

Land and Womanhood:

Notes on the propertied women in West Bengal

Introduction

The main thematic focus of inquiring into embeddedness of land as property this paper revisits the rigorous specification of private property rights as a necessary condition for better economic wellbeing and as a marker of empowerment of citizens of healthy societies founded on civil and political liberties, especially in the area of gendered social equity. A striking feature of contemporary understanding of private ownership of land is determined by to which degree the holding of things be rendered formal and explicit. I shall suggest below that, the evidence of this explicitly announced ownership criterion is less than conclusive in regard to actual claim, usage and relation of particular object, here land, to the individual woman who owns or supposed to own. A central thesis to be scrutinized in this article considers the focus on relations of land ownership must not be restricted to the formal legal codes, but be broadened to include the institutional and cultural contexts within which such codes operate (Hann 1998:7). In doing so, the paper highlights how gendered subjects are constituted of social relations within which the claim to ownership of land configures.

I am aware of the difficulties of generalization about property relations among societies of cultivators. Previous anthropological attempts to arrive at a more broader theoretical understanding of historical specificities of land relations have shown that patterns of land ownership are simultaneously contingent of social phenomena that are both constitutive of and constructing property relations. For example following Jack Goody (1977) it can be systematically distinguished between technologies based on hoe that is conducive to egalitarian social relations prevalent in sub-Saharan Africa, and technologies of the plough (where women are not allowed to use this technique for agricultural production) providing a basis for more hierarchical social relations in Eurasia (ibid:11). In recent study on Chinese agricultural economy (cf. Nolan 1994 as referred in Hann 1998) is characterized by land under cultivation by family unit operates “through the use of long-term leases, which can be inherited in the family but not alienated, has undoubtedly been conducive to much improved economic performance.

The Chinese economy as a whole is showing very impressive rates of growth achieved *without* the rigorous specification of formal legal property rights [of ownership] that is central to the liberal paradigm and recommended by the World Bank.”(ibid: 20) Without denying China’s present regime of property relations creating many problems as observed in ethnographic fieldwork¹ it has also been conjectured that “the policy that still restricts private ownership of the means of production, including land, may also have limited the spread of social exclusion” (ibid: 20-21). Being aware of the inherent risks in broad generalizations on individual property ownership and its consequences across and within communities, this paper provides an analysis of how social systems are consequential of gendered property relations and how exclusions and inequalities are legitimated based on ethnographic data collected in Debshala village in West Bengal during 2015-2016. I will explore how women negotiate in deciding their relation to land ownership under the reformed succession law and in the process of realizing the promise of law how they express themselves about the lives they are living. In agreement with Feldman (2009), I will follow the line of argument that state laws “not only operate as external measures of legitimate authority, that is, as “externally regulative”, but also are “internally constitutive” since they are part of the cultural formation that women negotiate in deciding how they want to live and express themselves.” (Feldman 2009:209) Subjects of gender-inclusive inheritance law – “embodied in relations of inequality” – experience that “normative practices do not prefigure social practices but realize them” (ibid:188) and their subjecthood remains an evolving site where normativity and social practices recontour each other to an extent that drawing any deep divide becomes increasingly difficult.

Moreover, I emphasize here that land as property has a notable and distinctive feature than other forms of property. Hann (1998) commented, “many things (notably land - ‘real property’ as it is termed by the lawyers) do not circulate so readily. Many patterns of ownership [including land ownership] demonstrate important continuities which provide effective stabilizing anchors in even the most rapidly changing, ‘postmodern’ societies.” (ibid:31) I would demonstrate this observation in detail while

¹ I am referring here to the fieldwork carried out in Xinjiang Province in 1996 by Hann and Beller-Hann, as referred by Hann (1998:233)

discussing how other forms of wealth (e.g. especially jewellery with its mobile and transferable character in context of '*streedhan*' at wedding or usufruct right on a section of dwelling house in case of marital breakdown) experience a very different path of inheritance in reference to gendered intra-family devolution in the rural area under study. This will highlight the specificity of inter-generational transmission of land, especially land under active agriculture, because an analysis of land ownership ultimately leads to an analysis of social conditions and power relations that determine access to scarce resources. And land is still the scarcest resource in agriculture-based rural Bengal where small landholding is the norm of production.

An engagement with the debate on gendering land ownership

An inquiry into the embeddedness of land as property and its gendered pattern of ownership unfolds the tentativeness and possibilities rather than the inevitability of the established knowledge, which informs present social policy initiatives that possessing land titles empowers women by placing them in a stronger position of better bargaining power within the home and community that is characterized by discrimination and intra-household inequalities. The debate around general absence of land demands from women, especially intensively cultivated agricultural land, lack of *de jure* titles of land owned by women, *de facto* control of land by women and the maxim of individual property ownership as the ideal form of property control have presently been a major theme in empowerment paradigm of land rights for women. Previous and ongoing research (Agarwal 1988, 1994, 1995, 1998, 2002, 2003; Davidson 1988, Deere and Leon 2001, Rao 2008) and international empowerment programs (FAO 1979, World Bank 2013, 2014, Landesa 2013, 2014) have shown that effective land rights have the potential for ushering notable differences in women's bargaining power within home and community, bringing welfare of children and household and ensuring food and nutritional security of the family. Often these empowerment efforts and research analysis conclude land and legal reforms experience limited success due to "sociocultural norms [that] disallow women from acquiring land through inheritance or allocation of government land" (Landesa 2013) or "strong social customs that prevent women from getting a share of their parents' land" (Landesa 2014). Familial gendered roles, kinship network and

marriage practices are thus identified as social ‘obstacles’ faced by women in their demand and desire to own land. Forwarding Jackson’s suggestion (2003) for the need of “more contextually grounded research” (ibid:476) and “detailed ethnographies that consider the diversity of subject positions and subjectivities of women in relation to land” (ibid:477), this study brings marriage and kinship, individual life courses, life experiences and construction of gendered subject at the analytical heart of the project on ‘gendering the land question’.

In the following pages I offer an account of the micro aspects of how rural women and men in Hindu (upper and middle caste) landed families in Debshala region (of Purba Bardhaman² district) in West Bengal perceive their own situation and what they think about the pursuit of claiming land rights from their natal or affinal families. Women in this study own real property in terms of house and agricultural land in their names. Surprisingly, these women who are propertied and are known in the community for owning land, are also women whose life courses are distinctively different than the rest of the women in the community, marked by widowhood, singlehood, separation, failed marriage and divorce. Their experiences constitute a unique sense of vulnerability, exclusion and social deprivation. In Indian context, where life for women outside of marriage and affinal kinship is potentially endangering, especially riskier in rural milieu, women are located in the context of social institutions ‘where households are increasingly vulnerable to dissolution in ways that do not necessarily enhance women’s life chances.’ (Walker, 2003:46) Rather than assuming women as a category, this study considers gender as social relations and explores multiple subject positions of women having crosscutting interests within household and kinship matrix. To explain the distinctive subject positions that constitute womanhood in respect to marriage, family and kinship I look deeply into women’s life situations, which have implications for gendered land inheritance: 1) widowhood 2) ‘broken’ marriage. These circumstances of ‘unusual’ life courses for rural women in Debshala unfold a generic theme of conceptualization of women as subjects within the kinship system and society at large. Following Whitehead (1984), I argue that “kinship system, which embodies a set of rules

² During my fieldwork (2015-2016), the village was part of erstwhile Bardhaman district. In April 2017 Bardhaman district was bifurcated as Purba and Paschim Bardhaman district. Now the village is located in Purba Bardhaman district. *Purba* is East in Bengali.

about marriage as well as a set of symbols and values about the meaning of prescribed acts, constructs men's and women's ability to act differently in relation to marriage." (ibid:189) Thus, men and women situated in the fabric of kinship emerge differently as subjects in terms of their capacity to act in socially unencumbered ways.

The concept of subjects can be characterized by their degree of being "individuated" (ibid:189) within and from social relations which provide a remarkably powerful analytical tool to revisit women and property relation. The ability to own property, therefore, is circumscribed both by construction of gender differences through kinship and by "the legal separation of subject from subject in his or her capacity to have control over the disposal of a thing which has been designated as his or her property." (ibid:180). To be considered as a legitimate claimant and heir of real property it is prerogative for a woman to have established her "individuated" (ibid:189) subjecthood, legally and actually, independent and separable from familial relations. Strathern's (1984, 1998) argument regarding ownership of property becomes cardinal at this point if we suppose the focus were not on things or rights but on persons as such. When women, as acting subjects, own, control, alienate and manipulate things – however restricted in terms of amount of resource and extent of control – renders a specific form to their womanhood. In a cultural context, if the definition of womanhood is not tied up with manipulation of things (cf. Strathern 1984:164), can it be that the ways through which womanhood becomes reproduced offer an analytical insights into the debate of women's limited ownership of land? In understanding what ways their womanhood is being reshaped while owning land as property I acknowledge and circumvent the well-established discussion of social relationships in terms of control of property.

Analyzing distinct circumstances of women's life situations where the 'normalcy' of an adult woman's life is ruptured, what I find noticeable about women's relation to land and property is how women are perceived by themselves and by the community at large in terms of their degree of separation from kin and other family members. For women to have a socially justifiable claim on property their life course has to be somehow punctuated with marital logic. Surely, it does not grant them a status of fully empowered individual to act free in relation to things and people, but it renders distinctive meaning to their subject position as woman. A woman's capacity to claim,

own and control property, especially land, is shaped by a different kind of subjecthood than men in relation to land. It is the conceptualization of womanhood primarily as a carrier of kinship status and nurturer of familial ethos that guide the principles and mechanisms of ownership and descent constructs. Her property relation is mediated through conjugal, affinal, familial and kinship status where marriage remains the primary institutional sanction that turns her to a possible subject, a person who is able to own property, mostly in usufruct right. Thus, family and kinship system remains the most important site that construct female and male subjects based on gendered ideology and practices. This construction of female subject, which denotes her womanhood becomes the fulcrum of her capacity to own any form of property – it is by virtue of this gender construction her claim is validated.

