WOMEN’S RIGHTS TO ACCESSING AND OWNING LAND IN THE UNITED STATES, SAUDI ARABIA, BRAZIL, AND SOUTH AFRICA

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ABSTRACT

RESEARCH PAPER: Women’s rights to accessing and owning land in the United States, Saudi Arabia, Brazil, and South Africa

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Land and property ownership has in recent years been subject to debate, especially when looking into women’s rights to property. Women around the world are facing many barriers that prevent them from their rights to owning land. Even if women have a right to property or land ownership, there are other social norms and traditions, combined with laws that will highly restrict women from owning and managing property and land. Gender inequalities in property and land ownership throughout the world are pervasive. It is not only that women have less access to land as compared to men, but also that they are restricted to secondary land rights. In this case, it means that women hold land rights via the male family members. In such cases, women have a high risk of losing their entitlement to land because of widowhood, divorce or migration of their husbands. Evidence indicates that the land parcels owned by women are much smaller and are of a lower quality compared to men. This research aims to examine the guiding factors, such as religion, gender, marriage, inheritance, economics, and education that affect the
land rights of women in some major countries, including the United States, Saudi Arabia, Brazil, and South African countries.

**Key words:** owning land, accessing land, land management, gender, marriage, education, inheritance, rural countries, and women’s rights.
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Introduction

The access to control and use of land and other productive resources among women are vital aspects to ensuring the right of equality and attaining an adequate standard of living. The resources help ensure that women are provided with day-to-day needs for their families and can manage to sustain themselves when faced with the difficult challenges of life. The access of women to land, as well as other productive resources, are linked to global discussions about sustainable economic development, global food security, efforts of fighting against the epidemic of HIV, and response and prevention of gender-based violence. In most communities, gender disparities with regard to land are connected to assumptions about heads of households having the right to control and manage land (Food and Agriculture Organization of the United Nations (FAO); Gender and Land Rights, 2010) (See Figure 1).

Figure 1. Percentages of agricultural land holdings held by women, 2010. Source: (Food and Agriculture Organization of the United Nations, Gender and Land Rights, 2010).
Gender disparities implicitly reflect ideas that women are not capable of effectively managing lands. The resource is often lost in the event of divorce, death or marriage. Challenging such discriminatory ideas is critical to the future of women’s rights to own land. A major element of the enduring challenge revolves around enforcement and implementation. Even in countries where laws exist, implementation is too often hindered by women’s lack of knowledge of their entitlements and socio-cultural norms (Kinoti, 2012).

Gender inequality throughout the world is related to productive resources. For example, land is closely related to women’s exclusion and poverty. There are various obstacles that prevent and limit women from enjoying these rights, which are context specific and complex. However, the new policies in Saudi Arabia are providing promising steps in enabling women to participate fully in social and economic development. However, women still make up only less than 16% of the national workforce, and this shows that there is still an enormous untapped potential and resources for the Kingdom (Rosen, 2000). The Atlas of the Middle East (1993) shows different kinds of land use in Saudi Arabia (See Figure 2). The educational, social, legislative and occupational constraints prevent women from having full participation in the development process in this country.

Sharia law in Saudi Arabia governs personal status issues and substitutes for all family and personal status laws. The Sharia law interpretation and application are as per individual judgment and according to the Senior Religious Scholars Council that has the significant discretionary power in making decisions in all cases. In regards to assets and resources, married and unmarried women in Saudi Arabia have the legal right of owning land and non-land assets (Halperin-Kaddari and Freeman, 2012). After a woman gets married, she could have ownership and control of any property she owns with her husband.
Engineer (2008) indicated that Sharia law allows women to “be also absolute masters of their own property” (p. 64). No matter whether the property was inherited or was earned by the woman, the property is hers. Engineer even explains that in the case where a woman is richer than her husband, she still has the right to maintain her own property. Islamic instructions grant a
women the right to own her own income and property and don’t require her to spend any of it on her husband or children. In Islam, a husband is required to maintain and provide for the family according to his financial capability. However, the inequality issue appears when other social norms and laws clash with these Islamic instructions and do largely restrict these rights that were granted by the religion. These restrictions among others include women’s exclusion from public life. In addition to driving, women in Saudi Arabia are still banned from traveling without a male guardian. The male guardianship system is still one of the biggest obstacles that limit the Saudi women’s rights (Rajkhan, 2014).

