Gendered Entanglements

Re-visiting gender
in rapidly changing Asia

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Content

CHAPTER 1

Gendered Entanglements: Revisiting Gender in Rapidly Changing Asia

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Introduction

This book stems from a Norwegian research project that aims to both revisit and rethink the concept of gender in a rapidly changing Asia. Starting from Cornwall's (2007) call to revisit the 'gender agenda', seen as having 'retained little of the radical promise that was once vested in its promotion', the project has allowed individual researchers to grapple critically with new ways of understanding gender in development contexts, in an effort to address more holistically the emancipatory and transformative agendas of feminism and development. The book presents some of the findings of their research and represents a conscious effort, borrowing the idea of 'sciences from below' from Harding (2008), to incorporate descriptions of how gender is understood and produced in different ways by people in the Asian region.

The overall objective of the book is *to revisit gender as a concept that can engage simultaneously with change and continuity in today's Asia*, but with greater intellectual reflexivity to examine multiple, intersecting, and complex dimensions of identity and difference, and formerly unacknowledged sources of social power from institutions and their emerging discourses. It also ascertains whether gender as a social analytic has remained true to its earlier feminist promise for emancipatory and empowering outcomes for women and men or whether it has instead blunted this possibility, as Cornwall suggests.

Individual chapters, written by gender scholars from Europe and Asia, critically examine the concept of gender in the context of emerging development issues relating to four broad areas: *Changing gendered livelihoods*, which basically deals with revisiting the field after a substantial period of time, reflecting on the value of conducting longitudinal research; *Power, policy, and practices*, which revisits different dimensions of governance and power, gender mainstreaming, and activism involved; *Environment and resources*, which deals with

new ways of examining dispossessions, dams, disasters, and mobilities; and *Justice and human rights*, which particularly focuses on the often complex and contradictory dimensions of religious law clashes with secular legal frameworks. In unravelling how revisiting gender has led the authors to rethink gender in multiple ways, some of the chapters revisit areas from previous research, while others rethink ways in which gender has been framed and depoliticized in current practices, and therefore address how gender has been changed, both as a normative process influencing social roles and relations and as an object and/or a concept of research.

The study and methodology

The researchers of the study *Revisiting Gender in Development: Complex Inequalities in a Changing Asia*, funded by the Research Council of Norway for the period 2011–2014, worked together in the above-mentioned thematic groups. However, in the course of the work process and during annual meetings in the larger group, issues were identified that cut across the themes of the four groups. It was increasingly understood how entangled our themes were, methodologically, conceptually, and empirically, which called for better understanding of gender as a process, as situated and time-specific, and as entangled with power structures such as legal frameworks and development practices (see next section).

The authors in the *Changing gendered livelihoods* group have realized the need to raise questions about revisiting studies; reworking methodologies and employing new perspectives that respond to changing contexts; and how local researchers may provide a 'new gaze' to work already done; as well as to consider the challenges of reflexivity, namely multiple dimensions of reflecting on self, changing theory, and changing research subjects. Two studies (Chapters 2 and 3) are concerned with longitudinal aspects of the respective authors' previous work in Malaysia, and hence changing subjectivities of gender.

The following issues are raised by the *Power, policy, and practices* group: there are disconnections between gender politics and development; doing gender mainstreaming has created social difference and has not served the empowerment goals of women; the axis of gender is seen in one-dimensional terms; there is need to see gender's intersectional nature with class, ethnicity, and age; there is an uneasy relationship between donors and beneficiary organizations relating to issues of accountability within donor organizations; and the

boundaries between state and non-state entities are blurred. Four presentations (Chapters 4, 5, 6, and 7) under this theme aim to examine critically previous work on gender mainstreaming and the role of gender in international and local institutions.

The key concerns for the researchers in the *Environment and Resources* group are: that there are new environment-market relations and these affect women and men in expected and unexpected ways, many of which have deepened existing inequalities and also create new forms of stratification as well as opportunities; that gender relations and norms have been proven to be resilient in the face of wider environmental and policy changes; that global environmental regimes since the mid-1990s have recycled essentialist women-environment frameworks despite past critiques and created new ways of positively coping with environmental change and climate variability (Chapters 8, 9, and 10).

The following key issues are crucial for researchers in the *Gender justice and rights* group: legal normatives are being applied at multiple scales; hegemonizing particular ethnicities and religions takes place through the vehicle of law; and there is a need to construct and conceive a culturally-neutral platform for adjudication. The notions of gender justice and human rights are examined through the lens of local practices and institutions. The aim is to understand the application of rights in a changing Asia, where transnational norms are imported and reinterpreted locally. However, at the same time, the realities of women's and men's lives in the region should provide new insights into the relevance of gender with regards to justice, equality, and rights. Two chapters critically examine gender justice and human rights (Chapters 11 and 12).

Science from below

The various sub-studies work towards the common goal of formulating an analytical approach to studying gender and development that is based on field research. The authors question their positions as socially located researchers, since research is a process of exercising and yielding power. They express concern about how they can better reflect women and men's new 'lived realities' (Rigg 2007) to inform our understanding of gender and development and to grasp the conflicting and overlapping inequalities and opportunities in a restructuring Asia. For most of the authors, this means doing ethnographies and practising grounded science. As they have inquired from 'below' (Harding 2008), they have

sensitized themselves to the changing power relations and contested notions of power of those 'below' as well as those 'above.' Equally important, they also question modernist received wisdoms, such as gender and development 'top-down' definitions of and prescriptions for empowerment.

Most of the individual studies aim to understand *global-local interactions and dynamics when studying processes of change*. This implies considering ways in which globalization is at play in constructions of masculinity and femininity, along with ways in which gender has shaped and inflicted globalization. In this sense, having one big project made up of individual subprojects may provide fresh and cumulative insights into the new complex and transnational realities of women in Asia.

Although we did not follow a prescribed methodology for all the sub-studies, the research reported in most of the chapters used qualitative methods of data collection, in part influenced by Harding's (2008) suggestion of practising sciences from below. Although the interviewees (except in one study, reported in Chapter 7) may not have contributed directly to the design or methodologies used in the studies, many of the contributors to this volume have attempted to rethink concepts by holding them up to the light of practice and everyday life. In this regard, many of the studies included here use a feminist standpoint to rethink gender concepts. Some of the studies revisit research sites, in some cases decades after the original study, while others aim to shed light on gender concepts and theories using a phenomenological approach. Several methods have been used in the individual subprojects, ranging from participatory workshops, focus groups discussions, and in-depth interviews to surveys. Thus, the methods of data collection varied according to the needs and contexts of the different case studies. We also find that all authors rethink gender in multiple ways by cutting across the themes that are described in the following section. Details of the methodology are found in each chapter.

Multiple ways of rethinking gender

Scholars have generally agreed that 'gender' is a type of ontological social difference based on cultural notions of femininity and masculinity, and that by signifying such a difference, power is concurrently produced between women and men. This translates into relations of inequality and a disproportionate share of disadvantage, position, obligations, and

opportunities between women and men. This consensus, we believe, needs further rethinking and unpacking.

In our attempts to rethink gender we re-examine past studies that have considered gender as one-dimensional and somewhat fixed and, as such, have centred on a singular feminine subject. We increasingly come to understand that gendered subjectivities are complex, intersect with other types of subjectivities, are in process of change, and are materialized by discourses and practices. We also question current institutional applications of gender in development practice, examining the ways in which gender is being framed and interpreted at different levels, and seeking new explanations for why in many instances gender has been technocratized, simplified, and disassociated from its political goal of empowerment. Ultimately, therefore, this book demonstrates how gender is in motion and entangled with multiple processes of producing identities, power, and inequalities.

Current gender and development approaches are inadequate to match the complexity of gendered lives. We set out to examine how the complexities of gendered lives can inform our gender and development practice, as we search for new tools that defy simplifications and are not resistant to fluidity, messiness, or incorporating and intersecting the material with the symbolic, and with the unstable and mobile nature of gender. In rethinking gender, we examine the following subject areas as they guide us to challenge past assumptions about gender that cross-cut the various domains of changing gendered livelihoods, power, policies and practices, environment and resources, and justice and human rights.

The discussions that emerge in the various chapters are that gender as a category for social analysis in development has not always led to the transformation of inequalities. Hence, in multiple ways they raise the following specific points and questions below, *challenging the relevance of gender in development, both in theory and development practices.* These points also serve as cross-cutting and guiding themes that bind all subprojects together. While the authors of Chapters 2 and 3 are self-reflexive and base their analyses on longitudinal research, all of the authors are in a continuous process of thinking anew about gender and they actively search for new ways of conceptualizing it. Chapters 4, 5, 6, and 7 explore gender and development practices that challenge existing concepts such as 'empowerment', 'modernity', 'activism', and 'gender analysis', whereas Chapters 8, 9, and 10 try to rethink gender and nature relationships, partly by identifying new lived realities and mobility. The

next two chapters (11 and 12) focus specifically on how the current language of law and justice is decisive for practices in religion.

Continuity and change

Processes of change contains elements of striving for continuity – new ways of behaving that preserve existing gender inequality – as well as striving for equal relations. Are some areas of gender relations more resilient and others more fluid? The challenge is to examine the conditions under which these realities change and/or remain the same.

All of the authors relate to continuity and change in some way or other. They revisit former field sites and communities, studying how and whether the dynamics and identities of gender change and reproduce under the political-economic, political-ecological, and cultural transitions that much of the Asian region has undergone. Three chapters deal with the significance of environmental change, recurring events of disasters, and resettlements, exploring how and whether change has become inscribed in people's lives or whether their gendered lives and selves have remained resilient (Chapters 8, 9, and 10). Among the various chapters on power, policy, and practices, one explores how gender analysis contributes to understand changing life trajectories (Chapter 6), two chapters critically examine how changing gender and development practices are being shaped and reshaped (Chapters 4 and 5), and one chapter (Chapter 7) studies how women activist groups manage to change attitudes, gender relations, and communal awareness of societal problems.

Two chapters explicitly focus on changing gendered livelihoods in self-reflective ways. In Chapter 2, titled *Change and continuity: Revisiting the field and changing analytical positioning in understanding gender*, Merete Lie, Ragnhild Lund, and Zaireeni Azmi explore change and continuity in gender relations, and how changing understandings of gender are produced by local and global actors. Since 1986, Merete Lie and Ragnhild Lund have studied the transfer of Norwegian companies from Norway to Asia from a social research perspective. During 2011 and 2012, their field site was revisited by a young Malaysian researcher, Zaireeni Azmi, with the intention of scrutinizing the Western view of the previous studies and incorporating a new gender lens, as well as providing new insights from the field. The three authors' contribution to rethinking gender is partly a self-reflective exercise, as they try to unpack how gender was understood at different junctures of their work. They critically

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explore the methodological issue of doing longitudinal, reflexive, cross-cultural and cross-generational research; how they have understood continuity and change previously and how they understand these concepts now; and how they understand women and gender. They have found that the analytical approaches they employed previously are valuable, but have limitations when they attempt to study transformations over time. A more dynamic, process-orientated, and flexible approach to studies of gender and social change is needed. Bringing in a young Malaysian researcher provided new perspectives and observations to supplement Lie and Lund's previous analyses. The outcome for both the local and the foreign researchers was that the exercise unpacked each researcher's biases and triggered ideas about what continues and what changes, and how they may rethink gender. Not only did they learn about continuity and change in women and men's lives and livelihoods in their study area, but also they learned about continuities and discontinuities at the levels of their own positioning and the changing theoretical conceptualizations of gender. The authors conclude that the change/continuity perspective remains useful in a process of rethinking gender because it can explain how gender is continuously produced in time and space.

In a similar vein, Rashidah Shuib and Ingrid Rudie, in their chapter (3) titled *Translating gender through time and theories: A case study of living, thinking and rethinking gender in north-east Malaysia*, studied change and continuity in two villages in the north-eastern part of Malaysia. The 'foreigner', Ingrid, has studied change and continuity in two phases, and in two time periods 20 years apart. More than 20 years later, Rashidah, the 'local researcher', was introduced to the field in order to conduct a restudy. Both researchers launched their restudy with the dual aim of tracing empirical changes 'on the ground' and introducing an alternative gaze, in this case to substitute an insider's gaze for that of an outsider and subject the field to a different theoretical 'reading'. Two interrelated concepts are introduced: 'translating gender' and 'rethinking gender'. Translating gender has a bearing on the researchers' differing backgrounds and contemporary collaboration, but also on the 'translation' that has taken place over time between different vantage points, as both researchers were exposed to different empirical scenarios and theoretical inputs. This translation through time inevitably implies an ongoing rethinking of gender and reflects the researchers' personal history of making sense of their research. Although the revisit by the 'local' researcher actually threw a wider net to capture the village dynamics, the focus of the chapter has been narrowed down to marriage. On the east coast of Malaysia marriage is still perceived as the norm and families are still the place to return to for support upon the birth of new family members, even when the new

parents have left their original family home. Further, the village is still the place for family members to return to for festivals. Women's power to organize, adapt, and reconstruct responses to situations has not changed. They have shown resistance as well as resilience and provide evidence of strong social power. Disturbingly, polygamy seems to be acceptable among the young and educated, but there is also more reflective thinking and silent resistance about it as a family institution.

Power

Power, as also seen from the above section, is a cross-cutting issue in all chapters in this book. The authors are concerned with how they deal with power and the processes that hegemonize the identities of groups, regulating their gender and ethnic identities. The authors also enquire into what instruments and institutions (religious, legal, and development-related) are being constituted and employed in such processes and conversely, how gender works in the process of countering power, thereby redefining power relations at both societal and household level. Can more equal gender relations also restructure institutional power to address 'complex inequalities'?

Three chapters particularly examine the interpretative power of gender in development institutions and seek an understanding of whose knowledge and voices are produced. They investigate how the interpretative power of current languages on gender disciplines practice and action in development institutions and activism.

Donna L. Doane and Philippe Doneys' chapter (4), *Lost in translation? Gender and economic empowerment in the Greater Mekong Subregion* examines whether empowerment has become a buzzword, as Andrea Cornwall suggested, or whether it still has relevance in the context of economic empowerment projects in the Greater Mekong Sub-Region. The presentation begins with an inquiry into how women's economic empowerment projects are designed in each of the four countries studied in the region (Cambodia, Laos, Myanmar, and Vienam), and how empowerment has been defined and can therefore be assessed as one of the key objectives of the projects. The findings from interviews indicate that the conception of 'empowerment' appears to differ significantly depending on the level at which the concept is used: with international organizations focused on a rights-based approach, through national-level government agencies and women's organizations often constrained by the translation of

'power' as an overtly political endeavour, down to the provincial or local level, where the concept of empowerment seem to be more 'reflective' of local cultures and values, and where people often explain empowerment as a household or community process. Another key explanation of difference is the meaning of words used in the translation of empowerment, some of which reflect the 'power' component whereas others use a more diluted term referring to capacity, which suggests that empowerment becomes a very different endeavour depending on contexts, languages, and even gender-related conceptions and priorities. Such findings suggest that empowerment is not a standard recipe to be used in all contexts. Although organizations have attempted to obtain bottom-up evaluation of empowerment, the authors argue that these attempts begin with a preconceived idea of what empowerment involves, and that the concept itself needs to be defined by the communities in which empowerment is to take place in order for this process to be meaningful.

Cecilia Milwertz and Wang Fengxian, in their chapter (5) titled *The gender coding of modernity: A process of creating a modern gender and development NGO in the Peoples' Republic of China*, focus on how development practices are gendered. They analyze the implicit gender coding of a capacity-building technology offered by two North American organizations to a non-governmental organization (NGO) in the People's Republic of China working on gender and development issues. Their analysis responds to calls for critical investigation of the practices of development agencies in relation to the status of gender in development and it questions the roots of 'NGO-ization' practices that aim to create modern and sustainable NGOs according to new public management paradigms. The two USA-based organizations offering capacity building and the Chinese NGO in receipt of it were all strongly committed to addressing gender issues and practicing gender awareness. Drawing on Sandra Harding's (2008) understanding of the gender coding of modernity, the authors argue that the capacity-building process was nevertheless implemented with a paradoxical lack of gender awareness. Harding warns that even purportedly progressive scientific and technological projects are doomed to fail if they do not critically engage with the way in which the dominant understanding of modernity associates the feminine with the primitive and therefore marginalizes and excludes it. The authors (of Chapter 5) suggest recognition of gender as one element of hegemonic understandings of modernity, in this case in the form of implicitly masculine-coded capacity-building technology and feminine-coded NGO practice and the valorization of masculine-coded knowledge in relations between givers and receivers of development aid.

Chapter 7 explores how exploited individuals and indigenous groups have become active in resisting contemporary market-oriented development practices. In their chapter titled *Revisiting women's activism – Adivasi women in Odisha, India*, Ragnhild Lund and Smita Mishra Panda analyse activism among *Adivasi* women in Odisha, an eastern state in India, where gender mainstreaming is relatively new to non-governmental organizations (NGOs) and local self-help groups (SHGs). The authors enquire about the women's lived realities and what has made them mobilize, what they have achieved, and whether their activism has contributed to change gender relations. The authors introduce the analytical concepts 'body space' and 'spaces of resistance' in an attempt to contribute to unpack how women are forced to push their bodies into struggles for better lives and at the same time explore how their resistances are intertwined with contextual and structural factors. By particularly studying *Adivasi* women's activism in trying to fight increasing alcoholism and the erosion of natural resources in their home environment, it is found that that their activism has contributed to transform attitudes and gender relations. At the same time, women's activism is embedded in their inferior structural positioning of patriarchy, local power relations, and neoliberalist policies. This presentation concludes that rethinking gender has been possible in three ways: first, increasing insights have been produced by introducing a new conceptual lens, which includes the spaces of individuals and the collective; second, activism has changed gender relations, indicating that gender relations are contextually defined and in constant change; and third, activism has changed attitudes and awareness among women *and* men, adding new insights into how activism changes people.

Intersectionality

Creating and reifying social difference between women and men is imbued with power. All authors in this book implicitly inquire, or more specifically ask, whether they should abandon gender as a form of social difference or, alternatively, study processes that create and reify social difference and their intersections. Thus departing from our earlier references to gender as cultural and symbolic and class as material, instead, the analyses of the individual authors are informed by a comingling and entanglement of the discursive and material, where gender, class, ethnicity, and religion are being co-constituted subjectivities. As already mentioned above – that the three chapters on development practices and activism most explicitly focus on power and social difference at both societal and household levels –

the other authors too refer to intersectionality as a cross-cutting issue. The three chapters on feminist political ecology and mobility emphasize the interaction with social inequality and the material substance of nature (Chapters 8, 9, and 10), whereas the chapters on gendered justice (Chapters 11 and 12) aim to redefine gender relations within religious institutions.

Kyoko Kusakabe and Prak Sereyvath, in their chapter (6) *Women fish border traders in Cambodia: Gender analysis through their life trajectories*, particularly explore the concept of intersectionality and its importance in gender analysis by studying the different business trajectories of women border-traders in fish, at the Cambodian-Thai border. Since the opening of border trade between Cambodia and Thailand, there have been large differences in the way women traders have developed their businesses. The variety of business trajectories of women traders, unlike the stereotype that women's business stays small and at subsistence level, highlights for the need for a more nuanced analysis to understand the diversity of women's lives. By exploring various factors and events that influenced their business, the authors are able to grasp how, by seeing the world from the marginalized woman's viewpoint – a feminist standpoint epistemology – and by taking intersectionality as the core of their analysis, they are able to appreciate the usefulness of gender analysis in capturing the diversity of women's lives. The chapter also argues that gender analysis needs to embrace a study of gender relations. A major finding is that as opposed to gender programs that encourage cooperation and solidarity, the studied women traders saw other traders as competitors.

The performativity of gender

As already mentioned, the authors of this volume are sensitive to the practices that materialize gender and other types of social difference. This permeates Chapter 7, on indigenous women's activism, the chapters on policy and practices (Chapters 4, 5, and 6), the self-reflexive chapters on changing livelihoods (Chapters 2 and 3), how gender is (re)produced in feminist research (Chapter 2), and the chapters on how legal institutions and religion cement gender difference and (in)justice (Chapters 11 and 12). Specifically, the three chapters dealing with resources and the environment shed light on performative environments and gender, focusing on how gendered subjectivities and natural events are materialized through people's mobilities.

Rebecca Elmhirst and Ari Darmastuti, in Chapter 8, *Materialism and multilocal political ecologies: Rethinking gender and nature in Lampung, Indonesia*, document the gendered

workings of power and lived experiences of men and women in rural Lampung, in the context of the 'forces' of nature associated with rapid environmental change and lives lived increasingly across multilocal settings. The authors compare the experiences of women in two contrasting geographical settings in rural Lampung: an area gazetted for conservation where women have established themselves as coffee entrepreneurs; and a resettlement area where food crop failures and the expansion of oil palm are inextricably linked with women's engagement in migration for work overseas. Rethinking gender is done through a materialist feminist political ecology approach, which takes account of new realities in the province: new environmental realities, new crops, new forms of (multilocal) livelihood, and new aspirations. A key concern is to reveal that nature is not just a 'context' but an actant, by demonstrating the agential properties of a changing nature for people, and in this case, specifically women in Lampung. In both case study areas, people demonstrate contrasting relationships with nature through their agricultural and livelihood practices, which set in motion particular pathways of dispossession or entitlement. From a policy point of view, the chapter considers the implications of this materialist version of gender–nature for establishing gender policy in Lampung (and elsewhere), as gender action plans are being devised and rolled out amidst the charged politics of resource access and control in the province.

Bernadette P. Resurrección's focus in Chapter 9, titled *Gender, floods and mobile subjects in low elevation zones of Quezon Province, Philippines: A post-disaster view*, explores the impacts of flood events, through the lens of mobility studies and feminist political ecology. Post-disaster mobility is on the rise, without precluding the possible fact that people were already largely mobile even prior to the great flood events or that movement can also be triggered by wider political economic conditions in the Philippines today. Humanitarian agencies and government organizations address people's disaster recovery needs through active programming in disaster risk reduction and preparedness. However, they often sidestep the fact that disasters and disaster recovery are significant meaning-making events and processes, in which people make sense of their present and future life trajectories. Current thinking on gender, floods, disasters and climate change, and gender mainstreaming flood and disaster planning and mitigation tends to oversimplify how disasters strike and affect women and men, and subsequently also how gender shapes disaster responses and recovery from disasters. There is a need to go beyond easy notions of gender-specific impacts where women are often claimed as immediately disadvantaged and vulnerable. The author recognizes that narratives of mobility and disaster play an important role in the constitution of gender and that

productions of difference become exercises imbued with power and inequality, exclusions, and new chains of vulnerability.

In another vein, Shanti Thambiah's chapter (10), *Change and continuity in multiple and shifting hunter-gatherer livelihoods: Women and men negotiating flexibility in gender relations and maintaining mobility in the face of increasing fixity of development among the Bhuket of Sarawak*, describes the multiple and shifting livelihood strategies of the Bhuket people, in the Malaysian state of Sarawak on the island of Borneo. It elucidates how different individual and household livelihood portfolios draw from specific patterns of resource mobilization, social organizations, and gender dynamics. In the context of resettlement due to the Bakun Hydroelectric Dam Project, Bhuket women and men have been experimenting with different livelihood strategies and men tend to draw from their cultural capital as hunters while women tend to draw from their capital as gatherers. This type of experimentation, combining wage employment, subsistence farming, and dependence on natural resources from the forest, was been practiced by the Bhuket even before their resettlement. The strategy can be seen repeated in the resettlement but within the context of vanishing and emerging resources and livelihood opportunities. The Bhuket are undergoing change but are practicing continuity by maintaining their mobility and flexibility in their livelihood strategies in the context of competing demands and constraints in an increasingly stratified economic environment. Gender and livelihood are performed using the hunting and gathering cultural template of adaptation to situation and context. The author argues that the fluidity and flexibility of gender relations does not match the fixity of development, and instead makes us ask where gender relations have come from and how gender and development policy and practice would, for example, address the fluidity of gender.

Gender justice and equality

Two chapters examine gender justice in religious institutions and law, inquiring into how current legal practices represent local reinterpretations of past and present norms and institutions. The other chapters focus more on the concept of gender and gender relations (Chapter 2 on how gender is being produced and Chapter 7 on gender activism) or on gender discipline and practice (cf. Chapters 6 and 7 on gender analysis and activism, Chapter 8 on gender action plans that accompany gender mainstreaming in environmental discourses in

Indonesia, and the environmental discourses and mobility in Chapters 9 and 10), and action in development institutions (Chapters 4 and 5).

Noraida Endut shows how Islamic law constitutes a compulsory regulating source of personal law for Muslims in Malaysia. Her chapter (11), *Reconstructing justice for women in the courts: An investigation of Syariah court processes in Malaysia*, documents how substantive and procedural provisions of Islamic law have gone through various changes and how discourses and testimonies about their discriminatory and detrimental effects on women are quite pervasive. She asks whether Islamic law as practiced in Malaysia is consistent with the transcendental ideals of the Syariah as contained in the sacred sources, whether it is capable of affording equal and just treatment for Muslim women in the context of their contemporary lived realities, and what the practices in the administration of the Islamic legal subsystem in Malaysia can inform us about achieving the aims of substantive justice and thus gender equality. The chapter presents the findings and analyses of a study conducted in relation to these questions. The researchers involved in the study observed proceedings in Syariah courts in Malaysia to capture and examine texts and contexts of the administration of justice in family law cases of Muslims. The chapter concludes that the Syariah courts have not shown consistent efforts towards the development of Syariah jurisprudence that seeks to unpack the present realities of families and thus the realities of contemporary positions of women and men. Thus, the law may not have been applied contextually to ensure optimal justice based on fundamental principles of Islam and as a consequence may impact on women's access to justice. In the courts, proceedings are interspersed with remarks that reflect court officials' views on gendered roles in marriage. Although these remarks are mostly subtle and not overt, they may form critical influences to judicial decision making by developing normative interpretations of legal rights and responsibilities based on gendered perspectives.

Julaikha B. Hossain, in her chapter (12) *Rethinking personal laws and gender justice in Bangladesh*, argues that the laws that immediately affect women's rights and gender justice in Bangladesh in everyday life are primarily personal laws. The constitution of Bangladesh reiterates the principle of equality before the law, equal treatment and protection of law, and non-discrimination irrespective of religion, race, caste, and gender. However, these guarantees operate in the public domain, whereas the personal (family) laws, derived from all the religions, are plural and the amalgamation of culture of the society, religious norms, and Western interpretation of these alien cultures and religion. Therefore, personal laws concerning, for example, marriage, divorce, and property inheritance of both Muslim and

Hindus suffer from various misinterpretations, distortions, and discriminations against women, and hence face serious challenges in Bangladesh. In an effort to understand better and evaluate the country's effectiveness in ensuring gender justice, the author rethinks some of these complexities through the focus on the plurality of legal jurisdictions in Bangladesh. Justice can never be achieved without bringing about a sense of fairness and parity in a society and hence the nature of ambiguity between personal laws and practices in promotingwomen's human rights and gender justice is found in the legal pluralistic society such as Bangladesh. This makes Hossain ask how the intersection of personal laws, customary practices, and social spaces impacts on gender justice within the plural legal jurisdictions in Bangladesh and how these laws, practices, and spaces often collide with the norms of equality and gender justice, enunciated in constitutions, legislations, and human right treaties – thus reinforcing or weakening the framework for achieving gender justice and women's struggles for empowerment in the country.

Structure of the book

The book is organized in four thematic sections preceded by an introduction and followed by a conclusion. Although the individual researchers work across different geographical and disciplinary boundaries, they actively position themselves towards the initial objectives of the umbrella research programme, as presented above. Multiple ways of rethinking gender – 'gender entanglements' – have emerged in the process of research, compelling the individual researchers to question and reformulate their understanding of gender. This has enabled the editors to re-engage with gender and development studies in new terms, as is further presented and discussed in the concluding chapter (13).

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CHAPTER 2

Change and Continuity: Revisiting the Field and Changing Analytical Positioning in Understanding Gender

Merete Lie, Ragnhild Lund and Zaireeni Azmi[1]

Introduction

Since 1986, we, Merete Lie and Ragnhild Lund, have studied the transfer of Norwegian companies from Norway to Asia from a social research perspective.[2] At the beginning of our work in the late 1980s, we pursued two perspectives: one based on the economic significance of industrial work for workers, their families, and the local community, and the other related to the changes in life course between mothers' and daughters' generations, incorporating women's perceptions of themselves, processes of change, and their environment. Over the years, these perspectives became more integrated, and we have positioned ourselves in relation to various discourses related to the restructuring of the global economy and the use of female labour. The aim of our research is to study change and continuity in gender relations, and how changing understandings of gender are produced by local and global actors.

We began our work by studying the relocation of Norwegian production to newly industrialised countries (NICs), such as Singapore and Malaysia, and impacts on local female workers. At that time, some of the previous low-wage countries had succeeded in adapting to the new economies of the NICs, which had increasingly become capable of indigenous growth, new product development, and export-orientated production. Another shift of global production took place during the early 1990s, when increasing flows of information, knowledge and services became more prominent. We studied how these changes affected production and workers in the increasingly consumer- and market-orientated societies in Southeast Asia. As part of this work we conducted an in-depth study of women who lived in a Federal Land Development Agency (FELDA) settlement scheme[3] in southern Malaysia, a district where men and women traditionally engaged in small-scale farming or worked as estate labourers. In the 1980s and 1990s, several factories were established in this area.

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Among others, a Norwegian factory was set up in 1979, which recruited mainly young women living in the nearby settlements. According to local norms, young unmarried women were expected to be shy and reserved, and not to participate in public activities on their own. Hence, those who traditionally were most protected became those who took up work outside the village and brought new ideas and values back to the village. By entering the modern economic sector, those young women also considerably increased their economic importance in their household and thereby acted as promoters of social change. As a result, the women challenged the cultural tradition that defined men as the heads of households and main economic providers, and actively negotiated their gendered positions in the local society.

In this chapter, we seek new understanding by revisiting not only the field but also our own study, with the aim of firstly identifying processes of change and continuity, and secondly revisiting our analytical approach in order to reconceptualise gender in our own analyses. Our point of departure is the long-term fieldwork that was carried out during the period 1988–2006 in the FELDA settlement in order to study women's life course changes and livelihood strategies related to global economic change. We have since found that during that period our analyses were affected by the general trends within feminist and gender studies, such as the change from women's studies to gender studies, and the warning against essentialism and dichotomisation in gender studies. During the period 2011–2012, our field site was revisited by a young Malaysian researcher, Zaireeni Azmi, with the intention of scrutinising the Western view of the previous studies and incorporating a new gender lens, as well as providing new insights from the field.

The objective of this chapter is to examine how our study enabled us to rethink gender. We argue that our empirical findings not only provided insights into the role of Malaysian women in global industry, and what changed and what remained specific in their lives, but also contributed theoretically and critically to discourses on gender and global economic restructuring. In the following discussion, we attempt to rethink gender through an analysis of the changes in the studied local community. Our perspective has been influenced by the changing theories, concepts, and research approaches over time. However, it was the empirical findings that made us question those theories. Our contribution to gender theory is thus partly a self-reflective exercise, as we try to unpack how gender was understood at different junctures of our work. Data from recent fieldwork are used to demonstrate the

importance of a reflective approach to empirical studies and to give insight into the ways gender is produced in the local society and in local workplaces.

In the following, we first reflect on the opportunity for undertaking a longitudinal approach in the field and the ways the researchers were situated in relation to the informants, as well as what implications this has for the analyses.[4] Thereafter, in the following section, we explore how we juggled the concepts of women, gender, and feminism in our studies of change and continuity in women's lives and livelihoods. With these reflections in mind, we examine some of the changes we have observed over time, and then reanalyse the changes by utilising the notion of 'producing gender'.

Revisiting gender by being critically reflexive

The longitudinal approach of our study – involving various revisits over many years – gave us a unique opportunity to document social transformations over time. Arriving as outsiders to Malaysian culture, multiple visits to the field enabled us to build knowledge about a context that we found increasingly complex and multifaceted. On our first visit we experienced a local community that faced a stagnant economic situation due to meagre income from the land. Then, the children of the settlers grew up and young women began to take work in foreign companies that increasingly were becoming established in the area. Through later visits, we learnt about a rapidly changing community and observed how remittances from children (particularly daughters) with easy access to jobs (both locally and in Singapore) created wealth in the village. During the last visit, in 2006, we learnt about a village in which the sedentary population was ageing and the younger population was migrating to semi-urban residential areas. These contextual changes mirrored the situation for the women we interviewed. On each visit, we observed that some of the workers we had spoken with on previous visits had left the village. We found that the women had diversified their careers by taking one of three options: some still working as industrial workers, others had found work in the informal sector (running food stalls), and some had become housewives. Zaireeni's contribution was to revisit the same study area and interview the second and third generations of women living in the FELDA settlement.[5] This approach provided generic knowledge about changes in Malay women's lives and work, as well as further insights into the processes of socio-economic change in Malay society. The female factory workers we studied were not

only important actors of change during the first visits we made to the field, but also continued to build skills from working life that enhanced their capabilities. Facing these multifaceted processes of change, we searched for conceptualisations of gender that included the processual, situational, and relational.

Such revisits also provided opportunities for critical reflections about what we did at various junctures.[6] Our professional insights developed out of changes in our own life cycles – transformations from junior to senior researchers, from busy mothers of small children to middle-aged women with no children at home, and from young lecturers to senior faculty members with numerous scientific responsibilities. Altogether, these experiences resulted in some gains but deprived us of others, such as the ability to stay in the field for any lwngth of time and be continuously updated on what is happening. However, brief revisits over a considerable life span of more than 25 years enabled us to gain insights into the changes in the local community. The changes in our own lives provided a lens to reflect on change and continuity in the lives of the women we studied. A further benefit of the revisits is that changes were more readily apparent after our absences than they would have been if they had been observed gradually.

The last step in our longitudinal study was that Zaireeni revisited the field, made her own observations and held her own interviews, and undertook a critical reading of our publications. The idea was that she would observe from another angle, and hopefully come closer to the informants and have a better background for interpreting what the informants said.

Box 1 in here

It was a surprise to learn how much the Malay researcher also considered herself an outsider in the FELDA village. Her urban and academic background meant that despite she sharing the informants' language, her understanding and interpretation had an insider/outsider aspect. Nonetheless, our positioning as co-authors differed in the sense that Merete and Ragnhild were acknowledged as foreigners both to themselves and to the informants, whereas Zaireeni was situated more ambiguously. In the presentation of self, when Merete and Ragnhild first

went to the village, they were both associated with the global influx in the area. Zaireeni, as a Malaysian, was associated with national political controversies related to the FELDA schemes, even though she was not anxious to enter the village at the time of the national elections. Thus, she lacked the foreigners' advantage of being perceived as ignorant enquiring persons. Still, we found that Zaireeni, to a further extent than the foreigners, was able to gain information beyond what was explicitly given in interviews, and to understand the ways her informants evaluated the options and choices of local women.

Conceptualising gender

The analytical tools available to us from the late 1980s onwards were from the overlapping fields of women studies, gender studies, and feminist studies. Our reanalysis revealed that we had shifted our analytical focus between the following:

- Women – In this respect, our analytical focus aligned with Norwegian Research Council's 'Women and Development' research programme that we were part of. The project involved several substudies, and various methods of data collection were used to provide information on different aspects of Norwegian industrialisation and the role of female labour. In some respects, the categories of women and men were taken as given from the outset, and this was particularly visible in our first fieldwork. It could be said that we simply took local categorisations for granted, asking, for example, what women could do, how their practices were interpreted, and what room there was for change in women's behaviour.

- Gender – This was introduced as our analytical concept to understand women's opportunity situation locally, and how their choices were embedded in gendered relationships and local traditions. Inspired by Harding (1986) and Scott (1986), our starting point was unpacking a gender system that included different levels. In our research, we were most concerned with the interface between the structural level (economic restructuring on a global scale and gendered division of labour) and the local level (gender as perceived locally and individually). Although we employed the concept of gender, we hardly included men, either in our data or in our theoretical and analytical work. In that sense, our analyses were still inclined towards 'women studies', but we were aware of gender relations on the structural and local levels.

- Feminist analysis – We used a feminist perspective as a framework for analysis, in the sense that we introduced a feminist perspective on the asymmetrical relationship between women and men. The asymmetrical relationship involved a gendered division of work between wage labour and domestic work, both within the labour market and between access to the formal and informal labour markets. It also involved patriarchal traditions regarding women's control of their own life and the decisions and actions they could take to change it. In that sense, power structures and power relations framed the analysis, but in the detailed analysis of the empirical data we preferred a more open approach to studying both the companies' strategies and the women's choices.

To summarise thus far, throughout our study we used a general framework of a feminist perspective, which at that time generally implied a focus on women, also in our case. A perspective of gender structures and gender relations was employed in our analysis, but it was hampered by our empirical focus on women. How men reacted to women's work was, for example, a question we asked the women and not the men. Still, because we included data on local development, it was not a 'women only' analysis, but a broad analysis of women's options and strategies within a global-local context, focusing on the FELDA community and the Norwegian factory.

Our feminist approach was from the start related to the thesis of 'super-exploitation of the female labour force in the new globalised economy'. Feminist researchers built on the thesis of a new international division of labour, which implied a transfer of assembly work from the Global North to the Global South in order to benefit from cheap labour costs (Fröbel *et al.* 1980). Feminist research emphasised how the biggest industries, namely electronics and clothing, recruited young inexperienced women, and the super-exploitation thesis reflected that women were not only paid less than men, but also employers exploited women's docility, patience, and nimble fingers (Elson and Pearson, 1981; Nash and Fernandez-Kelly, 1983).

When we explored the above academic discourses in our research (Lund and Lie, 1989; 2005) our concern was to understand the lived realities of the women working in the Norwegian-owned factory, while relating these experiences to structural changes in the global economy and strategies of transnational companies. While we positioned our work with the academic discourses of globalisation, and 'tested' them against our empirical material, we found that they contributed very little to an understanding of the local processes of change. Consequently, we searched for analytical approaches that could better grasp the dynamics and

complexity of what was happening at the local level (e.g. Appadurai, 1996; 2001; Ong and Collier, 2005). After our revisits to the field in the 1990s and 2000s, we used our empirical findings to construct alternative analytical tools and concepts within the arising globalisation discourse, of which the 'glocal' – implying the analysis of local/global interfaces – was most useful (Lie and Lund, 1999; 2005).

Today, we find that the discourse of super-exploitation of women still lingers. In feminist analyses, multinationals and neoliberalist policies are still perceived as the cause of a gendered pattern of exploitation (Pearson et al., 2004; Mahmoud & Kabeer, 2006; Pearson, 2007; Chant, 2010;). In recognising there are serious problems related to women's working conditions and low wages, the question still remains as to whether having a job is, after all, more positive, and whether focus on transnational companies (TNCs) leads to a neglect of the role of patriarchal local traditions within the same processes of change. These were matters of heated debate during the 1980s (Heyzer, 1988; Ong, 1987; Mies, 1986; Lim, 1985; Elson and Pearson, 1981). Today, we find that, particularly when we acknowledge the growth of welfare in Malaysia and a rising middle class, the thesis of super-exploitation of the female labour force has reached an impasse, as it cannot provide theoretical insights that go beyond capitalist expansion and the exploitation of women. Much less is understood of how men and women deal with such work, how they reap benefits, and how these economic changes are elements of more complex realities in which women take an active part (Rigg, 2007).

To summarise our critique of the super-exploitation perspective, we find that it is primarily focused on external actors (i.e. TNCs) and less directed at local processes. Associated with this, it is too focused on change, whereas looking into lived realities locally reveals the twin processes of continuity and change. Moreover, the super-exploitation perspective does not address the intriguing question of which choices actually indicate change. However, we realise that although in our analyses we were concerned with processes taking place locally, we still worked on the *impacts* of the restructuring of the global economy. Our interest was to study these impacts on the local level – involving a perspective of women as actors and not as victims – and emphasise the importance of local traditions where the local and the global meet. Today, our concern is to leave behind the underlying model of company (cause) and women workers (effect), and open up to a broader perspective of gendering processes. Our input into rethinking gender is made by looking into processes of change and continuity of how gender is produced at work and in the local community.

Continuity and change

Understanding social continuity and change is a major concern in social sciences and gender studies related to globalisation and rapid modernisation processes, and, more generally, to feminists' interest in change. Over the past 25 years or so, economic restructuring, political regime changes, and development programmes in Asia have been followed by studies of change in women's lives. Nevertheless, according to Addison and Jones (2005), changes in the family and economy have not necessarily changed traditional gender roles or the structures of society that have upheld traditional gender ideals.

Continuity and change were significant dimensions in our research all along, both methodologically and theoretically. Like Smith (2012), who showed that change is a contested term, we found it quite difficult both to define and to operationalise: to understand what social change is, when it happens, and for whom, and to determine when what appears as change can also be interpreted as continuity. As our major concern was with understanding how the entrance of women into the factory workforce led to societal, economic, and cultural changes, we found inspiration in the works of Norman Long's actor-orientated approach, and introduced the notion of women as active agents of change (Lie and Lund, 1994; Lund, 1994) – as subjects rather than victims – and Pierre Bourdieu's (1977) work on *habitus* and *praxis*, which provided insights into what changes and what remains.

Long's work (Long 1989; 2001; Long and Long, 1989), for example, shows how 'discontinuities' occur when discrepancies in values, interests, knowledges, and power occur in places of intersection between different social fields or levels of social organisations, and hence, for example, in male-female relations, when the actors have different interests and are backed by different resources. Discontinuities happen when 'processes of change often contain elements of both a striving for continuity – new ways of behaviour that preserve, or at least are compatible with, "old" gender values – as well as striving to achieve "new" values' (Stølen and Vaa, 1991: 7). In our case, when the foreign company recruited female labour, the young daughters replaced the role of fathers as the main income earners in some respects; thus, gender roles had to be redefined. This provoked discontinuities in the meaning of gender, which had to be renegotiated. Today, we find that such discontinuities continue to exist and have become inherent parts of new globalised realities. Still, we argued all along that lived realities can only be understood through an analysis of how they are produced and (re)negotiated locally (Rigg, 2007). We use some recent findings from the FELDA village,

which Zaireeni visited, to explore how gender relations are continuously changing, on the structural level as well as the local level. Structurally, the gender division of labour between men and women and among women keeps changing. It is dynamic. Clearly, in such situations, also gendered identities keep changing and are dynamic.

The father of one of the factory girls we talked to lamented: 'She is wearing trousers these days. I don't know what is she up to' (Lie and Lund, 1991). The quote exemplifies frustration about the changes observed in the young working women, and indicates a lack of knowledge about what the girls who work in the factory do outside the home and village. We found numerous examples of puzzled and even negative perceptions of modern women and we interpreted such statements as gendered discontinuities. The factory workers were perceived somewhat negatively in Malaysia as having little education and needing to work because their parents were poor, and were also at risk because they increasingly moved around in public spaces and were stigmatised as *minah karan* ('hot' girls). However, our investigation indicated that such labelling was imposed on them by the media. The villagers themselves were pleased that their daughters contributed to the livelihood of their families, who were poor and struggled to survive in the new settlement. The parents told us that their daughters were good women and had not changed. In addition, the women workers themselves appreciated the fact that they were beyond their parents' control and on several occasions expressed that they were happy to be modern Malay women and were less concerned about their status as industrial workers.

In 2012, Zaireeni identified two groups of women workers: those who worked to support their families (the majority) and those who worked to earn extra money or because they liked going to work. While women of the second generation generally worked to support their parents, women of the third generation considered work necessary when their husband's income was not sufficient to meet family needs. For the first group, an unmarried daughter who earned cash was not stigmatised due the fact that working to support the family was believed to be more important than anything else:

> There used to be a negative perception of women who worked in the factory. Life was difficult at that time and we cannot be too choosy … Outsiders would think … 'Hmm … why factory work?' Indeed, this factory work had negative perceptions at that time. (Woman of the second generation, age 42)

However, within the settlement, the status of factory workers was not considered negative, but rather one that offered women and men the opportunity to gain work experience and supplement the family income.

Women of the third generation generally found jobs outside the settlement, and some were entrepreneurial and started their own business:

> Nowadays, many of the people in FELDA in my generation, the third generation, work and live outside the FELDA … male or female … [we are] not picky [in choosing work] … many of my friends open their own business … some of them even work as a clerk but their rank is high … [and they receive] better pay. … My sisters and I are teachers. (Woman of the third generation, age 32)

Several of the women of the third generation had higher education and hence new ambitions. One said:

> I will continue to work ... because I'm educated ... and I have personal liability ...car loan and loan for my education so I will [work] ... no matter what will happen, my decision is, I will be working. ... If he [my future husband] really can afford to pay all my expenses ... I do not mind, but if he cannot afford ... working is a better choice for me. ... I do not want to rely on my husband in the future … it will be difficult for me. (Woman of the third generation, age 25, who married 10 months after the interview and was still working at that time)

For women of both the second and third generations, factory jobs were preferred for economic reasons and seen as a step towards a better job. There was no longer a debate over whether factory work contributed to a decline in morals among young women. Instead, women were proud of their contribution to the village. Zaireeni found women stating that the FELDA scheme provided them with many benefits, including education. Despite being stigmatised as factory girls and coming from poor settlements, the women presented themselves as participants in the government's development policy to eradicate poverty:

> Back then, people did not have much regard for people from FELDA. … People would ask 'Where are you from?' We were ashamed to answer [that we were] from FELDA. … But now [we are] proud to claim that we are from FELDA. The government has lifted FELDA to a high level … [and] now the [new] generation of FELDA live comfortably. (Woman of the third generation, age 32)

For women from both the second and third generations, the first priority was to care for their families (husband and children). Many had stopped working once they were married because their husbands had asked them to do so (Ramli 1999). When given a choice, they chose their

families over work and emphasised their role as good wives and mothers. However, most women of the second generation in the FELDA settlement worked out of necessity:

> They [the second generation] do not give money to their parents every month. Their parents already have money. They do not need money. ... Sometimes, it is the parents who help their grandchildren. ... Things are expensive ... [but] FELDA gives a high income to the settlers. That's why I say I'm very lucky to be here ... to be the children of the settlers, although I do not receive FELDA's money. But the joy of my mother when she received a salary from FELDA ... They no longer live in poverty ... [but are] earning their own income. In the past, they did not have money ... they did not live a wealthy life ... but now they already have the money, so I'm happy for them.

The above quote underscores that women of the second generation had to work when they were young in order to support their parents, and at the time of the interview they had to work for the survival of their own families. The women of the third generation had more comfortable lives compared to their mothers, and had less need to work.

Women of all generations claimed that they shared household work with their husbands. According to a few first-generation men and women that Zaireeni met, when they first came to the settlement, both men and women had to work at FELDA's oil palm plantation in the morning. At home, they did the household chores together: the husband would clean the house while the wife cooked. The pattern was the norm in the settlement, since both understood the hardship that the other had to go through. Besides, as settlers, they did not have help from kin, such as grandparents. According to young women of the third generation, household tasks remain shared:

> If I work, my husband will take or send our children to school or send them to my parents' house. After that, my husband will help the children with [their homework]. Later, when I get home from work, I will do the duties of a housewife. My husband does help me at home. If I don't cook, my husband will do it … He will fold the clothes. My husband trains our children to do house chores. If the father does not cook, then the son will do it while another will wash clothes … My husband had been trained like that by his sister. (Woman of the third generation, age 33)

In public spaces, in contrast to the men, women were seen playing active roles in society with respect to economic activities, religious ceremonies, and activities related to children and school:

> When I look around … well, I'm not trying to say bad things about other people … but the men … they really like to *melepak* (loitering) … doing nothing. … During the day, they will loiter at the food stall in

front of the school. …. At night you can also see them in a group. … Sometimes they play *dam* (chess). … They are lazy. … Somebody else is working on their land, so they just do nothing. (Man of the second generation)

If I organised a programme, many women turned up. Women are more concerned ... for example, at school, the numbers of women [who] showed up was higher than men. We don't know what went wrong. (FELDA male officer)

Although many of the young generation, women and men, found work outside the village many people of both generations prefer to stay in the FELDA settlement instead of moving to nearby towns and cities. They did so for several reasons: firstly, they wanted to reduce their living expenses; secondly, they preferred to live in a community-based society, such as FELDA; and thirdly, they had to take care of their elderly relatives who were either too sick or too old to live alone. Only a few women preferred to live outside the settlement, for reasons of independence. Particularly the second argument for staying in the FELDA represents continuity, because the women wanted to share communal activities such as Islamic rites and customs related to birth, marriage, and death.

Religious activities were especially important to the older generation. One of the main issues to emerge from discussions on Islam within Malay society was that of veiling. During Malaysia's Islamic revival, beginning in the 1970s, the veil became a symbol of identity, loyalty, and commitment to Islam. Before that time, women had dressed in traditional Malay dress and some wore *selendang* (a shawl) to cover their heads. During industrialisation, young women went to work without covering up their bodies in clothing from head to toe. However, the transformation of women's attire from *baju kurung* (the traditional attire) to trousers raised more concern from the settlers than veiling. During our visits, most women in the FELDA settlement wore trousers and a blouse or t-shirt, especially the young women. Only the first generation women and women older than 50 years wore *baju kurung*:

I've lived in Kuala Lumpur for six years and worked there. There are many influences [such as] friends, discos, karaoke, boyfriends, and so on. … many factors that could have influenced me … but I was not affected. I carried myself on self-esteem, [and] life principles. Religion is the foundation of life. Religion obliges us to cover ourselves. (Woman of the second generation, age 43)

By contrast, young women thought differently:

> If I go out with friends [from the settlement] I will wear a headscarf, but sometimes I don't. In college I do not wear scarves. … Sometimes I go to my classes wearing the veil but when I go out with my friends … I do not cover my head. (Woman of the third generation, age 21

We learned that while not all of the young people believed that veiling was an act of faith, some changes were evident, as expressed in the quotes above. Further, the way the women in the village both upheld religious ceremonies and changed them shows how religion represents both continuity and change.

Producing gender at work and in the local society

In rethinking our analytical focus, we immediately glanced upon our tendency to see the categories of women and men as given, while in contrast our study identified change and diversification. In hindsight, we see an underlying premise in our analyses, namely the search for the effects of and responses to global economic restructuring. Our premise was, and still is, that this can only be studied in its complexity at a local level, and that changes take place at the interface of the global and the local (Lie and Lund, 1999, 2010). However, we find that our perspective on the economic global restructuring emphasised globalisation as an ongoing process, yet we did not follow this up with a dynamic perspective on gender.

In this chapter, our aim is to reorientate our theoretical and analytical perspective towards identifying how perceptions of gender are produced within particular contexts and in ongoing processes of change and continuity. Informed by the data – i.e. observations of the rapid (local) changes in women's lives and understandings of what men and women are and can do – we searched for more dynamic and process-orientated perspectives that aligned with trends in gender theory, such as the emphasis on performativity and the productive aspect of discourse and practice (Butler, 1991), and openness to cultural variation in the understanding of the categories of women and men (Moore, 1994). We found the perspective of 'doing gender' still relevant (West and Zimmerman, 1987) for thinking in a more process-orientated way. Hence, a combination of the theoretical trends within feminist studies and the changes we observed contributed to shifting our perspective in a more dynamic fashion.

At the outset, we found it useful to draw on a structuralist perspective to determine how the Norwegian companies were embedded within an international division of labour. As mentioned, there was a contrast between the prevalent theoretical studies at the time of our

fieldwork and our empirical findings of diversity in the Norwegian companies and their decisions about location and recruitment strategies. This made us question several of the assumptions of contemporary research, particularly the emphasis on cheap female labour as a major factor in the restructuring of the international division of labour. Through an in-depth study of one Norwegian company situated locally in southern Malaysia, we were able to identify the complexity of that company's decision-making when relocating, its changing strategies over time, and how it adapted to local traditions in order to attract local labour. However, the theories we referred to in our studies were too static for our empirical studies of the complex and dynamic processes of social change.

The company in our case study did not relocate in search of female labour only. First, production in Singapore had become too costly for the company unit – it was searching for a new location across the border in the rapidly industrialising state of Johor. Second, the company in Malaysia had employed a large majority of female labour for some time, but this was but one step in a long chain of decisions, and only by skipping the relocation history of the company might one jump to the conclusion that this adhered very neatly to the above-mentioned debate about the new international division of labour in industrial production. Third, the management had to make local searches to determine whether local labour was available and to determine how to make the company acceptable and attractive to the type of workers it was targeting. Thus, a perspective that includes the dynamics and interdependency of local and global actors is needed.

The recruitment of workers and the organisation of work are areas in which we can specifically employ a more analytical framework with regards to determining how understandings of gender act as both cause and effect, in the sense that gender is a principle for work organisation (a cause) and, through daily practice, understandings of gender difference are also confirmed (an effect). These gendered causes and effects take place in a setting where both the global and local actors understand women and men as fixed categories, but where their understandings of the content of these categories in terms of gender roles and gender relations may vary to a large extent. The paradoxical situation is that the 'global and local actors' must reach an understanding of this, while often not acknowledging how their basic, or *doxic*, perceptions of gender differ (Bordieu 1977).

In the studied case, the gendered division of work was special, in the sense that the local management consisted of three women: the local manager, the technical director, and the

economic manager. Only a few men were employed – as transport workers and to manufacture big tuna hooks. Most of the workers sat around tables in groups of six workers at each table, doing manual work such as attaching a nylon rod to tiny hooks or making simple fish flies. The pace was speeded up by a piece-rate system, but most workers did not respond to the incentives. The workers considered patience to be the most important qualification for the work, followed by accuracy and speed. Consequently, these qualities were acquired through working at the factory, and later confirmed as female qualities.

Contrary to other studies of women factory workers in the global economy, in the studied factory, women were not subjected to tight discipline monitored by personal or technologically mediated control (Ngai, 2005; Ong, 1987; Rofel, 1992). In other respects, the company adhered to a gendered division of labour in the sense that only unskilled manual work was transferred to the factory in Malaysia, and women were situated at the very end of a global production chain. The production by women who were docile and uninterested in their work and advancement was achieved by placing them in positions where they had no overview of production and no opportunity to move around and gain information, and where nobody expected them to work for longer than a short period (Kaul and Lie, 1982.

In our analysis in published in 1994, we used the term 'perfect fit' to describe the relationship between, on the one hand, the company's demand for employees to engage in simple, repetitive, manual tasks, and, on the other hand, the local population's need for cash income and a generation of young women looking for opportunities outside the home (Lie and Lund, 1994). However, this forced young women to 'squeeze' between expectations from the company to be modern women and expectations from the local community to be true to traditional norms of behaviour. The notion of the perfect fit for the needs of both the local society and the factory may be questioned, because it tends to close the analysis rather than look into the particular and different understandings of gender by various actors, and even more importantly identify how gender is produced by the company's policies of recruitment and work organisation. The management of the company claimed that only women were fit for the work tasks. Young men did not have the necessary patience and tended to take sick leave or resign rather quickly. In interviews with the staff, informants presented women workers as possessing the qualities needed for the work, namely dexterity, patience, accuracy and, to a more varying degree, the swiftness needed to cope with the piece-rate system, in contrast to men workers. When promoting some of the women as line leaders, management

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acknowledged other qualities, such as how they exercised authority over other women. The workers, however, were also consistently referred to as 'the girls', expected to need only pocket money and to leave their jobs when they married. Rather than finding the work in accordance with their personal or professional qualities, the workers considered their job as an opportunity to meet other young women and gain new experiences outside the household and local social control, while also earning money for the household and their private use. The prescriptions of gendered qualities and the policies that made the women workers adhere to the standards set by the company had the effect of producing gender in categories of docile women and lazy men. By recruiting women and men to different positions within the organisation of work, the company's practices confirmed these differences, so that they were understood in dichotomous, gendered terms.

The overall framework of change and continuity makes it easy to fall into the theoretical trap of understanding the foreign company as representing all that is change, and associating the local community with tradition and resistance to change. In this respect, we observe the company acting as a mediator of both change and conservative values. The latter is found in the way management presented women in terms they must have perceived as traditional or 'given' female qualities, such as docility and patience, and thus produced women and femininity in such terms. Furthermore, in the local community, gender was produced as dichotomous, but people alternated between presenting young women as changing and unchanging. However, the changes they observed were apparently difficult to interpret – as seen in the above-mentioned quote from the father who observed his daughter wearing trousers, yet was unable to understand what that meant. More often, parents emphasised that their daughters had not changed. We interpreted this as a counter-argument to the media representation of the *minah karan*, but in hindsight realise how persistently this metaphor contributed to a discourse of continuity of gender norms (by interpreting new behaviour as adhering to traditional values) and a strong normative pressure against the change of these norms and values.

The storylines we produced from the interviews and talks with the parent generation actually presented young men as changed and young women as unchanged. This is surprising, since women had taken up work in foreign companies whereas young men had remained in the FELDA village and were more often unemployed. However, according to the parents, the young men's idleness was the background to change. The young women's work was

interpreted as an act of assistance to the family and thus a continuity of the plight of a dutiful daughter, even if duty was previously defined as staying at home, helping with the housework, and looking after younger siblings. This indicates how gender is produced discursively by interpretations of what women and men do and say during processes of social change.

The significance of rethinking gender

In this chapter, our argument has concentrated on: (1) the methodological issue of doing longitudinal, reflexive, cross-cultural and cross-generational research; (2) how we understood continuity and change previously, and how we understand these concepts now; and (3) how we understand women and gender. In general, we find that the analytical approaches employed previously are valuable, but have limitations when we attempt to study transformations over time. A more dynamic, process-orientated, and flexible approach to studies of gender and social change is needed. Hence, our contribution here is an illustration of how gender is produced in the same processes of change that we studied earlier.

Embedded in our argument is the attempt to be critically reflexive. We searched for insights into how we can study continuity and change by examining what we did before, determining its value and identifying what earlier research can contribute to what seems new. Bringing in a young Malaysian researcher to redo and rethink our previous work provided new perspectives and observations to supplement our previous analyses. In the beginning, this was understood to be an effort to conflate asymmetrical relations between junior and senior persons and between Western and Malaysian persons, and at the same time conflate power relations between the Malaysian researcher and the research participants. The outcome for both the local and the foreign researchers was that the exercise unpacked our biases and triggered ideas about what continues and what changes, and how we may rethink gender. Not only did we learn about continuity and change in women and men's lives and livelihoods in our study area, but also we learned about continuities and discontinuities at the levels of our own positioning and the changing theoretical conceptualisations of gender. Reflecting on our different positioning in the field, we find it meaningless to state that one position provides a better point of view than another position. Instead, we find that viewpoints and relationships to informants differ, and our challenge when evaluating and interpreting data, is to include

these aspects. Thus, we cannot just present a linear development of change and continuity over time, but must include the factors that we have mentioned: the changes in the researchers' lives and status; the difference between a first-time visit versus later meetings with the same informants; the impact of being a foreigner or a Malaysian; and the use of new theoretical tools to interpret data, but with the former theories still included in our toolkit'.

Our attempt to rethink our previous work on female workers and their lived realities in Malaysia made us aware of how persistently we focused on women, both empirically and analytically, despite maintaining gender as our main concept of analysis. Our concern was with changing the perspective of women from victims to actors and making them visible as important actors of change in the local community. In most of our early work, we took the two categories of gender – women and men – for granted, and did not analyse how they were produced, in the local factory and community as well as the national media and politics. In that way, gender categories were established and naturalised despite the changes women were enforcing by making new choices for their lives. Still, one point that contributed to destabilise a man-woman dichotomy endowed with 'given' power relations were observations of how gender relations were modified by age. The women we studied initially were young, unmarried, first-generation industrial workers. Not only did their status in the local community increase with age, but they also paved the way for younger generations to take for granted opportunities beyond marriage and family life.

As we see now, the two most important dimensions of an analysis of the global restructuring of labour are the complexity of the companies' decision-making processes and the dynamics of change and footloose behaviour. Gender relations thus surface as only one factor among many. This does not diminish the importance of a gender lens, but emphasises that it must be considered dynamically and as integrated with a host of other factors. For example, no general pool of cheap female labour exists, because circumstances vary enormously in regards to whether there is 'access' to female labour outside the home and local community, what types of work are associated with male and female genders, and what other opportunities are available. Hence, gendered structures cannot be taken as frameworks for local studies, but the dynamics of gender, as entangled in local processes, can feed back into theories of gender on a global level. Likewise, our critique of the thesis of super-exploitation is that it provides a general answer to the oppression of women but leaves too many unanswered questions in relation to our observations.

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Nonetheless, emphasising women as actors and focusing on women exclusively, leads to the pitfall of 'blaming the victim' and leaving gendered power relations in the shade. The present refocus on the manner in which gender is produced has the advantage of not posing women's choice and actions as the (sole) means of changing gender relations. With our previous perspective of women as actors, *gender relations* surfaced solely as part of the 'conditions' for women's actions, or alternatively as a locus of change due to women's actions. Our new lens, *producing gender* has the advantage of opening up a broader perspective, where gender is involved at many levels. What gender means and how it is and should be enacted normatively, by global as well as local actors, is more clearly integrated in this analytical perspective. We will still argue in favour of a broad collection of data in gender analysis and models of analysis that include the broad array of elements (Lie and Lund 1994, p. 159) that are of relevance to understanding how perceptions of gender – in terms of norms and values, gender roles, and identities – are produced and reproduced during processes of social change.

Our contribution to rethinking gender is also to argue that our previous work is a stepping stone for thinking anew about contextual and structural gender. We learned that Malay ideals of what constitutes a good woman have changed, as has Malay society, which has become more open in many ways. The local community under study produced gender by allowing their daughters to work in industry, but at the same time communicated that they were dutiful and unchanged. To us, the change/continuity perspective remains useful in a process of rethinking gender because it can explain how gender is continuously produced in time and space. Against the above, we conclude that our rethinking process should be continuous; it is not about before and now, but about how we continue to build knowledge of how gender is produced and reproduced.

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Notes

[1] Authors Merete Lie and Ragnhild Lund are listed in alphabetical order by surname. The third author, Zaireeni Azmi, has contributed substantially to the sections on positionality and continuity and change. Without her contribution, the lived realities of the present could not have been presented here.

[2] The project 'Women in Norwegian Industry in Malaysia: Integration or Marginalisation' was started in 1986 as part of a research programme on women and development funded by the Norwegian Council for Applied Social Science (which became merged with the Research Council of Norway in 1987). Data were collected during 1987–1989, during a total field study period of five months. Later, fieldwork was conducted during several revisits from 1990 to 2008. The project involved several related studies in Singapore, Malaysia, and China, and various methods of data collection were used to gather information on different aspects of Norwegian industrialisation and the role of female labour (Lie and Lund, 1991; 1994; 2008).

[3] The Federal Land Development Agency (FELDA) was established in 1956, before independence, to advise, finance, and coordinate various state land settlements. The agency was responsible for the resettlement of rural poor into newly developed areas in the early 1960s. FELDA is one of the largest Malay settlements in Malaysia, representing 15 per cent of the national population. FELDA's schemes are generally open only to ethnic Malaysians, who form a majority of the Malaysian population. In 2013 there were c. 112,635 settlers dispersed in 11 FELDA settlements, the largest of which is the Johor Bahru settlement, which had28,971 settlers. http://www.felda.net.my/feldav3/index.php?option=com_content&view=article&id=112&itemid=103&lang=bm (accessed 2 August 2013).

[4] For simplification, and irrespective of whichever author's voice is presented, we use 'we', 'us', and 'ours' throughout this chapter.

[5] The first generation were the FELDA settlers, who were relatively young at the time of the FELDA establishment in the 1960s. The second generation included their daughters, who became workers in global industries during the 1980s. Representatives of these generations were interviewed by Ragnhild and Merete (with the assistance of interpreters). Zaireeni interviewed some of the same women, as well as some who had not been interviewed before: 24 from the second generation and 17 from the third generation.

[6] See also England (1994), Ramazanoglu (2002), and Lund (2012) on the importance of being critically reflexive.

CHAPTER 3

Translating Gender through Time and Theories: A Case Study of Living, Thinking and Rethinking Gender in North East Malaysia

Rashidah Shuib and Ingrid Rudie[1]

Introduction

This chapter is based on the fieldwork and findings of two researchers, one foreign and the other local. Ingrid, the foreigner, studied change and continuity in two villages in Kelantan in the northeastern part of West Malaysia in two phases and in two time periods, 20 years apart. More than 20 years later, Rashidah, the local researcher, entered the field in order to do a re-study. The re-study was launched with a double ambition: to trace empirical changes on the ground, and to introduce an alternative gaze, in this case, to substitute an insider's gaze for that of an outsider and subject the field to a different theoretical reading.