Strathern (1984) observed in her study of the circulation of Hagen women and valuables that transactions with valuables is predominantly a male preoccupation, and when women engage in the affairs of wealth it redefines their socially ascribed personhood. “When men give wealth to one another [...] the donor is giving himself. As a transactor the donor is male (women as such do not transact with valuables; when they do, they are ‘like men’). This self [...] may be constructed either as purely male, or also as taking into account the combined efforts of husbands and wives together.” (ibid:168) “Hagen land is much bound up with male person, a given, non-disposable fact of identity. But it is made productive through labour. Women symbolize that labour” (ibid:168) “On a different scale women make small gifts to one another of netbags and ornaments. The symmetry between men’s objects [...] and women’s is not perfect, [...] because women’s items do not constitute wealth.” (ibid:169) Land, as one of the most important forms of wealth in rural Bengal that is publicly transacted is primarily considered as male sphere with distinctive male ethos. The male members of the family predominantly carry out ownership titles, registration, market transaction, legal circulation and regular administrative maintenance with external male transactor and government officials. Transactions of land, in the sense of open market transactions of buying and selling (e.g. to a builder, industrial entity) in the rural context or the legal procedures involving gaining title, mutation etc. is often attributed with processes that are strenuous, murky and require a great deal of public dexterity. This public character of land dealing

constitutes land with intrinsic ‘male’ attributes, making land pursuit perceived to be “purely male” in the village community.

Perceiving Land ownership

It would be noteworthy to mention here that the West Bengal State Government Block Land & Land Reform Office (BL&BLRO), Block Land Revenue Office (BLRO) and at the panchayat level the Revenue Inspector’s Office (RIO) under whose jurisdiction the village I studied (fieldwork, 2015-2016) is administratively located do not have any single woman official. The offices have been overly crowded during working hours and beyond with a remarkable omission of woman’s presence what I observed during my fieldwork. The Revenue Inspector, Block Land Revenue Officer and the Block Land & Land Reform Officer mentioned that they have almost had no experience of attending women members of the village or at the block level regarding administrative issues of land or dispute settlements. They emphasized their patron profile is predominantly constituted of male members. Rather what they have experienced and what they consider “normal behavior”³ is to consult the male members of the family (husbands or husband’s elder brothers in case husband is deceased) when, in minor incidents, titles are with women. Particularly significant is a reflection of the young (male) Block Land Revenue Officer in Ausgram-II Block. Debshala village is administratively located within this block. In the course of discussion with him over 4 days, he spoke to me in a mix of English and Bengali about his job and his growing tiredness of dealing with often threatening disputes regarding identification of vested land and agricultural land.

“To record the right of land, vested land, issuing patta for agricultural land in this rural area is of a highly (big) troublesome problem (*boro jhamela-jhanjhat er byapar*). Land in this rural area is constantly fraught with fights with hands and sticks (*pratiniyoto hatahati, lathalathi legei acche*). Does not exclude courts either (*Court o baad jay na*). The issue of land ends up in bloody events too. (*jomijoma r byapar raktarakti kando porjonto garay*). We have to see whose possession (*dakhal*) the vested land (he used the English word ‘’) is in now. Who possess (*dakhal*) how much, if the applicant build houses or not, start some type of farming or not, if yes, what kind of farming. We need to investigate and decide how much of vested land (he used the English word) is available and then decide about patta. It is often much disputed. We need to decide these amount of vested land is there, whom should it go and how much. Who deserve to get and who

³ Interviews conducted with the officials in Debshala RIO, Ausgram-II BL & BLROs and Bardhaman DL&LRO between August and October 2015.

does not deserve to get. I mean who is the real party.” (*Interview and personal conversation: 15 September 2015*)

In his comments about the problems related to his job ‘dispute’ over land ownership and land possession (*dakhal*) becomes a leitmotif regarding land identification and allocation and therefore issuing proper records of right. The male members of the family often bring in these disputes to his office. He cannot remember a single incident in his tenure of 6 years in Ausgram-II office where women have been involved as an active applicant to register land title or mutation of land. His experience of women’s involvements regarding land transmission in his words point out a popular rhetoric of exclusion. The following is an excerpt from our conversation:

BLR Officer: I got many cases where brothers came to me showing papers that the sisters will have no claim in their brothers’ share.

AM: Yes, sisters did not claim brothers’ share. But what about their own share?

BLR Officer: What about it! (in an exasperated tone). The sister declared their share as *danpatra* (literally: donation-letter, officially translated as gift-deed) to the brothers.

AM: Are you talking about agricultural land?

BLR Officer: It is majorly agricultural land (*chashjomi*) here in this block. We deal with mainly agricultural land.

AM: So are you talking about sisters’ share in the agricultural land (*chashjomi*)? Do they have agricultural land on their name?

BLR Officer: Yes, they (sisters) get it (*chashjomi*) now, by law (*aini bhabe bhaage pay*). Now, though the sisters get the land they never farm (*chash kore na*) it, how will they? And being a woman, they are married off. They live in different village with their in-laws. So basically (he used the English word) the brothers farm the land who live here, and have it here.

AM: So does a sister have any agricultural land here? What is your experience?

BLR Officer: Look, in principle (he used the English phrase) sisters can rent out the land to other farmers to farm their share of land, but nobody does that, how will it look! (*Kemon dekhabe!*) The brothers farm the land, the sisters make *danpatra*. Brothers also look after the sisters; they send some harvest to their sisters’ father-in-laws’ house. It looks good, like a gift from a brother to the sister in her father-in-laws’ house (*sasurbari*). It makes the members of father-in-laws’ house (*sasurbarir lok*) happy, sisters happy.

AM: Do you know here any sister has sold her share of land to an outsider?

BLR Officer: No, I do not have any such incident in my block. Sisters always prefer to present it to the brothers. Even though she is married, but they are members of father’s house after all (*baaperbarir lok to bote*). Why outsiders?

The apparent mix-up of kinship terminology regarding disavowal of share by one legal heir of land claimant (sister) in favour of another (brother) as presented in the opening comment of the conversation – “*Sisters will have no claim in their brothers’ share*” – is instrumental in understanding two facets of gendered land relations. On the face of it, it seems a seeming mix-up of terms – instead of ‘*in their own share*’, he reported as ‘*in their brothers’ share*’. Nevertheless, the rest of our conversation helps us to understand the subtext of the opening remark of seeming mixing of terms better. It illuminates how an underlying assumption of gendered property transmission guides the public perception of rightful heir. It has been pre-assumed that the family land is brothers’ rightful share and the sisters are disavowing claim on their *brothers*’ share, not disavowing claim on their *own* share. Of course, the BLR officer wanted to convey that the sisters will have no claim in *their* own share, but these seeming mix-up of words in his comment points towards a two-fold descent ideology of family land. First, “being a woman” the state of being “married off” becomes an almost “natural” destiny upon which the (dis)claim of natal land is negotiated. The plausibility of sister or daughter’s claim of land in patrilineal descent is addressed as an adjunct to a preemptive discourse of patrilocal marriage and village exogamy. The striking absence of acknowledgement of possible share of natal land by women who are unmarried (or outside of marriage) also reinforces this perception where marriage renders visibility, and yet dislocates women’s individual claim of ownership. Thus, it naturalizes a process of exclusion of women from natal land invoking a particular construction of womanhood based on her ‘inevitable’ affinal status.

Second, the abjuration of sisters’ claim in favor of brothers’ is also catapulted in terms of ante-mortem transmission of share of natal assets through ‘reciprocal’ giftgiving processes. Women as sisters (or daughters) renounce or donate their own share through *danpatra* and receive gifts of harvest and other articles. In the officer’s view, the ‘reciprocity’ of gift-giving serves two purposes:

- a) It formally responds to and rightfully settles the contemporary legal requirements of inheritance law (Hindu Succession Amendment Act 2005) where daughters have equal share in parental property including agricultural land. The process of gift-giving thus normalizes a pattern of social behavior

- that systematically excludes women as lawful claimant of natal land, especially under active agriculture by circumventing the legal necessities; and
- b) It upholds a general notion of family harmony by ensuring a dutiful brother's prerogative "to look after" the satisfaction of sisters' affinal members in her father-in-law's house, and thus serving as a collateral for sister's happiness through regular gift-giving. This view is attuned with the general moral fabric of the village where it is considered that the proper direction of the flow of gifts is from a woman's natal to her marital household (Fruzzetti 1982:60 as quoted in Lamb 2000:84). The married woman's *danpatra* of her share of natal family land is not considered as a 'gift' or 'donation' in this sense. Perhaps because in the first instance she is not recognized as a 'true' heir (*svattadhikari*) entitled to own in her natal family, therefore, her *danpatra* is not her asset to bequeath in the first place, rather seem to be a mere administrative mechanism to re-install the right of a brother in her parental wealth that is rightfully his. In the officer's words – "*the brothers came to me showing papers that she will not have any rights in her brother's share.*"⁴

The exclusion of women from land becomes further illuminated in retrospect to the officer's view of land as "highly troublesome problem". He mentioned a dispute in a different village (Kota Chandipur) where land is being bought for building a future factory by a real estate developer company from Durgapur (a township in West Bardhaman district, 70 km away from Debshala) that pushed the land prices very high. According to his observation:

BLR Officer: In Kota village factory is being built up that pushes the land price. Land that used to cost 10,000 rupees per bigha, now it costs more than 1 lakh rupees⁵. In this case, there are incidents of quarrel between brothers and sisters. *Bhaiphota*⁶ has been stopped

⁴ Some elderly married women whom I spoke to in Debshala insisted that after marriage women become *par* – 'other' – because their *gotra* and *bansa* change, they become part of their father-in-law's *bansa*.

⁵ 1 lakh or 100000 Indian rupees is equal to 1400 USD (as on September 2015)

⁶ Literally a dot on brother. It is a Bengali celebration on second or third day of Bengali month Kartik, dedicated to brothers. The sisters invite their brothers in their home, arrange a feast for him, keep fast until the ceremony is over, and pray for the longevity and prosperity of the brothers. Gift-exchange is an important part of the celebration. The elder brothers are expected to give more expensive gifts to the younger sisters than the younger brothers to the elder sisters. It is a convention to bring presents not only for the sister alone, but for her family including her husband and children.

for couple of years, they are not talking to each other.....so yes, it happened in Kota where the factory is in. But you see, it is not a fight over chashjomi....no *bhaiphota* is stopped for agricultural land share between sisters and brothers. It happens mostly when one party (he used the English word), brother, wants to sell.

AM: Do these cases go to court?