Sharia law also governs women’s inheritance rights in Saudi Arabia. The law enables women to inherit half what a male relative can receive (Sivard, 2011). Al-Hibri (2000) clearly explained the rationale behind the difference in inheritance between a sister and her male sibling. A male sibling is allowed to inherit double what his sister takes. The rationale is that the amount that a male inherits is not technically his own money. As mentioned previously, a Muslim male is responsible for financially supporting his family, children, elderly parents, and sometimes the sister herself. On the other hand, a sister who inherits half the amount isn’t responsible for any financial needs of her family or parents, and she could keep all that inheritance and add it to her wealth. She has no financial obligation, and all the money earned by dowry, inheritance, or work, is her own.

Religion in the Arab world has an impact on women’s rights to own property, as well as the country’s customary beliefs. In some extreme cases, women are restricted from owning property, a case that is rarely happening in the United States or the Western countries; religion in the Arab world could be reinterpreted to be detrimental to Muslim women but advantageous to
Muslim men. Some interpretations of Islam under various customary laws have reduced women’s rights to owning land.

In America, although the principle of the American Convention on Human Rights (ACHR) on equality, rights and responsibilities among married couples is provided, Latin American women could hardly administer or own land due to some socio-cultural and legal obstacles. As per the family law, a husband is recognized as the head and the representative of the household. Thus, the law grants him to administer and own land (FAO Documentary, 2004).

In the following sections, this paper aims to show the role that the Islamic religion, particularly Sharia law, and other religions in other countries play in women’s rights to owning property. The paper examines the real instructions of the religions versus the actual situations at hand. It also examines factors, such as inheritance, economics, education, marriage and gender issues that affect women’s land ownership in these countries (Rosen, 2000).

An example regarding land in Brazil, the infrastructure is built on inequality between the genders, which is caused by ingrained and interconnected societal hierarchies that affect land reform issues. Women in Brazil make up 52% of the population, and they still cannot access land if they are the lower classes in the Brazilian society. Brazilian women suffer from poverty, and they are subject to ingrained societal norms, which restrict them in different aspects of life. For example, "Brazil’s gender problems are unique partially because cultural hierarchies propagated inequities that are interconnected, varied, and of notoriously high magnitudes"(p. 1). The history that shaped modern Brazil is full of fights between the impoverished and the powerful. Brazil has a massive amount of inequities in economic, social, and political aspects (Onsrud et al., 2006). Figure 3 shows different kinds of resources and land use in Brazil (The United States Department of Agriculture (USDA), 2012).
Figure 3. Map of resources and land use in Brazil. Source: (USDA, 2012).

As another example, in South Africa, according to the FAO (2002) Legislative Study 76, Rev. 1, gender inequalities in accessing land are very common. Women are not only less likely to be able to own land, but they also have limited secondary land rights, which means that they get their rights through men in their family. This means that women are more likely to lose their rights if they get divorced, are widowed, or if their husbands migrate to another country. As a result, women are increasingly subject to abuse and dispossession from men in the family. The rights of women to live and work on lands are often precarious for many reasons, such as marital status or customs (like land grabbing by in-laws after of the death of husbands and fathers). Also,
the most common ways that women can own or gain access to land are inheritance and marriage, but there are some countries that still discriminate against women in their laws and customs regardless of equality laws in the Constitution in these countries. However, there are some customary laws that are considered as part of the national legal system, and women receive protection from the Constitution.

