given to individual autonomy makes it difficult to appreciate the importance of co-operation within relations of domination. The brisk exchange between Jackson (2003; 2004) and Agarwal (2003b) illustrates the liberal dilemma. Jackson observed that one did not find rural women in southern Africa pressing for separate land rights as Agarwal's argument would suggest. She suggested that that this reflects the advantages that women gain from cooperation with men, rather than

misperception of interest.¹⁵ Agarwal responded accurately that her bargaining framework takes account of the fact that household members do cooperate, if cooperative arrangements make each of them better off than non-cooperation does. But here co-operation is epiphenomenal – the result of the calculation of individual interest, which can according to liberal theory only be optimizing if everyone has clear individual entitlement to resources.

A different way of seeing rural land rights in southern African is to recognize that the ‘fuzziness’ of land rights arises from overlapping, ‘socially embedded’ and not strictly bounded forms of cooperation, that includes descent groups and residential communities as well as households. The fact that women and men’s land entitlements are not discrete opens a space for contestation and renegotiation in a way individual titling systems restricts.

In insisting that only discrete individually delimited rights constitute rights to land, diminishing the importance of collective more openly defined rights, the liberal literature on women’s land rights underestimates the access to land that rural women have in southern Africa (if men also have it). On the basis of research done in Magude, southern Mozambique, Gengenbach (1998) challenged the stereotype that customary law invariably discriminates against women’s land access. Women emphasized that their rights derived from their membership in the ‘cultivating community’, those married into various different descent groups who had everyday control over land management. The process of land demarcation and individual titling, particularly in the wetlands, that was associated with the intrusion of settler farms and later dislocation and resettlement during the war had not deprived the women of Magude of land, but it had weakened the collective rights they held as the cultivating community to decide how land would be used. Contrary to what Agarwal might predict, they felt that individual control had lessened not increased their power to be managers of land.

Similar evidence on the importance of community recognition of the land rights than women enjoy as cultivators comes from eastern Africa - Tanzania (Yngstrom 2002; Daley 2005), Uganda (Khadiagala 2003), and Kenya (Aliber and Walker 2006). The Aliber and Walker study is particularly interesting because it is one of the few that used survey research to look specifically at widows’ land rights in the context of AIDS. The found that the conventional account of the AIDS widow expelled from her land by rapacious in-laws was not the norm:

Although the present study confirms that HIV/AIDS can aggravate the vulnerability of certain groups to tenure loss, in particular that of widows, the main finding is in essence a non-finding, that is, that the link between HIV/AIDS and tenure insecurity is neither omnipresent

¹⁵ Jackson also draws on the work of Rao Rao, N. (2005). "Questioning Women's Solidarity: The Case of Land Rights, Santal Parganas, Jharkhand, India." *The Journal of Development Studies* 41(3): 353-375, Rao, N. (2006). "Land rights, gender equality and household food security : Exploring the conceptual links in the case of India." *Food policy* 31(2): 180-193. on India. For a similar point on co-operation within gender inequality see O’Laughlin, B. (1995). *The Myth of the African Family in the World of Development. Women Wielding the Hoe: Lesson from Rural Africa for Feminist Theory and Development Practice*. D. F. Bryceson. Oxford, Berg Publishers: 63-91. on peri-urban agriculture in Mozambique.

nor the norm. Moreover, the study finds that threats to tenure security do not necessarily or even usually result in actual, sustained loss of land rights (Aliber and Walker 2006, p. 725).

A consistent theme in all these accounts is the importance that support from other women of the community in getting by and keeping agricultural production going in times of adversity. In the context of AIDS, pushing for legal enforcement of a strict conjugal model of inheritance of land, excluding the claims of descent group, could easily heighten vulnerability rather than secure women's livelihoods. For poor rural widows to be on their own is deadly; they need the help of members of their own or their husbands' descent groups. Church groups, external NGOs, mutual help organisations and local party chapters provide some support, but links of reciprocity between kin and friend within the community are still important.

The privileging of conjugal property can have unintended affects on women's land rights. The government of Malawi responded to reports that descent based inheritance rules discriminated against women by introducing a plan to assure that children, irrespective of success would inherit the property of their parents, including land. If implemented it could lead to women losing their existing rights to land through their matrilineages (Peters and Kambewa 2007).

The gendering of formal and informal political institutions

Feminists working on land issues in Africa have been particularly critical of analytical dualism implicit in discussions of legal pluralism (Whitehead and Tsikata 2003). They see customary and statutory law as intertwined and hybrid. They have also observed that discussions of land tenure reform have focused political attention almost entirely on formal political institutions, their constitutional charters and their codified laws. In her critique of de Soto, Nyamu-Musembi (2006) observes that he addresses only formal legal institutions, discounting the web of informal legality that governs property relations in developing countries. Even some feminist legal analysts minimise the importance of rural African women's land rights, because these rights are not recognised by statutory law.

Such an approach is criticised by Khadiagala's (2003) in her work on rural Uganda. She disputes the idea that customary courts necessarily marginalise the land rights of women. She argues that out of women's claims to property have emerged a common set of principles for adjudicating the property rights of both men and women; these are based on universal norms of justice that recognise cooperation and relative labour contributions (Khadiagala 2003, p. 102). In other words the rights of the custodian and user of the land implied by the notion of the 'cultivating community' in Magude (Gengenbach 1998) also enter into the process of formal adjudication, which partially explains why women are not always willing to trade customary judgment for statutory procedures.