The chapter title[2] mirrors the history of our study and important aspects of our present approach. Translating gender has continuously taken place over time between different vantage points as we have been exposed to changing empirical scenarios and theoretical inputs. This translation through time inevitably implies an ongoing re-thinking on a modest scale in a researcher's personal history of making sense. Translating also has a bearing on our different backgrounds and contemporary collaboration with this chapter; as the third study progressed we entered into discussions that brought about more translation and re-thinking, working towards perspectives that partly bridge the gap between our different points of departure.[3]

The bulk of the chapter consists of Rashidah's presentation of her re-study, while Ingrid has contributed inputs to the general framework. Rashidah has chosen to focus the chapter on an analysis of marriage. Marriage is a powerful 'knot' in the gender system, lying as it does, to quote Gita Sen (1995) at the intersection between 'production' and 'reproduction,' 'between economic activity and the care of human beings,' while at the same time activating moral, legal, economic, political and ritual practices. In the middle stands the gendered person

whose individuality and social identity are deeply affected. The theme of marriage is also present in a number of Ingrid's publications. This will hopefully help to bridge the time gap, follow lines of development, and energise theoretical reflections particularly around notions of social power and its dynamics within the context of the private realm.

We shall now take the reader through the following steps: after a brief introduction to the researchers' trajectories in gender studies and their involvement in the Kelantan Malay field, we revert to a more thorough discussion of roads to re-thinking gender before we enter into Rashidah's analysis of marriage such as it is manifested in the lives of consecutive generations of local women.

The Researchers' Trajectories in Gender Studies: Likenesses and Differences

Both researchers have devoted a major part of their careers to gender studies, but their disciplinary backgrounds and specific research experiences have been different.

Ingrid is primarily an anthropologist and secondarily a student of gender. Her two Malaysian studies are important parts of her way into gender research, as her whole Malaysia experience can be described as a process of living, thinking and re-thinking gender. This started with the first fieldwork in 1964–65 when she explored local communities with an analytical focus on family and household organisation. The study was designed as an anthropological living-in fieldwork, where the researcher tries to get close to people's lived reality. This ambition resulted in a strong experience of 'living gender.' Because of the Malay community's rules about gender segregation, she was 'stuck' with the women as well as generously 'adopted' by them. However, the issue of gender had not yet developed academically so Ingrid was unable to focus fully on the opportunities close at hand in this field situation.

During the 1970s, Ingrid was drawn into gender studies partly through early landmark works in the anthropology of women (e.g., Ortner 1974, Ortner and Whitehead 1981, Rosaldo and Lamphere 1974, Schlegel 1977) and partly as a response to students and colleagues who demanded discussions within the field.

The second Malaysia fieldwork in 1986–88 was explicitly gender focused, and definitely anthropological in its theoretical and methodological approach. A main thrust of the study was an exploration of life careers in a historical phase of rapid economic and political

development. This entailed an attempt at theorising the reproduction of culture, including the gender system, as a process of acquiring skills and propensities that mirrored the different experiences of consecutive generations.[4] Her 1994 monograph ended in an epilogue with open questions about future developments and a certain critical scrutiny of the author's own theoretical approaches. This epilogue set the stage for the re-study.

Rashidah is more firmly based in action-oriented research within a clear-cut feminist approach and her disciplinary home lies further towards the health pole, with a concern with health and reproduction (understood to be biological, economic and social reproduction). She has a formal academic background in the social sciences, communications and education, and a strong informal educational background in gender studies (gender training by WHO and others) and activism work. Having her early roots in Women in Development in 1982 while pursuing her PhD in the United States, the gender framework gradually became the lens of her academic field. This was further strengthened by her activism in women's health and gender, sexual and reproductive health research in preparation for the 1994 International Conference on Population and Development and the 1995 Fourth World Conference on Women in Beijing.

She officially switched academic fields in the School of Medical Sciences based in Kelantan, the state where this third visit was conducted, created her own niche and slowly gained recognition as the gender and health specialist. Thus, gender, health (particularly sexual and reproductive health and rights, and women's health) and development have become her focus of academic and advocacy work. She has also been actively involved in the discourse on religion, particularly Islam, and its impact on women's lives within the context of gender and social justice. She considers herself to be a feminist academic-activist, drawing inspiration for her research from the lived realities of women's lives. The whole process demands reflexivity.

As with Ingrid, conversations with those who were once interviewed by Ingrid (first generation), or posing similar categories of questions to their daughters (second generation) and the third generation, triggered a process of reflection for the researcher and the respondents. There were shared memories not only based on Ingrid's work but also based on shared experiences of living as Malay women. Marriage, which brought Rashidah to Kelantan, was one of those shared experiences.

Exploring the Kelantan Field

In her book, *Visible Women in East Coast Malay Society,* Ingrid quotes Foster's observation (Foster *et al* 1979) on how returning researchers, studying change, 'end up being equally fascinated by the enduring features of a society,' and that a 're-visit results in a deeper and richer understanding of the culture' (Rudie 1994a: 32–32). Her second fieldwork offered her the richness of looking and understanding society from different vantage points.

Rashidah too had different vantage points, as a Malaysian 'outsider,' a non-Kelantanese who has been living in the state since 1985 and as a feminist academic-activist who works with grassroots women. Rashidah has developed a taste of being Kelantanese, of being a local. Yet she is conscious of the fact that she remains an 'outsider,' particularly aware that her command of the local dialect gives her away. There are differences between Ingrid and Rashidah, yet both are actually bound by one common thread. Both are 'outsider–insiders.' Rashidah's entry into the village and the conversation starter was 'Norma,' a combination of *Nor*way and *Ma*laysia, a name given to Ingrid by the villagers. Few knew her as Ingrid. Rashidah found it fascinating that she had to 'step into the river'[5] using Norma, a foreigner.

Much has changed in the state of Kelantan since Ingrid began her first field study shortly after Malaysia's Independence. It has seen marked changes, particularly in the political landscape – from being ruled by the *Barisan Nasional* ruling party in Malaysia to being taken over by PAS (*Parti Islam Semalaysia* or Pan-Malaysian Islamic Party) whose ideological platform is framed by Islamic legal theory. At the same time, the state has seen development pushed by Malaysia's neo-liberal market economy.

Globalisation has long reached its shores. The most recent was the opening of a well-known foreign supermarket chain on the Kelantan river bank, occupying an area that used to produce corn, melons and vegetables. On the opposite side of the river, just a bit further down, is the research site whose river bank still produces agricultural products, some of which may find its way to the supermarket. This collusion of Islamic political ideology, development and modernity must have impacted the lives of locals. Ingrid interrogated some of those changes in her second visit. Yet, one can safely assume that there are still sociocultural elements in the villages that remain intact. Apart from examining threads of change and continuity, the challenge for Rashidah was also to see what Ingrid did not see or what she saw differently. Ingrid expected that Rashidah, with a different academic background and a Malay cultural identity, would have approached the field in a different way. Rashidah herself was not as

certain that this would take place, being conscious always of her own Western exposure and feminist stance.

Roads to Rethinking Gender: Feedback Loops between Experience and Theory

Ways of Knowing

We have drawn attention to how we both have been based in grassroots experiences in our research, and how a process of thinking and re-thinking can arise from lived experience. The re-thinking need not qualify as theoretical development, but its dynamism is akin to the feedback loops between experience, method and theory in the research process proper. We shall now explore more thoroughly this dynamism, both in 'real life' and in analytical understanding. Our main focus will then be in gender systems and meanings of social power.

Gender Systems, Social Power and Multiple Feminisms

We see a gender system as a dynamic sociocultural system of conventions, beliefs, practices and values that structure the world. Gender systems have built up over generations around a biological sex difference. Because sociocultural systems emerge in an adaptive process between human actors within different environments, they vary all over the globe. Gender is ever-present in human societies and, by necessity, is part of multiple intersecting dimensions and subject to flux and transformation. This has posed a challenge to anthropologists trying to strike a balance between their understanding of this flux and variability, on the one hand, and universalising feminist theories on the other.[66] The challenge is also posed to those whose work places gender at the centre of analysis. Gender analysis and patriarchy are no longer sufficient to explain the complex lived realities of women and men. The intersection of power relations and its impact on our lives still leaves much to be researched and understood. Work by the Canadian Research Institute for the Advancement of Women (CRIAW) to develop an Intersectional Feminist Framework is an example of recent attempts to forge new thinking in this area (CRIAW 2006).

At the final workshop for the project behind this volume,[7] the concept of 'social power' came up as one possible road to re-thinking gender. This fits well with Rashidah's questioning of

whether women's visibility in Kelantan's economy and, assumedly, their control of financial resources, mean they are empowered. This alludes to the concept of 'power within.'

Power is indeed central in the empowerment discourses. In social science literature, understandings of power have moved from a notion of outright coercion to a more fine-grained understanding of how different forms of power are embedded in social life, taking different and often camouflaged shapes (Bell 1992, Plowman 1995: 121–2, Rowlands 2005: 5ff). Power, then, is an ambiguous concept and it is complex. It can take on different meanings, most basically as 'power over' (others), 'power to' (do things) and 'power with' (as a co-operational mode).[8] Literature is profuse with examples of power and empowerment that can be seen as varieties of these basic forms, as bargaining power, negotiating power or liberating power based on knowledge: situated knowledge (Haraway 1988) and epistemological advantage of the marginalised (Bowell 2011). In its crudest form, 'power over' can be based on physical strength – between male and female, grown-up and child.

Gender systems as sociocultural systems contain practices, values and rules, sometimes in the form of judicial laws, to either justify or prohibit such crude power. Examples of this are legislation against corporeal punishment in many modern societies. Other examples can be found in religiously based practices, as in fundamentalist forms of Christianity and Islam. Within families and households, the gendered nature of power manifests in the family as a system of structures and gender relations, or power that manifests within the private sphere (Walby 1990).

Our Kelantanese studies show numerous forms of power that are positioned within this broad array. One example is the traditional economic empowerment of some Kelantanese women as mentioned above. Another example is seen in Rashidah's question on what seems to be their 'incomplete' empowerment, pointing to the lack of 'power within,' women's self-worth and dignity. This, in particular, is based on Rashidah's experience of working with grassroots women on sexual and reproductive health issues such as decision-making in family planning.

Social power can also be described as a kind of creative social energy that is ingrained in modes of sociality or mundane forms of grassroots social organisation. This kind of social power can be seized upon and turned into a capacity for agency that, at best, can change a state of affairs (e.g., Rudie 1991, Sandborg 1995). Village women may have had some powers that have been weakened in the process of modernisation, but they may also have gained other powers. Such questions will be addressed below in this chapter. The power

potential in mundane social energies is often unrecognised, but sometimes it gains attention as bursts of resistance and even reflects 'indigenous feminism.'

'Indigenous feminism' and 'post-colonial feminism' have, since the 1990s, emerged as blanket terms for numerous attempts at establishing alternatives to allegedly hegemonic Western feminist theory. Jain (2011) explores interconnections between cultural experience and forms of feminist attitudes and agency. A recent contribution by Vivienne Wee and Farida Shaheed titled 'Indigenous Feminisms as Resistance' (forthcoming)[9] focuses directly on a feminist awareness not only among women leaders and activists, but also in everyday life among ordinary women.

Looking back in hindsight on her Kelantan field studies, Ingrid can easily recognise examples of indigenous feminism in some of her informants. One clear example was that of two local female leaders who had well-developed practical strategies and explicit political viewpoints concerning women's interests (Rudie 1991). A thorough analysis of a case that matches the definition of 'indigenous feminism' without yet assuming the vocabulary is presented in Kirsten Sandborg's doctoral thesis (Sandborg 1995).

The Third Study: Gender Re-visited

There were two phases to this study. First, some basic socio-demographic quantitative data were collected from samples of the villagers. The second phase involved in-depth interviews conducted with women from three generations: those who were interviewed by Ingrid in her study (first generation), those representing the second generation, a few of whom were daughters of the first generation, and the third generation who were girls who had completed their high school and were waiting to go to college, those who were already in college or those who had just started working. The subject matter discussed and the findings generated were wider than the findings presented here.

Methodologically, there were differences between the two researchers. Unlike Ingrid who had lived in the village and thus was able to follow the pulse of daily village dynamics, Rashidah did not. For practical and logistical reasons, Rashidah visited the villages during times when she could conduct the research, assisted by a research assistant and two local women as her informants/fieldworkers. The latter were both in their fifties, and daughters of the first generation interviewed by Ingrid. They helped gather some basic quantitative

information from 210 women and, at the same time, introduced Rashidah to 36 women and seven men for in-depth interviews. A few were interviewed more than once either to gather more information or for clarification.

With a Focus on Marriage

In our introduction above, we announced the main reason for focusing this chapter on marriage practices, i.e., the marriage institution is deeply integrated in any gender system, with ramifications on a complex set of social practices, norms, rules and cultural values. Kinship and marriage loom large in anthropological studies. Specific analyses have focused on different aspects of the societal functions of marriage: as an element in alliance building, as a strategy to safeguard economic resources, as a rite of passage for the individual, and as a social support system when needed, just to mention a few. Marriage in 'the Malay world' has had its share of attention in social science literature (e.g., Bador 1963, Banks 1983, Djamour 1959, Kassim 1984, Peletz 1996, Tsubouchi 1975).[1010]

Marriage is also either thoroughly discussed or more briefly touched on in a number of Ingrid's publications (Rudie 1983, 1989, 1990, 1993b, 1994a, 1994b, 1995). She was introduced to the many facets of marriage through her close contact with the local women in the 1960s. One example was the art of match-making at a time when contracting a marriage was through parental arrangement. She was introduced to the separation yet juxtaposition of women's and men's responsibilities in the elaborate process of bringing the match to completion through a number of small and large ritual occasions (Rudie 1990, 1993b, 1994a). She followed comments on polygamy that varied in emotional involvement, personal frustration or even secrecy, according to the experience of the person speaking. Particularly in her second fieldwork, she followed discussions about the preferences for arranged marriages contra 'love marriages.'

Three particular analytical themes emerged from Ingrid's work of the 1960s and 1980s that concern us here. The first of these relates in complex ways to a notion of 'women empowerment' and could be exemplified through women's stake in the family politics of marriage contraction, and their management of the ceremonial work around the wedding celebrations. Through this they maintained networking and cooperative skills (*gotong*

royong) that can be seen as a social power with a creative potential (Rudie 1993b, 1994a, 2007).

The second theme concerns the (female) person as a node in sociocultural processes. In the 1960s, a girl should marry before the age of 20. The marriage ritual demarcated an abrupt coming of age, an entry into adulthood. Young women in the 1980s had grown more gradually into adulthood through prolonged education and possibly a job, and the marriage age had also risen.

The third feature that emerged from the 1980s study is a more complex, tentative model of how two categories of younger women – working daughters and homebound daughters – reproduced different aspects of their mothers' 'parcels' of skills and responsibilities (Rudie 1994a: 269–81). These features are discussed in the context of marriage in an economy that is becoming more marketised and globalised (Kabeer 2007).

Marriage: Shifting Boundaries in a More Marketised Economy?

Marriage is a multidimensional concept. As a social institution it could be viewed from different perspectives: as a site of social reproduction, a site of social power, a site of religious obligation being observed as Muslims understand marriage to be encouraged by Islam, and as a site of negotiations and bargaining where personal and family life across the global economy are being reconfigured. It is at this site that gender relations are being acted out – where gender is being lived, where questioning and rethinking are taking place either by women inter-generationally or by those whose married experiences have made them reflective of their marriages and those of their loved ones or friends.

As a micro-level economic entity in a community, households are not isolated from societal changes, locally or globally. Kabeer (2007: 11) highlighted the consistent findings from several studies that 'boundaries of households and families are not fixed in perpetuity but fluid and responsive to changes in the wider economy and polity. They suggest that family life has not remained untouched by the spread of market relations and is undergoing its own more hidden transformations.' Family structures and gender roles may change or may be reinforced. On the same note, power may be redistributed or consolidated.

Perhaps the same can be said of the two villages in this study. These villages have changed economically, demographically and socially. They are no longer buoyed by farming but by money brought back to the villages by sons and daughters who left to work outside, and those who dabbled with small businesses in the informal sector. It is within this changed economy and shifting boundaries that marriage will be interrogated here. The aim is to see what aspects in the themes mentioned above have changed or continued within the context of marriage since the 1960s and 1980s of Ingrid's visits.

Marriage and Women Empowerment

In her first and second visits, Ingrid noticed that women were very involved and engaged in this process of marriage, in the selection of potential bride or groom, the negotiation for the bride's wealth and the wedding preparations (Rudie 1994a). This involvement has persisted albeit with some changes. Interviews with the first generation revealed how their mothers were directly involved in the choice of marriage partners for them and how little say they had in these choices. Their mother's power was dominant. Now the mothers are still directly involved but only after consultation with the potential bride or groom. The mothers would be the ones to propose potential brides or grooms to their children if they still had no candidate when they reached a decent age of marriage of 25 years and above.

When Salmah, 78 years old, searched for wives for her two sons, she had specific criteria. The potential daughters-in-law had to be willing to live with her and be involved in business. In fact, one of her daughters-in-law was trained to be an active member of Salmah's own political party; Salmah had once been the head of the women's wing in her area. Salmah had no qualms about her daughter-in-law's political engagement for, in her, Salmah saw the potential continuation of her past political activism. Salmah took it upon herself to be around to help in the domestic work and to care for her grandson when this daughter-in-law had to join politically related activities or training. Her other daughter-in-law who lived next door, ran a food stall in front of the house. It was obvious that Salmah's social power as the matriarch in this family was strong even though she kept saying that the husbands were the heads of the households. However, in this case, Salmah projected an acceptance of wives' roles in politics and the public sphere. This was not a surprise given that she had been actively involved in political leadership positions when she was a young wife, with the support of her husband.

Nik Hasniza, 73 years old, a former midwife, married a man of her choice and believed in her children's' freedom to choose their life partners. However, when one of her sons had no girlfriend and seemed unable to find one, she decided to 'help' him find the candidate. She chose a daughter of her friend, because the prospective bride was fair, with curly hair and had a nice, full body – Nik Hasniza described it as '*gebu*' – just like herself. In addition, Hasniza also wanted someone who would be 'good' for her son, meaning, someone 'who could cook and wash for him.' In short, though Hasniza was empowered to choose her spouse reflecting the 'power within,' her understanding of gender roles had not changed. She still expected her daughter-in-law to fulfil her traditional responsibilities within the household.

In both cases, mothers were the ones who played active roles in the *merisik* (to ascertain whether the girls are available), the official engagement, negotiations on the gifts and the dates of the wedding. Malay women, urban or rural, now as before, are the ones who shoulder these responsibilities even if their children have chosen their own potential partners. The mothers are the ones to 'formalise' the relationships. Rashidah herself experienced the role of becoming the 'official negotiator' when her son wanted to marry a girl he had been dating for several years.

The men played a more supportive role. For the wedding preparations, though, men would be responsible for the 'heavier' tasks: finding and setting up the tent, forming the team to slaughter the cows, to prepare the meat and to cook. Women would be engaged in getting the house decorated and the gifts ready for the day or getting the onions peeled for the cooking. These roles are gendered. In this scenario, both men and women used their social network to get things done. In the language of gender, they had the social power (the 'power to' and the 'power with') to keep the flavour of the culture alive, to organise and mobilise their networks of friends and families.

However, one might wonder whether this power to organise and network through social functions such as weddings might one day disappear from village culture, for weddings have begun to assume a more business-like character rather than remain a social function that is based on reciprocity. More and more weddings in the village have been relying on catering for food. In fact, weddings have become a big business in Malaysia and this has influenced the village. Services offered range from bridal costumes for rent or being tailor made to assortments of wedding cards and gifts to be prepared for exchange during the weddings, or a complete wedding package managed by event management companies. For now this is, of

course, very much an urban phenomenon but food catering in the village has become common.

In this kind of business-like event, women only come together 'just to eat,' thus running the risk of losing their social bonding. Several women respondents from the first generation remarked that weddings are now different, 'Easy, you don't have to wash. Just throw them away,' said Nik Hasniza, referring to the use of paper or polystyrene plates. In the village research site, there is already one bridal shop offering basic wedding packages to villagers and even to those outside it. There had been none during Ingrid's visits but such services had been offered by individuals in the community rather than by a business.

The concept of *gotong royong*, the villagers getting together as part of the reciprocity system, has been trimmed to limited tasks such as getting tents or peeling onions. Getting together to help is by invitation and it has become common too to give *sarong* (clothing), food and/or money to those who turn up to assist to compensate for their work. The business element has seeped into the community's social relations formerly built on reciprocity.

Polygamy and Women Empowerment: Explicit and Implicit Contestation and Negotiation

Another dimension in interrogating women and empowerment in marriage is to examine polygamous marriages. In her chapter, 'Construction of Marriages,' Rudie (1994a: 158) highlighted that the 'controversy over polygyny is essentially a gender conflict' and that women, generally, 'tend to see themselves as powerless' when confronted with their husbands' taking another wife. However Rudie also presented cases of resistance and 'acceptance.' However, marriage of this nature, though accepted by the society, was a much 'hushed' affair and more secretive.

There is now a difference detected in the third visit which revealed a number of polygynous marriages, contracted by younger women who seemed to show varied forms of tolerance, bordering on acceptance, even among the more educated women. The young, educated ones of the third generation, when interviewed, were of the opinion that polygyny should be accepted because Islam allows it. One could argue that these voices are reflective of the normative messages that are common in the media and in the many religious talks, and that they may want to sound politically correct. Several women's narratives are presented below.

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Case 1: First generation, Bashimah, 74 years. Her husband was posted to teach at a school some distance away and because he only had a bicycle, he became a weekend husband and father. He secretly took a second wife. When Bashimah found out she was furious and aggressively pressured her husband to divorce this new wife. She also blamed the change in the law for the marriage.

> In the 1970s, they changed the polygamy law. No need to have the signature of the first wife. I was furious when I found out and we quarrelled. I told him in no uncertain terms that I would and could not accept the marriage. He finally divorced her [second wife]. They were married only for a few months. No children.

Case 2: Azimah, 56 years, Bashimah's daughter. Her deceased husband was 43 years old when he remarried a 24-year-old girl as his second wife. Azimah found out when her husband sought her permission to remarry. She was taken by surprise and was devastated. She felt she was a loyal wife and always 'obeyed' him as she strongly held on to the idea that the husband is the head of the Muslim household and it is the wife's duty to obey the husband.

> That was the way it was. He didn't allow me to go out freely, but then went out and found someone else. I was in so much pain that I wanted to die.

Unlike her mother, Bashimah, she did not confront her husband openly but quietly refused to grant permission, after which her husband left her and went to marry the girl secretly.

> He asked me but I didn't agree. He coaxed and persuaded saying that he had taken good care of me all this while. He loved the girl just like he loved me. I wasn't angry. I only said I don't agree. I don't want to be in a polygamous marriage. He then left me and went to the woman. I fell sick and really lost weight until I became so thin and emaciated. Yet, when he came back I still asked him about his clothes, food. He just kept quiet. I just couldn't put up a fight. I was so different compared to my mother [Bashimah]. After that I only prayed to God, dear *Allah*, let this end, please don't let this go on.

This second marriage only lasted one or two months. The husband divorced the second wife in front of Azimah and the woman's parents. Perhaps it was Azimah's prayer, but most likely

it was the pressure from the second wife's family on him to agree to a divorce. The second wife's father was a friend to Azimah's parents and he felt embarrassed by what had happened. Thus, a monogamous marriage of love became a polygamous marriage for a very short span of time and then dissolved back to a monogamous form. The marriage boundary expanded and retracted.

How then is social power displayed in these two cases? In Bashimah's case, she met the second marriage head on with a strong, vocal opposition. She flexed her 'power within' to demand what she thought was her right to a monogamous relationship, and her 'power over' to get what she wanted and showed her ability to act out ('power to') her strategies. On the contrary, in the case of her daughter, Azimah, she seemed to have buckled under her husband's domineering power. There was no open contestation but more of a silent, though adamant, resistance in opposing the marriage. Did this mean that Azimah had no social power?

Scholars such as Kabeer (2005) and Cornwall and Brock (2005) opined that '[t]he ability to voice concerns and to exercise choice in ways that challenge patriarchal power thus became the litmus test for "true" empowerment' (quoted in Papart 2010: 19). Papart (2010) argues that 'silences and secrecy' may actually reflect agency and a nuanced power for it may be used strategically to negotiate gender relations when the situation demands so.

There could be another reason for Azimah's action. The house that they lived in was built by her husband who had taken out a government loan but it was built on Azimah's land given to her by her mother. However, to take out the loan, the ownership of the land had to be transferred to her husband's name and so the house was in her husband's name. The ownership could only be transferred once the loan was settled. It did occur to Azimah and her mother of the 'danger' of Azimah's husband taking another wife, thus the potential of having to share what was rightly hers. It was not a simple question of walking out of the marriage or giving an ultimatum without considering the issue of children and property. In addition, Azimah was economically dependent on her husband, whereas her mother, Bashimah, was a teacher and could afford to risk a 'fight.'

After her husband's death, Azimah felt liberated and free. Having been married to a man of her choice but who was very controlling, she felt that her current status as a widow offered her the freedom that she had never had before. Materially she was secure. She enjoyed having a house which was now in her name, her husband's pension, a small car and the

freedom to move around without having to ask anybody's permission. Currently, she is the leader of a microcredit group in her village, a job that she loves and gives her a sense of identity. She cherishes this sense of freedom more than having a husband. Yet she did consider being a second wife. According to her logical reasoning, being a second wife would give her the status of being a married woman again instead of being called a widow and she could still enjoy her time when her husband had to return to his first wife because 'there are times when a woman does not need a man' (Azimah). She was also realistic enough to know that, at her age, finding a single man was almost impossible. However, so far, she had not been able to convince herself that being a second wife would guarantee her continued enjoyment of her new-found freedom.

Case 3: Nora, 35 years, Bashimah's youngest daughter. Nora was one of those who left their villages after failing to pursue higher education. She went to work at a bridal boutique in Kuala Lumpur. Her first marriage was a love marriage to a man working as a driver with a radio station in Kuala Lumpur. When she had her first child, she had to quit her job and went to live with her mother-in-law because they could neither afford nursery care for the child nor pay their rent. After two years, the couple decided to live on their own. He took two jobs, as a driver during the daytime and a club bouncer in the evening. However, money was never enough and her husband began to shirk his responsibilities.

Bashimah asked Nora to return to the village and, soon after, she was divorced after having her second child. This unilateral divorce gave Nora no option and left her powerless to challenge the divorce. Back in the village, however, she met her second husband, a married man with children, 15 years her senior. The first wife did not give her consent to the marriage but permission for Nora to marry was granted by the Islamic Religious Office. Strangely, Bashimah, who openly opposed her husband's second marriage, colluded with and supported Nora's polygamous marriage. Both she and her husband organised a small wedding to make sure that Nora was properly wed.

To help consolidate Nora's position, Bashimah planned for the son-in-law to open his accessory shop next to Nora's bridal boutique at no cost, because the building belonged to Bashimah. This plan was strategic in that Nora's children could stay at Bashimah's house after school. More importantly, the first wife would not pay a surprise visit to the accessory shop since it would be too close to her rival's boutique. Bashimah, who considered herself,

rather than her husband, as the 'head of the household,' was determined that this time her daughter's marriage would work. This was important because Nora was already 35 years old with two small children. Unlike her elder sister, Azimah, Nora had no property, and was highly dependent. Again in this case, economic dependency robbed Nora of her dignity and self-esteem ('power within') in her first marriage but, as a second wife, she was learning to be economically independent with strong support from her mother.

Case 4: Zaiton, 55 years, *widow.* She failed in the first national examination, dropped out of school and worked in the rice fields before leaving the village to work at her aunt's restaurant. At 15, she was married off to a man 'too old for me.' The marriage, arranged by her aunt, lasted three months. Her second marriage was to a man also chosen by her aunt. He was the jealous type and hit her once. That was enough for Zaiton to file for a divorce. That marriage lasted barely a month. When she was 20 years old, she became the third wife to a man with five children. When the husband divorced the second wife, Zaiton raised the second wife's only child who was then only eight months old. When the child finished his schooling, he went to live with the first wife, not his mother. Zaiton claimed that she was very close to the first wife and so were the children.

The ease of contracting marriage and divorce, the sharing of resources and responsibility of raising children, and the changing identity and roles indicate how fluid and malleable the boundaries of families can be. Zaiton's productive and reproductive roles merged into one because she ended up being the main provider of her own family even while her husband was alive. Now that she is a widow she has become a homebound daughter, one with stretchable time and resources to take care of her aged father.

Among these four women, Zaiton, the least educated, displayed fluidity in her expression of social power. Her first two marriages were 'forced' upon her. She had little say and no social power, but she had a strategy. Once married to this man 'too old for me,' she sought a divorce. With the second marriage, she had made up her mind not to tolerate violence. She pushed and demanded a divorce reflecting 'power over,' 'power to' and 'power within,' all at the same time. The decision to be the third wife was her decision because 'I really liked him.' While this choice could be said to reflect agency, we might question where it stemmed from and whether this decision was actually an expression of subjugation driven by poverty. Her decision looked powerful in one setting but could be powerless in another situation.

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Academic work in power analysis refers to this as the 'relationality of power' (Pantazidou 2012).

Marriage and Women as a Node in a Sociocultural Process

In the 1960s, marriage was a natural path that one took in life. There was 'an absolute imperative to marry' (Rudie 1994a) and marrying young, around 15 or 16 years old, was common. Currently, marriage remains an imperative, a much established norm. It is still described as akin to 'building a mosque,' 'a religious obligation in Islam.' Marriage is also seen as a means of safeguarding morality, a protective strategy against committing a sin of having sex outside marriage. Getting married, however, is also about procreation, particularly about propagating the Muslim *ummah* or community. Having children is still being seen as 'insurance' for old age social protection.

This language about marriage remains the same as it was in the 1980s except that now the patriarchal version secures more columns in newspapers and magazines and more air time. However, the idea of marriage is still couched within a very traditional framework. In the voice of one of the respondents, there is the need for a wife to 'take care of the husband's clothes, food and drink.' In this very normative discourse about marriage, there were voices within the third generation, tentative as they might sound, who questioned the logic of the discourse. According to 18-year-old Anisah who aspired to enter a university to be a mathematician:

> If we follow religion, a wife is expected to always meet (*layan*) her husband's needs, but if we
> look at our life now, a wife assists [could be translated as helps] her husband.

The age of marriage, particularly for women, however, is no longer in the teens. In the 1980s, it was in the twenties. In this third visit, the age of marriage in the village reflected the national trend of 25 to 27 years old.

Women are marrying after they have finished their education, and most are marrying after completing their tertiary education. It is almost unheard of parents stopping girls from pursuing their education or their careers. Not pursuing higher education is either due to lacklustre school performance preventing a girl from entering tertiary education or simply not enough money to support her education. In the latter case, the girl is expected to find a job

and/or create her own job. In Kelantan, it is common to see a girl of 19 running a food stall by the roadside or at the night market.

Evidence in Southeast Asia and globally has pointed to the expansion of education as one of the factors that has been keeping girls in schools and preventing early marriages. Jones (2004: 15, 2007: 463) pointed out that 'highly educated women and less educated men face difficulties finding suitable partners in the marriage market,' 'better educated women have much lower proportions marrying in their 30s and 40s than less educated women,' and that 'delayed marriage and non-marriage has affected women in all educational groups.'

During fieldwork, no story emerged about girls who dropped out of schools being married off at 15 or 16 years old. The acceptable age of marriage for these dropouts was nineteen years and above, while those who pursued university education got married at 27 years of age or even older. Below is the scenario of three generations of women: a working mother, an educated but homebound daughter and a married working daughter, which beautifully illustrates the changing marriage scenario and the ability to make choices beyond marriage.

Case 1: first generation. Bashimah, 74 years old, is a retired school teacher. At 18, she married a teacher who was her distant cousin. According to Bashimah she knew him but he was her parent's choice. Bashimah's daughter, however, thought that most likely her dad was her mother's choice since they knew each other as teachers and there were very few teachers from the village then.

Case 2: second generation. Azimah, Bashimah's daughter, 56 years old, had 11 years of education. She married her school sweetheart when she was 21 years old on the basis of love. Initially, her parents had chosen someone else, a teacher, for her to marry, but she was adamant about her choice because she just could not imagine marrying another man. Azimah grew up in the late 1970s and 1980s when the Malaysian government began to invest heavily in education, seeing it as one of the government's strategic 'investments' to push Malaysia to become a developed country by 2020. Good results in the national examinations would have meant scholarships for further studies, particularly for rural students. Unfortunately, Azimah's performance was not good enough for her to advance her studies. It was therefore an opportune time to settle down when her boyfriend, who had completed his tertiary

education returned to Kelantan to work. Marriage became the best option. After marriage, she worked as a temporary teacher but stopped when she gave birth to twins.

> My husband wanted me to focus on our twins. Plus the pay wasn't that good and it wasn't worth having to send my children to nursery or to pay the babysitter.

Case 3: third generation. NurArina, 29 years old, Azimah's daughter, had a university education, was currently working in a bank, married, had just delivered her first child and, like many others, had returned to her mother's house to recuperate. She, like her mother, married the man of her choice:

> My husband was my choice. If it's our own choice, we know the man and there is more compatibility. A family's choice may not be so suitable and compatible

She did not feel the pressure to get married after her degree. Many of her friends married at the age of 28 or 29 years old. This seems to be the norm amongst career women. Their focus was to first build their career and then to think about marriage.

> Most probably they are busy working. Just started working and so they focused on their work. Many of my friends married when they were 28 or 29 years. They worked first and then they got married.

Interviews done with the third generation who were still studying or waiting for their examination results revealed young women's dreams of furthering education, building a career or at least getting a job and then embarking on a marriage. They talked about their dreams of pursuing higher education and, if possible, to work outside the state 'in search of experience.' One girl who was selected to enter a government boarding school, for example, would have liked to pursue a PhD in mathematics. Another, whose high school results were not so good, wanted to pick up culinary skills to be a pastry chef and, eventually, to own a restaurant and cake shop. Two others were eager to finish their medical degrees. Thus, marriage remained a norm but it is no longer an immediate priority. However, those who stopped their education and were 'forced' to work or stay home had to marry earlier.

In the cases above, both the second and third generation women have the power to choose and the ability to act on their choices in marriage. This social 'power within' has been possible because of education and the acceptance of women having careers and of working outside the state. Yet when it came to the care of children, the choice to stop working was a

constrained choice[11] framed by ideologies that support 'female responsibility for the care of children' (Bird and Rieker 2008, Pahl 2007).

Working Daughters, Homebound Daughters

Women had always worked in the village in the 1960s and 1980s. They were busy farming, selling and trading. They were not just 'staying home,' though a minority described themselves as *duduk saja* (just sitting around) implying they just stayed home as housewives doing nothing (Rudie 1994a). This phenomenon still continues. This *duduk saja* reflects homebound women who do not associate reproductive roles with 'working,' a myth that feminists have been trying to debunk.

In this third visit, there were older women in the village who were still farming and selling their products to middlemen but who described themselves as 'not working.' To them, it was *buat sikit-sikit*, meaning, 'just dabbling.' There were younger ones who ran small-scale businesses, set up businesses from their homes, operated food stalls, produced local cakes (*kueh*) to be left at the small coffee shops in or outside the village, or baked special cookies for festive seasons. Yet those who stayed at home taking care of elderly and sick family members, who farmed, bought and sold, keeping the informal economy buzzing, did not and were not considered to be working. We would like to argue that these women who saw themselves as 'doing nothing' were actually the 'stretchable group,' who were expected to avail themselves anytime they were needed by their families or the community. These are the care resources in society, part of the care economy which is not recognised by the government as important to development.

Women who dropped out of school and got married became housewives, but they are actually the 'invisible' resources for their respective families. Azimah took care of her children and managed her household after she left her job as a temporary teacher. Nik Hasniza's youngest daughter finished school, married and stayed with her elderly parents (both in their seventies) to take care of them and her children. She never worked in a paid job. Her parents gave her the family's house and plot of land. In return, she assumed the role of a carer, a role badly needed by her mother who was afflicted with diabetes, incontinence and hypertension. These women are examples of homebound daughters who are working at home. A question that

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begs to be answered is what kinds of social power do these homebound daughters have? What kinds of skills did they learn from their mothers?

The ones described by the villagers to be *betul-betul kerja* (really working) are those who are in paid jobs. These 'successful' ones, the product of Malaysia's aggressive educational system, are mostly working outside the village. They are teachers, doctors, scientists and clerks. Mothers proudly talked about them. Those who failed to pursue higher education joined the service industry – the hotels, telephone shops, bakeries and the like. Here, too, the question is about social power. Does this group of working daughters have different types of social power compared to the homebound ones? Most likely, yes, given that this group is able to provide financially for their families but their expressions of social power are dependent on multiple factors, one of which is ideological power. We hypothesise that the new generation does not have enough time to learn from their mothers because their learning context has moved to the schools. In contrast, the homebound daughters may have more time to acquire sociocultural knowledge from their mothers and the community.

Conclusion

This paper is an attempt to bring the 'outsider–insider' gaze on change and continuity in a research site through time, focusing on marriage as the frame of analysis. Other data will be reported elsewhere. As alluded to in the introduction, marriage embodies the personal and the public, the private and the social. It is, in a sense, a microcosm of the larger community, that site where production and reproduction take place at a crossroad (Sen 1995). The meaning of marriage, the intra-household dynamics, the care role and its multidimensional aspects are often unrecognised by development planners. The processes of social reproduction as reflected in marriage have shown changes and the villages in this research are in development transition. The commodification of weddings is not just about the encroachment of business into marriage ceremonies but is also a response by the community. The outmigration of young people leaving behind the more elderly colludes neatly with the evolution of businesses that now fill the social gap left behind by the young.

Marriage is still perceived as the norm and families are still the place to return to for support upon the birth of new family members even though couples have left the nest. Women's social power that was there in the 1960s and 1980s continues to operate in marriage

ceremonies even though marriages are no longer forced and girls are free to pursue their education and careers.

Women's social power to organise, to adapt and reconstruct responses to situations has not changed. These women in the East Coast have shown resistance as well as resilience. It is disturbing that polygamy seems to be acceptable among the young and educated but there is also more reflective thinking and silent resistance about it by individuals.

Marriage and the private world are dynamic sites of social power expression. Power is complex and fluid. We have seen that women may display 'power over' and a strong 'power within' in one situation but may seem to be powerless in another context. Being economically independent and educated seems to be positively linked to these kinds of power but ideological power is also associated with reducing or reinforcing economic power and social power. Much is yet to be understood about the interplay of social power and its roles in the empowerment of women.

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Notes

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[1] In this chapter we alternate between 'we' and first names, according to need.

[2] The title also refers back to a previous publication by Ingrid (Rudie 1993a).

[3] The design of the re-study was Rashidah's sole responsibility, while Ingrid paid one brief visit to the field and suggested a few suitable persons for initial contact – people who were naturally anonymised in her old publications.

[4] Relevant literature at the time included Mandelbaum (1973), Hofer and Niedermüller (1988) and Ingold (1991).

[5] This alludes to the opening phrase in Ingrid's book (Rudie 1994a, 1), a citation of Heraclitus saying that 'you never step into the same river twice.'

[6] Henrietta Moore addressed some of these problems as early as 1988 in her book *Feminism and Anthropology.* For an overview of different approaches, see Ellen Lewin's edited volume *Feminist Anthropology: A Reader* which includes articles originally published between 1968 and 2001.

[7] The workshop took place in Bangkok in August 2013.

CHAPTER 4

Lost in Translation? Gender and Economic Empowerment in the Greater Mekong Sub-Region

Donna L. Doane and Philippe Doneys

Introduction

Empowerment, it has been argued, has become a buzzword in development, and in the process it has lost its political meaning as it is increasingly 'mainstreamed' into gender components (Cornwall and Brock, 2005; Cornwall, 2007). Miles suggests that in economic development projects, empowerment has become synonymous with income generation, or economic enablement (Miles, 2001). However it is far from clear how generating income may lead to changes in either access to and control over resources or in level of decision-making, and in turn how these changes may actually lead to a gain in power and emancipation. As Miles argues, those projects tend to ignore structural forces at play that keep women disempowered. In some contexts, higher income could actually mean further control by men, and thus more power gained over their partner. Yet a summary rejection of empowerment in income generation projects may be premature; although projects may not address structural change per se, they may provide women with more options and opportunities to circumvent or resist constraints.

The debate over empowerment also brings out the diversities of views, from higher-level institutions that often use a rights-based approach to lower-level and local organisations that more readily use a language of participation and opportunities. Many studies of empowerment have missed this gap between those who design projects and those who are the intended beneficiaries, with project designers often using a premade definition of empowerment that is then assessed and measured on the ground (e.g., through the use of surveys conducted with beneficiaries; a similar point is made about the problematic use of outsider values in the context of women's empowerment in Kabeer, 1999:459).[1] A broad example of a predetermined definition of

empowerment is the UN's Gender and Empowerment Measure (GEM) which uses three basic indicators related to political and economic participation, including share of income, that may have little to do with how women see themselves as, or feel, empowered. Yet we would argue that rather than relying on predetermined views, understanding the perspectives of intended beneficiaries themselves is key to making empowerment sustainable over the long-term.

The present study began with an inquiry into who designs women's economic empowerment projects, and why, in four countries of the Greater Mekong Sub-region – Cambodia, Laos, Vietnam and Myanmar. The purpose of doing this study in several countries was to capture or assess differences and similarities both vertically (international to local) and horizontally (looking at either beneficiaries, practitioners or policy makers across the four countries). The methodology used began with the identification of a wide range of women's economic empowerment projects in each country that focused on very low-income women in particular and would be accessible to researchers in each country; representative projects were then selected as case studies. Key informant interviews (KIIs) were conducted with policymakers and those implementing the projects, and a combination of in-depth interviews (IDIs) and, in some cases, focus group discussions (FGDs) with the projects' intended beneficiaries were then carried out (the numbers varied between 20 and 30 IDIs, 5-10 KIIs, and 2-4 FGDs per country).[2]

The findings of the study are presented below, first on a country-by-country basis regarding the understanding of 'empowerment' on the decision-making level, which in most cases will involve highlighting differences between the national and international conceptions of what is meant by empowerment. This will be followed by a discussion of representative conceptions of 'empowerment' from the point of view of the beneficiaries interviewed in each country – again, potentially in contrast with both national and international perspectives. This methodology is in part informed by Sandra Harding's *Sciences from Below* (2008). Harding's book emphasises the need for scientific inquiry to include the perspectives of 'peoples at the peripheries of modernity' (in this, Harding includes both women and those from non-Western cultures as being outside the mainstream of 'modernity', based on her usage of the term).

Finally, we will use the findings of this study to discuss implications for empowerment in development projects as well as for 'rethinking gender', both as a methodological and analytical tool.

The meaning of 'empowerment' at the level of national and international policymakers

The institutions dealing with women's concerns – including economic empowerment projects – vary greatly across the four countries. Nonetheless, it is clear from interviews that in all four countries the concept of 'empowerment' at the level of national decision-makers differs significantly from that used by international organisations. In order to explore these difficulties in translation, we will first briefly review the relevant policy-making institutions in each country that are associated with women's economic empowerment projects, and then present the results of interviews with national policymakers, representatives of international NGOs and others at the policy-making level in each of the four countries.

Interviews with policymakers in Cambodia: emphasis on women's social roles

In Cambodia, the Ministry of Women's Affairs (MoWA) and the Cambodian National Council for Women (CNCW) are the main policymakers at the national level. MoWA is the main organisation at the ministerial level and is the government body that is associated with most of the women-related projects and programmes. MoWA supports the CNCW in promoting the implementation of CEDAW requirements, along with other CNCW functions. In addition, there are large numbers of international organisations and UN agencies working in Cambodia as well as international and domestic NGOs working on gender issues and on livelihood projects primarily aimed at women. The private sector and development banks are also part of the complex picture in Cambodia that bears directly or indirectly on women's economic empowerment projects.

Interviews with representatives of the Ministry of Women's Affairs (MoWA), a gender-oriented research organisation (GADC, or the Gender and Development for Cambodia), and a domestic NGO (AAC/HomeNet Cambodia) that is helping to build a nationwide network of predominantly women home-based workers, brought out the distinction between the international (English language) concept of 'empowerment' and the translation of the idea into local contexts, particularly as used by government institutions. For example, it was explained during the interviews that although international NGOs often use the term 'empowerment', in the Cambodian context this appears to imply taking power away from men; for this reason, MoWA

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instead uses such Khmer phrases as '*bang keun pheap angach dol satrey*'. The phrase implies strengthening women's self-confidence – improving/strengthening their ability to speak and do other things – implying that through education they will no longer be hesitant, or unduly shy or lacking in confidence. As we were told, it is a kind of capacity-building that also allows women to support men and other family members; this avoids the negative implication of confronting men aggressively or taking power away from them. This desire not to appear too aggressive was reiterated later in an interview with a woman who holds the position of Deputy Municipal Governor of one of the larger cities in Cambodia, who cautions women that even though they may be 'boss' in the workplace, that attitude should not carry over into the home 'in line with [mainstream] Khmer culture'. Interestingly, in their English language publications MoWA and other government agencies can use the English term 'empowerment' (as in MoWA's Third Strategic Plan), but an implication of power is avoided in Khmer language publications. Moreover, the idea of women acting 'in line with the national culture' appears to be emphasised by government agencies on all levels.

The apparent desire on the part of government institutions and individual officials not to deviate too far from 'traditional' views of women may in fact be a realistic reflection of problems that can occur if men feel they are being challenged or are no longer respected by women whose roles are changing, particularly in the economic sphere. However, it does set the government organisations' targets and expectations in opposition to at least some of the ideas promoted by international NGOs and international donors. Remaining in accordance with perceived ideas of the local culture rather than trying to directly confront gender hierarchies seems to be a consistent theme of policymakers in Cambodia who design or implement projects focusing on women's economic empowerment.

In addition, we should note that the couching of '*bang keun pheap angach dol satrey*' in terms of not only women's self-determination and decision-making ability, but also in terms of the social roles women can play when their capabilities increase (i.e., with respect to those around them, including men and families) clearly reflects a view that puts less emphasis on women acting as *individuals* who are becoming empowered for their own benefit, and instead puts more emphasis on women as *social beings*. Thus an additional question will be to understand the degree to which these views differ from 'ground level' (local community-based) conceptions of the nature and

goals of women's economic empowerment projects, in the context of Cambodia at the present time.

Interviews with policymakers in Lao PDR: emphasis on providing opportunities

In Lao PDR, domestic NGOs had begun to emerge in recent years after the government set up a registration process. However, local groups are still monitored by the government, and even international NGOs risk having sanctions imposed on them if their work or statements are viewed as being political or critical of the government. Yet, local and international institutions have continued to implement economic development and income generation activities in recent years.[3]

The main national government-level policymaking institutions that are associated with women's concerns include the Lao Women's Union (LWU) and the National Commission for the Advancement of Women in Lao (NCAW Lao). The Lao Women's Union is referred to as a mass organisation (it is virtually a ministerial-level government organisation with local membership); it operates throughout the country, designating up to one-third of the women of the country as members. NCAW Lao, in contrast, is designed to work as a coordinating body between government organisations for gender mainstreaming while at the same time working together with the LWU on gender policy, programmes and projects in the country.

In addition to government organisations (including the LWU and the NCAW), international organisations such as UN Women as well as other UN organisations and aid agencies work in Laos on gender concerns, and some international NGOs have been working in the country for many years. Other ministries, development banks, and private enterprises also have a significant impact on women's economic activities and economic empowerment projects in Laos. However, regarding some of these institutions that do not have a specifically gender focus, it has been said that projects focusing on gender issues tend to end up emphasising the counting of numbers of women and men participants in the projects – i.e., increasing the number of women as an indicator of success – rather than looking at gender relationships and changes in such concerns as roles, access to resources, and decision-making patterns over time.

Because of the importance of the Lao Women's Union (LWU) as a key ministerial level organisation in Laos, preliminary discussions were held with representatives of the Vientiane Capital office of the Lao Women's Union, as well as with representatives of other organisations (UN Women, NPAs) working on women's issues. As was true in the case of Cambodia, interviews with Vientiane Capital LWU officials revealed a similar difference between the English language word 'empowerment' and the equivalent phrase used by the LWU in the Lao language. As in the case of the Khmer language, the Vientiane Capital LWU representatives stated that they can use the phrase 'having power' ('*mii amnaat*'), but they prefer to use a phrase meaning 'provide opportunities' *(*e.g., *'heua okat',* with providing opportunities to women as *'heua okat mae ying'*). This difference in meaning between the Lao and English usage was confirmed in other interviews with both UN Women and gender specialists in Laos: the word 'power' is sensitive, and the idea of 'having power' is usually avoided. The equivalent of women's empowerment is '*song seum haei mae ying mii bot bat*' or promote (support) women to have a greater role/stronger position in society – i.e., in the public (as well as the private) sphere, implying deciding for themselves and gaining recognition in both the family and society, if they so choose. The importance of women deciding for themselves is well-understood; still, interviews with international organisations and local NPAs as well as the LWU representatives indicated that in the Lao case as well, there is a preference to use language that centres on providing opportunities, or doing 'capacity-building within an enabling environment' rather than incorporating an explicit notion of 'power'.

Interviews with policymakers in Vietnam: comfortable with the idea of women gaining power?

In the case of Vietnam, key policymaking bodies that focus on women's concerns include many governmental organisations, with the Vietnam Women's Union (VWU) at the forefront. As in the case of the Lao Women's Union, the Vietnam Women's Union (VWU) is a mass organisation that holds the equivalent of a ministerial position in the government and is the main policymaking and implementing institution with regard to women's empowerment projects.

The VWU works with the important Ministry of Labour, Invalids and Social Affairs (MOLISA – Gender Equality Department), as well as with the National Committee for the Advancement of Women (NCFAW), the Committees for the Advancement of Women (CFAW) in each Ministry, and other government bodies, as well as international aid agencies and other international organisations. In addition, in Vietnam the private sector and a growing domestic NGO sector are starting to play important roles on the economic front, and the VWU works closely with these organisations as well in the context of specific projects and programmes.

Given its importance, initial interviews in Vietnam were held primarily with representatives of the Vietnam Women's Union on the national, provincial and commune levels, as well as with representatives of an association that works on projects with women in ethnic minority areas (Craft Link). Regarding the meaning of 'empowerment', the VWU at the central level notes that in the Vietnamese language and usage there is no problem with the use of a word implying 'power' since the purpose of the VWU is to help create conditions that will give women equal rights, i.e., rights equal to those given to men. The Vietnamese phrase for this expression of the idea of empowerment is *'Nâng cao quyền năng'* (which, according to a dictionary translation, is used to mean an increase in 'ability to determine/control', implying an increase in power). As one observer noted, however, this appears to be a close translation of the international word 'empowerment' and does not sound very Vietnamese.

In contrast, interviews conducted with the office of the VWU in Ninh Binh Province (i.e., at the provincial level) indicated that at that level a different phrase is generally used to mean empowerment. This phrase, which is said to have been used more widely in the past, is *'Nâng cao vị thế'* (literally, 'increase position', which could be interpreted as raising a woman's position in the family and in society, and also implies raising women's voices). In fact, members of the provincial VWU office interviewed noted that the direct word for empowerment is not used in legal documents since the concept of 'empowerment' is too general in the Vietnamese language, and is more often broken down into specific components for purposes of legal discourse – e.g., into specific references to women's knowledge, rights, position/status, capacity/ability, and 'women's improvement/development'. They suggested that the two main impediments to women's empowerment are internal – relating to whether they have a relatively narrow or wide

range of capabilities – and external, which comes particularly in the form of opposition from men.

Of course, there may be practical reasons why the emphasis tends to be on women's improvement rather than women gaining power. As in Laos and Cambodia, there are large numbers of cautionary tales told in Vietnam about women who gain too much self-confidence and may end up denigrating their spouse. (Cases of women who are too successful and self-confident, who look down on their husband and do not take care of children, were cited as a potential problem associated with these economic empowerment projects.)

For this reason, as in the Lao and Cambodian cases, it is said that the VWU attempts to prevent this type of negative outcome by discouraging women from forgetting their other social responsibilities. This may also help to explain why the emphasis is also placed on learning how to raise children well, have a healthy pregnancy, and carry out 'traditional' women's roles. Moreover, as in neighbouring countries, women's empowerment is posed as being better for children and families, and not just for the benefit of the women themselves (one local gender analyst noted that in Vietnam, 'women are generally assessed through their families, not through other social or economic positions'). Thus, even though the institutional infrastructure that deals with women's concerns in Vietnam is much more complex than appears to be true of the other two neighbouring countries, and the idea of 'power' as part of 'empowerment' seems to be less sensitive in Vietnam as compared to Laos or Cambodia, an important part of the message given by the VWU turns out to be the same: be a good daughter, wife and mother.

Interviews with policymakers in Myanmar: changes in the perception of the need for women's 'empowerment'

In Myanmar we should note that the situation is changing rapidly with respect to decision-making in the area of women's economic empowerment. Myanmar is interesting in that until recently previous governments insisted that there were no serious gender-related problems in the country (in fact, this reflected a commonly-repeated idea at the time). In spite of this, women's economic empowerment activities have been going on for many years, particularly in the form of community-based organisations (CBOs). Moreover, the current government is becoming

increasingly open to the need for gender policies, projects and programmes, acknowledging that there is important work to be done.

Regarding the institutional structure dealing with women's empowerment projects, the Ministry of Social Welfare, Relief and Resettlement, and more specifically its Department of Social Welfare (DSW) is the main government agency responsible for women's and gender-related issues. Another important government-led coordination mechanism is the Myanmar National Committee for Women Affairs (MNCWA), which was formed in 1996 to implement the Beijing Platform for action and report on CEDAW.

Apart from these policy level organisations, the ground-level organisations working on women's issues are mostly CBOs, since this is the form of organisation emphasized by the Myanmar government in the past. Unregistered NGOs have also come up particularly after cyclone Nargis in 2008 to work on development issues, including women's concerns. More recently, international NGOs and international organisations as well as development banks and private enterprises have come into Myanmar, and all of these developments are rapidly changing the discourse on women's rights and development goals. Civil society organisations working on women's rights are also gaining a greater voice in public meetings. Regarding women's economic empowerment projects, the Myanmar Women's Affairs Federation (MWAF) is concerned with this area and the Myanmar Women's Entrepreneur Association is doing microcredit and income generation projects for poor women in rural areas, as are many of the local CBOs, local NGOs, international NGOs and international organisations.

To understand the rapid changes, interviews were held with representatives of international NGOs, local women's organisations, domestic NGOs and CBOs, and a network (Gender Equality Network) that links national government bodies and INGOs with other types of organisations working on gender and women's concerns. Interviews indicate that it is difficult to translate 'empowerment' into the Myanmar (Burmese) language, let alone into the one hundred estimated minority languages. According to a dictionary translation, *'lote paing kwint shi aung lote thi'* is used to mean 'give power or authority to do something' (which again appears to be a close translation of the international phrase). However, as in other countries, interviews indicate that many organisations and community groups in the country do not like to use this phrase, and instead emphasise capabilities and opportunities in different ways.

It is said that one widely used translation of empowerment is *'lote paing kwint ah kwint ah lan myar shi lar say chin',* meaning 'create opportunities for capabilities' (or 'make opportunities to do what you want', 'choosing your own way'). Another translation used by some organisations is *'swan saung naing yay hnint swan saung naing kwint myint tin chin',* meaning 'to increase capacity and capability and create an enabling environment' to allow this to happen.

It appears that the direct translation is avoided for reasons similar to those given in Cambodia, Laos and in many contexts in Vietnam. One observer in Yangon noted that the idea of 'women are able to do' (women are capable) is not about power, and so is not threatening to men. Nonetheless, it is interesting that – at least in Myanmar's emerging civil society – there does seem to be a sense that women should obtain capabilities and opportunities for *themselves*, and not just as social beings. Moreover, although some phrases focus on gaining capabilities and opportunities, others ('choosing your own way') are more based in a sense of women's rights rather than just capacity-building. However, the government's view of empowerment has been known to reinforce traditional views of women's roles in Myanmar, and there has been a strong emphasis – as in neighbouring countries – on women 'maintaining the culture' – with women (more so than men) being primarily responsible for this.

Why is the emphasis on capabilities and opportunities rather than increasing power and autonomy?

Many have observed that policymakers in the four countries tend to adopt an approach emphasising that women will, with capacity-building and other measures, be able to work more effectively and provide more support to others (e.g., within their families and communities), rather than emphasising gaining decision-making and other forms of power primarily for themselves. In the documents and programmes of the women's unions, for example, there is certainly a concern with helping women learn how best to take care of their children, have proper hygiene and waste management, and to 'maintain the culture', as well as working in areas where there are clear problems for women, such as domestic violence.

Why government agencies might appear to shy away from emphasising the need for major changes in gender dynamics (i.e., changing gender power relations) is a question that has many

possible answers. For some, the reason may be that cultures change slowly and the current realities of women's roles and responsibilities need to be addressed effectively, using culturally-appropriate modes of expression. For example, the VWU does not promote radically new and non-traditional roles for women; particularly in low-income rural contexts, the explanation that in Vietnam the majority of women see their main social roles as being within the family and community, and do not see empowerment in terms of self-striving behaviour, may be seen to have some validity.

Others have suggested that one of the reasons the women's organisations and government agencies tend to shy away from discussions of power and gender power relations may be a reflection of the lack of desire on the part of these organisations to be perceived as aggressive or confrontational in a political world that does not favour such modes of discussion. In some cases, it may also be possible that the rights-based discourse that underlies certain conceptions of empowerment would not be considered appropriate in a political context that does not share this same philosophy. Finally, some suggest as well that this may reflect the lack of substantial political power given to women-oriented government institutions, resulting in officials' need to be careful in what they promote and how they promote these programmes. Which of these factors is most important will of course depend on the specific context. Interactions with international donors, academic institutions, and other influences are likely to push the discourse in the direction of a more direct emphasis on women's individual self-determination, if not explicitly autonomy and power, in the future; for now, however, such an emphasis remains primarily on the level of specific NGOs, and only in certain country contexts.

The meaning of 'empowerment' at the level of intended beneficiaries

We have seen that empowerment projects in the four countries, from the policymakers' points of view, tend to emphasise giving women opportunities and capabilities in an enabling environment, generally to fulfil their social roles more effectively. However, is this what is desired by the intended beneficiaries of the projects?

Clearly, the answer to this would vary depending on many factors, the most likely of which include income status (e.g., well-off vs. very poor), metropolitan vs. remote rural residence,

ethnic group affiliation in cases where there are sociocultural differences, and other factors. For the present study the focus of research has been on economic empowerment projects designed primarily for women who are in low-income groups, either in urban or rural areas, but usually in ethnic majority areas.

Cambodia: the importance of groups, organisations and networks
Cambodia is a country characterized by relatively strong domestic NGOs as well as international NGOs. For this reason, an NGO-led project that focuses on women's economic empowerment through strengthening women's livelihoods and their own livelihood-related organisations was selected to be the main focus. HomeNet Cambodia, a national network of home-based workers initiated by the Artisans' Association of Cambodia, has been working on a six-year project funded by an international charitable trust with the aim of the economic empowerment of home-based workers in the country, the vast majority of whom are women; women's economic empowerment has thus been an explicit part of the project.

For this study, two locations were selected: Siem Reap and Phnom Penh. Interviews were carried out primarily with women home-based workers, but also in some cases with their husbands. The women home-based workers who are leaders of local producer groups were specifically included because they know a great deal not only about their own cases as project beneficiaries, but also about other group members as well as women who were not allowed to join the project because of objections from husbands or others. In this way, we are able to see not only the benefits and difficulties that come with the economic empowerment project, but who has not been included, and why.

We should first note that in Cambodia, before the project began, the women home-based workers were entirely cut off from markets. They stayed at home and received information through middlemen, and gave their products to the middlemen, leaving them with very low earnings and very little information. Market access has therefore improved with the project, as one project beneficiary who also acts as a group leader noted:

> The project does not take benefit from [exploit] home-based workers. In contrast, the project helps to train home-based workers in the following way: marketing, selling, product design, occupational safety and health, organising strategies, and the benefits of organising.

Those interviewed state that the main benefit has been higher income, and thus an ability to provide for the family and even save money. On a personal level, the main benefit has been bringing women together with others ('I was isolated and lonely'), and increasing their confidence by making them 'strong, brave, and able to speak and participate in any meeting or workshop'. Many noted that they also have more mobility than before ('previously he did not allow me to go out of the community').

Regarding the effects of this and similar projects on gender relations and statuses in the family and community, interviews in Cambodia indicate that in most cases the men have started to understand the significance of their wives' involvement in economic activities for the benefit of the entire household, and to support their efforts. One 27-year-old woman who is now a vice group leader of the trade group and leader of the saving group in her locality explains it this way:

> Before getting involved with the project, my husband did some household work such as cooking, washing clothes and taking care of children only when I had big orders. Now he helps every day (in the evening after work) even when I am not busy.

In terms of community activities, since the women are now more vocal and involved in market activities themselves (and not just through middlemen), others have started noticing them. One woman describes how she now participates in other village activities such as a Red Cross training for safe drinking water or a meeting on reproductive health at the local health centre. Moreover, since she is now both more vocal and more mobile – going even to Phnom Penh for meetings – the village chief is now paying attention to her, and has even asked her to participate in political meetings in the village and join election campaigns.

The home-based workers in Siem Reap are also, for the first time, having discussions with city officials about access to water and electricity. This is something they could not have dreamed of before becoming involved in the economic empowerment project, and the fact that the city officials are responding positively is giving them a further sense of their own worth.

It was found that men in the family and community generally are supportive. For example, one husband noted, 'I support her [taking care of children while she goes to Phnom Penh]. She has progressed a lot in terms of the way she speaks […] She is stricter than before; I get afraid of her when I am wrong. I appreciate that she is able to meet many people during her long journey [to Phnom Penh].' However, according to a group leader in Siem Reap, 'some women were not allowed to participate, or in some cases to remain in the project, either because their husband did not want to be challenged as the main "breadwinner" in the family, or because he was concerned that she would not take care of all household responsibilities, or because he was worried that she would meet other men when outside the home'.

Given that the formation of on-going groups and networks of previously scattered and isolated home-based workers has been one of the main ways of trying to achieve women's economic empowerment, questions were asked about the project participants' assessments of this approach. In response, the women have noted 'increased solidarity and stronger relationships' among group members, also stating, 'Without forming a group we would not have access to trainings or workshops or be able to conduct meetings. We could not meet with city officials. Without groups being formed, we cannot meet regularly like this'. To those interviewed in Cambodia, 'empowerment' thus has strong social components – increasing their abilities and status in the family, their own organisations, and in the community as a whole.

How sustainable these benefits are, however, may depend on the sustainability of the home-based workers' groups, organisations, national networks and markets. Certainly, the women themselves expect these benefits to continue even after the project has come to a close.

Lao PDR: gains made through working with the centre

Our research in Laos focused on an on-going handicraft centre in Luang Prabang supported by the Lao Women's Union. With regard to this project, women beneficiaries clearly associated empowerment with income generation, but many of the interviewees see the process of learning new skills ('empowerment is competence') and weaving patterns as an important form of empowerment in itself. The interviewees see this knowledge and innovation as key to both the sustainability of their craft and to a sense of increased independence and confidence ('I am self-

confident to explain my products to the customers'). Although women beneficiaries underline the importance of empowerment in terms of its impact on their entire family ('I have the capacity to look after my family'), many also mention that they no longer depend on their husband's decisions. As one woman states, 'I do not need to wait for my husband to give me money […] I can choose how money will be spent' or another that 'I can make decisions when I want to buy something'. The link between income and independence (both financial and in terms of decision-making) is particularly telling in the following two sentences that a 25-year-old woman, who did not engage in paid work before the project, answered to a question on the meaning of empowerment:

> Empowerment to me means to be able to generate income by not only relying on my husband's
> salary. I have the opportunity to express my opinion.

Another beneficiary adds, 'I get more benefit because I control the money. If my husband did not have good enough reasons to use money, I did not give it to him'.

In fact, the impact on husbands is noticeable across a range of interviews. Changes on the husband's side are noted that extend from a greater appreciation of their wife's work and her added contribution to the family income to more significant behavioural changes, including time spent in reproductive and care work or sharing work on handicraft production. What may explain those changes, however, are not only changes in gender norms but also a basic redistribution of time and work caused by a higher income. Many interviews reveal, for instance, that before getting an increased income from making handicrafts, men had been busy working in rice plantations ('before the project I was the only one doing housework because my husband was busy in the rice field'). A fifty-year-old respondent has a similar quote:

> At that time I was the only person responsible for cooking, all the cleaning and washing clothes. This
> is because my husband was working on arduous work such as cutting big trees, and bringing firewood
> home on the way back from the field. However, I also helped him in cutting small trees and clearing
> land before planting rice as well as harvesting vegetables from the forest. After the project, we did not
> engage in upland rice cultivation anymore.

However, since women are getting a steady and higher income, husbands are now more willing to assist their partners. ('My husband also helps me in my work'; 'sometimes my husband takes care of cooking when I spend time at the handicraft centre. Mainly he takes care of the kids.') In

part this is because, as many interviewees mentioned, households have decreased their reliance on farming for household income, providing more time for men as a result to assist in tasks they did not consider engaging in before.

