

**WOMEN'S PROPERTY RIGHTS AND SOCIAL
EMPOWERMENT ISSUES IN BANGLADESH:
A QUALITATIVE OBSERVATION***

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Abstract. *The constitution of the People's Republic of Bangladesh guarantees legal property ownership (both civil and religious) for all citizens. Even under the lawful entitlements of property ownership by all, in Bangladesh, Muslim women in general are quite often being controlled in exercising their property rights. Why? This could be due to their relative lack of access to political power and economic resources, along with religious values corresponding to patriarchal authority (Boserup, 1970). Keeping pace with consumerist trend of post-modernity, the supposedly pronounced concepts of female autonomy and empowerment are in place in Bangladesh, but one can hardly deny the fact that women from all classes in the society are more or less under the duress of male domination in many different ways. Despite the usual state of domination as routinely performed by male family members including head of household, father, uncles, brothers, husband and any other powerful male members in in-laws' family, the supremacy of men over women can also be observed in various phases of policy planning and decision-making processes in society. Besides very limited access to property rights, educational accomplishments and consequent income generation by women might have impacted to a limited extent in the family administration which could not be treated at par with the male's bureaucratic role-play in vital decision-making and governance of the state authority. In fine, we note that there is a difference between legal (de jure) ownership and real (de facto) rights over property in Bangladesh, that immensely affected Muslim women at large. This paper will attempt to analyze the predicaments of women's social empowerment as reflected in their lack of rights to property, and not their legal property ownership that exists in black and white.*

Keywords: *De facto (real) and De jure (legal) ownership, Empowerment, Patriarchal authority, Property rights, and Religious values.*

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Introduction

Rationale of the study

In spite of Muslim women's legal constitutional property ownership in Bangladesh (Bangladesh Constitution, 1979), they substantially lack in exercising their rights over owned property primarily because of the unique social structure rooted within religious and cultural values. The existing religious norms and cultural traits are not flexible enough in contesting their legal (*de jure*) property rights against real (*de facto*) rights due to the fact of deliberately unexposed nature of gender inequality and discrimination (Mulla, 1972; Quamoruddin, 1969). Such a state of inequality issues encompasses a wide range of societal affairs including patriarchal domination, lack of access to economic resources, limited educational attainment, passive roles in the decision-making process in family matters and community initiatives. Hence, they remained more or less remote from the social empowerment axis. The cardinal aim of this paper is to analyze the lack of Muslim Women's real rights to property, alongside the perceivable non-enforcement of their legally owned properties. Property rights tend to exemplify the extent of control over owned-inherited or otherwise legally claimable properties. Under the given social structure of male supremacy regardless of cultural optimism or supposedly religious affiliation, Muslim women in Bangladesh can scarcely empower themselves ignoring their age-old nature of subservience to male gentry. The exceptions could be noticed with those women who are relatively empowered and enlightened by their exposition to higher education, access to financial power and subsequent gain in exercising political influence, which motivated them in achieving equitable social status alongside men in society.

Theory and framework

Conflict theory as embraced in sociology would be utilized for analyzing the class contradictions, gender discrimination and women's empowerment issues in Bangladesh under the purview of religion and culture. The concept of 'symbolic interactionism' could be aided for an extended discussion relating to positivity and negativity of empowerment. The social framework that particularly corroborates the status of Muslim women in Bangladesh could be interpreted in terms of economic and social rituals (Karim, 1973). Besides theoretical explanations, the existing nature of normative authority associated with power-based men-women variable relationship needs to be explained further.

Conflict of interest is an innate tendency among people in all groups and communities regardless of culture, religion, race, ethnicity, sex and gender. Two major schools of thought give attention to the study of conflict in society. They are the Marxist theory of economic determinism and Simmel's analogy of dyadic (two-person) conflicting relationship. Analogy of conflicting relationship postulated by Georg Simmel (1979) has relevance to conflict management that was idealized by Lewis Coser (1956). As such, Coser indicated to restore stable social conditions

and keep balance in between different interest groups. The prevalence of patriarchal norms, gender-biases, classes and stratified hierarchy of authority, cultural restrictions and inherent religious affiliations in Bangladesh could be integrated as well as interpreted in terms of the conflict theories advanced by Marx, Simmel and Coser. Recalling the basic contents of conflicts and contradictions of such theories, as reflected in Bangladesh society, which surfaced the women's relative deprivation of property rights, consequently put off their empowerment (observed weaker roles in decision-making process in particular) in society.