Informal power, what Scott (1985) was getting at with 'weapons of the weak' (though of course those who are not weak do not abstain from using both formal and informal power), infuses formal processes of land demarcation under the 1997 land

law in Mozambique. Tanner et al (Tanner, Baleira et al. 2006) observed that women rarely speak in the formal consultation sessions, but have a great deal of influence outside. The formal process is so rapid, however, that there is little time for persuasion or lobbying. Politically, any counter-hegemonic project for rural areas will have to recover the space of 'tradition', to go beyond chiefdom and descent to less formal but nonetheless material practices and norms. After all, the claim 'land to the tiller' is not so different to the notion of the 'cultivating community'.

Returning to the story of Lovemore, feminists would, I think, share liberal respect for her independence, but would also recognise the limitations of her autonomy. They would, like critical political economy, note that a plot of her own has certainly not made it possible for Lovemore to abandon commercial sex work, but they would also point out that it has cushioned her vulnerability and that of her children. They might suggest that despite her protests Lovemore clearly does care what people say and they would suspect that the voice that matters is that of the other women with whom she lives and works. They would point out the help Lovemore got from joining the ZANU/PF Women's League, and suggest that repeated ZANU/PF electoral victories in rural areas reflect the ways it has addressed contradictions of gender, not just the political alliances it has made with local chiefs (and certainly not generic rural traditionalism).

Widows' weeds

The construction of the figure of the AIDS widow, deprived of her property by her in-laws and struggling to care for herself and her children, illustrates the political strengths of liberalism. She is a real person in southern Africa; she appeals to our compassion, our solidarity, our sense of justice. But she carries with her the reductive, and misleading, formulae of economic liberalism: individual inheritance rights, the promotion of private property and free-markets will resolve both the specific misery of AIDS widows and the general problem of rural poverty in southern Africa.

Without income and great endurance, it will be difficult for the AIDS widow even to have her land surveyed, to establish her legal rights relative to those of other claimants, to wend her way through the bureaucratic process of registry. If she has not been able to resolve her claims to land in accord with consensus in her community, then the support she needs from kin and friends will not be forthcoming. Without a healthy family and such support to help her work her land, or income to hire help and a plough, purchase inputs and pay for health care, her plot will be overgrown and unproductive. The image of the widow saved by titling from expulsion from her land by greedy in-laws risks celebrating exclusion as autonomy.

Nor is it clear that formalization will secure access to land for the larger category of women (nearly half in many areas) in rural southern Africa who are not necessarily AIDS widows, but are nonetheless living on their own. In areas where most land is already held under freehold, women should have the same legal rights of title as heir or spouse that men enjoy. But outside South Africa and Zimbabwe, and to some extent Namibia and Malawi, the main issue is defence of smallholders access to and control over land in government reserves and in areas administered under some form of customary tenure. The implications of full conversion to freehold are unclear and will certainly differ from place to place. Previous titling schemes in the region have not invariably resulted in the displacement of the poor from their land – some people

never even bother to pick up their titles. The current titling process is, however, driven principally by concern for investor guarantees and applies to large areas cut out for logging rights, tourist facilities and private game reserves. In areas affected, it is certain that the titling process implies rigid boundaries to use. Formal individual titling of fixed plots can also erode the kinds of informal rights that women have to land through residence and their work.

Despite the ambiguous implications of formalizing land rights, one thing the class analysis provided by the Marxist political economy makes very clear: abolishing customary tenure and introducing universal freehold will not answer the agrarian question in southern Africa. Addressing the inequalities that have followed from the migrant labour system will require major economic restructuring and very substantial redistribution of wealth, neither of which is presently a high priority in regional macro-economic policies. Instead we are offered de Soto's prescription for economic growth – full commodification and privatisation of land. It is particularly misleading to use the AIDS widow as an emblem for the transformative power of private property. The epidemiology of AIDS in southern Africa reflects that patterns of what has made it a region – an economy and society based on labour migration within and across national boundaries.

The liberal account finds the roots of rural poverty principally in the absence of liberal institutions, in the ways that rural people in southern Africa treat each other in general and women in particular. The remedy proposed, to give each one a right to their individual piece of property, disguises the ways that contemporary liberal legal institutions based on protection of private property principally protect the rights of capital in their everyday functioning. To force them to do otherwise requires concentrated forms of political action based on collective agency and strong class alliances. In constructing such alliances, it would be useful to have a political guide that recognizes both class and collective forms of gendered agency that are not reducible to class. It would have to recognise non-commodified work as more than unproductive labour; to see how rights based in non-commodified work can inform class demands, and to recognize the political power of forms of political agency - however fragmentary or transient – that have been illegitimised by formal politics.

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Table 1 Female headed households in rural areas in southern Africa

Botswana 1994	50.1
Lesotho DHS 2004	36.3
Namibia DHS 2000	43.9
South Africa DHS 1998	50
Malawi 2004 DHS	26.3
Mozambique 2003 DHS	26.3
Zambia 1996 DHS	24.8
Zimbabwe 1999 DHS	39.8

Source: ORC Macro, 2007. MEASURE DHS STATcompiler.
<http://www.measuredhs.com>, July 19 2007 and Government of Botswana, Central
 Statistics Office, HIES [1995:28]



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