We should note, however, that this decreased work time is not a change that their wives experience. This is something that has been observed across countries as women's income-generating activities are still conducted in addition to reproductive tasks and care work, even though husbands have chipped in to some degree. In answering a question about the negative points of this economic activity, women in Luang Prabang mention quite consistently that they now have less time to socialize, to do cleaning work, housework or cook. Few, however, see this as a major flaw of income-generating activities, acknowledging that they have gained more than they have lost.

Another point that has come back fairly consistently in Laos is the change in marital relations caused by greater income, including a lower level of conflict. Many were quite detailed in their answers, mentioning how the lack of adequate income was the source of many family problems, including quarrels between husbands and wives ('my husband wanted to keep money for food but I wanted to buy new clothes, but we did not really come up with a solution for that'; 'my husband wanted to buy a motorcycle but I did not want to borrow money to buy it'). Although the difference may be attributed to better income (and thus less stress), one could argue that women's income improves their status in the household and fosters greater respect from their partner.

Overall, the answers we received from Lao project participants are fairly positive, and consistent with a view of empowerment caused not only by more skills and greater confidence, but also by greater income. This reflects, however, not only a form of power gained 'over their husband' as much as an empowerment gained from an altered division of labour caused by greater income, which allows their husbands to contribute in new ways. Women also discussed empowerment in terms of better family conditions, ensuring their children's education and better marital relations, confirming a pattern we find across the four countries where empowerment is often interpreted as observed through family or community gains. Some of these benefits have also extended to other forms of social differentiation, including greater respect for ethnic minorities whose distinct identities are seen in their craftwork and valued by visitors to Luang Prabang ('before we were shy to speak in our ethnic accent, but now we are not shy anymore').

Nevertheless, we should point out that the responses we received from the Lao component of the research project should be tempered with reservations. As with other countries, we find that women beneficiaries do not want to go into detail regarding negative aspects of a project from which they have made great gains. Moreover, women beneficiaries do not only get new skills; the project is also able to link their products to the marketplace. Losing support could also mean losing such market access, even though respondents repeatedly shared their confidence in the sustainability of the empowerment brought about by the project when the project comes to an end.

Vietnam: changing economic and social roles

The project examined in Vietnam is actually two linked projects that centre around a revolving fund and trainings initiated by the Vietnam Women's Union (VWU) in a very low-income rural area in Ninh Binh Province (Yen Loc Commune, Kim Son District). The projects are run by the local Women's Association and are designed to give new skills and knowledge as well as new livelihoods to the women in the commune. The first is called the 'Clean Water Project for Rural Areas of the Red River Delta'. The project aims to support local women who would like to build sanitary toilets or bathrooms, which is important in this poor area in order to decrease infectious diseases that particularly affect women and children, and cost them lost savings due to hospital and medicine costs as well as lost schooling and income. The second is the 'Energy Saving Project' or Biogas Project, which provides funds and training for biogas cellars tied to livestock-raising. The cellars provide a clean source of fuel to replace gas, wood and particularly straw used previously in cooking, which saves both time and labour and allows the women time to participate in other activities. The cellars also allow a significant expansion of livestock-breeding activities as a livelihood project that brings in money for the women. Interviews with VWU staff indicated that the VWU tries to carry out several projects for women in low-income areas in order to raise their standard of living and strengthen them economically.

In this rural commune, it appears that most of the women were taking on money-earning activities for the first time, which they say caused a change in the way they were treated by their

husbands and viewed in the community. Project participants very often defined 'empowerment' in terms of now being listened to more seriously, with their opinions treated with more respect:

> From my point of view, women had very little authority and rights in the family before. Since the project started, women have gained the right to decide to participate in the project, of course after asking permission from their husbands [because of the loan component], then to borrow money to build facilities, and they also have the responsibility to pay back the loan. These facilities have brought many benefits for their families, which have had good results. Therefore, women's voices are more valued, are heard and respected in their families.

The gaining of respect, and of being heard and one's opinion being valued, came up often as a key benefit of this project:

> In the past, the main responsibility of women was staying at home, taking care of children, doing household chores and waiting for money their husbands brought home. Therefore, women did what they were told to do. Also, their husband could use violence against them. However, the situation has changed. Women now can make money for their families, their voices are respected and of course their husbands will value women's opinions.

Interestingly, although the additional income the women brought in was usually devoted to children's study fees, buying necessities for the family, and carrying out other livelihood activities in these poor rural households, buying clothes often came up as a symbol of the change in a woman's status as she brought in money. As one project participant noted:

> As I can see, the women's point of view has changed during this time. They know how to dress better, and they buy nice clothes for themselves. They earn more respect from the community as well as from their husbands. They're more beloved. Therefore they feel happier.

Several participants noted that women are sometimes the breadwinners in their families, or that they now earn more at home than do their husbands outside (many of the husbands work at a distance doing construction work or working in factories). According to the women interviewed, the projects in the commune have taught the women how to speak more confidently and effectively, but without being disrespectful to their husbands ('even if women make more money than the men in their family, they still have to respect their husbands'):

> We do not really feel like speaking loudly when talking to our husbands since it is not really good. But it's true that we are more confident when discussing and giving opinions and we also offer more reasonable opinions that could persuade our husbands.

According to interviews, many of the men in the area had been known to be heavy drinkers, but the women claimed this problem was decreasing. Moreover, they said that domestic violence was not common and that tensions were decreasing as household income became higher and more secure. ('Men know that it's wrong if they hurt their wives and the wives will report them to the authorities if their husbands hurt them.')

Regarding the division of labour at home, although it was stated that husbands might help out with household chores when they are home, it appears that there was not a major increase in their willingness to change the household division of labour. Consequently, women's burden could be said to increase with the new economic activities, but the respondents all said that the changes allowed them to better manage time – and even gain more social time outside of their homes, which they interpreted as gaining leisure time for themselves. ('In their free time, women can participate in more social activities within the community. This means empowerment for women.')

The women interviewed also stated that they enjoyed their newfound ability to participate in meetings with other women outside the home: 'These meetings help women feel more relaxed and happy. Since we have a lot to do every day, we could feel stressed. Meeting other women and talking with them about personal stories would free up our minds, and would help us feel happier and work efficiently'… 'We can practice singing or dancing or sharing experience and information about farming activities'… 'We could talk about our families' problems or personal stories. We can ask other women to help us solve these problems.'

The women claimed that their husbands are now supportive of the women going out, including going to meetings and participating in other community activities ('Before, if I told him that I planned to go out, he would ask me where I went and what I did'). One woman stated that she appreciated the newfound mobility allowed by their higher income: 'We could buy a motorbike, and now I can go somewhere else far away where I could not go before, meet more people, and join more social activities'.

Although as in Laos there may have been a natural reluctance to make negative statements about the Women's Union projects – particularly when they hope for more of the same – the additional time and effort spent on the projects do not appear to be the source of any significant problems

for the women. When asked for suggestions, the one criticism that came out was that the women think the project should 'expand the budget in order to lend local women more money'. Participation appeared to be both desired and sincere, and the women hoped for more projects to come to their area.

Thus, it appears that empowerment in this case comes with the newfound sense of self-respect and the respect of others, and the sense of mobility and freedom instead of isolation and relative passivity. The women are doing these activities for their families, but they are clearly also doing them for themselves. Empowerment, to these project participants, is not just a matter of being a better provider, a better partner, and a better mother; it is also having a voice that is now increasingly heard, and valued.

Myanmar: transitions after Nargis

One of the many projects funded by UNDP, focusing primarily on providing loans to women for starting businesses and other income-generating activities, ended in December 2012; this was one of the project sites revisited in 2013 for the present study. The project was situated in Konegyi Village, Labutta Township in the Irrawaddy Delta. This township was hard hit by cyclone Nargis in 2008 with tens of thousands of people recorded as missing.

Key informant interviews regarding projects in other parts of the country have indicated that although women have increasingly engaged in income-generating activities, relatively few men change their behaviour and support their partners in household and reproductive work in any substantial way. They mentioned, however, that the division of labour in the Delta is more flexible. In this project, indeed, the vast majority of the respondents described important changes in men's behaviour, including a willingness to share reproductive and care work. Yet when we give a closer look, the answer becomes apparently more complex.

Clearly, the interviews show that men have been overall supportive of their wives' income-generating activities. However, one of the notable differences compared with other countries is that the responses coming from this project in Myanmar are the only ones, out of the four countries, where in response to a question on who benefits the most from the project, many

respondents answered that it was their husbands. In part this is because in many of the interviews women beneficiaries mentioned that their husband benefited directly from the loans 'to buy inputs and equipment for farming activities', or 'to buy fishing nets and boats'. Some men have even been able to stop engaging in paid labour, using the loans to become fishermen. Men, therefore, are not just partners of beneficiaries but beneficiaries by matrimony, being able to receive low interest rate loans through their wives' membership in the project. Men's support is also perceived by respondents as directly linked to their benefit, as in the case of a 34-year-old beneficiary who states that because her husband can buy fishing gear 'therefore he fully supports me to participate in the project and he listens to my words'.

Yet it may be too simplistic to assume that men support their partners primarily because they have a direct financial incentive. As in other countries, women also state that men are willing to help because they understand the importance of the work, and the major contribution women make to the household.

Views of empowerment seems to fall into two broad categories: empowerment is seen through women's greater independence and confidence (ability to talk in a group, to make decisions, to spend, although the husband is often listed as final decision-maker), but also through a better ability to contribute to and help household or community members. The second point is explained in part by other household members' appreciation of those women for helping them and the satisfaction the women expressed in being able to help in ways that were not possible in the past. Women state that they 'no longer worry about paying tuition fees for children', that they are empowered because they 'can provide food for the family, take care of the health of family members or give advice to nieces and nephews', or that they are better persons because 'husband and children rely on me for earning income and covering expenditures'.

These two points are linked, of course, as confidence is gained through more positive recognition or appraisal by family members. The women are proud of the recognition from the community as well, as they felt they were not valued or were excluded from community affairs in the past. This recognition by partners, household and community members ('The head of the village now acknowledges me', 'I'm trusted and recognized by the SRG [self-reliance group] members', 'My husband and relatives treated me as an incapable woman, now they treat me differently') seems important to how women see themselves as empowered. Empowerment, then, is rarely seen

through the prism of individual gain. On the one hand, women appreciate being able to contribute to and support household members (one respondent even argued that 'the entire family as a whole benefited the most from the project') and on the other hand they derive an increased form of self-confidence from recognition and respect received from their family and community.

Knowledge is again seen as key to the sustainability of the project. What women learn about accounting, saving money, food processing, ability to speak in groups, and creating business opportunities, all seem to support the notion that the beneficiaries will continue to gain in the future, even though the project ended in December 2012. They now have a newfound expertise that they do not think will be lost in the future.

The formation of groups seems important as well, in that respondents see group solidarity as long-lasting, and as ensuring that loans can be repaid in difficult times by the joint efforts and sacrifice of group members when one of their peers is unable to repay their loan on time. Group formation is also seen as having helped women develop social and communication skills. Women feel more at ease to speak in public, participate in discussions during meetings or even 'communicate with outsiders'. One 31-year-old woman said that without the group:

> The same benefits cannot be received [...] because group members understand the importance of group unity as it encourages farmers to engage in farm credit activity as a group.

On the whole, the answers are not drastically different from the other countries involved in this research. The importance of independence, strengthened family conditions and recognition, greater knowledge and group and community cohesion all seem to indicate that empowerment has taken place.

In spite of the fact that a number of negative comments were made about specific features of the credit programme, the changes in the gender division of labour were clear and were linked by the respondents directly to the income-generating activities supported by the project. It remains to be seen whether these findings would be reflected in projects found in other parts of the country, more specifically in areas known to have more pronounced gender hierarchies.

Discussion

Are these findings suggesting that we should rethink gender, or more specifically the empowerment of women in development projects? Yes and no. By and large we have found clear and positive impacts on women's lives from these income-generating activities. Thus empowerment, or at least the use of income generation as a tool for empowerment, should not be dismissed as mere buzzwords. However, we also believe that the findings suggest interesting new areas of inquiry for gender and development and, more specifically, the empowerment of women.

We need first to acknowledge important differences in how empowerment is conceived and understood between beneficiaries on the one side and development practitioners and policymakers on the other. In fact, there are times when key informants (practitioners or policymakers) provide an unfavourable view, claiming that empowerment has been limited by strict gender norms and the inability of husband to share housework; yet women beneficiaries themselves still saw empowerment generated through better livelihood conditions and an increased ability to provide for and assist family members. On the other hand, many decision-makers – particularly at the international level – have praised projects for empowering women through higher income and autonomy when the women themselves actually see empowerment as derived from approval and praise from their families, peers and communities, which may not necessarily be seen as a form of autonomy.

Moreover, in contrast to national-level institutions that emphasise women's roles and responsibilities, the language used by participants is rarely one of duty or meeting obligations, but rather one of assistance and contribution, whether in the sense of helping their husbands with added income or paying for their children's school fees. Women do not seem to fear being 'out of place' (something national level organisations seem to be apprehensive about when they emphasise 'maintaining the culture') so much as contributing in their own right to family welfare and in the process getting recognition through their newfound income-generating capacity.

This suggests also that women rarely speak of empowerment as a purely individual process (contrary to a definition limited to self-reliance and autonomy). In some cases they put empowerment in terms of family welfare and ability to perform their work (including reproductive work). International organisations focusing on women's individual rights and autonomy often miss this context and the importance of the family and community in rural Southeast Asia. Moreover, the sustainability of this sense of 'empowerment' appears to be tied to

the knowledge and newfound abilities the women demonstrate. If their economic contribution becomes quickly outmoded, their skills are devalued, or if their organisations or networks supported by the project weaken, their sense of empowerment is also very likely to diminish as a result; however, knowledge or abilities that remain highly valued appear to ensure the sustainability of this sense of empowerment.

One area where beneficiaries seem to echo the discourse of international level institutions and NGOs (more than government or quasi-government institutions) is in increased capacity to voice their opinion, to be heard by their husband, to make decisions in the households, as well as in the community. Why that is differs somewhat from country to country but it seems that husbands recognize their wives' paid work as 'real work' (where housework may not be seen as work, but as an obligation) – particularly when this is a new role for women – and that the breadwinning role seems to confirm the idea that it provides women with added legitimacy as an active participant in decision-making (a sort of right acquired through remuneration). This may also suggest that empowerment contributes to a redistribution of power at the household or community level, even though the term 'power' was usually avoided by our respondents.

The impact of income generation on partner relations was inconsistent, if not puzzling. Many respondents across several countries state that higher income has led to lower conflict. However, when discussing the cases of women who could not join or who had to drop out of projects due to pressure from their husbands, it became clear that women's economic empowerment projects can create serious tensions in the household where men are unemployed or underemployed, or made to feel inferior as a family provider. Indeed, a study by Smith [2006] suggests that under certain conditions, women's economic empowerment projects in Myanmar have caused increased tensions in the household, which we also found to be true in some cases; however, in all of the countries a reduction in tensions or domestic violence was the more likely outcome. It may be that when men have employment and are secure enough in their our status within the family and community, they are more likely to welcome these changes and are more likely to assist the women in their work and with other responsibilities. This would suggest that more concerted efforts to provide income generation both for women and men, particularly in cases where men are unemployed or underemployed, may be important to produce a more positive, accepting and engaged attitude on the part of men in the family and community.

These findings further imply that empowerment is not a standard recipe to be used in all contexts. Although attempts have been made to develop participatory ('bottom-up') qualitative methods – or even quantifiable measures – of evaluating empowerment, we argue that these attempts begin with a preconceived idea of what empowerment involves, and that the concept itself actually needs to be defined by the communities in which empowerment is to take place in order for this process to be meaningful.

Therefore, although we did not follow a strict 'sciences from below' approach (where villagers would collect data or participate directly in the analysis), we strove to understand how beneficiaries perceive empowerment, and how they define it and break it down in very practical and concrete terms – terms that often do not echo those researchers or practitioners use. From a gender and development research perspective, this should stress the importance of Harding's point, since many of the concepts and tools generally used, including with income generation projects, are defined and assessed by researchers, donors, practitioners and policymakers who may be reflecting their own backgrounds, priorities and institutions, and in ways that may not reflect what the women involved in the projects see as most important.

In her 2013 Inaugural Lecture at the School of Oriental and African Studies (SOAS) Kabeer noted, 'the language of autonomy that has featured very prominently in some of the literature on women's empowerment seems particularly ill-suited to capturing how processes of empowerment have unfolded in the lives of Bangladeshi women' (Kabeer, 2013). We found this to be true as well for the great majority of women interviewed for the present study. The language used by their daughters or granddaughters is likely to be different and might well emphasise a vision of personal independence and freedom, particularly if they live in an environment that supports a more autonomous and individualistic existence (as in a more industrialized or urbanized context). For project participants, however, if we take a commonly held definition of women's empowerment as women's ability to exercise agency, including 'making choices and decisions regarding their development', should not the women's own perceptions – and their choices and decisions regarding their development – also influence project design and implementation, as well as even many of the research questions asked by those in the field of gender and development?

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Notes

[1] Questions about the meaning of empowerment have been explored in many sources, including several of IDS' 'Pathways of Women's Empowerment' publications – most notably Eyben and Napier-Moore (2009) and in summaries of findings (e.g., Cornwall, 2012).

[2] This study was made possible by the insights, dedication and exceptional work of the following key researchers in each of the four countries who conducted the IDIs and FGDs, and helped us with the key informant interviews: Phuong Ha Pham in Viet Nam; Norm Sina in Cambodia; Dolly Kyaw and Sanda Thant in Myanmar; and Theonakhet Saphakdy in Lao PDR. In addition, May Sabe Phyu, from Myanmar, has played a central role in this research since its inception. Their analyses and understanding have provided both the foundation for and crucial elements highlighted in this research; this chapter would not have been possible without their keen insights and suggestions.

[3] At the present time the Non-Profit Associations, or NPAs, are the form usually taken by civil society organisations (CSOs). These semi-autonomous organisations are independent, but still maintain a relationship with and are authorized by government authorities in the Lao context.

CHAPTER 5

The Gender Coding of Modernity: Reflections on Creating a Modern Gender and Development NGO in the PRC

Cecilia Milwertz and Wang Fengxian

Introduction

This chapter analyses reflections by NGO members and leaders on a capacity building technology offered by two North American organizations to a non-governmental organization (NGO) in the People's Republic of China working on gender and development issues.[1] The analysis responds to calls for critical investigation of the practices of development agencies in relation to the status of gender in development and it questions the roots of so-called NGO-ization practices that aim to create modern and sustainable NGOs according to new public management paradigms. The two US-based organizations that were offering capacity building and the Chinese NGO that was receiving it were all strongly committed to addressing gender issues and practicing gender awareness. Drawing on Sandra Harding's (2008) understanding of the gender coding of modernity, we argue that the capacity building process was nevertheless implemented with a paradoxical lack of gender awareness. Harding warns that even purportedly progressive scientific and technological projects are doomed to fail if they do not critically engage with the way in which the dominant understanding of modernity associates the feminine with the primitive and therefore marginalizes and excludes it (ibid: 2-3).

Since the emergence of bottom-up organizing in the late 1980s the People's Republic of China (PRC) has joined what Fisher (1997: 440) has termed 'the global associational explosion'. By this he means that growing numbers of citizen groups, especially in the global South, have been undertaking a variety of activities to address interests that they feel are insufficiently and/or inappropriately addressed by market and the state. Addressing gender injustices and discrimination constitutes one of the main focuses of such nongovernmental activity in the PRC.

China has indeed experienced a trend similar to that in Latin America that Alvarez describes as the feminist NGO boom of the 1990s (Alvarez 2009). In the PRC and elsewhere, the emergence of bottom-up organizing has been supported by governmental and non-governmental institutions from the global North that have also encouraged following a normative NGO format (Spires 2012, Wallace 2003). The development of nongovernmental women's organizations in the 1990s and 2000s in China has been hailed as an important means of addressing significant gender equality issues (Du 2004, Hsiung, Jaschok and Milwertz with Chan 2001, Milwertz 2002, Wesoky 2002, Zhang 2001, 2004). However, the involvement of foreign NGOs and governments in shaping these Chinese organizations has been criticized for disregarding local Chinese theories and practices (Spakowski 2001) and promoting a neo-liberal understanding of development (Barlow 2000). Similarly in other parts of the world the NGO-ization of feminist organizations has been criticized for undermining the transformative potential of a gender agenda (Alvarez 2009). According to Cornwall the heart of the so-called gender agenda is to transform unequal and unjust power relations (Cornwall 2007: 69). It is this feminist transformatory potential that has been blunted as the original activist analytical and political category of gender has been depoliticized and has come to be used by development agencies without fundamentally challenging gender inequalities (ibid: 69-70). In our case study of the relations between US based development aid agencies and a Chinese NGO we are inspired by Cornwall's call to revive the transformative potential of the concept of gender by '… seeing 'women' and 'men' as plural categories constituted by social practices, *including those of development agencies themselves* (Cornwall 2007: 77, emphasis added).

This chapter examines NGO member and leader reflections on one such development agency practice - a capacity building process aimed at improving NGO efficiency - offered by the US-based Ford Foundation to the Yunnan Reproductive Health Research Association (YRHRA), an NGO located in the People's Republic of China. [2] The chapter does not offer a full and whole case study of a capacity building process. However, as part of our investigation of the evolvement, from the mid-1990s when they were established to the mid-2000s, of gender and development NGOs in the People's Republic of China, we interviewed members of the YRHRA who had played different roles in the association and both members with a long-term engagement with the association and members who had more recently joined. The capacity building operation took place at precisely the time of our study, and as it was therefore an issue which members and

leaders were concerned with when we talked with them interviewees spoke at length about the capacity building process. Their reflections form the basis for the analysis in this chapter.

Our analysis is based interviews with seven association leaders and members who to varying degrees played a role in the activity. Four, including medical doctor, Zhang Kaining, who initiated, was then, and is still, head of the association, had been involved in establishing the association or had been long time members, while two younger members and a retired party-state cadre had joined the association more recently. Four of these seven were part of the fifteen-member group that formed the core of the capacity building team. Capacity building took place over the course of about six months from mid-2004. We first visited the YRHRA immediately before the capacity-building project began. Our interviews were conducted in two blocks. The first was in 2005, immediately following the completion of the project and the second was carried in 2006, one year after its completion. We do not claim that our data are representative of the opinions of all or even the majority of members. However, NGO member and leader reflections form the basis for our response to Cornwall's call to revisit the potential analytical and political utility of the concept of gender.

The relationship between the Ford Foundation and the YRHRA dates back to 1994, when the foundation was involved in the establishment of the association. The foundation funded the first association projects and played a major role in facilitating the association's initial encounter with critical feminist theories and practices of gender and development.[3] At the time of the capacity building operation both the Ford Foundation and the YRHRA were strongly committed to promoting gender justice and practicing gender awareness in development aid activities. However, neither Winrock International, another US-based organization, which carried out capacity building on behalf of the Ford Foundation, nor the association itself seem to have paid attention to the way that gender interplayed with notions of tradition and modernity in the framing of the capacity building operation. This means that neither organization assessed how this interplay was played out as an unequal power balance between the Chinese NGO and the US organizations in defining what knowledge and which practices were viewed as useful and modern.

We define our research as feminist in the sense that our aim is to 'give insights into gendered social existence that would not otherwise exist.' (Ramazanoğlu with Holland 2002: 147). Moreover, our feminist approach 'is characterized by adopting a critically reflecting and problematizing perspective on the category of gender and the ways in which it (re)creates exclusions, power asymmetries and reductions.' (Lykke 2008: 4). This critical perspective is not exclusionary to feminist studies, but it does characterize a feminist approach. Gender as a category of social analysis in development has not led to the elimination of inequalities which were intended. There are gaps between feminist knowledge and development practice and also gaps between intentions in gender and development activity and actual practices (Cornwall et al 2007: 1). Our analysis re-thinks gender by way of emphasizing that crucially in order to realize the critical and transformatory intentions of the gender agenda not only local development partners in Asia, but also development aid agencies in the global North need to be willing to investigate and make explicit the implicit gendered assumptions of their own knowledges and practices. In seeking to address the gaps between gender agenda intentions and actual practice Cornwall, Harrison and Whitehead (2007) address the explicit language of gender. We are concerned with the implicit gender coding in one example of gender agenda related modernity.

The chapter is structured as follows. In the first section we introduce the Yunnan Reproductive Health Research Association. We briefly describe some of the main problems that were addressed by capacity building, as well as the solutions that were identified and subsequently implemented. In the second section we explore people's experiences and opinions of the capacity building operation, focusing particularly on how they felt that the new organization structure had worked during the first year of implementation. We then focus on how the operation overlooked the communication practices that had been integral in the functioning of the association during the ten years of its existence, from 1994 to the 2004 intervention. Finally, we conclude that the potential of the capacity-building process to address inequalities was limited by the gendered understanding of modernity upon which it was based.

The Yunnan Reproductive Health Research Association and the capacity-building operation - problems addressed and solutions identified

The Yunnan Reproductive Health Research Association (YRHRA) was established in 1994. It was one of the first NGOs to emerge in the People's Republic of China to address gender and development issues. As indicated by its name, the association's main interest was in reproductive health. The association was formally founded in connection with the 8 March International Women's Day, which reflects the founders' concern with gender and with women's reproductive health in particular.

When we first visited the association in 2004 we were presented with various information leaflets and documents. These described the association's goals as promoting reproductive health research and action, the scientific development of a healthy society, improved public health and social progress (YRHRA 2004). Its development projects were described as involving both theoretical and empirical social research with the objective of providing social services and technical support to local communities. By 2004 the association had implemented projects dealing with issues such as the quality of reproductive healthcare, rural health services, health care for women and children, HIV/AIDS and sexually transmitted diseases. The target groups for these projects were defined as vulnerable groups such as women, youth, children, the poor and rural to urban migrants. The projects were implemented in collaboration with local party-state institutions at various administrative levels and were primarily funded by foreign development aid agencies.

The association was created by a group of academics who were interested in collectively addressing social issues. Its original driving force was energy and commitment of its members. By 2002, we were told, the association already had 162 registered members of whom 101 were from the social sciences and 61 from the medical sciences and by 2006 this had apparently risen to an estimated 200 members. In 2004 the association claimed to be characterized by four 'combinations'. The first of these was the interdisciplinary combination of members who came from the social sciences and the medical sciences. The second was the combination of theoretical research with social practice. The third was the combination of international theory with Chinese reality and the fourth, the combination of contemporary theory with traditional Chinese culture (YRHRA 2004). The capacity-building project, which drew up a new organizational structure and a ten-year plan for the association's future activities, was an example of bringing in international and contemporary theory.

Capacity-building issues and results

Since at least 1999 the association had been struggling with how to structure its various activities in order to function efficiently. In 2001, one of the association's vice-heads travelled to Bangladesh to participate in a training programme for NGO management. When she returned to China, she was eager to apply what she had learnt and begin reorganizing the association but she told us that she was disappointed to find that she was given no opportunity to do so. When the capacity-building project was later implemented, some members thought it unnecessary, while others, including this vice-head, were relieved that change was finally beginning to take place.

Capacity building was, as already mentioned, led by the NGO capacity building programme of Winrock International, and the intervention was designed as a participatory training activity. Capacity building aimed to improve organizational structure and practices that had evolved over the previous decade. More specifically, the goal was to increase the efficiency of the organization's structure and praxis by addressing problems arising from limited staffing, financial resources and experience (Winrock 2005). The major outcomes of the capacity-building operation that aimed at improving association efficiency included the separation of the three levels of decision-making, management and project implementation and the handing over of core management responsibilities to paid employees. The introduction of a CEO (chief executive officer), as well as an office manager and five other full-time employees, marked a major change in organizational structure. Emphasis was shifted to employing full-time, salaried staff instead of relying primarily on voluntary work by members. Before the capacity building project introduced the CEO and project manager positions, there were no full-time employed office staff who could handle daily business other than secretarial duties. Many tasks were undertaken by the four association vice-heads but since they had regular employment elsewhere, they were not always available when they were most needed to manage association activities. One solution to this was that members who were also employed by the Health Sciences Research Institute (later named the Health and Development Research Institute) at the Kunming Medical College would step in when the head and vice-heads were unavailable. This was possible because Zhang Kaining was both head of the association and director of the research institute. The nine academic employees of the institute were all members of the association and Zhang Kaining stressed that they were duty bound to fulfill their obligations to the association whenever needed. The association and the

research institute were also physically close – they were neighbours in one building. They even shared a telephone number until 2005. Employees of the research institute would answer the phone and if the caller wanted to speak to someone from the association and Zhang Kaining was not available, they would contact the vice-heads. Apparently, the research institute employees often found themselves making decisions in place of the vice-heads, who worked elsewhere and were not always available to take the calls. They also found themselves hosting visits to the association when Zhang Kaining and the vice-heads were too busy with their own work. This was one of the reasons that a full-time CEO was appointed. Before the capacity-building operation, Zhang Kaining's double role as head of both the research institute and the association linked their activities together. Awarding responsibility for management instead to a CEO and an office manager was designed to weaken the link between the association and the institute.

Experiences and evaluations of capacity building

Although there was broad agreement that capacity building had been necessary in the sense that the association was not functioning optimally and there was dissatisfaction among both leaders and members with management and organizational structure, the association leaders and members we spoke with were also frustrated and troubled by the process and its aftermath. One expression of frustration was the use of the metaphor of a surgical operation to capture the way the process had been implemented. One member explained: 'So I think some people would say that doctors performed an operation; they took the association apart and then put it back together again.' In other words, NGO leaders and members actively participated in performing an operation that was decided in accordance with the doctors' expert knowledge and a toolkit which excluded other possible treatments for the NGO's disorder. This experience of capacity building being outside of their control seems to be quite contrary to the intentions of the program. Julia Bentley, director of the capacity-building programme claimed that it 'was designed to develop an integrated series of activities and management tools from which NGOs could *select what they need*….' (Winrock 2005: ii, emphasis added).

Our analysis of the critical experience of the capacity building operation is informed by Sandra Harding's (2008) feminist critique of hegemonic Western modernity as a distinctly masculine

project that furthers the interests of a small elite at the expense of the majority of the world's peoples. Harding advocates practising "science from below" or "standpoint theory" to identify and explain the potential benefits of the resources provided by the exploited, the marginal, the ruled – in other words, those whose voices are not being heard in a given context. In the case of the capacity-building operation we doubt that association leaders and members, who belong to a well-educated elite segment of the PRC population, would recognize themselves as exploited, marginalized or ruled over. However, as we will show, core association communication practices were excluded from the capacity building operation. Including these practices as equally important to the techniques offered by the capacity building toolkit would have meant using an open-ended format to listen to the experiences of association members, and accepting that these might differ from, substitute or supplement what was being offered by the capacity building operation. Importantly, this would go beyond simply involving association members in choosing which elements of the capacity-building toolkit to adopt. This was what was done. It would have meant granting their experiences and practices equal value to those of the capacity building toolkit and accepting that the former might also have called the latter into question. This did not happen during the capacity-building operation. On the contrary, capacity building was offered on the basis of an already identified set of technologies from which the association could choose which to employ. Wang Fengxian (2012) has described this process in detail with regard to the capacity building offered by Winrock International to the Anti-Domestic Violence Network, which she took part in and also studied.

One strand of dissatisfaction with the organization structure that the Winrock toolkit offered was expressed by describing it as 'a business style type' or 'centralized style' that was inappropriate for an NGO. This was described as implementation of a top-down management style that involved a hierarchical distinction between paid and voluntary involvement in association activities, and also such features as complex and hierarchical procedures for speaking at meetings. They were perceived especially by founding members as starkly contrasting to the equality and openness which they defined as characteristic of the democratic atmosphere of the initial phase of bottom-up organizing which they had experienced. This should be viewed in the context that the emergence of NGOs and bottom-up organizing was a new phenomenon that was initiated in the late 1980s-early 1990s. This is not to say that there were no hierarchical elements of their initial bottom-up organizing, but it does mean that the aspects that were innovative focussed on a flat

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and equal form of engagement. Regardless of whether this form of organizing was conducive to the long-term sustainability of the NGO or not, it was definitely a core part of what motivated some of the establishing members to engage with the association.

One interviewee said she felt that the capacity building trainers wanted the association to develop in a particular direction and that 'If you don't function in that way, you are not considered to be an international NGO. They want you to go in that direction.' She conceded that a variety of organizational styles are practiced by different organizations and noted that she preferred what she called a loose network style. She compared the format that was being promoted by capacity building with what she called 'a rigorous business style type of management' adopted by an NGO in another city and said she did not want to see it introduced to the YRHRA. This implied that she was experiencing a fundamental change in her association's working style and atmosphere and understood this to be a consequence of the capacity building venture. She and other members who had been involved in the association's earliest years spoke enthusiastically of the exciting exchanges that took place at the monthly meetings in those early years. Debates then had apparently dealt with substantial issues relating to reproductive health and our interviewees stressed the novelty of the open exchange at that time. Different and sometimes conflicting positions would be taken by members from different academic disciplines and this could lead to heated arguments and constructive discussion. It was features such as these that were defined as democratic and were perceived as a needed and refreshing contrast to the hierarchical organizational styles theses members experienced at their places of employment as well as in Chinese society in general. The turn towards a more structured organizational format was being associated, possibly causatively, with a decrease in members' engagement in the core association issues. One member claimed that after the capacity building, their formerly looser and more egalitarian interaction had been replaced by formal meetings and the management style had become 'fully company style'.

Neither the founding association members nor younger members were particularly satisfied with the new organization structure, with a CEO now taking on many of the responsibilities that had previously been in the hands of Zhang Kaining. Criticism was being levelled at the CEO for failing to manage issues in the way that Zhang Kaining would have done. One of the founding members commented that the CEO's background at the leadership level of a party-state

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institution and the 'official style' of the CEO's behaviour did not suit an NGO. She felt that the problem lay in the way the new CEO communicated with members and in the contrast between the ways he and Zhang Kaining worked. Another member said that she appreciated Zhang Kaining's way of communicating with members about decision-making and his management style because he listened to other people and took their ideas into consideration rather than basing decisions only on his subjective opinions.

The clue to understanding the dissatisfaction of members and leaders was the emphasis they placed on the 'care and concern' (*caoxin* 操心) that Zhang Kaining showed in the process of making decisions. One member explained that he would take great care to show concern for the opinions of all involved parties in a given decision making process. Several members considered this form of communication to be pivotal to the functioning of the association. However, its importance as a valuable working method to the members seemed to have been ignored during the capacity building process.

Another communication practice that apparently went unrecognized was referred to as 'coordinating (*xietiao* 协调) and organizing (*zuzhi* 组织)'. This term came up when we asked an association member what the greatest difficulties were that she had encountered in carrying out projects. She responded that the most troublesome issues were coordinating and organizing and said that she preferred to focus on the research and technical assistance aspects of the projects. However, as head of projects she inevitably found herself coordinating and organizing the various participants. She explained this was troublesome because it involved many people from different disciplines and she had to respect each person and make them feel that their contribution was valuable. This meant a great deal of work in communicating, coordinating and persuading people to contribute. She found this tiring and although she recognized how necessary this kind of work was for the success of a project, she preferred to be engaged in the actual project content.

This member described an example of what had happened once when she needed someone to teach in connection with a project. She had asked a young man from the association's Youth School (a section of the association designed to support the involvement of young members) to help her invite someone he knew to do the teaching. He returned with the message that the person had declined but when she later contacted the person herself she managed to persuade him to agree to teach. She told us that he 'was finally moved into being invited', suggesting that the way

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in which people are approached may be decisive for whether or not they decide to become involved and perhaps also to what extent. In China, network relations generally work such that people are more likely to agree to do something if asked by someone with whom they have a close relationship but this was not the case here. On the contrary, the person agreed only after the project leader had made a clear 'coordinating and organizing' effort to persuade him. She also told us that establishing direct contact was important for encouraging people to participate in association meetings and her point was that if people are made to feel that their contribution is crucial, they can be persuaded to come even when they are busy with other things. Because of her own experience in this, she said that she understood why Zhang Kaining made so many telephone calls in the evenings. However, following capacity building Zhang Kaining no longer had any management role in the new organizational structure and much of his communication work had formally been taken over by the CEO. Members expressed frustration about the fact that the new CEO was not working in the way that Zhang Kaining had with 'coordinating and organizing' and showing 'care and concern'.

We look now at how Zhang Kaining himself viewed the activities of coordinating and organizing and at the differences between his communication style and that of the newly employed CEO. Zhang Kaining said that he enjoyed his conversations with all association members and felt sure that everyone trusted him. This did not mean that they would never criticize him. Members sometimes said that the quality of a project he had directed was poor, that a project should never have been implemented or that it should have been carried out in another way. However, despite the criticisms, he was convinced that people would say that his strength was in being able to find the best person for a job. In other words, Zhang Kaining was aware of his particular ability to find appropriate people and of his communication skills in doing so. He explained that he is always polite and sensitive to member's own needs when he speaks to them and he did not refer to 'coordinating and organizing' but instead to 'speaking good words' (*shuo hao hua* 说好话). He evidently believed this was important in attracting members to work for the association because he explained that a member's decision about whether or not to work on a particular project depended upon how you communicated with them. Good communication meant that they would feel they had a place in the association and they could then be drawn into a project. This is, of course, crucial to the association since the implementation of its projects depends upon the voluntary efforts of NGO members who are employed elsewhere.

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Collaboration across differences

In 'coordinating and organizing' we include the practices of 'concern' and 'emphatic concern' (*caoxin* 操心 and *cao geng duo xin* 操更多心), 'whole heartedness' (*chengxin* 诚心), and 'the polite, needs-focussed manner' (*shuo hao hua* 说好话) that Zhang Kaining mentioned. Coordinating and organizing are extremely important since the association's survival rests upon cooperation between people from different disciplines, institutional entities and cultures. The differences they have to bridge fall largely within the four combinations described above as characterizing the association: social scientists and the medical scientists, theoretical research and social practice, international theory and Chinese reality, and contemporary theory and traditional Chinese culture.

Cooperating across differences requires consistent effort. All of those we interviewed recognized the importance of Zhang Kaining's skills in this area – his ability to cultivate relations to members, foreign donors and domestic party-state partners, and his capacity to bind the association to the research institute. However, although these factors were well recognized by association members, they had apparently not been taken into consideration during the capacity-building process.

We claim that separating the NGO levels of decision making, management and implementation and altering Zhang Kaining's position in relation to these three levels of activity ultimately undermined the communication practices that had characterized the association and enabled it to function. This did not happen explicitly. The communication practice was marginalized by simply not being taken into consideration as part of the capacity building operation. One member claimed, for instance, that when the new organization structure and the CEO position were introduced 'communication was abruptly cut off'. She used the term used for an electricity power cut - a complete and conclusive change. She explained that Zhang Kaining and the association vice-heads used to practise a collective form of leadership and this meant that even if Zhang Kaining was away and one of the vice-heads took over, the leadership style operated inclusively rather than in a hierarchically exclusive manner. The person who took charge would always invite people to offer their opinions during the decision making process rather than commanding in a top-down manner. This may very well have been a romanticizing of the initial euphoria of non-hierarchical bottom-up organizing. She believed that this form of communication had ceased

because the CEO did not understand the qualities of the association and how it used to work and he did not know the members. Here we must emphasize that it is not the practice of communication itself we are concerned with. It can be alternately coded as feminine or as masculine, as a remnant of what was initially a flat and collaborative organizational style, or as a sophisticated aspect of a hierarchical organizational format. The point is that communication practices that were defined as valuable were ignored. It is the ignoring, bypassing, marginalizing rather than the characteristics of the practice that are of issue here.

Concluding discussion

Our analysis is based on our interviews with NGO members and leaders. The capacity-building operation addressed a broader range of issues and although the views we heard tended to be critical, there were also members who were satisfied with features of the new structure. Certainly, NGOs in the PRC may benefit from long-term experiences of organizing in other parts of the world. Capacity building had no doubt introduced some valuable methods for managing and leading an NGO. One member noted, for instance, that some of those involved were gaining knowledge and skills that they could apply not only to their work with the YRHRA but also with other NGOs. However, regardless of these benefits the introduction of a new organizational structure also brought about what was expressed as a profound change of leadership style and member involvement in decision-making. Indeed, the most critical of the members we spoke to said that she had begun to 'regret international theory', and she had 'started to wonder if the new structure was really any good.'

We suggest that the difference in communication styles before and after the capacity-building process is not, as our interviewees contended, primarily a result of the CEO's lack of understanding of the association's practices and members. Instead, the difference seems to be that the capacity-building toolkit resulted in the introduction, or perhaps more precisely, the reinforcement, of a hierarchical structure to replace what was described as the previous relatively inclusive leadership style that had characterized the initial years of organizing. Certainly, the new organizational structure marked and made very visible a dramatic change in leadership style that may very well have been underway for some time. Members who took part in establishing the

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association stressed how the initial organizational format was open, democratic and based on the collective engagement of members. The experience of such a working style, which was dramatically different to the hierarchical organizational cultures they were accustomed to at their workplaces, was a very central, important, exhilarating and innovative aspect of being involved in bottom-up organizing for social change. This initial form of organizing was, in their view, a stark contrast to a more hierarchical mode of organizing that had gradually taken over and was subsequently formalized and perhaps even strengthened by the capacity building operation. They critiqued what they termed a business style of management because it enforced rather than challenged the hierarchical aspects of association leadership. However, in the context of our argument that communication practices were disregarded and overruled by the capacity building toolkit the question of whether the pre-capacity building organizational format was more or less hierarchical, democratic, top-down, flat or even led by women or men is not the issue. The point we make is that the practices – regardless of their properties and regardless of whether members were satisfied with them or not – were not taken into consideration. They were not drawn into the capacity building process as equally relevant to the toolkit that was on offer. They were not viewed as knowledge that was of equal value to the toolkit on offer.

We use the example of communicative practices to show how association knowledge that fell outside the scope of the capacity building toolkit was not taken into consideration. At the same time we point to the situation that it seems that neither Zhang Kaining nor NGO members had previously been fully aware of how definitive his communication manner had been for the functioning of the association. He had played a central role in founding the association and headed it. He also led the board and was in charge of management as well as projects. The monthly members' meeting seem to have allowed open discussion and a feeling of relative equality among members. However, it had also been problematic to have so many voices involved in decision making and that the implementation of development aid agency funded projects was so dependent on these members. There had clearly been difficulties in reaching decisions and consistently calling upon members to carry out projects. These problems had evidently reduced efficiency and it was this kind of problem that the capacity-building operation was designed to address.

The Winrock capacity building document was developed on the basis of earlier experiences of capacity building to provide guidelines for future capacity building. The document stresses that there should be broad scope for individual organizations to freely select features from this model and that the intervention should suit Chinese conditions. Indeed, Julia Bentley (2003), who led the Winrock capacity building programme, was insistent that international support to Chinese NGOs should be attuned to local needs. Here we recognize that local needs are not unitary. While some members wished to return to what they had experienced as the exhilarating creativity of the initial organizational format others were in favour of introducing what they saw as an efficient hierarchical organizational style. Regardless of these local differences in aspirations, the strategy document outlines a self-appraisal and participatory approach within a predefined and closed framework.

Our analysis illustrates how communication practices that the association had been using for a ten-year period became marginalized by the capacity building operation. The capacity-building process may therefore be understood as a micro-example of the way in which certain forms of knowledge may dominate knowledge production by defining what is to be included and what is not. This operation provided a toolkit that was based on knowledge and practices that were valorized by the North American organization in charge of the process. This is in keeping with Spires' (2012) contention that the capacity-building programmes designed by foreign aid agencies and international NGOs working in the PRC generally seek to create professionalized NGOs that are structurally and operationally similar to those in North America.

The capacity-building process seems to have been based on a binary framework that defined some knowledge as modern and useful and other knowledge as traditional and not useful. On the one hand, there were capacity building trainers and their manuals, who supposedly provided expert knowledge on how to structure an organization and conduct its activities and on the other was the implicitly devalued knowledge held by association leaders and members based on their ten years of experience. In failing to consider how the version of modernity offered by the capacity-building toolkit was implicitly gendered, it also maintained and reproduced a male-supremacist conceptual framework.

We have not investigated how the particular responsibilities and actions of members and trainers were played out in marginalizing the communication practice of 'coordinating and organizing'.

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One might ask why a former vice-head, who felt excluded from the capacity building process, did not pro-actively ask to be included or why NGO members did not ask to have their practices included in the evaluation process. There were, no doubt many complicated histories and relations between those involved. Nevertheless, the end result was the dominance of a particular understanding of modernity in forming the structure of the association. We have shown how some association members viewed the capacity-building operation as having been disruptive despite its good intentions. We have explored how the communication practices of 'coordinating and organizing', which were considered so important by some members and leaders, could become marginalized and excluded. However, we do not mean to idealize or romanticize the old ways; indeed, some of those who praised the old style of communication were also critical of the former leadership style and had hoped that the capacity building would yield greater transparency and a more democratic system in their organization.

The central point of our use of gender as a category to analyse the capacity building operation is that the marginalization of a communication practice that had been central to the functioning of the association illustrates how association leader and member knowledge was bypassed. It seems paradoxical that US development aid agencies that supported non-governmental organizing in the PRC as a way of challenging party-state policies and practises in the field of gender and development, apparently did not build the possibility to challenge their own knowledges and practices into the capacity building process. Ten years ago, Tina Wallace (2003) argued that by applying a top-down approach based on a new management paradigm, NGOs in the global North were limiting their perspectives and excluding new, alternative ways of thinking and analyzing. She also noted that they were transmitting this approach to NGOs in the global South. In our study, we see the capacity building operation as an example of how 'hierarchical structures and institutions engage in conceptual practices that solidify their continued power through disseminating such practices as natural, inevitable, and desirable' (Harding 2008:119). This was enacted by promoting the capacity-building toolkit while devaluing local knowledge, which was, we argue drawing on Harding, implicitly viewed as feminine and backward.

We stress the *implicitness*. Harding's point is that modernity is implicitly coded as rational and masculine and worth dealing with, while tradition – in our case association communication practices – are implicitly defined as backward and feminine and hence not worth taking into

consideration. This has nothing whatsoever to do with whether or not leadership is male or female. It has nothing whatsoever to do with the characteristics of the local practices. They may be beneficial or detrimental to organizational efficiency. The point is that they were not even acknowledged as worth considering. It is local practice or tradition as such that is defined as backward and implicitly coded feminine. We argue that the case of communication practices that were marginalized and made invisible illustrates how these binaries are at work.

Sandra Harding (2008: 103) stresses that gender in feminist work means more than the identity of individuals as boys or girls, women or men. For Harding this broader approach yields insights into gendered characteristics of science and politics of modernity. We draw on Harding's (2008: 112) notion of 'the gender coding of modernity' as a tool for analyzing a phenomenon – in this case a capacity building operation – that is not usually thought of as gendered. In an article written nearly thirty years ago on the emergence of gender as an analytical category in the late twentieth century historian Joan Scott (1986: 1067) noted that while 'gender is a constitutive element of social relationships based on perceived differences between the sexes', it is also 'a primary way of signifying relationships of power.' Similarly to what Harding was pointing out some twenty years later, Scott spoke of how the terms of discourse were not necessarily explicitly about gender, but how they might nonetheless rely on 'the gendered "coding" of certain terms' to establish their meanings (ibid 1073). And she noted that: 'If we treat the opposition between male and female as problematic rather than known, as something contextually defined, repeatedly constructed, then we must constantly ask not only what is at stake in proclamations or debates that invoke gender to explain or justify their positions but also *how implicit understandings of gender are being invoked and reinscribed*.' (ibid 1074, emphasis added). One of the questions Scott listed for future study was 'How have social institutions incorporated gender into their assumptions and organizations?' (ibid 1075). Harding provides a response to this question, when she argues that the predominant Western notion of modernity is haunted by anxieties about the feminine and the primitive, both of which are associated with 'the traditional'. She contends that philosophies of modernity present rationality and expertise (in our case in the form of a capacity building tool-kit) as means of escaping the bonds of tradition, which are implicitly defined as feminine.

As Wallace (2003: 204) noted, even among those who criticise the neo-liberal agenda there is practically no deep questioning of the roots of that paradigm. Harding's analysis of modernity has enabled us to observe in our study how the adoption of new public management technologies by NGOs in the global North and South may implicitly reproduce the gendered assumptions of modernity. The roots of the modernity paradigm within which the YRHRA's capacity building was, it seems, deeply gendered. We are not concerned with gender in the sense of the men and women who are involved in communication practices. The point we make is that the very understanding of modernity that underlay the development agency attempt to modernize the Chinese NGO via capacity building process was gendered.

We have used the example of the communication practices that were marginalized as an example to show that local practice was simply not taken into consideration as something that might have anything at all to contribute to a modern NGO. Harding's argument, which we adopt, is that hegemonic Western modernity (in our case the capacity building toolkit) is implicitly seen as rational, efficient, and masculine, while tradition (in our case Chinese NGO communication practices) is implicitly seen as irrational, inefficient, feminine and backward).The communication practices were placed at the negative side of the binaries where they were not even regarded as worth dealing with at all – they were marginalized and excluded.

We suggest that lack of attention to gender meant that an opportunity to challenge the prevailing power relations between NGOs in the global North and South was lost. So why point to gender as central rather than focusing on other binaries which are just as relevant to the whole construction of what is considered and coded, implicitly or explicitly, as traditional versus modern? Because the institutions – in this case US donors and Chinese NGO – that are committed to gender awareness could, and might be assumed to be willing, to use a gender analysis of modernity such as Harding's to critically re-think the way they value various practices and working methods. Such an awareness might serve as one possible entry point to potentially challenge what Harding defines as the narratives of exceptionalism and triumphalism which characterize western modernity.

An analytical and political potential of the 'gender' concept lies in recognizing gender as one implicit element of a predominant understanding of modernity. Cornwall, Harrison and Whitehead (2007: 2) ask 'why bowdlerized, impoverished or, for some, just plain wrong

representations about gender issues have become imbedded in development.' With this chapter we stress that not only is gender in development an explicit issue that needs to be addressed as it has been by for instance the collection by Cornwall, Harrison and Whitehead (2007) and by the projects presented in this book. Cornwall, Harrison and Whitehead (2007: 17) conclude that discursive contestation is extremely significant in the context of gender and development and that 'The struggles of interpretative power are not struggles to get the language and representations right for their own sake, but because they are a critical part in the determination of policy.' Drawing on Harding we have argued that gender may also be *implicitly* at play in development projects even when they do not directly address gender issues. Even when gender is not explicitly part of struggles for interpretative power it may implicitly be so. Such recognition may serve as a feminist entry point to challenging unequal global North-South relations as well as the valorization of one set of knowledge and open to the possibility that multiple knowledges are recognized as equally valid.

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Notes

[2] We use the actual name of the Yunnan Reproductive Health Research Association as well as the name of its founder, Dr Zhang Kaining, with his knowledge and permission.

[3] We have analysed the initial involvement of the Ford Foundation in establishing the YRHRA in Milwertz and Wang 2012. In Milwertz and Wang 2011, we analyzed the relational and intra-active coming into being and workings of the association.

CHAPTER 6

Women Fish Border Traders in Cambodia: Intersectionality and Gender Analysis

Kyoko Kusakabe and Prak Sereyvath

Introduction

Intersectionality – conceptualizing complex interrelationship of "multiple axis of differentiation" under specific contexts (Brah and Phoenix 2004:76) - allows us to integrate various dimensions and identities of women to provide us with a more nuanced understanding of women's lives. However, as Brah and Phoenix (2004:78) maintained, intersectionality may be "decentring" gender and may not provide particular emphasis on gender. Despite that, we would call such intersectional analysis as gender analysis, since it would clarify and offer us a much better understanding of gender power relations. McDowell (1999:10) argued:

> It is crucial to understand the intercutting relations of all axes of social power and oppression and the ways in which sexual differences and gender relations are constituted in different ways across space and time because of their interconnection with these other axes of power. But still we must insist that it is the question of the way in which sexual difference and gender relations are constituted and form a basis of power that distinguishes *feminist* scholarship.

We follow McDowell's view that although our goal is to analyse gender-based power relations, we can do this without squarely focusing on gender. Intersectionality offers an alternate route to a nuanced analysis of the complex gender and power relations. Often gender analysis is equated with a direct analysis of sexual differences and gender relations. However, we believe that by analyzing other contexts and relations, it is possible to strengthen gender analysis, that is, analyse gender norms and relations and how they form basis of power.

We examined interesectionality through the lives of border fish traders at the Thai-Cambodian border. Before the Thai-Cambodian border was open, very few buyers and sellers of fish were operating at the border (see Kusakabe et al. 2008 for details of fish border trade before and immediately after the opening of the border). However, after the border was opened, the trade

became more dynamic and a large variety of traders started operations, including both women and men with varying backgrounds and life trajectories. The lives of many of these women entrepreneurs cannot be explained by the oft-cited characteristics of women's enterprises, such as women being risk averse, having fewer resources impeding their business's growth, or that men tend to take over women's businesses when they become profitable (Seligmann 2001; Dignard and Havet 1995). By challenging the notion that is often used to describe women entrepreneurs, we will further explore why these differences among women entrepreneurs occur by linking their business trajectory to three other factors: (1) their life trajectory; (2) the relationships they have with others, and; (3) the macro economic and ecological conditions. This chapter attempts to understand the lives of these entrepreneurs in terms of their choices, results and position at the time of this research. Rather than trying to find a generalizable pattern, we demonstrate how individual lives can contrast starkly with our general understanding of gender relations and aspects that we consider important in gender analysis. We hope to capture the various 'lived experience of gender relations in all their complexity and materiality, not on the social constructs themselves, or even the "constructions" associated with them' (Cornwall 2007a: 72).

This chapter will first review literature on gender analysis and intersectionality. Then, it offers an overview of the changes in fish border trade in the 2000s. After describing the recent changes in Tonle Sap Lake fisheries and fish border trade situation in Cambodia, we introduce the lives of four different women border traders. In the end, we reflect on the cases to analyse the complexity of women's lives and how intersectional analysis based on a particular context allows us to have better insights into women's lives, and thereby strengthen our gender analysis of border trade. In one sense, this is not a new way of conducting gender analysis, since many feminist scholars have long been sensitive about the effect of various axes of social power (McDowell 1999). What we would like to note here is that where gender analysis is still considered new or marginal, there is a tendency to over-emphasise gender differences as seen in enterprise literature. In this chapter, we emphasise that even though intersectionality has been applied by feminist researchers for a long time, gender analysis of a certain sector or issue especially in development settings often tends to be too simplistic about 'gender', reducing our understanding of gender to gender roles or gender relations in their analysis. In this chapter, we highlight instead how intersectionality can be employed for gender analysis of fish crossborder trade.

Intersectionality and gender analysis

Walby (2009:254) said: 'Gender exists only as social relations'. Gender is normally analysed as relations between women and men (although from time to time, it is also analysed as relations between women), but Walby calls for a broad-based analysis of inequality and oppression. As bell hooks noted: '[W]hen feminism is defined in such a way that it calls attention to the diversity of women's social and political reality, it centralizes the experiences of all women, especially the women whose social condition have been least written…' (hooks 1984: 27). Gender analysis is most relevant if it is combined with analysis of other regimes of inequality (Walby 2009) so that it can appropriately reflect the complex lived realities of women.

The importance of interesectionality is further highlighted by Brah and Phoenix (2004:76) who conceptualised it as follows:

> Signifying the complex, irreducible, varied, and variable effects which ensue when multiple axis of differentiation – economic, political, cultural, psychic, subjective and experiential – intersect in historically specific contexts. The concept emphasizes that different dimensions of social life cannot be separated out into discrete and pure strands.

Intersectionality then is not about merely adding various dimensions of differences to the analysis. What is critical to intersectional analysis is the social/ political/ economic/ environmental context. As Yuval–Davis (2006) pointed out, analysis based within a particular context is a must for an intersectional review of policy initiatives.

But then what is the value in calling it 'gender' when intersectionality is basically 'decentring' the ' "normative subject" of feminism' (Brah and Phoenix 2004:78)? What is the difference between gender analysis and other analysis of oppression? Is it the lived experience of 'woman' which makes it different, or is it the approach and problematisation that makes it different? [1]

The importance of analysing lived experience and not to be caught in "myth" was noted in a collection of papers on "*gender myths and feminist fables*" that questioned 'What has become of "gender" in development' (Cornwall et al., 2007:2). This collection challenges the simplistic usage of 'gender' and 'empowerment' in development, which creates several 'myths'. Among them, women are victims, marriage is an institution of patriarchy and oppression for women, women's independent income and economic autonomy leads to

empowerment, women are more peace loving, less corrupt and risk averse, women's collective activism is the way for empowerment, etc. Cornwall (2007b) questioned the 'myths' of solidarity among women, and how the conflict between women and oppression of women by other women are silenced and neglected in feminist work. Jackson (2007) further maintained that marriage is not only a site of oppression but also a site of cooperation. Cornwall (2007b)'s work also showed how feminist researchers from the "west" put too much importance on the conjugal relationship; for women in Western Africa, it is not the husbands but other women in the family/ households who are a daily concern. Unless extremely violent men's infidelity or other behaviors do not disturb women too much; women get divorced and move out of the house more often because they are unable to tolerate other women in the household.

Cornwall (2007b)'s study of women vendors also questions the myth of solidarity. Competing women vendors cooperate with other women when there are practical gains from doing so. Cooperation is not a norm but can be one of the conditions to enhance their business. Evidence shows that actual organising by women in crossborder trade is aimed at practical individual gains, and not towards the more egalitarian goal of mutual help as is generally suggested. IUCN (2013) recommends the creation of a transborder fish traders' association in Cambodia for better enforcement of legislation rather than building solidarity. StreetNet International is organising street vendors to enable them to negotiate with the government (StreetNet undated).

The nuanced relations that women have with others, especially with other women, are important[2] - as many women report intense suffering from conflicts with women as with men[3]. We find it important to see beyond the myth of solidarity (Cornwall 2007b) and capture the experiences of women that we might otherwise not highlight because it does not fit our framework of analysis, so that we can comprehend gender power relations in all their complexities. We return now to our initial question on whether and how 'gender' analysis facilitates such an understanding.

We need to examine how structures and institutions interact to understand the many disadvantages women face (Weldon 2006). These everyday practices give insights into how gender relations are produced (Nightingale 2011; Naples 2003). In effect, it is not that gender analysis facilitates our understanding, rather our understanding of the situations, lives and contexts of women facilitate effective gender analysis. Intersectional analysis based on the

contexts and lived experiences of women strengthen our gender analysis. This chapter attempts to analyse the historical context of women fish border traders, and through acknowledging the significance of 'situated knowledge' (Haraway, 1988), we are able to gain better insights into women's lives and thus improve our gender analysis. To paraphrase bell hooks (1984), women's everyday realities is the starting point for feminist research.

Fish border trade between Thailand and Cambodia

From the 1980s to 1990s, the border between Thailand and Cambodia was a war zone. The Khmer Rouge and the Republic of Kampuchea were still fighting and there was shelling almost everyday (see Kusakabe et al. 2008 for details). However, demand for fish from Tonle Sap was extremely high in Thailand. Traders who dared to fearlessly carry their fish through battlefields were able to do good business. Many of these traders were women. Women were seen as non-combatants, and hence were able to enjoy relatively higher mobility. Kusakabe et al. (2008) point out that when the border was closed and road infrastructure was bad, small women crossborder traders were able to monopolise the lucrative border trade. When war ended, security around the border area improved and border trade was opened officially. At this point, all the relative advantages women traders held quickly disappeared.

The improved security led to an increased number of checkpoints. Traders had to pay officers and police along the way, as well as customs and other officers who collected both formal and informal fees at the border. At the same time, men's mobility increased and more men entered the lucrative crossborder fish trade. Cambodian women traders faced increasing difficulty in acquiring fish from fishers to sell, due to competition from an increased number of traders. Women who were not able to extend advance payment to fishers could not secure fish and had to buy from larger traders. They had to negotiate with Thai traders on the other side, and faced harsh competition from other Cambodian traders. They used several strategies to stay in business including selling to Thai traders on credit, using their femininity to negotiate with officers and their flexible 'nationality' as the weapon for negotiation with Thai traders (Kusakabe et al., 2008). Ignoring any legal or administrative concept of 'nation', they would say that their Thai trader-counterparts and they are from the same 'nationality' to create a sense of solidarity between them. Despite these efforts, women traders became increasingly marginalised after the official opening of the border.

[Figure 6.1: Market route of fish between Cambodia and Thailand as of 2006 (Kusakabe et. al 2008)]

Figure 6.1 shows the value chain constructed based on Kusakabe et al. (2008)'s study conducted in 2006. By 2012, the chain became much shorter. Many of the middlemen/ exporters/ wholesalers merged and began trying to cut the process as short as possible. Registered companies have taken over much of the work individual transporters used to do. There are also now traders who are bringing fish from Vietnam to sell to Thailand. This is a phenomenon that started around 2011 or 2012, when the fish availability from Tonle Sap decreased.

Figure 6.2 shows a drop in fish production between 2004 and 2008, due to droughts. Production drastically dropped in 2006, and after that, has not recovered significantly. Figure 6.3 shows the official export volume of fish although this figure needs to be treated with caution. Clearly, there is a lack of correlation between the fish export and production data. The drop in export might reflect the start of the Thai-Cambodian conflict triggered in September 2006 by the *coup d'état* in Thailand that ousted the then Prime Minister Thaksin Shinawatra. At the same time, company registration for exporters was introduced in Cambodia. Exporters need to declare the quantity of fish they will export annually, which is normally less than the quantity actually exported. At the border, the customs office needs to register the quantity exported each time, and levy fees accordingly. In reality, though fees are levied on the basis of the quantity of fish exported, a much lower amount is recorded in the documents. The difference benefits the various officials involved in this process. Therefore, the export data might not correctly reflect the actual quantity of fish exported. Fish production data might be a more correct reflection of the actual situation in Cambodia, since most of the traders complained that there is less fish since 2008, and the fish has become scarce in the last two years.

[Figure 6.2: Fish production in Tonle Sap

(Source: Department of Fisheries, 2006; 2007; 2008; 2009; 2010; 2011; 2012)]

[Figure 6.3: Fish export

(Source: Department of Fisheries 2006; 2007; 2008; 2009; 2010; 2011; 2012)]

Our earlier study (Kusakabe et al. 2008) focused on the impact of the official opening of border trade between Thailand and Cambodia on women's small-scale border fish trade. This analysis of women traders studied their position in the value chain and how they negotiated their position in the changing economic environment. However, as border trade developed further in recent years, we have seen that women traders have shown different ways of coping and developing their business. We find the need for a more nuanced study of individual women's situations and contexts. Therefore, in this chapter, we have revisited these women traders with a focus on their business life trajectories, linking it to their lived experience, employing a more intersectional perspective.

Methodology

For a holistic understanding of traders' choices in business, we interviewed traders on their life and business history. We interviewed 32 women traders, 10 men traders and 4 couple traders, a total of 46 respondents. All of them were involved in crossborder fish trade either currently or some time in the past. Table 1 shows the types of traders we interviewed. We have selected only those who were or have been exporting fish to Thailand. We contacted traders at the Poipet market in Cambodia and the Rong Kluer market in Thailand and made appointments with those who were willing to talk. We then asked the traders to link us with other traders. We also visited villages where many fish traders live, but few people were exporting fish. Interviews lasted approximately two hours, and, in some cases, follow up interviews were done either by phone or face-to-face. It focused on their business decisions, as well as aspects of their personal lives that influenced their business decisions. We have selected four of the 46 for this chapter for in-depth analysis. The chosen respondents have changed their business following changes in the environment. These four cases were selected since they were keen to share their experience, thus we could get more detailed information about their lives. These women have been trading for a long time, and hence allow us to

understand the ups and downs of businesses. Experiences of other respondents are included to substantiate the experiences of these four respondents. All the names used in this chapter are pseudonyms. Among the types of traders in Table 1, the four women that we focus on fall under the followings: Sophany is an exporter of processed fish. Nary is a small exporter. Vathana and Theary are large exporters.

Table 1: Profile of respondents

Size/ Type	Number of respondents			
	Women	Men	Couple[*1]	Total
Large exporters (Those who, at highest fish production period, could trade up to more than 5 tons per transaction/time)	9	4	1	14
Large exporters who quit	2	0	1	3
Mid-sized exporters (trade around few tons per transaction/time)	6	5	1	12
Small exporters (trade few hundred kg per transaction/time)	13	0	1	14
Exporters of processed fish	2	1	0	3

*1   For these cases, both husband and wife were interviewed together.

Changes in fish border trade in the 2000

In the 2000s, various socio-economic and political changes happened in Cambodia as well as at the Thai-Cambodian border.

(1)   Frequent closure of border crossings

Due to the conflict between Thailand and Cambodia regarding Angkor Wat and Preah Vihear Temple, the border at Poipet suffered several periods of closure. There have been three main closures. One was in 2003, when a Thai actress made a comment on Angkor Wat and aggravated bilateral relations[4]. The closure lasted for more than a month. Many traders could not sell their wares and lost the money they invested in buying fish because they could not transport the fish to the market across the border. There was also a protest by disabled transporters in 2008 against companies who they claimed were taking away their jobs. This

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protest was quickly dispersed by the Cambodian police. The protest leader's body was found in a nearby forest and from then on, it became difficult to organise any protest. The third closure was in 2011-12, when there was a conflict between the Water Resource Department and Fisheries Administration over the control of fish export and trade. Export was prohibited to ostensibly protect aquatic resources. However, only large traders were affected by this closure.