BLR Officer: Oh for sure, these cases regarding land title and share of land. All these cases go to the Bardhaman Court. If you go there you will see it is full of people, cases, complete chaos - almost like a fish-market (*maccher bazar* - he said the last part with a chuckle). But yes, one thing I must tell you, all these cases regarding land share is mostly between brothers, almost all if I am not wrong, never between brother and sister. Even in the case of Kota where brothers and sisters are not talking, *bhaiphota* is stopped, even then sisters did not take the brothers to the court. It is almost always (*pray sarbada*) between brother and brother discordance (*bhaye-bhaye bibhed*). If I look back in my work life, I have not really experienced brother-sister dispute over land in the villages. Not a single court case.

His testimony resonates with my observation in the Bardhaman District Court Complex of the Bardhaman District and Session Court⁷. The overwhelming absence of women in the court premise has been surprising for me but not totally unexpected. The lawyers, other legal professionals and clerical staff are all male including the Additional District Judge (5th)⁸. All of the registered lawyers with the Court are male as mentioned by the practicing lawyers with whom I spoke. And they reported that the overwhelming majority of civil disputes had their origins in a dispute over agricultural land. Litigants are majorly between *sharik* (extended patrilineal relatives) over land disputes and are mostly men. Majority of these cases relate to family disputes over property where one kin member is disagreeing and resisting the process of registration or mutation of land by not giving their signature and thus prohibiting another heir to attain full legal ownership of ancestral share, resisting divulgence of the litigant's heirship, drawing of boundaries between fields and create new ones – just to name a few. This observation in the court premise of Bardhaman District Court Complex during 2015 and 2016 interestingly corroborate that of Mendelsohn (2014). In his analysis of nature of

⁷ The Bardhaman District and Session Courts serve both Purba and Paschim Bardhaman districts and have several complexes – Durgapur, Asansol, Katwa, Kalna, and Bardhaman court complex. Additionally there are several benches of local courts in the district of Purba Bardhaman with complex hierarchy of positions – Districts Judge, Additional District Judge (1st, 2nd, 3rd, 4th, and 5th), Civil Judge and Judicial Magistrate. The offices are differently allocated among the above-mentioned complexes. My observation is based on the Bardhaman District Court complex where the District Judge and additional District Judge (1st, 2nd, 3rd, 4th, 5th) preside.

⁸ During my fieldwork the Bardhaman District Court had no woman judge in any judicial Benches, including the Judicial Magistrate's office.

litigations during 1970s in local courts of Behror in West Rajasthan he observes “that the overwhelming of civil disputes, and even criminal cases, ... had their origins in a dispute over agricultural land. There were civil, criminal and ‘revenue’ magistrates in Behror, and the greater part of the work in all three jurisdictions arose from disputes over agricultural land. A dispute over the ownership or control of land was sometimes expressed in multiple cases over a period of years, even generations. The most common criminal prosecutions were for assault and theft: the assault charges seemed typically to arise from physical fights over land, and the theft charges tended to concern crops taken from land in dispute. It became clear from case studies that criminal charges were frequently pursued out of a tactical and punitive approach by the parties to the land dispute. This pattern was broadly characteristic of the court load across India ...” (ibid:xvi). The scheme of taxation, revenue system and administration of land that the British imposed on India along with the early nineteenth century legacy of Anglo-Indian judicial system contributed to the predominance of land as the subject of litigation and the disputes that often seemed never-ending rather than resolved by decision of the court was still profoundly at work in the courts of Behror that Mendelsohn encountered in 1970s (ibid:xvii). These prolonged litigiousness over land disputes not only dominate but shaped the whole character of the Indian judicial process. “People would fight with great strength and persistence to preserve what *they believed* were *their rights* in relation to land.” (ibid:xviii; my emphasis)⁹ This echoes the statements what I heard from the officer at the BLRO that land is indeed a matter of great trouble leading even to “bloody” event, and it is particularly the wearisome, relentless aspect of his job that he is so stressed about. Land disputes historically provided “the foundation upon which lawyers and other legal professionals could assert their own interest, which was prolongation and proliferation of cases. Over time this professional ruthlessness and exploitation of litigants developed into a culture that so repels many observers of (and, indeed, participants in) the Indian court system.” (ibid:xviii) This historical formation of Indian judicial process remains crucial to understand people’s perception and relation to the

⁹ see Mendelsohn 2014 for one evocative example in the case study of Jagat Singh

Indian judiciary, especially the local courts and the related bureaucratic mechanism of jural structure as mediated through legal professionals.¹⁰

The revenue official's remark on court comparing it with a '*maacher bajar*' – in the garb of a popular expression to denote confusion, overcrowding, excessively noisy and smelling 'fishy' and feeling murky – signals towards an attitude of a citizen (even when being part of the state mechanism) to regard the local judicial machinery and the space itself with lack of deference, confidence and opaque suspicion. In extension to this sentiment a popular Bengali adage that I heard during my fieldwork and elsewhere, aptly captures the general attitude of ordinary citizens towards state mechanisms, especially the judicial system:

'Baghe chhunle¹¹ atharo gha, pulishe chhunle chhatrish gha, aar ukeele chhunle bahattor gha'. [Original in Bengali]

Literal rendition: '*When a tiger touches it amounts to 18 blows, when a police touches it amounts to 16 blows, and when a lawyer touches it amounts to 36 blows.*' [My translation]. Figurative disambiguation: The police is more dangerous than a tiger and the lawyer is more dangerous than the police is.

This saying¹² is especially helpful to come to grips with what many of the people in Debshala seem to think of the judicial process with attitudes including horror. In the village this proverb is used to convey a sense of moral lesson, a warning and a precautionary advise to prepare the possible litigants¹³. In particular instance, this adage

¹⁰ For further elaboration of the theme on predominance of agricultural land disputes in the local courts of India that played a decisive role in the historical evolution of a legal culture; and the attitudes and perception of litigants and ordinary observers towards Indian judicial process, see Mendelsohn (2014:xiii46). More on this thematic concern see pioneering researches by Baxi (1982), Dhavan (1986, 1989), Galanter (1984, 1989, 1991, 1992), Kidder (1977), Agnes (2001), Duncan and Derrett (1968) and the contributions in 'Law in India' Series, Oxford University Press, New Delhi.

¹¹ Other variant of the same proverb uses *dhorle* (to get a hold on to someone or something, to catch) instead of *chhunle* (to touch) – I maintain the latter since I came across this variation more often and both the variants are largely equivocal in disseminating the message of the proverb.

¹² The people who used this proverb does not intend to comment that the contemporary Indian legal system is considered foreign or alien to them, or that it is institutionally not '*theirs*'. They genuinely feel it is the normative system of their society. The interesting aspect that this proverb conveys is how a complex, formal, institutionalized body of state machinery accommodates itself to local conditions and finds expressions in everyday experience of people. (C.f. Galanter 1989, 1992).

¹³ For a provocative joke-analysis on name-calling of lawyers see "Lowering the Bar: Lawyer Jokes and Legal Culture", Galanter (2005) where he commented: "what passes as no more than mischievous namecalling is really a malicious attempt to batter the legal system with sticks and stones." However, this proverb does not follow a strict understanding of caricature of legal system represented by lawyers in public imagery.

was mentioned by two out of three women in Debshala who inherited and gained titles of landed property. They mentioned it to elaborate on their experience and as a validation of conventional wisdom pervasive among common people with limited resources to benefit from the labyrinth of court machinery, especially being women who speak rudimentary English, if at all, and feel being lost in the language of courts¹⁴. They also perceive themselves as not being deft at how to put together, what Mendelsohn (2014:34) calls ‘a good judicial ‘performance’ which acted as a resource in the struggle for land’. They consider themselves ignorant (*ajno*) how to benefit or how to come out alive (*beche beriye asa*) from what they call a ‘noose of law’ (*ain er phaas*). Legal guidelines and legal processes of litigation, prosecution, hearing, speaking through law hence become a site of performances, that “people are constituted and constitute themselves as gendered subjects” (Hirsch 1998:19 as quoted in Basu 2015:60), is perceived by women in Debshala as an expensive and tangled recourse of law where they find themselves inept. Thus, the relation of land with judiciary is multilayered, in terms of both content and process. Land disputes characterize the quantum of litigations in the local courts where many of the disputes are fuelled by ‘errors’¹⁵ in the delineations of record of rights (*patta*), discord in succession of heirship, or right to sale land to an ‘outsider’ builder/developer company. As discussed earlier, land disputes constitute not only the bulk of litigations but historically acted as a catalyst in crystallizing a judicial culture in the contemporary local courts that is perceived and experienced by the litigants and incumbents as a source of personal desperation, helplessness, confusion if not suspicion and horror.

Predominance of agricultural land in vector of dispute generation both in the ‘social’ order and consequently purported in to legal system marginalized and excluded people with fewer resources who cannot accrue possible benefits of the system. The intricate relation of nature of land ownership as a ground of dispute coupled with its

¹⁴ For more detail discussion on gender and judicial language in Kolkata Family Court, West Bengal, see Basu (2015)

¹⁵ The errors can be of simple human-mistake in nature or of deliberate falsehoods by the local revenue investigating offices (RIO) who work along with the gram panchayat to demarcate the boundaries of agricultural land ownership to settle revenue and to report to the higher authority, that is, the BLRO and DLRO for final drawing of records of land (*patta*). This is particularly true of West Bengal where the Communist Party’s (CPI-M) *Operation Barga* (a policy initiative to register sharecropper’s plot in their name) initiated widespread anxiety and resistance among landholders, in area of identifying ‘surplus’ land beyond the state-earmarked ‘ceiling’ of individual landholding.

manifestation in the maze of judiciary (*ain er golokdhada* – as put by Tumpa Ray in Debshala) systematically render women in its periphery constituting the perception of land and legality fundamentally a non-woman sphere where women are considered as trespassers. The local legal order is mostly perceived as an institutionalized means of instigating prosecution motivated by revenge and harassment of one's opponent¹⁶ rather than a system for disseminating justice, or a mechanism of self-protection¹⁷. Women find themselves as tenuous legal dependent on the male counterpart with their access to economic resources being subordinated to the control and will of the men even though they continue to sow, weed, hoe, harvest, and thresh and mill grain and vegetables; look after dairy cattle, collect fuel; and process produce and prepare it as food (Agnes 2009:34-35; sentences transposed). So, women transform the land as productive in joint effort. However, this aspect of contribution of women labour on agricultural land does not necessarily transform the sphere of land perceived as male. Women's transaction with land and its produce is underlined with a caste connotation where the upper-caste Bengali Hindu women from landowning families are restricted in working physically on the family land under active cultivation. Women are not expected to toil on the field, even as members of farmer's family it is considered undignified to be associated with cultivation physically on the field. Even though where women work on land their labour

¹⁶ Discussion with villagers in Debshala, both men and women, especially men with landholding and belongs to upper-caste in ritual hierarchy, including the male officials of Panchayat and Revenue Offices.

