# Women's Rights and Economic Development

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## Abstract

Since Boserup's seminal work on 'Woman's role in economic development, women empowerment has witnessed great attention, especially in developing economies; and the struggle for gender equality has gained momentum. It has been acknowledged that to stimulate equality, diversity, and productivity of the economies, as well as, shift gears in the gender roles at the individual, household and community levels; women empowerment is the most effective channel—empower them to participate equally in economic decision-making across existing markets, access decent work and productive resources, and take control over their own time, lives and bodies. However, what's not weighed enough is the backlash of the empowerment. This backlash which can be defined as structural and institutionalized oppression of women, including violence against them, is driven by patriarchy, where men retaliate to the power-shift due to women empowerment. Patriarchal norms do not make way for gender inequality, rather, raise controls over women and curtail their autonomy. Such issues are more abysmal in developing and under-developed regions. As much as 83% of the agricultural land is inherited by male members of the family. A region-wise break-up shows 28% of female ownership of land in the hills and only 8% in the east and west India each. The World Economic Forum meeting in 2018 emphasized that India is one of the 15 countries in the world where deep-rooted patriarchal norms hamper women from claiming and exercising their rights to property. It is important to mention when an institutional change such as an inheritance law comes into force, this entrenched patriarchy becomes visible in the form of violence against women, as women attempt to claim their property rights, leading men resort to violence to sustain their power in response to women's increased status.

Keywords: Women, Land right, Asset, Gender Equality, Women Empowerment, SDG, India

#### Introduction

Since Boserup's seminal work on 'Woman's role in economic development' (Boserup, 1997 (1970)), women empowerment has witnessed great attention, especially in developing economies; and the struggle for gender equality has gained momentum. It has been acknowledged that to stimulate equality, diversity, and productivity of the economies, as well as, shift gears in the gender roles at the individual, household and community levels; women empowerment is the most effective channel—empower them to participate equally in economic decision-making across existing markets, access decent work and productive resources, and take control over their own time, lives and bodies

(Udry, 1996); (Duflo, 2005); (IMF, 2018). However, what's not weighed enough is the backlash of the empowerment. This backlash which can be defined as structural and institutionalized oppression of women, including violence against them, is driven by *patriarchy*, where men retaliate to the power-shift due to women empowerment. Patriarchal norms do not make way for gender inequality, rather, raise controls over women and curtail their autonomy (Agarwal, 1986). Such issues are more abysmal in developing and under-developed regions.

In a predominantly rural and middle-income country such as India, property rights to women are seen as the most significant way to close the gender gap and empower them with status and bargaining power (Agarwal, 1994). Women's control over property, specifically immovable such as land, proves to be a critical fall-back alternative, reducing their economic dependence on male relatives and strengthening their social position. Women in India have secured property rights through Inheritance Law passed in 1956, but mere rights on paper do not seem to translate into legal claims and exercised controls on the property. While the laws tend to make gender equal provisions for women, the traditional practices hinder women their share irrespective of these laws. A report by Indian Human Development Survey uncovers that as much as 83% of the agricultural land is inherited by male members of the family. A region-wise break-up shows 28% of female ownership of land in the hills and only 8% in the east and west India each. The World Economic Forum meeting in 2018 emphasized that India is one of the 15 countries in the world where deep-rooted patriarchal norms hamper women from claiming and exercising their rights to property. It is important to mention when an institutional change such as an inheritance law comes into force, this entrenched patriarchy becomes visible in the form of violence against women, as women attempt to claim their property rights, leading men resort to violence to sustain their power in response to women's increased status.

Patriarchal norms are also argued to be one of the major factors to obstruct women's autonomy and freedom to work and thus, an explanation of the low and falling female labor force participation in India (Chapman & Sharma, 2019). According to World Bank (2017), Indian women contribute lowest (17%) to the GDP compared to world economies, and India is ranked 121st out of 131 countries in female labor force participation rate. Men, to some extent, allow women to work but only if offered 'suitable jobs'. The permission to work and the suitability of the job are still decided by men for majority of women. This study, hence, proposes that unless women are safeguarded against patriarchy and backlash-driven violence, gender equal rights cannot translate to their empowerment. The issue of secure and equal property to women comes under a significant Sustainable Development Goal (SDG) of achieving gender equality and empowering women, and this study is an attempt to accommodate this goal by exploring the socio-cultural norms and institutional framework affecting women's equitable inheritance rights, their equality and independence.