(2) Availability of Tonle Sap Fish

Although the Fisheries Administration's data does not show a decline in fish catch from Tonle Sap Lake, traders say that the availability of Tonle Sap fish has declined since its peak in 2006. Traders attribute the decline in fish availability to: *(a)* the construction of a dam in the Mekong River and the lowering of the water level, *(b)* illegal fishing, and *(c)* the abolishment of private fishing lots in 2012. Private fishing lots have long been criticised for marginalising small fishers in the Tonle Sap lake. Many large traders bought fish directly from these fishing lots and exporters could procure large amounts of fish in one go. However, in 2011, the Prime Minister of Cambodia declared that private fishing lots would be abolished to protect the fishing rights of small fishers, so that small fishers could fish anywhere in the Lake. This was implemented under a sub-decree dated 07 March 2012; all private fishing lots in all provinces around Tonle Sap were abolished and were converted to public fishing areas, with the exception of a few conservation/protection lots.

(3) Formalization of border trade

The number of informal checkpoints along the road has decreased, but traders still pay similar or even higher amounts for crossborder trade. Further, trade companies were established in Poipet, to transport fish across the border for a fee, thus relieving traders from having to deal with border officers. All fish exporters are required to be registered as a company, hence all traders are now forced to go through these officially registered companies.

Earlier, when traders had to transport fish from Siem Reap province to Banteay Meanchey province where Poipet is located, they had to pay the Fisheries Administration to move fish across provinces. This was officially abolished in 2011, when Prime Minister Hun Sen

announced that there would be no more levy of fees when moving goods (including fish) from province to province. Although these payments still exist in practice, traders say that the announcements have reduced the amount of payments collected by these officers.

(4)   Migration (in-country and crossborder)

The ease of mobility inside Cambodia as well as Poipet's increasing fame as a place for easy money have led to an increased number of people moving into Poipet. Fish trade is a popular occupation for new settlers. At the same time, more fishers are migrating to work in Thailand, since fishing does not earn much money. This increase in traders and decrease in fishers increases competition among traders. For example, Poipet has always been a town of migrants – in 2013, 13.2 per cent of all households in Poipet had temporary residents (meaning they are recent migrants who have not yet moved their residential registration to Poipet) and in one village, it was up to 43.6 per cent[5]. Migration to Thailand is widespread in the Western part of Cambodia. Respondents reported a huge demand for workers in factories, construction sites, and agricultural and service sectors in Thailand since the last few years. A study by Hak et al. (2001) in Battambang villages showed that 68 per cent of respondents reported that at least one person in their household had ever migrated and around 24 per cent reported that at least one person was currently a migrant in another country (almost all to Thailand).

(5)   New economic opportunities as well as impoverishment in Cambodia

The dynamic fish trade created a class of nouveau rich and some of them subsequently moved out of the fish trade, capturing newly emerging sectors in the economy such as tourism. Some were not able to make ends meet in rural areas, and moved to Poipet to trade fish.

Such socio-economic changes negatively impacted on fish traders. Lower fish availability and fewer fishers have made it more difficult to procure fish. At the same time, the cost of doing trade is going up, and squeezing their margin. Abolishing private fishing lots is supposed to benefit smaller fishers and traders, but in our interviews, the effect was not clear and small traders did not report an increase in the quantity of fish. The free transport of fish across provinces was also supposed to benefit small traders, but few traders reported any actual reduction in such payments. All traders agreed that the trade situation is much worse than it

was in the 1990s, and therefore, traders need to either change their trade methods to stay afloat or change the way they view their trade to be content with what they have. In the following section, we will introduce four traders who have experienced these changes and analyse how their choices and decisions are shaped by various contextual factors and their identity as traders.

The traders

Case 1:   Ms. Sophany

Sophany runs a successful fermented fish export business in Western Cambodia. She has been involved in the fish business since 1983 with her mother, and received training for fish and processed fish business from her. After her marriage in 1990, she established an independent business. Due to fighting in border areas, she concentrated on the domestic market. Her husband was working as a driver for a company, but after the company went bankrupt and he lost his job, he started drinking and stopped earning income. She has single-handedly expanded her business and in 2005, started exporting fresh and fermented fish to Thailand, and eventually became one of the largest exporters exporting over 30 tons of fermented fish in every transaction. In 2007, the Department of Fisheries demanded that exporters of processed fish be registered as a company, and allowed only one company per province. Therefore, she formed a company with eight people. However, this did not work out, and the company fell apart. By 2009, she was doing business alone again.

From the very beginning of her business, her husband was a problem for her.

> When I married him, I thought I married a man with a stable job [and I can depend on his income].
> After he lost his job, he became alcoholic and he does not seem to be interested in getting a job. He has
> once helped bring fish to Poipet, but he drank there [and could not do anything]. When he gets out of
> hand, I pay the police 50-100 dollars to put him in a drug rehabilitation center. I put him there for three
> months, or until he shows remorse. He has been there three times already. He gets injection once a
> month to keep him sober, but once he drinks he is out of control...... I told him that I will give him 5,000
> dollars so that he can look for a new woman. But he said no – 5,000 dollars will be used up in no time.
> It is difficult to be a woman.

The quote shows Sophany's difficult daily life -- having to manage her drunk husband, keep him out of the business, and at the same time secure enough time for herself to run a profitable business. She is independent both in business and in her personal life, but is still

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trying to accommodate her husband in her life. To ensure the continuity of her business, she is now grooming her daughters to take over. She has set up a small salt business alongside her fish business. She plans to pass the reigns of her salt business to her daughter who is to marry a large businessman in the locality. Sophany believes that it is important for her daughter to have an independent business even after marriage, 'since we do not know what will happen in the future'. She has married off another daughter to a son of her Thai customer at the border market.

Case 2:   Ms. Nary

Nary was born in eastern Cambodia, and used to work as a police officer. Her husband worked as a driver in a company. They moved to Poipet in 2000. Her husband's aunt was in Poipet, and many migrants from her native province were involved in the fish trade in Poipet. Fish in the Tonle Sap was abundant, and business was brisk.

> It was easy to sell during those years, since there were few traders and many customers in Thailand.

She partnered with a friend and started trade with 30-40 kg of fish per day. She eventually increased the sales volume to between 100kg and one ton a day. However, she stopped trading in 2003, at the height of her business, because she became pregnant, and as she was 42 years old, she was afraid that delivery would be difficult. She did not return to her business until the baby was 2 years old. Her husband worked as a construction worker during this time. Such discontinuity or difficulty in business because of reproductive activities was also reported by Ms. Sophorn, who said:

> When my child was three months old, I had to go to buy fish at 3 a.m. I had to tie the baby to my chest. My mother-in-law was not living with us at that time, so there was no one who could look after the baby. Now, my mother-in-law is living with us, but she is sick and I have to look after her and the children. So, I cannot go far away from my house. My mother-in-law used to live with her own daughter and looked after her children. When she got old and sick, she wanted to come back to her own village, and that is how we ended up with her.

A similar situation as Ms. Nary was experienced by another trader, Ms. Chanda. Chanda lost her husband by HIV/AIDS and is herself infected, is looking after her aging and sick mother. She used to sell in Cambodian markets, but had conflicts with people who wanted to take her market space, and was forced to move to a Thai market to sell retail. Her daughter got married

but her husband left her and she had to look after the grandchild while her daughter migrated to Thailand to work.

> Nowadays, difficulty in fish trade is that there is no one to help me take care of my mother and children. I have to bring my granddaughter to the market [since my mother is too sick to look after her].

Nary resumed trading fish in 2005 with another friend, but lost money immediately. So she had to quit the fish trade. With only 80 baht in hand, she started petty trade again, while working in a job transporting insects. She gradually recovered her business and by 2012, she was trading 120-200 kg per day. She also rents a stall at the Thai market jointly with two other friends.

She is different from other traders in the sense that she always partners with women friends, while most of the other traders we interviewed preferred to do business alone. Her business suffered because she quit trading at the most important time of the business, because of her reproductive role. Even though she had to interrupt her business because of her reproductive role, she had a very strong sense of being a main breadwinner. She said:

> I never thought it was more difficult for me to work than my husband. If I waited for my husband to find work and just stay at home for my husband to deliver money to me, I would not have enough money to support my family because his work is not regular. I think my husband can help me more by looking after the children and the household. If I did not have him, it would be more difficult for me to be involved in the fish trade. [Playing the breadwinner role] has become a habit.

Case 3:　　　　*Ms. Vathana*

Vathana was born in southeastern Cambodia and grew up near the Vietnamese border. Since her mother was a crossborder trader of vegetables and traditional medicine, she grew up doing business. After marriage, she moved to Poipet in 1990, and started importing salt and raincoats from Thailand to Cambodia. At that time, the area was still a war zone, and she was selling in the Khmer Rouge controlled area; stopping trade when the fighting got severe. She finally settled in Poipet in 1994 and started trading fish. Her husband has been helping her in her business full-time since their marriage, but she managed the business and made all decisions regarding her business. Since 1994, she raised her four children, while also managing the fluctuating fish supply, and supplementing it with the sale of vegetables and fruits. Until the children were two years old, she hired a babysitter to take care of them, and

after that she brought them to the market with her. It was only in 2004 that she was able to stabilise her business with a large regular buyer in Thailand, trading 2-10 tons a day. Since 1990, she has been living in a temporary shack[6]. In 2004, she bought land and built a house in Poipet. However, since land deeds were not properly provided in that area, she had a land conflict with another person. She had to fight for the land all by herself. While she described all these events in her life, there was hardly any mention of her husband or other family members and relatives. When we asked her specifically about her husband, she replied that he helped her all along since 1990. But she struggled to expand her business, buy and fight for her land on her own.

She is a professional trader, and spends more than 12 hours a day in the market. She also invited her relatives to come to trade like her as well, but she says:

> I invited my brother and sister-in-law to come to Poipet to be involved in the fish trade. Both of them came to trade, but neither could succeed and within one year, they quit. While they were doing business, I had to help them all the time, and without my help, they were not able to sell fish. It is difficult to look after other people's business. Business needs to be done by oneself.

She has a serious approach to trade, and unlike many of the small traders who told us that the fish trade is easier since they can buy on credit and can get money everyday, she told us that in order to do business, one "needs to be serious and focused. It is important to have good communication", and considers that her children will not be able to trade like her, because she thinks they are not good enough.

> My children cannot do fish business since they do not have the patience and ability. They do not know how to run a business. To succeed in fish business, one needs to work hard, and my children will not be able to work as hard as they should.

She is so focused on her business, and since 2004, as she could get a relative to come to help her with childcare and household work, she has become more engaged in her business to the extent that she lost track of her children's growth.

> My youngest is a daughter and she is still studying. Grade 5 or 6. I am very busy and do not stay at home often, so do not remember well which grade she is in.

For professional traders, trading is serious and not something that one can do half-heartedly. The competition is very fierce, and they are on their own. Such harsh competition has also been confirmed by other respondents like Ms. Putheany, who said:

> All people who are doing business have competitors and they normally do not get along with each other.

Another trader, Ms. Pisey said further:

> 'Relatives involved in the fish trade always get upset with each other because to trade, we need to have regular suppliers but they always fight with each other over suppliers.'

Vathana needs to devote all her attention to her business and maintain high standards of performance for her business.

Case 4:   Ms. Theary

Theary started her business full time only when the children were grown. Her first daughter was 10 years old and could look after smaller siblings. She was doing small grocery and pork trade in the local market when the children were small. After she gave birth to her youngest (third) child, she started exporting Cambodian fish. She started since 1995, and was then exporting 300 kg a day. She is now a successful export trader, who has two stalls in Thai markets. Unlike other traders, she sells cultured fish from Cambodia in Thai markets. This is a business advantage that she has over other traders, since she is the only trader in the market who specialises in Cambodian cultured fish. She has been doing well in her business, but has had difficulties in her relations with her daughters.

> My eldest daughter was under the spell of black magic. For the second daughter, I wanted her to get married to a man, but she did not agree. She chose her own husband. But I did not like her choice. They are still poor. They are ashamed for going against my opinion and not being able to make a good living, they do not come to live with me either. I was very disappointed about this, and stopped business for one year.

But she had to struggle alone with this, since her husband is not engaged.

> I do not discuss my business with my husband. When I make a loss, I do not tell him. I do not want him to be involved in the business. He is not used to hearing harsh words [because he is a news reporter in a radio station so he is used to sweet sound and voice] that market vendors use. He would be disappointed to hear his wife use such harsh words in the market, so I do not want to have him around.

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Traders' business trajectories and their relations with others

The four cases above show vastly different life trajectories of women border traders. Three of the four traders have been "successful" in business – that is, they have been able to build up a considerable fish export business, and would be considered middle to large-scale traders. The business life trajectories that we investigated in this study allowed us to understand how their particular position in the value chain was a creation of many factors including the macro economic condition, political environment, household economies as well as their social relations with their family members. Sophany, Vathana and Theary started the business much earlier than other traders, and they were able to climb up the value chain fast despite starting as micro-traders. Sophany and Vathana, in this process, developed strong professional identities as traders. They were able to earn enough money to outsource household work including childcare.

Furthermore, they also talk about their children in the context of their business; Sophany married off her daughters to strategic business partners, laying the backbone of her business expansion plans. Vathana wanted to do something similar, but decided that her children are not good enough for business. Both their businesses are completely independent of their husbands. Theary, on the other hand, was more ambivalent about her identity as a trader and as a wife/ mother. While Sophany and Vathana did not talk about their husbands unless asked, Theary's story was all about her daughters and her husband. The difference could be that Theary's husband is a government officer in the public relations department, which gave a certain social status to her family. Her husband's social position might have shaped how Theary sees herself as well as her business. On the other hand, Nary started her business a bit later than the other three. So, when she started, the business was not as lucrative as when the other three women started. Hence, her rise in the value chain was not as fast. When she had a child, she had to quit her business, since she was pregnant at a relatively higher age, and was afraid to lose the baby. Her priority is her role as a mother, and she is, in a sense, not entirely comfortable with playing the role of breadwinner in the household. When we analyse their perspectives towards their businesses, we find several common characteristics.

Firstly, relationship with children, especially with daughters are particularly important for women traders. All the four respondents expressed strong feelings of attachment towards their daughters. Sophany actively groomed her daughters to take over the business. Nary did not actively engage her daughter in business, but she stopped her business when she was pregnant

and did not return till her child was two years old. Vathana was keen to engage her children in business, but her standards of professionalism were too high and her children did not measure up. Theary had serious difficulty in relations with her daughters, which has also affected her business.[7]

Secondly, there is a common absence of husbands in business. This is not the case for all traders, and there are many male traders as well as couples who run businesses together as seen in Table 1. However, in these four cases, the women traders have ensured that their husbands are completely excluded from the business. Sophany had her husband incarcerated in order to concentrate on her business. Theary did not want her husband to be involved in business because she does not want him to hear the rough language she and other merchants use in the market. That is, she wanted to separate her conjugal relationship in which she follows socially expected behaviors (of a good woman) from the behaviors expected of market vendors (aggressive and even verbally abusive). She realises that the behavioral norms of traders are necessary for the business and finds it empowering in one sense, but at the same time, she is aware that it does not fit well with the socially expected behavior of women in Cambodia. Such ambivalence was also seen in Brenner's work (1998) among Indonesian traders[8]. It is important to note that none of these women complained that their husbands are unhappy that they are taking up non-traditional roles/behavior in the household.

Such engagement with children, especially daughters, with little presence of their husbands, reflects the traditional matri-local pattern of inheritance and residence in rural Cambodia, where both land and main house is transferred from mothers to daughters (Ledgerwood 1990; Ebihara 1968). However, traders are not concerned with physical assets. Rather, they are referring to the business as values. For example, Sophany wanted her daughters to learn how to do business as an inheritance of the value/ practices that she cultivated throughout her life. Vathana judged that her children would not be able to succeed without the business values that she upholds. Theary is not concerned only about the business itself, but the whole way of life was something she wanted her daughter to follow, although she was disappointed.

Thirdly, there is little spirit of cooperation among the traders. Some respondents deplored that Thai traders take advantage of the infighting among Cambodian traders. The Fisheries Administration tried to organise traders into groups by encouraging them to form companies. Processed fish traders were told that export license would be provided only to one company per province, so, they were forced to come together[9]. However, none of these efforts seem to

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have worked. IUCN's (2013) study recommended that vendors should form groups to improve visibility, increase negotiation power, and encourage mutual help, which has also been the logic behind the formulation of vendors' associations (see SEWA, etc.). But in reality, it is clear that formal organizations are not popular among women crossborder fish traders.

However, traders like Nary prefer to work closely with friends. Many traders reported that they started their business because their relatives were engaged in the fish trade, or because their friends or neighbours recommended that they do so. They rely on neighbours, relatives or family for childcare. We conclude that although our respondents said that all vendors are their competitors and that there will be problems if they work together, they are rarely all alone in their business endeavors. As Ms. Sophorn reported, a trader with no help would be tied down to her house and unable to go anywhere except to the local market during limited hours. Clearly, women traders who have no help at all in their business and in their household cannot be engaged in the challenging and demanding export trade. Therefore, although traders say they do not want to work with others, they are actually quite dependent on other people, such as other women traders, neighbours, and friends, although not husbands or cooperatives. Since their business is strongly tied with their relationship with their regular customers in Thailand, they have difficulty in working with other traders, who want to prioritise their own regular customers. Therefore, fish traders are not uncooperative as individuals, but the nature of business makes it difficult to cooperate with other traders, while making it imperative to cooperate with others such as child care providers, customers and fishers (suppliers). They are aware of the importance of cooperation and strengthening of social capital to their business. However, the most cherished relationship is the one they share with the Thai buyers, a relationship that is fraught with unequal power relations. Noting this paradox, we suggest that alternatives to traditional organizing be considered.

Concluding discussion

As feminists, we seek to understand the lives of women fish traders holistically, without the bias of misogyny or the male-biased view on business (Dignard and Havet 1995). But by trying to look at it from a gender lens, will we fall into the 'myth' of various gender inequality (Cornwall et al. 2007)? To avoid falling into this myth, we have focused on the 'lived experience of gender relations' (Cornwall 2007a:72) to analyse individual women's lives.

Through exploring the lives of different women traders, we have challenged what Cornwall (2007a:72) called a 'strikingly monolithic' representation of social construction of gender relations. An analysis of women traders through their lived realities allows us to recognise the varying intersectionalities that mark their lives, choices and decisions.

In the definition and practice of gender analysis as found in Connell (2009) and Kabeer (2000), personal relationships are noted to be of upmost importance. The relationships are not only with the husband, but relations with daughters, sons, relatives, neighbours, friends, mothers, etc. Many are one-to-one relationships rather than group dynamics. Relationships with husbands come second to relationships with other women and children. Additionally, the transmission of values to and from people close to traders is an important aspect that needs to be included in gender analysis. This study of women traders' lives shows that while women's lives are varied and that we need to embrace such variety, we also need to look for commonalities to develop better policies and programs to support the diversity of women's lives. However, the starting point of an investigation can offer us a better understanding of a complex situation. We suggest that intersectionality form that starting point of gender analysis. Rather than essentialising women's lives into those surrounding reproductive role and responsibilities, intersectionality allows us to take into consideration various power relations that traders face not only because of their sex, but also because of their class, age, migration status, their position in the community, their friendship, their nationality, their position in the value chain, etc. By starting from women's individual lives, we are able to develop a more nuanced understanding of women's lives and their relations with others. Rather than assuming that their relations with their husbands determine their business and lives or that the best way for small traders to be empowered is by being organised, looking at their business and choices in detail allows us to understand how they perceive, for example, 'mutual help'.

Mutual help is important for small trader women. Women do get a lot of support to start up and run business and help is needed for reproductive activities as well. But we should not blindly group traders together just because they are women traders. Our analysis of intersectionality suggests that each woman trader's experience is different because of her complex environment, position in the market and society, and relationship that she forges with others. So, organizing does not necessarily address woman trader's main concern. Rather than following the myths that all women traders would benefit from organizing and mutual help, for example, just providing a safe space where they can move and do business freely

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while having their children nearby would be quite effective in supporting small women traders. In such spaces, they can keep an eye on each others' business and children, rather than support each other within a rigid framework of a cooperative, savings group, or even a union. Such loose linkages and creation of a supportive environment will benefit some women traders more than trying to organise them into cooperatives or groups with a specific mission. Such details are easy to miss within the framework of a gender analysis, but approaching the issues through the lens of intersectionalities pries out such nuances that impact on their decision-making in a big way.

Our context-based analysis showed that some women have strong identity as traders and some as mothers/ wives, although none of them are very conscious of their position. For all the cases, women traders' husbands were not involved in their trade, but their absence itself reflects the changing gender relations in the household. Not all traders are affected by their reproductive burden, and this depends on the period when they started business, their relations with their husbands and other relatives/ neighbours, their level of income and trade/ business environment. By examining women's contextualised life events, it is possible for us to have better insights into their perspectives, from their identity as professional traders and how such changing identities and perspectives shape gender relations in the household. Intersectional analysis allows us to decenter 'women' as a general category, but through this, we are able to understand better their life perspectives from other angles and their relationships with people around them, and as a result be able to conduct better gender analysis. To quote Harding (2008), we will be able to see the world from the marginalised woman's view point – feminist standpoint epistemology – through intersectional contextualised analysis.

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Notes

[1] World Bank, UNDP, ILO, CIDA's definition of gender analysis does not refer at all to feminism. See http://info.worldbank.org/etools/docs/library/192862/Module2/Module2b.html.

[2] For example, see UNICEF 2011 for how mothers-in-law make decisions about grandchildren's food intake overruling mothers' decisions.

[3] For example, see conflict among women street vendors in Cornwall 2007b, and among credit group members in Goetz and Gupta 1996.

[4] One Thai actress claimed that Angkor Wat used to belong to Thailand, and this infuriated Cambodians leading to riots in Phnom Penh and a ban on airing Thai soap operas on TV.

[5] According to population statistics as of May 2013 obtained from Poipet Municipality.

[6] Popularly called *phtea haal* – flying house – in Khmer. Temporary shacks in squatter areas around the local market. Many of the new migrants to Poipet first live in these "flying houses".

[7] Such mother to daughter transfer of business tradition/ values/ skills was also identified among professional women vendors in Kusakabe (2003).

[8] Brenner (1998) identified how market vendors are depicted as morally loose, reflecting society's fear of empowered women.

[9] Since this did not work, this instruction was not implemented strictly, and now in Battambang, there are at least three companies that export processed fish.

CHAPTER 7

Revisiting Women's Activism – *Adivasi* Women in Odisha, India

Ragnhild Lund and Smita Mishra Panda[1]

Introduction

> My sister pushed me to the mines when I was five years old…. There were many children like me…. Harassment has helped me to become courageous and taught me to face problems.[2] (Tulasi Munda, *adivasi* woman leader and winner of *Padmashree* – the country's highest civilian honour)

Tulasi Munda is a respected leader from Odisha state, India, who has chosen from an early age to fight for justice in her community. She believes that the main solutions to her people's problems are education, balanced governance and people's participation in creating better livelihoods.

A younger woman, Subhasi Nayak, a Sabara *adivasi*[3] (indigenous) leader from Khurda, Odisha state, has learnt to become an activist through the facilitation of a local NGO. With the help of the organisation, she has rallied and fought for the betterment of her family and community. She believes that the only solution to the problems of her community is to gain influence through politicisation and activism. As she stated:

> I joined the Sangha [self-help group] 8 years ago…. [It] was established with the facilitation of CARD [an NGO]…. Increasing violence against women was the main trigger for us to mobilise against alcohol. Husbands and sons were into a lot of drinking and violence at home. We demonstrated, rallied, destroyed breweries and forced liquor traders to close shops.

Due to poverty and physical violence both these women became activists. Today, they are deeply involved in politics, but mobilise action against injustice in distinctly different ways. Whereas Tulasi Munda, senior spokeswoman for education and social betterment for her people, does not openly challenge the authorities by engaging in party politics, Subhasi Nayak, a young and assertive activist, is already deeply involved in party politics and was recently elected the head of a women's federation. Her agenda is to achieve justice by fighting for *adivasi* people's rights and by influencing decision-making bodies.

The above quotes provide a glimpse of the reality that we studied. In this chapter we aim to unravel what *adivasi* women's activism is about in the present-day situation. We analyse *adivasi* women's activism in five districts in Odisha, where their activism is happening in response to the changes around them brought about by aggressive economic restructuring, and to state policies that affect them both individually and as *adivasi* people.

Since the early 1970s, there has been an upsurge in the mobilisation of rural women as participants in various movements in India. Such mobilisations around the country have often been projected as rural women's movements (Kishwar, 2008). *Adivasi* women's movements initially occurred in India against class and gender inequality. Basu (1995) described the movements as women's spontaneous indigenous feminism, whereby women became conscious of their role (and the role of their activism) in improving their lives and those of other members of their households. Nagar's (2000; 2012) research focussed on grass-roots campaigns by rural women and, particularly, how feminist activists strategically use and create social spaces to generate collective dialogue and critical reflection on issues of patriarchy and violence. She highlighted the ways in which grass-roots activists theorise the interrelationships among their own political actions, their visions of empowerment and the everyday gendered spaces they seek to transform. Her work also demonstrated how an engagement with social spaces in grass-roots activism can enable feminist researchers to overcome the conceptual gaps in feminist theorisations of empowerment and violence, and to apprehend more adequately the nature, content and meaning of women's political actions (Nagar, 2012; see also Blunt and Wills, 2000; Castree, 2004; Chairs, 2008; Spivak, 1988; Lund, 2013).

Our reason for studying *adivasis* was that their livelihoods have been severely eroded in the present century, and only in the past decade or so have they made their presence felt. This is particularly true of women who have escaped from the 'culture of silence'. They have begun to assert themselves in matters of justice and rights, but continue to be marginalised and occupy a lower status in society. Assisted by development agencies (especially civil society organisations) rural women have mobilised with the aim of fighting against issues such as alcoholism among men, domestic violence, the declining child sex ratio and the trafficking of women and girls. Particularly, the issue of alcoholism has gained momentum throughout India and has emerged as a strong movement (Lund and Panda, 2011). In the context of our study, Self Help Groups (SHGs) and local NGOs represent women's collective efforts to aspire for better lives. We assume that such collective activities determine both the agenda and the

manner in which activists challenge existing power structures (e.g., gender/patriarchy, authorities, elite) in marginalised spaces.

The introduction to this chapter has briefly explained why we set out to investigate *adivasi* women's activism. The second section presents the analytical approach for our study. By revisiting an 'old' woman issue – women's activism – and formulating a 'new' conceptual lens, we attempt to re-think gender in a context that is facing dramatic cultural, societal and economic changes. We introduce the analytical concepts – *body space* and *spaces of resistance* – which, in our opinion, contribute to unpacking how the lives of women activists, individually and collectively, are intertwined with contextual and structural factors. We also broaden the study of activism from a woman only perspective to a study of gender relations and the changes taking place for both women and men. The third section presents the methodology and study areas, followed by an overview of economic policies and *adivasi* communities in rural Odisha. The following empirical sections reveal some of the challenges and achievements of women activists, both individually and collectively. Their struggle against increasing alcoholism, identity and limiting resources show how their spaces of resistance are imprinted on their bodies and change their relations to men. In the last two sections we address challenges facing activist groups in their efforts to make changes in women's lives before we conclude by reflecting on how we may re-think gender.

Analysing *adivasi* women's resistance in marginalised spaces

The analytical approach of this chapter draws on several feminist ideas about the effects of class and ethnicity on gender, and how women's experiences of oppressive power relate to their sexuality/body and ability to act. First, we relate to studies that show how women have mobilised their collective capacity to question gender, class and ethnic ideologies, and hence engage in political action (Krishna, 2012; Mohanty, 2011; Rius, 2012; Staheli et al., 2004). These studies were decisive for our choice of research topic. Second, we relate to studies that have focussed on how embodied space is where human experience and consciousness take on material, spatial and symbolic form (Low 2013, 9; Fordal, 2012; Harcourt, 2012). In our case, *adivasis* are at the outset poor, marginalized, and threatened. Deprived of their land and resources their bodies are mobilised in acts of resistance; women to the extent that they are facing physical abuse and fighting violence in the home, the local community, and politics, the men turning to passiveness and alcohol abuse. To understand how such gendered forms of

oppression are produced and how people actively resist them we explore the interface situations of embodied space and resistance of indigenous women activists.

In her recent article on 'embodied spaces', Setha Low (2013) investigated a broad range of theories of body and space that are related to people's lived realities, but, at the same time, allow linkages to be made to larger, social and cultural processes. Low defined the body as a physical and biological entity, lived experience and a centre of agency – a location for speaking and acting on the world (ibid.,10). She referred to feminist discourses on body space and, of particular relevance here, the body as situated and colonised (Scott, 1996; see also Hartcourt, 2009), and to Haraway's (1991) thesis that personal and social bodies cannot be seen as natural but only as part of a self-creating process of human labour. 'Her [Haraway 1991] emphasis on *location, a position in a web of social connections, eliminates passivity of the female (and human) body and replaces it with a site of action and of agency*' (ibid., 11, our emphasis). Moreover, in Harcourt's view (2009: 292), the body is a construction of political actions that is formed through, unlike 'bodily experiences of particular bodies' at political sites or places that mediate the lived experiences of social and cultural relationships (ibid., 292). When bodies come together in political acts they perform gender in new ways. As we will see below, in our study areas women have no other choice than to expose their bodies in such acts.

Women's activism is about how women individually and collectively mobilise their agency. Judith Butler's (1993) concept of 'performativity' (how gender and sexual identifications are made), in this regard, is limiting for understanding how women negotiate and mobilise their agency. According to Nelson (1999), many feminists and post-structural scholars have uncritically incorporated Butler's work into their own work on the intersections between gender, sexuality, ethnicity, space and place. Nelson argued that 'performativity ontologically assumes an abstracted subject (i.e., abstracted as a subject position in a given discourse) and thus provides no space for theorising conscious reflexivity, negotiation or agency in the doing of identity' (ibid., 331). Such an approach underestimates the linkages between emerging identities, social change and spatially embedded, intentional human practice. We find that grounded empirical research responds positively to this critique, and creates a way to re-think gendered subjectivities and the ability to act through resistance. By referring to women's spaces of resistance, we capture how *adivasi* activism is a contextual phenomenon, grounded in daily human practices, where the connection between women and men and the wider social structures is at play.

In this chapter, body space and spaces of resistance are used as metaphors for social and cultural transformations, and for challenging/pushing new boundaries, practices and power. Hence, the following analysis draws on the intersections between the body and body politics, which we refer to as *body space*, indicating how women activists occupy and shape their trajectories of change through their own bodies, and combine these trajectories with broader aspects of social change. The concept of *spaces of resistance* illustrates how women activists may use tacit, as well as open, spatial tactics in their struggle, and how they strategise from marginalised positions. While much of the scholarly work on the body is about sexuality, mobility and identity, our focus is on understanding how bodies can be perceived as tools for activism (Pariainen, 2010). *Adivasi* women's activism takes place in the form of women's group mobilisation and activities in the public domain. Such transformations imply a re-territorialisation, where women activists may move from an excluded place (e.g. the private space) to a place of inclusion (e.g. the public space).

Methodology and study areas

We used a qualitative methodology to understand how *adivasi* women activists articulate and attempt to change their position and situation in their communities, we used qualitative methodology. Our methods included participatory/collaborative workshops, discussions with NGO representatives and in-depth interviews. We also consulted secondary sources of information, such as published and unpublished reports, films and documentaries.

We were interested in exploring women's collective activism in a society where they have been oppressed and have suffered from a lack of basic human rights. *Adivasi* women's activism is found in various parts of the state. We selected cases from five districts, keeping in mind the nature of the activism – against alcoholism, for sustainable livelihoods, for rights to assert natural resources, against mining and industrialisation, and against the state for its present politics (Government of Odisha, 2011) towards the *adivasi* communities (in general) and *adivasi* women (in particular). Table 1 presents the districts, *adivasi* groups, and issues focussed on in the activism of adivasi women.

The districts identified for the study were Khurda, Nayagarh, Gajapati, Kalahandi and Rayagada districts of Odisha state. We focussed on specific villages in each district. In Khurda district, we studied the Sabara community inhabiting Begunia block. In Nayagarh

district, we studied a Kutia Kondh community located in a wildlife sanctuary. Both the Sabara and Kondh communities were completely Hinduised. In Gajapati, we studied the Saora group of R. Udaigiri block, who were also mostly Hinduised. In Kalahandi district, we focussed on the Kondh group, inhabiting a protected area in the forests. In Rayagada district, we studied the Paroja and Kondh *adivasi*s, inhabiting Kashipur block. Except for the Sabaras, in Khurda district, the *adivasi*s of all other areas were dependent on forest gathering and shifting cultivation. They were also engaged in settled cultivation (small scale).

Four participatory workshops were conducted: the first was on identifying problems of *adivasi* people, and was held together with civil society leaders working with the *adivasi* communities and *adivasi* women leaders from the chosen districts. During a full-day meeting with group discussions, there were plenary presentations and discussions about our study and what were considered relevant research criteria. The experience gained from this workshop guided subsequent interviews. The other workshops took place in the study villages, and, during discussions with women activist groups, we gained more in-depth knowledge about the nature of their action and challenges. The workshops were followed up by selected in-depth interviews of activist group members. They also provided us with the opportunity to listen to the NGO leaders. These leaders were also interviewed separately. Men were interviewed in all cases, some in groups after the workshops and some individually. Some were present during the participatory workshops (as they had accompanied their wives), but did not participate actively in the discussions. Names are not anonymous in this chapter. Informed consent was obtained from the research participants.

Table 1: Districts (study area) and *adivasi* women's activism

S. No	District	*Adivasi* group	Block/gram *panchayat*	Issues of focus
1	Khurda	Sabara	Begunia block	Alcohol sale and alcoholism among men, domestic violence, adivasi identity
2	Nayagarh	Kondh	Baisipalli GP in 33 sanctuary area villages	Alcoholism among men, access to basic services and livelihoods
3	Gajapati	Saora	G. Udaigiri block	Alcoholism among men and women's participation in local governance (the *panchayat* system)
4	Kalahandi	Kutia Kondh	Karlapat Sanctuary area in 19 villages of three GPs	Forest Rights Act (FRA) – individual and community rights over forest land
5	Rayagada	Jhodia	Kashipur block	Mining and industrialisation,

		Paroja		adivasi identity
		Kondh		

Economic policies and *adivasi* communities in rural Odisha

Odisha state in East-India is home to 62 *adivasi* communities, which are concentrated mostly in the southern and northern parts of the state (Figure 1). They comprise approximately 23 per cent of the total population of the state (Government of India, 2011). At one extreme, there are *adivasi*s who are relatively isolated in remote hill regions, with their core culture intact due to relatively little contact with the majority Hindu population. At the other extreme, there are *adivasi*s who have either become Hinduised or Sanskritised by adopting caste traditions, or have converted to Christianity and become indistinguishable from non-*adivasi*s of the state. Such a situation has often led to a loss of *adivasi* identity, and these groups have consequently been confused with members of Hindu castes (SCSTRTI, 2004). However, most *adivasi*s have a distinct cultural identity that is expressed through their social organisation, language, dress, ornaments, rituals, festivals, housing, art and crafts. With the exception of some large *adivasi* groups, such as the Santhals, Gonds, Saora and Khonds, most live in concentrated groups and are therefore often referred to as 'sons of the soil' or an autochthonous population (Ota and Mohanty, 2010). Economic impoverishment and political marginalisation are often related to *adivasis* in Odisha. According to Haan and Dubey (2004) estimates for 1999-2000 shows that 73 per cent of the *adivasi* population in the state lives below poverty levels.. Similarly, their representation in local governments of Odisha and the state legislative assemblies is negligible.

Odisha is rich in mineral resources and forests, and has become attractive to industrial companies, especially those investing in mining. The state is experiencing a growth rate of 9.57 per cent (Government of Odisha, 2011), whereas the national average is 7.79 per cent. The government of Odisha has repeatedly declared that, through capitalist interventions (particularly extraction-based industrialisation), development of the people is possible in a 'backward state'. However, the reality is that, although there are somewhat high rates of growth, these do not translate into development for the rural/*adivasi* communities, whose livelihoods are destroyed due to such a market basedapproach to development (Haan and Dubey, 2004; Padel, 2010). The current form of development has led to rapid socio-economic changes that have been detrimental to the *adivasi*s, such as displacements, human trafficking, increasing domestic violence and alcoholism.

Marginalised spaces of resistance

Adivasi women activists in the study areas have gained strength and visibility. Some examples of their successes involve the restriction of illicit liquor sales in their area, stalling of the process of extraction-based industrialization, resolving conflicts at the village level, controlling of the level of domestic violence, which results in newly-instilled confidence in women to interact with the police and district administration and newfound respect from local political leaders and non-*adivasi* villagers.

Activism among *adivasi* women typically begins with the formation of a self help group (SHG), named a *Sangha* (women's federation), where issues other than livelihoods are raised after membership and regularity in collection of money have been achieved. Activism starts with comparatively simple issues (savings and credit), and, as the groups gain strength, complicated social issues affecting the lives of *adivasi* women are dealt with. With the support of an NGO/civil society organisation, *adivasi* women are able to chart out their course of activism. Initially, facilitation by the NGO is required, but we were informed that, in most cases, after three or four years, the groups undertake action independently. In Khurda district, for example, some major changes have taken place due to the *adivasi* womens' sustained activism. Initially, they formed a *Sangha* in 2001, assisted by a local NGO that was funded by an international organisation which had gained experience in gender-sensitive planning through external support. The NGO leader is highly respected and has considerable influence on the *adivasi*s, but the *Sangha* has been responsible for its own savings, rallying and campaigning. Since the start of the group, its achievements have included a successful anti-liquor campaign and a new system to provide assistance for people who have attended courts in divorce cases. Settlement of land disputes, provision of *adivasi* certificates and institutional credit for different programmes have been serious issues of concern, and the group has approached various government departments for help. The group also obtained permission to lease land for a cashew nut farm, and have formulated new plans for housing, water pipes and other development programmes. The popularity of the women's group is such that, today, non-*adivasi*s come to them for advice on settling disputes at the village level. Their leader, Jayanti Nayak, stood for *panchayat* elections (local level administration) and won her seat in 2012 as *Sarpanch* (*panchayat* chief).

The *adivasi* women activists in Nayagarh district formed a *Sangha* with the assistance of a local NGO. Initially, they were very attentive to what they were learning from the NGO, and

they now claim that they are in a position to be active without external support. Their economic situation and savings have improved as members of the group have come together to produce handicrafts for sale. Additionally, they have managed to arrange for male and female youths to be educated and to participate in the *Sangha*. According to members of the group, however, any further achievements will depend on more respect from husbands and male authority members, and on environmental protection regulations and local authorities. Furthermore, they express the need for support from the external donor in order to negotiate with authorities (the district, block, banks and police), as their husbands and male family members do not help them in this regard. One very disillusioned woman said: 'I am now doing everything. My husband is drunk all the time and it is easy for him to let me do everything now.' Most of the other women we talked to shared the same experiences and sense of disillusionment. In such situations, it is impossible for the SHG to scale up its activities and their activism become stunted.

In Kashipur (Rayagada district), *adivasi* women fight against the threat of forced displacements. The root of the conflict is the Utkal Alumina International Limited (UAIL), which is a collaboration of national and international companies. The company is there to exploit the rich bauxite resources of the region from the Baphli Mali Plateau. As Sumani (an *adivasi* woman leader) said:

> The natural resources – our lands, hills, forests and springs give us our livelihoods. We also have our sacred groves (Gods) there in the forests. If our forests and land are gone, we will have nowhere to go as the money is of not much use for us. We have learnt to cultivate our lands and collect from our forests. What will we do with the money given to us?…. We are still not clear what the UAIL company will do for us and there is no one to tell us about that…. The government is least concerned about us and is supporting the corporate companies to displace us from our habitats…. But we will keep fighting till the end.

The other major issue is the long-drawn fight for *adivasi* identity. Sumani's community is the Jhodia Paroja population spread over 85 villages and concentrated in Kashipur block. She is engaged in demanding *adivasi* status for her people since 2002. The Jhodias had enjoyed their *adivasi* status till the late nineties after which they have been categorized as Other Backward Castes (OBC) by the government.[4] The Jhodia *adivasis* allege that it is a planned conspiracy by the state to favour corporate houses to acquire land for industries. However, the Rayagada the district administration is of the view that the Jhodias deserve the *adivasi* status (discussion with government officials 2009-2010). As a mark of protest the Jhodia Parojas boycotted the

2009 election and the 2011 Census, where they refused to be enumerated and included as OBCs. The struggle is on and women seem to be raising the issue at all forums. These examples illustrate the spirit that underscores the protests by *adivasi* women, including those in the other study areas. Their main concern is with privatization and market-based "company culture" coming into their areas, which would cause them to not only lose their livelihoods, but also their freedom, safety and identity hence affecting their body spaces, which are increasingly becoming restricted and 'colonised' (Scott, 1996).

When we talked to the women leaders whom we referred to in the introduction, we found that their strategies are diverse, depending on their personality, ethnicity, age and location. Tulasi Munda, a senior activist leader who fought the hard way to gain her position, believes in attitudinal change:

> I used to provide training to the poor people with an objective to ensure their livelihood. The exploitation is going on because we have no proper means of governance. Power should be given to *Gramsabha* [meeting of all adults of a village]. For village development, villagers should be given the power to plan and decide for themselves…. [However,] I don't want to enter into politics, because there is a lot of corruption. I have been offered *Rajya Sabha* [Upper House of the Parliament] membership, but refused …futures are in the hands of people. If people understand that the money is ours then they will not allow bad things to happen.

Subhasi Nayak, the younger, assertive leader who aspired to become *Sarpanch* said:

> We have created a grain bank, a cashew plantation, and negotiated peace with Oriya neighbors … we have created peace and harmony, food to eat and clothes to wear, and assets for ourselves like jewellery. With household peace, we could also ensure peace at the community level. Now, the Oriya caste people of the village contact us to solve their disputes. This has added credibility to our group. Earlier, we were considered untouchables…. We are now confident of engaging with the district administration policy and block office, for different kinds of work. [The local NGO] and local branch of the Communist Party support us a lot. Most important now is to get certificates of our *adivasi* status as Sabaras. We are classified as OBC [non-*adivasi*s], which prevents us from improving our status.[5]

Like the Jodhias, the fight to re-instate *adivasi* status shows that, despite the Hinduisation of the Sabaras, their leader has become aware that their *adivasi* status is better than that of low-caste persons, due to certain constitutional privileges enjoyed by the *adivasi*s. Such activism among the Sabara women has made people in their community question existing authority structures.

Another positive outcome of Sabara women's activism in Khurda is that younger generation women (both unmarried and married) are being encouraged by their mothers and mothers-in-law to participate in activism relating to alcoholism, domestic violence or identity. The older women provide support by taking care of the daily household chores, so that younger women are free to engage in activism hence the struggle is passed on from one generation to the next.

The situation in Nayagarh district, which is located within a wildlife sanctuary, is that men and women cannot move freely and do not receive services that they would otherwise be entitled to, such as piped water, schools, medical services, electricity and roads. The environmental protection of the area does not take into consideration the fact that *adivasi*s of 33 villages have been living there for centuries and have nowhere else to go, and hence cannot access services elsewhere. People also face restrictions on their access to and use of minor natural forest products. Here, too, women have established *Sanghas* and fight against alcoholism among men and associated domestic violence, albeit we found with limited success.

In Gajapati district, on the other hand, *adivasi* women have found space in the *panchayati raj* system (local governance), which has boosted their confidence as responsible public citizens. Despite the mandate of exerting their power and decision-making as *Panchayati Raj* Institution (PRI) members, they face resistance from men in the public domain. With the support of the Institute of Women's Development (an NGO), *adivasi* women in G. Udaigiri block have been able to take on issues relating to alcoholism (such as an increase in sales and consumption by men) and other administrative issues (including the selection of below poverty line people at the village level, smooth operation of the public distribution system and plans for development projects for the village) for the functioning of the *panchayat*. One male villager said that, before the PRI membership, women were invisible: 'Women contribute effectively to the political process through local governance [*panchayat*], but they remained invisible for a long time'.

The activism described above shows how body spaces and spaces of resistance are intertwined. Activism generally starts with issues affecting women's individual body space, which impacts on how resistances are created collectively, and as will be shown below, change gender relations. Simultaneously, in most cases, women's activism relies on support from external organisations. It seems that men have taken a back seat and allowed their

women to become more visible and active in the public domain, as they are less forthcoming in view of the nature of the activism of the *adivasi* women.

Body spaces of *adivasi* women and men

Alcohol abuse and changing gender relations

Our first field visits were to two villages in Khurda district, where we talked to one group that we found extremely active and strategic in their fights against increased sales of alcohol. In recent years, non-*adivasi*s from outside have set up (un-licensed) liquor stores in the villages, which have led to increased alcoholism among men, both young and old. It is mostly low quality country liquor that local people can afford. A negative side effect of this consumption has been increased domestic violence towards women. In the past month or so, *adivasi* women have engaged in targeted rallies in seven villages around Girigiria, where they have checked the illicit brewing and sale of liquor (country liquor is considered illegal) that has increased in the area over the last five years. Around 100 women belonging to three *panchayats* of Begunia block have moved around in seven auto-rickshaws to catch the culprits. They have collected fines to the tune of Rs 19,000 (1 USD is 64 Indian Rupees) so far. The culprits have paid up, in fear of getting arrested by the police. The money collected has been used by the *adivasi* women for auto-rickshaw fares and other logistical support.

A major difference noted in our study was the distinction between *adivasi* women's positions in formal and informal structures. In informal structures, such as the SHG (*Sangha*) groups, we found women to be stronger in activism protesting against the government for not checking the growth of un-licensed liquor vendors and the illegal sale of alcohol in the villages. The insights gained from the five study areas indicate that one of the strong starting points of *adivasi* women's activism are the Self Help Groups established by local NGOs. In none of the cases were men's groups found to be readily available. Secondly, NGOs have found it convenient to work with women's groups to further their interests and support local activism. It was observed that, in many ways, men find themselves out of the decision-making process with respect to fighting against the trade of alcohol, increased alcoholism among men, or the management of natural resources. Such differences between men and women in activism shows body spaces intersect with spaces of resistance which are gendered. However, the same SHG women leaders, when elected to the *panchayat* as formal leaders, have not

been active, and seem to have been co-opted by the system where they feel that their hands are tied. The *Sarpanch* (elected head) of the Pichukuli *panchayat*,[6] Jayanti Nayak, Block Chairperson Pramila Nayak and Ward Member Nyasa Nayak are all *adivasi* women from the village of Girigiria. The *adivasi* women's groups of Girigiria village have been successful at networking with the (male) *Sarpanch* of a neighbouring *panchayat* (Sanapadar) and the Bazaar Committee of Pichukuli (association of traders), and have obtained their support. From Girigiria village, Subhasi Nayak (*Sangha* leader) is the most active and is spearheading the movement through targeted rallies. These rallies are more like a raid, through which the women clamp down on culprits – usually alcohol brewers and sellers in different villages. They refer to the culprits as *Assamee* (fugitive)(xxxx)and fine them.

Said Subhasi, secretary of the women's federation:

> The *sarpanch* and chairperson of the block after occupying their positions are not cooperating with the *Sangha* women who play a pro-active role against alcohol sale. They do not want to come with us to rallies as they feel that they will lose face in the community.

This implies that in spite of the fact that women are successfully networking with males like the Sarpanch mentioned above, generally in formal political structures they are unable to raise issues like increasing sale of illicit liquor and domestic violence against women. Thus, even in situations of formal power women do not effectively exercise their power, indicating control of their body space.This was confirmed by Pramila (strong *Sangha* leader elected as ward member to the *panchayat*): 'I cannot go to the rally organized by *Sangha* women against liquor sale, as we are now in responsible positions and it is very odd for me to go in the rallies', implying that she could not challenge the authority structure that she was part of. The local panchayat is dominated by men, especially the panchayat secretary and the block level male authorities (Hindu Castes) who always push their agenda. Besides, *adivasi* women's representation in the PRIs is not taken seriously by men from Hindu castes who hold formal responsible positions in the system. Hence, there is a divide between the *Sangha* members and the PRI women. This disconnect has led to problems at the village level, but the *Sangha* women do not want to aggravate the problem, as their major aim is to reduce the sale of alcohol (both licensed and illicit) in the village. The *Sangha* women thus seem more vocal than the PRI women. They have been able to network with a number of stakeholders – the police, the district administration, the bazaar committee, the political party (CPI) and legal bodies. They have also been successful in shaming drunken men in public by tying drunken men to a pole in the middle of the village and prohibited them from entering their own homes.

This practice was discontinued after the men had asked for forgiveness and stopped their excesses. Revising our notion of body space to include men, we find that men should not necessarily be seen as gaining since they have also become marginalized for a lack of economic opportunities.

Many men are not happy with the activism of their women, especially with respect to the hindering of alcohol sales in the village. Most men initially objected to their women staying out of the home for long hours. However, when they saw results in the form of the closing down of alcohol shops and the readiness of the district administration to support women in their endeavors, a few men started to support their women. This support was not primarily about alcohol sale, but it was also about obtaining leases on lands for cashew plantations, fighting for *adivasi* certificates and improving the government delivery of services such as public distribution systems (which would bring in subsidised food grains). As Guna Nayak (a villager in Girigiria) suggested:

> I am proud of my wife, as she has been able to do so much despite so many odds in the village. I cannot do the same. I stay at home because I am unable to get work throughtout the year. But she is busy all year round with wage work as well as activism along with the women's group. I used to drink a lot but now I do only in some occasions.

Most households are sustained by the earnings of female immigrants, whose labour is in demand for seasonal agriculture work or stone crushing. The changes in income providers have led to changing gender relations, as husbands are compelled to stay at home and look after children and the elderly. On the other hand, these changes have made gender relations more conflict-ridden and harmful to both men and women's bodies. As Kundana (a village woman) said:

> Men began a strong campaign against women by branding us as witches engaged in black magic and harming innocent villagers. But this did not deter us from continuing with our fight. When some men attacked women and threw away the wheat meant for children in the village day care centre managed by women, around ten women came together and beat up the men.

Such violent resistances show not only a high level of gendered conflict but also emerging women power in the villages. Based on these examples, it appears that women's activism has an impact on men's behaviour, indicating dynamic gender relations. Yet for some men women's activism seems to add to their frustrations about being unemployed or redundant in the new market economy, leading to increased consumption of alchohol and affecting women's body spaces negatively, primarily through domestic violence. At another level, there

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is a disconnect between the formal political representation of being a *sarpanch* and of working in a SHG, an informal space of resistance. This delimits the effectiveness of women's spaces of resistance.

Fighting for livelihoods and resources

Adivasi women's activism in the Kalahandi district in the Karlapat Wildlife Sanctuary is focussed on asserting rights to forest land through the Forest Rights Act (FRA) of 2006, which came into force in January 2008. Vasundhara, an NGO working primarily on natural resources and the livelihoods of rural communities, intervened to develop awareness about the FRA and to facilitate claims for both individual and community land titles. They started their work in 2010 by forming a Forest Rights Committee of which 50% were women, and were able from the start to mobilise both women and men of the Kutia Kondh community. However, it is women who took much more interest than men in claiming their rights to the forest. Sujata (a female NGO staff member) said:

> Women came forward in large numbers and seemed more concerned because they spend a lot
> of time in forest collection for their daily needs (flowers, fruits, small timber and grass) and are
> closely associated with the changes that occur in the forests. Men seem to go to the forest only
> when there is a need to cut big timber or some logs.

There were several small achievements that emboldened the *adivasi*s (in general) and women (in particular) of Karlapat to take on issues of rights with the administration. One such case was that some men were falsely implicated by the Forest Department for felling big trees. The police arrested five to six men and took them in a vehicle to the police station. About 20 women blocked the road with big stones and stood there with *lathi*s (big sticks) in their hands. They did not allow the movement of police vehicle with the arrested persons. Some recounted how the police had barked at them: '*Gundagiri* [being aggressive and rowdy] is going on here. What is this? We will arrest you as well.' One *adivasi* woman retorted: 'We have not shown *gundagiri* yet. We will not allow you to leave this place…. If you want to leave this place alive, let our men go.' The police were forced to free the arrested *adivasi* men. This case also shows how *adivasi* women were empowered enough to deal with the district administration – the collector, the block development officer (BDO), the *tahsildar* (land revenue official) and the police. Prior to the FRA, women felt like thieves in their own forests, as the forests were classified as protected areas. They had to bribe the forest rangers in order

to take small items from the forest. Women also shared how some of them had been molested by forest guards when they went to collect some non-timber forest produce. These are examples of oppressive politics and show that inferior, marginalised bodies are easily subject to epistemic violence.[7]

In the Tentulipadar and Jakam villages of Karlapat, people raised the issue of community rights over forests. Individual claims were encouraged by the government, whereas community claims were stalled in all cases. When the forester came and marked the area for mapping, people did not want individual rights but community rights, which meant rights over all the forest lands to which they had access as a community. The area under dispute was around 60 km in radius – within which the *adivasi* groups would collect fruits, flowers, honey, small animals, small timber, firewood, mud and big timber, and control access to a sacred grove. The Forest Department (FD) was reluctant to give community rights. Five villages were involved in the discussion on community rights and claims. There were about 80 women and 20 men in the meeting. Following this meeting, the *adivasi* women went around with the Revenue Inspector (RI) and forester to demarcate the community forests. The officials did not agree to the area that was demarcated and demanded by the women. However, the women were adamant and would not accept any less land. The struggle still continues and the women refuse to accept individual rights until community rights are settled by the FD. The reason women want community rights prior to individual rights is because women go for forest collection in groups, which is part of their daily routine. Sandhe Dei (an *adivasi* woman leader) said:

> We have made the [RI] and forest ranger to go around with us to demarcate the community lands, but they got tired after walking some distance. We were determined to show them the entire area, but they refused on some pretext and asked us to settle for less area to which we vehemently refused. The matter is still not settled but we are all united and not giving up till then.[8]

Sujata, an NGO worker, added further:

> Initially in 2008, when Vasundhara started to work with the *adivasis* in Karlapat, men were very keen to participate and would not allow women to come forward. However, when women started to take interest in FRA matters and were successful in getting things done, men started to take a back seat. Women's groups emerged as a strong force and made a name for themselves in achieving positive impact that benefitted their communities. Men also appreciated their efforts.

Sujata was also of the opinion that 'some men fight with their women especially if the meetings continue for long hours outside the villages. But if the meetings are inside the village, they face no problems. Of late some men have begun accompanying their women to meetings.' This again brings out the complexity of women's activism and underscores the fact that body space is entangled with spaces of resistance.

Rayagada district in South Odisha is an *adivasi*-dominated area, where Agragamee, a well-regarded NGO, has been working for the past three decades with a rights-based approach to *adivasi* people's empowerment. Kucheipadar and its surrounding villages in the district have been the seat of many conflicts between the local communities (Jhodia Paroja and Kondh *adivasi* groups) and the administration. UAIL (already mentioned) is planning to set up a bauxite extraction plant in the area. It has received all necessary clearances for starting its activity (open cast mining and bauxite processing), however the stand taken by the local *adivasi* communities has made the company unable to start its operations. People are aware that, with the extraction of bauxite, they will be displaced and their natural habitat will be completely destroyed, leaving them with no livelihood base. Despite several petitions to the government to halt the mining process, there has been no clear response about the fate of the local communities. The local *adivasis* have decided to protest and, more than ten years ago, started a resistance movement that has prevented much of the mining work, stopped entry of company vehicles into the area and expressed the community's dissent through rallies (Das, 2010).

Although the movement was started by both women and men, it is the *adivasi* women who have spearheaded a lot of the action against the state. They have been much more articulate about the changes that mining will entail and have refused to be co-opted by the company. Said Sumani (*adivasi* leader): 'Some men have accepted money and jobs offered by the company, but women are unanimous in their refusal to give in to such pressures and attractions'. Vidhya (NGO leader) said: '*Adivasi* women are silent, but not dumb. They are not ignorant and unaware of the injustices done to them and their children for generations. They have finally broken out of their passivity to assert their rights'. There have been several confrontations between the state police and the *adivasi*s, in which women and children have been pushed and beaten with *lathi*s (batons). In 2000, the police fired upon the *adivasi*s in the Maikanch village of Kashipur, killing three protesters and seriously injuring 30 women and men. When the firing happened, women were at the forefront and confronted the police. The women were first beaten and knocked down, after which the police fired at the men.

To summarise this section, we found that women activists fiercely fight against the increasing alcohol abuse and the loss of livelihoods and resources. In Khurda district, *adivasi* women's activism is against alcoholism and domestic violence, and also for *adivasi* certificate; in Nayagarth district, the emphasis is on the struggle for livelihoods and against patriarchy; in Gajapati, activism is to obtain good governance (PRI) and justice; in Kalahandi district, Kutia Kondh women struggle for community forest rights and livelihoods under the Forest Right Act of the state; in Rayagada district, the *adivasi* women's protest is against mineral extraction and industrialisation. The Jhodia adivasi group is also fighting for their lost official identity, requesting *adivasi* certificate. In all cases, we found evidence that cultural and ideological settings construct varied understandings of the female activist's body, which situate 'the body … as a political site or place that mediates the lived experiences of social and cultural relationships' (Hartcourt, 2009: 292). Through such a perspective, women's bodies can be perceived as tools of activism (Pariainen, 2010).

Re-thinking activism

Our study provides insights into the ways in which activism is gendered. In the empirical parts of this chapter we documented how women activists occupy and shape their trajectories of change through their own bodies, and described how they combine these trajectories with broader aspects of social change. As Harcourt and Escobar (2002: 8) stated, women's bodies are the first place where they engage in a political struggle, and the body is also the site of struggles over identity, forms of oppression, suffering and joy. With changes – such as urbanization and industrialisation – women have become visible and active, especially with the facilitation of NGOs. *Adivasi* women's activism has led to changes that have been accepted by the community as successful. However, despite the activism that we see among *adivasi* women, the situation that confronts them on a daily basis is also complicated. While some issues are resolved to some extent, others need equal attention. Consumption of alcohol is traditionally common in the *adivasi* community, but alcohol supply is changing to accommodate illicit liquor sold by outsiders in the area. Men spend a lot of money on drinks, and tend to get drunk and create problems at the household level. Hence, men and women's bodies are differently affected by these issues. Nevertheless, with their activism, *adivasi* women have been able to successfully reduce the sale, as well as the consumption, of illicit

liquor among men. This success has had a widespread impact, whereby *adivasi* women are now hailed as strong leaders capable of bringing about positive changes.

Our cases show that power shifts can happen, but within limited spaces. In the Gajapati district, *adivasi* women have been able to express themselves through the *panchayat raj* system (local government), challenging male dominance in the system; whereas in Kalahandi district, *adivasi* women's newfound space for activism through forest rights has come as a boon. The rights provided by the state to the *adivasis* have benefitted women, in that they may claim community rights over forests, which are traditionally female domains. Lastly, in the Kashipur village of Rayagada district, strong women groups have emerged in response to the state's continuing imposition of extraction-based industrialisation policies. Such findings fit with those of other researchers, such as Nagar (2000, 2012), Staheli et al. (2004), Cornwall (2004), Nagar and Writers (2006), Rai (2008), Padel (2010) and Harcourt (2012).

Adivasi women's presence in the public domain through protests and demands relating to their livelihoods, rights, culture, identity and safety (etc.) is new in Odisha. The insights and knowledge that we were able to obtain from studying *adivasi* women's activism reflect the transformatory power of their activism.While, traditionally, *adivasi* women are known to keep to themselves, working silently in agricultural groups or forest gatherings, it is only during the past decade that they have become active in the public domain, 'breaking the culture of silence'. This has happened because women, who had been found in the village most of the time, could be organised by the NGOs. Slowly, women came to the forefront of struggles and men took a back seat, though not an altogether invisible one. Women were eager to participate and to come forward, despite conflicts at the household levels. Institutional support, first and foremost by NGOs, became a key factor of success, and, subsequently, the groups became strong and gained acceptance from the village community (i.e., from non-*adivasi*s, husbands and politicians). Over a period of time, with women's activism leading to positive results – there was change in men's attitudes and gender relations. Men, however, tended to take a lesser role and allow women more space for their activism. This is clearly visible where women have emerged as strong leaders with sustained activism and positive achievements. In the cases that we have examined, Karlapat in Kalahandi (in the struggle for forest rights), Khurda (in the fight against increasing alcoholism) and Kashipur (in the fight against mining), we found changes in gender relations, whereby men changed from barriers to supports. In regard to the other cases, we can say that women's activism is still evolving. The exception is Nayagarh women's activism which has reached an impasse, as males and local authorities

hinder further development of women's activities. This situation indicates epistemological violence (Spivak, 1988), and shows how activism and gendered practices intersect with other factors of exclusion (such as caste, class and ethnicity) in people's lives that have implications for their bodies and (body) politics, in this context leading to shrinkage of body space.

By unravelling activism from below (Harding 2008), we found that group formation and mobilisation take place in different interdependent stages, from self-help group formation to a consolidation stage where scaling up and networking take place and women gain a strong political voice. In the formative stages, SHGs' involvements with NGOs contribute to improving activists' capacity to act, but their ability to empower is limited, as their social spaces are restricted and there is a need to go beyond SHG formation alone. During our fieldwork, we learnt about women's groups that are very effective at mobilising for change, while, in other cases, women's groups have come to a standstill in this regard, particularly because of a lack of voice or political representation. In both cases, the NGOs are active in the study areas and have played different roles in fuelling activism and its consequences. Hence, there is a continuum of collective mobilisation/activism, and also a need to build bridges between knowledge about the lives of *adivasi* women, their leaders and practitioners**.** In order to do so, women's public work has to reach out to many more participants to become more effective.

At a more general level, this study concurs with the work of other scholars who have documented how women have been losing due to industrialisation and other capitalist development policies (Cornwall, 2004; Harcourt and Escobar, 2002; Sassen, 2000; Staheli et al., 2004; Visvanathan et al., 2011). Furthermore, even though women's spaces of resistance have been effective, their achievements continue to be negatively affected by national development policies and practices. In this sense, their bodies have been 'colonised' (Lowe 2013). In our study areas, *adivasi* women's activism was found to be structurally positioned in present-day society and thus faced with various forms of exclusions. By linking the effectiveness of activism to experiences of body space, we understood better how achievements and marginalisations take place at individual and collective levels. For example, women's activism takes place in a domain in which they must fight against limited access to resources and their gender concerns are often silenced. Nevertheless, they are making significant changes. This finding corresponds with the work of Krishna (2012) on how women manage to reclaim resources in marginalised situations

Two major challenges remain for activist groups aiming to impact on *adivasi* women's lives in Odisha: First, most SHGs have contributed to make women visible in public and political spaces. However, most groups are unable to scale up their activism due to patriarchal norms, social and political divides and location. Second, the body spaces of the activists – both leaders and grass-roots members – are caught in a complex web of the politics of the Indian state, Hindu culture and patriarchy. Their body spaces are invaded by these processes, hence are 'colonised'. Unfortunately, we find that the voices of the *adivasi*s in general are still marginalised and suppressed, despite their activism and the assistance given by local NGOs. *Adivasi* women themselves, however, are of the opinion that they have made a mark in public space and have brought about changes for improving their lives.

Contributions to re-thinking gender

Our attempt in this chapter to revisit women's activism was achieved through an analytical approach that is grounded in the individual human being and lived realities, while, at the same time, contextual and sensitive to gender relations. By revisiting an 'old' woman issue – women's activism – and formulating and looking at gender relations, we were able to re-think gender in a context that is facing dramatic cultural, societal and economic changes. This approach enabled us to re-think gender in three salient ways:

First, we used a new conceptual lens, which includes the body space of women and men. This enabled us to learn about how men and women's roles and relations are changing, both within and across public and private spaces and how women mobilise their bodies in struggles for social improvements. Likewise, the spaces of resistance metaphor provided insights into gendered processes of exclusion. Unravelling both the voices of men and women brought new knowledge about what constitutes activism on the ground and whether this activism is effective. We found that it is still essential to learn about how women gain a political voice, but without knowing about the voices of men we cannot understand the significance of gender in the resulting processes of creating positive social change. Gender must also be understood with respect to marginalisation by other processes of oppression, such as ethnicity, class, location and development policies.

|Second, we found that activism changed gender relations in positive and negative ways, indicating that gender relations are contextually defined, fluid and in constant change. In this

study, change in gender relations was seen in terms of men not only supporting their women in the public domain, but also at home through sharing household tasks. We also found that women have become stronger than men in public spaces, and male's frustration over this is expressed in increasing alcoholism. Simultaneously, *adivasi* women's resistances were well accepted by NGOs and communities. Once women succeeded in achieving a particular goal, they were strongly identified with the issue, while men were often sidelined. Also, after critically examining political leadership by women, we realised that it comes with flaws: Although political leadership is a key gender goal, female leaders do not necessarily support women's struggles in the *Sangha*. Since these political leaders are afraid of being sidelined, this suggest that relations between women are also shaped by greater gender power relations.