The reason we care is because women have the potential to combat poverty and hunger if they have more chances to access lands. They need support such as: financial and technological services and markets to ensure combating poverty and hunger. But unfortunately, there are still differences in gender access to land in the world. Women are important members who play many roles in order to build their communities. For this reason, they deserve to have rights in their societies. However, throughout history, women have been subordinate and considered weak in their position in comparison to men, and sometimes they were not recognized for their roles in societies. Women need advocacy and more support from women's rights activists to attain their rights. Figure 4 shows some women hold the banner to ask for their land rights (Kinoti, 2012).

Figure 4. Women hold banner to ask for their land rights. Source: (Kinoti K., 2012).
This research aims to investigate the issue of women’s rights to own and access land in poorer rural areas in various countries of the World. I chose these countries because they all have different geographic areas, in culture, and vary by religion, economics, and regimes. Thus, this paper examines the requirements of women owning property and the actual situation at hand. It also examines factors such as inheritance, economics, education, marriage and gender issues that affect women’s land ownership in the United States, Saudi Arabia, Brazil, and South Africa.

**Literature Review**

**Religion and gender**

From a historical perspective, the Quran acknowledges women’s right to own properties. It provides a vital explanation of women holding property, during the days of Prophet Mohammed, which enabled women to do the same as men in acquiring property. The Islamic law gives women the permission to use, hold and dispose of property. However, by looking at the patterns in society, this simple permission becomes very complicated, and can end up restricting women from owning property. The Islamic law outlines the fact that women will be given the right when they own land (Sivard, 2011).

The Quran is clear about women’s right to own property, and it provides for these rights through a section of the religion as well as by a force of law. The Quranic verses do attest to the inheritance rights of women and a woman’s right for her dowry “Mahr” to be paid directly to her. The Quran also shows the right of an adult woman to make a valid contract if it is a religious endowment, will, marriage contract or a contract to sell or buy property. The religious Holy book considers women’s property to be her own for her personal use, and neither her male relatives nor her husband has a legal right to claim it. Therefore, Islam as a legal system and a religion
directly addresses the needs of women and their responsibilities and rights as Muslims (Sivard, 2011). Table 1 and 2 show some of the women’s rights in Islam (Women in Islam, Statements from Quran and Hadith, 2010).

Table 1. Women’s rights in Islam (1). Source: (Women in Islam, Statements from Quran and Hadith, 2010).
Table 2. Women’s rights in Islam (2). Source: (Women in Islam, Statements from Quran and Hadith, 2010).

The main aspect of religious ethics in the United States of America is to make women’s rights clear to the world. It is concerned with the dynamics of class, especially in the way various economic production systems define women's lives. The current globalization of restructuring the world economy and capital on resources, land, and communities has become a growing body of research in gender sensitive issues that provide evidence of the multiple gendered and pronounced impacts of restructuring (Halperin-Kaddari and Freeman, 2012).

According to Sait and Lim (2006), the aspect that the early modern American and Muslim women appear to have in common is their ability to use the courts to protect their rights to property that they knew were theirs under the law. The American, as well as the Islamic world, recognized women’s centrality in the family and the importance of the family to the state and society. The state and courts acted in the interest of ensuring that widows would not face problems following the death of their spouse and that the children needed care. Thus, despite the
prohibitions and restrictions that Muslim women would face in Saudi Arabia, they were able to inherit the land with the absence of their male heirs (Rajkhan, 2014).

A modern issue is that although the law gives women the right to inherit property from their fathers, as previously justified, male siblings inherit double the amount than their sisters. Women have no obligation of caring financially for their families as in the case of men, and therefore they do not receive more property (Rajkhan, 2014). In contrast, for an American family, a father equally shares his property with children with no regard to their gender. Also, in law courts in Saudi Arabia, the right of women in owning property can be denied by judges despite it being acceptable by the Islam laws (Rosen, 2000). Despite the Islamic law giving women a right to own, use and enjoy the incomes of their property, these rights have limits when compared to the same rights men have (Moors, 2005).