Conflict theory illustrates continuous change and development in any given social structure. Social change as conceived here is inescapable because of in-built conflicts in the social structure itself. Likewise, conflict management approaches are also in place for maintaining coherent social order and relationships. In order to understand the magnitude of conflicts in society, it will be useful to observe the differences in social power between the rich and the poor, and men and women. Also, the contradictory relationships as attributed by religious sanctions and cultural norms need to be interpreted in terms of men-women relationships.

The capitalists and the working classes come into clash on a societal level due to their conflicting interests on variable possession of material resources. This clearly indicates the capitalist notions of property ownership. In the capitalist form of production, the manufacturers tend to pay the workers less, in order to make more profit for the company. As such, the idea of Marxian conflict theory addresses working class people's mind set towards their class and status in the social structure (Marx, 1844). This unfair social system encourages the under-dogged to compete with the rich people for a chance to become wealthy. Inversely, the Marxists believe that the real success of capitalism relied upon the large group of underpaid and uneducated workers.

Again, the men and women, the husbands and wives and the boys and girls all have conflict of interests, just like the workers and the capitalists do. Along with inherent conflicts as discussed above, gender discrimination in support of a patriarchal system that has been suppressing the rights and privileges on property ownership of women in particular is theoretically significant. Evidently, the basic contents of this theory can be observed and understood in the prevailing conditions of gender-based inequity issues.

While portraying conflicts from a different angle, Georg Simmel (1979) did not endorse the concept that conflict as such was destructive of old views. Simmel defines conflict as a positive state of individualistic or collective affairs which makes social relationships more transparent. Simmel views conflict as an organismic whole rather than the Marxian mechanistic views of materialism. For Simmel, any kind of social relationship has conflicting interests and thus always tends to resolve issues or create further problems.

However, in addressing the social issues of conflict and cooperation, both Marx and Simmel have similar thought patterns of good versus evil and as such conflict, being the evil nature, must be tamed. But according to Marx, conflict eventually turns into violent mass revolution leading to a substantive structural change in society. In contrast to Marx's materially deterministic revolution, Simmel

idealized conflict as the disproportionate access of resources which make people hostile, and hence sources of conflict occur in society.

Coser (1956) claims conflict as the functional maladjustment in the society. Because of the uneven distribution of material resources, violence and unrest appear in society, and can be regarded as a state of social illness. Therefore, any imbalance in integrating the constituent parts of a society or family can result in conflicting relationships which are indicatives of bringing social stability through conflict resolution.

Considering the dynamics of family and society, the basic premise of all conflict theories comes down to the fact that along with material possessiveness of resources/properties etc., increased conflict is also dependent on the degree of emotional involvement of any given social structure. Further to note that when the degree of emotional involvement would appear low, the intensity of conflict would also cease to escalate. In persuading the relevance of above-stated conflict theories, we offer the argument that, when we discuss aspects of conformity and contradictions, we tend to follow and understand Muslim women's relatively suppressed status in the contemporary social structure of Bangladesh.

Relevant literature reviews

There is no dearth of literature (journal articles, books, research reports, periodicals, monographs and seminar papers/conference presentations etc.,) on women's deprivation in patriarchal societies and so-called democratic states in the world. Researchers studied at length male domination over women, gender-inequity issues, religious affiliation against female autonomy and legal non-enforcement of women's democratic human rights, in both developed and underdeveloped nations. Most importantly, for women's liberation, the widely gauged feminist movement and the basic tenets of postmodernist theories transpired female disenchantment as well as their revolutionary outlook in society in opposition to social discrepancy in every sphere. Here, the focus of this study would limit its scope towards the lack of women's empowerment caused by relative absence of property rights in Bangladesh.

In '*Women's empowerment revisited: a case study from Bangladesh*' the authors (Schuler, et. al. 2010) dealt in a variety of issues related to women's changing status in Bangladesh. This study tended to explore certain extents of empowerment women have achieved over the decades. Following both quantitative and qualitative methods, the researchers underscored the efficacy of their anticipated hypotheses using variable sample sizes and locations. A wide range of aspects, including: married women's consciousness towards health and family-planning services outside the home; micro-credit for income generation; political participation, policies aimed at reducing son preferences, dowry, early marriage and childbearing, gender-biases and other relevant issues have been covered in this research. Also, this study addressed various processes and indicators of empowerment using economic, political and cross-cultural variables. No doubt, it is an interesting and thought-provoking work. However, in this work, there are no definitive indications

of women's lack of property rights (not ownership) that have entangled their social empowerment in Bangladesh.