Third, we found that activism has changed attitudes and awareness. Our focus on women and men added new insights about how activism changes people. While gender studies tend to see men as barriers, our study shows that this can be the case, but that men can also support women, or be changed by them. Gender research which better captures such conflicting influences to understand women's activism and its potential to effect positive change, as we realise that women are strong when they mobilise collectively, while they are struggling when they are alone in private space. In this sense we can talk about a collective body space that has transformative power. Men, however, seem unable to mobilise collectively on issues that are affecting the private space. Even if we acknowledge that gender is a dynamic force, processes of exclusion take place at both individual and collective levels.

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Notes

[1]   Equal authorship.

[2]   The quotes in this chapter were translated from the Oriya language to English by Smita Mishra Panda.

[3]   Indigenous people are referred to as tribals or *adivasi*s in India. Indigenous communities also have the constitutional label Scheduled Tribe (ST).

[4] Other Backward Castes' (OBC) is an official oversight. By not having the *adivasi* status, they lose out on special benefits in education and reservation in government jobs, to name a few.

[5] Sabaras in other parts of the state have a tribal status.

[6] One *panchayat* comprises 5 villages.

[7]   Epistemic violence according to Gayatri Spivak (1988) takes place when the domination of the majority populations deprive the marginalised people's of opportunities and chance to be heard; their voices become muted. Hence power lies in the production of boundaries and the creation of exclusions.

[8]   There is a politic of not allowing community lands to *adivasis*, as the area has huge amounts of bauxite mineral (required for aluminium production) and the government would like to give licenses to mining companies at some point for mineral extraction. People are aware of this fact.

CHAPTER 8

Material Feminism and Multi-local Political Ecologies: Rethinking Gender and Nature in Lampung, Indonesia

Rebecca Elmhirst[1] and Ari Darmastuti[2]

Introduction

Across Asia, neoliberalism, marketization and decentralized governance have brought about profound changes for agrarian and forest livelihoods in rural areas. Reflecting the pace of recent changes, research in this area has documented the impact of commercial and conservation enclosures where intensified capital investment is evident in the rolling out of large scale extractive industries and commercial tree cropping, accelerating the commodification of land and labour, and in many places, the dispossession of smallholders and other vulnerable groups. The reach of rural-urban and transnational migration and market links into rural areas have also helped create a situation wherein rural livelihoods diversify beyond agriculture and beyond the locality to become multi-sited. As Marxist concepts such as 'primitive accumulation' and 'dispossession' have been 'disinterred' to make sense of agrarian and forest transformation and exits from farm livelihoods (Hall, 2012: 1188), analysis has tended to be framed around class and social differentiation, nuanced in some contexts through discussion of 'youth' (e.g. White, 2012) or ethnicity (Li, 2010, Bissonnette, 2013).

The transformations being documented provide an important context in which to rethink gender and development in the Asian region. Market liberalisation brings different impacts for men and women (Julia and White, 2012), livelihood diversification and exits from agriculture are marked by gender differences (Elmhirst and Resurreccion, 2008), whilst changing property regimes and access to resources are associated with new forms of gender disadvantage (Razavi 2011, 2012). Moreover, the consequences of rural transformations for social reproduction and on the restructuring of access to public resources (e.g. water, forests) for self provisioning also have marked gender impacts (Razavi 2011), made all the more

significant where household productive and reproductive strategies are multi-local. Placing gender centre-stage within analyses of agrarian and forest change would enable more complete analyses to be drawn around new configurations of gender and agrarian change in a (post?) neoliberal world (Razavi 2011).

In responding to the research agenda that Razavi (2011, 2012) has mapped out, this chapter revisits gender in rural Indonesia through an empirical study of the processes that shape gendered multi-local livelihoods. We extend Razavi's thinking to include a little-examined aspect of change: that is, the changing relationships between people and nature (forests, land). This shifting people-nature relationship underlies agrarian and forest transformations, and invites a more explicit feminist political ecology analysis. The chapter examines contrasting experiences in Lampung province, where rural development is marked by the rapid expansion of large scale agribusiness (oil palm, sugar cane) and small holder crop booms (coffee), coupled with multiple conservation enclosures and changes to resource access and property regimes, all taking place in the context of political decentralization and regional autonomy. At first glance, the transformations apparent in rural Lampung equate with analyses of 'accumulation through dispossession', and indeed this kind of discourse has been followed in recent conservation and social justice research (Colchester et al., 2006), and galvanised farmers' movements in the province through organisations such as Serikat Petani Lampung and Kawan Tani, who share a concern that smallholder farmers are being displaced from agriculture but with little prospect of employment in other sectors (Li, 2011). However, closer examination of agrarian livelihoods in rural Lampung reveals a more complex picture of the kind outlined by Hall et al. (2011) and Rigg (2012) based on work in other parts of Southeast Asia. Intensified geographical mobility enables and strengthens the links between places (rural and rural, rural and urban, transnational), enabling multilocal diversified livelihoods rather than deagrarianisation, whilst simultaneously transforming relationships with nature in situations where people hold onto or make smallscale investments in land. Thus, everyday practices for getting by complicate unidirectional analyses of change as multilocal livelihoods take shape through a complex combination of displacement, risk-spreading and aspirational strategies that continue to be embedded in nature's capital.

In this chapter, we examine the gender dynamics of agrarian (and to some extent, forest) transformation by rethinking gender in natural resource-based multi-local livelihoods. We explore this in two villagesin Lampung Province that exhibit a marked contrast in terms of economic prosperity and gender disadvantage amongst smallholders. The villages are located

in different parts of the Tulang Bawang watershed that links the mountains in the west of the province with the east coast. Both villages have a broadly shared history as home to migrants from the neighbouring island of Java who came to Lampung in search of land in the mid 20th century, either directly through the Indonesian government's transmigration settlement scheme or indirectly through the social networks that the resettlement programme had inadvertently established. Today, contrasts in their fortunes could not be more marked. The village of Tribudisyukur lies in the Bukit Barisan national park in West Lampung in the subdistrict of Sumberjaya and is dominated by smallholder coffee cultivation in association with fish farming and fruit orchards. Livelihoods are being built in situ, and value is increasingly being attached to women's activities within the farm sector through processing and marketing of smallholder coffee. The second study village, Negara Jaya, is located downstream in the subdistrict of Negeri Besar in a low-lying area zoned for plantation agriculture, commercial forestry and transmigration resettlement sites. Oil palm increasingly dominates the landscape, whilst livelihoods are, by necessity, multi-local and increasingly dependent on remittances that have set in train complex patterns of relative success and failure for those involved.

We explore the factors that account for the contrasts between the sites by deploying a 'material feminist political ecology' approach (Alaimo and Hekman, 2008) and develop this around the interlocking dimensions of (i) gendered resource access and control, (ii) gendered labour processes, (iii) gendered social relations of production and reproduction, and (iv) the gendering of nature's agency, understood here as the forces associated with the biophysical properties of different kinds of crops that have an active, transforming, signifying, material force. These dimensions combine in human-nature assemblages that take shape and mutate in different ways in different places, setting in motion particular pathways to gender disadvantage in the context of agrarian and forest change. Of interest therefore, is the 'nature' of multilocal livelihoods, the shifting relationship between women (and men) and the environment, and the kinds of gender disadvantage this produces.

We see this method of analysis as crucial for setting out the terrain on which pathways to tackle gender disadvantage might be constructed, particularly through gender mainstreaming interventions. The chapter is organised as follows. We begin with a brief outline of the conceptual framework through which we rethink gender and how this underpins the analysis. This is followed by a brief discussion of methods and site selection. The socio-natural assemblages underpinning multi-local livelihoods in each study site are explored in detail in

the remaining sections, and the chapter concludes with an extended discussion of the themes from which comparisons may be drawn, together with a discussion of the implications for establishing gender policy in forest and agrarian sectors in Lampung.

Rethinking gender and development through material feminist political ecology

In seeking to analyse the contrasts in the multi-local livelihood strategies observed in the two study sites, we rethink gender by drawing on material feminism – an emerging body of feminist theory that highlights the materiality and 'nature' of women's lived experience, aspects of which have tended to be lost in theories that emphasise the discursive and socially-constructed aspects of gender difference and gender relations (Colls, 2011). It is widely acknowledged that both feminist political ecology and gender and development studies more broadly have benefited greatly from the insights into power, subjectivity and social practice that such approaches enable (Nightingale, 2006, Cornwall, 2007). These kinds of gender theories have been important for challenging the translation of simple versions of ecofeminism into policy approaches that target women's labour in sustainable development initiatives, often producing new forms of gender disadvantage (Leach, 2007, Elmhirst, 2011).

However, in seeking to avoid being labelled as 'essentialist', questions concerning the relationship between people (and specifically, women) and nature have been side-stepped in gender and development theory in somewhat unhelpful ways. Even in work on gender and natural resource management, nature appears as a backdrop against which socially-constructed gender identities and social relations play out through struggles over access to natural resources (Rocheleau et al., 1996, Resurreccion and Elmhirst, 2008). In contexts such as rural Lampung, environmental change and the continuing embeddedness of multi-local livelihoods within natural resources suggests that the materiality of nature needs to be foregrounded within a feminist political ecology framework. We contend that much can be learned from recent contributions to an emerging 'material feminism' that are seeking to take seriously the materiality of the natural world in ways that redefine relationships among the natural, the human and the non-human. Here, nature is seen not as a passive social construction or pliable resource for industrial production, but as an agentic force, that interacts with and changes the other elements in the mix, including the human. A material feminist approach moves away from a singular focus on human modification of the environment and towards a better appreciation of the often unpredictable importance of nature's agency – seen

as 'an agency without agents, a perpetual "becoming" without will or intention or delineation' – in shaping gendered social outcomes (Alaimo, 2008: 247).

To date, material feminism has not found much purchase in gender and development studies, nor even in feminist political ecology: its influence is felt more in the realms of cultural and science studies, literature and in feminist philosophy. Whilst this in part may reflect the radical rethinking of categories on which much current feminist political ecology is based (ideas about nature, human agency and culture), there is also a sense in which some iterations of material feminism appear unable to deal head on with many of the practical questions confronting gender and development studies in natural resource settings, including changing forms of governance, gendered resource access and control, poverty and social exclusion. In the context of forest and agrarian transformation and the gender inequities this has set in motion (Razavi, 2011), materialist (Marxist or socialist) feminism, which is distinct from material feminism because of its emphasis on class relations, would seem to offer the analytical tools for dealing with contemporary rural issues where questions of labour, social reproduction and capitalism lie at the heart of what is seen to be going on (see Hall, 2012). There is an argument perhaps for 'disinterring' Marxist feminism alongside its Marxist older brother (see Hall, 2012 and the discussion above). However, as Alaimo and Hekman point out, 'even as labour and class remain essential categories for feminist analysis and critique, they cannot encompass the materiality of human corporeality or, certainly, of nonhuman nature' (Alaimo and Hekman, 2008: 18).

It is here that material feminism, which 'rematerialises the social and takes seriously the agency of the natural' (Tuana, 2008: 188) may be importantThis perspective sees humans and nature not as a straightforward duality (in which people impact on the enviroment and the environment impacts on people) but more as a mixture of human and non-human elements that interact in the form of assemblages. These assemblages – 'products of multiple determinations that are not reducible to a single logic' are complex conjunctions of culture, history, discourse, technology, biology and the 'environment' that are emergent and shifting: 'assemblage implies heterogeneous, contingent, unstable, partial and situated' (Collier and Ong, 2005: 12). Thusmany of the concerns highlighted in more familiar materialist (Marxist) feminism are embraced, but the discussion also foregrounds human-nature interactions. A key focus for material feminism is seeing the forms that emerge as the elements noted above interact, without privileging any one of those elements as having a unitary causal logic.

Using these ideas to develop an interpretation of the gender dimensions of agrarian (and forest) change in rural Lampung and in particular, to explain contrasting livelihoods and pathways of gender disadvantage in the two study areas requires a series of conceptual steps that move from the descriptive to the analytical, and that draw on sustainable livelihood approaches (Ellis, 2000), materialist feminist analysis of the gender dynamics of labour, migration and property relations (Razavi, 2011, Ribot and Peluso, 2003), and material feminist analysis of nature's agency (Alaimo and Hekman, 2008): i.e. extending the former to show how all of these questions are embedded in a sense of the vitality of nature and natural processes. These conceptual steps equate roughly to a series of questions around which the remainder of the chapter is organised: (i) in what sense are gendered livelihoods multi-local in the two study sites? (ii) how do multi-local livelihoods work (through the gendered labour dynamics of households)?; and (iii) why do they take the shape they do? In relation to this latter question, a key idea is that variations in the form taken by multi-local livelihoods reflects changing relations with nature and the environment in two ways: first, through changing patterns of resource access and control, and secondly, through the agency of nature, understood in terms of the 'nature' of different kinds of tree crops and their entanglements with human agency of various kinds.

Background to the study villages: Tribudisyukur and Negara Jaya

Both study villages are located in Lampung province on the southern tip of the Indonesian island of Sumatra. Tribudisyukur is located in a hilly area within the Bukit Barisan National Park, a protected forest. Historically, cultivation in this area was dominated by swiddens and, since the 19th century, the integration of coffee into swidden systems, primarily initiated by migrants from the Semendo ethnic group to the north (Benoit et al., 1989, Witasari, 2010). The second study village, Negara Jaya, is a transmigration settlement located lower down the landscape gradient on the relatively infertile peneplain: an area which historically was sparsely populated by ethnic Lampung groups cultivating swiddens close to the many rivers that traverse the region. Whilst there are marked differences between the two localities in terms of biophysical features and history of agriculture and forest development, the people in the two villages have a shared history. Both populations were part of the mass migration to Lampung from Java that began in the early part of the 20th century with the Dutch colonial authorities' *Kolonisatie* programme, but that took off in earnest in the 1950s and particularly

through the 1970s when official resettlement from Java to Lampung was expanded through waves of people coming to Lampung in search of land and livelihood, moving independently of any government programme (Benoit et al., 1989; Elmhirst, 2012).

In the 1970s, many of these migrants came from Java to the uplands of west Lampung where there were opportunities for labour and access to land in so-called state forest areas: a migration fuelled largely by a boom in coffee prices. Most shared similar ethnic origins (either as Javanese or as Sundanese) and Islamic identities, and with that, similar gender ideologies and practices. Both Javanese and Sundanese women were heavily involved in both productive and reproductive work, there was a cultural disposition towards women being in control of household finances on a day-to-day basis, and issues of land access and control were largely dominated by men, even where women were named as titular land owners. These characteristics remain largely true today.

The provincial government's local transmigration programme (*Translok*) in the late 1970s brought into being the divergent pathways that we see today in the two villages. Negbara Jaya was founded as a transmigration settlement for migrants from West Lampung (including the area around Tribudisyukur) who were forcibly relocated from protected areas. This set in motion a very different livelihood trajectory to what is now seen in Tribudisyukur. Since the late 1990s, for those that remained in or returned to West Lampung (including Tribudisyukur), changing approaches to forest governance, coupled with attention from international research organisations and local NGOs who were seeking better solutions to deforestation by migrants in the area, relaxed the 'fortress conservation' approach that had forcibly displaced coffee-cultivating migrants in the 1970s and 1980s, and began to replace this with models of social forestry that allowed coffee farmers to remain, providing they participated in reforestation efforts.

Table 1: selected field site characteristics

	Tribudisyukur (sub-district of Sumberjaya)	Negara Jaya (sub-district of Negri Besar)
Landscape features	Piedmont with steep slopes, fertile volcanic soils	Peneplain, gentle slopes, relatively fertile lowlying areas prone to flooding, infertile uplands.

Settlement and migration history	Semendo from south Sumatra (arrived in 19th century), 20th century migrants from Java (Sundanese and Javanese), second generation migrants from transmigration areas (nearby resettlement sites for army veterans established in 1950s).	Founded in 1982 through Translok programme; Javanese and Sundanese relocated from West Lampung. Second generation transmigrants and newly arrived migrants from other areas.
Landuse	Robusta coffee fields, simple irrigated rice, fishponds and mixed fruit gardens.	Food crops including rainfed rice, soya and maize. Some smallholder oil palm and rubber.
Resource tenure	Part of Bukit Barisan protected forest; social forestry, some private land ownership.	Private land ownership, some certificates (for transmigrants). Some conflict with local people and plantations over land.
Government programmes	Project for Strengthening Community Based Forest and Watershed Management, Ministry of Forestry. RASKIN (Rice for the Poor) programme.	Translok programme in 1980s, Inpres Desa programme in 1990s RASKIN (Rice for the Poor) programme.
Community organisations	Women's farmer group Farmer groups (social forestry) Labour cooperatives PKK women's group Posyandu (mother and baby clinic with savings group) Prayer groups associated with mosque.	Farmer groups PKK women's group (partly active) Posyandu (mother and baby clinic with savings group) Prayer groups associated with mosque.
Presence of NGOs	International and local conservation organisations.	None

Source: field surveys, 2012-13; BPS Lampung Dalam Angka (2010)

Today, there is a marked contrast in livelihoods between the two study areas that cannot be accounted for by the piedmont/peneplain agroecological distinction alone. Tribudisyukur is relatively urbanised, well-linked to market centres, and here, smallholder coffee cultivation takes place. Compared to Negara Jaya, there is relatively little outmigration, other than of children for education, and as the next section suggests, multi-local livelihoods are comparatively under-elaborated. There remains a strong connection to agrarian and forest-based livelihoods as a source of prosperity. By contrast, Negara Jaya remains remote, roads

are poor and marketing is problematic. Although Negara Jaya was originally planned by the transmigration authorities for smallholder agriculture, those living there have never been able to survive through this alone: hence, livelihoods are markedly multi-local, and are dominated by income drawn from rural-rural, rural-urban and transnational migration.

Data for this chapter derives from two separate studies, that broadly share a qualitative methodology based on interviews, observations and focus group discussions, that sought to document livelihoods, natural resources and women's empowerment in the two study sites. The Negara Jaya research built on and extended earlier fieldwork undertaken in 1998 and 2005, and therefore dealt more explicitly with processes of change, whilst the Tribudisyukur research was undertaken as part of a baseline study for gender mainstreaming initiatives in the forestry sector. The authors also conducted joint field research in both sites in 2013 to update and develop comparisons of the features of multi-local livelihoods, and it was during this phase of the research that stark contrasts emerged, particularly in terms of the productive and reproductive activities of women, their varying relationships with nature and the outcomes for gender disadvantage, which we seek to interpret in what follows.

Contrasting multi-local livelihoods in Tribudisyukur and Negara Jaya

Multi-local or multi-sited livelihoods are a feature of rural (and urban) areas of Asia, where households (and individuals) seek food security by deriving income from a variety of sources that are often geographically dispersed (Lund, 2013). As Thieme (2012), notes, multi-local strategies involve family members living and working in different places, taking care of children and elderly from a distance, and earning in one place whilst investing it in another. Multi-local livelihoods involve resource flows between family members that are multi-directional, and that may involve an interlinking of rural to rural, rural to urban and transnational migration. Such strategies may reflect seasonal labour requirements in agriculture, the workings of urban and transnational labour markets, and also the activities of labour brokers or other types of network that enable rural people to access non-farm work in distant places.

A comparison of the nature and geography of multi-local livelihoods in the two villages shows some similarity in terms of risk spreading and aspirational strategies, but also some key differences, which have a strong gender dimension to them.

Table 2: Gendered multi-local livelihoods in Sumberjaya and Negeri Besar

	Tribudisyukur	Negara Jaya
Household reproductive work	Cooking, cleaning and taking care of children (women).	Cooking, cleaning and taking care of children (women), collecting water (a minority of households have a well or access to piped water)
On farm	Men and women involved in cultivation of robusta coffee, fruit trees, fish ponds. Cultivation of sawah tadah hujan (rainfed rice).Women: collection of non-timber forest products (e.g. honey)	Men involved in oil palm cultivation, men and women involved in sawah tadah hujan (rainfed rice). Men involved in rubber cultivation. Women: some additional food cropping on home garden.
Engagement in local off-farm/non-farm work	Labour sharing at harvest time (men and women); participation in social forestry communal labour (men and women), agricultural processing, sale of processed goods (women). Motorbike taxi (men)	Wage work on others' fields, daily labour in nearby sugar plantations (men and women), a small number of households have small shops. Some collective labour (men: road maintenance, housebuilding, women: cooked food for community occasions – infrequent)
Rural-urban migration	Migration for education (supported by farm income)	Some migration for education among wealthier households.
Rural-rural migration	Rare. Occasional circular migration to plots in other parts of Lampung (men)	Common for men (wage work in coffee fields, cultivation of family plots in neighbouring Bengkulu province). Rare for women.
Transnational contract migration	Some temporary migration of men as contract workers in Middle East. No female contract work.	Very common for women (domestic worker migration to Malaysia, Saudi Arabia, Taiwan). Occasional male transnational contract work (plantation sector)

Source: field surveys 2013, 2005 (Negara Jaya).

The main source of income for households in Tribudisyukur is cultivating robusta coffee.

Food cropping involves rain-fed rice cultivation, and in home gardens, treecrops such as

banana, mangosteen, vegetables such as chilli, eggplant, string bean, cucumber and tomato, and herbal plants such as ginger and lemongrass are grown. Women are closely involved in on-farm activites including weeding and harvesting (rice fields and coffee plantations), and are responsible for home garden cultivation. Women are also responsible for small livestock (chickens, goats) while fish farming, similar to practices amongst Sundanese in West Java, involves male and female labour. Livelihoods are diversified locally; women are involved in processing raw coffee through the auspices of the women farmers' cooperative (Kelompok Wanita Tani or KWT), which has received support from the West Lampung Planning Board, in the form of coffee processing and packaging equipment. Livelihoods are also diversified around the processing and sale of other food products, including banana chips, home-made mixed ginger and sesame chips, processed palm sugar (gulasemut) and herbal medicines. As one interviewee noted: 'We can only live by doing a lot of things to support our life. We can't only depend on our coffee. Beside that, we cannot keep a consumerist lifestyle if we don't want to get bankrupt'.[3] Women believe that if they diversify their activities, they will not be pushed to overexploit the forest areas, nor will they need to leave to find jobs. These kinds of on-farm strategies are facilitated in part by the presence of cooperatives, a point which is explored further in the next section, but also because of the good road links that enable relatively fluent marketing to Lampung's urban centres.

Women retain their primary responsibility for household reproductive activities (child and elder care, cooking, cleaning) but the availability of piped water has reduced women's reproductive burden considerably. In tandem with this, there is limited temporary migration from the area by women. Where this does take place, it is to pursue secondary and higher education in larger urban centres (Kotabumi and Bandar Lampung) or to attend Islamic boarding schools in West Java. Some use is made of social networks linking the area with West Java as young women may find factory work in the Greater Jakarta area (e.g. Tangerang), where they tend to settle. Whilst men may take up temporary work contracts in the Middle East, there were no cases of women working as domestic workers overseas: people contrast their experience with other parts of rural Lampung in terms of there being greater opportunities for women in the area. Overseas migration by women in order to access cash is seen as unnecessary within the context of a diversified agriculture-based village economy where strategies rest heavily on the labour of women.

Negara Jaya, the transmigration village lower down the landscape gradient, has a very different multi-local livelihood profile. Most households in this village have access to some

rainfed rice fields, but this is insufficient to assure food security for anything more than one month in a 12 month period. Women are involved in planting, weeding and harvesting, whilst field preparation is the domain of men. Home gardens are often left uncultivated: women suggest this is because the soil is poor and there is a lack of household labour to cultivate them. Women are also largely responsible for reproductive activities, and this may be quite onerous as few households have their own water supply, and many still use wood fuel for cooking. Collection of fodder for livestock is also women's work. In households where adult women are working overseas, reproductive activities fall either on older female relatives, or on men, but there are cases where children are sent back to areas of origin (in other parts of Lampung) to be looked after by grandparents or to attend school.

Agricultural income is also drawn from cultivation of cassava as a cash crop, some rubber and, in the past few years, oil palm, grown on dry fields. An earlier experiment with smallholder sugar cultivation via a government scheme (*tebu rakyat*) failed, leaving many heavily indebted. Cash-cropping is not something that is open to all: as discussed below, the cost of inputs and need for good marketing networks excludes many households in Negara Jaya, and for this reason, a lot of land is either rented to outsiders or left uncultivated. Instead, livelihoods depend heavily on off-farm and non-farm work. Locally, this means daily wage work on nearby sugar plantations (state-owned Bunga Mayang, and privately owned Bumi Madu Mandiri plantation and Pemukia Sati Manis Indah), access to which depends on having an identity card showing they are from Negara Jaya. Women make up a substantial proportion of this daily work force, particularly for fertilizer application and weeding. As one respondent noted, whilst wages are low, they are more reliable than own-farm work on poor soils: 'If we don't go to the plantation, we don't eat'.[4] Men join the plantation work groups during harvest season on longer-term contracts. Rural to rural migration, largely of young men, also figures in household livelihoods. Much of this involves temporary migration to recently opened coffee plots in the neighbouring province of Bengkulu, but there is also a growing propensity for men to take up contract work in the oil palm sector in other provinces of Indonesia. Interview respondents suggested income drawn from these sources was quite limited: 'you can't earn enough to buy land, it is for daily needs (*makan harian*)'.[5]

However, one of the most noteworthy features of multi-local livelihoods in Negara Jaya has been the temporary migration of women, usually aged between 20 and 35, to work as domestic workers in the Middle East, Malaysia, Taiwan and Hongkong. This began in the early 2000s, and although an early rush has now subsided, this practice continues to the

present day.[6] Contracts typically last two to three years, but some women took out successive contracts, and have been away for more than seven years. To pay the labour brokers, women are required to work for up to one year without pay. 'It requires a lot of determination', one informant explained. 'I came home because my parents wanted me to get married before I was too old, but I have been able to build a house and buy land'.[7] More recently, overseas contracts have become less commonplace, partly because of political wranglings between the Indonesian government and receiving countries following a series of highly publicised abuse cases involving domestic workers. Instead, young women are increasingly seeking work in Jakarta factories: compared to overseas domestic work, this requires a higher education and availability of capital in order to move. This has been made available through the remittances saved from the previous overseas migrations of older female relatives. However, in terms of continuities, investment in agriculture in Negara Jaya remains a key, if somewhat unlikely, element in emerging multi-local livelihoods as where possible, women's remittances are used to buy land (rice fields being the most sought after) or to pay for oil palm to be established on hitherto uncultivated fields. To summarise, multilocal livelihoods in both localities continue to be embedded in nature (agriculture, forests) but in different ways. This difference is most stark when women's livelihood activities are compared: in Tribudisyukur, women's work in smallholder cashcropping and agricultural diversification is reworking their relationship with nature in ways that appear to be positive for women. By contrast, in Negara Jaya, the impossibility of successful smallscale agriculture for most people appears to have decoupled women from any direct engagement with nature, producing a more distanciated, commodified relationship, leaving them quite exposed to the vagaries of the market, and without the prospect of an empowered approach to diversification, that seems on the face of it, to be emerging in Tribudisyukur.

Emergent forms: explaining contrasting multi-local livelihoods

In drawing on the material feminist framework outlined previously, contrasts in the emerging forms taken by multi-local livelihoods and gendered disadvantage in the two areas relate to a combination of the agency of nature, labour dynamics, histories and patterns of resource access and control, and gendered geographies of household reproduction and care. These elements link in multi-directional ways, to produce quite distinctive 'assemblages' in the study sites. Whilst it is this process of assemblage that produces the contrasting outcomes that

are taking shape in the two villages, a key point of contrast concerns the type of commercial tree crops that feature within the farming system: oil palm combined with women's overseas contract work in the former, and smallholder coffee combined with value-adding local livelihood diversification in the latter.

Oil palm has attracted a lot of attention within debates around dispossession, largely because of the modes of management that tend to accompany its cultivation, which allows land accumulation in non-contiguous areas (Bissonnette, 2013). Successful oil palm cultivation requires access to high quality seedlings, which are relatively expensive for smallholders, sustained access to chemical inputs, and the labour required to clear land in order to establish the trees. Access to each of these is out of reach for most farmers in Negara Jaya, where the frequency of off-farm work means farmers must compete with plantations in order to find the available labour for undertaking tasks, and where there is little prospect of accessing capital. Both of these facets of production are highly gendered: women tend to be excluded both from access to capital (bank loans based on land certificates) and from being able to command labour. Trees begin producing in the fourth year, and whilst planting around the trees can compensate for this timelag, the very poor soils in the Negara Jaya area make this risky; instead, farmers are more likely to continue to look for off-farm and non-farm work, and this is expecially the case for women. Production is during the rainy season, which fits in with labour demand elsewhere (e.g. in the sugar cane harvest and in the rice harvest: work for men and women respectively). However, the harvest itself is risky as smallholders are dependent on being able to align a workforce and a truck to take the fruit to a processing mill within 24 hours to avoid losing its value. Rather than excavating a deterministic link between oil palm, multi-local livelihoods and a changing relationship between women and nature, the combination of oil palm, resource access and control and labour dynamics needs to be considered.

In Negara Jaya, resource access has historically been associated with the granting of land title to male household heads through the transmigration programme. Whilst this ensured that at least the first generation of migrant households hold certified title to two hectares of land, most people have been unable to realise the benefits of access (see Ribot and Peluso 2003), because of a shortage of the capital and family labour required to bring extremely poor quality land into permanent cultivation in hazardous environmental conditions (frequent droughts and seasonal flooding). Sale and transfer of land has been commonplace, coupled with livelihoods marked by multi-local off-farm and non-farm work. In the early 2000s, when oil palm began

to make an appearance in the landscape, its cultivation was restricted to land owned or leased from transmigrants by local entrepreneurs, including the husband of the village head, who controlled some 200 hectares under oil palm. Oil palm was decidedly not an accessible crop for transmigrants. From a sample of 40 case study transmigrant households included in research undertaken in 2005, five households had leased out land for oil palm cultivation that they hitherto had been unable to bring into cultivation themselves. Their own subsistence needs were met from the seemingly more secure and easily accessible off-farm work, and in particular, high participation rates of women of all ages are notable in non-farm work.

Bu Sari, a 35-year-old female farmer explained it thus:

> There is no point in cultivating this land. We don't have the money to open up the bush and the land is very poor. Results are not certain. It is better to go to the plantation [as a wage worker]. If you don't go to the plantation, you don't eat.[8]

In this context, rather than access to land, access to networks enabling participation in off-farm and non-farm work has become important for securing livelihoods. Such networks are gendered in particular ways: plantation wage work is open to men and women, but there is a gender division of tasks and therefore the sequencing of work availability for men and women. Recruitment networks for overseas contacts as domestic workers focus on women, and participation is strongly influenced by whether neighbours or friends have followed such a livelihood option.

With so many people working as wage labourers, either locally or overseas, the limited availability of labour at key points in the season has been a pinch-point for farm households, and has contributed to an individualisation of livelihoods and a turning away from communal forms of labour exchange. More commodified versions of labour exchange did continue, but this was largely restricted to women's participation in the rice harvest: an attractive prospect where payment was a share of the rice harvested, but this was an option only open to a few households as only a small number of households own rice fields, owing to a lack of irrigation and the unsuitability of most of the area for creating rain-fed fields. Families and households therefore have been inclined to fall even further back onto their own resources rather than pursue more community-oriented livelihood practices. This is evident in the low participation rates in community activities aimed at women such as the PKK (Pemberdayaan Kesejahteraan Keluarga, which translates as 'empowerment family welfare'), which aims to build women's citizenship responsibilities through family and community. The associated health scheme,

known as Posyandu, which in Negara Jaya involves regular meetings of mothers with young children and a rotating savings scheme (*arisan*), has a largely regular attendance, but its leader has noted that wage-labourer and migrant women were not able to attend, and instead sent a relative in their place (with their child, but also so they could maintain their place in the *arisan*).[9]

The increasing presence of oil palm in the Negara Jaya landscape needs to be understood in this context; as people (men and women) exit from own-account farming in order to take up more stable, albeit multi-local, non-farm work. Until recently, oil palm as a crop was out of reach for most people in this community, as households were unable to afford the inputs (of labour to clear the land and of chemicals to make the land productive). Moreover, access to transportation and processing facilities has not been open to anyone other than politically and economically well-connected entrepreneurs, and this is particularly an issue as the fruits must be processed quickly after harvest. Any labouring opportunities associated with local investments in oil palm have not been taken up by women: 'women could work as oil palm labourers, but they don't. It is very rare here. Women are usually doing other things', explained one male farmer who has invested in oil palm.[10] In addition, a general move away from inter-household labour sharing means labour in oil palm is highly commodified: those employed are rarely neighbours or relatives, rather, they belong to informal male work groups that make themselves available during the harvest season, hiring themselves out along with a truck for transporting the fruits.

As White and Dasgupta (2010) point out, there has been some debate about the role of oil palm in displacing smallholders. Oil palm is not an accessible crop for farmers in Negara Jaya, particularly as the land is only marginally suitable for it, and thus there is a heavy requirement for chemical inputs. In other parts of Indonesia, there has been a clear association with indebtedness, land sale and subsequent class differentiation, and in the early 2000s, there were signs that this might be taking place in Negara Jaya (for example, the acquisitions made by the village head's family). However, the participation of women in overseas contract work appears to have impacted on this process, particularly through the ways women have chosen to invest their remittances since returning from extended periods as domestic workers. So, whilst women's work as overseas domestic workers might be interpreted as a displacement from agriculture, it has also enabled their re-engagement with agriculture, albeit in a distantiated and highly commodified way.

Interviews undertaken with women who have recently returned from extended periods overseas working as domestic worker reveal the ways in which remittances have been re-invested into agriculture. Bu Siti did two stints as a migrant domestic worker, in Hongkong for two years between 2005 and 2007, and in Taiwan from 2008 to 2011. The fruits of her work are evident in the improved house (grandiose pillars at the entrance, cement floors, electrical appliances.

> I sent my money home to my mother to take care of, but the decision on how to spend it was my own. I now have small children so I don't work outside the home. My husband works as a truck driver for the cassava factory in SP3 [a neighbouring transmigration village].[11]

Although both she and her husband appear to have withdrawn from direct engagement in agriculture, she used her earnings to buy one hectare of oil palm, three quarters of a hectare under cassava and, most importantly for food security, half a hectare of rain-fed rice fields [by far the most expensive item to invest in]. The latter is share-cropped, and this provides access to rice for her family, while she employs labourers for harvesting the oil palm. Her husband's networks have enabled her to achieve a modicum of success in this new farm-based livelihood strategy, allowing access to labour and also access to trucks for the harvest.

Bu Rubi also worked in Hongkong between 2003 and 2007, leaving behind her children and her husband, who worked as a carpenter.[12] Her wages have been used to invest in the house and also in a small warung (shop). She also bought a quarter hectare of rice fields although as she explained, she does not yet have a certificate for this as this would cost a further 10 per cent of the land value, putting this out of reach. As with Bu Siti, rather than work the land herself, the rice fields are sharecropped, enabling her to continue with her warung whilst having access to rice for at least part of the year. She did invest in oil palm, but having been recently widowed, making this work as an investment has not been easy as it requires her to command labour, capital and access to transport for the harvest. So whilst the earnings from overseas domestic work enabled her to invest in agriculture, the experience has done little in terms of reducing gender disadvantage (around access to resources of various kinds).

Whilst these two cases reveal some differences in the experience of investing in agriculture, they share a number of features, including the need to make use of commoditised labour (i.e., this is not a return to work as a hands-on farmer), the risks associated with a highly individualised approach to farm livelihoods that depends on access to inputs of various kinds, and the somewhat limited impact that overseas domestic work has had on gender

disadvantage, despite women's greater earning potential. Rather, gender disadvantage may indeed be being strengthened by investment in oil palm, which has yet to reveal much of a contribution to household well-being. White and Dasgupta (2010) have noted that the value from oil palm is generally realised further along the commodity chain (from processing and onward sale), and not from sale of fruits at the farm gate. Thus far, women in Negara Jaya, despite being investors in smallholder oil palm, have been excluded from this aspect. Moreover, the corporatisation of processing, market conditions and the governance of oil palm more generally do not point towards any potential for women to secure any value from this crop. The pathway that appears to be emerging is one of women's greater distanciation from agricultural livelihoods built in situ, and, in the absence of overseas migration 'windfalls' in the future, this is leading instead to a reconfiguration of somewhat insecure multi-local livelihoods for the next generation of women in this part of Lampung.

The nature of small holder coffee cultivation in Tribudisyukur is markedly different from the oil palm-migration assemblage described above. Coffee was introduced to the area in the late 19th century by Semendo migrants from South Sumatra who grew the crop as part of a shifting cultivation system (Benoit et al. 1989). Cultivation of robusta coffee (*Coffea robusta*) was taken up by Sundanese and Javanese transmigrants (and those that followed them) in the 1950s, and its importance as a smallholder crop continues to this day. Robusta coffee is cultivable at relatively low altitudes, and the crop is harvested by stripping all the fruit from the branch. Farmers are able to sell the cherries to collectors or brokers, even in very small amounts. As crops can be sold when still on the trees, farmers have access to credit via these brokers, which allows relatively economically marginal households to buy daily needs. There is a strong international demand for the crop, which farmers are able to access via coffee grower groups that market to companies such as Nestle, which has a factory in Lampung. Coffee is seen as being well adapted to the local climate, and to being relatively resistant to pests and diseases, although it does require a high level of fertilizer input. For this reason, cultivation is influenced by the market price relative to the price of inputs, especially as households have to endure a nine month period in the crop cycle when there is no income (Witasari, 2010). The highly seasonal cultivation pattern means most households cultivate other crops alongside coffee, including wetland rice, fruits, vegetables and herbs, both for subsistence and for sale.

The history of coffee cultivation in this area, alongside the incorporation of newly arriving migrants from the 1950s through to a peak in the mid-1970s, have shaped the coffee labour

process, and its associated gender dynamics, in this part of Lampung. Peak periods of labour demand at harvest time lends itself to the use of labour exchange in coffee fields. Reciprocal labour, which includes both men and women, is used for harvest, weeding and general crop maintenance, and according to Witasari (2010), this also acts as a 'levelling mechanism' to downplay individualisation and conspicuous consumption. According to interviewees, a record is kept of those contributing and for how many days, then this is settled in cash at the end of the season.[13] Until relatively recently, this surge in demand for labour during the harvest period also encouraged the arrival of migrants from other parts of Lampung (and from Java also), many arriving with the aim of acquiring coffee fields of their own. During the mid-1970s, and also during the economic crisis of the 1990s, the high price of coffee drew new migrants into this area, leading to accelerated deforestation and pressure on fragile watersheds. As violent government-led evictions gave way to new forms of forest governance, international conservation organisations (specifically, the World Agroforestry Center or ICRAF) working in partnership with local non-governmental organisations (WATALA), and also the West Lampung district forestry office, sought to develop social forestry models that included coffee cultivation alongside forest protection (Pender et al., 2006, Potter, 2008). An underlying agenda was to stabilise the population in the area, and thus reduce the impact of migrants. Coffee, it could be argued, stimulated the attention now being paid to support communities.

The facilitation provided by local government, local non-government organisations and by ICRAF (with financial support from international organisations such as the Ford Foundation and the United Nations Environment Programme) has brought two principal impacts on gendered livelihoods in the area. First, it has facilitated the building of community-based organisations for social forestry that build on the reciprocal labour arrangements and grower organisations that had already developed in conjunction with smallholder coffee production in the area, and secondly, continued support has encouraged the diversification of livelihoods in situ, part of which involves attempting to capture locally some of the value in the coffee commodity chain. An important dimension to both of these is that the sustained attention and facilitation associated with social forestry has encouraged the participation of women in both community organisations (principally, in the formation of women farmers' cooperatives) and through this, has strengthened their role in diversification activities.

A key element of this has been the implementation of the Ministry of Forestry's Project for Strengthening Community Based Forest and Watershed Management (SCBFWM), which has

provided continuous counselling and training, as well as small-scale grants for women's groups in the area, which has gone some way to addressing the limited capacity of women in forming farmer groups (Oktora, 2013, Darmastuti, 2013b). One interviewee said: 'we never had this kind of experience, if it is possible, don't leave us at this stage, please continue until we are ready to stand for ourselves'.[14] The women farmers' cooperative (Kelompok Tani Wanita Melati) organises a specific labour sharing arrangement for women for clearing fields, planting rice, planting trees in the social forestry site, weeding and other field maintenance). An important aspect of this enhanced labour sharing arrangement is that it counters any propensity for multi-local livelihoods as the availability of labour (and of work opportunities) means there is no need to draw on family or friends to come in from elsewhere during the harvest period, nor is it necessary to leave in order to open land elsewhere.[15]

In recent years, the women farmers' cooperative (KWT Melati) has expanded its activities to include a wide range of non-farm activities, primarily as a buffer to fluctuating coffee prices and also to help deal with the seasonality of coffee income. Women run a small shop selling food and household goods: interest-free credit is available for members of the farmer group enabling them to purchase goods and pay once the coffee harvest income is available. Women are now selling their own KWT Melati brand of coffee. Unlike oil palm, the *nature* of the coffee commodity chain is such that there are opportunities for smallholders, including women, to benefit from value addition through such processing activities. Although some commentators have noted the limitations of developing 'gourmet-style fair trade' products from the harsh robusta coffee grown in Sumberjaya (Potter, 2008), KWT Melati has begun producing *kopi luwak* (coffee beans that have passed through the digestive tract of caged civet cats, which can command a very high retail price).[16] The negotiations they have engaged in with local government for obtaining halal and brand rights demonstrate how involvement in cooperative activities via the social forestry programme has delivered wider gender empowerment.

> The West Lampung government officers wanted to buy our packaged coffee at a low price and will re-sell it at a much higher one. I said no. If you want to buy our products you must give reasonable benefit for us also, not only for you….We know that the issue of coffee certification is just for the benefit of those big businesses. If they really want to help us, just help us with necessary supports and instruments. We already know that we need to produce and process coffee properly, but we don't always have the means for it. Don't fool us. They give nothing for us to improve our coffee quality and will give no incentives for us to do so. So we don't want to join with them since they will monopolise the market.[17]

Interviewees said that if they are able to diversify, they will not have to be pushed into overexploiting nature or to have to leave the village to look for work.[18] Thus, there is an emphasis on improving livelihoods through women's empowerment in place, as a way of avoiding contract migration overseas, which, compared to migration for education or participation in cooperative forms of livelihood diversification, is not regarded as a route to prosperity.[19] Coffee, as a cash crop, appears to be more compatible with the kinds of cooperative activities and value-adding livelihood diversification that women in Tribudisyukur are now engaging in, and which appear to have provided additional benefits of women's empowerment.

Conclusion: multi-local livelihoods, nature's agency and gender disadvantage

Livelihood diversification and accelerated deregulation brings particular patterns in different communities in rural Indonesia. As the chapter has argued, there is a multi-directionality to these processes, which are not reducible to a single logic. Rather, new and shifting forms taken by multilocal livelihoods reflect relationships between mobile nature (the introduction of new kinds of tree crops), mobile labour (the agility of peoples' life geographies as they attempt to navigate opportunities and constraints), and mobile capital (the changing face of corporate investment in rural areas). Such relationships are also conditioned by shifting forms of governance from above (decentralisation, enclosures for watershed protection, policy support for particular forms of livelihood and land use), and also from below (adjustments made around household-level norms and practices, community norms and practices around resource access, labour sharing, remittances and the like). In both of the areas compared in this chapter, there appears not to be a wholesale exit from agriculture, partly because of the risks associated with existing opportunities in the non-farm sector. Where possible, land (and farming) continues to be used as a backstop for non-farm economic strategies, and in some circumstances, and depending on the availability of capital (or government support), land (and by extension, agriculture) can also become significant as an investment for women, as well as for men.

Complete exits are less likely to be the case in situations where a corporate style of rural development is not particularly strong, where smallholders are being defended by NGOs and othe parties, and where the commodification of communal land and individual land titling is not strong. Tribudisyukur shows characteristics of this kind of pathway. By contrast, Negara

Jaya falls short on all these counts: individual land titling that accompanied transmigration, coupled with corporate style agriculture and the appearance of a treecrop (oil palm) closely associated with commodified labour makes for a different kind of relationship with land, but again, this does not signal a withdrawal from land-based livelihoods for all: rather, the emerging pattern is one of greater social differentiation and commodification of land, labour and livelihoods.

For women, the pathways that accompany such assemblages indicate a divergence of experience in each community. A combination of biophysical properties of dominant tree crops (coffee and oil palm), labour regimes, and variations in the commodification of access to resources has created a casualized and transnational labour force of women in Negara Jaya, where women's labour itself becomes a key commodity in the search for livelihood (food) security. However, the multiple logics and directionalities at play here indicate that women's engagement in plantation work and in transnational labour circuits also accelerates the commodification of land and investments in oil palm and other low labour input crops, just as it also has impacts on social reproduction and care. In Tribudisyukur the 'nature' of coffee, coupled with particular resource access regimes and a modified market logic that emphasizes smallholder capitalism has contributed to women's value 'in place', rather than as a casualised, commodified migrant labour force in waiting. The historical 'accident' of being regarded as problematic migrants in a fragile watershed (Elmhirst, 2012), attracted the attention of international NGOS, working in tandem with local NGOs and the Department of Forestry in Lampung. This has meant considerable investment in training for community-based resource management, and given that these investments were being undertaken during a period when gender mainstreaming was being developed as an arm of international programmes, interventions targeting women materialised here in this part of Lampung. These interventions helped create the women's cooperative in Tribudisyukur, and with it, new intiatives to add value through smallscale processing of coffee that can be marketed locally and further afield. Such activities are compatible with women's household reproductive activities, and for now at least, access to public resources for self-provisioning is being addressed through social forestry initiatives.

Unpicking the different 'assemblages' of nature, labour and livelihood in the two sites is helpful for understanding the ways in which gender mainstreaming within the forestry sector in Lampung might progress. Whilst Lampung is among the first of Indonesia's provinces to establish a special Bureau for Women's Empowerment, and its government has been at the

forefront in crafting Provincial Regulations on Gender Mainstreaming, the response of different government units has been varied.[20] Whilst the Department of Agriculture has been one of the first to pursue activities aimed at addressing women's practical needs, implementation within the forestry sector, and particularly in relation to social forestry, has been slow. This is significant, given the large proportion of land that is currently controlled by the Forest Department (even where this is not under forest cover) and the large numbers of people whose livelihoods are influenced by governance decisions made by this body at provincial and district levels. This chapter has argued that particular combinations of nature (in the form of different tree crops), environmental governance, commercialisation and migration histories give rise to pathways for gendered forms of empowerment or hardship that link in part to gender-differentiated multi-local livelihoods. Factoring these insights into future gender action plans may be important for tackling some of the more intractable problems of gendered poverty and disadvantage that are observable in some parts of this province.

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Notes

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[3] Interview, Tribudisyukur March 2013.

[4] Interview , Negara Jaya, January 2005.

[5] Interview, Negara Jaya, July 2013.

[6] According to the village secretary's records (permits to leave the village, known as surat jalan), between June 2004 and January 2005, 39 women left to work as domestics (destinations included Taiwan, Hongkong and Saudi Arabia, all via training in Jakarta). By 2006, around two thirds of households had a female member working overseas.

[7] Interview, Negara Jaya, July 2013.

[8] Interview, Negara Jaya, January 2005

[9] Interview, Negara Jaya, July 2013.

[10] Interview, Negara Jaya, July 2013.

[11] Interview, Negara Jaya July 2013

[12] Interview, Negara Jaya July 2013

[13] Interview, Tribudisyukur March 2013.

[14] Interview, Tribudisyukur, March 2013.

[15] Interview with head of women's cooperative, Tribudisyukur, June 2013.

[16] Coffee beans are fed to caged civet cats (*Paradoxurus hermaphroditus*) and the excreted beans are then washed and milled. The longterm sustainability of this practice is uncertain as a number of wildlife organisations such as TRAFFIC have begun to highlight the impacts on wild civet populations (Guardian 2012).

[17] Interview, Tribudisyukur, March 2013.

[18] Interviews, Tribudisyukur, March 2013.

[19] Interview, Tribudisyukur, June 2013.

[20] See Darmastuti, 2013a, b.

CHAPTER 9

Gender, Floods and Mobile Subjects: A Post Disaster View

Bernadette P. Resurrección and Edsel E. Sajor

Introduction

Disasters compel people to move to seek safer places, and possibly to search for more secure and resilient livelihoods elsewhere long after the disaster is over. While exigencies of a disaster spur people to seek safety, we need to understand the complex factors and dynamics that define people's mobility to secure their livelihoods in the longer term especially when disaster risks become more imminent.

The chapter examines how people in a flood-prone coastal area employ mobility as a means to assuage livelihood insecurity in the face of frequent disasters in unequal gendered and social ways. In particular, this chapter is an attempt to understand: (i) how people make sense of their disaster experiences, (ii) the subjectivities that shape and eventually evolve out of these experiences of prolonged insecurity and increasing mobility or immobility, and (iii) institutional efforts to build disaster resilience and secure livelihoods that consider stratifications that gender and mobility create. In short, this chapter examines the role of gendered mobility in people's post-disaster efforts at resilience-building through livelihood engagements, and which is envisaged to facilitate a re-thinking of gender in the disaster literature. Gender in the disaster literature has focused almost entirely on the impacts of disasters on women and men, citing women as a largely heavily-impacted, homogenous group. Secondly, the fact that women and men move or remain in-place does not influence views about resilience and disaster response, and if it does, it almost always assumes that men are more mobile than women, and thus reap more advantages. In this chapter, we argue that as people move or remain in place, they reproduce and materialize meanings about their gendered and social selves, and thereby influence how they face and deal with disaster risks and livelihood challenges. This chapter will also employ a feminist political ecology perspective that recognizes that rural populations are increasingly geographically mobile,

where women and men reconfigure livelihoods, introducing new and possibly unequal patterns of access and control, and new forms of environmental governance at different scales (Elmhirst, 2011; Watts, 2000).

The research took place in three adjacent municipalities of Real, General Nakar, and Infanta (acronym: REINA) in Quezon Province, located on the southern part of Luzon island in the Philippines. These municipalities have been in the Philippine watchlist of disaster-prone areas since a devastating flood and consequent mudslides inundated hundreds of villages in 2004. The 2004 flood, caused by the cyclone 'Winnie,' left 500 people dead and 150 missing, damaged homes and public infrastructure, and dramatically altered the river system and its agricultural landscapes. The big flood has been attributed to swift runoffs from years of logging in the surrounding uplands of the Sierra Madre Mountains.[1] As a result, the river system has considerably widened due to heavy siltation, while agricultural lands have been severely eroded due to more frequent and recent river flooding and patterns of heavier precipitation in recent years.

FIGURE 9.1 NEAR HERE.

Source: http://www.islandsproperties.com/maps/quezon.htm

Residents who used to live near the river area have since shifted from mono-varieties of rice and coconut farming to multiple crop cultivation, charcoal production, and diversified non-farm livelihood activities. In some farmlands, mud deposits altered the soil composition from arable to rocky, thus significantly diminishing the fertility of croplands. Rice lands no longer yield sufficient rice, thus farmers today intermittently grow watermelon and vegetables. Coconut trees no longer bear fruit and young trees have stunted growth. Recent and more frequent episodes of flooding continue to erode lands by the river, although the magnitude of flooding and erosion never matched the 2004 flood.

Two resettlement areas were built after the 2004 flood, providing shelter to more than 100 families whose homes and farms were severely damaged and washed away. Catholic church-based non-governmental organizations (NGOs) that set up these resettlement sites instituted a

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resident verification system to ensure beneficiaries were not migrants but original residents of the affected areas. Resettled residents however frequently return to their places of origin to set up temporary homes where they can re-cultivate leftover land and fish in the river whenever possible, as there are no livelihood opportunities around resettlement sites. They move to search for employment in Manila, or in nearby provinces where some opportunities lie, usually men entering the construction industry and women engaging in paid domestic work in Manila households. The growing Philippine economy spurs the growing urban domestic labor market that continues to attract rural migrants.

Since 2011, the Philippine economy has significantly grown, exceeding the most optimistic forecasts. The economy received a huge boost from the public construction industry that grew by 32% in 2012. The services sector however, not the construction industry, is envisaged to lead GDP growth in 2013. Overall, the positive economic growth rate in the Philippines has yet to improve the overall employment rate, thus eliciting the label, 'jobless growth' (Navarro and Yap, 2013). Poor people – or the 'working poor' – who are employed however remain to be 'vulnerable,' with insecure and short-term paying jobs such as paid domestic work and real estate construction, jobs where most respondents in this study are seeking and taking up. Domestic work and construction work place fourth and fifth ranks respectively in a recent assessment of job placements of the working poor in 2011. Construction workers also receive the highest wages among the top ten job placements occupied by the working poor, which includes growing crops, fishing, wood manufacturing, public administration and defense, among others (Reyes and Mina, 2013).

This chapter is part of a larger research on gender, mobility, and resilience-building in the context of post-disaster REINA in the Philippines, which employed a sequential mixed methods approach as its research design. Two phases of research were defined, the first phase where the research team generated propositions by qualitative data collection through 12 focus group and 15 key informant interviews, as well as from 15 in-depth unstructured interviews with respondents in resettlement, town, and river embankment areas. The second phase tested the pervasiveness of propositions generated in the first phase through a household survey with a random sampling of 400 individual residents across 8 villages (*barangays*). This chapter draws from the findings in the first research phase and that all persons referred to in the empirical section have been given pseudonyms.

The following section will discuss three sets of literature that we believe can shed light on the workings and dynamics of gender, mobility, and disaster resilience specific to this study, and which will lead to an analytical discussion on some key findings of the research. The last section will discuss the conclusions of the chapter, discuss re-thinking gender, and will signpost policy implications in the field of 'gender-responsive disaster risk reduction and management.'

A feminist political ecology of disaster and mobility

Current thinking on gender and disaster tends to oversimplify how disaster strikes and affects women and men, and subsequently also how gender shapes disaster responses and disaster recovery. Re-thinking gender in the disaster literature requires that we reflect on three conceptual streams: feminist political ecology, disaster, and mobility.

The first stream of ideas draws from political ecology, a field that broadly investigates wider social, economic, environmental and political forces and changes that impinge on people's natural resource-based livelihoods, and their unequal effects and responses largely due to social difference and power imbalances at different scales (Watts, 2000; Robbins, 2004; Paulson and Gezon, 2005; Rocheleau, 2008). In the mid-1990s, Rocheleau et al (1996: 4) heralded feminist political ecology (FPE) as a sub-field of political ecology that recognizes gender as power relations that are a 'critical variable in shaping resource access and control interacting with class, caste, race, culture, and ethnicity to shape processes of ecological change.' Since the landmark publication of Rocheleau et al's *Feminist Political Ecology*, Elmhirst (2011a) tells us that scholarly work on feminist political ecology has proceeded unnamed as such, but that these works veritably carried strong FPE elements on gendered resource access and control rights, forms of knowledge and institutional discourses that enable or constrain gender equality. These elements have pushed FPE as a field of inquiry especially in agriculture and forests (Shroeder, 1999; Cranney, 2001), water management (Cleaver, 2010; Udas, 2010), forests (Paulson, 2005) and fisheries (Bavington, et al., 2004).

From his synoptic work on political ecology, Paul Robbins (2004), argues that 'current economic and political structures increase the riskiness of natural events . . . with implications for how our society and personal lives are ordered.' Robbins (2004) and (2000) both offer a meaningful genealogy on hazards and disasters research that traces a view of hazards –

perturbations such as tornadoes, earthquakes, floods – from being a natural phenomenon to a fundamentally *human-environment* problem. Referring in particular to studies on flood hazards, Swynegedouw (2009: 57) makes the point on human-environment more explicit: 'a political-ecological perspective insists on, and traces, the fundamentally socially produced character of such inequitable hydro-social configurations.' This means that these hazards are not completely natural or inevitable, but that they have a history and may be co-produced by and include social and biophysical elements, that is referred to as socio-natures (Castree, 2001). Wisner et al (2003) add that in the 1980s, the new field of political ecology was used to combat increasingly subtle forms of environmental determinism. In a compelling argument on the sociality of nature, (Smith,2013) points out that social vulnerability to disasters brings to fore the economic system that lies at the crux of human-environment relations and consequent degradation and disaster. Meanwhile, in climate adaptation debates on the causal structures of vulnerability, Ribot (2009) takes a more polemical view by suggesting the need to investigate what causes the vulnerability of people in the first place, rather than focus on how people are vulnerable to hazards. Hazards and climate variability therefore exacerbate people's already existing vulnerable situations, along with other drivers of vulnerability, producing outcomes of disadvantage. (Smith,2013) points out the significance of social vulnerability as a powerful model for causation for disaster research and practice. Finally, apart from emphasis on the sociality of nature and the causation of vulnerability, political ecology traces genealogies of knowledge concerning 'environment,''disasters' and 'climate change' by examining power relations supportive of particular discourses that shape and influence programming and policy making (Stott and Sullivan, 2000). In short, political ecology unpacks how the 'languages' of disaster and climate change narratives are socially and politically situated, thus evolving as cultural meanings that frame and materialize the languages of policy.

For its part, feminist political ecology has not yet explicitly strayed to robustly investigate gender and other relations of power in disaster situations and risky environments, thus work in this area is nascent and largely located in the growing literature on 'gender and disaster,' the second stream of inquiry in this chapter. While much of the gender and disaster literature built on earlier conceptualizations of gender that is relational and role-based, thus involving the interaction of women and men structured through norms and institutions (Elmhirst and Resurreccion, 2008), early on Enarson (1998) sparked a more promising post-structural and ontological approach that chimes well with contemporary FPE views. She viewed gendered

vulnerability as not deriving from a single factor such as 'being a woman', but instead vulnerability indicates historically and culturally specific patterns of practices, processes and power relations that render some groups or persons more disadvantaged than others. Disasters therefore may put inequalities into stark relief, where gender inequality as one type of inequality intersects with other types of social inequalities. Hyndman (2008) further adds the importance of the intersectionality of gender specifically with ethnicity and types of disaster when she studied the plural meanings attached to widows in the aftermath of the 2004 Indian ocean tsunami in Sri Lanka. She cautions that gender as a major axis of difference and disparity is not the only or necessarily the primary one. Both Hyndman (2008) and Cupples (2007) also emphasize the need to duly recognize the historical contexts of women's (and men's) lives prior to a disaster, which could explain the differentiated positions of women in the wake of a disaster that do not easily fit into the stereotyped and undifferentiated category of 'disaster victim.' These plural positions and fluid identities of women can inform more appropriate and suitable institutional and humanitarian aid responses to women (and men) in post-disaster recovery and resilience-building efforts. These ideas also firm up and add another dimension to political ecology's concern with socio-natures, where in particular, disasters are viewed as being socially, politically, and biophysically produced and instantiated, but additionally, as Cupples (2008) argues, subjectivities are also produced and reworked through disaster.

Feminist political ecology can thus take these ideas from political ecology, and gender and disaster scholarship forward, allowing us to further unpack and nuance gender re-configurations wrought by disaster situations. In particular, new thinking within FPE appropriates political ecology's concern for a historical approach as it traces the fragmented and de-centered gendered subjectivities intersecting with ethnicity, class, age, and race rather than a one-dimensional and centered feminine subject (Elmhirst, 2011; Tschakert, 2013; Resurreccion, 2013). Second, FPE also asks that we re-visit power that is produced through the everyday constitution of social difference and gender (Wallach Scott, 1988), re-invigorating thus a politicized notion of gender as an outcome of the uneven effects of exercised power (Elmhirst, 2011). In particular for this chapter, we are concerned with the constitution of gender through the 'relational production of space and subjectivity' (Nightingale, 2010), thus in this study we examine the spatial – specifically mobile practices – that constitute gender and social difference, where power is produced in a situation of persistent natural disasters, livelihood insecurity, and wider developments in the Philippine

political economy. This leads to the third stream of ideas in this chapter, that is, mobility as a particular form of spatial practice and the constitution of gender in post-disaster life.

Contemporary feminist political ecology recognizes that rural populations are increasingly geographically mobile, where women and men reconfigure patterns of livelihoods, (re)producing new and possibly unequal patterns of access and control on resources, and new forms of environmental governance at different scales (Elmhirst, 2011). Additionally, the growing frequency of disasters and insecure (re)settlements create a sense of urgency that compels people to move and seek more resilient, safe and productive livelihoods and places to live, consequently with implications on the production of gender. As people move or perhaps remain in place, they struggle to acquire new subjectivities, as well as resist specific types of subjectivity (Cresswell, 2008). The links between mobility and gender – in the context of more frequent disasters – are therefore fraught with meaning and symbol, enabling or constraining people's chances to seek a better and more resilient life.

In a recent paper, Hanson (2010) offers a view on mobility as quotidian: the movement of people from one place to another in the course of everyday life, where two strands of inquiry separately ask how mobility shapes gender, and how gender shapes mobility.[2] Cresswell and Uteng (2008: 2), for their part, elaborate on Hanson's first strand as follows: 'narratives of mobility and immobility play a central role in the constitution of gender as a social and cultural construct.' Samuels (2012: 243) points out that mobility is a 'contextualized phenomenon' as it is socially produced, and in concrete terms, mobility has also often been studied in relation to work opportunities and livelihoods, where the lack of mobility can both cause poverty and be a form of poverty in itself.

Nightingale (2010), although not consciously conceptualizing mobility in the same deliberate way as the scholars above, usefully draws attention to the relational production of space and material subjectivities. This reminds us of the earlier work of Wallach Scott (1988) on power and difference, and when applied to Nightingale's work may be formulated as follows: social difference is (re)produced through the spatial practice of mobility, which instantiates the (re)production of power. This chapter amalgamates these earlier views on gender and mobility as it operationalizes the notion that mobility and immobility (re)constitute types of social and gender differences, all of which simultaneously (re)produce power in everyday life in the context of continuing disasters and insecure livelihoods. The notion and inclusion of

power therefore circles back to the broad concerns of feminist political ecology, thus bringing to fore a more politicized view of gender in the context of risky environments and disaster. Being both mobile and immobile constitutes gender and power differences in a disaster and post-disaster context, as this chapter will attempt to demonstrate. The following sections discuss the experiences of women and men in REINA in the long durée – almost a decade – since a huge disaster struck and was followed by more frequent episodes of flooding and erosion in their villages.

Embodied mobility and changing livelihood experiences in post-disaster REINA

The types of everyday embodied and experienced mobility in post-disaster REINA are those that involve residents' emergency movements to shelters and evacuation areas in the event of flooding alerted by warning systems, their travels to and from resettlement areas and makeshift farmlands, gardens and houses in eroded riverbank areas once home to relocated farmers, their scrounging of forest areas for charcoal as a livelihood option, and their forays to near and distant places for temporary job placements such as in construction sites in provincial towns and peri-urban areas near Manila, as well as domestic work in Manila itself and in nearby towns.

Mobility marks insecurity
Residents of REINA attach diverse meanings to mobility, culled from their own embodied experiences of the 2004 disaster and its aftermath. They tell of an increasingly shallow river that constantly swells and bursts at its banks, flooding their homes and eroding their land, pushing them to seek living and farming spaces in the interiors of their municipalities, or to find other types of work beyond them. Thus they have come to attach nature with a mobile agency, destroying assets and livelihoods along its path, compelling riverside residents to distance themselves from its increasingly thinning and disappearing banks: 'The river stole our land. Our land has become water now; the river took it. Our homes, our backyards – *we* – are being chased by the river.' Similarly, at the sight of the approaching volume of mud and floodwaters in 2004, a shocked resident exclaimed, 'The floods pushed away the sea!' (focus group interviews).

Residents often also wistfully revisit a past in which they claim themselves as being largely in-place residents who eked wealth from land, river and sea, unperturbed by the demands of moving to safer and more livelihood-secure places. They speak of women now having to leave the confines of home and villages to search for work, which seemed never to be the case prior to the 2004 disaster, although this is doubtful. Focus group interviews with mixed groups of men and women yielded their views on their disaster imaginaries:

> 'Those who lost their land have to move and find work near and far. Those who have land remain intact.'
> 'Our wealth will never come back to us.'
> 'Our lives were better off in the past.'
> 'In the past, we could still afford to send our children to college.' 'Today, our children – only high-school graduates – leave our villages to find work elsewhere.'
> 'Now, even women and mothers have to travel to work and earn something.' Farming, on the other hand, keeps mothers from leaving their homes.'
> 'Men go off to construction sites to find work, but this type of work is often irregular.' 'More women today work as domestic workers in Manila or Laguna, and their jobs are more stable than men's unpredictable construction work.' 'Mothers with small children don't travel all the way to Manila; they become laundry women and domestic workers of wealthy families in Infanta.'
> 'Migrants have come to prey on our villages to cut trees and gather wood for charcoal production.'
> 'Landless residents have no other option but to search the forests and burn and produce charcoal.'
> 'From our resettlement area, we walk to our former lands by the river to fish.'
> 'We have more expenses now because we have to travel more frequently.'