In the United States, a daughter and widow can inherit property, which helps them to be independent. They are not under the limits of the customary laws that limit their independence as in some other countries. They are open to exposure when managing, using and enjoying their property, even in the public space. They face no restraining by the customary laws as in the case of the Saudi women (Moors, 2005).

Another example is South Africa. It is a country of many cultures and many religions indeed. There are many kinds of religions, but most people follow Christianity and African traditional religion in the Constitution and the laws of the land. Seventy-nine percent of the population are followers of a form of Christianity, and there is a large amount of people following the African traditional religion. Thus, the legal status of rural women is affected by religion. The Constitution of South Africa guarantees freedom of religion for all people and religions in the country, and people in South Africa apply the Constitution in all their life
aspects. The religious rules govern issues such as family relations and inheritance. Those religious rules may affect women’s rights to access and own land (Coertzen, 2014).

According to Circle of Rights, Module 18, many rural women in South Africa are agricultural producers. They may also play the role of the head of the household, in case their husbands or sons are forced into labor in the cities, or working in mines after Apartheid. Women in South Africa could bear the responsibility of family care and agricultural production. Thus, there should be some economical and constitutional reforms to help women, who have been suffering from many political and economical difficulties in South Africa. Figure 5 shows that African women work and care for their children at the same time (Careddu, 2015).

Figure 5. African women work and care for their children at the same time. Source: (Careddu, T., 2015).

While many countries have recognized women’s equal rights in their Constitutions, others have discriminatory regulations. According to Landesa Rural Development Institute
women are constrained in their ability to access, control, and own the land in the developing world. Women hold on average less than 5% to 20% of agricultural land in the main developing regions when compared to men. Prosterman (2013) found that customary practices of family law control issues of women's land rights more than formal laws on the books.

Also, in South Africa, constitutional laws are supposed to prohibit discrimination. However, despite being progressive, they do not translate into practice (Borras, 2003). Issues concerning land in Africa tend to be controlled by native law and custom. Ilumoka (2012) said that “The Dawodu, or eldest surviving son of the deceased, takes over the headship of the family, but on his death, the eldest surviving child, whether male or female, is next in succession” (p. 429). Also, according to hard native law and custom, women have no rights whatsoever in the family property. This has caused the disposssession and abuse of women by men in their families. Owing to this, women in the 19th and early 20th century tried to improve their rights of access to and control of land because their rights were very limited as were controlled by custom and customary law (Ilumoka, 2012). In his article, Ilumoka mentions some native laws that demonstrate the differences in how genders are treated. For example, “the only difference between males and females in relation to family property is that males can bring their wives to live in the family compound/house, but that females are not entitled to bring their husbands to live there” (p. 435). The Food and Agriculture Organization of the United Nations (2010) shows that, “In some African countries, the Constitution prohibits gender discrimination but recognizes exceptions in issues relating to marriage, divorce and inheritance where customary law is applied” (p. 1).

Claassens (2013) asserts that, in rural areas, emboldened women try to pursue claims to land and men try to accommodate them. In making these claims, women draw on a range of
considerations that include both customary entitlements and values such as equality: “That women must be allowed to represent themselves if they so choose, the bill enables the continuation of the practice of male relatives representing women in accordance with customary law” (p. 76). The Traditional Courts Bill is kind of Customary Laws in South Africa.