### Research Scope

The study interprets the Hindu Succession Act (HSA) 1956, the inheritance law of intestate or unwilled succession, among Hindus, Buddhists, Jains, and Sikhs<sup>1</sup>. The Act initially was gender-biased against daughters

as they could not inherit the joint family property i.e. the ancestral or jointly acquired/merged property. To rectify this bias, it was amended in various states--Kerala, Andhra Pradesh, Tamil Nadu, Maharashtra and Karnataka, at different dates between 1970 and 1990; after which it was nationally amended in 2005 to include women to inherit joint property. The national amendment 2005, made women coparcener in her parental property; and established her right to dispose of her share<sup>2</sup>. The study focuses on the states that reformed inheritance laws only in 20053. Using the India Human Development Survey-II (IHDS-II) data, 2011-12, which contains data on whether male/female members inherited the land and who is the owner of the land, the study examines the determinants of inheritance and ownership of property (land) by women.

The predominance of patriarchal mindsets of the society at large is the fundamental cause for the continued blockade towards women's empowerment. Patriarchy is prevalent not only in the household but in all institutions that allow for control over women, their work and autonomy. They are more than just mechanisms for the preservation of patriarchy—they are a set of beliefs that assure that patriarchy is perceived naturally by women and becomes their way of life (Facio, 2013). On this account, the study aims to assess the role of patriarchy in affecting inheritance and ownership of property by women.

Recent literature on the by-product of female empowerment in India highlights an increase in total gender-based violence (Amaral, Bandyopadhyay, & Sensarma, 2015), and the possibility of male backlash through various channels such as patriarchy and evolutionary past when women are empowered via financial resources and/or control over assets (Eswaran & Malhotra, 2011); (Bandyopadhyay, Jones, & Sundaram, 2018). Recognizing the pieces of evidence that alteration in power relations instigate backlash, and building on the finding of Bandyopadhyay et al. (2018) that patriarchy exacerbates such backlash, the study argues that patriarchal norms translate into incidences of violence against women by their male counterparts and relatives, to prevent women from asserting their inheritance rights. To support this argument of violence against women (VAW)4 and male backlash, the study aims to investigate the regions where women have not inherited the land nor have the house in her name.

Some studies have analyzed that women in fear of violence at home and at work, choose to not participate in the labor force (Shepard & Pence, 1988); (Chakraborty, Mukherjee, Rachapalli, & Saha, 2014). The study, hence, extends the investigation to probe whether patriarchy impedes women's labor outcomes. The study argues

that the regions where women have not inherited and/ or own the land exhibit high level of patriarchy causing men to resist the power shift and in the process, these men not only prevent women from claiming their rights but also hinder their autonomy (bargaining power), that ultimately has repercussions on women's labor force participation.

#### Rationale of the Study

Most of the reviewed literature on women's inheritance rights has applied difference-in-difference strategy to highlight the positive outcomes in women's education, health, autonomy, and labor participation. However, the inclusive rights and their augmented development factors are not showing corresponding positives in women's conditions in terms of her property, autonomy, and violence against them at an estimated level, which is potentially due to the patriarchy, one of the key deep-rooted obstacles in women's exercising of her rights. Therefore, the previous pieces of literature have overlooked to factor in 'patriarchy', one of the key issues to understand how it impedes women's claim over their rights.

A similar research by Deininger et al. (2013) has explored HSA in five states before the national amendment to study inter-generational transfers of physical and human capital. The authors argue that while HSA significantly improved women's likelihood to inherit land, there are issues to be addressed which potentially undermine the progress in female empowerment. This study attempts to address such issues,. The study contributes to the women's rights discussion as it empirically examines, after controlling for socio-demographic factors, the role of patriarchy and male backlash in compromising the realization of inheritance rights, and extends beyond to capture determinants of women and labor force participation.

The study aims to throw light on not just the issue of patriarchy but the institutions that have owned the responsibility to preserve this school of thought and undermine women. Being cognizant of the issue as multifaceted as patriarchy, the study in addition to entrenched patriarchy, also investigates the role of the gender of village head; presence of women facilitating institutions such as Self Help Groups, NGOs, police stations; and general confidence of people in these institutions, in determining effectiveness of gender-equal legislation. The study aims to pinpoint the reasons why inheritance rights are not translating into implementation. It also intends to provide answers whether the accountability lies with society or the government or both.

On the policy front, the study puts forth that attempts to push forward women empowering policies and laws without addressing ground realities, especially attitudes towards women, will build an imbalanced society. Of course, gender equality rights are the need of the hour, but when the by-products of empowerment are factored in, women may be no better off. So, it is imperative to understand the underlying layers of social norms to promote the empowerment of women in India. Most importantly, schools must emphasize on gender education, to create an unbiased fundamental in youth's thought process so they go on to become inclusive and broad-minded generation of men. There is also a need to gain women's confidence in the legal system to enable them to fight patriarchal culture. The focus should be placed on strict implementation of laws to ensure a minimal level of safety for women so that they could claim and exercise their rights.