Post-disaster experience reveals that mobility is the narrative that REINA residents employ to account for nature's actions and demarcate post-disaster conditions such as livelihood disadvantage, non-desirable employment options for women, censured extractive livelihoods, and post-disaster misery emanating from a past defined by a sense of sedentary security. Mobility has thus evolved as a marker for growing livelihood insecurity in a disaster-prone environment in REINA. Additionally, the reference to mobility has come to mark emerging gender subjectivities in the context of new livelihood options. This is further explored in the next section on gender mobility/immobility, that we refer to collectively as 'gendered mobilities.'

Gendered mobilities

No disaster research will be complete without investigating the productions of gender during the disaster itself. Residents in REINA tell many stories about their ordeal and the loss and

damage from the sweeping mudslides and the huge logs that rolled down the mountains. Their recollections are also couched in the movement of people to safer places in gendered ways. Here are some of their brief accounts, also from focus group interviews:

> 'It is the women and children who evacuate, while the men stay behind to protect their home and belongings.'
> 'When there is no man in the family, we have to abandon our home and evacuate when a flood comes.'
> 'When the floods came, I stayed behind to protect and watch over my husband's motorbike. He would be furious if I let anything happen to it.'

Gender subjectivities are performed through the experience of fleeing disaster, thus the idea that women are vulnerable is re-positioned and culturally materialized in stark contrast with masculine protective prowess during disaster rescue operations. Women with no men have no other recourse but to be taken away and abandon all possession. Yet, the symbol of the persevering and stationary wife rises to the occasion when women perceive that male possessions are under threat. Disasters therefore unpack contradictory gender positionings – ranging from victimhood to heroic self-sacrifice – filtering thus the material experience of mobility during disasters for different women.

Re-building lives and the pursuit for resilience against impending disasters are expressed through the lives of people who live in the two resettlement sites in REINA and in a riverside village, Banglos, where the land continuously erodes due to more frequent flooding. For residents of the resettlement sites, mobility for employment opportunities clearly serves as a resource, as existing resettlement livelihoods such as gardening and woodcarving are weak income drawers. In Banglos, on the other hand, former land-owning residents have rebuilt makeshift homes to stay nearer to their sources of livelihoods, farming, fishing, and charcoal production. In this context, immobility offers a degree of livelihood stability, but which takes place in a precarious and uncertain flood-prone environment, where farming and fishing have become survival strategies, instead of resilience-building ones. Others shuttle between resettlement site and Banglos to fish and farm in leftover lands, but which is proving to be untenable due to distance and paucity of adequate transport facilities. The cases below exemplify these conditions.

Ester Reyes remembers that they evacuated to a nearby schoolhouse during the 2004 flood. Upon return to their home in Banglos, in the municipality of General Nakar, she and her husband rebuilt parts of their damaged home and applied for a house in the new resettlement

site, John Paul II, which they were awarded six months later. Ester's husband Mario works for a construction firm in Manila as a mason and carpenter, a profession he took up since he was single. She is proud that her husband remits his salary home every 15th and 30th of every month despite no fixed job contract, which differs from most other male construction workers who receive piece rate wages. Says Ester, 'The disaster brought me a home. We used to only live with my mother. Today, I stay home and find it better than working in Manila as a domestic helper. We are also safe here from the river. However, once our children go to college, I am willing to work again as a domestic helper in Manila to augment our earnings, or when the job of my husband terminates. When that happens, I can move to Manila to work. For now, I look forward to saving some of my husband's salary to improve parts of our house.'

Ariel Prudente is married with one child, living in the John Paul II resettlement site since his parents' home was washed away by riverbank erosion following the powerful flood of 2004. He used to be the farm manager of his aunt's one-hectare rice land in the village of Pamplona. He can no longer travel the three-kilometer stretch to his aunt's farm from John Paul II since transport fees eat up his earnings and if he traveled by foot, bystanders harassed him when he returned home in the evenings. He also waits long for a tricycle ride since public transport vehicles are few in these parts, thus arriving late in his destination. In light of his difficulties in shuttling from resettlement site and farm land, Ariel recalls his aunt's admonition: 'It seems that you are now unable to effectively manage the farm because you arrive late all the time. It may be better if you disengage from us.' Ariel was so distraught by his aunt's admonition that he abruptly stopped his work at the farm and became a footloose farmworker in nearby villages or as a worker in local construction sites receiving a daily wage of 150 pesos (US$ 3). He says, 'I am now *pa-ekstra-ekstra* (a flexible and insecure job worker). Despite my difficulties at finding a secure livelihood, however, I now have a house of my own in the resettlement site. In the past, I used to live only with relatives.' Ariel's wife sometimes accepts laundry jobs, but is unable to do this regularly due to childcare responsibilities. He says that there are times money is so hard that he cannot afford to buy rice, thus taking a loan from a neighbor as recourse.

Stella Santos is a member of the village council of Banglos, a riverside community heavily damaged by the 2004 flood and more recent flood episodes. She and her family rebuilt their home by the river, but maintain a house in GK Smart Anoling, another resettlement site. She recalls: 'My home was completely washed out by the flood in 2004. I now stay in my parents' rebuilt home in Banglos together with my sister and her children. Today there is hardly any

farming here. Our farmlands have lost their irrigation sources. Other farmlands have been washed out. Prior to the flood, we grew rice that we consumed for the full 12 months. Today, we have to buy rice for 12 months. My family had two hectares of rice land. What's left is stony and rocky land because of the thick mudslides that now cover the land. I have a house in GK Smart Anoling, where my brother lives. I spend two to four days there at a time but return to Banglos. There is no work there, but sometime ago an NGO trained people there to do wood carving, but some were not successful or interested. We need to be there a few days at a time in order to keep the house, otherwise we lose our house according to the rules. For instance, in the morning, I work here and then travel to Anoling in the afternoon. The rules are relaxed when you go back and forth, and you can keep the house for as long as you are not absent for a month. We just sleep there and return to Banglos.' Thus, Stella and family members visit their home at GK Smart Anoling frequently to comply with rules of residency as stipulated by the resettlement site's management. Many former residents rebuilt their homes here, since they say they're closer to their fishing and farming livelihoods. However, there are a number of people, Stella says, who travel daily to Banglos since they do not have the means to rebuild their washed-away homes, or simply lost their land to the swelling river. 'The river is coming nearer to our home. If it takes any more land, we will inch our way forward. We will implore our neighbors for space on which to rebuild a house. The land keeps going and going, leaving fewer spaces on which to grow our crops. The land has become water.'

Charcoal producers are looked upon with disdain in REINA. The government bans any form of tree-cutting for commercial purposes whether for timber or charcoal. Charcoal producers then lead a precarious life as they elude local police to continue with their livelihood. A resident of Banglos, Crisanto Pujalte, however, maintains that he does not cut trees to produce charcoal, but collects driftwood that stray to the riverbanks. 'We dry and burn the pieces of cut wood that roll down from the mountains and float to the river banks to make into charcoal. After the great flood in 2004, charcoal-making became very lucrative. I used to produce about 100 sacks of charcoal per month, today I am lucky if I am to produce 10 to 20 sacks. There is less driftwood available from the mountains that I collect from the river. In a way, this makes us feel safer since landslides may be less frequent due to less logging in the mountains unlike the times prior to 2004, when slopes were too loose and flowed as mud to our village. At the same time, many in-migrants have come from the nearby villages of the municipality of Real to compete with us in charcoal production since the police catch them there, as Real is a

forested area where charcoal makers cut trees. They blame the charcoal makers rather than the big loggers for the floods.' Since charcoal production has weakened considerably, Crisanto grows vegetables in a relative's small patch of land, which his wife sells whenever possible. He engages in fishing and joins a group that does net fishing both in the river and the sea, since he was a fisherman in earlier times. Crisanto has also become *pa ekstra*-ekstra. He looks towards the future when his children would have completed a university education, believing that granting them the chance to study would locate their future elsewhere rather than in Banglos, where the river swells, and where driftwood is increasingly scarce.

In 2008, Lyra de Leon moved to GK Smart Anoling resettlement site with her family from her original home in Banglos. Lyra almost lost her eldest child to the 2004 flood when she momentarily left the baby swaddled in a blanket as she climbed the roof of her house when floodwaters rose. Today, she travels 3 kilometers by foot to Banglos daily at 5:30am and buys fish from docking fishermen. She walks home and peddles the fish until they're all sold. Her husband, Jess, is in Manila working as a construction worker for Php420 pesos (US$ 10) daily exclusive of food and board. This is the third time that Jess works in Manila since 2003, but she prefers him to fish in Banglos so that they are together. However, the earnings he sends Lyra is good income compared with the returns from fishing. Looking to the future, she thinks of working in Manila as a sales lady due to the increasing costs for supporting two growing children. She and her mother's family have also come to live with floods. Flooding is more frequent, Lyra observes. In 2012, they had to evacuate Banglos three times: July, October and November. They know that when water reaches a certain eroded area (hit by previous landslides), it is certain that floodwaters will rise. When they are waist-high, people can no longer escape them. But when they do, they are able to cross over and reach GK Smart. Usually on the day following a flood, evacuees return to Banglos to fish since with murky water, there is much chance of a good fish catch. They leave the children behind in the resettlement site. Lyra admits that they are no longer afraid since they can predict the rise of floodwaters rise and they know what to do.

{Cresswell:2008tu} stated that 'to be mobile [or immobile] is to acquire a gendered subjectivity' (clauses, ours). From the cases above, the experiences of disaster and livelihood insecurity co-produce gendered subjectivities: re-traditionalized housewives and immobile women – some awaiting remittances, while others working on fragile lands – and mobile men with insecure and multiple livelihoods. In a climate of continued disasters, people in this study live with constant insecurity and their mobility and immobility mark the degrees of the

insecurities and stability that they experience. This challenges studies like Samuels (2012) that acknowledge the mobility of men as being an index of inequality or deprivation for immobile women. In the post-disaster REINA case, however, it appears that women like Esther, Stella and Lyra want to claim immobility because this chimes well with traditional gender norms on motherhood and wifehood in the Philippine context. Their immobility as left behind wives and their sense of home ownership in the resettlement sites offer them a degree of desired stability: especially a fixity amid the flux and uncertainty that the floods have brought to their lives. This however affirms Samuels' (2012: 743) notion that mobility is a 'contextualized phenomenon.' Indeed, disaster as a context is fraught with uncertain and forced mobilities, and as such, people long for fixity and immobility to align with their imaginaries of stability. They see nature as compelling them to move all the time. These imaginaries attach great importance to the gendered norm of wives staying at home who resist prospects of being mobile women workers, as well as perpetuate the notion that to be immobile is simultaneously to be socially upward in the community, thus occupying a position of high status and relative power. To be immobile underscores having one's own home, land to farm (however fragile), living near river or sea to fish, or being at home awaiting wage remittances from afar. Indeed, the cases of the women show us that as they remain 'in place' and 'at home,' they simultaneously take on and resist types of gendered subjectivity, as Cresswell and Uteng (2008) earlier noted. They resist the idea of the mobile working woman, as this represents instability and usually regarded as a final recourse to men's joblessness or as a response to the exigencies of supporting growing children for a university education.

On the other hand, mobility marks separation from one's spouse, engaging in insecure and multiple livelihoods, such as being *pa-ekstra-ekstra* in the case of the men, Crisanto and Ariel. Crisanto, morphing into a charcoal producer as floods carried driftwood, combines this new livelihood with other equally insecure livelihoods such as gardening and small-scale capture fisheries. This challenges Samuels (2012) earlier notion that the lack of mobility can both cause poverty and be a form of poverty in itself. The REINA cases show us that immobility indicates advantage and marks relative stability in a constant state of flux and movement in the context of livelihood insecurity and more frequent flooding.

Pre-disaster forms of social and gender differentiation took on a new importance as new differences emerged for these REINA residents and their post-disaster mobilities.

Left behind wives in Banglos and the resettlement sites intersect with who they were prior to the frequency of floods in REINA. Many of the women we interviewed who travel to work or temporarily live in Banglos were wives of fishermen, fish peddlers and farmers, whereas the mobile men were formerly farm hands, skilled construction workers, and fishers. There is continuity in gendered subjectivities, but which are also further co-produced, fragmented, and/or re-constituted by the experiences of disaster, insecure livelihoods, and mobility/immobility. The social conditions of disaster recovery and reconstruction, immobility and mobility for particular livelihoods, and people's lived experiences therefore create a space where gender is performed differently, and is constantly renegotiated (Cupples, 2007). {AndreaJNightingale:2010fp}) has generally referred to this as the relational production of space and material subjectivities, where in this study, difficult spatial realignments following disasters and insecure livelihoods stratified people in unequal social positions of power.

Institutional disaster risk reduction, livelihoods and mobility

After the 2004 disaster, many intervention projects by the local municipal governments of REINA were legitimized and packaged as disaster risk reduction action projects, yet only a handful are actually of this nature. Many of these are largely local livelihood projects or construction of infrastructure. For example, one project directly related to farm and marketing is the newly constructed market in General Nakar, an outcome of public-private partnership, which does not readily cohere with disaster risk reduction. Instead, the market structure strengthens residents' coping strategy against poverty or serves to enhance farm livelihoods.

On the other hand, the three municipalities of Real, Infanta and General Nakar have put in place types of disaster risk reduction-related programs such as flood/tsunami warning and alert systems and designated evacuation centers in the event of a flood. Participatory exercises in community mapping to identify flood-vulnerable hotspots are also increasingly commonplace. Women have been organized and trained for bio-intensive gardening, zero-plastic campaigns, and solid waste management. Meanwhile, the Philippine government legally bans logging and charcoal production to avoid soil runoffs and river sedimentation, compelling authorities to apply punitive measures to those who practice these extractive activities. Livelihood farming skills such as herbal gardening, organic farming and cottage industries such as sewing and woodcarving were also introduced. Thus, post-disaster

development projects and interventions commonly involve a mixed currency of disaster risk reduction and livelihood enterprises.

The local state authorities encourage and continue to support these 'disaster-related projects' for various non-disaster related reasons, however. The range of motivations and reasons for supporting these projects may include political opportunism, production for revenue and logistics generation, and self-interested job generation for intermediaries and implementers of these projects. Many of these projects carry a strong disaster risk reduction label. In the municipality of General Nakar, for instance, members of a local women's organization cultivate organic herbal gardens and sell their produce to the herbal cooperative, as organic farming is widely believed to be a climate change adaptation and disaster risk reduction strategy. They also campaigned against the use of plastic bags and commercial diapers for infants. However, herbal gardening and manufacture of supplementary herbal tablets and juices seemed to favor only the business ventures of a relative of an elected local official. A municipal planning development officer further corroborates this: 'A women's association in the municipality, with the wife of the mayor as the Chair, also produces various juices. For example, they produce the *malunggay* (*moringa*) juice. We in the municipal government have decided that whenever we have an official gathering, we will just buy the *malunggay* juice produced by the women's organization to help them market their product. Also, the organization also serves as our food provider during the municipal government-initiated meetings or affairs. We have also given an annual allotment of 100,000 pesos (US$ 2300) to purchase their products.' Another case in self-interested employment is Marietta Canasto. She worked for the Municipal Environment and Natural Resources Office (MENRO) for one and a half months. She was tasked to care for plant seedlings and plant them for the purpose of reforesting banks of the Agos River. She received Php 200 (US$ 5) per day. She returns home daily. Her work was temporarily stalled due to the election ban, since there was no budget available to employ her. She learned about the MENRO employment from her cousin who worked in the local municipal offices. Every Monday, she visits her cousin to see whether there are available job opportunities. From this, we observe that only those who were within the orbit and networks of municipality officials were actively employed in disaster risk reduction short-term contracting opportunities, while others in the communities simply did not have sufficient resources to sustain their new livelihood skills introduced by projects, as the cases below narrate.

Precy Huelva, a temporary resident of Banglos recalls her involvement: 'We were taught to make sweet potato candies and to grow medicinal plants to supply the herbal store of the Mayor's wife.'

Other programs were products of faulty planning. For instance, some informants said that these programs were unsuccessful because they did not generate savings for women in any useful way. Stella Santos shares additional examples: 'There was a time we made sweet potato (*camote*) candy and planted herbal medicinal plants. This failed because we ran out of supply of sweet potatoes, and the sales of the candy went down after the Christmas season. Eventually, we went on our own separate ways, each to her own livelihoods, mostly *pa ekstra ekstra,* taking up many types of work.' Constantina Rellon, another Banglos resident, adds: 'I was involved in Operation Compassion, a group savings project, launched by an NGO during the season of the northeast monsoon winds, when conditions weigh against good fishing. As members, we were compelled to use our group savings to buy rice for our households. The money was intended for accumulated savings of the group. This led to the project's failure. The NGO pulled out and they discontinued the group savings scheme. Even personal savings is difficult to generate since I am sending my children to school and one of them has been hospitalized. I also used it to travel back and forth to the resettlement site. Whatever savings are depleted.'

The cases of Stella and Constantina above demonstrate that target beneficiaries in the communities explore and engaged in projects motivated principally by everyday coping-with-poverty and livelihood stakes. Disaster risk reduction as a principal motivation does not dominate their engagement. Thus, they continue and sustain their participation based on immediate livelihood stakes. If participation in these projects enables people to cope with poverty, then they enlist and participate. But if a project proves otherwise, the involvement of people fades and the project gradually dies.

Key informants from the planning office in the municipality of General Nakar tell us that the current priorities of the mayor are principally infrastructure-driven: road building to another province, water supply and irrigation. Enabling adequate transport facilities has never been on the municipality's priority list even in the aftermath of the big flood in 2004. In the municipality of Infanta, disaster risk reduction and capacity building programs have included simulated rescue operations and drills responding to new alert systems, mapping flood hotspots later incorporated in local land use maps, dike-building and river dredging and re-

channeling, organic farming and tree planting. In REINA, however, moving for multiple livelihoods is viable for people to cope with poverty. Some people are mobile, while others are immobile or left behind due to varying conditions such as the presence of children, availability of gender-specific jobs, age and life cycle considerations, and assets (cases in the previous section demonstrate some of these conditions). Some individuals can access relatively higher-paying jobs elsewhere, while others generate more modest incomes and livelihood opportunities. On the other hand, translocally mobile people are more vulnerable due to insecure multiple livelihoods and being *pa-ekstra ekstra* on a daily basis.

From a mobility perspective, many of the disaster and livelihood projects initiated by local municipal governments did not address the concerns of people constantly on the move whose multiple livelihood activities presently serve as safety nets to mitigate their disaster-related losses, such as land and high farm productivity. These were largely in-place projects that helped stoke a sense of stability and fixity in a continuing disaster and resettlement context that necessitated the flux and flurry of mobility, especially for less well-off residents. Opportunities and benefits from these projects were neither widely shared nor distributed, and most people were left to fend eventually for themselves to rely on insecure and 'make shift' livelihoods in risky environments such as in Banglos. Wherever stay-home women were targeted for craft skills training in resettlement sites, only few responded, feeling eventually that they were not adequately skilled or market-linked to effectively practice or sustain craft making, as exemplified by Stella Santos on the mismatch between learned skills and claimed subjectivity: 'We were also trained for wood carving skills at GK Smart, and some were able to sell wood carving products as a group. But others did not learn. I tried to. But I did not really make progress since I am a farmer and sometimes a vendor, always *pa ekstra ekstra* when opportunities arise.'

The discourse of disaster that frames current intervention projects in REINA downplays the need to address the urgent daily livelihood interests and concerns and the emerging subjectivities local people: as they increasingly consider themselves as *pa ekstra ekstra* as they cope with poverty and everyday livelihood insecurity by exercising varying degrees of mobility and immobility. As a result, planners plan and shape projects without these concerns in mind, and which are often short-lived, and have their shortcomings in poverty alleviation terms.

The provincial and municipal Employment and Services officers are tasked to link labor demand and supply, generating opportunities for the recruitment of skilled and semi-skilled individuals for possible employment usually in Manila and surrounding provinces. They create job fairs and link constituencies to skills training agencies of government and NGOs to enlarge employment chances. In interviews, local planning officers, however, lament that the Employment and Services portfolio is often assigned to officers with already existing multiple appointments. Only the provincial Employment and Services Office is a separately designated office. In the municipality of General Nakar, for example, an Employment and Services officer is an unfunded portfolio, and at the village level, this function is voluntary. Therefore, residents who wish to augment their incomes and move to work elsewhere from REINA would have to rely on personal knowledge and networks to link them to possible employment. It appears then that the state turns a blind-eye to mobility as an already ongoing strategy with which people cope with poverty and insecure livelihoods. One explanation lies in the fact that municipal governments in REINA principally focus on addressing disaster vulnerability and risk reduction primarily driven by the traumas experienced in 2004, as well as resources that support this definition of development practice. Additionally, the National Disaster Coordinating Council of the Philippines has mandated the institutionalization of 'policies, structures, and programs with continuing budget appropriation on disaster risk reduction from national down to local levels towards building a disaster-resilient nation and communities' (Republic of the Philippines, 2010).

Migration and mobility as a development agenda for poverty reduction and livelihood generation however does not fall under the state's framing of the problem, largely residing predominantly in conventional disaster risk reduction and disaster resilience-building languages and agendas. We are reminded of political ecology's concern over power relations that are supportive of particular discourses that shape and influence programming and policy-making (Stott and Sullivan, 2000). The REINA take on development programming unpacks how the 'languages' of disaster and climate change narratives are socially and politically situated, in turn framing and materializing current practice and policy.

Concluding remarks: Rethinking gender and disaster from a mobility perspective

Disaster and consequent livelihood insecurity as a context is fraught with uncertain and forced mobilities, and as such, people long for fixity and immobility to align with their imaginaries

of stability. They see nature as compelling them to move all the time. Villagers assign a mobile social agency to nature as they view flooding as 'the river coming up to our doorstep' that's catching up with their lives and property. This compels them to be constantly conscious of the need to 'make a move', but necessitates asking the difficult question of 'where to go?' Those who are able to move to live and work in multiple places widen their range of their poverty survival options, although in ways that are not secure or sustainable. Those less mobile demonstrate advantage, whether through staying home and awaiting remittances from spouses working afar, or those with some leftover plots of land to farm and consolidated fisher networks for fishing out at sea.

In a similar vein, this context of increased mobility brought about by disaster experience has engendered the desire to remain in place and be immobile. Immobility has marked relative stability and reproduced comfortable gender norms that play up the virtues of being a housewife awaiting financial support from a husband working far away. Immobility has also marked a temporary return to precarious places where a chance of eking a livelihood is present compared with the scarcity of opportunities in new resettlement sites.

Mobilities also seem to draw and define the boundary between a relatively more prosperous era prior to the big disaster and subsequently, the period of resource decline and difficult spatial realignments in its aftermath. People spoke of their temporal imaginary of sedentariness and immobility during 'better times' in the past. In turn, this leads them to believe that the extent of contemporary vulnerability, trauma and uncertainty is so pronounced that *even* the women and mothers have to move to find work to help ends meet. In related manner, nuanced stratifications emerge between types of gendered work, such that to be a female domestic worker receiving fixed wages is better than the employment irregularities experienced by a male construction worker. Migrating for domestic work appears to be the next best thing as it also puts a momentary end to insecure mobility.

Contradictory, ambiguous meanings, meanwhile, are also assigned to mobility and immobility. For instance, censured livelihoods – charcoal production and logging – are attributed to mobile and landless individuals or outsiders, as they are believed to descend on the villages to prey on remaining forests. While immobility has become an index of privilege by owning productive land for sedentary cultivation or by being a regular wage earner, this is not the case for immobile subjects who claim that they have nowhere to go.

Mobility also marks gendered-differentiated responses to floods, as women and children flee or are ferried out to evacuation centers, while men stay behind to protect precious assets. Institutional responses to disaster recovery are also mobility-defined, in the sense that they reinforce the aspiration for fixity and immobility by re-traditionalizing gender roles that emphasize in-place livelihoods such as in new gardening enterprises and cottage industries.

Finally, the study demonstrates that mobility is a blindspot in planning for resilience-building where livelihood security is subsumed under the overarching language and frame of disaster risk reduction. The discourse of disaster that frames current intervention projects in REINA obfuscates and blunts the need to address the urgent daily concerns, emerging subjectivities, and stakes of local people: as people who are consider themselves as *pa ekstra ekstra* as they cope with poverty and everyday livelihood insecurity through varying degrees of mobility and immobility. Because this is not recognized as the goal for responsive intervention, projects are being not planned thoroughly along this line, are often are short-lived, and fail in poverty alleviation terms.

In this study, we therefore examined the spatial – specifically mobile – practices that constitute gender and social difference, where power is produced in a situation of persistent natural disasters, livelihood insecurity, and wider developments in the Philippine political economy. Narratives of mobility play an important role in the constitution of gender since 'acquiring mobility (or immobility) is often analogous to a *struggle* for acquiring new or former subjectivity' (Cresswell and Uteng, 2008: 2). Thus, as people call into being and materialize new subjectivities, productions of difference become exercises imbued with power and inequality (Wallach Scott, 2008), a chief concern of feminist political ecology. This has implications on whether mobile and immobile subjects become more resilient through their differentiated subjectivities, and their access to resources and survival chances are at risk or minimized.

The foregoing conclusions of this study allow us to offer a few implications about re-thinking gender and disaster. They are as follows.

First, from a general reading of the practice literature, current thinking on gender and disaster tends to oversimplify how disaster strikes and affects women and men, and subsequently also how gender shapes disaster responses and disaster recovery. Much of what we have observed on the dynamics of disaster recovery in REINA compels us to go beyond easy notions of gender-specific impacts where women are often claimed as immediately disadvantaged and

vulnerable. The REINA case seems to point to the contrary: left-behind, immobile women –
as domestic workers, as wives of fishers and farmers on fragile lands, or stay-at-home wives –
benefit from fixity in the face of increasing fluidity and movement compelled by living with
disasters and the rise of insecure livelihoods. Men, on the other hand are more mobile, thus
face multiple but insecure livelihoods. That said, however, mobility and immobility mark
relative degrees of resilience and stability, insecurity and fragility, and are themselves not
definitive, black-or-white categories that define gendered subjectivities. Mobility is therefore
a contextualized phenomenon.

Second, a fixation on 'impacts' in the gender, disaster and climate change literature focuses
on the material and measurable, while gender is rarely mentioned in official and NGO climate
change discourses except as women being climate victims. MacGregor (2010), for instance,
notes the positivist framing of most climate change discourses that measures impacts and
counts victims. The mobility literature, on the other hand, tells us that immobility for women
is a marker for poverty and lack of opportunity, whereas mobility for men is power and
advantage (Samuels, 2012). It follows then that if planners were convinced that women
registered significant victim numbers, then the case would have been made for inserting
gender into climate change negotiations and future funded programming. Our observations of
post-disaster REINA puts into question disembedded allegations of feminized victimhood as
these sidestep other subjects of vulnerability, such as chronically jobless men, and other types
of less vulnerable immobile women, who consider themselves stable and in place in the face
of mobility that marks insecurity.

Further, the paradigm of mobility offers a way out of oversimplification because it
complicates and disrupts earlier notions of *place-based* gender-specific risks and vulnerability
pervasive in much of the gender, disaster and climate change literature. Disaster subjects are
potentially mobile beings and their mobility or immobility etches marks on their differentiated
recovery, coping and adaptive responses, enabling ways with which gender and other types of
social differences may be performed.

Third, as a contribution to feminist political ecology, this chapter's focus on gender, mobility
and disaster highlights the gender relations of power embedded in people's struggles to
realize more resilient livelihoods through mobility or immobility. Additionally, a feminist
political ecology approach allows us to unmask discourses of power that sidestep and blunt
efforts of state and development institutions to address women and men's uneven access to

resources to assuage their daily livelihood struggles. Instead of addressing these concerns, the focus of these institutions has been narrowly centered around disaster resilience and risk reduction.

Finally, the study challenges the notion of mobility as a gendered response to disaster and increasing climate change, but instead locates mobility and immobility within rhythms of everyday life, challenges and opportunities of the wider political economy, as well as in the context of accumulated fears over the uncertainties of likely future disasters where nature has acquired its own agency.

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Notes

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[1] Post-disaster assessments from a local university, University of the Philippines at Los Baños (UPLB) and the Department of Environment and Natural Resources (DENR) differ in their assessments: UPLB argues that it was heavy precipitation and not logging that caused the heavy slides from the mountains, while DENR asserts logging as the principal cause.

[2] How mobility shapes gender considers problems such as how processes of mobility/immobility shed light on the shifting power relations embedded in gender. How gender shapes mobility, on the other hand, focuses on how gendered processes create, reinforce or change patterns of daily mobility (Hanson, 2010: 8).

CHAPTER 10

Change and Continuity in Multiple and Shifting Hunter-Gatherer Livelihoods: The Resettled Bhuket of Sarawak Maintaining Mobility and Flexible Gender Relations under Conditions of Increasing Fixity

Shanthi Thambiah

Introduction

The analysis of gender relations in an egalitarian society of hunter-gatherers is inseparable from the analysis of the socio-economic structures they are in as a whole. I shall argue that the Bhuket in Sarawak, an ethnic hunter-gatherer group, can be seen to have both divergent and convergent gender division of labour in their diverse livelihood strategies. These livelihood strategies contribute to the social constitution of gender relations (Whitehead, 1979; 2006:24) rather than what is most commonly used to understand gender - as the socially constructed relationship between women and men. We need to move on from seeing gender as being socially constructed and referring to Pearson, Whitehead and Young (1981); Cornwall (2007:76) states that:

> No more of the mantra gender is the socially constructed relationship between women and men rather the concept of gender can be used to bring into question naturalized assumptions about women, men and power to illuminate the diversity of subject positions available to women and men in different context, and permit a closer assessment of the relational dynamics of power among as well as between them. What this kind of gender analysis can reveal is the extent to which taken-for granted assumptions about women and men deserve to be disrupted… (Cornwall, 2007:76)

The objective of this chapter is to explain the diversity in the division of labour by gender, in a framework which considers the changing environmental and social organizational context shaping diverse forms of livelihood strategies, and with it how gender is being constituted in livelihood practices. In the rethinking of gender there is a need to adjust and expand the concept

of the division of labour for material livelihood to include the movement of women and men for resources, and that women and men are plural categories that are constituted by social practices informed by livelihood choices and necessities which require paying closer attention to everyday lives and struggles in diverse context (Cornwall, 2007:77). Therefore, the division of labour by gender is a much more complex series of variable forms of productive and reproductive activities. The division of labour by sex in hunter-gatherer societies has received considerable attention in the anthropological literature (Service, 1966; Friedl, 1975; Lee and DeVore, 1968; Slocum, 1975; Rohrlich-Leavitt, Sykes and Weatherford, 1975; Ember, 1978; Begler, 1978). Some authors have focused on the relative subsistence contributions of male hunting versus female gathering (Brown, 1975; Lee, 1968; Ember, 1978) while others focused on the ecological bases of flexible band social organization (Damas, 1968; Woodburn, 1968a, 1968b) or the seasonality of the subsistence base (Stuart, 1977). There has also been research looking into women's status in hunting-gathering societies (Leacock, 1978; Begler, 1978; Slocum, 1975; Friedl, 1975; Hammond and Jablow, 1976; Martin and Voorhies, 1975).

If we so modify the concept of the division of labour, we can see the variability in the division of foraging labour as a function of the structure of the local environment particularly in terms of resource availability to forages. We also need to look at gendered mobilities as a livelihood strategy where movement is the hallmark of the hunting and gathering culture within a resource-bias subsistence livelihood that is only feasible through flexibility. But paradoxically, mobility and flexibility has become a necessity within the context of modernity and development, although what is prescribed by development is fixity and in the context of this study sedentarisation and the resettlement of the Bhuket. Although modernity and development restricts mobility or see it as being backward, but its prescription for fixity tend not to be viable in terms of livelihood options especially within the context of degraded resources available in a certain location (in the context of this chapter – the resettlement site). Research done on shifting cultivators' show that they have been seen as backward and these views and ideas render shifting agriculture and their mobility not only a primitive practice but also those practicing this type of agriculture as primitive. For example many countries in the region have laws that criminalize swidden cultivation (Peluso and Vandergeest, 2001; Vandergeest and Peluso, 2006; Majid-Cooke, 2006; Ngidang, 2002). Most nation states want indigenous people to practise sedentary

farming and not move from one site to another to farm. Some have argued that states have put in place efforts to permanently settle these mobile peoples (sedentarisation) and that it has been a recurrent state project although it rarely succeeded (Scott, 1998). In addition, more recent work have shown mobility as capability (Kronlid, 2008; Lund et al., 2013) against the views held by most states.

The main focus of this chapter is on Bhuket livelihood strategies from past to present under circumstances of social and environmental change. It also shows how Bhuket maintain mobility in the context of resettlement that prescribes fixity. This is done by looking at women and men in their livelihood practices which contributes to the social constitution of gender that is diverse and also depending on the distribution of mobility in the community - who embraces mobility and who embraces fixity. I define livelihood strategy as the way Bhuket select and combine specific activities for making a living. Following Chambers and Conway (1991) and Scoones (1998) the analysis takes place mostly at the household level but expands to include others who are no longer living in these households. By environmental change I mean the effect of the flooding of a large track of land (approximately an area the size of Singapore) due to the Bakun Dam. In addition there has been much attention paid to the great diversity between hunter-gatherer societies (see Kelly 1995; Lee and Daly, 1999; Burch and Ellana, 1994; Ingold et al. 1988a, 1988b; Panter-Brick et al. 2001; Thambiah 2007; 2009) but much less attention has been paid to the diversity in practices within such societies. Therefore, the chapter will pay attention to internal diversity in order not to miss out on understanding the flexible and mobile nature of foraging societies (Kent, 1992:61).

Firstly, this chapter discusses conceptual issues that inform the analysis of the study followed by the methodology employed. Following that the livelihood practices of the Bhuket before their resettlement is discussed. Subsequent to that the resettlement of the Bhuket to Sungai Asap and the State's rationale for the development of the Bakun dam and its implications in terms of the socio-economic impact of the resettlement of the Bhuket is deliberated on. In addition the stresses on resources due to the resettlement were expounded on. Furthermore, this chapter goes on to elucidate on the maintenance of mobility and flexible gender relations within the diverse gendered livelihood practices of the Bhuket. Finally, the conclusion discusses the rethinking of

gender where the inadequacies of fixity prescribed by the state is dealt with by maintaining mobility and flexible gender roles and relations in their livelihood practices and therefore the study puts forward an argument for the situatedness of gender in its diverse expressions and manifestations.

Methodology

The Bhuket as an ethnic group are found in five communities living quite far apart from each other in West Kalimantan, East Kalimantan and formerly at the headwaters of the upper Balui and currently at Sungai Asap in Sarawak. They live physically dispersed in the interior of central Borneo. However, the vastness of space between these communities has not isolated them from each other, they are interrelated and interactions between them have always been maintained.

In 1992 when the author started her fieldwork amongst the Bhuket there were 276 Bhuket in Sarawak, 161 of them in Long Ayak, 76 in logging camps and 39 living elsewhere. Children from inter-ethnic marriages into Bhuket communities have been assumed to be Bhuket. Those living in the logging camps returned to the longhouse frequently and it is there that they kept their material possessions; of the 39 living elsewhere three nuclear families and two individuals did not returned to the longhouse. The population of 237 (inclusive of those living in the logging camps and excluding those living elsewhere) was divided into 24 *kajans* (a shared space – apartments or huts or a household).

A survey of the Bhuket population of West and East Kalimantan was personally taken by me in 1993 from the three settlements in West Kalimantan but population information on the settlement in East Kalimantan was obtained from two informants from the settlement of Naha Tivab. The Bhuket population in West and East Kalimantan was 578 individuals, and in Sarawak 267 individuals. The total Bhuket population in Borneo therefore comprises 845 individuals in 1993/1994 (Thambiah, 1995). In my most recent visit to the Bhuket community who were resettled at Sungai Asap, the total Bhuket population in Sarawak in 2012/2013 is 469 people

living in 54 *kajans*[1] (household). These constitute 249 males and 220 females. This chapter uses longitudinal observations of the Bhuket in Sarawak from 1992 to 2013.

The methods employed for data gathering include a socio-economic survey comprising of a house to house census, a livelihood profile of 47 households and ethnographic research. Seven households were left out of the livelihood profile for at the time of the survey they were not available and a few had gone visiting relatives. Based on this survey further in-depth research was conducted on two residential groups, one that lived on the *jelatung* on the Bakun Dam and another group that lived in the resettlement site. The resettlement site is in Sungai Asap (see Map 1) and the *jelatung* are at the Bakun Dam site.

[FIGURE 10.1 here]

Livelihood Adaptation and Practices before the Resettlement from a Historical Perspective

Livelihood opportunities available to the Bhuket have varied over the years, and this is reflected in their livelihood practices. Bhuket were previously a very mobile hunting and gathering group. Although they were nomadic, they carried on a certain amount of trade with their agriculturist neighbours, exchanging resins, rattan, incense wood and rhinoceros horns for such items as iron, cloth, salt, tobacco, betel nuts, cultivated foods and firearms. According to Sellato, 'Liju Li the chief of the Long Gelat group who came from the upper Mahakam river around 1830 to wage war on the Taman and the Ot Danum groups of the upper Kapuas put some of the local nomadic groups (Kereho, Hovongan, Bukat) to work to help make swiddens' (1993:3). This means that by at least the 1830s Bhuket were learning the skills required for swidden farming. Between 1901 and 1910, Bhuket moved to Balleh and farmed there; they planted maize, rice, cassava and bananas. While this was happening among some of the Bhuket groups, there were still other Bhuket groups that did not plant or cultivate; those who planted did so of their own volition and

did not give up hunting and gathering. For the most part, other Bhuket groups continued to live by hunting and gathering.

In 1911 the Bhuket under the leadership of Janen moved down to Kapit, but did not settle well, and in 1915, pushed by the Brooke administration, they moved to Giam Mikai above the Pelagus rapids on the Rejang where they were attacked by the Ga'at Iban rebels (Sarawak Gazette, 1 December 1915: 278). After this battle, the Bhuket moved further upriver to Belaga in1916 where they farmed with the Sekapan people. They also traded actively, especially in rhinoceros horns. My field information goes back to the 1920s and 1930s; during that time Bhuket did not live in one longhouse but were scattered, and whenever they wanted tobacco, salt or cultivated food, they camped near Kayan longhouses and worked for them in such tasks as harvesting paddy and weeding. They also traded in jungle products.

In the 1930s Bhuket moved above the Bakun rapids and held the position of *pala menoa* (vanguard of the upper Balui). They farmed actively in this period and started fruit orchards in all the places in which they farmed. In the 1940s, Bhuket were farming quite successfully. The Belaga Information Book of 28 April - 3 May 1941 recorded that the Bhuket paddy harvest was fair and sufficient for six months approximately.

In the late 1940s to the 1960s Bhuket lived by hunting and gathering, trading small quantities of forest products and cultivating rice. Throughout their migration from the Balleh up the Rejang River, Bhuket had two modes of livelihood, which they practiced interchangeably with relative ease. One group was leading a more settled life-style, farming hill paddy as their main economic activity, while the other group was still actively maintaining a more mobile life-style. By the late 1960s Bhuket were already involved in wage work in rubber plantations and there were also some working for the logging companies. Notably, the more mobile group usually took up wage work. The outcome of the balancing of livelihood choices was the variation that was observed in the Bhuket livelihood activities before their resettlement at Sungai Asap. By ignoring internal diversity there is a potential to miss out on understanding the flexible nature of foraging societies (Kent, 1992:61) and this was succinctly stated by Panter-Brick et al (2001:6) '…it is the range of behaviours and the flexibility of human groups, not uniformity, which deserves emphasis'. The

variations in the Bhuket annual cycle of livelihood activities can be understood as individual responses to opportunities, some consistent and others inconsistent in occurrences, which were exploited in the following order of preference:

1. wage labour especially in logging companies or government jobs
2. hunting
3. gathering of fruits and other edible sources
4. fishing
5. collection of rattan and other forest products and weaving for trade
6. agriculture :   i. Hill paddy farming
                              ii. Cash cropping

Most Bhuket both men and women were found involved in all six activities but their preference was determined by the ranking shown above for it is ordered based on more returns in terms of income and food made available by any one of these activities. They changed to a new activity only if it can provide more food sources or income than what they were earlier involved. Men were engaged in wage labour in logging camps and in hunting but women sometimes hunt too. Gathering is done by both women and men. Fishing is also done by both women and men. Collection of forest products for trade is usually done by men and the collection of rattan is done both by men and women. Agriculture is a livelihood strategy that is predominantly done by women but men help out in the clearing of the field and in some of the processes in the harvesting of hill rice. In terms of cash crops like pepper and cocoa both men and women were seen involved in it. The Bhuket used to be too preoccupied with their daily subsistence to spend time on collecting forest produce for trade. Trade items were collected as a supplementary activity during their hunting or foraging. These items were then traded with their agriculturist neighbours, or with the Chinese traders or with other interested people in the logging camps or in the nearest bazaar.

A focus on the amount of time males and females spend in different activities is difficult to ascertain for they move between different activities with great fluidity and there is no rigidity even in wage labour. For example, Naj[2] would give up his job as a chainsaw operator at the beginning of the fruit season or when the *kecohei* trees are flowering for they signify an

abundance of fish and wild boar. He would set his drift net and go hunting and come back later to check on his nets. If he was to continue working in the logging company, this would deprive him and his family of good food and more money for less work done from the sale of the fish, while waiting for the fruit season. This observation accords with what Endicott has said about the Batek 'normally, they will be found living on the highest category of food available at the moment' (1984: 46). What is also important to mention at this point is that the control women exercised over their own lives and activities in foraging societies is widely accepted as an ethnographic fact (Leacock 1978:248) and the same fluidity found in male livelihood activities can also be found in the female activities. Food and other necessities were procured by both males and females including children.

Following Endicott's method of analysis for the Batek economy (1984), I found that the variation in the yearly cycle of livelihood activities among the Bhuket could be explained in terms of a hierarchy of work preference. It seems that the Bhuket had this complex shifting livelihood out of choice, and they combined flexibly moving between hunting and gathering with various other strategies including cultivation of hill paddy, wage work, trade and so on. They lack long-term commitment to any one activity. Bhuket viewed farming as something that operated in their favour and adopted it voluntarily, for the opportunity it provided to supplement a foraging diet. Agriculture became part of a wider flexible hunter-gatherer livelihood package. Thus, the niche that had sustained the foraging mode of subsistence was modified and expanded to encompass agriculture (cf. Bird-David 1992a; 1992b: 22-23). Agriculture required the Bhuket to adapt to sedentarisation, and the living arrangements of the Bhuket show that the flexibility in the nature of their living [3] made it possible for Bhuket to take up agriculture without having to change completely their hunting and gathering life-style.

Since the taking up of agriculture and before the resettlement to Sungai Asap Bhuket were differentiated between two kinds of living arrangements. They were band-like multifamily units whose members engaged in farming, foraging and wage work. These were Bhuket families who seldom stayed in the longhouse. They preferred to stay in their farm huts and rarely go back to the longhouse. For example, the five households, which farmed in U Jet Havet, stayed at their farm for more than three years and seldom returned to the longhouse. In the farming year

1993/94 two more groupings of households emerged, one headed by the headman himself at Long Beto (six households) and the other at Long Liu (three households). All three groupings made their farms along logging roads. Those at Beto and Liu stayed at the farm from June to November in 1993. There was another grouping at Long Payak (two households) comprising elderly people who did not like staying in the longhouse. The second residential arrangement was in the longhouse and they concentrated more on farming with involvement in wage work usually in the period after harvesting and the next planting season. In the farming year 1993/94 this grouping decided to farm near the longhouse along the Ayak River and its tributaries. However, even amongst this group hunting and gathering was maintained.

Here we can see how Bhuket had intelligently adapted to both ecological and socio-economic conditions by creating complex shifting and mixed livelihoods while not having to give up their hunting and gathering life-style. They were able to supply their basic needs with a few hours of work per day. Binford (1968; 1978; 1980) has cogently argued that hunter-gatherers differ greatly in logistical and economic strategies, largely as a function of availability and seasonality of resources. Bhuket adaptation to local resource configurations included responses to the abundance, diversity, distribution, temporal variability and sequential pattern of availability of those resources. This can be demonstrated by the choices that Bhuket make based on local resource configurations such as observed in Naj's choice of livelihood activities during the fruit season.

Naj leaves his job as a chain saw operator for a logging company during the fruit season for the abundance of fruits available at that time and the greater ease in hunting, for wild boars migrate during the fruit season. He sometimes set his net at the base of the *kecohei* tree that flowers along the banks of the river because the fishes will come to eat the flowers that had fallen into the river. The abundance, diversity and distribution of the fruit trees also influence his livelihood choices and activities. He will return to his job as chain saw operator at the end of the fruit season and after the hill rice planting season. The seasonality of resources and the sequential pattern of the availability of these resources also contribute to the temporal variability observed in livelihood activities. Bela Naj's sister also temporarily stopped taking care of her pepper and cocoa plants to engage in the same activities as her brother Naj during the fruit season.

Such a strategy does not tax the individual, community and the environment excessively. In the above discussion on livelihood adaptation and practices it is clear that the resources men and women target overlap and there were no differential access to resources and hardly any specialisation of labour by sex. Such livelihood activities such as hunting, gathering, fishing, collecting of forest products, paid farm work and agriculture are usually practiced by both men and women, although not necessarily equally in intensity and the division of labour between the genders converges. Here, we can see a division of labour in which men and women work together or by themselves to procure resources that maximize daily food size. Mobility and flexibility is central to facilitate such a division of labour and therefore the division of labour by gender is dynamic. As was observed by Endicott (1984) for the Batek it can also be said of the Bhuket whereby to facilitate such mobility, the Bhuket are flexible in their livelihood strategy. Flexibility in their livelihood strategy facilitated by mobility in environments where the availability of resources suggests that, the division of labour emerges through complex interactions between resource availability and the individual's decisions. Viewing the division of labour this way that is seeing it as flexible and not as the outcome of the social construction of gender but constituted by social action, resource availability and access to mobility may better account for the variability observed in men's and women's livelihood decisions in their environments.

The Bakun Dam: Resettlement to Sungai Asap and the State's Rationale

Development projects created in the name of national interest have the greatest impact not only on the hunting-gathering communities, but also on other indigenous communities in Malaysia. There are innumerable programs in the name of national interest that have uprooted and displaced thousands of indigenous communities. Many large-scale projects, which are designed to improve national infrastructure, require the resettlement of large numbers of people. The building of dams to generate hydroelectric power provides classic examples. The socio-economic and cultural implications of these projects are often not fully comprehended until after they are

underway, and key questions which might at least have limited the damage done to the groups that are forced to move are not asked.

The Bakun Dam was first proposed in the 1980s as part of a series of dams to exploit the hydroelectric potential of the upper Rejang River. The project was called off in 1990, however, in September 1993, the project was revived. The official view is that besides supplying electricity there are also other benefits from the Bakun Dam project, such as providing an environmentally-friendly source of electricity, which generates employment and valuable spin-off industries for Sarawak that adds 3% to the state's economic growth per year. Thus, bringing the indigenous peoples 'into the mainstream of development' through resettlement by providing much-needed infrastructure to a remote part of Sarawak, which would also become a valuable tourist destination.

Indigenous minorities are often treated in ways that make them out to be backward and in need of 'help' from both more modern nation-states and development projects (see Li 2007; Denton 1997; Tsing 1993; Dove 1988) as mentioned above. Scott would (1998) describe the points stated above as state initiated social engineering through high modernism that brings indigenous peoples into the mainstream of development and making them legible in the states administration of its people and he has also gone on to show how these initiatives usually fail. The incursion of the state into farm plots, forest fallows, and the states' claims to forests caused a great deal of degradation as well as controversy over legal and illegal logging and the conversion of forests to mono-culturally produced estate crops. More importantly, the blame for degradation was largely directed at these indigenous minorities, rather than at the loggers, mono-crop plantations and industrial forestry developers who cut, cleared, and degraded the forests extensively or to development projects like dam construction.

Resettlement is affecting the livelihood of indigenous communities. This takes various forms: they may be moved out of the uplands or out of forests or lowland peoples might be moved into the uplands, into swiddeners' territories (Elmhirst 1999; Uhlig 1984; Vargas 1985; Hardy 2003; Peluso and Vandergeest 2009) whereby the very act of bringing about fixity/sedentarisation causes the movement of large numbers of peoples into resettlements. Many governments had

long wanted indigenous communities and swiddeners to settle down and practice sedentary agriculture (Wadley 2003; Wadley and Eilenberg 2005; Potter et al. 1995; Dove 1983). However, as this chapter will show there is an inbuilt defect in the state's desire for fixity and sedentarisation, for the outcome of these schemes have been that people practice their traditional mobility as their livelihood strategy under conditions of greater fixity that is being prescribed by development's high modernism.

In the following section, the socio-economic impact of the resettlement on the Bhuket will be discussed.

Socio-economic Impacts of Resettlement

Bhuket were involved in a sustainable mixed economy before their resettlement as was discussed above – in which every member of the community had a part to play. However, at the resettlement site in Sungai Asap they have been introduced to a monetised economy where they are better connected to urban areas. They are beginning to pay for food, water, electricity etc. In this context the cost of living for the Bhuket has increased dramatically and the possibility for income generation is much reduced in the resettlement context.

There are limited economic opportunities within the resettlement site which has led to out migration of the young who seek jobs elsewhere. There is differential access to wage labour for the demand for such work still greatly outstrips its supply. This has led to variability in levels of material wealth and increasing economic inequality among households. Many Bhuket seem to have the view that each individual will have to strive by his or her own efforts for a comfortable life. This is not necessarily for the future, but it is comfort in the present that they seek, which in turn leads to a highly wasteful life-style and high levels of alcohol consumption.

There are also tensions in the relationship between members of a family especially between those who were against the resettlement and those who were for the resettlement. Ic said:

> Me, my sister Seron and my brother Nga decided not to move into the resettlement and we stayed back in our temuda (fallowed land) in Ujet Havet which was high enough and the water did not reach us. However after a few years we decided to move into my sister Sam's house in Sungai Asap. She was compensated for all our temuda (collectively own fallowed land that was submerged by the Bakun Dam)… but because we did not move with her to the resettlement site she did not share the compensation money with us…..

Besides that, the lack of job opportunities is also causing family division. There are individuals migrating out and families are dividing. The need to search for money is emptying the resettlement site of economically active men and women. This has also led to increased spatial dispersion of kinship network. Children tend to leave the resettlement site for employment elsewhere. This dispersion of kin is of great social significance since it seriously disrupts the network of sharing of food among the Bhuket. Sharing is a means by which individuals meet personal crises. The obligation to share is seriously weakened by spatial distance of kin. This has made some Bhuket more vulnerable to personal misfortune. The youth both female and male used to take part in the livelihood activities of their elders such as gathering, hunting, growing crops and trading but in the present context these activities are not seen by them as being integral to their life-style. Una said:

> With my son Mahj - working in Sibu in an Oil Palm plantation and my daughter Sud living with her husband in Kuching I don't have enough people to help me with hill rice planting so we plant a smaller plot of land. We have enough rice for only three to four months…. We need to buy rice from the shop that does not taste as good as our rice but what to do…. I am not the only one …..There are a few kajan (households) in Asap that is in a similar situation like me with so many young people leaving….

Furthermore, the resettlement scheme has also put stresses on resources which will be discussed in the following section.

Stresses on Resources

As population density in the resettlement area increased, processes are underway for the over exploitation of higher ranked food resources. Bhuket who were once able to move away from the

failure of specific resources now are finding adjoining territory occupied and emergency resources already exploited around the resettlement site. The resettlement is also causing intensified use of marginal environments and resources. There is evidence for the filling up of the habitat and subsistence intensification is taking place.

Greater sedentarisation, larger populations and the resulting greater intensification of local resource exploitation amongst the communities living in the resettlement area elevates resource imbalances to a higher level. Both the technological and settlement pattern solutions anchored on fixity developed to address these problems are showing limited success and one important consequence of these solutions are the development of economic inequalities and differential access to resources. However, there is some evidence of coping amongst the Bhuket through limited resource management, gardening and domestication. What we are beginning to see is how a highly flexible and intelligent hunter-gatherer life-style is slowly being undone by the stresses caused by farming and a settled life. Their response to these stresses has been to maintain mobility and flexibility in their livelihood practices.

The state's powers to both classify land and act against those deemed trespassers have serious implication for the Bhuket. The three acres given to them is simply not sufficient. As hunters and gatherers Bhuket need vast tracks of land to hunt, gather and cultivate on. Unfortunately they are now doing this within state land or the territory of neighbouring communities, who are also subject to land pressures. Some Bhuket have moved above the Bakun dam into their former territory that has not been submerged by the dam to hunt and gather. Bhuket links to the land is also spiritual. They have not been able to experience and practice their religious beliefs because they have been separated from their former territory where they claim the spirits that are linked to specific resources dwell. Some of their sacred geography has been submerged and some spirits have been displaced to higher grounds. Lab daughter of Lij Loh the village shaman at Long Ayak said that her father told her before his death that:

> The good spirits that live in the spaces that give us wild fruits in the Bukau area have drowned and the special wild fruits in that area will not be available anymore…..

The following section will elucidate on the maintenance of mobility and flexible gender relations within the diverse gendered livelihood practices of the Bhuket.

Gendered Livelihood Practices

Women who remain in the resettlement site are becoming the sole caregivers for both children and the elderly as men go in search of wage work. Male labour migration leaves women behind to carry the burden of supporting the subsistence sector. We are beginning to see the feminization of subsistence, as women have to take on reproductive as well as productive duties and they are also generalist in their livelihood practices compared to the men.

Women who perform domestic chores have to bear the cost of running the household and thus need to save on the use of electricity and cooking gas. They also have to purchase food since gathering and hunting activities around the resettlement site have reduced substantially. The production of handicrafts like mats, baskets and other ornaments for household use and sale is lower now because it has become difficult to collect rattan. Men are able to experiment with new technologies and production for exchange using the compensation money the household received for the land they had to leave behind after accepting to resettle at Sungai Asap. Although the compensation is paid to the household but some of the men have spent the compensation money buying vehicles. Transportation is costly and the men provide it, as they are the owners of the land cruisers and the motorbikes. Women are the consumers of the transportation services which take them to town to purchase household supplies and food stuff.

The reliance on wage employment has a crucial effect on the lives of women. The structure of waged employment is male-defined and work hierarchies favour men. The resettlement has also impacted on women's roles and their status in diverse ways. The need to be involved in diverse livelihood activities continues to be a Bhuket strategy to spread risks and minimize food shortages. They have not given up mobility in the resettlement context even after taking up agriculture. Today they live in the longhouse in the resettlement site, farm huts, in logging camps

or the nearby towns and also on the *jelatung* (platforms built above the Bakun dam). They still hunt and gather no matter where they live and agriculture is used to supplement the irregularities of wage labour or foraging. However, living on the *jelatung* in their former territory has made them become entrepreneurial hunters, where hunting for wild game has become a very lucrative form of livelihood strategy. However, most of the men living on the *jelatung* also engage in illegal logging for commercial purposes. The men do spend the income earned on alcohol and to buy fuel to travel to and fro the *jelatung* and the resettlement site but they also bring back some of the money and wild meat to their households.

A household may have individuals involved in various activities. It is important to note that some individuals or units within a household or extended family farm, some are involved in wage labour, while others are more actively involved in hunting and fishing and some women weave mats for sale. These points to the fact that gender relations are flexible and this flexibility was also observed in the past. Thus, Bhuket are still, in effect, 'nomadic' in their choice of livelihood activities. For example, King reports (1979: 19) that at the start of the 1970s, although the majority of the former nomads of the Kapuas were then settled in semi-permanent villages and spent 'at least some time' cultivating rice, they were still significantly involved in nomadic pursuits such as collecting wild sago and forest products and hunting. Sellato also notes that 'It is true that the Bukat, compared to other 'Punan', may be the most dedicated of all to the nomadic way of life' (1994: 62-63).[4]

Bhuket livelihood in the past was well adapted for survival, since they could use freely available forest resources such as vegetables, meat, fish, firewood, building material, while their main source of carbohydrate was from their farms. Although much of these resources have been depleted in the resettlement site Bhuket travel far and wide looking for wild food. Wild meat and fish still provide for nearly most of their protein intake and when the hunters are not back from the *jelatung* the women fish in the nearby Koyan River. Bhuket also incorporated wage work into their local world of farming, hunting and gathering. Bird-David has also observed similar adaptation to the diversification of subsistence activities among the hunting and gathering Nayaka of South India who did not settle for good into new modes of subsistence, but incorporated them into the hunting and gathering mode of subsistence (1992b: 30).

Wage work for the Bhuket was simply another means of getting food and other material requirements. Most of the contract or monthly paid workers did not save the money they earned. On the whole they used it to obtain basic edible food from the camp shops or in the nearest bazaar. However, Bhuket who have completely moved out of the resettlement site have more permanent jobs with salaries and some also hold government jobs. There are Bhuket who are teachers, policemen and nurses leaving away from the resettlement site. These individuals sometimes come back to visit and sometimes Bhuket from the resettlement site go to them to forage for food and money. When Bhuket men come back from the *jelatung* after a long period having been away from the resettlement site they and their family spend the money on expensive branded clothes, beauty products, jewellery and food. They also spend a lot of money on alcohol and sometimes most of their wage went towards paying off their drinking debts.

Despite their affluent consumption behaviour, there was no obvious change in their attitude to money and possessions, at least amongst Bhuket still living in the resettlement site who still exhibited an "immediate return" attitude to life. Bhuket are not keen about regularity in terms of keeping to the same job; they were flexibly open to other opportunities that presented themselves so long as these did not preclude their pursuit of individual autonomy. This can be observed amongst both men and women.

To the Bhuket resources exist *a priori* and activities follow to suit. As stated by Bat '*resources are out there, we just need to go and take them*'. This was how they related to the environment and it has been extended to their other activities including wage employment. Bhuket men prefer working for the logging companies because they are able to procure resources in quite the same manner. This was because the logging camps had established shops and canteens that extend credit to them. Sometimes their credit exceeded their wage, and most of them hardly received any wage after their credit had been deducted. However, jobs in logging camps are hard to come by, for the area where they live now has already been cleared and palm oil plantations have taken over the landscape. Plantations have become the biggest employment providing sector. However, Bhuket do not like working in the plantations as the wages are very low, so they engage in logging above the Bakun Dam and sell the logs to companies willing to buy the logs from them. They make the best of situations that are beyond their control and they are pragmatic in their

livelihood choices. There are also some Bhuket who have been recruited by Sarawakian logging companies who are logging in Papua New Guinea and in Africa. Such wage employment opportunities are not available to women.

Although both men and women shifted between means of procuring resources, hunting and gathering was visibly maintained by those living in the longhouse at the resettlement site or the logging camps or the *jelatung* in a two-fold fashion. Most adults hunted and gathered at least every now and then. When they themselves did not hunt and gather some of their relatives did. Therefore, there was a continuous presence of hunting and gathering. Many men working in the logging camps, working elsewhere, holding government jobs or working on the *jelatung* also hunted, gathered and collected rattan between periods of work.

Those employed with the logging companies or working in government service, for example as teachers, were likened to hunters for they brought back provisions such as edible food, soap and so on at the end of each month. Persons employed very far from the resettlement site but on their return they are seen as returning from a successful hunt. The reception given them at the time of arrival was similar to the return of a successful hunter, filled with laughter and noise, and this is irrespective of whether they are male or female. However, there was a difference, for the product of hunting was shared but purchased food was hardly ever shared. Yet, sometimes there were relatives from different households who came and helped themselves to the provisions that were brought back while some others demanded a share.

Bhuket while desirous of wealth, have a predominantly 'immediate-return' attitude in their livelihood practices and activity. According to most but not all Bhuket, sustained and concentrated livelihood activities over long periods of time are unnecessary to provide for the necessities of life. Bhuket do not work consistently and are usually periodically sacked by logging companies or from other wage employment, except for a few who were able to cope with the latter's' production oriented work policy.

Cash income brought with it the prestige of material affluence. However, core values of the Bhuket in terms of internal liberty and individual autonomy was maintained. The great majority

of Bhuket refused to engage in any kind of money transaction among them and resentment of the practice was often expressed. For example Naki says:

> I will never buy meat from another Bhuket because, when I bring back game, I won't expect them or anyone to pay me for the meat I give them.

In the context of the resettlement caused by the Bakun Dam, Bhuket women and men have been experimenting with different livelihood strategies by combining wage employment, subsistence farming and dependence on natural resources from the forest. This strategy can be seen as replicated from their past but this replication is taking place within the context of vanishing and emerging resources and livelihood opportunities. Bhuket are undergoing change, but practicing continuity in the context of competing demands and constraints in an increasingly stratified economic environment. Employment and diversity in income levels are stratifying the Bhuket. For example households that have male members of the household working on the *jelatung* as hunters and illegal loggers will have higher levels of income compared to households where there are no men working on the *jelatung*. Mus said that:

> I work on the jelatung logging and hunting with my brother Bat. Besides that my brother Kat is a lorry driver for a logging company in Gabon, Africa and another brother Nyan is a building contractor in the Solomon Island so we can be said to be doing much better than the other households. I also have a brother who has just graduated from a local university as a manufacturing engineer. I myself have worked in Africa but have decided to come back to work on the jelatung for hunting and logging is lucrative here above the dam.

Laja talking about her son and son-in-law who are involved in income generating activity outside the resettlement site and sending home remittances has this to say:

> My son Ngelu is working in an offshore oil rig for Shell and my son-in-law Fran is a tug boat driver for the logging company Rimbunan Hijau and I and my daughter Rosl are not farming, for the money sent back to us is sufficient for food and other essentials. I weave mats with my daughter for some extra income. My husband is taking care of the palm oil we have planted on our land.

18 of the 47 households surveyed had men working on the *jelatung*. For households with no men working on the *jelatung* and with limited sources of income their livelihood strategies are in the resettlement site and Loho said:

> I work with my husband to plant paddy in between our oil palm trees …. Wherever we can find space in our 3 acres of land to plant paddy ....so the harvest is very low and others think we are strange to be planting paddy in between the oil palm trees……Our daughter is married and living in Bintulu town and she sometimes sends us some money. Life is becoming difficult here at Sungai Asap …we need to buy food here….in the Ulu we ate well…we even got to eat the Tempurau fish that is expensive.

Although the mixed and shifting livelihood strategy is maintained in terms of the division of labour we begin to see a much more divergent division of labour between women and men. Within the resettlement context resources or economic opportunities with the potential to provide larger harvest or income are associated with higher levels of risk. Women predominantly engage in resource acquisition for daily provisioning while men focus on the larger harvest, such as hunting and wage work. But the men tend to succeed too infrequently to provide for consistent income and food. The division of labour by gender can be said to be still flexible where men and women are likely to respond to the needs of their family and to each other. Women and men's livelihood diverge in the degraded environment of the resettlement where success or sufficiency in any one livelihood strategy is rare. The livelihood environment is much more heterogeneous and resources of different utility occur in different spatial locations so within the context of a patchier economic environment, men and women need to first decide on which livelihood to seek.

Bhuket men and women are diverging in their division of labour depending on which patch they want to target. The divergence is gendered for women are predominantly focused on the daily provision and men are engaging in economic activities with higher levels of risk. So here we are beginning to see the emergence of a division of labour that tends to differentiate by gender through complex interaction with the economic environment and individual decisions. However, we also see greater variability in the division of labour as a function of the structure of local environments and livelihood strategies and that the gender division of labour is not a given but socially constituted in the decisions and practices of Bhuket.

Women are more involved in the acquisition of resources with relatively low risk such as in agricultural activities and men in hunting and wage employment which are considered higher in risk in terms of livelihood outcomes. However, most of the time women and men work together to procure resources. We can see that the Bhuket follow a highly diversified and flexible livelihood strategy which combines foraging activities with paid labour and cultivation. Mobility is retained even amongst Bhuket who have adopted a relatively sedentary life-style since mobility allows for the continuation of a mixed and shifting livelihood strategy although presently it is occurring in a degraded environment. Mobility facilitates the viability of a shifting and mixed livelihood strategy.