¹⁷ A sense of ultimate downfall, disaster, anxiety, fear and desperation has been articulated by the women of the village at the very mention of court to them. The association of court in their mind primarily relates to matrimonial disputes that they consider the most unfortunate and shameful social and emotional state of their life. This observation is again brought into forefront by the palpable desperation covered with resolute silence portrayed by two women whom I luckily managed to address in the Bardhaman Court Complex of the District Court of Bardhaman. The pithy unwilling response by both these women were interspersed with their brothers' corporeal and verbal gestures of annoyance and direct intervention of asking the sister not to talk much about 'anything' (*beshi kotha bolis na kono kicchu niye*). This behavior could also be interpreted as to flag an act of legal discourse, especially performed within the legal space, where "equating speech with empowerment and silence with aporia can be inadequate." (Basu 2015:66) and, "silence and speech ... never absolutely distinct categories", but "speech is never transparent, and ... silence is not always an imposition." (Rajan 1993:84 as quoted in Basu 2015:66) These two women were residents of Bardhaman city (the main township in the district of Purba Bardhaman is also called Bardhaman) who came to the court premise to attend ongoing matrimonial cases. They were always accompanied by their elder brothers and were not available to talk at length. Unfortunately, I could not gather their stories related to nature and cause of their court appearance beside their short comments on the reason – "familial and marriage related problem" (*paribarik o biye sankranto samasya*). The matrimonial cases form a smaller portion of a much larger pool of other civil suits pursued in the District Court. My field research did not elaborately concentrate on family court as a primary ethnographic field.

does not contribute to transform the land sphere perceived as male and secondly, it is considered inappropriate for women to deal with property, especially land, publicly. Hence, on a double-signification women are excluded from the ethos of land that consolidates the “purely male” attribute of land as property. Any transaction associated with land by women in this regard transgresses a sphere that distorts culturally prescribed gender ideology. And when women transact, deal with or own land, as Strathern (1984:168) puts it, the woman transactor is seen ‘like men’.

Direct ownership disturbs the ideological boundary of male and female-ness because if the possibility of ownership is not mediated through marriage for women, it trespasses a domain, which is not designated, nor is it compatible for what makes her a woman. In widowhood, singlehood, failed marriage, separation, divorce nominal land and property have indeed been transferred to women. However “it does not help the interpretation of cultural equations between women and wealth” (Strathern 1984:163). The way these women perceive their relation to ownership of land and property in reference to their holistic life experiences persuades us to revisit the analytical tenets of gender and axiomatic women’s right to confer property. In these circumstances what the women themselves denote as ‘shameful, failed, unfortunate, tragic, miserable’, extant marriage as a primary condition for womanhood, is not fulfilled. Her direct propertied status, especially into land under agricultural use (low land paddy fields – ‘*dhanjomi*’ in Bengali) and a plot of land bestowed by their natal family at the time of distress, deems to be a less than ‘honorable’ compensatory proposition in lieu of partially accomplished womanhood.

Thus, analytical disaggregation of how ‘land’ is a multifaceted asset depending on its use, location, value and tenure becomes significant here. Jackson (2003) appropriately identified “[t]he social relations that inhere in homestead land and gardens are very different to those of intensively cultivated infields or lowland paddy, or extensively cultivated dry uplands, or land with permanent tree crops” (ibid:462). Social relations that inhere in particular kinds of land are also varied in producing gendered connotations of normative land ownership. Land use patterns have a specific gendered character. Women in the villages under study have articulated a strong awareness of what it means to inherit land used in active cultivation of paddy or potatoes (the main

cash crops in the region) and compared it with other forms of land usage, with special reference to *Bari* land and homestead land¹⁸. The Bengali word '*dhanjomi*' has been used by the respondents throughout the field study to denote fertile, agriculturally viable, potential to generate substantial income for the household against '*Basjomi*' denoting any plot of land not primarily used for agricultural activities but also includes houses, ponds, or fallow land. All the women respondents in this study painstakingly differentiated these two expressions while talking about landed property that they inherited or have potential to inherit. '*Basat-bari*' or '*bastu-bhita*', '*Basjomi*', '*basasthanjomi*' or '*Bari* land' following Jackson's (2003) coinage, however, is perceived by these women in a radically different light when it comes to claim of usufruct right or share of inheritance. Ownership in '*Bari* land' has been recognized as potential source of economic security in the face of adversity. Probable marital instability has been recognized as a dreaded situation when they express a *need* to have access, at least a usufruct *share*¹⁹ in '*Bari* land' of natal family. Aparna Datta²⁰, a woman in her late thirties married with two sons (aged 16 years and 12 years respectively), lives at her marital house along with her elderly parents-in-law, illuminates her sense of natal property and her claim in it:

“The days when I have to claim the share from my brothers in my father's '*dhanjomi*' will be very sad for the whole family. That thought says evil about my life, my family's condition. It will be end of my family's peace. When I have to do that, it means something bad has happened to me. They have some '*dhanjomi*', but that is for my brothers' family. They farm the '*dhanjomi*'. I do not have any idea about that. We don't talk about farming, ponds – I get fishes and fruit on new year and *jamai sasthi*²¹ from my brothers along with other gifts. God forbids, I don't want to see the days when I need to talk about farming and related issues and ask from my brothers. If I need to see the bad days – when I have nowhere to go - where should I go with my children – it will be very sad, very shameful – but still my brothers will not let me come on the street. At least I will get a place in my father's '*basat-bari*'. As a sister who is in a deep misery I need to have a shelter.” (*Interview and personal conversation: 23 September 2015*)

¹⁸ It would be worthy to maintain analytical difference between 'Homestead land' and '*Bari* land'. Women are aware of the 'Nijo Griha Nijo Bhumi' (translated as 'May Home My Land' by the West Bengal Government) West Bengal Government's land reform initiative to serve the landless agricultural labourers, artisans and fishermen communities. The nominations of the distributed titles, records of rights and possession are given to the women in woman-headed households, and jointly to the husband-and-wife as a family unit with sole purpose of family residence with subsistence level agriculture-based income generating activities, namely, kitchen garden, poultry, micro-scale animal husbandry. It is important to remember here that the women respondents while being aware of this governmental scheme expressed their opinion and desire regarding ownership share of *Bari* land in reference to intra-family inheritance,

not concerning the land allocation scheme of the Government of West Bengal. They identify themselves not as 'homeless' and therefore reason that they are not eligible for the said scheme.

¹⁹ Women respondents have used the word '*bhaag*' in Bengali as opposed to '*malikana*', which can be translated in English as ownership. 'Ownership' has not been the preferred term in this case to denote the route to access property rights in her natal family. Whether the differences in terminology is idiomatic or a furtive discretion applied by the women in regard to her potential to claim of property is a matter of further analysis which will be addressed later in this paper.

²⁰ I did not change her name as she wanted me to listen to her story and mentioned she had no objection if I write about her.

²¹ Literally meaning sixth-day celebration for son-in-law. It is a particular Bengali ceremony attributed to celebrate sons-in-law on the sixth day of lunar calendar in the Bengali month of *Jyoistho*.

The differential positions of women in terms of their interests and motivations to claim related to cultivated land and *Bari* land illuminate how land should be considered as disaggregated asset in terms of its usage because possibility of claim and control are dependent on the myriad social relations and meaning that inhere in different types of landed property. It is curious to know why and how land under active cultivation has been the least preferred option of claim by women as sisters or daughters. What kind of social relations inhabit the '*dhanjomi*'? The identifications people have with agricultural land characterized by different land tenure¹⁹ arrangements and agricultural practices differ considerably from the sentiments associated with the '*Bari* land' that is often perceived as a readily available site for straightforward access in times of dire need. As Shila points out: 'in times of danger a roof over my family's head is what I need the most'. It is true, as a married woman asking for 'shelter' in the property which is her father's and inhabited by her brother's family is definitely a contested site, but the articulation of preferences are more immediate in choosing '*basat-bari*' over holding '*dhanjomi*'. Favouring '*dhanjomi*' seems a more distant and difficult proposition given her peripheral bargaining situation in the agriculture-based income generating activities of the

¹⁹ It is important to remember here that land tenure has been identified as the most salient form of property relations since Malinowski's (1935) discussion of Trobriand land tenure. 'His discussion of Trobriand land tenure pays careful attention to web of ideas, 'mythological foundations' and kin relations, notably the institution of *urigubu*. Far from being a narrow jural matter, the land tenure system is shown to be central to Trobriand conceptions of personhood and citizenship.' (Hann 1998:25-26). In this regard, '*dhanjomi*' crystallizes a particular set of social relations historically inherited from colonial and postcolonial land reform policies where women are often not recognized as social members and their participation in agricultural production in specific *bargadari* system practiced in West Bengal has hardly been recorded, contributing marginalization of the women in socio-political space of land tenure arrangement. Consequently it eroded the provision of women's claim as *bargadar*, which resulted in further exclusion of women from agriculture, rendering their labour invisible. These socio-political constellations have a central influence how women perceive their claim to land under active agriculture.

household. It is not only the type of land but also the type of access to land, in other words, the various ways people 'hold' land (ownership and usufruct right, 'own' and 'possess') come to play a critical role in determining women's claim over land.

Paradoxes of the social

The intergenerational transmission of land is affected by a range of social relations that implicates women's positionality in family land ownership. In quest of understanding the pattern of land ownership through the narratives women (and men), and situating gendered land relations within analytical frame of marriage, kinship and life courses I address two sets of issue.

First, *the issue of 'social' as a set of obstacles* (coupled with legal and administrative obstacles) that hinder women from realizing their claims in family land. To categorize 'social' as obstacle for women in the quest of realizing land rights seem to be an analytical flattening – a linear, correlational cause-effect argument that overly simplifies the lived reality of women within family and kinship. A reality that constitutes her subject position and maneuvers the processes how she identifies, decides, negotiates need of land claim and accomplish that claim.