Women's empowerment in the family context has been encouraged and initiated through micro-credit policies and exercises. The first-hand idea of the micro-credit in Bangladesh and its long-term implications in rural society has officially come from Professor Md. Yunus's initial small-scale loan project in the Jobra village of Chittagong district in Bangladesh (1976). Md. Yunus inspired rural poor women to be empowered in the family and community using his ideal little loan plans. Subsequently this small-scale micro-credit project turned into a *Grameen Bank* (1983), a consistent and viable rural financial loan support program that aided a visible as well as undeniable state of women's empowerment for millions in Bangladesh. According to World Bank estimation, this model of micro-credit-oriented financial institutions in the form of banks has emerged in more than 7000 numbers, which are serving as many as 16 million poor people in underdeveloped third world countries. But in terms of prevalent norms associated with the pride of male dominance in society against female empowerment, relative freedom could not be ruled out straightaway, even having their achieved economic status in the family and among extended kith and kin. Also, the determining roles of middle and upper classes in rural Bangladesh represent mostly male members. As such, the status-lift of poor rural women should be sensed in a limited way.

A similar study about micro-credit and women's empowerment – *Microcredit and Women's Empowerment: A Case Study of Bangladesh* (Faraizi, et. al. 2012) has been carried out for the past decades. Similar to the *Grameen Bank*, another important rural micro-credit-based financial organization, known as Bangladesh Rural Advancement Committee (BRAC), took very positive roles in the enhancement of the status of rural poor women (Hashemi, et. al. 1996). Again, if we tend to assess the empowerment issue, it's unlikely that the demand of poor rural women's empowerment will spontaneously rise against their subjugation to male counterparts; rather, the point of 'empowerment' should be externally induced, in order to develop consciousness, and create awareness in the existing social structure as opposed to injustice (Batliwala, 1993).

Naila Kabeer (1999) in her paper *Resources, Agency, Achievements: Reflections on the Measurements of Women's Empowerment* expanded the premise of discussions on women's empowerment in Bangladesh on interrelated dimensions of thought with her plausible arguments. They include 'resources' which means material resources and the nature of distribution of authoritative resources, similar to those postulated by Anthony Giddens (1987); the author defined 'agency' the way in which power is related to the decision-making process; and finally, 'achievements' are indicated as the functioning achievements which result in combination with possession of material resources and power in decision-making. In addition to incorporating structural parameters in the analyses, the researcher aptly conceptualized women's empowerment in line with welfare aspects, feminist assertions, scales of poverty and social injustices. This qualitative observation tended a solid foundation in understanding the practical scenario of the extent of

empowerment women can have. Further to note, this research does not inculcate the lack of property rights and religious-cultural issues which restrain empowerment.

Santi Rozario (2006) in her journal article '*The New Burqa in Bangladesh: Empowerment or Violation of Women's Rights*'? emphasizes women wearing '*new burqa*' is either a source of empowerment or a loss of their rights and privileges. This can be interpreted as maintaining a kind of '*Pardah*' which literally means covering the whole body (physical appearance) so that they are not overtly manifested as sexual objects, and thus they may feel empowered. Contrarily, they also regard the use of '*new burqa*' as a source of constricting their freedom or rights to go hand in hand with men. This work is directed towards the Islamist revolution parallel to a modernist approach of globalization. The historical description of Muslim women's subservience to male authority and domination is a common place, as discussed. Intertwined with politics, the fundamental essence of Islamic religious values in understanding the overall social status of Muslim women in Bangladesh has been the major focus in this study. A lengthy description of some facts does not seem so relevant to the proposed research, for example, the roles of the Prime Minister and the Leader of the opposition have nothing much to do with empowerment issues when they specifically referred to Koranic verses and laws. This study covers a broad gamut of resources, useful for understanding Muslim women's position in society against men, though very qualitative and descriptive. No clear indication of women's lack of right to property and poorer roles in decision-making process is highlighted in this work.

Objectives of the study

In order to highlight the significance of empowerment issues that Bangladesh Women in general and Muslim women in particular have experienced in everyday life, this research aims at explaining the following objectives:

- To assess women's participation in economic activities;
 - To find out primary reasons for hindrances women face in day to-day lives;
- and
- To analyze the lack of women's empowerment and rights to property due to the non-enforcement of legal ownership, given the facts of cultural constraints and religious sanctions.

Methodology:

Both primary and secondary sources of data and information were gathered for the analyses and interpretations of this research. The methodology followed in this study mainly used qualitative techniques in the form of participant-observation, oral history, discourse analyses and overall ethnographic accounts of day-to-day lives of rural women.

Collection of secondary data sources includes relevant written records (books, articles, periodicals, research reports and unpublished monographs etc.).