Onsrud et al. (2006) explained that in Brazilian communities, the Roman Catholic Church has had a strong power for a long time. It plays a primary part in the formation of Brazilian culture as well. It has supported the gender roles in a traditional family. It reproves and rejects any violence against women, and it helps in fighting poverty in society. In addition, it addresses any problems that are caused by land conflict: "When it comes to setting women free from every kind of exploitation and domination, the Gospel contains an ever relevant message which goes back to the attitude of Jesus Christ himself" (P. 10). Jesus treated women with acceptance, tenderness, openness and respect. In this way, he showed that women have a dignity and respect according to God’s love and plan. Women were taught that God is male, so all males in women's lives are images of God, such as fathers, husbands, brothers and sons. Thus, women have to be submissive to this vision. The Roman Catholic Church has affected many Brazilian women's lives and their rights in different ways (Onsrud et al., 2006). In Brazil, where a male dominates matters of land, women’s rights to own land becomes difficult, if not impossible. Women also lack necessary awareness on legal provisions. Although most countries have constitutions which promote equality between both genders, land laws may be either affirmative or gender-neutral on women's land rights (Deere, 2003).

Societal hierarchies in Brazil caused inequities, which kept women at a repressive political, economic, and social disadvantage. Women are subject to societal norms, which limit them in different ways than males in Brazil: “Brazilian society is patriarchal and has in it deeply
embedded gender roles. An important component of these social differences is the concept of Machismo, which refers to an expressed, fervent masculinity” (P. 11). There are three traditional roles for Brazilian women in some areas, which are defined as a relationship between a woman and a man, who is head of the family; so a woman can be a wife, servant, or mistress. In Brazilian machista society, women stay in the house and take care of their children, and they have responsibilities for managing the family’s resources (Onsrud et al., 2006).

**Marriage**

Marriage in Saudi Arabia follows the Islamic rules. The husband should pay a dowry to the woman who will be his wife (Figure 6, Guptasoumya, 2015). In regards to upholding of the gifts and dowry that were given to women during their marriage, she owns the gifts in theory but not practically (Engineer, 2008). Moors (2005) in her study mentions “It was rare for the younger village women to express their interest in selling their gold given to them as their dowry so as to purchase a productive property such as land. Instead, they prefer to invest in their time on their husband and home” (p. 51).

![Figure 6. The dowry. Source: (Guptasoumya, 2015).](image)
Now for another example, we turn to Islam. The dowry (mah\(r\)) is the women’s own money, even she was given a heap of gold. Some of the contemporary Muslim women are losing the value attached to the dowry, because they prefer that their husbands invest in the family resources for their upkeep, while those in the urban areas no longer care about the dowry. Engineer (2008) noted that in the case of divorce, a woman still keeps her dowry, and a husband doesn't have the right to claim it back unless she is the one who asked for divorce. Al-Hibri (2000) noted that Islam perceives woman as “an independent legal entity not lost through marriage. A Muslim woman retains her own name after marriage. She also retains her financial independence” (p. 46). In Islam there are different financial rights and obligations between the two genders. While a woman has every right to keep her income, wealth, or inheritance, she doesn't have any financial responsibility to take care of her family like a man is obliged to do. In contrast, in American settings, both the husband and wife have the right to property that they have accumulated in the course of their marriage. Figure 7 shows an image of marriage in United States (Anderson, J., 2015).

They will equally share the property during the divorce process. In the United States, women have the right to administer their individual property in marriage. The State of Connecticut, in 1809, gave women the right to own and dispose of their property at will. Since then, many laws have been passed that give the married women the right of controlling their property. Traditionally some statutes had adopted the English common laws that claimed that in marriage, the marital property was owned by both a man and a woman equally. However, the community property laws gave the husband authority in controlling the marital property, including those acquired or owned by the wife. Most states apart from Louisiana have amended the community property laws in giving wives equal rights in controlling their property.
The foremost factor that affects women’s land rights and their ability to access land is marital status. Many of the articles examined in this literature review cover this issue and its impact on women’s land rights. Factors that affect women’s rights in the world include marital status, whether presently married, widowed, or divorced, and the number of children she has, if any. Many of the articles reviewed showed that marital status of women affects their land rights substantially across different religions.

Figure 7. Marriage in the United States. Source: (Anderson, J., 2015).