Thereby, refocusing research trajectory on 'gendering the land question' I consider "gender as a relational form of analysis" based on "the interaction between women and men, both as they are structured by social norms and institutions, e.g. kinship and marriage, and reconfigured by individual agency over time." (Jackson 2003:465) I would register how women as actors are being embedded in the matrix of kin relations that are "internally constitutive" (Feldman 2009:209) and simultaneously are reconfiguring social normativity. How these interactions are shaping gendered subject and construct womanhood²⁰, and how land ownership and land control intersect these patterns of interactions? With the constitutive experience of kinship position women are in a continuous process of reconfiguring possibilities of action and potentials of transforming the 'social'. In other words, they engage in reconfiguring themselves as

²⁰ Reference:Thapan 2009. Kinship, marriage render a specific gendered construction of subject. This socially constructed gendered subject renders specific state of being a woman and attributes to be a woman in a certain cultural context. Womanhood is understood here as a state of being a woman. If a woman claims or exerts ownership rights how her state of being a woman in the family and community becomes restructured.

social actors in relation to the 'social'. Their subject positions enable awareness of a space of possibilities of action – possibilities that are carved through perceiving and identifying need, creating, discovering, evaluating, negotiating, strategizing the resources regarding claiming (or refusing) ownership and realizing that claim in family land. These possibilities of action, thus illustrate modalities of women's diverse relations to land ownership in reference to their subject positions. Hence, it is important to account how these distinctive subject positions of women reconfigure the material logic of actual land ownership. The way women are involved both with women and men in different social relations within family and kinship (as daughters, sisters, wives, daughter-in-law, sister-in-law and so on) with varied degree of age and kinship hierarchy, patriliney and virilocal\patrilocal marriage simply provides us an analytical starting point in investigating pattern of inheritance of property and descent ideology. *Situatedness* of women in the matrix of social relations wields their potential to land claim and gaining subsequent land rights. Of course, the individual meanings of kin relation are multilayered in relation to extent and lived experiences of patrilocality. The distance between affinal and natal home, the extent of exogamy, the degree to which the married daughter's relation is ruptured with her natal family, the quality of her relation with brothers who need to be in ally to cultivate or maintain the share of natal land are influential factors constitutive of her subject position. These experiences and meanings have a significant bearing on her desire and decision for effective claim to ownership. On the other hand, multiple subject positions are lived simultaneously by any one woman that generate intersecting interests of women within a family. A married woman's claim to her natal and affinal property is influenced by the crosscutting interests and opinions of her mother-in-law, sister-in-law and other female kinmembers of her marital home. It is not only men who has contra-interest in not being an ally in women's claim to land, be it is in her natal or affinal homes, but women's own multiple subject positions also lead to conflicting interests that restructures any one woman's potential to claim to land. The complicated web of kin relations that is often characterized by contesting intra-familial interests among differently positioned women and men in a lineage and affinal hierarchy proves to be a corollary delimiting the universal demand of land rights of woman. If we attribute the 'social' posing obstacle to

realize a woman's land rights we definitely need to revisit how we understand women's universal need and collective demand for land rights.

Second, the *issue of 'social' as legitimizing discourse* within the entanglement of virilocal\patrilocal and patrilineal structure of property transfer. Here I turn to the conjunctures where women's claim to land becomes validated within the patriarchal context. The processes of descent ideologies influence the shifts in the legitimacy of women's claim to land through their life course as daughters, sisters, wives or widows. Controlling the autonomy, mobility and sexuality of women often becomes a precursor of a particular kind of social rules for entitlement of land ownership, inter-generational transfer of land out of patriline in case of a married daughter serves as a justification for denying women's land claim. Yet, these very processes of patriarchal expressions, in a very limited way, validate a space for potential possibilities though circumscribed within the social realm of kinship and marriage for some women in their specific life circumstances to have justifiable access to land. In other words, gendered social mores play a crucial role in identifying *when* a woman's claim of ownership is recognized, that is, at which juncture in life circumstances that claim is substantiated by the processes of legitimizations and validation. A particular kind of life circumstances are put forward as a legitimate ground for women's land claim. Valuations of livelihood trajectories, different stages of woman's life-course, her life circumstances, and most importantly marital stability and success, or lack thereof, often dictate the terms of descent ideologies in the extended families, both natal and affinal. The centrality of marital status acts as the fulcrum of the social evaluating processes that denote justification to women's claim. Notwithstanding the pervasive deprivation that historically marred Hindu widows' life and dignity across India due to their social positioning as widows we see it is only as widows that "women appear to become legitimate claimants of land, they gain a share of their marital property" (Rao 2002:223). In a survey of widows in seven Indian states, it was found that 51 percent women inherited a share of their marital property as widows, but only 13 percent inherited a share of parental property as daughters. (Agarwal 1998:22)

The village under this study²¹²² shows only one example with a marginal share²³ of family land under agriculture transferred to an unmarried daughter by her father before his death on account of her marriage expense including dowry. The control of land and maintenance of ownership, both legally in terms of mutation and socially in terms of actual establishment of claim as a female owner, has been fraught with hardship and severe opposition from the family. Her unmarried single status in absence of her father made her socially vulnerable to retain ownership right in face of mounting pressure to marry her off, and thereby dislocating her claim on the land. Her individual status as a person with equal entitlement to ownership does not suffice to legitimize the premise of descent pattern. The normative structure of gaining, retaining or being denied to land ownership, thus acts out in cohesion with how marriage is considered as the prime institutionalized rite de passage in a woman's life that shape the site for legitimizing land transfer to women. Woman's relation to marriage – be it extant, deceased or potential – defines how her 'completeness' as social being is perceived, and decides her legitimate location within the broader domain of family and kinship to assert ownership claim. Ironically, so, these processes that recognize woman as legitimate claimant construct gender-specific meaning of her subject position and affirm gender order, which in turn, rigidifies gender ideologies in the home and family that further contribute towards reproduction of structural conditions where gendered claim of land is negotiated.

Intelligibility of the problematic of woman's ownership of land, thus, hinges on the tension between 'social' as obstacle and 'social' as legitimizing factor where 'social' is constitutive of casting a paradoxical frame for woman's relation to land ownership. In response to these paradoxes, women become voluntary subjects of those structures that deprive them of more deliberate action as well as seek to define the social limit through the 'presentation of a unique self which can also be recognized by society.' (ChanfraultDuchet 2000:61, as quoted in Thapan 2009:xix) Positioning themselves in relation to land ownership women simultaneously play out the distinctive character of

²¹ Debshala village, Ausgram-11 Block, Bardhaman district, within Debshala Gram Panchayat has 1968.43 acre land under active agriculture and 41.21 acre under inland fisheries in terms of pond land (source: Debshala Revenue Investigation Office, collected on 11th September 2015), cultivated by an overwhelming ²² percentage (self-calculated) in comparison to national average 80% (source: National Commission for Enterprises in the Unorganized Sector, Government of India, December 2008) of marginal farmers holding less than 8 acres per household.

²³ Five bighas or 1.6 acre, as per colonial standardized rule of conversion in West Bengal.

their experiential world and their living of the social in everyday life. The ‘good’ woman who does not inherit land, the obedient daughter who does not claim inheritance, the cooperating sister who sacrifices her share in parental property for the sake of her brother’s prosperity, the fortunate wife who merges her individual interest for conjugal bliss are significant motifs of how women aspire to be recognized by the family and community. On the other hand, the ‘*haklenewali*’ (Basu 1999:118) woman who ‘comes to take her rights’ invoking ‘ideological barrier deterring women from seeking family property’ (ibid:118) and consequently in most cases a total severance from the natal family in the process of claim. Between these extremes lie a range of other possible space of negotiations that conjure up how women engage with the social. In these ambivalent modes of continuous engagements, contestations, negotiations, aspirations and prioritizations a reciprocal self-definition emerges through women’s lived experiences and multiplicity of voice that tentatively constitutes the notion of womanhood.

In the search for establishing their place as ‘good’ women, in their reticent, oblique reference of social ‘incompleteness’ of life outside marriage, in their decisive acknowledgement of the transformative power of education, and also in their strive of asserting their individual right as an articulation of their departure from social norms by fighting for ownership, bring out their sense of being that is both socially coherent and unique to their lived experience. Womanhood, in this sense, is an emerging phenomenon in the process of negotiation between social and personal. “The social self, so to speak, confronts, contains and liberates the distinctive, personal self and the evolving relationship between the two, perhaps unexpressed, unconscious, and yet deeply present, results in the construction of both, as a gendered subject.” (Thapan 2009:xix)

In light of this understanding of gendered subject and womanhood, land relations of Hindu women is considered to be embedded. To further emphasize, I am advocating the use of ‘*embeddedness*’ as an analytic term to capture the idea that the actions women as gendered subjects undertake in relation to ownership claim of land are importantly refracted by the social relations and multiple subject positions through which they function. Embeddedness, thusly considered, acts as a methodological prism to investigate both inequalities in the transfer of land within family and social variations in

the ways that women ‘hold’ land and thereby articulate their womanhood.²⁴ The range of variations in the patterns of negotiated response towards possible ways to ‘hold’ land, the different sites of contestations in aspiring, identifying and practicing the possibilities of ownership claim and multiplicity of legitimizing discourses of land ownership impend us to revisit some tenets of policy interest in ensuring women’s land rights for enhancing rural women’s empowerment.

First, the discourse of need - The *assumption of women’s intrinsic need* to have land ownership, that is, they have the same motivation, desire, passion for land ownership as men and therefore setting out to find what obstructs their need to be realized. This approach to ‘gendering the land question’ invariably leads us to conclude, as multiple researches identify, the overwhelming patriarchal structure impinged on ‘social’ context of rural women hinder their strive for ownership and claim. Without ventriloquizing the rural women’s articulation of their perceived need if we reconsider the need of land ownership as perceived by women, we are given the task of exploring the need as perceived by women as a hypothesis of investigation, and not as an axiom, and therefore a universal empowerment proposition.

Women’s motivation and need for land ownership has to be cross-referenced with women’s bargaining position and material outcome of claim procedures - both legal and intra-familial claim procedures of acquisition of land ownership. Because, “[n]orms, ideas, values and words are resources that can deliver power just as surely as ownership of means of production or material assets. Bargaining positions and material outcomes are not simply determined by ownership of assets. Similarly, the ownership of assets does not by itself confer power.” (Jackson 2003:475) How women find themselves in matrix of social relations that are fundamentally characterized by conflicting interests and unequal power relations renders analytical insights how women *perceive* the need of ownership in family property, especially in natal family land. I would reconsider

²⁴ Social embeddedness of land as ‘thing’ of property can be explained in addressing the problematic of separating the material from the social-symbolic realms with respect to land. It is inarguably an important domain of investigation and surely, the social embeddedness of land is expressed in a reciprocity with the relations that inhere land as property. I am concerned here with the embeddedness of ownership – that is, the embeddedness of the transfer and distribution of land within family, the processes of land ownership through the relational aspects of gender and the situatedness of actors within the social matrix.