### **Research Objectives**

The research objectives are:

- a) To compare the regions where women have owned and/or inherited the land Vs the regions where women have not owned or inherited the land, to examine the role of multifaceted patriarchy in defining the implementation of women's property rights
- b) To assess violence against women (VAW) in the regions where women haven't owned or inherited the land, to uncover backlash by men resisting women empowerment transferred by inheritance rights
- To analyze if the VAW can explain the pattern of women autonomy and labor outcomes, and hence growth, in these regions

### **Study Findings**

### Women Empowerment

Firstly, female empowerment through rights has implications for growth and development (Duflo, 2012). For example, Tertilt (2006) develops a general equilibrium model of polygyny and finds that the right to choose a husband lowers the return on wives for men, who look for alternatives for investment, causing a rise in capital stock and per capita GDP. Pezzini (2005) explores birth control rights to uncover that they improve women's welfare, not only in terms of life satisfaction but also with investment in their education. Rangel (2006) provides evidence of alimony rights in Brazil to have enhanced women's influence over intra-household allocation of resources, given 'outside options' at her disposal. Doepke et al. (2012) find that women's rights and economic development mutually reinforce each other. According to their model, women's rights trigger

development when women with legal and political representation invest in public health and education, which leads to a further increase in the growth rate of human capital and output.

Secondly, female empowerment has implications on women's household autonomy, improved political participation, and reduced gender inequality. Panda & Agarwal (2005) utilize a household survey in India to find that a woman's access to immovable property, such as land and housing, considerably improves her 'fall-back option', bargaining power and overall empowerment (Agarwal, 1994), and specifically reduces the risk of marital violence. Likewise, Allendorf (2007) through her study on Nepal, summarizes that women's (land) rights promote empowerment by improving their decision-making power in household matters, and this empowerment is as efficient as from other sources such as education and employment, however, not as significant as women's place in the family structure in deciding their decision making power. A set of literature comments on the positive impact of female leadership on health, early education, and women-friendly reforms and attitudes towards women (Chattopadhyay & Duflo, 2004);(Clots-Figueras, 2011). Iyer et al (2012) provide evidence' using data from the Panchayati Raj experiment in India, that in the presence of women leaders, the welfare of women rises with greater 'reporting' of crimes by women and better documentation of crimes against women. The study finds no evidence in the rise in the actual incidence of crimes against women, concluding that political representation empowers women.

In the Indian context, inheritance rights are argued to increase production and investment through a significant form of income (Banerjee, Gertler, & Ghatak, 2002);(Roy & Tisdell, 2002). Positive implications include improved possibility of land inheritance (Deininger, Goyal, & Nagarajan, 2013), better female education (Roy S., 2015), improved health (Calvi, 2016), and increased labor supply (Heath & Tan, 2014). Amaral (2017) exploits exogenous time, state, and religion variation in 'inheritance rights' amendments and observes a reduction in genderbased (domestic) violence, both police-reported and self-reported domestic violence after the amendments. The author also evinces that women married after the amendments in reform states stay near to their natal houses which improves their 'outside options' and general security, plus, a rise in their decision-making power (although no evidence has been found on their improved decision-making over financial issues). Roy (2008) exploits exogenous variants (religion and land holdings) in inheritance rights amendments to discover a positive impact of gender equal rights on women's autonomy within their marital families. After controlling

for factors having different effects on autonomy such as standard of living and age, the result remains positive.

### Consequences: Not all so positive?

The consequences of empowerment may not only be positive as it can exacerbate gender discrimination and the levels of violence committed against women. For example, Anderson & Genicot (2014) exploit state-level variation in inheritance rights amendments to show that improved rights are associated with increased suicide rates, explained by elevated intra-household conflict and 'family problems'; while Rosenblum (2015) argues a rise in female child mortality as inheritance rights increase the cost of daughters for the parents and they tend to reduce investment in their daughters' health. Roy's study (2015) on the amended law finds no stipulated impact in daughters' favor, as parents tend to evade the inheritance law by gifting their lands to their sons. However, parents appear to compensate their daughters with alternative transfers in the form of either more education or higher dowries. Bhalotra et al. (2019) note that land reforms in the West Bengal state of India, although increased child survival and reduced fertility but aggravated the gender inequality in certain families where parents manipulated sex-ratios at birth, to have at least one son. The study emphasizes that gender-unequal Indian inheritance law has failed to reduce poverty and improve women's welfare and have, in fact, encouraged female foeticide by parents who do not wish to be legally bound to give daughters an equal share of the ancestral property (Bhalotra, Brule, & Roy, 2015).