It is important to generate a coherent picture of gendered mobilities and how it has changed in the resettlement context and in a context where the division of labour has moved from being convergent to being divergent. Research on migration decisions and experiences show that women and men may differ in the issues that they need to take into consideration whereby women have to weigh both reproductive and productive labour demands (Silvey, 2000; Radcliffe, 1991; Chant, 1992; Lawson, 1995). Although Bhuket men and women move, there is a difference in the scale of movement amongst them. What this study shows is that within the resettlement site and when the division of labour becomes divergent – Bhuket bring their traditional mobility as a capability into new economies, creating diverse and flexible livelihood strategies (see Kronlid 2008; Lund et al 2013). Mobility contributes to the processes of the production of gender in the life of the Bhuket in diverse ways. When mobility is unequally distributed between women and men it contributes to social stratification and gendered inequality. In the overall livelihood strategies of the Bhuket gender is constituted by mobility and in the resettlement context gender is beginning to constitute mobility (see Uteng and Cresswell, 2008). For example men living on the *jelatung* engage in logging, fishing and hunting. They are also working as chainsaw operators in logging camps, lorry drivers, working in offshore oil rigs and some have also ventured to other countries like Papua New Guinea, Solomon Island and Gabon. While the women in the resettlement site are confined to the feminized subsistence activities like farming hill rice, vegetables and tobacco and some have also planted oil palm on their land. They also weave when they have rattan. Those who have migrated out of the resettlement site are working as clerks, coffee shop waitresses, nurses, cashiers, as

farm/plantation labourers, some women have also moved with their husband to leave on the *jelatung* and have started canteens to sell food stuff like sugar, oil, can food and alcoholic drinks. Buri has a daughter who works as a technician in a Petrol station in Miri. There are also women who have married rich men and staying away from the resettlement site. Yani said:

> We are old …me and my husband Gala are not able to work. Our two daughters are married and living in Miri. Niko my eldest is married to a Chinese tauke (businessman) …. She sends me money and we use it to settle our debts with our neighbours. Sometime our neighbours and relatives give us meat and vegetables.

From the above livelihood practices of the women and men we can observe inequality in the overall distribution of mobility and its distribution in the resettlement site is much lower for the women. Thus, the variation in the distribution of mobility is contributing to producing gender.

Before the resettlement of the Bhuket to Sungai Asap livelihood strategies of the Bhuket reflected the resources in environments in which they lived which were broadly diversified with minimal specialisation by gender (convergent division of labour), where the resources targeted by women and men overlaps. Specialisation within the context of a divergent division of labour in the wage sector which absorbed more males than females, entails requiring diversified inputs from women. As a consequence of the divergent division of labour, most men and some women have somewhat adopted a rather specialised livelihood strategy, and while this is emerging Bhuket as a community still maintain a shifting and mix livelihood strategy at the household level. This largely depends on the different scales of mobility practiced by women and men and the versatility of women in the nomadic and the agricultural sectors. Although hunting is today integrated into the cash economy through the sale of meat to outsiders but it is still shared within the community and with other family members from other household. The livelihood inputs of Bhuket women in both the sedentary and the more nomadic households are based on the agricultural season, the availability of natural resources, and other work activity in waged labour and weaving of mats for sale. We can begin to see greater gender based specialisation or a divergent gender division of labour in the younger generation's strategies too. It is also important to point out that women and men's livelihood activities do not sort out neatly by gender, generation or livelihood options. This holds true for fishing, farming and gathering. Women engage in much of the production of food and along with that the distribution and consumption

in Bhuket society. Women also extend their visiting network with kin and non-kin as a livelihood strategy. Although much of this mobility in visiting their network of kin and non-kin as exercised by women are recreational in nature, they sometimes justify this mobility as functional or as a necessity. As Una would say – '*we visit our kin to look for food'*.

Nomadic men value their long distance mobility although they state dissatisfaction in being away from the women. Naki for instance, said that he misses his wife and children when he is at the *jelatung* with the men hunting and logging. This has led to a surplus of men on the *jelatung* and a surplus of women in the resettlement site. Due to the opportunities for income generating activities for men at the *jelatung* most tend to remain attached to the resettlement site which they regularly return to, and they bring their income and food especially wild meat back to the longhouse in the resettlement site. However, due to the opportunities for wage labour outside the community and the diversification of women's livelihood strategy, young women tend to take the first step in out-migration. Most never return and there is no significant recruitment of outside women into the Bhuket community. Younger men on the other hand migrate to work but they tend to return to the community. There tend to be a skewed sex ratio in the resettlement site with many unmarried men. Older Bhuket women encourage young women to stay in the community and some even entice outside women into relationship with their unmarried male kinfolk. Bhuket women criticize the life style in the resettlement site and the deteriorating skills of their younger men folk. This is the outcome of schooling and permanent dwellings and they usually compare their husband's skills with their father's and also compare their son's skills with their husbands. Guh has this to say about the eroding hunting skills of the Bhuket men:

> My father was a better hunter them my husband and my son hardly hunts but he goes for paroh (picnics) and to political meetings with the local politicians which cannot feed us.

Conclusion

In this chapter, I have described some of the different ways that Bhuket women and men have diversified their livelihood activities through maintaining mobility under circumstances of

sedentarisation /fixity due to their resettlement at Sungai Asap. Bhuket augment their livelihood through seasonal resource extraction in the form of hunting, gathering and farming while fishing tends to be a regular activity. In the resettlement context agriculture/farming tends to be dominated by women and hunting and wage labour tend to be dominated by men. However fishing is done by both men and women in whichever location they are at. Mobility is maintained but the scale and distribution might vary between women and men. There seems to be a rather creative uncertainty in their livelihood strategies and even amongst those married they may not be in the same place at the same time for weeks on end. The divergent division of labour over a large span of space looks rather complementary where mobility, flexibility, independence and autonomy are maintained. In the households which has the men on the *jelatung* and the women in the resettlement site there emerges a lack of control over resources in the vast spatial stretch over which resources are thinly spread. A factor operating against gender typing of livelihood activities in Bhuket society is the emphasis on individuality and autonomy but the spatial separation of the men and women is contributing to the emergence of gendered livelihood practices where they no longer have access to the same type of resources.

The resettlement of the Bhuket provides short term fixity or permanence but long term insecurity that can only be resolved through mobility. The provisional fixity or permanence of the resettlement is built on others' ephemerality. Instability is inbuilt into resettlements where as a site for livelihood it is not viable and not sustainable over time without mobility. Tension between temporalities characterises development's assertion of permanence/fixity but it is a limitation built into development which generates a situation of restrictions where an economy of flexible and shifting livelihoods is the only option that is feasible or sustainable. This temporal and progressive logic of life within development is sharply at odds with the reality of the need for mobility as a livelihood strategy that makes development and in the context of this study the livelihood insecurity in the resettlement looks restless. Going back to Scott's (1998) argument mentioned earlier on the state wanting to sedentarise mobile people to make the backward minorities more legible to the state, by integrating them into mainstream development, we can see from the Bhuket case that the high-modernist planned social order in the so called development of indigenous minorities through the instrument of resettlement which excluded local and indigenous know-how has failed miserably. The fixity and permanence of development

through the instrument of resettlement has an inbuilt flaw which makes fixity not achievable – this flaw is resolved by the Bhuket through their traditional mobility, informal practices, pragmatism and improvisations and here the state, its discourses and instruments have become illegible for its lack of coherence. The mobility that the state wanted to curb comes to the rescue of the inadequateness of the fixity that is being prescribed by development through the resettlement of the Bhuket.

The present cannot be understood without reference to the past. Women's activities cannot be assessed to the exclusion of the men's and their joint activities. Neither resource type or locality nor seasonality can be seen without understanding the decision-making context of the households. Any comparison of the livelihood strategy of men and women in a hunting and gathering society in the past and in the present remains tenuous especially when mobility and flexibility is maintained in a shifting and mixed mode of livelihood practises. It remains to be the only viable option within the context of environments and development outcomes where no one livelihood option is enough for the survival of the society. Flexibility/fluidity is the only viable option even if fixity is being prescribed. Nomadism seems to be the strategy employed even under conditions of development and sedentarisation/fixty. There is no fixed relationship connecting mode of production to gender patterns in the division of labour at the community level, but it seems likely to emerge in the resettlement context. It is difficult at the societal level to establish culturally female and male livelihood activities – where both genders are comparably endowed for survival. This study tends to make me ask myself where gender relations have come from and where it can proceed in all its complexity, fluidity and flexibility.

Therefore, in the rethinking of gender it is vital not to regard or treat gender roles as if it has a uniform concrete material existence the way many gender and development practitioners employ it in their work. It becomes highly problematic when applied to communities that are mobile and have flexible and fluid livelihood practices and gender roles. The inadequacy of fixity prescribed by the state is dealt with by the Bhuket by maintaining mobility and flexible gender roles in their livelihood practices, whereby the situatedness of gender which is diverse in its expressions are observed. Fixing the notion of gender roles and gender relations does not do justice in explaining the complex mobile local social practices that exist in such communities. It is the state's

interventions through development to permanently settle mobile peoples as shown in this chapter that needs to be questioned in the rethinking of gender for it is undoing the intelligently negotiated flexible gender roles that can be found in such societies. In terms of 'rethinking gender', I would argue against the reification of gender roles that many gender and development languages employ, and the normalizing ways in which the concept of gender is applied in discourses and practices. If gender roles and relations are flexible and negotiated there is a need to recognise the plurality of gender relations that exist in such a society. Furthermore, in the rethinking of gender the idea that the state has to introduce development through resettlements by curbing mobility in order to dispense modernity needs to be questioned first because it is undoing a rather flexible and egalitarian gender arrangement already existing in such societies.

Notes

[1] For more on the *kajan* see Thambiah (1997).

[2] Pseudonyms were not used for there is a limited number of Bhuket names that I can draw from and it would be misleading to refer to someone else when the observations or narratives do not belong to them. Besides that it is also culturally inappropriate to use names of dead people when the narratives of exiting people are being presented. Therefore, I decided to abbreviate existing names in order not to offend the Bhuket's cultural belief.

[3] For more on the non-concrete and fluid nature of their living arrangement see Thambiah (1997).

[4] Bhuket still enjoyed their hunting and gathering activity. Jayl Langub gives a very good illustration of hunter-gatherer perceptions of their life-style: "I would like to begin ….by sharing with you a few personal experiences regarding hunter-gatherers' perception of hunting and gathering. The first of these occurred in August 1983 when a visiting dignitary asked a group of hunter-gatherers in Magoh River, Baram District why they had to carry on their cumbersome tradition of moving from one place to another carrying all their belongings with them over rugged terrain, hunting and gathering as they moved, but uncertain about the outcome of such activities. The hunter-gatherers did not answer the question immediately but asked if the distinguished visitor liked *kuma bahe'* (Kayan word for picnic). When he answered in the affirmative, they told him in great jest that hunting and gathering is [a] picnic every day! (1990:101).

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CHAPTER 11

Reconstructing Justice for Women in the Courts: An Investigation of Syariah Court Processes in Malaysia

Noraida Endut

Introduction

Law, in general, remains a tool that is arguably useful for creating social change. Law in the modern context is generally referred to as the formal legal rules enacted by Parliament or other recognized legislative bodies and is intended to compulsorily regulate the conduct and behaviour of members of society. Law and legal system of a country may come from a singular ideological or civilizational source. However, in the case of many formerly colonized nation-states, the law and legal systems are made up of a dominant post-colonial system and one or more sub-systems. These sub-systems are often religious- or custom- based and are often applicable to personal matters of people subscribing to the relevant religious or customary precepts.

In the case of advancing the position of women to achieve gender justice, law and legal system remain viable or perhaps, just convenient, means and structure through which change towards a more just society may be achieved. Since law continually interacts with social practices and relationships the law may be used to initiate change in society's normative behaviour and thought in order for it to accept more just and non-discriminatory societal standards.

In Malaysia, Islamic law constitutes a compulsory regulating source of personal law for Muslims. Women's groups working towards equality and justice in the treatment of women in Malaysia have constantly used legal advocacy as a strategy for assisting aggrieved women, advancing women's position in general as well as for challenging the dominant male-centric discourse of socio-political matters. In this aspect, the women's advocates do not only have to contend with the generally applicable law and legal system, which has a basis in the English common law heritage, but also the pervasive sub-systems of Islamic law and more

limitedly the native customary law. Islamic law, as formulated and enacted by the Malaysian secular-based legislature, is the regulating source of personal law for Muslims and its position is entrenched in the Constitution.   This Islamic law is then implemented and interpreted by the Syariah courts, which are State-level (as opposed to the Federal level of government) courts constituted by individual States' statutes, under jurisdictions provided in the Federal Constitution and with a purpose to administer justice for Muslims in the particular States. The enactment of Islamic law statutes and the administation of justice through these courts provides legal and normative instructions over lives of Muslims especially in what is ordinarily termed in law as 'personal matters'.

The substantive and procedural provisions of Islamic law in Malaysia have gone through various changes. Discourses and testimonies about their discriminatory and detrimental effects on women are also quite pervasive. Is Islamic law as practiced in Malaysia consistent with the transcendental ideals of the Syariah as contained in the sacred legal sources of Islam? Is it capable of affording equal and just treatment for Muslim women in the context of their contemporary lived realities? What can the practices in the administration of the Islamic legal sub-system in Malaysia inform us about achieving the aims of substantive justice and thus gender equality? This chapter presents the findings and analyses of the study conducted in relation to these questions.

The study on which this chapter is based is an attempt to update knowledge and materials on the Islamic justice system in Malaysia using the gender lens. The substantive and procedural aspects of the laws applicable to Muslims, especially women, in Malaysia have been discussed in reasonable depths by scholars in the last three decades or so. However, much of the discourses have focused on the operations and legal interpretations of the provisions of the law in the statutes and how these provisions protect or should protect the rights of subjects they seek to safeguard. Studies and subsequent presentation of the 'law in motion' at the courts, as the law interacts with Muslim women's lives, have been scant. Thus, while revisiting a persisting subject, that of Malaysian Islamic family law as it evolves over the years, this study presents a different facet to the subject of access to justice for Muslim women by analysing proceedings and exchanges in the courts to identify gendered experiences of women in their negotiations of rights with historically and currently predominantly 'masculine' judiciary. In this way, this study is a novel attempt, in the context of Malaysia, to present the lived realities of women in the courts by consciously using a gender lens for analyses.

Rethinking gender and development in the context of justice

Justice generally refers to a sense that something has been done in a correct, moral, ethical and rational manner. In contemporary legal thought, discussion of the meaning of justice is normally done using the typology of justice. Thus, justice is frequently divided into distributive justice and corrective justice. According to Rawls (1971), justice is fairness and the principles of justice should "define the appropriate distribution of the benefits and burdens of social cooperation". In Rawl's distributive justice, every citizen is entitled to equal basic liberties and that social and economic inequalities can only happen if they benefit the less advantaged in society. On the other hand, according to Aristotle, justice in transactions (voluntary or involuntary) is "corrective" or "rectifactory" (as discussed in Heidt, 1991). Corrective justice may be seen as an approach to restore a situation of rightful distribution that is interrupted due to someone causing a breach on another person's rights.

The concept of justice is deeply rooted in Islamic teaching and is integral to the basic outlook of Syariah (Mir-Hosseini, 2009). There were observations that before the modern age, Islam subscribed to what may be seen as Aristotalian in philosophy, which was to see justice in proportion to human beings' capacities, abilities and potentials and thus considered rights of different groups, including genders, were necessarily different (Kadivar, 2013). However, there is also evidence of a more universal notion of justice. An example, is the view of early scholars like Ibn Qayyim al Jawziyya (1292-1350) who stated that (as quoted in The Oslo Coalition of Freedom of Religion and Belief, 2013):

> The fundamentals of the Shari'a are rooted in wisdom and promotion of the welfare of human beings in this life and the hereafter. Shari'a embraces Justice, Kindness, the Common Good and Wisdom. Any rule that departs from justice to injustice, from kindness to harshness, from the common good to harm, or from rationality to absurdity cannot be part of Shari'a.

Justice in Islam generally means to place things "in its rightful place" and in the context of Islamic jurisprudence refers to the provision of things to someone according to her/ his entitlement (Kamali, 2006). Justice is said to be concerned with the way in which God wants His creatures to be treated, in civil transactions (*mu'amalat*) (Kamali, 1991). A project of justice focuses particularly on the protection and advancement of life, religion, property, intellect and family (Kamali, 1991). The foundations on which Islam establishes justice are absolute freedom of conscience, complete equality of all men and the firm mutual responsibility of society (Syed Qutb, 2000). Corrective or retributive justice consists largely

of a balanced implementation of rights and obligation (Kamali, 1991). Social justice "must be claimed by the individual" and "must be needed by society". To ensure social justice, there must be a belief that it "will serve the highest purpose of mankind" (Syed Qutb, 2000). It is the role of the courts and enforcement agencies to ensure redress and judicial relief whenever the balance between rights and obligation is disturbed (Kamali, 1991).

One of the areas in which the issue of justice is greatly relevant is in the treatment of women in society. Gender forms an important category of analysis when discussing the issues of discrimination and unjust treatment. Gender injustice may be seen as a situation where someone suffers injustice as a result of being a woman or a man. In the context of women, the scope of injustices caused to them because of their sex may be readily and universally identified (for example, experiences of rape, domestic violence and sexual harassment in the workplace) but may also be more subtle or context-specific (for example, lack of women's representation at decision-making positions when the law does not particularly prohibit women to the positions). A project that investigates and advances the position of women in society in order to equalise their conditions with other citizens can be called gender justice (Goetz, 2007). Gender justice necessarily requires the establishment of choice and entitlements for women, the elimination of gender-based discrimination and the achievement of these through a discourse and strategy of rights (Goetz, 2007).

Many Muslim scholars agree that the discourse of gender justice within the general and universal context is compatible with the egalitarian spirit of Islam and with the teaching of the primary sources of Islamic law. Islam and its primary sources are argued to have brought substantial improvements to women's status (see, for example al-Mawdudi, 1972 and Esposito, 1982). However, Muslim communities and scholars continue to debate the operational definitions of justice in the context of gender, which include whether it has "equality" (and then whether formal or substantive equality is) at its core (The Oslo Coalition of Freedom of Religion and Belief, 2013). Some scholars argue that gender equality did not inform the conception of justice of classical Muslim jurists because the society they lived in was deeply patriarchal. Syariah ideals require freedom, justice and equality but the realisation of these objectives of Syariah were impeded in the formative years of Islamic law by Muslim social norms and structures (Mir-Hosseini, 2009). However, this does not mean that the idea of the equality of the sexes cannot be intrinsic to the conception of Islamic justice. In contemporary Muslim society gender equality is consistent with social experiences and thus must constitute a part of the Islamic justice framework (Mir Hosseini, 2009).

A most contentious area of the Islamic law where gender justice is constantly debated is what is termed as 'personal law' or 'personal status law'. Personal status laws are features of Muslim countries that were part of European imperial territories, particularly colonies of England and France (Sonbol, 2009). These laws ordinarily resulted from the decisions of the colonial powers to establish their legal systems in the colonies while making concessions to the Muslim locals by allowing them to regulate their private or personal matters using their religious laws. However, these laws were generally required to be codified in a similar manner to the legislation of European laws. Thus, only certain interpretations of Islamic law that were acceptable at the time became entrenched as the substantive laws for the Muslims in their private or personal transactions. The personal matters covered by the laws were typically the issues of marriage and divorce, inheritance and offences relating to the worship aspects of Muslim lives. Through the establishment of the personal laws, courts to handle disputes related to the Personal Status Codes came to be constituted.

In independent modern Muslim nations, the 'Syariah' courts evolved to become a part of a plural justice system consisting of, among others, enforcement and judicial structures. The judicial institutions, including the Syariah courts in the context of these nations, including Malaysia, are 'intermediaries who stand between the law as conceived and administered at the top and ordinary people' (Merry, 1994). These intermediaries, in their daily roles as law implementers, are capable of shaping categories of meanings to the law and thus, the outcomes of justice processes. In the context of the Malaysian Islamic family law, for which Muslim women's rights and access to justice has become highly contestable, the way in which the Islamic authorities and judiciary 'perform' their roles will enact ideas about Muslim family relations, which will either be consistent with and enhance existing normative views or will challenge current norms and practice about legal rights in the context of marriage and the family.

Islamic law as a compulsory sub-system in Malaysia

Muslim women and women of other faiths in Malaysia suffer from issues in marital and family relationships on similar and comparable bases. However, Muslim women have reported facing specific problems in getting access to legal remedies to resolve these issues. This difference in experience between Muslim women and women of other faiths is on the outset attributable to the plural characteristic of the Malaysian legal system whereby Islamic

law, as a source of law, is compulsorily enforced on Muslims with regard to family issues. This pluralism takes two forms. First, is the difference in the legal treatment of family and matrimonial matters between Muslims and people of other religious background. Separate legislation and administration of laws on the relevant matters between Muslims and non-Muslims are enforced. Thus, Muslims are obliged to solemnise and register their marriages under the Islamic family law legislations while non-Muslims marry and divorce under a single legislation, the Law Reform (Marriage and Divorce) Act 1978 (LRA). Secondly, there exists a miscellany in the legislation applicable to Muslims because the laws are independently legislated and administered by the 13 states and the Federal Territories of Malaysia. Each state typically has an Islamic Family Law Enactment and an Administration of Islamic Law Enactment.

It should be noted that Islamic law as legislated, administered and interpreted in Malaysia is in many ways unique and may, arguably, be distinct from systems of Islamic law in other parts of the world. In the first place, the use of the word Syariah[1], a term used widely in Malaysia to be interchangeable with 'Islamic law', may be misleading to describe the religious legal sub-system imposed upon Malaysian Muslims. *Syariah*, based on its lexical meaning is the revelation that guides human beings seeking just and moral life. *Syariah* is the "transcendental idea that embodies the spirit and trajectory of Islam's revealed texts, the path that guides us in the direction of justice" (Mir-Hosseini, 2009). Thus, Syariah consists of fundamental principles in Islam that are sacred, eternal and universal. It is the 'religious values, expressed functionally and in concrete terms [through revealed texts], to direct man's life' (Rahman, 2002). In the modern world, rules in the name of Islam, written or unwritten, including such Islamic law as found in Malaysia, fits more appropriately with the meaning of *fiqh*. This refers to the 'process of human endeavour to discern and extract legal rules from the sacred sources of Islam: that is the Qur'an and the Sunnah (the practice of the Prophet, as contained in Hadith, Traditions)' (Mir-Hosseini, 2009). In the current situation, *fiqh* may be seen as the exercise of juristic interpretation and postulation of the general guidance provided by the Syariah by scholars and/ or men or women elected or looked upon to make such interpretation for the benefit of the community at large.   This exercise is done in contemporary Muslim contexts to understand the Syariah in particular community setting or to apply such understanding to specific matters in Muslims' day-to-day lives. By its nature, *fiqh* is thus not necessarily infallible or immutable and must be opened to possible challenges

and questioning to achieve the most just results, which are the fundamental requirements of Syariah.

Moreover, in the case of Malaysia, what made up the 'Syariah' today was historically the infusion of the English common law with Islamic and local, more specifically Malay, customary elements (Hooker, 1993). The sub-system evolved from the colonial practice of dealing with Muslim matters when the English law was pronounced the law of the land. The Islamic law, as historically received by Malay rulers through teachings of Middle Eastern and Indian traders and as modified by Malay customs *(adat)* formed the legal systems of independent Malay states in the Peninsula at the time. Pre-independence colonial powers accepted the prescription of the law for Muslims but eventually restricted its application to issues of marriage and the family and selected matters of personal status. Elements of Islamic law also began to be codified as statutes and acquired similar features in terms of its enactment and interpretation as any English statutory rules at the time. The present bodies of Islamic law continue to have these basic legislative characteristics. In addition, only Islamic legal rules established through processes in state legislative councils are acceptable formal rules for Muslim personal matters. The 'Syariah' courts are also constituted and rules for their administration enacted through such statutes.

Post-colonial attempts to systematically codify Islamic rules in the states began just prior to independence. Between 1952 and 1974 each state[2] embarked on such projects, beginning with the 1952 Administration of Islamic Law Enactment in the state of Selangor. The other states follow suit by enacting similarly named statutes but each would be distinct in their substance and content. At this point, Islamic family law was not legislate in separate statutes but included in the administration of Islamic law legislation. Beginning in 1983 two trends of Islamic family law legislation emerged that would be based on the Kelantan Islamic Family Law Enactment of 1983 and the Islamic Family Law (Federal Territory) Act 1984 (IFLA). The IFLA became the more influential 'trendsetter' and the basis for its enactment was, in fact, to provide a model Islamic family law statute[3]. Despite this, however, uniformity in the legislation between the states was not completely achieved because besides the earlier Kelantan legislation, Malacca and Kedah[4] also decided to significantly depart from the model legislation.

The provisions of the Islamic family laws that were based on the IFLA can be seen as progressive and had been emulated by other Islamic nations having similar legal treatment of

Muslims such as Brunei and Singapore. The most positive reforms, which had elements of equalizing gender positions between husbands and wives were perhaps provisions pertaining to divorce. The unilateral power of husband to pronounce the *talaq* was modified by providing various proceedings with which a woman can apply a divorce when her marriage breaks down. In the case of divorce by *fasakh* for example, the IFLA provided more than ten grounds under which a woman can apply for court-ordered dissolution of marriage, which range from her husband's desertion to her lack of consent at the time of marriage[5].

The reform provided by the IFLA was also followed by the enactment of more substantial legislation of issues of the administration of Islamic law for each of the States. One important development was the reorganisation, which later led to the more established positions, of the *Syariah* courts. Prior to the 1980s reform the demarcation between the Islamic judiciary and its administrative section was not clear. *Kadi*s[6], who headed Islamic religious agencies in the States, served both administrative and judicial functions. Parties to a marriage went to a *Kadi*'s office both to seek marital counseling as well as to apply for legal proceedings on marriage and divorce. With the 1980s reform, a separate jurisdiction was created for the judicial issues. A *Kadi*[7] now heads the Islamic Religious Department and a Syariah Judge presides over the Syariah court. The Religious Department deals only with administrative matters such as registration of marriage and divorce, enforcement of particular provisions of Islamic enactments and provision of counseling to married couples. All judicial proceedings must be made at the Syariah courts. The court system began with a single court but has now, in many states, developed into a three-tier system with the highest having appellate jurisdictions. It should be noted that prior to 1988, despite the establishment of a separate court system, Muslims could still bring Islamic family law matters to the ordinary secular courts for redress and the ordinary courts would accept jurisdictions over these cases but made decisions by referring to Islamic law statutes. Since 1988, however, the amendment to article 121[8] of the Malaysian Federal Constitution gives exclusive jurisdiction to the *Syariah* courts to deal with Muslim matters under which the state has jurisdiction to legislate. It is still subject to debates whether the Syariah courts have parallel or subordinate positions to the ordinary courts. However, it is submitted that judicial review for cases of the *Syariah* courts is capable of being brought to the High Court of the ordinary court system since the High Court is specifically vested with a review jurisdiction under the Court of Judicature Act 1965.

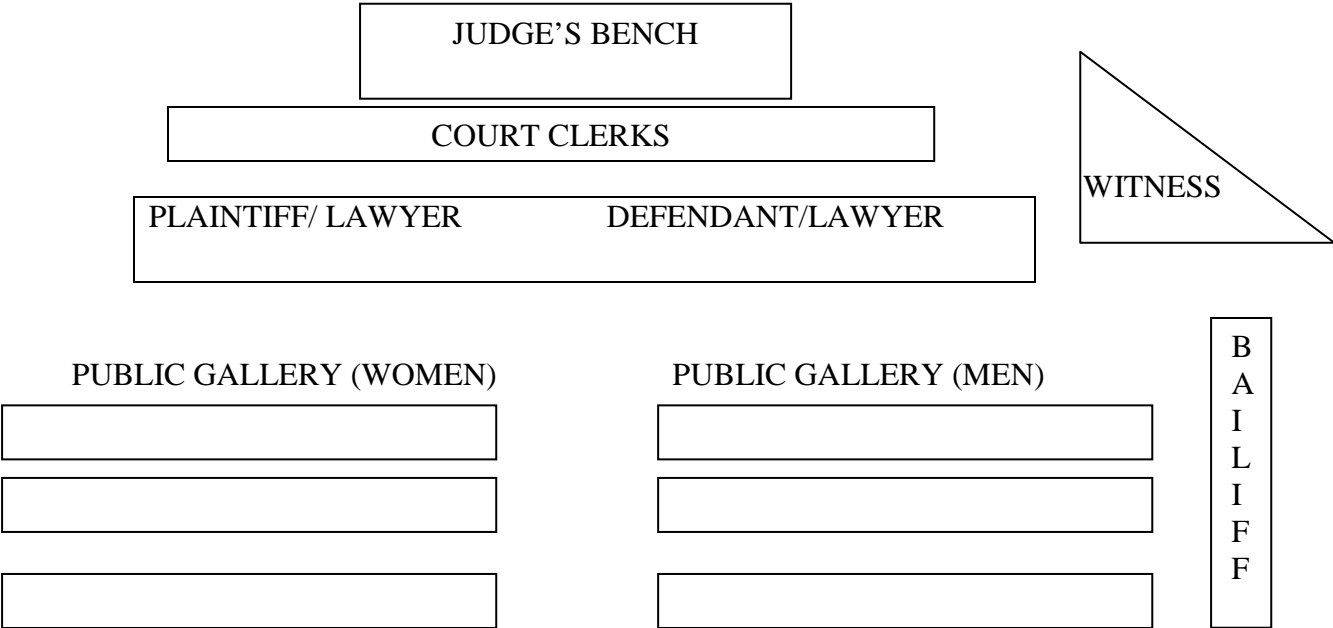**Sites for the prescription of justice: an overview of the Syariah courts**

This study mainly uses the method of observing court processes in order to understand the dynamics of the prescription of justice for Muslims in the Malaysian context. Many studies of Syariah law in Malaysia, especially by local academics, have focused on critiques and analyses of substantive legal materials and less so on the lived contexts of the processes of justice. Perhaps a more empirical presentation of the assessment of the Malaysian Syariah justice system is one by Peletz (2002) who used ethnographic approaches to studying the Syariah courts and religious departments, mainly in Negeri Sembilan, in the late 1980s. Much of the structures and practices in the courts have changed since then. It is important to continually revisit the 'critical sites in the creation and policing of new Malay-Muslim families and subjectivities' (Peletz, 2002), which are the Syariah courts. In effect, the Syariah courts in Malaysia form the Islamic family courts since their jurisdictions are almost exclusively marital and family matters. They may also be the locations where gender relations in Muslim families are contested and tested and where the specific experiences of women in gendered relationships may be gathered. Courts, in general, may be seen as sites for 'processes by which litigants, legal experts, and others attempt to construct persuasive narratives' about legal rights and obligations (Peletz, 2002). In the Malaysian Syariah courts, it is useful to examine the dominant narratives that emerge from the processes.

In this research 18 Syariah Courts in the States of Kedah, Penang, Perak, Selangor, Negeri Sembilan, Johor, Pahang, Terengganu, Kelantan and the Federal Territories were identified as research sites. While court proceedings in Malaysia is generally open, the researchers communicated formally to the Courts' Registrars the intention to sit in and observe proceedings. The responses to the request were generally positive and accommodating. In the courts, verbal exchanges in the courts, the physical environment of the courts, facts of the cases, parties in the courts and other related matters are observed and noted. The researchers were able to make repeated visits to a few of the courts. In several of the courts, proceedings in open court are conducted in the morning up until lunchtime. Cases in the afternoon were heard in judges' chambers, which exclude them from been open for public attendance. In a few of these cases in chambers, the researchers were able to obtain permission to listen and record proceedings.

Syariah courts in Malaysia are relatively modern in terms of physical structures. The court settings are not unlike those of the ordinary courts within the (sometimes termed as 'civil' to

differentiate it from 'Syariah') general legal system applicable to Malaysians. All Syariah High Courts and most Syariah Subordinate courts visited are equipped with reasonably updated technologies such as microphones and computers for court officers (in many cases, laptop computers for judges). However, in many cases, court documents are still presented physically, and not virtually, in the courts and this require lawyers and unrepresented parties to bring hard copies of documentary evidences.

A typical court setting may be seen as follows:

JUDGE'S BENCH
COURT CLERKS
PLAINTIFF/ LAWYER   DEFENDANT/LAWYER

WITNESS

PUBLIC GALLERY (WOMEN)	PUBLIC GALLERY (MEN)	B A I L I F F

It is generally observed that there are more women than men in the public gallery at a particular court proceeding. People at the public gallery consist mainly of waiting litigants. Women sometimes come to court accompanied by their female family members and friends. Children are not allowed into the courts except where proceedings require child witnesses. On one occasion a lawyer was reprimanded by the judge for allowing his client to carry his infant child into the court to take the witness stand. In this case, the man was applying to register his marriage, which was contracted without the permission of the court, in Southern Thailand, much earlier. His wife was also in court to act as a witness to the case. The couple was not able to arrange for childcare to attend court that day.

In all of the States, the Syariah judicial systems feature three-tiered Syariah Court structures: the Subordinate Courts, High Courts and Appeal Courts/ Boards. The Syariah Subordinate Courts are 'courts of first instance' where most legal claims based on the Islamic family law legislation begin. The Syariah High Courts have supervisory and revisionary jurisdictions and first instance jurisdictions for matters with higher claimed values.

The courts have not shown consistent effort towards development of jurisprudence that seeks to unpack the present realities of families. In the proceedings, no reference is made by judges or lawyers to jurisprudential sources of the Syariah, most importantly the Quran and Hadith. Prescription of justice appears to be based on the letters of the statutory laws and very little exercise in interpretation of the law can be seen. The Islamic Family Law statute and enactments are very much fashioned after the ordinary Acts of Parliament in Malaysia. Very similar provisions, especially concerning procedure matters, can be found in both the Islamic Family Law legislation and the Law Reform (Marriage and Divorce) Act 1978. The latter is the law governing marriage and divorce of non-Muslims.

Women's grievances in the Syariah courts

Women constitute 49.3 per cent of the total population in Malaysia (Census 2010). Muslim women may roughly be estimated to form between 52 to 60 per cent of the total female population. The average age at first marriage for women in Malaysia in 2010 is 25.7 years (Census 2010).

In the study on which this chapter is based, the proceedings for a total of 156 cases were observed throughout the courts visited. Out of the 156 cases, 119 were cases in the Syariah Subordinate Courts and the remaining were cases in the Syariah High Courts. In the present study, cases of marriage and divorce observed in the Courts may be summarised as follows:

Cases in the Syariah Subordinate Courts ("courts of first instance")	Cases in the Syariah High Courts (supervisory and revisionary jurisdictions)
Applications to divorce by *talaq* (through husband's pronouncement in court), *ta'liq*, fasakh	Applications to validate a marriage contracted outside of court or without the permission of the court
Applications to validate a divorce	Applications to contract polygamous

pronouncement made by husband outside of court	marriage
	Applications for custody of children
Applications of *nafkah* or maintenance from husband (applied by wife for herself and/ or her children)	Applications for enforcements of orders (eg custody)
	Application for *muta'ah*[9]
Application for interlocutary orders such as warrant of arrest for a defendant's (mainly husband) failure to be present in court, temporary custody of children, prohibition of disposal of property	Application for division of property upon divorce through provision on *harta sepencarian*
Applications on division of property upon death (*faraid*)	

There were 71 cases related to divorce in the cases observed. These cases concerned the application for divorce through the pronouncement of *talaq* by husband (also commonly known as "section 47" divorce), application to divorce by reason that husband has breached a condition of marriage (*ta'liq*), application for the dissolution of marriage based one of the provided grounds in the Islamic Family Law statute (*fasakh*) and application to validate and register a divorce pronounced outside of court. Only in five of these cases the plaintiffs were men.

'Gender in motion' in the courts

Gender is acted out in the Syariah courts in many forms. In terms of setting, as can be seen in the overview of the courts earlier in this chapter, the courts divide seating spaces for women and men. None of the courts observed allow for mixed gender seating.

In almost all of the courts observed, dress code notices are found outside of the courts. Men are required to dress smartly and women must dress *'secara menutup aurat'* ('in a way that covers what is required by Syariah to be covered'). This normally means that women must wear clothes that cover their bodies up to their arms and just above their feet and don the *'tudung'* (Islamic head gear) even when they don't normally wear the head gear in their day-to-day lives. Women in the study have generally observed this by wearing the Malay

traditional dress, the *baju kurung,* and the *tudung.* In a past case, a woman had been reprimanded by the court for wearing a long-sleeved blouse and pants to court, even when she had don the *tudung*. The judge ordered the case adjourned and asked the female plaintiff to return on another date wearing the *baju kurung*. There were a few cases in this study where women wear blouse, pants and the *tudung* but in none of the cases were they reprimanded by the judges. However, in two cases, one where the male litigant had long hair and the other, the male litigant wore Bermuda jeans, the judges postponed the cases and required the male litigants to return on another date in short hair and 'decent' clothes respectively. It should be noted that in one of the cases in court R9K, a female litigant was wearing fitting jeans and had her hair dyed and showing underneath a scarf. However, the judge in her case proceeded with her case without making any remarks related to her dressing.

Lawyers representing clients in the courts are generally of equal proportion in terms of gender. While male lawyers generally wear black suits and tie, female lawyers are generally dressed in the traditional *baju kurung* or long skirts with long sleeved blouses. The male lawyers generally put on headgears traditional to the Malay/ Muslim cultures. All female lawyers don the *"tudung"* or Islamic head coverings. The lawyers are all Muslims although recently the Court of Appeal of Malaysia has ruled that Rule 10 of Rules of Syariah Lawyers 1993 prohibiting non-Muslim lawyers from practising in the Syariah Courts is *ultra vires* of its parent Act, the Administration of Islamic Law (Federal Territories) Act 1993, which is silent on the religion of lawyers who can practice in the Syariah Courts (Malaysian Insider, 2013). In many of the cases, litigants are represented by lawyers but in 30 per cent of the cases litigants, mainly women, are not represented. There were a number of cases where parties are represented by Legal Aid lawyers. The same Legal Aid lawyers are sometime seen representing parties in different States (for example, Penang and Selangor).

Gendered treatment of parties in the courts by judges can also be observed. An application for divorce through the pronouncement of *talaq* is expedient for a woman if she is able to obtain the agreement of her husband to divorce. The application for divorce through the pronouncement of *talaq* by husband is a form of divorce under the Malaysian Islamic family law that may be applied by either party to a marriage. *Talaq*, in Islamic law, is the statement of repudiation of marriage, which may only be pronounced by a husband against his wife. A wife is not vested with the power to pronounce *talaq* and may apply for dissolution of marriage through judicial orders based on specific conditions or grounds provided by Islamic Family Law Act/ Enactment.

In many of the cases observed, *talaq* proceedings involving husbands who were already agreeable to the demands of their wives for divorce can be quite brief and easily disposed. An example can be seen in the proceeding of Case 17(R9K) as follows:

Judge (J)	:	Did you receive the application [of divorce, from the plaintiff]?
Defendant/ Husband (D)	:	Yes.
J	:	Have you divorced before?
D	:	Yes, twice, but not with this wife.
J	:	Are you living together?
D	:	No, separately. We had not lived together since one week after marriage. [Parties had been married for 3months only]
J	**:**	**Do you consent to the divorce?**
D	**:**	**Yes.**
J	**:**	**Ok. This couple has never divorced before. The application is procedurally in order. There is no legal ground prohibiting this divorce and thus, marriage may be dissolved.**
J to D	:	Please pronounce the *talaq* now
D	:	[Pronounced the *talaq* guided by a written format given by the court officer. The officer asked D and the plaintiff to sign on several documents]
J	:	A divorce is hereby confirmed between [name of D] and [name of P] to the order of one *talaq raji'e* [a divorce with a possibility of being revoked through resumption of conjugal relationship].

Similarly, in Case 23(R9K), with the same judge sitting:

Judge (J) to Plaintiff/ Wife (P)	:	[After reading the affidavit detailing the application] Do you still want to proceed with this case?
P	:	Yes.
J to Defendant/ Husband (D)	:	Have you received the application?
D	:	Yes.
J	:	Are you living together?
D	:	No, separately since 1st of February 2012 [2 months]
J	:	How many children do you have in this marriage?
D	:	Two.
J	**:**	**Do you consent to the divorce?**
D	**:**	**Yes.**
J	**:**	**I will allow the divorce applied under section 47 of the Pahang Islamic Family Law Enactment 2005. Please pronounce the *talaq* now.**

A more succinct proceeding can be found in Case 2(R2K):

Judge (J) to Plaintiff/ Wife (P)	:	Have you ever been divorced before?
P	:	No.
J	:	You are clean [from menses]?
P	:	Yes, clean.
J to Defendant/ Husband (D)	**:**	**Do you agree [with this divorce]?**
D	**:**	**Yes**
J to P	:	Are you pregnant today?
P	:	No.

J to D	:	Ok, now pronounce the *talaq*. Read [the guiding document given by court officer] loudly and clearly.
D	:	[Inhaling, reciting a prayer and reading the pronouncement]
J	:	With that pronouncement the court hereby validates the divorce to the order of one *talaq*.

A divorce by the pronouncement of *talaq* cannot be concluded if one party to the application does not consent to the application for divorce. However, since the power to pronounce the *talaq* is legally vested in the husband, an expressed disagreement of a male litigant to his wife's application for divorce by *talaq* is clearly a hindrance to the plaintiff's (wife's) desired outcome in the proceeding. Since the divorce relies on the husband's willingness to make the pronouncement, the court is not willing to substitute the decision of the husband with its own decision as to the breakdown of the marriage in such cases. In Case 14(R9K), the plaintiff (wife) applied for divorce under section 47 because her husband had lied to her and was currently in prison for a crime. In the court, where the defendant (husband) was present, these exchanges took place:

Judge (J) to Defendant (D)	:	Are you agreeable to the application to divorce made by your wife?
D	:	No, Your Honour. I would like to wait until I get out of the Bentong prison in October [in six months] before making decision.
J to Plaintiff (P)	:	What do you want to do now?
P	:	[Sobbing] I want a divorce, Your Honour. I cannot stand being married to him any longer. He lied to me from the beginning of our marriage.
J	:	Since this is a divorce under section 47, both parties must consent. If one party does not consent, the case should go

to conciliatory process [under section 47(5)] or a *hakam* [arbitration] process under section 48. I am of the opinion that the process under section 48 is more suitable. Both parties must bring suitable relatives to act as arbiters for either side.

In this case, once the husband expressed his disagreement with his wife's application for divorce, or to postpone his agreement, the judge decided to accept his decision and not to probe further into the circumstances of the lack of consent. The judge proposed to proceed with the case by using the process of arbitration under section 48 of the law where each party was required to nominate a family member to represent her/ him in formal discussions to ultimately establish the husband's consent.

It should be noted that, despite the gender-neutral language of section 47, a wife's disagreement to her husband's application for divorce may be seen as having a lesser value. This can be seen in Case 11(R9K):

Judge (J) to Defendant/ Wife (D)	:	Did you receive the application for divorce from the plaintiff?
D	:	Yes.
J	:	Have you ever divorced before?
D	:	No
J	:	Are you currently living together (with P)?
D	:	Yes, with our children.
J	:	Are you clear from your menses?
D	:	Yes
J	:	Did you have sexual intercourse [with the plaintiff since your last menses]?
D	:	Yes
D	:	Your Honour…, if possible I don't want to divorce, but if it's really what he wants…[almost sobbing]

J	:	[If that's what he really wants] I suppose you will agree? [Sounding a little impatient and dismissive]
D	:	[Nodding slowly]
J	:	[There could have been a divorce] but since D and P had sex, I will postpone the decision to the 14th of May 2012 [two weeks].

Another situation where the courts have been inclined to readily accept applications of husbands, despite the underlying disagreement of their wives, is in the case of an application to confirm a divorce that has been pronounced by the husband outside of the court. The Malaysian Islamic family law requires that a pronouncement of *talaq* be made before a Syariah court. A pronouncement made outside of court is considered to be a matrimonial offence and may be punishable with fine or imprisonment or both. An example of this provision is section 124 of the Islamic Family Law (Federal Territories) Act 1984 (IFLA 1984), which originally states:

Section 124: Divorce outside of Court and without Court's permission.

> Any man who divorces his wife by the pronouncement of *talaq* in any form outside of the Court and without the permission of the Court commits an offence and shall be punished with a fine not exceeding one thousand ringgit or with imprisonment not exceeding six months.

The effect of this section is that a pronouncement of *talaq* without the permission of the Court is considered by law to be a matrimonial offence and shall not be registered until a pronouncement is subsequently made in the Court. It should be noted, however, in an amendment made to the Act is 1994, a section 55A(3)(c) was introduced, which provides that if the Court is satisfied that a pronouncement originally made without the Court's permission is "valid according to '*Hukum Syarak*', the Court shall 'make an order approving the divorce by *talaq*'. '*Hukum Syarak*' is a term referring generally to Islamic principles and teachings that form sources of rules in Islam. In a provision like this, judges have wide discretions in interpreting the meaning of '*hukum syarak*". Cases in the study have shown that judges have generally decided that pronouncements of *talaq* by husbands outside of the Courts are valid and have approved divorce readily. In essence, a *talaq* may be pronounced by the husband for

any reason and without any condition. As long as the statement is clear as to the meaning of the words used or as to the intention behind the words, divorce may occur. Thus, a pronouncement such as 'I divorce you' is a verbally clear pronouncement and the court doesn't feel the need to inquire further into the intention of the husband when pronouncing it as long is he is shown to have the legal mental consciousness and capacity at the time of pronouncement. A pronouncement such as 'I am leaving you' is ordinarily probed further to ascertain the intention of the husband.

A typical proceeding for this type of cases is where the judge asked the parties to verify the circumstance of the pronouncement and made confirm pronouncement accordingly:

Judge (J)	:	What did you say?
Husband (H)	:	*'Aku ceraikan kau'* (I divorce you)
J	:	And *kau* (you) refers to…?
H	:	*Dia, isteri saya.* (Her, my wife) [pointing towards wife]
J	:	Were you lucid when you said it?
H	:	Yes
J to wife (W)	:	Did you hear him said *'Aku ceraikan kau'?*
W	:	Yes
J to H	:	Do you know the implication of your words to your wife?
H	:	Yes
J to W	:	Are you pregnant?
W	:	No
J	:	When is your last [menstruation] period

W	:	(Giving a date)
J to both H and W	:	Did you have sexual intercourse during the period after the pronouncement?
H and W	:	No
J to H	:	Please pronounce the *talaq* now
H	:	I divorce you, (name of wife), with one *talaq*
J	:	*Bismillahirrahmanirrahim* [a prayer]. The court is satisfied that plaintiff [husband] has pronounced *talaq* outside of the court with the intention to divorce defendant [wife]. Defendant is free from menstruation period and is not pregnant. Parties have not had sexual intercourse after the pronouncement. The *talaq* thereby falls upon the parties with the amount of one talaq unless the parties *rujuk* [resume conjugal relationship] within the period of *eddah* [waiting period equivalent to three consecutive menstruation cycles of the wife].
		Now please go and register at the Religious Office.

In another case, the plaintiff (wife) alleged that her husband had stated *'Aku ceraikan kau'* ['I divorce you'] towards her. The court asked the defendant (husband) whether this was true and the defendant admitted it. The court duly held that the pronouncement was made by the husband while he was conscious and that he understood the implication of his action and thus the divorce was deemed valid. In yet another case, the plaintiff (wife) alleged that during a quarrel because she refused her husband's demand for sex, her husband said to her: 'I divorce you with one *talaq*'. The court held that this was a valid pronouncement of *talaq* and considered the divorce valid and registrable. In none of these cases have the judges reprimanded the husbands for pronouncing divorce without the permission of the courts.

In Islamic jurisprudence, a Muslim husband may also make conditions against his wife whereby if she breaches the conditions, a divorce will automatically occur. The Malaysian Syariah courts will also endorse this form of conditional divorce. In Case 34(R2K), the plaintiff (husband) claimed that he told the defendant (his wife) that if she left the matrimonial home that night, a divorce would occur. The defendant admitted to the court that she stepped out of the house for 15 minutes after her husband made the pronouncement. The court held that conditions made were clear and can be easily understood. Thus, a divorce had occurred.

In this study, a few overt demonstrations of gender-biased attitude can be seen in the courts. Lines of questioning by lawyers and judges are still based on gendered understanding of male-female roles in the family. In one case, for example, in order to ascertain whether a husband has given adequate maintenance to the wife, the judge asks these questions:

> Did he give *duit dapur* [household money. Literally, "money for the kitchen"]…Who buys the pots and pans for you?

There is an expectation that a wife is gentle and accommodating towards the husband, which may serve to mitigate her perceived faults, if any, towards her husband. In one case, a lawyer asked a defendant's (husband's) witness the character of a female (wife) plaintiff:

Lawyer	(L)	:	What about his [defendant's] wife?
Witness (W)		:	His wife is kind, good…
L		:	Has she ever spoken roughly to him?
W		:	No
L		:	Have you ever seen her talk back to him?

The alleged lack of feminine behaviour that is seen as desireable and perhaps necessary, in women can easily be used as a basis for denying a woman's rights to certain legal claims. In one case involving a wife's claims of maintenance and divorce compensation (*mut'ah*), the defendant's lawyer used this line of questioning against the plaintiff (wife):

Defendant's Lawyer (DL) to Defendant (D)	:	I put it to you that the unsatisfactory *layanan* (treatment/ service) of the plaintiff towards you is the main reason for the breakdown of the marriage
D	:	Yes
DL	:	Will you agree to the claims of *mut'ah* by the Plaintiff?
D	:	No. She is not entitled to such amount as claimed.

The lawyer attempted to establish a relationship between the entitlement of *mut'ah* and the requirement for a wife to provide satisfactory service to her husband. *Mut'ah* is a compensatory gift that a wife is entitled to claim from her husband when he divorces her without just cause (section 56 of the IFLA). The consideration for allowing claims in *mut'ah* thus, is whether the husband has just cause in divorcing his wife. Cases where courts allow the claim of mut'ah is where a husband had pronounced the talaq against his wife without her knowledge (for example, by telling friends and relatives but not his wife, that he had divorced the wife) or without giving her reasons for the pronouncing the divorce. In the case above, the legal counsel for the husband is attempting to show that certain behaviour of the wife or lack thereof can be just cause for her husband to pronounce talaq against her. '*Layanan*' or service referred to in the case was related to earlier questions in the proceedings about whether the wife cooked and took care of the house for the husband.

Judges in the cases observed generally present reserved, and to a certain extent, intimidating figures in the Courts. In general, judges in the Subordinate Courts appear to be between the ages of 35 and 50, and older in the High Courts. They ordinarily speak in a terse manner and prefer to show unsmiling faces. Although generally the Syariah courts in Malaysia adopt the adversarial system of court proceedings, the judges in the Syariah courts are more active in making inquiries than can be seen in the ordinary courts. In making inquiries, however, some of the lines of questioning by judges appear to be condescending and demeaning where female litigants are concerned. These questions contain a questioning of the women's rationality and sensibility. In Case 5(R11P), the plaintiff was claiming maintenance from the defendant (her former husband). The defendant failed to turn up for the proceeding:

Judge (J)	:	Your ex husband does not contact you at all?
Plantif	:	No, Your Honour
J	:	How much does he owe you?
P	:	RM 2200.
Hakim	:	How much do you want him to pay?
Plantif	:	[Any amount]
J:	**:**	**If you want your husband's money, you must make sure you husband comes!**

In another case, a female plaintiff was claiming for the overdue maintenance from her husband. She does not intend to divorce him.

Judge (J)	:	How much do you need for [your household expenses]? When claiming you must be clear. Does he provide for your cooking items?
Plaintiff (P)	:	Yes, but…
J	:	Did he buy you the pots a pans?
P	:	I bought them. He gave me a little money

Women are generally seen to act in a subdued manner in proceedings in the courts. Despite their various socio-economic backgrounds (which may be concluded from the facts of the cases presented in court), their responses to the judges and lawyers are quite similar in the sense that they appear to be soft and intimidated. They answer questions put to them briefly and softly. This may be partially attributed to women's strategies to gain advantage in the process by conforming to what they feel the court officials think how women should behave. This may be akin to what Kandiyoti (1988) called 'patriarchal bargaining' where women may be passively resisting their oppression, through the use of the law while submitting to the tacit biasness of the law in order to ultimately claim their rights to divorce.

Women's resources in accessing justice in the courts

Deficient access to justice may occur when women lack the capacity to access formal and informal justice services (Sudarshan, 2003). In the case Muslim women in Malaysia, accessing the Syariah courts effectively may not be achieved if women lack resources in at least two aspects: economic resources and time. Economic resources are relevant firstly to ensure women can physically access the courts by different modes of transportation. Economic standing will also allow women to have effective legal representation. In this study, the majority of the female litigants were not legally represented in their cases. A few litigants were represented by counsels from the Legal Aid Bureau.

Lack of legal representation exposes women to disadvantages in their cases especially if the courts do no immediately alert itself to the importance of the self-represented parties being heard in court. In a few developed nations, a practice of court assisting the self-represented or *pro-se* litigants have developed with the underlying principle of guarding the legal rights of parties by ensuring level playing field for the litigants. This has not been observed in the Syariah courts in Malaysia. In one case, a judge was quite dismissive of the ignorance of a female plaintiff who was without legal assistance. In the case, the plaintiff filed a case for divorce by the pronouncement of *talaq* (section 47) six months prior to the proceeding. During this proceeding, the defendant (her husband) was absent. The case then continued as follows:

Judge (J)	:	I have to postpone case because procedurally I cannot continue with the defendant's absence [unless a summons proceeding is applied]. You either continue this case under section 47 [and follow the procedure] or try to bring a case under other sections
Plaintiff (P)	:	**I don't understand [what you mean]…**
J	:	**Please ask those who know**
P	:	Er…Your Honour, yesterday I met the defendant, and he hit me and I made a police report…

| J | : | [Just nodded in acknowledgement] I have to postpone |
| | | the case. The new date is 21st May 2012 [3 weeks] |

Is there a critical mass of women decision makers in the Syariah courts?

All judges in the proceedings studied were male. To date, only two female judges have been appointed to the Syariah judiciary throughout Malaysia. The National Fatwa Committee[10] first ruled that the appointment of female judges was permissible, in April 2006. However, only in July of 2010 that the first two women judges were appointed to the Syariah Subordinate Courts of the Federal Territories of Kuala Lumpur and Putrajaya respectively. Ealier on, in 2007, a few female officers were appointed as *Sulh* Officers or arbitrators in Kelantan (Najibah Zin, 2012). However, they may not be strictly considered as judges by the Fatwa Committee since they do not preside over cases in Courts but have roles that are closer to mediators.

It should be noted that almost immediately after the appointment of the two female judges in the Federal Territories, the Chief Judge of the Syariah Courts of the Federal Territories announced that a committee of jurists would decide on the limits of their jurisdictions in court (Malaysian Insider 2010a). This was based on the view that in certain cases that require the attestation of male witnesses or the consent or approval of male family members, female judges would not be appropriate since judges would be vested with the power to replace the roles of the witnesses and male family members. According to the then Syariah Appeal Judge, Datuk Md Yusup Che Teh: "If [a case requiring two male witnesses] is [heard in] the court, there is no need for witnesses as divorce is pronounced before the judge. So, the judge has to be a man". Thus, at least two areas that the Syariah Appeal Judge felt that female judges should not have jurisdiction would be in divorce cases and in cases requiring a judge to provide consent to the marriage of a woman without a *wali* or legal (male) guardian. A month after this view was expressed, however, it was reported that a committee of Chief Judges made a decision that female judges would have equal jurisdictions as their male counterparts (Malaysian Insider, 2010b). It is not known, however, if in practice the female judges have been given divorce cases or cases of application to marry without a *wali* to hear in the Courts. During a visit to the Syariah Courts of Kuala Lumpur, where one of the two female judges

work, it was noted she was assigned to the Court hearing criminal cases instead of civil cases (which include marriage and divorce cases).

Conclusion

In a nation with a plural system of law, understanding a component of the plurality and how if affects the access to justice for women is a feasible strategy in working towards a more equal access to justice for all. The Islamic family law is a compulsory sub-system in the context of Malaysia's plural legal system and it highly interacts with women citizens in a way that affects their legal status and position, in many cases, to their detriment. Focusing on the processes of the law as it is being lived and as it interacts with the lives of women yield accounts of how gender dynamics permeates the legal system.

This chapter has presented a discussion of a subject matter that has intermittently been visited and revisited by Malaysian and Malaysian studies scholars. The plural legal system of Malaysia has been quite widely studied in the context of socio-political development of Malaysia. Islamic law, as an important element of this pluralism has also been a reasonably well-researched subject. However, much of the discourse of Islamic law is based on the critique of substantive legal provisions and has theorised their implementations and impact with a gender-neutral lens. This is despite the fact that many of the provisions of the Islamic family law, which, by virtue of the Constitution forms the most significant portion of Islamic legislative jurisdiction, concern the rights of women in marriage and as a consequence, that women are also the majority plaintiffs in the Syariah courts. This chapter has, thus, revisited Islamic family law in Malaysia but has presented a new form of knowledge about the subject matter by focusing on and analysing the gendered experiences of women in the courts.

The study presented in this chapter confirms undocumented and documented (mostly in advocacy materials of women's groups) narratives of women about the prevailing gendered norms and practices in the Syariah courts, which have caused harship to them. Accounts of the observations of the proceedings in the courts reveal gendered nuances in the administration of justice which can result in disadvantages for women in claiming their substantive rights as provided by the letters of the law. Identifying and understanding these nuances are important in centering voices of women as major stakeholders in the discourse of Malaysian Islamic law.

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Notes

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[1] There are many variations to the spelling of this word eg, *Sharia*, *Shari'ah. Syariah* is the most common version used in Malaysia.

[2] Malaysia is a Federation of 13 States and designated areas called, collectively, the Federal Territories.

[3] The Islamic Family Law Enactments (IFLE), which were enacted after the 'model' IFLA, were the Selangor, and Perak IFLEs in 1984 and the Penang, Pahang and Terengganu IFLEs in 1985. Negeri Sembilan legislated its Islamic Family Law Enactment (IFLE) in 1983, but in 1985 made amendments to be in line with the IFLA.

[4] Kedah began drafting the Islamic family law enactment in 1979 but only passed the enactment in 1984.

[5] See, setion 52 of the IFLA.

[6] Also spelt "*Kathi*" in a few Enactments.

[7] This is the current spelling of *Kadhi* in Malaysia.

[8] See Article 121A of the Malaysian Federal Constitution.

[9] Compensatory payment to wife for being divorced, through husband's pronouncement of *talaq*, without her consent.

[10] Formally, the Fatwa Committee of the National Council of Islamic Affairs of Malaysia.

CHAPTER 12

Re-thinking Personal Laws and Gender Justice from a Bangladesh Perspective

Julaikha B. Hossain

Introduction

Though the concept of gender justice has a variety of meanings, in legal settings it implies formal equality of rights between men and women. It can also relate to uncovering gender biases that are integral to the legal process and which affect the ways in which women come to experience the law (Kapur, 2007). According to Celestine Nyamu-Musembi (2007), gender justice involves crafting strategies for corrective action toward transforming society as a whole to make it more just and equal; and it means 'a place in which women and men can be treated as fully human' (p. 3). It further implies moving away from arbitrary to well-reasoned, justifiable, balanced, and fair social relations.

The laws that affect women's rights and gender justice in everyday life in Bangladesh are primarily the personal laws. The country's Constitution reiterates the principle of equality before the law, equal treatment and protection under the law as well as non-discrimination irrespective of religion, race, caste and gender. However, these guarantees operate in the public domain, while the personal (family) laws, derived from every religion, are plural and reflect the amalgamation of culture, religious norms, and western interpretation of these alien cultures and religions. Therefore, the concept of justice differs in each religion depending upon these factors. Often, personal laws derived from each religious context, do not operate on the basis of absolute equality between men and women, as they have developed through patriarchal interpretations and are considered a major cause of women's subordination. As a result, though the regulatory provisions are not religious from a legal standpoint, they reflect the social equations and biases inherent in different religious groups in Bangladesh. Court decisions concerning personal laws as practiced today are more directly determined by a 'traditional' patriarchal culture and social custom in Bangladesh. In short, the legal status of

Muslim women is defined by the principles of *Sharia*[1] through Muslim Personal Law, while the legal status of Hindu women is defined by Hindu Personal Law, along with the general law of Bangladesh, which is non-religious and secular. Thus, in the context of gender justice, personal laws of both Muslim and Hindus suffer from various misinterpretations, distortions, and discrimination against women, and hence, seem to face a serious challenge in the country (Bhuiyan, 2010).

The conflict between equality under the Constitution and discrimination under personal laws is not merely theoretical. Religion remains a contentious issue in the area of women's rights. The women's movement has pursued an approach towards religion from a purely secular standpoint, supporting a secular uniform civil code to solve the problem of inherent discriminations existing in religious laws of different communities once for all. However, this approach has not necessarily produced outcomes that advance gender justice in Bangladesh due to conflict with the religious values and practices which support inequality and discrimination (Bhuiyan, 2010).

However, there is room for optimism. The equality provision in the Constitution has greatly inspired the progressive judges and strengthened the women's movement. Various international instruments, including the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) have also motivated the judges to use the equality provision of the Constitution instead of the *Sharia* law to settle disputes in the matter of personal disputes. However, there are also instances of judges sticking to the orthodox interpretation of personal laws that support patriarchal interests (Bhuiyan, 2010).

Further, although the Constitution promises gender equality, there are internal contradictions within it. For instance, Article 29(3)(c) gives the state the right to reserve certain employment and offices for men alone, if they are seen as being incompatible for women. In the context of rethinking gender justice, this chapter aims to study some of these complexities through a focus on personal laws in the context of a plural legal system, applicable especially to marriage, divorce, and property inheritance. How is it possible to achieve gender justice in this complex system? How do feminists reconcile equality under the law while seeking special protection for women? Is it possible that special protections hide loopholes in the laws, which should be addressed first before demanding special provisions? Are their spaces through which gender justice can be negotiated?

Section one of this chapter outlines the background of this research, the problems identified by it and their importance, research questions, and the methodology employed during this study. Section two reviews relevant literature in the context of personal laws before and after the independence of Bangladesh. It also shows how these laws regulate issues related to marriage, divorce, separation, spousal maintenance, guardianship and domestic violence besides describing the past and present legal reform efforts. Section three explores the constitutional frameworks of women's rights under plural legal systems, particularly the nature of ambiguity between personal laws and their practice in promoting women's rights and gender justice. It also assesses the impact of religion on the gender justice agenda to address the area of personal laws in Bangladesh. Section four analyses the ongoing debate on the enforcement of personal laws in achieving gender justice in Bangladesh. Section five discusses ways to rethink gender justice in relation to personal laws in Bangladesh.

Methodology

The methodology applied during this research is one of empirical investigation, commonly used in legal scholarships. In order to arrive at answers to the research questions stated above, the study comprised both 'desk-study' and 'field-work'. The desk-study reviews various research reports on the subject of personal laws and customary practices pertaining to women's rights and gender justice under the plural legal systems in Bangladesh. It also investigates the historical and institutional context of legal provisions, and judicial responses in relation to the gender justice agenda in Bangladesh. The 'field work' component involves field observations, and in-depth interviews with purposefully selected resource persons in various academic institutes, courts, relevant governmental and non-governmental organizations to explore personal laws under a plural legal system and their role in influencing women's rights and promoting gender justice. It also aims to discover how the politics of religion has influenced the gender justice agenda in addressing the personal laws. Field visits also included interviews of key informants (lawyers) working in judicial institutions of Bangladesh to understand their perceptions of gender justice reflected in the personal laws, customary practices in a legal pluralistic society, and what they see as factors that uphold or minimize these rights.

The fieldwork was conducted in Dhaka, the capital of Bangladesh, between July 2011 and September 2013. The principal researcher along with two local research assistants conducted

interview of 73 selected resource persons (18 lawyers, six judges, 15 activists, eight public servants, and 26 academics, including students and teachers), in both governmental and non-governmental organizations in Dhaka. Some of these organizations included judiciary institutions and the courts (both family court and high court); organizations that directly work with victims and advocate for their support; organizations that work on community awareness and policy-making process; as well as research organizations and academic institutions. Most interviews took place in the private offices of the respondents. The principal researcher personally talked to a number of respondents to facilitate their response as the concept of gender justice in legal context was not clear to them. Both the principal researcher and research assistants also made follow up visits.

The findings were analysed using an approach based on feminist jurisprudence. The realm of personal laws is an important arena of intervention for women as it determines their status and rights. Although the research is primarily a socio-legal exploration, the legal discourse is located within historical developments and contemporary legal and socio-political events, therefore requiring an interdisciplinary aspect. For instance, it reviews different approaches to rethink gender justice under personal laws in Bangladesh, i.e., Islamic approach, traditional approach, modern approach, and secular approach.

As over 87 per cent of Bangladesh's population is Muslim, this research focuses mainly on Muslim personal laws with some discussion of Hindu personal laws. It explores the personal laws under the plural legal system, to find out how their implementation influences women's rights and gender justice in Bangladesh.

Development of personal laws and women's rights in pre- and post-Independence Bangladesh

Taking a cue from the British India and Pakistan, Bangladesh set up a dual legal system consisting of the general and personal laws. This section reviews the literature on personal laws in Bangladesh before and after its liberation, and finds out how they regulate issues related to marriage, divorce, separation, spousal maintenance, guardianship, and domestic violence. It also describes past and present efforts at legal reforms.

Bangladesh has been partitioned thrice: first, during the British colonial era under the Indian subcontinent, second at the time of independence from the British rule under Pakistan (then

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East Pakistan), and finally in 1971 when it was liberated from Pakistan. The colonial legacy of all these countries ensured that they inherited a common problem, the problem of plural legal systems, one dealing with the public domain and the other with the private domain, consisting mainly of personal laws (also known as family laws). A plural legal system indicates a political formation where more than one system of laws applies. One is secular in nature and uniformly applicable to matters in the public domain, such as, administration, trade, etc. A system of courts accessible to all has been established to implement these laws. The other is a codified system of religious/personal laws that relate to matters in the private domain or in the realm of the family, such as, marriage, divorce, separation, and inheritance (Jaising, 2005).