Agarwal's (2003:189) observation where she noted that "in many cases" women are demanding land rights but "there are also examples where women have not identified this [demanding land rights] as a priority." (ibid:189) I would probe these examples that are assumed as "exceptions" to rule and pursue my analysis of women with land where these "exceptions" lend a critical shift in identifying *how* women perceive the need of ownership.

Second, corollary to my first proposition I depart from the assumption that if land ownership is good for poor men then it is also good for poor women, and thus recognize the distinction between gender and poverty by identifying human situation *when* women perceive the need of ownership. As pointed out by Jackson (2003) "Gender relations between women without land, and men with it, are not a mirror of class relations between men without land and those with. And the meaning of being 'landless' for women is very different to that for men." (ibid:475) Landlessness for women in marginal socio-economic quarters of agriculture-based rurality is, in often cases, a serious threat to her security and survival. But we must also admit "*gender justice is not a poverty issue and cannot be approached with poverty reduction policies*" (Jackson 1996:501, emphasis added) The meaning of landlessness of women in overwhelming proportion is rendered as invisible than of men, and her experience of landlessness is subsumed into her relational attributes within marriage, family and kinship.

Similarly, it is worthy to investigate how the meaning of being 'landowner' for women differs from that for men. The promise of the equality of ownership by law guaranteeing dignity and fostering equal opportunity for all its members has differential manifestations in the lived circumstances of gendered subjects. A juncture in her life experience and the conditionality of her gendered existence that broaches the claim to land ownership a viable option qualitatively differ from that of a man. The moments of recognition of claim from women to land ownership, or reversely, when the granted legal right of ownership of a woman becomes an issue of importance in the family, hence does not remain invisible anymore, differ considerably than the circumstances of men's claim in regard to family land. Given the recognition, legitimation and a priori visibility of man's claim to ownership of family land as his 'natural' cosmos - the moment of claim from men is not as inherently associated with his sociality as it is for women. The moments of women's claim in this regard desperately require a justifiable narrative of

rupture in her relational subject positions within marriage and kinship, a commentary on her *need* arising from her (do I say unwelcoming) “individuated” subject position. It is not simply for the sake of her own individual merit that she can lay a claim in ownership, but her life experiences that construe her social being as ‘incomplete’ serve as a legitimizing site, even though highly contested, to claim ownership. The prerequisite to own in case of women is not acknowledged as an abstract principle associated with an eligible heir embodying legal rights, that is, as full social members with equal entitlements, but depends on the interpretation of her location in the kin network as manifested through her marital status. In other words, the very necessity of a lawful subject embodying formal rights requiring to indorse a need-based narrative exhausts the fortification of rights-based prerogative of discourse of equality.

To be sure, this is not to dispute that for the pursuit of justice in the forums of global governance women must have equal rights to ownership of property. This is, of course, a non-negotiable directive of the morality of order of things in the contemporary world that we live in. The focus of reflection here is somewhere else. It is on the intentionality of practices that women undertake in order to eschew misgivings of circumstances of life, to ascertain meaning of their lived experiences, to recontour a sense of wellbeing – perhaps not formally addressed by the intending subjects – nonetheless compelling in their articulation of the moments when they decide to claim or refuse, are granted or are denied ownership of land.

The transforming potential of land ownership of women (especially to alleviate poverty) needs to be substantiated to not only the extent of land availability through intra-family or intra-household land distribution towards women or creating favourable conditions for effective access and control of land – but also how land ownership implicates women’s sense of wellbeing²⁵, independence, social mobility and sense of security. In other words, how important a place individual land ownership holds in defining their sense of themselves, that is, its implication to their womanhood? Framed thusly, woman’s potential to claim to land and its actualization ought to be understood

²⁵ Well-being is a multidimensional concept, including material and psychological well-being, physical well-being, social well-being, security, and freedom of choice and action. (Narayan 2000 as quoted in Thapan 2009:132) “Well-being thus depends not only on a woman’s sense of herself as an individual, but also on her relationship with others in her extended family and community.” (ibid:132)

as emergent rather than ruling principles that are embedded in the doctrine of progress and discourse of development.

My analyses of womanhood and land ownership focus on adult rural women, those who are in possession and ownership of land in their names. Now I present the complexities and dilemmas that characterize these processes of claim and its actualization, to explore how these entanglements shape their womanhood in the intersection of their propertied status through listening to their construction of everyday world and their recognition of themselves as gendered subjects in relation to land ownership. In doing so, I examine two distinct aspects of women's lives: widowhood and 'broken' marriages.

Women's Experiences of land ownership

"The only 'binding-pull' (*picchu taan*) that ties me back here is my daughter. I wish I could go away, live anew again. Who wants to stay in brother's *sansar* (family, household), moreover being a widow? I have a roof over my head at my father-in-law's (*sasurbari*) house. Life is all the same – everywhere – I do not feel well. But the worries of my daughter binds me. I look at her face and worries, anxiety engulf my heart. I cannot think straight. Like this my life is going on for months after months."

Pratima, 36-year old, widowed for a year with a 10-year-old daughter

"All this that you see, this temple, this hut, this courtyard, this mango tree, all these things are my Krishna's. I need only two-arm length (*du-haat*) of space to sleep. Everything else is for Him."

Shibu-didima, 91-year-old, child-widow

"My father had very little land, we are two sisters, no brothers; so he gave me some of his land, and brought me to stay with him in this house, for my good (*amar bhalor jonyo*). I had nobody by my side. My daughter was too little then. He already sold major part of his land to marry us off. Then again, he had to sell land to run our expenses. This house that you see was my father's. I am happy that I get it to live, I don't have to think of paying rent."

Manu-didi, 62-year-old,
separated for almost 20 years

"I live in my father's house, it's not mine. The house is not in my name. My son and I live here for last 13 years since my mother passed away. He is growing up here. After what has happened to my life, my brothers and father brought me with my baby boy. Since then I have been living here. It was too much to bear for them to see my baby boy and I

suffer like that. It has been a long time I have been living here. And then *ma* (mother) passed away, then after 4 years *baba* (father) too.”

Archana, 41-year-old, divorced for 13 years with a 15-year-old son

Above-mentioned statements capture perspectives on notions of inheritance from natal families, kinship and forces of social norms at work in different life courses of women who experience widowhood, divorce, being childless and being mother of son or daughter, and being young unmarried woman. They are situated in a varied spectrum of age between 91-year-old and 27-year-old during my stay in Debshala in 2015-16. They were residents of permanently either their natal house or affinal kin's house or temporarily living in their natal house while deciding upon their stable residents. They also have different employment and livelihood status being homemaker, teacher, *anganwadi*²⁶ worker and living off temple-land. Their locations within natal and affinal kinship vary distinctively and the families they belong to, both matrimonially and family-of-origin, have different access to economic resources, including agricultural land and landed property. Being divorced or still unmarried status render specific meaning to their location within family and kinship implicates their relation to claim of ownership or access to landed property in natal family. Simultaneously, their experiences of widowhood are multifaceted – by being an elderly child-widow who could only remember her husband's face from the evening of her wedding; a middle-aged woman who lost her husband almost two decades ago; a thirty-something woman who lost her husband unexpectedly on the day of Diwali two years ago when I met her in her natal home in Debshala. In all these narratives relation to inheritance interspersed in a striking way what they consider their experience of being women living in widowhood or failed marriage. According to their life course, personal experience of widowhood, desire and opportunities of remarriage and motherhood (to a daughter or to a son) or childlessness, and of being single illuminate intricate relations with land ownership and land claim in marital and natal property. Consensus and contests within kinship network regarding ownership claim do not exist in isolation. The very people who strove to attain ownership

²⁶ Literally translated from Hindi as 'Courtyard-shelter' from Hindi. It is a rural childcare center initiative started by Government of India in 1975 as part of the Integrated Child Development Services Programme (ICDS).

as a way forward also emphasized an entrenched feeling of remorse in their present situation, or a deflected sense of perceiving their lives being ‘not in a right place’. The following description of the ambiguities and nuances of three life situations as experienced by women in Debshala expresses the construction of gendered subject emergent in the processes of ownership.

Widowhood and multivocality: a legitimate ground of claim

Pratima and her daughter were temporarily staying at her brother’s family in Debshala after the tragic incidence of her husband passing away in a sudden heart attack. She expressed a sense of loneliness and incompleteness as a woman losing her husband at the age of 39 after 13 years of married life with a 10-year old daughter. In her narrative, she shares a feeling of missing a life of a married woman and being at the “heart of *sansar*” that she perceives as a source of fulfillment (*bhar-bharanta*). Her experience of widowhood is that of a shock and an overhaul of status of her life as youngest daughter-in-law of the family (*barir chhoto bou*) given her husband was the most well-to-do among three brothers of her affinal home. She has been a homemaker while her husband was a small-scale entrepreneur who used to deal with inter-state transportation logistics. She has been living at her affinal home which she calls as ‘same ancestral family house’ (*ek paitrik bari*) where all the three married brothers with their children live together in a small town near Kalyani in Nadia district, around 154 km away from her natal village. After the death of parents-in-law, three brothers live together in the same house in different floors but with separate kitchen (*prithaganna, hari alada*). She was supposed to get a monthly allowance from the business of her deceased husband which has been taken over by the elder two brothers of her husband. She was also told by the brothers-in-law that she would get a share of the income from the ancestral (affinal) land harvest (in cash) bi-annually depending on the harvest to cover expenses. The share of the land income is the one-third of the total family land-income that was designated to his husband. However, she was not aware of the amount and she shared that instead of cash the affinal members took care of her needs of daily upkeep including her daughter’s education. She did not complain about unfair treatment by her marital kin, however, she was of limited knowledge about the agricultural activities, processes, specific amount or area of land in her husband’s share. In her words:

“I was never really connected to these ‘outside activities’ (*bairer kaajkarma*). I do not know the nitty-gritty of the business. And, beside picnic in every January we never went to the village. Even when we went there never stepped in the field (*jomi te pa diyini*). We sisters-in-law (*amra ja’-ra*) stayed at home, taking care of the children, their school, tuition, *sansar, bari, cows, Thakur-ghar* ... so much daily work, where was the time to think of other work? Elder brothers-in-law (*bhasur-ra*) and my husband took care of everything. *Amra ja’-ra* were like sisters, even though the cooking-pot was separate (*hari alada*). My daughter was mostly fed by *mejo-ja’* (middle sister-in-law) as I was always late in finishing cooking before school time. They very much want me to live with them in the house, as I was living before. But I don’t feel well anymore, nothing seems same anymore, I feel sad always and tears never stop. So my *boro-ja’* (elder sister-in-law) sent me to father’s house (*baaper bari*), for sometimes, if I feel better to be with my mother. But I don’t feel well to be in brother’s *sansar*...is this a life? Like a sheltered (*ashrita er moto pore thaka*) persons with my daughter... *na more beche acchi* (not being dead I am living).”