#### Patriarchy and role of Men's motivation

Transformation of roles in society is not a smooth process and improved opportunities for women can challenge the traditional roles, accentuating power imbalances and tensions within households and in the society (Durkheim, 1897);(Agarwal, 1997). Men's motivation is argued to play a role in preventing the full realization of efforts in empowering women. Doepke&Tertilt (2009) depict a model of transition from patriarchy to empowerment, asserting that men prefer empowerment to gain from returns to education and human capital for the daughters. The authors say that 'the concern for daughters induces a taste for equality in the future'. Related literature bolsters this finding that men deliberately vote for women's rights and empowerment for motives such as to maximize their consumption (Geddes & Lueck, 2002) and for the benefit of their daughters (Fernández, 2009). In contrast, a few others highlight that men aggressively oppose losing power and resources that associate female empowerment (Kabeer, 2016), and prefer to make all decisions on their own and deny all rights to women (Klasen & Santos Silva, 2018).

### Channels of backlash

Ted Gurr (1970) in his landmark work described physical violence by men as relative or detrimental deprivation—a discrepancy between value expectations and value capabilities, causing men to get enraged over the loss of what they once had or thought they could have. Covering domestic violence, Dagar (2002) states that men who suffer a decline in their privileges tend to be physically violent, particularly towards their wives, and 'backlash of patriarchy' has been found to be contributing to wife-beating. The wife must adhere to the husband's directive, even if it impinges on her rights. Eswaran & Malhotra (2011) align the incidents of domestic violence with the evolutionary theory of backlash and state that the violence ultimately originates from paternity uncertainty. Explaining an endogeneity issue, they posit a reverse causality that work status of a woman instigates domestic violence, the latter, in turn, leads to lower autonomy for the woman. The study demonstrates that though an enhancement in the reservation utility of a married woman through education levels, outside options, and the support groups, would improve her autonomy in a household decision model, this may be associated with a rise in domestic violence 'stemmed from jealousy' hardwired in our evolutionary past5. Bandyopadhyay et al. (2018) talk extensively about increased hostility (male backlash in and outside of the domestic violence context)) led by patriarchs6, owing to the technological advancement that pushes relative female productivity and reduces gender gaps in labor market outcomes. The study provides evidence of backlash and estimates a one percent decrease in the gender gap leading to 0.8 percent increase in rapes and indecent assaults7, and establishes that crimes against women are driven by male backlash and they exacerbate more in gender-bias areas.

#### Conclusion

As much as 83% of the agricultural land is inherited by male members of the family. A region-wise break-up shows 28% of female ownership of land in the hills and only 8% in the east and west India each. The World Economic Forum meeting in 2018 emphasized that India is one of the 15 countries in the world where deep-rooted patriarchal norms hamper women from claiming and exercising their rights to property. It is important to mention when an institutional change such as an inheritance law comes into force, this entrenched patriarchy becomes visible in the form of violence against women, as women attempt to claim their property rights, leading men resort to violence to sustain their power in response to women's increased status.

#### **Endnotes**

The law does not apply to Muslims and Christian women. In the identification strategy, the study will exclude this population. Percentages of Muslim (6.9%) and Christian (<1.5%) women are low, even lower when excluding five states from the analysis scope.

Important points related to the law are: a) The Act makes no distinction between movable and immovable property.

- The daughter is now recognized as a corparcener and her marital status makes no difference to her right.
- c) A daughter has the same right as a son in the father's property regardless of her birthdate (whether she was born before or after 9 September 2005).
- d) The father should have been alive on 9 September 2005 for the daughter to stake a claim over his property.

The states are Bihar, Chattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Madhya Pradesh, Punjab, Rajasthan, Orissa, West Bengal, and Uttar Pradesh.

Patriarchal beliefs and male dominance form the root cause of gender-based violence. Therefore, out of all categories listed in NCRB data, the study considers rapes, dowry deaths, cruelty by husband and relatives, molestation and sexual harassment for our analysis and excludes kidnapping & abduction, and importation of girls (as women can also have incentives to commit these).

different from patriarchy theory.

a group that prefers a regime where women have lower bargaining power relative to men, and benefits from status-quo

Such a trend of violence is apparent all the more in developing, high gender-biased and culturally conservative areas (Jejeebhoy, 1998);(Koenig, 2003);(Luke & Munshi, 2011)

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