Personal laws and women's rights prior to the emergence of Bangladesh (under British India)

Muslim family laws covering marriage, divorce, maintenance, dower, guardianship, and inheritance are all included in the huge mass of Muslim personal laws developed over a period of 1,500 years. It's been widely noted that the colonial period was a gradual period of Islamisation for Muslim personal laws in the Indian subcontinent (Parashar, 1992; Anderson, 1993; Nair, 1996; Agnes, 1999). Two important statutes that had a direct impact on Muslim women's rights were passed during the British rule. These were the Muslim Personal Law (*Shariat*) Application Act, 1937[2] and the Dissolution of Muslim Marriage Act, 1939. The Act was seen as a step to secure uniformity of laws for all Muslims in British India. It was considered an important step to do justice to the claims of women inheriting family properties (Parashar, 1992; 146–147). The *Shariat Act* is said to have been of particular significance to understanding the manner in which women's rights were used to construct individual identity as a fundamentally political process, and personal law was used to assert an understanding of religion and community, which was essentially political rather than spiritual (S. S. Ali, 2006).

The Dissolution of Muslim Marriages Act, 1939 was introduced during the British time and entitled a wife to judicial divorce on grounds of neglect or failure of the husband to provide maintenance for two years. While this Act is said to be one of the most progressive enactments passed by the legislature, some authors have argued that the *Shariat Act* as well as this act represents the influence of the scripturalist understanding of Islam (S. S. Ali, 2006). A number of respondents (mainly academics and activists) in this study also reported that the

Dissolution of Muslim Marriages Act, 1939 has been criticized as providing grounds which were limited and difficult to prove, and women's rights to maintenance were not addressed or provided for by the Act. Further, Muslim men's right to unilateral divorce was not affected by the reform (Parashar, 1992; Nair, 1996, & Agnes, 1999).

Personal laws and women's rights in the Pakistan era

In 1961 (Pakistan era), the Muslim Family Law Ordinance (MFLO) was passed, and it overhauled Muslim personal laws in East Pakistan (Bangladesh) and West Pakistan besides legislating on many important family matters such as polygamy and *talaq*[3] (divorce). Under this ordinance, although polygamy was not prohibited, it was regulated by requiring a man to apply to the local union council for permission to enter into another marriage, as well as to notify them of the existing wife or wives (S. S. Ali, 2006).

Reforms of personal laws and women's rights under the plural legal system in Independent Bangladesh

When Bangladesh secured independence from Pakistan in 1971, secularism was one of the precepts central to the Fundamental Principles of State Policy of the Constitution of 1972. However, in 1977, the Constitution was amended to remove the term 'secularism' and in 1988, Islam was declared the state religion. The principles of separate personal laws for the various communities of Bangladesh continue to be enforced and are a mixture of codified and uncodified rules. These codified and uncodified rules are subject to interpretation by the Supreme Court of Bangladesh and the High Court Division of the Bangladesh Supreme Court, and as such case law also becomes a source of law (S. S. Ali, 2006).

Likewise, the Muslim Personal Laws Ordinance continues to operate in Bangladesh, with some modifications, providing for the application of Muslim Personal Laws in all matters relating to Muslim family affairs. This ordinance made the registration of Muslim marriages compulsory by the Muslim Marriage and Divorce Registration Act of 1974. The 1974 Act provides for documentation and registration of marriage contracts mentioning the amount of dower. The Family Court Ordinance of 1985 established family courts at the district and other levels, to deal with cases relating to marriage and divorce, restitution of conjugal rights,

recovery of dower, maintenance and custody of children. Provisions were made for mediation and quick disposal of cases. The latest law reform affecting women is the Prevention of Women and Child Repression Act 2000 in which sexual harassment and repression are identified as punishable crimes. This law provides death penalty for those convicted of rape, and also prevents publication of the victim's photographs in newspapers (S. S. Ali, 2006).

The Hindu personal laws in Bangladesh, which are only minimally codified, have similar discriminatory elements. These allow Hindu men to marry any number of times without any procedural preconditions. Divorce is not permitted for either men or women. Under a 1946 statute that partially codified Hindu personal laws, Hindu women can formally apply in family courts to seek a separate residence and maintenance from their husbands, but only on limited grounds. Even those minimal rights are nullified if a court finds that the woman is "unchaste," has converted to another religion, or fails to comply with a court decree ordering restitution of "conjugal rights." Hindu women applying for maintenance or a separate residence must prove they were married in the first place, a difficult task since Hindu marriages lack a formal registration system. It is only in May 2012 that the Cabinet approved a bill for the optional registration of Hindu marriages (Huda, 2004).

The Bangladesh Constitution, judicial activism, and women's rights under the plural legal system

This section explores the constitutional frameworks of women's rights under plural legal systems, particularly the ambiguity between personal laws and their practice in promoting women's rights and rethinking gender justice. It also assesses the impact of the politics of religion on the gender justice agenda in addressing the area of personal laws in Bangladesh, and also highlights some positive developments in achieving gender justice.

The Constitution of Bangladesh: Provisions relating to women's rights

Women's human rights in Bangladesh, as in other countries in the region, are informed by multiple sets of norms and laws, both formal and informal. The legal system broadly consists of the Constitution of the People's Republic of Bangladesh, which determines the form and character of the government and specifies the fundamental rights of citizens. The Constitution

declares equality before law, yet all laws are not equally applicable to everybody. The actual situation is that there are different laws for different communities and different religious laws continue to be applicable on citizens professing different religions. Customs and traditions prescribed by different religions also have the force of law, and are enforceable by the judiciary on members of that particular religion. The areas in which religious/personal laws are applicable include interpersonal relationships in the family, such as, marriage, dissolution of marriage, protection and maintenance of the family, guardianship/custody of children, inheritance, etc. These laws are often discriminatory to women, and provide for unequal relationship between men and women.

The judicial system is the only legal forum for hearing cases, disposing of disputes, and providing interpretation in all matters arising out of the legal system, including the Constitution, civil, criminal and personal laws. The constitutionalism of Bangladesh recognizes the interrelationship between different rights. In this instance, Bangladesh follows Indian precedence and maintains that guaranteed rights are not mutually exclusive, and must pass the test of procedural due process.

Regarding women's legal status in Bangladesh, a number of respondents viewed that Bangladeshi women are guaranteed gender equality by the Constitution and the general laws, in the form of voting rights, civil service jobs, etc. However, some judicial respondents reported that there are internal contradictions within the Constitution between granting gender equality and making special laws for women. According to them, under the Bangladesh Constitution, various provisions exist relating to women both directly and indirectly. The fundamental rights granted under Part Three of the Constitution deal specifically with women in Article 28, which states: (i) All citizens are equal before the law and are entitled to equal protection of the law; (ii) The State shall not discriminate against any citizen on grounds of sex; (iii) Women shall have equal rights with men in all spheres of State and Public life, and (iv) Nothing in this Article shall prevent the State from making special provisions in favour of women or children or for the advancement of any backward section of citizens (Monsoor, 2009).

Some respondents (four to five prominent judicial functionaries and activists) in this study pointed out that while all citizens are equal before the law and entitled to equal protection, it does not mean, nor is it meant to mean that all citizens enjoy equal rights. The State, though,

undertakes not to discriminate against any citizen, and women are categorically assured that equality is given outside these spheres.

This study also reveals that the legislature categorizes women with children and the marginalized sections of the population, reserving the rights of the state to make any special provisions for the development of such marginalized sections of the population. A number of respondents in this study agreed that this paternalistic attitude towards protecting women as the weaker group is common in Bangladesh. According to them, it is apparent from this that the legislature recognizes the dissimilar status of women in Bangladesh; although the state outwardly claims that the Constitution ensures gender equality.

Further, with regard to personal laws, the study reveals that since personal laws are separate from uniformly applicable laws in the public sphere, the role of the state vis-à-vis regulating religious practice in the personal sphere has not been clarified in the Constitution. The Constitution has remained silent on this particular point, leaving the relationship undefined and unresolved. This dilemma continues in Bangladesh in the plural legal system.

Discriminatory provisions in personal laws and women's legal status in Bangladesh

As already pointed out, customs and traditions prescribed by different religions have the force of personal laws in family matters, and are enforceable by the judiciary in respect of members of that particular religion. A number of respondents agreed that these laws are discriminatory to women and negate the constitutional provision of equal rights to men and women in the social sphere by making women subordinate to and dependent on men. The study reveals the following discriminatory provisions under the existing personal laws that place women in a highly disadvantaged position, particularly in family matters such as inheritance, marriage, divorce, maintenance, custody, and domestic violence.

Property Inheritance

A very sensitive issue concerning the rights of women in the sphere of personal law is that of inheritance. As per Muslim personal laws, a husband takes one-fourth of his wife's estate. If his wife has no living children or children of a son, he takes half the share, whereas a wife inherits a mere one-eighth of her husband's estate if they have children or there are children

of a son; and one-fourth if there are no children. A daughter inherits either as a primary heir or as an agnatic heir (an heir who inherits in the right of another). When there is no son, a single daughter inherits only half of the estate.

This study reveals that as per *Sharia* law, Muslim women generally inherit half of what men in comparable situations would inherit. Over the centuries in many Muslim countries, including Bangladesh, this unequal entitlement became the fixed, unchangeable and only share that she was entitled to. Of the many justifications advanced by Muslims (men and women) regarding this discrimination, following are the oft repeated: a) unlike men, women are not the providers of households; the greater the burden, the higher the share; b) Quranic[4] injunctions do not require a Muslim wife to share her resources with her spouse or spend on household expenses even though the husband may be destitute. On the other hand, a wife may seek dissolution of her marriage on the grounds that her husband is incapable of, or will not maintain her; c) a husband is required to pay his wife a sum of money or other property as dower as part of the marriage contract, which is in addition to her share in inheritance.

Most of the respondents debunked these arguments, and pointed instead to the changing socio-economic conditions of Bangladeshi society. They asked: 'Are men always the bread-winners of families?' 'Is it not a fact that there are millions of families in the world, including our country, where women head the household and have to take on the responsibility of meeting the household expenses?'

Also, while women are not legally required to share responsibility of the household, yet one would have to look very hard indeed to find a family where the woman, despite having the resources, lets her spouse and children go hungry. As regarding the last justification, it may be argued that the amount of dower stipulated in the marriage contract is invariably less than an equivalent share in inheritance. Furthermore, a woman seeking dissolution of marriage has to forego this amount.

A Hindu woman's position under the Hindu law of inheritance is much worse than her Muslim counterpart in Bangladesh as her right to inheritance is almost non-existent. A widowed, sonless or childless daughter cannot inherit, as she does not provide the spiritual benefit afforded by a son. Therefore, only unmarried daughters and daughters with sons can inherit, while married daughters who have girl children or are childless are deprived of inheritance.

Marriage

Marital rights in Bangladesh are separately governed by each religious community's personal law, though there is an option for civil contract marriage. Muslim parties are regulated by the Muslim Family Ordinance 1961 or Muslim Marriages and Divorce (Registration) Act 1974. Hindu parties are regulated, among others, by the Hindu Marriage Disabilities Removal Act 1946 or the Hindu Widow's Remarriage Act 1856. However, there is a great deal of discrimination in a Muslim marriage contract as is evident from the Muslim Marriage and Divorces (registration) Act, 1974, which prescribes a form, called a '*kabinnama*', in which particulars of the marriage agreement are documented. Section 5 of this form inquires whether the bride is a virgin, a widow, or a divorcee; no such query is made of the man. Additionally, while a Muslim man may marry a Christian or Jewish woman, a Muslim woman can marry only a Muslim. It means that while a man may marry someone who is not his "social equal", a woman should be protected against such marriages.

Furthermore, restrictions are imposed on women within the institution of marriage without any corresponding limitations on men. A Muslim male can take four wives at a time, but a Muslim woman cannot take more than one husband. Even if a male marries for the fifth time, the marriage is not void, but only irregular. However, realizing the evil effects of and the injustice inherent in the practice of polygamy, The Muslim Family Law Ordinance (MFLO) of 1961 imposed, above all, significant restrictions on polygamy. Under the MFLO, a man was given permission to marry a second wife only under specific circumstances and after following certain procedures. These included the requirement that he obtain the written permission of the local government authorities of the existing wife's residence and satisfy the local government body, or Union Council, that he had obtained the prior wife's consent. In addition, the proposed new marriage had to be "just and necessary", determined by the council on the basis of the current wife's physical or mental condition and the husband's ability to support multiple families. To enforce these rules, the MFLO empowered Union Councils to arbitrate on all disputes related to polygamy, and imposed automatic jail sentences for men found violating these rules.

Hindu marriages in Bangladesh, on the other hand, are solemnized through religious rituals, and have no registration system, as a result of which a Hindu woman suffering at the hands of her in-laws, does not get legal help. However, as per a 1946 Hindu law in Bangladesh, Hindu women can approach courts to regain the rights to conjugal life. They can also file cases under

Family Court Ordinance 1985, Dowry Act 1980 and Women and Children Repression Act 2003, but none of these laws provide them adequate protection.

Divorce

It is in the field of divorce that Bangladeshi women are subject to flagrant discrimination. The husband has the right to unilateral divorce, for no cause at all, though the introduction of the Muslim Family Law Ordinance 1961, has made it less easy. Section 7 of the Ordinance provides that divorce given by the husband shall not take effect until he has given notice of the divorce to the chairman of the local administrative unit, Union Parishad, and 90 days have lapsed. The husband can revoke the divorce within this period. He is also to give a copy of the notice to the wife. The chairman is supposed to constitute an Arbitration Council for effecting a reconciliation which, if successful, could render the divorce ineffective. It is an offence not to notify the Chairman about the divorce. The provisions of Sec. 7 of the Ordinance apply mutatis mutandis in case of

A Muslim Bangladeshi woman does not have the right to divorce in the way man has, but she can seek judicial divorce on grounds permitted by the Dissolution of Muslim Marriage Act, 1939 (Act No. VIII of 1939 (Vide Pakistan Code 1966, Vol.IX, P 716). A wife is entitled to obtain a judicial divorce on neglect or failure of the husband to provide maintenance for two years. But if the wife refuses herself to her husband without any lawful excuse and deserts her husband, or otherwise wilfully fails to perform her marital duties, she has no right to claim maintenance and cannot obtain a decree for dissolution of marriage on the ground of non-payment of maintenance. The fact that the wife is a woman of means would not be a defence to the claim of judicial divorce for non-payment of maintenance.

The Hindu woman, however, cannot seek divorce in Bangladesh. Also, a Hindu man can take several wives; there is no stipulation for the equal treatment of any of them, as in the case in Islam. The most she may get is limited relief under the Hindu Married Women Right to Separate Residence and Maintenance Act, 1964 which entitles her to separate residence and maintenance from her husband under Section 2.

Divorce involves legal, social and economic issues, which adversely affect most women's lives as compared to men. A number of respondents agreed that both Muslim and Hindu Bangladeshi women suffer most from the economic consequences of divorce. According to

them, in the majority of cases, a woman is forced to return to her parent's/relative's home after divorce. If her parents are not alive, her return is never welcome, more so, when she is accompanied by her children. Even if she is employed, a woman is likely to earn far less than her former husband after divorce. As a respondent (activist) interviewed on 4 December 2012 said: "Many Bangladeshi women suffer from domestic violence due to dowry or their husbands' polygamous marriages, but they still don't opt for divorce for the fear of destitution and loss of custody of children. We in general, are not in the same bargaining position as our husbands, because of wide differences in socio-economic and legal positions."

Maintenance

In Bangladesh, a Muslim husband is bound to maintain his wife so long she is faithful to him and obeys his reasonable orders. If the wife refuses herself to her husband without any lawful excuse or deserts him or otherwise wilfully fails to perform her marital obligations she has no right to claim maintenance from the husband. But if she refuses to perform her marital obligations on the failure of the husband to pay the prompt dower[5] (*mehr*) the husband is not absolved of his liability to maintain his wife.

Jurists in South Asia argue that the husband should provide maintenance during the subsistence of marriage and the *Iddat* [6]period (Fyzee, 1985, 1974). This is perhaps because Islam allows remarriage after divorce. But what happens to those women whose natal families cannot provide for them? There is no state welfare system in South Asian countries as in the West. While in India, maintenance of the children and wife after divorce (if she is unemployed) is considered an obligation of the ex-husband, it's only recently that judiciary in Bangladesh has taken encouraging steps to provide for post-divorce maintenance. However, in practice, the execution of maintenance decrees is very difficult as husbands evade payment of maintenance by being untraceable. Even when traced, they may declare that they are penniless. The social milieu and cumbersome court procedures further make it difficult for the wife to get maintenance through Court. A respondent, an activist working with an NGO in Dhaka, narrated one such incident:

> Rahima, a mother of four, was shattered when her husband, a rickshaw-puller, married a second time without her consent and threw her out of the house. However, since this second marriage was not registered, we could not file a criminal case, and approached the family court on her behalf for the restitution of dower and maintenance. But her husband left

Dhaka, and returned only to change residence frequently. It was after great difficulty and expense that the court managed to serve summons on the husband and ordered him to pay Rahima a sum of 30,500 taka (392 USD) as dower and maintenance. We then filed a case on Rahima's behalf for the execution of decree, but the husband refused. He was arrested and sent to jail, but was released on bail after a day. Then the police again arrested him and locked him up for three months, the maximum one can be jailed in a civil prison. The husband has now declared that he will not pay the sum. The law is not clear about what should be done now, even though it clearly states that 'under no circumstances can a Muslim man be relieved of his debt of his wife's dower'. (Salma Akhter, 28 December 2012)

Muslim Family Laws Ordinance, 1961 tried to provide a procedure through which the wife could seek redress of her grievances, but it has not produced any appreciable improvement. The Family Courts Ordinance, 1985, however, has been promulgated to deal with divorce and provisions have been made to dispose of such cases expeditiously. Some respondents from the judiciary suggested that the Family Courts should be strengthened with a criminal court's power to attach the property of husbands to pay maintenance to the wife.

In the case of Hindus, the personal law decrees that the husband is bound to maintain his wife and she must discharge her duties towards her husband. But if she leaves him of her own accord, either without cause or on account of ordinary quarrels as are incidental to married life, she can set up no claim to separate residence and maintenance.

Custody and Guardianship of Children

The Muslim personal laws in Bangladesh grant the mother the custody of a minor child only up to a certain age according to the sex of the child. But she is not the natural guardian either of the person or property of the child; the father alone, or if he is dead, his executor is the legal guardian. As a senior respondent pointed out: 'In Islam, a careful distinction is made between being entitled to the custody of one's children and being their guardian... one would be tempted to compare the difference between these two concepts to the difference between possession and ownership'. In any event, the mother is never entitled to the guardianship of her children under the Muslim law. However, she is always entitled in the first instance to the care and custody of her young children.

This study also reveals that in other South Asian countries (e.g., Pakistan, India) too, the concept of child care as a joint parental and social responsibility has deep roots in the Islamic tradition. While breastfeeding and its duration is recommended, the modalities are to be decided by "mutual consultation" of both parents. If the mother is unable to fulfill her duty, the father is obliged to make alternate arrangements, such as, hiring a wet nurse, etc. Where the parents are divorced and the mother has custody, the father is bound to feed, maintain, and pay the mother as he would any wet nurse for performing this job. Scholars argue that this placing of the monetary responsibility for the welfare of the child and the nursing mother, although within the protective category of human rights, reinforces the stereotype of men as providers and women as passive consumers and a liability to men (S. S. Ali, 2006).

As per the Hindu personal law, a mother loses the custody of her children if she converts to another religion, while a father can convert but still retain the custody of his children. Even in the event of remarriage, a Hindu woman must marry the child's uncle or immediate blood relative to retain his or her custody.

It is clear that personal laws concerning family matters in Bangladesh are heavily weighted in favour of men and against women. They not only degrade women's legal status and social position, but are also incompatible with contemporary notions of gender equity and social justice. Most of the respondents criticised the personal law system in Bangladesh for failing to keep up with the present social reality, particularly women's concerns about freedom from violence and economic deprivation. As a prominent lawyer quipped: 'Bangladeshi women are not demanding the same as some Western women, i.e., gender equality, freedom and liberation as an individual. Rather they see their roles within social contexts and would prefer gender equity within the traditional framework. Although there is some influence of idealized feminist thinking about gender equality, women's proper place is seen to be within the family'. Many respondents also highlighted the work being done by activists who have been making conscious efforts to give, wherever possible, a liberal and creative interpretation to the rules of personal laws, to secure women's rights and social justice, in keeping with the spirit of the Constitution.

In case of Hindu personal laws in Bangladesh, Hindu marriage ceremonies differ from caste to caste, and are not registered. So, Hindu women can't come out bad marriages easily. The concept of divorce is not recognized under the orthodox Hindu Law in Bangladesh. However, the Hindu Marriage Act of 1955 in India has introduced some revolutionary changes by

abolishing the idea of marriage as an indissoluble union, and converting it into a civil contract just like the Muslim Law. The option of divorce is the most significant part of this Act. Section 13(1) gives the right of divorce to both the parties. Unfortunately, Bangladesh is yet to introduce any such legislative enactment, and Hindu women continue to suffer in unhappy marriages as they don't have the option of divorce.

The study reveals that women in Bangladesh are usually deprived of their deferred "dower" (*mehr*), a sum of money or other valuables that the husband gives or undertakes to give to the bride upon marriage. While in most settings, most of the dower is either given promptly or conditionally, the practice in Bangladesh is to specify the entire amount as deferred, to be given only in the case of divorce. This has been noted many times in cultural studies (Kamal, 1994; Huda, 2004), and also verified by the researchers during field research in Dhaka in 2013. Nevertheless, women in Bangladesh are usually deprived of their deferred dower. Further, most of respondents agreed that the amount of dower was a mere token, particularly in low income families. This study also reveals the effect of *mehr* (dower) on reducing the probability of divorce (an event differentially costly for the woman) and on household bargaining during the marriage. However, some of the respondents felt that *mehr* (dower) should be made optional (it is already optional as it is waived by most wives in urban areas of Bangladesh). Besides, men will be reluctant to give both *mehr* and a share in the marital property, which is more valuable.

The impact of religion on personal laws and gender justice in Bangladesh

This historical review of laws in Bangladesh establishes that religion has played a major role in determining the laws that govern personal relations, which can have both a positive and a negative impact on women's rights. According to some respondents in this study, though some personal laws were reformed in the post-independence Bangladesh, these did not cross the parameters of the *Sharia* law.

The Bangladesh Government has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and incurred legal obligations to eliminate all forms of discrimination within their jurisdiction. However, it expressed its reservations to Article 2, where states undertake to condemn discrimination against women in all its forms. In September 2000, Bangladesh was the first country to ratify the Optional Protocol to CEDAW,

which strengthens the enforcement mechanisms available for the rights within the Convention and provides for complaints to be taken directly to the UN. In light of this ratification, maintaining reservations to Article 2 is contradictory. The reservations state that the government of Bangladesh does not consider Article 2 binding as it conflicts with the *Sharia* law. As a result, despite the ratifications, discrimination against women persists and restricts the rights and freedom of women in all aspects of their lives in Bangladesh. Religious traditions and customary practices dominate the legal discourse and the right to freedom of religion has created gender hierarchies. Further, complications arise with the interface among personal law, customary norms and religious injunctions often resulting in the application of the most patriarchal and non-egalitarian face of all these regulatory norms.

Though the government of Bangladesh has implemented specific legal protections for women, including the 1980 Anti-dowry Prohibition Act and the 1983 Cruelty to Women Law, religion continues to hold sway in the realm of Bangladeshi women's rights and gender justice. In rural areas, where most Bangladeshis live, few marriages are registered. Likewise, Hindu personal laws in Bangladesh do not permit a Hindu woman to divorce her husband even if he is impotent, cruel, suffering life imprisonment, or a threat to her life.

Current debates on enforcement of personal laws and gender justice in Bangladesh: Perspectives of the respondents

The above findings demonstrate how both Muslims and Hindu personal laws are discriminatory to women and, therefore, require substantive legal reforms. The traditional *Sharia* law is unable to provide equal rights to women or achieve gender justice in Bangladesh. But the question is how can Bangladesh usher in effective reforms.

Three respondents, including an academic and two judicial functionaries, argued that the only solution lies in the establishment of a true Islamic state, where the state, society, and the laws would be governed by the *Sharia*. They rejected western and secular human rights, norms, and human rights instruments conferring equality on men and women, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Ten respondents called for continuing with the traditional approach in matters regarding the family, be it marriage, divorce a wife's duties towards her husband and family. They argued that changes in social conditions, institutions, perceptions, or actions do not justify any

change in the Muslim personal laws. Like the Islamists, they are also opposed to further interpretation of the Quranic words by *ijtehad*[7]*,* but unlike them they do not want an Islamic state.

But interestingly, a large number of respondents (42) called for a modern approach as opposed to both Islamic resurgence and traditionalism. They argued that neither Islamic resurgence nor traditionalism will work at the present as Bangladeshi Muslim women do not enjoy equal rights as men under the traditional *Sharia* law, particularly in marriage, divorce, and inheritance. They were in favour of introducing reforms in *Sharia* from the perspective of human rights and gender justice, while emphasising the necessity of seeing the motive, intent or purpose behind the Quranic passages in *Sharia* law.

Eighteen respondents, however, rallied for a secular approach, maintaining that religion is not a social issue, but a personal matter. So religion should not govern marriage or divorce. The secularists seek total abolition of Islamic law from the private and public spheres to eliminate the culture of *fatwa* and other discriminations against women. They also pointed out that the contemporary groups or feminists in Bangladesh have developed their own method of reform of personal laws, which is secular in nature. The secularists and most feminists call for the enactment of a secular Uniform Family Code applicable to all the citizens, irrespective of gender and religion.

But the study found that some Bangladeshi women's associations/organisations prefer the modernist approach to the secular one. While there is a scope for dialogue between modernists and the secularists, the respondents wedded to the Islamic approach do not believe secularism can usher in reforms in the Muslim law. As one of them put it: 'Since the majority of Bangladeshi people are Muslim, it is unlikely that the majority of the public would accept a secular state'.

Nevertheless, all the respondents agreed that the personal laws of Muslims and Hindus should undergo reforms to ensure justice to women in the larger interest of Bangladesh. They believed that reforms could herald an end to discrimination against women in marriage and divorce under the Muslim personal laws. An activist quipped: 'The division of marital property and post-divorce financial provision to a divorced wife must be made on the basis of her needs till her conditions change. Such provisions should also apply to an ex-husband who suffers financially from divorce'.

An overwhelming number of the respondents also favoured complete ratification of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and argued that since there is no conflict between the Quranic law and CEDAW as regards the objective of equality and equal rights, the differences in actual operation can be rationally resolved by adopting the provisions of CEDAW. They argued that CEDAW is a measure to ensure justice and fair play to women, values espoused by Islam as well. Some respondents supporting traditional Islamic law were, however, against any legislation on religious law. But all, whether in favor of ratifying the CEDAW Article 2 or against it, agreed that Islam values the equality of men and women, and protects the rights of women.

The interviews also brought to the fore the contradiction between equality in persons and equality in law. A respondent asserted that Allah has given men guardianship over women, thus there was no question of equality for men and women. Another respondent argued: 'Islam places women on equal footing with men in the eyes of Allah (God), however, this definitely does not mean that men and women are equal in Islamic law'. This position has become controversial in recent years. The Quranic verses, which deal with this issue, are subject to various interpretations in the context of time and place. In the *An-Nisa* (cited by S. S. Ali, 2006), it is stated that men are protectors and maintainers of women because men support and spend money on women from their resources. Ostensibly, this guardianship is conditional and based on the husband's ability to support the wife. A woman can repudiate the marriage and secure her release from the bond if the husband fails to meet her needs. Scholars often argue about the application of this verse to situations where the woman has an independent income and does not depend on her husband for financial support. Bangladesh is seeing an increasing number of women entering the labor market to earn an income to support the family. Logically, the husband cannot claim guardianship in such a case. It has, therefore, been claimed that protection and maintenance means responsibility to provide a service or financial support, and does not automatically mean superiority or leadership. The government in ratifying Article 16.1(d) and (f) has accepted this liberal interpretation, which is reflective of the contemporary situation and prevailing conditions in society.

Another issue raised by some respondents concerned the personal law on property inheritance, which denies equal share to men and women. Among the respondents opposing complete ratification of CEDAW, five specifically referred to the inheritance issue in as much as they believe that the *Quran* has clearly laid down the principle of inheritance, which must be respected. Among respondents who favoured ratification, 12 suggested that the personal law

on property inheritance should be reviewed in the full perspective of Islamic social arrangement before ratification. They believe that in the Islamic tradition, certain protective advantages given to women may be evoked to justify the discriminatory law of inheritance. For instance, dower is a first charge on the property of the husband and it must be paid from the property before inheritance. Husbands are obligated to maintain their wife and children from their own income, regardless of the wife's resources. The husband has no right over the property of the wife and cannot appropriate that property for maintenance of the family. Even if the wife has an independent income, she has no financial obligations, and the husband's responsibility to maintain the wife and children neither ceases nor is reduced. Men, therefore, have much greater financial responsibility and burden than women, and in this backdrop men are justified in getting greater access to parental property.

The general consensus among these respondents was that since the *Quran* accords equal rights to men and women, they should have equal rights in family matters, particularly in marriage and divorce cases. One respondent pointed out that despite the concession to men to marry four wives, prostitution continued throughout the history; trafficking, rape, abduction, violence are rampant; and as such, men have forfeited the concession. Another respondent claimed that polygamy has, in most cases, disturbed family peace and led to its disintegration due to bickering among co-wives and step-children. Owing to these practical problems, polygamy is on the wane and is now practically non-existent. Some respondents argued that a divorced woman's right to marital property and maintenance is not unIslamic; rather Quran supports provision for a divorced woman during *iddat* (waiting period in divorce) and afterwards (on reasonable scale) in order to meet her socio-economic needs and allow her to maintain the same standard of living as her ex-husband.

Rethinking gender justice

The protection of women's rights is imperative to improve their status, and law is an essential instrument to ensure these rights. But gender justice is ambiguous in the plural legal settings of Bangladesh, where culture, custom, religious norms and tradition dominate the legal discourse and influence its implementation. The norms of equality and non-discrimination are enshrined in the Constitution and legal enactments, but in reality gender justice is a paradox as different religious/personal laws continue to be applicable on citizens professing different religions. Unfortunately, this personal law system has failed to change with the times to

address women's concerns about freedom from violence and economic deprivation, either by incorporating them into various enactments, or by giving them appropriate importance while interpreting the law in courts.

The study reveals that achieving gender justice is far more complicated than just claiming equal rights in the context of religious differences, as the mechanisms for the enforcement of laws are very weak. Moreover, most women in Bangladesh are unaware of their rights under the legal system. The law-enforcement officials and the judiciary too lack awareness about women's rights. Consequently, women's right to equality remains a contested terrain despite the ratification of CEDAW by governments.

Both Muslims and Hindu personal laws are discriminatory to women, and negate the constitutional provision of equal rights for men and women in the social sphere, and make women subordinate to and dependent on men. For instance, under Muslim personal laws, marriage is a contract between a man and woman, the man enjoys more rights than the woman. Women's rights seem to be for the most part of the protective category although the initial premise of entering into the marriage contract is one of complete equality. However, once the contract is made, then inequality between the contracting parties emerges. For instance, under the "protective" right of dower as a "consideration" for the marriage contract, the husband becomes the protector and the wife, the protected.

Polygamy is a controversial issue in Muslim personal law as is the women's right to inherit. However, a close reading of the Quran shows that it does not permit polygamy as a rule, but only as an exception subject to certain conditions. Similarly, Hindu law does not permit polygamy or (supersession of wives) as a rule, but only under certain conditions. Patriarchy has, however, misused this licence. So, if a law is passed banning polygamy, it would not in any way affect the religious injunctions or rights of the Muslim or Hindus in the country.

A range of opinions expressed by the respondents highlights some important perceptions regarding the potential and possibilities of effective application of legal framework to protect women's rights and ensure gender justice in Bangladesh. The judicial system is the only legal forum for hearing cases, disposing of disputes, and providing interpretation in all matters relating to the Constitution, civil and criminal laws and personal laws in Bangladesh. This study reveals that some judicial decisions are remarkably enlightened in the emphasis they lay on women's rights. There have been instances where the Bangladeshi courts have interpreted religious laws in favor of women. One of the first judicial interventions in personal sphere

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was on the question of the jurisdiction of the family courts in Bangladesh. The superior judiciary (High Courts and Supreme Court) has played an active role in addressing issues of gender justice. *Fatwa*[8] litigation, a major legal breakthrough, clearly links gender and state interest. The Honorable Court also opined that the legal system of Bangladesh empowers only the Courts to decide all questions relating to legal opinions regarding Muslim personal laws and other laws in force.

The progressive judgments, public agitations, and women's movements, show that the traditional personal laws governing marriage and divorce of both Muslims and Hindus are not satisfactory and, therefore, require substantive legal reforms. Feminists'/women's movements in Bangladesh demand that the reforms must lead to equal rights for husbands and wives; equal division of marital property, whether achieved through adoption of a secular uniform personal law or through rational interpretation of the Sharia law, and maintenance for divorced women.

Some women's organizations, such as Bangladesh Mahila Parishad, Ain-O Salish Kendra, Women for Women, however, feel reforms are not the way out, and only a secular uniform code can end this discrimination. Some have even drafted a Uniform Civil Code as a way to address the inequities and incongruities within the different personal laws.

However, this Uniform Civil Code is widely seen as anti-Muslim, and hence untenable. Instead, there is an increasing demand for engaging with religion in new ways as the new win-win solution. Opinion leaders favour a plural system that enforces equality, but in the context of Muslim and Hindu laws. This modernist approach proposes reforms within the parameters of the *Sharia* law from the perspective of human rights and gender equality. The state can take steps in this direction by setting up special courts (e.g. family courts, courts for rape and sexual offenses) or specific regimes (e.g., family matters reserved for religious or customary courts), which can influence outcomes and shape the content of rights in different ways for different individuals. Special courts, as well as gender units within the judiciary, can employ specially-trained judicial actors on gender equality, and rules that are gender-sensitive.

Some scholars such as An-Naim suggest a third alternative: the development of a version of Islamic public law, which is compatible with modern standards of constitutionalism, international law, principle of equality and human rights or an Islamic alternative to traditional *Sharia* law with the benefits of secularism within a religious framework (An-Naim, 1990). But there are others like Shaheen Sardar Ali (2006) who calls for substantive equality

instead of mere formal equality. Substantive equality stresses on equality of opportunity. While laws to eliminate discrimination are necessary to achieve gender justice, substantive equality encourages the state to move a step ahead and introduce positive action. This positive or affirmative action helps secure equal opportunities for all genders. It is a combination of all these steps that can help Bangladesh achieve gender justice and equality.

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Notes

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[1] *Sharia'* was constructed by Muslim jurists and although derived from the *Quran* and *Sunna*, is not divine because it is the product of human interpretations of those sources (An-Na'im, 1990).

[2] The Shariat Act, 1937 was a legislative measure to Islamicise Muslim Personal Law in the Indian subcontinent by abrogating the role that customary law was playing among the Muslims. The Act was introduced on the initiative of conservative *Ulemas,* the religious clerics of *Jamat –ul-Ulema–i– Hind,* whose stated purpose was to safeguard the *Sharia.*

[3] The unilateral right to terminate the marriage contract belongs to the husband under Islamic law which is technically known as *talaq.*

[4] The *Quran* is the primary source of law in Islam and is believed by Muslims to be the word of God revealed through the Angel Gabriel over a period of approximately 23 years. It has 6,666 verses, divided into 114 chapters and 30 parts.

[5] "Dower" (*mehr*) must not be confused with "dowry" which consists of presents made by father and other relations of the bride (this is especially applicable in the Hindu marriage system) as Muslim Law does not make any provisions for the payment of dowry. The amount of dower may be fixed either before or at the time of marriage or after marriage, and the law does not say anything about the quantum of dower. The amount of dower is generally split into two parts – "prompt dower", which is payable immediately on demand by the wife, and "deferred dower", which is payable only on the dissolution of marriage by death or divorce. The claim to dower is not lost even when the marriage is dissolved by Court at the instance of the wife or when the wife exercises

the right to divorce. Even if the divorce occurs through judicial dissolution, deferred dower payment does not follow an absolute rule. In these cases, the courts have the latitude to assess blame and harm caused by the spouses and allocate cost accordingly. If the husband is found to be at fault, the wife is generally granted the *mehr* (El-Arousi, 1977: 14; Quick, 1998: 36-39; Ali, 1996, 125, cited by S. S. Ali, 2006).

[6] *Iddat* is a period during which a woman whose marriage has been terminated either by death or divorce may not remarry.

[7] *Ijtihad* is an ongoing intellectual pursuit and cannot be discontinued.

[8] Muslim women in Bangladesh often become subjects of *fatwas* (opinion) of the local religious leaders/ fundamentalists, which was banned by the High court of Bangladesh in 2001 as unauthorized and illegal. From the early 1990s, the incidence of *fatwa* being issued by rural clerics or village elders, and resulting in corporal punishment being inflicted on women and men drew increasing attention from the media and human rights organisations nationally and internationally. Through a landmark judgment on 1 January 2001, the High Court Division pronounced its judgment making the rule absolute and holding that the *fatwa* in question was wrong and further holding that any *fatwa*, including the instant one, are all unauthorized and illegal.

CHAPTER 13

Conclusion

Gender entanglements in gender and development: A call for grounded, multi-dimensional and 'moving' feminisms

Bernadette P. Resurrección, Philippe Doneys, and Ragnhild Lund

The authors in this volume confront gender as an increasingly more complex concept than the present ways and approaches with which gender and development – largely as a field of practice[1] – has been framed, applied, and understood. We are keenly aware that the dire conditions under which women continue to live have not matched the 'discursive landslide of gender mainstreaming' (Cornwall and Whitehead, 2007), indicating therefore that current gender and development approaches may be remiss at responding to the complexity of gendered lives.

Past critical scholarship on gender and development has pointed out the emergence of received wisdoms and orthodoxies from development thinking and practice, as well as the need for positionality and representation (Jackson and Pearson, 1998). Scholars also note that gender mainstreaming in public institutions has been technocratized, thus turning 'a radical movement idea into a strategy of public management' (Woodford-Berger, 2007: 65; Jaquette and Summerfield, 2006), and being contemporarily denounced as being 'everywhere and nowhere.' (Tiessen, 2007). For their part, Cornwall et al (2007a/b; Cornwall, 2007) take issue with how 'gender' and 'empowerment' have been used, abused, neutralized in multifarious ways within public and development institutions, and even among feminist organizations, describing these occurrences as institutional 'struggles for interpretative power' (Cornwall et al., 2007b: 4; Staudt, Rai and Parpart, 2002). Our work in this book resonates with this stream of recent scholarship as we attend to and underscore the neutralization and simplifications associated with gender and 'women' within the field of gender and development practice, which have sidestepped the complex workings of gender and power on the ground, and which

have failed to serve the ends of gender equality in a more holistic sense (Cornwall, 2007; Sen, 2006; Scott, 1998). In short, we put forward the merits of feminisms in development that are grounded, multi-dimensional and moving: to counterpoint the unhelpful hegemony of received gender and development wisdoms from the top that are disembedded from people's everyday lives, which build around centered, static, and one-dimensional interpretations of gendered identities.

We committed ourselves to understanding the production of gender from a lens of 'science from below,' to be able to learn how gender complicates and entangles the identities, social webs, changes and continuities, multi-scalar institutions, and mobilities that govern people's everyday lives, in order to signpost transformative and empowerment pathways. This concluding chapter therefore attempts to tease out the implications of our collective and synthesized learnings on gender entanglements from this region-wide research project on gender and development studies and practice. In short, we attempt to begin a conversation on what can possibly be done, and how our actions towards the empowerment project can be better framed.

The chapters in this volume challenge the relevance of gender in development, both in theory and practice tapping on new and old visions of gender. All are informed by practice, including fieldwork and data collection, some conducted also in the context of past and existing development interventions. This grounding of knowledge reveals how power is configured locally but also how gender and development research and interventions are also involved in the reproduction of power, in ways that are not compatible with empowerment or justice. Departing thus from the simplifications that shaped current gender and development practices by doing 'science from below,' we question received gender and development wisdoms that carry top-down definitions on and prescriptions for the empowerment of women (Doane and Doneys, chapter 4; Lund and Mishra-Panda, chapter 7). This power from above can further be seen through the influence of global development institutions in terms of implicit gender practice (Milwertz and Fengxian), in the fixity of gender found in development intervention which clashes with the fluidity of gender on the ground (Thambiah, chapter 10), or in terms of disaster responses that respond to and yet further produce or hinder gendered mobilities (Resurrección and Sajor, chapter 9).

The authors further demonstrate that gender and gender theory is historically and spatially produced, thus a 'moving' concept throughout entangled processes of continuity, change and mobility, as opposed to having an assumed fixed nature (Lie, Lund, and Azmi, chapter 2; Shuib and Rudie, chapter 3; Resurrección and Sajor, chapter 9; Thambiah, chapter 10). They do not simply apply a gender lens or analysis to understand a current situation of inequality or disadvantage but take gender as a fluid concept that is in constant state of change as it is anchored in both local practices that produce and are influenced by global patterns of gender relations over time and space. This would suggest that we should be wary of using gender as a standard conceptual tool whereby categories of women and men are given and pre-defined (often pigeonholed as competing or divergent).

Chapters in this book deal with the different uses of time, indeed underscoring that gender is a 'moving' concept. First, over time, changes in researchers' life cycles deepen their self-reflexivity and simultaneously shift their own understandings of gender as they revisited former field sites (Lie, Lund & Azmi, chapter 2; Shuib and Rudie, chapter 3; Thambiah, chapter 10). Second, people under study in these chapters demarcate an uncomplicated past from a disadvantaged present. However, much of what the studies demonstrate are largely unbounded processes where 'the past is in the present,' yet claims to a disadvantaged present strengthens claims to resources and opportunities in socially- and gender-stratified ways (Lund & Panda, chapter 2; Resurrección and Sajor, chapter 9; Thambiah, chapter 10). Yet others (Kusakabe and Sereyvath, chapter 6) document how women entrepreneurs link their business trajectories to their life trajectories that determine their choices at the time of research. Third, time is related to investigating long durée phenomena such as disasters and environmental change, commercialization and migration. Some authors examine the gender dynamics of agrarian transformation and argue that particular combinations of nature, environmental governance, commercialisation and migration histories give rise to pathways for gendered forms of empowerment or hardship (Elmhirst and Darmastuti, chapter 8).

Several authors also argue that gender is performative: that specific discursive and material practices 'call into being,' materialize, and produce gender and other types of social difference, therefore it is not pre-given or something that exists 'out there' (Elmhirst and Darmastuti, chapter 8; and Resurrección and Sajor, chapter 9; Lie, Lund,

and Azmi, chapter 2). This performativity of gender is also important to understand gender justice as the interpretation of legal texts and the selective application of legal provisions enforces a gender order that is not necessarily enshrined in, or following the spirit of, the laws themselves (Endut, chapter 11, Hossain, chapter 12). Gender in this volume is not simply a conceptual means to comprehend the world we live in but studying gender is also about understanding how it is produced and reproduced. Indeed, in many ways development interventions, including gender components, reinforce, reshape and produce new forms of gender identities and relations, whether this was intended or not.

Gender is also far from being one-dimensional – as many technocratized approaches have accorded it – in that it is not discrete but rather entangles and intersects with other axes of social identity such as ethnicity, class, religion, race and age (Kusakabe and Sereyvath, chapter 6; Thambiah, chapter 10). Associating gender as fixed, one-dimensional, and attached to hegemonic development and some activist agendas and cultural institutions form part of the interpretative power that institutions have vested on the employment of gender over time and in specific instances as developing countries pursue paths of modernization (Lund and Mishra-Panda, chapter 7; Milwertz and Fengxian, chapter 5; Endut, chapter 11; Hossain, chapter 12).

Furthermore, gender and development, whether we refer to interventions or research, has usually not problematized or examined the role of men beyond enabling patriarchy. The chapters in this volume however invite us to reconsider their place and role in the field, either in terms of what their participation, views and behaviour mean for women's empowerment (whether that influence is positive or not, Doane and Doneys, chapter 4), but also in terms of how socio-economic change has affected them, producing at times idleness (Thambiah, Chapter 10, Endut, Chapter 11) and at other times alcoholism (Lund and Mishra-Panda, chapter 7, Elmhirst and Darmastuti, chapter 8) and, which further shape the men's identities and create new patterns of gender relations. This points to a more complex and divergent role of gender than previous literature suggests.

Finally, many of the chapters in this volume question accepted dogma or tenets long held in gender and development studies that translate into development practice.

From women fish traders who may not see cooperation or social organization as a viable or wanted option (Kusakabe and Sereyvath, chapter 6), women who see empowerment not in autonomy but in social recognition and as a collective, or even cultural, endeavor (Doane and Doneys, chapter 4, Shuib and Rudie, chapter 3), or immobility as a form of security for women in post-disaster (Resurrección and Sajor, chapter 9), these findings suggest that we need to revisit the field of gender and development, to question accepted gender myths, however uncomfortable it may be, by anchoring our research in women and men's everyday practices.

These insights on the complex workings of gender in this book therefore beg for the need for more commensurate transformative approaches that will truly produce meaningful and equally empowering changes in women and men's lives. This process of demystification is important if we expect research to inform development interventions and to reflect the needs, aspirations and practices of those targeted by development. Since Eyben and Napier-Moore (2009) warn us that empowerment and gender transformation have increasingly become buzzwords in the development technocratic lexicon – to the point of becoming instrumentalist – we therefore ask: What do we mean by *transformative* approaches in gender and development? These transformative approaches should identify and correct actual cultural, discursive or political *practices* on the ground, that create and perpetuate gendered inequalities, vulnerabilities, as well as those that constitute social and gender differences in the first place. These approaches will also require greater understanding into 'how fragmented and complex subjects are formed, how they are perpetuated through various layers of inequality and oppression, and how they act in the context of exercised power' (Tschakert, 2012: 149). In short, transformation is framed by the idea that the production of gender simultaneously produces power differences as Joan Wallach Scott (1988) eloquently argued years ago. Finally, these approaches acknowledge that gender is a 'moving' concept, in process, and always unfolding, where some aspects continue, while others change.

This framing will shift the lens towards addressing the ontological practices that materialize the marginalisation, difference, and vulnerabilities of types of women, as well as certain categories of men, and how these processes are embedded, produced and reconfigured by other forms of social differentiations, from those that design programmes that are 'one size fits all,' usually from a reading of the impacts of

economic, political, environmental, social phenomena that disadvantage women (Tschakert, 2012; Resurrección, 2013; Cornwall, 2007a), as well as shaped by a view of women as one-dimensional, centered subjects. For instance, sometime ago, Cecile Jackson (1998) warned that the poverty of women was the primary justification for development interventions designed to improve the position of women – the belief being that poverty impacts women the hardest – and that the solution was to target them for such programs, many of them micro-credit and self-help programs. It was later discovered that women in many successful small enterprises could not free themselves still from the heavy hand of patriarchal control in their households, some of which led to or escalated incidences of domestic violence. Unfortunately, many development interventions still cut from the same fabric, where poor women may participate in development interventions, yet continue to live in conditions that downgrade who they are *as women,* preventing them to achieve freedom from patriarchy and equality with men and other types of women socially, both in private and public spheres. How gender is produced in the household, for instance, women as housewife and dependent, collides with readings that regard women as the most poverty-impacted group.[2] These poverty-alleviating approaches attend to the material deprivations of women, or their visible asset gaps vis-à-vis men's. Instead of a focus on how to mitigate poverty impacts on women therefore, we shift the strategic and programmatic gaze to transforming practices that actually *produce* gender and its inequalities in the first place (Cornwall, 2007a). We address those practices that materialize and perpetuate ideas about who women are, and which in turn create gender disadvantage. In a word, we concur with Eyben and Napier-Moore's (2009) insistence to look more towards transforming society and 'less about making women more effective wealth producers' (p 298), a remark they made from observing the frequent use of 'targeting women's empowerment' in development speak. It is in this light that we turn to transformative gender strategies for gender and development policy and action.

Among development organizations today, noteworthy and novel attempts to employ transformative strategies that aim to empower women are in place, intent on changing prevailing social norms, attitudes, behaviors and social systems instead of narrowly redressing women's material deprivations as practiced in past approaches. They state that redressing women's material deprivations are only addressing the symptoms of

gender inequality, not their causes (CRP-AAS, 2012). What seems to be overlooked here is the notion that the production of women's gendered identities is centrally complicit in creating gender disadvantage, and which in turn shape gender-biased social norms, attitudes, and even material deprivations for women. As a corrective to this, a grounded and material feminist view could instead help us understand that the production of gender is entangled with the production of power. Therefore, transformative approaches will benefit gender and development more significantly if they address the ontological production of the female subject, which invariably strikes at the heart of power, empowerment and disempowerment entangled with a dynamically re-structuring economic and political world that increasingly favors economic growth over gender equality and social well-being. Finally, a gender and development policy regime will benefit more from flexible readings of embodied life on the ground, or in short, a stronger gender analysis of the complexity of changing institutions, resources, family life, power and people that informs holistic yet contextualised response and action for gender justice.

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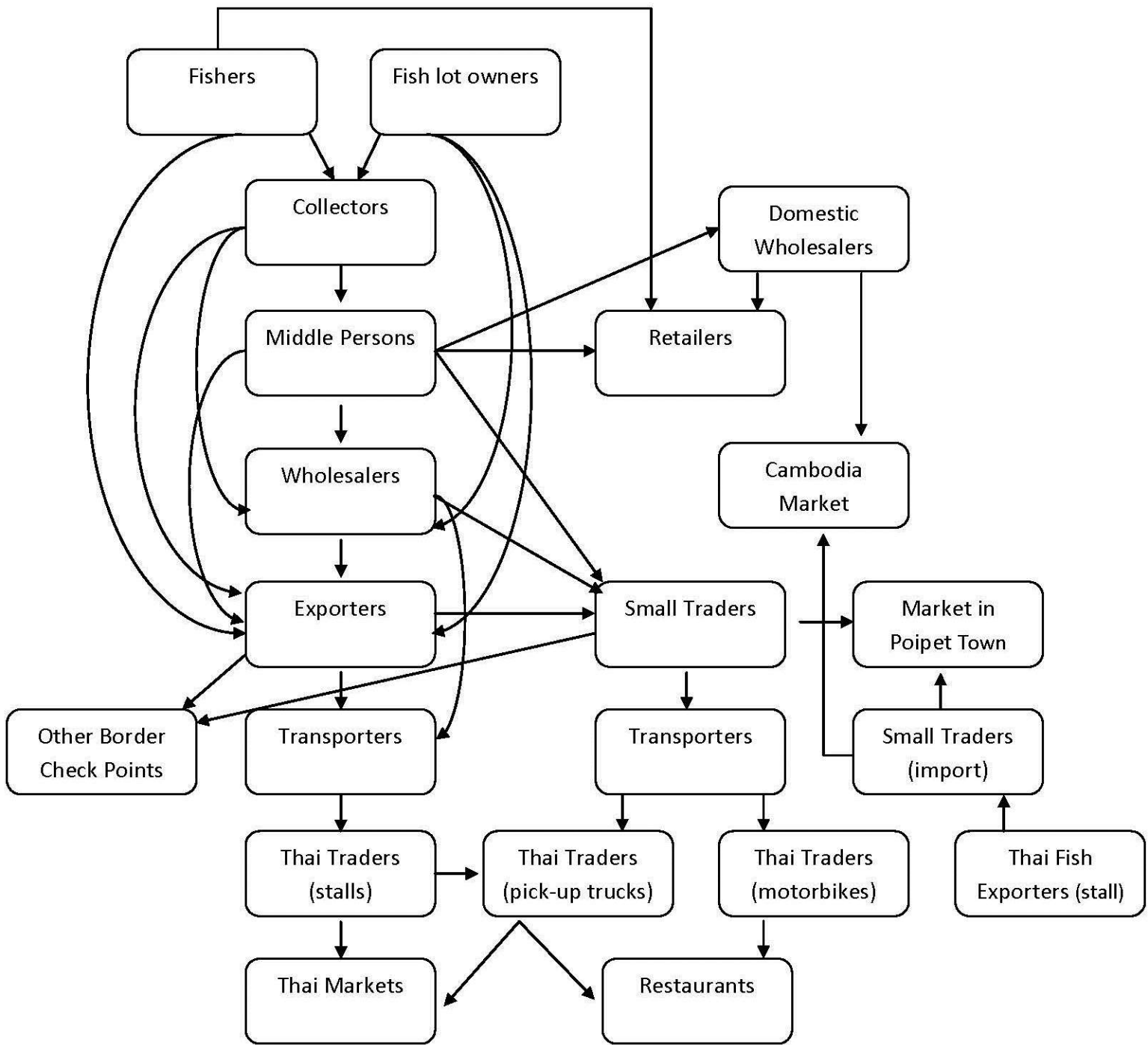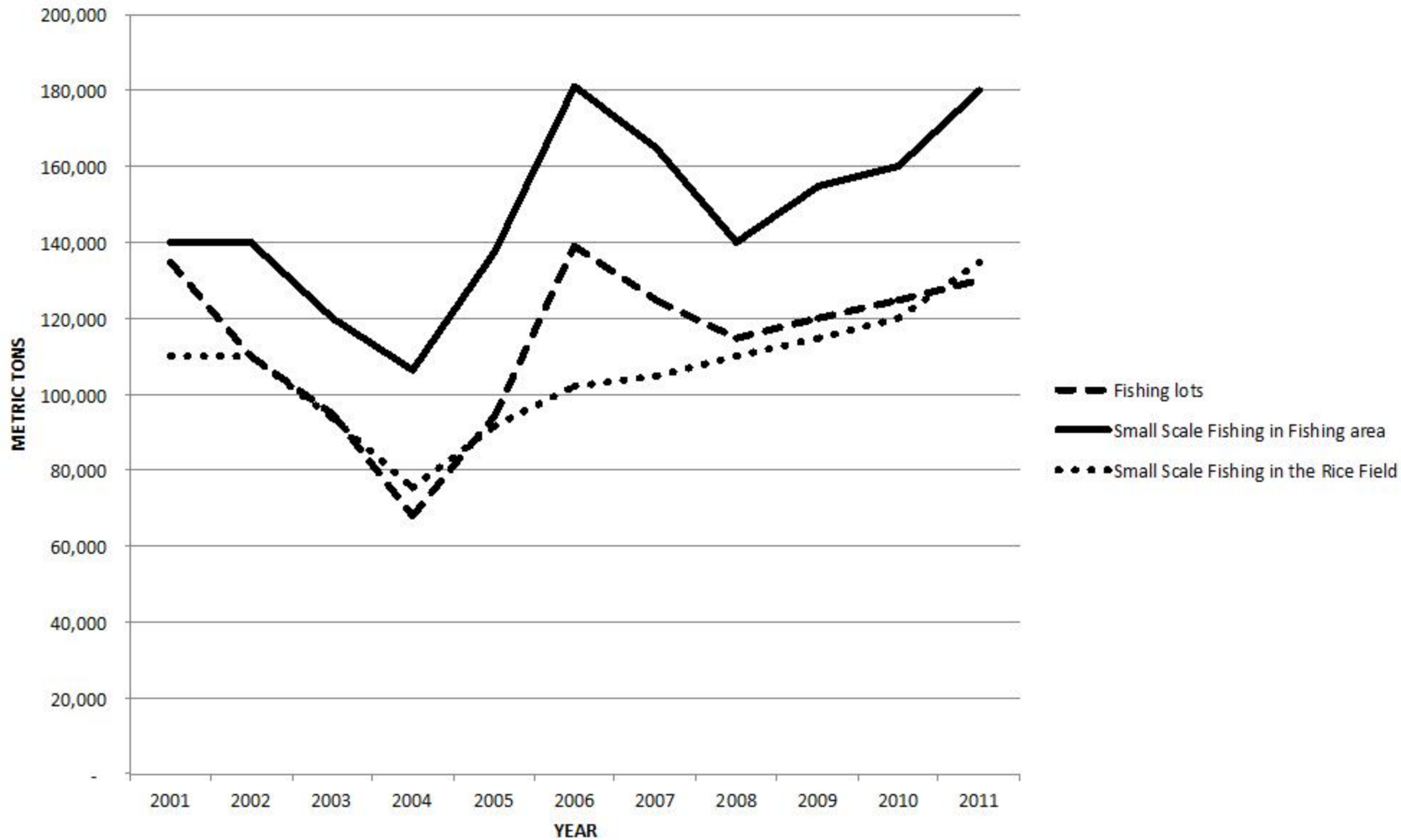
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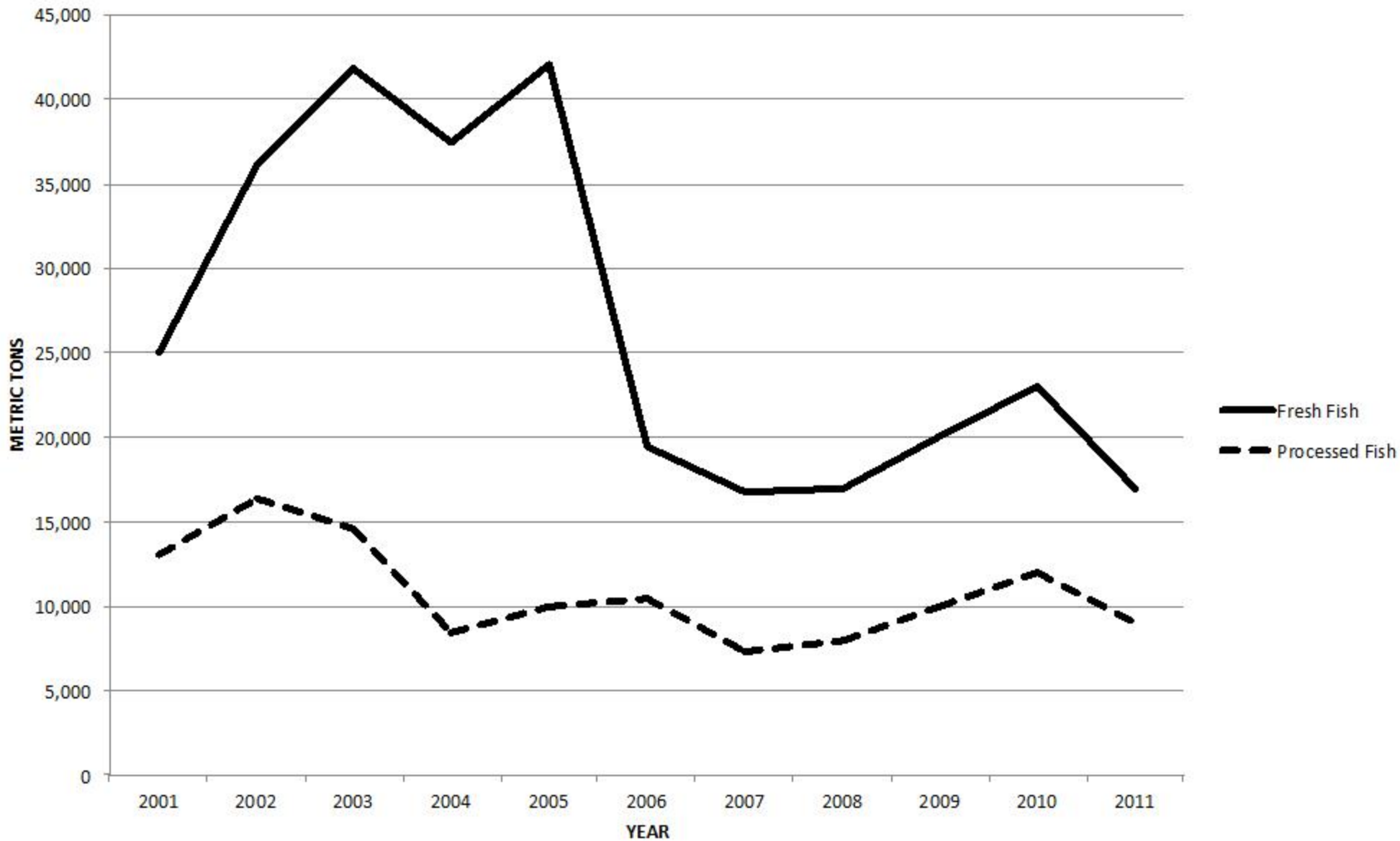
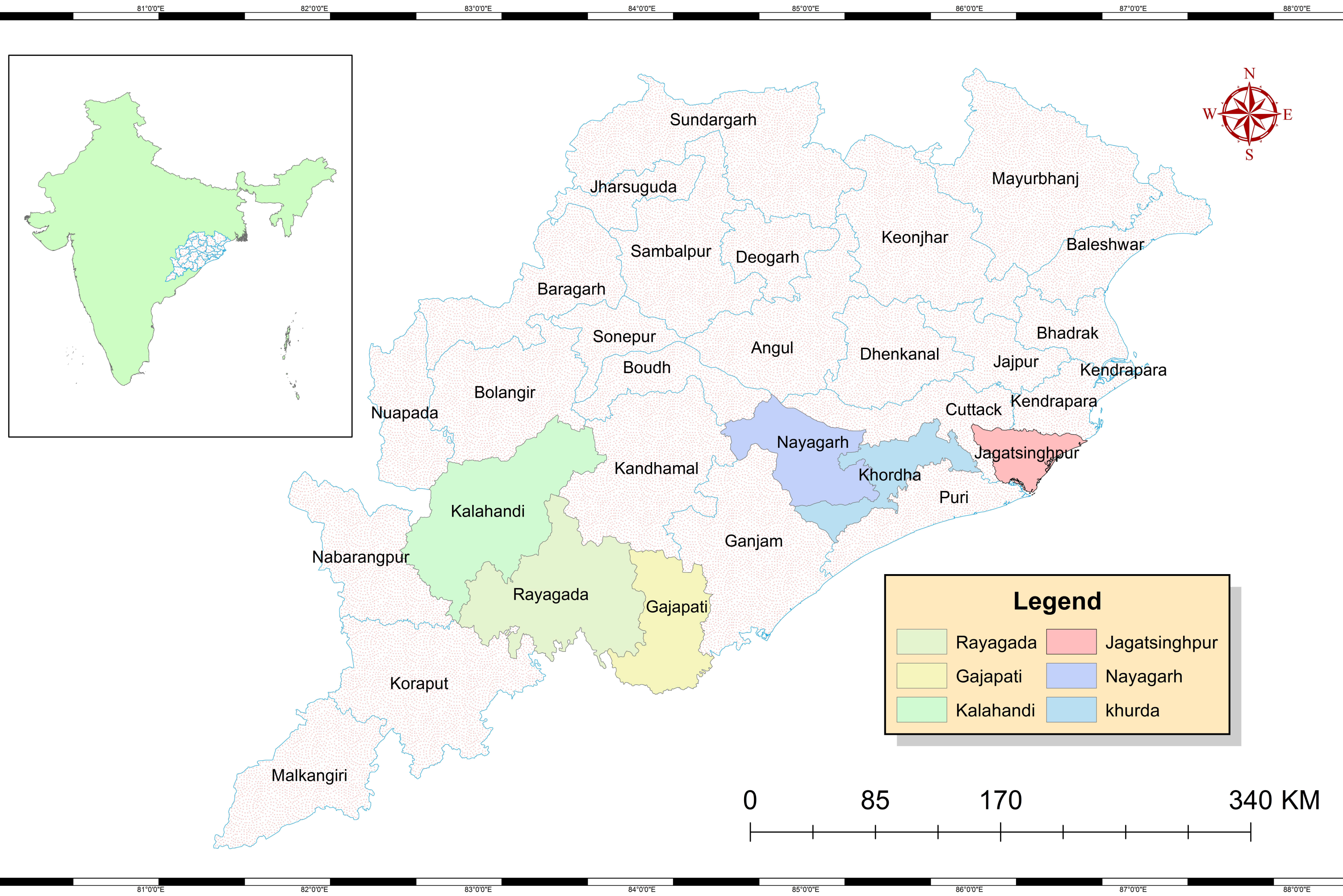London: Zed Books, pp. 122-134.

Endnotes

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[1] This refers to policy, interventions and planning practices employing gender and development frameworks

[2] Arora-Jonsson (2011) compellingly argues that women being the poorest category is more assumed and claimed than actually empirically explored

Fishers

Fish lot owners

Collectors

Domestic Wholesalers

Middle Persons

Retailers

Wholesalers

Cambodia Market

Exporters

Small Traders

Market in Poipet Town

Other Border Check Points

Transporters

Transporters

Small Traders (import)

Thai Traders (stalls)

Thai Traders (pick-up trucks)

Thai Traders (motorbikes)

Thai Fish Exporters (stall)

Thai Markets

Restaurants