She has narrated a strict gendered division of labour in her affinal home and an experience of camaraderie with her affinal women members which evokes a seeming spirit of ‘joint family’ arrangement which survived even after the death of the *karta* (the head of household, here the father-in-law). This gender segregation left her at lost when it comes to household’s economic activities generated, especially from agricultural land. As a widow she has been instated as nominal shareholder but she does not have any real involvement in the business of transportation logistics which she described as “regular involvement with outsider truck-drivers”. The daily activities are solely managed by the elder brothers who assumed thorough responsibility of everyday running of the business. Her non-involvement in income-generating activities illuminates patrilineal joint family structure with strict gendered code of ‘proper’ behavior and placement, highlighted by the shared household work by the wives. She was offered maintenance in terms of cash allowance as a widow but was not offered any transmission of assets in her name, neither land nor business ownership. The ‘need’ of her economic security is addressed and thus taken care of by the male members of the family, as it is perceived by them. Pratima never expressed any particular desire to be involved in gaining the transfer of agricultural land on her name – rather what she expressed is almost complete dissociation with agricultural land of her affinal family. It is important to note that her both elder *ja* are mothers of sons, one each – 14 and 12-year-old respectively, while she is the mother of a daughter. Transmission of asset ownership to her, or lack thereof, might be guided by the patrilineal descent ideology of identifying rightful female heir on the basis of having

a son rather than a daughter, though Pratima's narrative did not directly reflect on this aspect related to her absence of affinal ownership of business share or ancestral agricultural land. She specifically identified her usufructuary right over the portion of the *patrik bari* where she has been living with her immediate family. She mentioned that her in-laws "very much want her to live with them" and described a sense of being welcome in her affinal house as a widow, which is considered to be her 'natural place', as '*barir cchoto bou*', to live as she was, with the only girl-child of the family '*barir ekmatro konyasantan*', who is still not of marriageable age and considered to be especially taken care of. I did not have the opportunity to converse with her affinal family member given the distance of residence, yet Pratima's account sketches two women who are keen to have her living with them where they can secure the care and supervision required for the girl-child in the absence of her father. "My *bhasur* and *ja*'s have a strong 'pull' (*taan*)²⁷ over my daughter, she is the youngest child in the house. And now that the youngest brother is gone they feel the 'pull' (*taan*) even more. They telephone her every now and then, asking her when we will be returning."

Multilayered comments from wife of Pratima's brother reflect the observation I gathered from Pratima's account of her situation in her affinal house. *Bani-boudi* (brother's wife) told me:

"My *nanad* (husband's sister) by good fate (*bhagya kore*) received *bhasur* and *ja*' like these who were so kind towards her even after being widow. They gave her a place in the *sansar* – (*sansar e jayga diyecche*). They put no restrictions on her clothes or food. They were ready to take the whole responsibility (*sampurna dayitva*) including the daughter. They were asking her to continue living with them in her own share of the *patrik bari*. They could have easily washed their hands off her, but they did not. Rather they promised to offer her to take full responsibility of her *sansar* and her daughter's education too."

Bani-Boudi's later comment on Pratima's situation underscores Pratima's feeling of being like a sheltered person (*ashrita er moto*) in brother's *sansar*:

"Isn't living at the father-in-law's house (*sasurbari-te*) respectful (*samman-er*) as a widow? Daughters become 'other' (*par*) after marriage. It is better to live in one's own place. Besides, everyone has to look after one's own *sansar* in their limited capacity (*simito khshamata*)"

²⁷ For a detailed discussion on the Bengali understanding of 'pull' (*taan*) concerning interpersonal relationship characterized by affection, love (*maya*), see Lamb 2000.

Pratima's clearly articulated distress to stay in the household of her married brother substantiated this view. She weighed living with her in-laws' preferably over her natal home where she knows that her *samman* will be restored, both for her and for her daughter. Even though, she considers none of the residence choices as particularly desirable but living at in-law's home provide her with a social approval that is not easily available if she has to continue living at her natal home with her married brother's family. When there is no obvious sign of maltreatment or unwillingness shown by the members of the affinal family towards the widow, staying in natal home seems to be an uncalled-for proposition. "Most widows in West Bengal, especially if they had children, remained in their former husbands' or in-laws' homes and continued to find useful work there – caring for children, performing household chores, working in the field [depending on the class-caste normative behavior allowing women working on the agricultural field] and so on." (Lamb 2000:216) Claim in natal family's asset, mostly in case of usufructuary right on *bari* land (as land under agriculture did not figure in the narratives) becomes a point of contention when the situation of returning daughter is perceived as destitute. Even in these cases, it remains a fraught domain of ownership claim where social notion of respect, woman's rightful position in the kinship system are bargained against the socially perceived 'need' of the returning woman to her natal home with formal right over father's property and land. in Bani-Boudi's last comment illuminates how intersecting interests of two married women over a same pool of resources generate contesting terms of kinship association based on the socially perceived 'natural location' of married women, therefore defining her legitimate space of claim over family resources.

In a polite indirect manner, Bani-Boudi decisively articulates a growing sense of reservations against Pratima's formal claim of right to property in natal home even when Pratima did not mention to consciously exercise her legal entitlement as a daughter. However, the possibility of her doing so is palpable through her extended stay in the natal house and her indecisiveness regarding residence initiated a resistant stance in her brother's wife towards her. Bani-boudi, hence, asserts her rights as a wife in voicing one's responsibility towards "one's own sansar" and propriety of a married woman. She commented:

“What happened to her is very unfortunate. But fate (*bhagya*) must be accepted. My *nanad* is unhappy in her *sasurbari*, dissatisfied (*asantushto*) in her father’s home (*baaper bari*). She has to be strong in her mind in these bad days (*durdin*), if not for her, at least for her daughter’s sake.”

That is precisely where Pratima struggles as a young widow in choosing her residence, gaining a perspective how to readjust in her sudden widowhood, and how to take care of her daughter and simultaneously live her own life again. The rationale of women ‘being strong’, as Basu (1999:180) observes, “a call upon their power not in order to be able to transform their lives but to be able to bear their lot better ... [not] running to the natal family for solutions.” ... “[S]trength being reduced to the coping device that will pull a woman through, rather than any material transformations or protests against inequity.” An overflowing sense of despair is voiced by Pratima in the experience of what she described as being suddenly plucked from the very heart of *sansar* to be thrown in the periphery of *sansar*- and it is caused by her sudden status of being a *bidhoba*, literally “without a husband”. The end of marriage symbolized by the ritual of making her into a widow. she considers the event as a ‘curse’ which she still shudders to recapitulate. She was made to remove her bangles of conch shell, iron, and red pala including every single piece of gold jewellery from her body, wiped red vermilion from her parting, washed red alta off her feet, and was given a white borderless cloth instead of her favourite colourful sari. She now wears pale coloured simple cotton sari, not white cloth (*than*) she said she does not recognize her anymore in the mirror. When Pratima comments – “not being dead I am living” – she invokes local processes of deconstruction of a form of womanhood through bereavement; an imagery of womanhood that has been constructed and reconstructed through perceptions and practices of marriage, where women with husband with their ‘virtue’ are placed at the heart of *sansar* and thus in life. She perceives her sudden widowhood as demise of rich and little pleasures of life, her dreams and desires, and her wish to become a mother again. She does not consider any of the residential options available to her as particularly desirable. She aspires to remarry, but she is also acutely aware of its limitation and impossibility. She is troubled that upon remarriage she will lose her child, which was the core of her anxiety and worries. She fears that she will lose all support from her in-laws to raise her daughter, and all claim of maintenance including the right to residence in her affinal house. She is pained by the thought that upon remarriage all the ties of her life so far, which she came to know as

her own, will be severed. Pratima's dilemma confirms and consolidates the complexity and contradiction of legitimacy of widowhood as a ground for claim. "If a childless widow remarries, she severs her connection with her dead husband, his family, land and movables, and can only keep her own personal property. If a widow has children, and then remarries, the situation is more complex. If there are no other male kin, then she herself will hold the property for her sons to inherit. If there are brothers or other kin with stronger claims, they will be the custodian of the property, until her sons can claim their share, and will also then, be responsible for the provisioning and marriage of her daughters." (Rao 2008: 223-224) Like many other widows with children in West Bengal who feared that they might have to leave their children behind or that their children would not be treated well in their new husband's home (Chen and Dreze 1992:18-19) or economic vulnerability leading to a reluctance to relinquish any rights to their affinal home, Pratima decided to live at the portion of her deceased husband's ancestral house along with her affinal family members. At the end of my village stay, her elder (*boro*) *bhasur* came to Debshala to bring her back to her *sasurbari*. Bani-boudi told me: "Pratima and her daughter will be doing well, gradually the wound is drying up. Her *sasurbari* takes care (*jatno kore*) of her very well, she is now in her own place, in her own house. There are seniors (*gurujon*) over her head (*matha-r opore gurujon acchen*)" Thus, her *samman* as a woman is preserved and order of familial cosmos is restored. She did not claim any share of land from her natal house, because as Bani-boudi said, she did not *need* it given the monetary condition of and the respectful arrangement made by her affinal relations. This social perception of 'need' has been a recurrent ground of deciding and negotiating the terms and legitimacy of transmission of natal family wealth to married daughters and sisters.

For Mejo-ma, an upper-caste widow of around 70-year-old, living with her two grown and married sons and four grandchildren considers her rightful place unquestionably in her husband's house even after husband has passed away. While asked about her relation with her natal home she comments:

"This is my home, it has been a very long time that my parents have passed away – who doesn't have a mother, doesn't have a village\home (*ma nei jaar, gram nei tar*). My brothers are also getting old; they have their own families and grandchildren. Occasionally there is a visit, during festival and family weddings."