Sample location: The geographical area and regions covered for this study were in the central location of the country. The research was conducted in two villages of Nagarpur *Thana* (police station) under Tangail district in Bangladesh. It took

over 5 months for conducting this research in three consecutive years (2011, 2012 and 2013). I have spent 3 months (November 2011 – January 2012) and 2 months 2 days in 2012-2013 (November 2012 – beginning of January 2013) on location.

Sample population: Besides the key informants (12) and group discussants (16-18) in the villages for ethno-methodological ground information sources (age-groups ranging from 25-60 years old women), observable facts gathered from 79 married rural women randomly represented both the villages. Along with key informants' reports and resources explored from group discussions, the instant record of field-notes supported the objectives of this study.

Limitations: Although I came from the same geographical region and belonged to the same religious community, rural women were not so free and frank with me in disclosing some sensitive information. I had to depend on key informants to substantiate gathered information which I could not be able to obtain by myself in the field. In Bangladesh, even today, the people in general and rural people in particular are quite respectful towards academics. But the end result is that rural women are not at all open to any male researcher, maybe because of the pre-existing male-dominated patriarchal nature of society and culture.

Findings/Results

As stated in methodology above, data and information on rural married women in Bangladesh were gathered through observation, field investigation, study of source materials from written records, interpretations of useful sociological theories and illustrations of relevant literature reviews. Despite implicit male domination and allegedly patriarchal authority in our society, first-hand findings suggest that rural women in particular have gained very limited rights to exercise their authority in families and communities over the years. The following summary statement on their participation in economic activities would reveal their rights and status:

Although we do not work in the field for ploughing and harvesting seasonal crops, we do most before and after works of all produced crops, regardless. In fact, we spent more time and energy for the cultivable products than them (males). We have to do all the homestead works as a domestic labor force, in addition to our household maintenance and organization, including child bearing-rearing activities, cleaning, cooking, washing and related works. Besides familial activities, therefore, one can imagine our major economic contributions in the respective families. But we hardly receive even any acknowledgement from our men.

The above summary statement stated that rural women are conscious of their participation in economic enhancement. This awareness motivates them to aspire for some rights, privileges and power in the family environment.

In general, rural poverty-stricken less-educated married women remain subservient to their husbands. Such a scenario of manly characters has been observed in history from time immemorial, though many women were capable enough in competing with men. Further, this male-power attitude in the form of gender inequity and discrimination in society have been accentuated for centuries,

as the normative aspects of patriarchy. It is like a primordial preference of masculinity across kinship society to so-called democratic states (when democratic ideals fail to safeguard the interests of women against men's whims of supremacy) which still tends to survive. Because of poverty and lack of educational attainments, rural women have very little access to economic resources. The very poor state of literacy and marginalized economic conditions made rural women powerless in society and hence they are more inclined to follow religious sanctions than to excel in their righteous status and position. This is how rural women face hindrances in their everyday lives which are also evident from our analyses in theories and literature reviews.

Rural married women's qualitative expressions of facts are an instance which exemplifies their relative powerlessness in the family due to the lack of rights to property, unfavorable cultural traits and religious directives. Through intensive fieldwork, no conclusive idea of rural women's degree of empowerment in the family or community could be ascertained. Participant-observation and field-notes also indicated the constraints of women's exercising any power and authority in the family except some superficial roles, as assigned, to show-off their titular status and positions. The following qualitative summary statement calls for the Bangladeshi rural married women's extent of empowerment if it brings about any level at all:

We legally do inherit property, but the law of inheritance according to religious principles is not at all favorable for us. A variable distribution pattern of property between men and women exists in our society, in which boys get double the amount than girls. You may say that married women always inherit property from their husbands when they die, but that too, in real count, is less than enough as compared to men's possessions of property. Of course, there are few exceptions in case of property ownerships by individual "will" (a legal document put in place for the management and distribution of property after one's death) under civil law, in which one can notice very little statistics of such cases for women.

Again, the respondents in the sample population further emphasized the cultural norms attached to their being deprived of the legal opportunity in a different manner as follows:

Both under civil laws and religious principles of property distributions, we have limited rights and significantly low control over our owned property. In this context, we hardly protest and instead we tend to care for the existing cultural norms that are supported by male superiority, for safety reasons. This safety issue was mainly for maintaining the landed property and all material possessions by courageous male members only. In this case, perhaps we preferred to be dominated by men for protecting our legally owned property. Many people know that this traditional practice of controlling properties by men in the family has been replicated in different forms beyond the legal framework. We can cite one example, the practice of *de facto* ownership by *Benami* transactions, where women are only the named owners but the rights and control of property essentially remain in the hands of *de facto* male member in the given family.