She does not consider to ask for any material resources from her natal home. She recollects past days of economic hardship when her husband suffered from lack of income due to agricultural loss she did not extend her hands in front of her brother “*bhai er kacche haat patini*”. She narrated this experience as a sign of strength of her womanhood as a wife to endure bad days and protect her affinal family name, though she acknowledges she is entitled to receive many gifts (*tatwa-tabas*) from her father and brother’s family; but she disapproves of claim, as she opines, is not ‘proper’ behavior of a married daughter or sister, especially at her age. She evaluates her life situation of living with her married sons and grandchildren as fulfilling and happy.²⁸ Even though she inherited a small portion of marital ancestral land upon death of her husband, she has transferred the legal ownership of her share to her sons, excluding her only daughter who is also married. Thus, both Pratima and Mejo ma’s experience highlight that in West Bengal, a widow is legally entitled to inherit a portion of her husband’s property in conjunction with her sons and thus to gain a share of marital family land²⁹. But very few widowed women in Debshala – especially among the upper castes who had the higher probability to inherit relatively considerable amount of land by their class position – in practice actually maintained land in their names. They either formally or informally passed control to their sons, if the sons are grown, or left it in the hands of fathers-in-law or of brother-in-law.³⁰ As we see, in Pratima’s experience, the brothers of her deceased husband control the land and other income generating assets and Mejo-ma solely depends on her son for her maintenance which she asserts as her sons’ responsibility towards mother. Mejo-ma’s family structure was exactly what most Bengali Hindu widows in rural Bengal believe place of an elderly parent properly should be. She lived together with her sons, daughters-in-law and grandchildren in the same house, where most of the household responsibilities shared by the daughters-in-law, sons are running the household’s financial affairs and she can rest without much worry, seeing her grandchildren growing up keeping the family line alive. This is not to say that there is

²⁸ For an illuminating study of Bengali notion of ideal family situation for aging parents see Lamb 2000. Widow’s perception of the value of sons in a village of Maharashtra see Vlassoff 1990 where she observed that the widows living with sons evaluated their situations as happy.

²⁹ See Agarwal 1994 and Chowdhry 1995 for discussions of historical development of Hindu widow’s inheritance right

³⁰ Similar observation was made by Lamb 2000 among Mangaldihi widows in relation to marital property.

no struggles and dissatisfaction and cross-cutting interests in the family or she does not complain that she is not being properly taken care of by her daughters-in-law, or that the sons are neglecting her in favour of their wives. However, after 45 years of married life, this is the household where Mejo-ma considers she belongs to and her life revolves around. Her place in natal family and her relation to its property is viewed as a “distant entitlement that is place beyond the bounds of speculation.” (Basu 1999:181)

In contrary to Mejo-ma’s experience Shibu-didima’s life provides us with an exemplary life-world where widowhood, residence pattern, natal family association, divinity and land ownership present a polyvalent prism that illuminates means of local gender constructions. She is a *Kulin* Brahman who was ‘given’ to marriage (*gauridaan*) as a young child and became widow without ever living with her husband or leaving the village to join her affinal family. After becoming widow as a child her priest father taught her how to read religious scriptures, memorize mantras, and perform everyday rituals of worshipping divinity. After her sister was married off, in the absence of brothers, her father bestowed a considerable amount of land for her economic security and livelihood guarantee in his absence. In the first half of twentieth Century it was not legally possible for her father to bequeath land to her name as a daughter. Therefore, he bestowed all his landed property to the private family temple of Krishna that he established and appointed the daughter as a custodian of the temple. Shibu-didima reminisced that her father took great care to prepare her to be a life-long devotee to Krishna as Mirabai was and to serve her god till her death, never leaving the temple as the temple is her home where her god resides. Thus, Shibu-didima remained in Debshala all her life being the custodian of Krishna temple having a considerable amount of landed property including agricultural land (almost 10 acres), one pond and mango trees.

She is the only person in the village who inherited natal landed property, nor as a legitimate claimant of being a widow to inherit deceased husband’s property, but as a daughter. However, later in her life, what she mentioned as ‘middle aged’ (*madhya bayas*), she had to transfer all her inherited land (but her temple-home where she lives with her divinity) to her sister’s son who claimed inheritance as the only and strongest male heir of the family line in addition to the claim made by him on ground of her mother’s deprivation from the family land. Shibu-didima relinquished her rights over all

other landed property and kept only the temple-home with her. Ownership of land and property is perceived by her as not *her* property, but belongings to Krishna. She considers herself belonging to her god (*thakur*) and every asset that she enjoys is perceived by her in 'ownership' of her *thakur*. Being a child-widow living in her ancestral 'home-soil' (*bhitemati*), a daughter of the village living entire life 'without husband', her life experience is fundamentally in discord with elderly married women who entered the village as wives (and were gradually incorporated as own members of the family and village community) and became legitimate claimant of a stipulated share of marital property. She gained landed property from her natal family, no doubt, but her widowhood instantiated the rationale of transmission of natal property. However, everyday experience of living a life as a landowning Brahman child-widow in later stages of life, Shibu-didima's relation to landed property portrays nature of social relationship and social support mechanism that determine Hindu widow's ability to negotiate land ownership and control. In the absence of a husband or son, Shibu-didima's *thakur* and her relationship of simulated Hindu marital bond reifies social meta-normativity of a male guardian\protector to whom the belonging of woman's self and her property can be bestowed. The process of symbolic transfer of land ownership to divinity following the system of '*Debatra* land' as inalienable property thus, serves two purposes. On one hand, it legitimizes Shibu-didima's material ownership and usufruct rights to natal land as a collateral against destitution, and obliquely, on the other it rescues an act of 'transgression' of gendered realm caused by daughter's land ownership. In juxtaposition to Shibu-didima's life, her married sister had a comparatively better fortune of being mother of a son and dying as '*sadhaba*' (wife with a living husband). She was not considered to be entitled to her natal property. Juxtaposing two sisters' experiences of rights to natal land emphasizes the socio-cultural forces that construct the dominant discourses of perceived 'need' of a woman factored on her location and experience regarding marriage, where experiences within marriage postulate the indispensable markers what people in Debshala consider to be a fulfilling life, especially for women.

'Broken' Lives: Estrangement and returning daughters

We will see this discourse of perceived 'need' is once again constitutive of ownership to landed property, more specifically to residential house as elaborated by the

life experiences of Mano-didi and Archana. Both of them are employed in what is considered decent jobs for women, as Anganwadi supervisor and as a high school teacher respectively. Both, irrespective of their caste and father's economic status, level of education and age difference, experienced life-altering trauma of abandonment and consequently legal dissolution of marriage. These women are aware of the vulnerable ground on which they have gained access to natal property. In rural cosmos of their lived experience as women, holding some form of natal wealth is characterized by a ubiquitous notion of vulnerability to community slander (*ninda*) and embarrassment (*lajja*). Returning daughter due to failed marriage or abandonment is considered by the people in Debshala as a grave source of embarrassment for the women and their natal families. Mano-didi commented:

“Staying in father's house (*baap-er bari thaka*) once the daughters are married off is not easy. First people started to ask questions about her prolonged stay and then they started to gossip among their own groups in low tone (*kanakani*) around ponds and temple in the neighbourhood and become silent suddenly when they see her approaching. But it doesn't stop there, it grows bigger and bigger until they make her lose night's sleep and her tears don't stop. She feels deeply embarrassed to come out of the house, to go about her daily life. In the beginning, it was terrible for me; I was very young then, only 16-year-old with a one-year-old daughter. Somehow, I managed to survive those horrible bad days in my father-in-law's house, I was sick with a very young baby – severe pain in all direction. After coming back here, suffering didn't end. They made my life miserable. My father suffered greatly for me and my mother cried and cried and cursed me.”

Relatively privileged by her caste and class position and higher education Archana could chose to spend more time in the township school where she teaches to escape what she termed as “stifling air of the locality”. Guarded by her brother and father's affectionate pro-activeness in tumultuous times of acute marital instability and trauma at a young age she has unrestricted life-long usufruct access to her father's house that provided her with much needed economic and familial security. She is under no illusion of ownership of her father's property but her experience of daily living in her father's house is considerably different that of Pratima's, perhaps due to the absence of permanent residence of his married brother in the same house who lives in Durgapur with his wife in Steel Authority of India-provided accommodation. She displays an air of dismissive denial of people's slander or gossip about her status of “being abandoned by husband” or “broken-home girl”(*ghar-bhanga meye*) and puts forward a strong

indifferent reclusiveness towards the residents of Debshala. At the same time, she reflects:

“Besides raising my son I have no aspiration left. I have no desire for myself. Prime of my life is gone. I don't fancy any other course of living anymore. I will be staying where I am now and look forward to my son growing up.”

Comments

In their narrative dominant social imagination interprets their property-holding status in natal residence as an overt social marker denoting a rupture in normalcy of women's lifeworld and a dislocation from a woman's 'rightful' place. Simultaneously, Women's access to natal property, to some extent including share of agricultural land, is embedded in the discourse of women's claim involving vulnerability of life situation and the need for protection. In most cases, access in terms of usufruct right of *bari* land is transferred to them by the natal family while the agricultural land is sold off due to modest means of the natal family or kept exclusively for the agnatic kin and sons to control and inherit. Formal ownership for a long period and actual control over land is rare even though usufruct right does act as a safeguard in times of dire necessity. Some women I spoke to noted that although they were aware of their legal entitlement of ownership rights and would have liked to gain and keep land (especially, *bari* land), but concluded saying going to the courts to fight against own family would be a dreaded option. The question of transmission of landed property arises, both from natal and affinal family, at certain junctures of woman's life course, perceived as 'broken' forms of lives that set them apart from other married woman and from their own former selves. Thus pattern and meaning of holding landed property is entangled with the ways in which women, as wives and married sisters and daughters, then 'without husbands', are constituted as gendered subjects. In these previous pages, I tried to explore what gendering the land question ultimately tells us about ways through which women were constructed, perceived, and controlled by themselves and by others that defines their womanhood and thereby help us to understand the dimension to which women can secure socially viable interpretation of ownership that is legitimate and appropriate. Furthermore, it may extend our analytical understanding of processes of 'ownership' beyond the dominant version based on subject\object and individual\group dichotomy.

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