Above mentioned qualitative summary statements clearly disclose that rural married women in Bangladesh are aware of their relative lack of empowerment in their families and communities. They also know the responsible factors for which they could not achieve their due rights and control over legally owned property. The overall findings, based on information gathered through ethnographic observation of facts, suggested that poverty-stricken non-literate rural married women in Bangladesh are conscious of their rights and power in the family, community and society. From such a state of awareness, it may be presumed that they are adequately motivated to achieve their empowerment at a certain level in the near future.

Discussion and Conclusion

Discussions carried on in this paper attempt to explore the possible attainment of empowerment by rural poor married women in Bangladesh over the last decades. Interpreting and analyzing appropriate conflict theories, we have endeavored to understand the inherent contradictions that prevail in Bangladesh towards inequity factors between men and women in all spheres of their lives. Even under the distinct class-based social relationships among the poor, rich and intermediate classes, this inequality primarily affected the women at large, which included the distribution of material resources, access to education, politics and culture. This has been a common scenario behind the bar that the male dominates over the female. Due to lack of, or very limited access to all these institutional resources, rural women remained subservient to men for historical periods. Reviews of relevant literature on women's empowerment issues, religious sanctions and cultural constraints reflected that rural married women are to a large extent dependent on their husbands or other male members in the family. Through micro-credit loans and financial systems, *Grameen* Bank, BRAC and other NGOs initiated the encouragement of rural women for economic improvement, thereby gaining some extent of social empowerment. But nonetheless, they can scarcely assert their views in establishing rights and privileges, having to face persistent male protest every now and then, as reported.

Hence, women's power and authority in the family relations remains only a myth.

There are few exceptions, cases that got some power and authority due to their attainment of higher education, viable income sources and political linkages. Ethno-methodological sources of information collected from the field did not sufficiently complement the fact that women got empowered. The question of the lack of rights and control of their owned property still needs added explanations, since they have legal property ownership. Further research along this line could be carried out, in order to re-evaluate current empowerment issues.

BIBLIOGRAPHY

- Batliwala, S., *Empowerment of Women in South-Asia: Concepts and Practices*, New Delhi, FAO-FFHC/AD, 1993.
- Boserup, E., *Women's Role in Economic Development*, New York, St. Martin's Press, 1970.
- Coser, L. A., *The Functions of Social Conflict*, Glencoe, III, Free Press, 1956.
- Faraizi, A., T. Rahman, and J. McAllister, "Microcredit and Women's Empowerment: A Case Study of Bangladesh", *Gender & Development* 20, 2012.
- Giddens, A., *Social Theory and Modern Sociology*, California, Stanford University Press, 1987.
- Hashemi, S. M., S.R. Schuler and A.P. Riley, () "Rural Credit Programs and Women's Empowerment in Bangladesh", *World Development* 24(4), 1996, pp. 635-53.
- Kabeer, N., "Resources, Agency, Achievements: Reflections on the Measurements of Women's Empowerment". *Development and Change*, vol. 30, 1999, pp. 435-464.
- Karim, A.K.N., *Changing Society in India, Pakistan and Bangladesh*. [Revised edition], Dhaka, Nawroze Kitabistan, 1973.
- Marx, K., *Economic and Philosophical Manuscripts*, Moscow, Progress Publishers, 1844.
- Mulla, D.F., *Principles of Mohamedan Law*, 17th Ed. Bombay, M. M. Tripathi (Private Ltd), 1972.
- Quamoruddin, K. A. A., *Law of Benami Transfers in India and Pakistan*, Dacca, Paramount Publishers, 1969.
- Rozario, S., "The New Burqa in Bangladesh: Empowerment or Violation of Women's Rights?". *Women's Studies International Forum* 29, 2006, pp. 368-380.
- Schuler, S.R., F. Islam, and E. Rottach, "Women's Empowerment Revisited: A Case Study from Bangladesh", Pub Med Central (*US National Library of Medicine's digital archive*), 2010, Sep. 1; 20(7): 840-854. Doi: 10.1080/09614524.2010.508108PMCID: PMC2941240.
- Simmel, G., *Essays on Interpretation in Social Science*, Amazon Books, 1979 (online).
- The Constitution of the People's Republic of Bangladesh* (1979) Articles 28(2); 29(3) (a) & (c) as modified up to 28 February.
- Yunus, M., *Women's Project for making Bamboo Furniture in the village of Jobra* (This tiny loan consisted of US\$27 from Yunus's own pocket), 1976.
- Yunus, M., *Grameen Bank*, Dhaka (formally established and was authorized by national legislation as an independent bank), 1983.