Claassens (2013) explained the different kinds of marriages in South Africa, such as complete marriage and incomplete marriage. Incomplete marriage is practiced by very few Africans. It is like a secret marriage and will affect women's rights. Most African people do complete marriage, which ensures women's rights including those to land rights. Also, the man in South Africa can marry more than one wife. Figure 8 shows an African man married to four African women (Tasha T., 2013). However, Claassens mentions the Native Administration Act of 1927, “Providing that married women had no legal standing, and vesting all marital property exclusively in the husband” (p. 82). This means that there are no rights to land for women if people in Africa work with this Act. In his article, the author compares the differences between
African and England in marriage. In England, marriages were considered to be in community of property between spouses unless another regime was specified.

Claassens shows that in 2002, after a series of rural consultation meetings, single women began being granted residential sites. Many married men in communal settlements were landless; and officials argued strenuously about giving land to unmarried women. After that in 2008, the studies pointed out that less than quarter of African women, who were between 20 years old and 45 years old were married, which means marriage rates lowered in many African countries once single women began receiving rights to residential sites. As a result, officials and chiefs thought that women should be under the control of their fathers or husbands at all times, and that women with independent land rights would be more willing and able to reject the marriage.

Another point that Claassens (2013) discussed is the two reasons why the position of women in the rural areas was sharply broken down. First, officials intervened to stop women from owning or inheriting land rights. Secondly, migrant remittances, which came to replace agricultural production as the mainstay of rural livelihoods, caused the economy and family relationships to weaken. Consequently, the loss of houses over decades of married life threatened widows and wives because customary law constructs such vested land exclusively to men. Also, over time, men chair stopped giving arable land to women and allocated it only to men. Claassens also found many historical articles that pointed the strong rights to arable land and property, including their marital homes, held in the past by women producers. Ultimately, because of customs and male dominance, women lost their rights to lands.
In Brazil, gender disparities with regard to land are connected to the assumptions that the heads of households have the right to control and manage land. These assumptions implicitly reflect ideas that women are not capable of effectively managing land. Women do not receive land as a form of inheritance, as they are likely to move out of their homes upon marriage. The resource is often lost in the event of divorce or death (Borras, 2003). This leaves out women fighting the issue of owning and accessing land. Challenging such discriminatory ideas is critical to women’s rights to owning land. Different government programs and civil society advocacy to reduce inequality in land-tenure regimes have successfully reduced some of the historical legal barriers (Deere, 2003). As previously mentioned, Brazil has three marital regimes, and each one has different rules in treatment and inheritance practices. So women and men in Brazil do not have to register land and properties in both spouses’ names (Onsrud et al., 2006).

**Economy and Employment**

The Islamic law provides permissions for females to work but under strict conditions and in specific circumstances. In Saudi Arabia, unlike in the United States, job opportunities for men
and women are unequal. Woman are not given equal opportunities, since they are somehow restricted from participating in public life (Rajkhan, 2014). The customary laws require that a woman should not work alone with a man to whom they are not related. Also, a woman should not conduct any job that exposes her womanhood but has to remain modest at all times (Rosen, 2000). Islam also gives men the obligations of maintaining their women. The duty of the husband is to maintain his family and his wife and not the other way, even when the wife has the means to work. Table 3 shows the economic aspect in Islam (Women in Islam, Statements from Quran and Hadith, 2010).

Table 3. The economic aspect in Islam. Source: (Women in Islam, Statements from Quran and Hadith, 2010).
The Cole v. Van Riper case was a landmark ruling in the Supreme Court of Illinois. In deciding the case, the Supreme Court in late 1867 noted that it was impossible for married women to enjoy and control their property without their husbands' control. So they were trying to end the marriages to control their property and land by themselves. This legislation had three phases. First, it allowed a married woman to own property, engage in business, and keep their income. The law of Connecticut passed in 1809 allowed all married women to enter a will. In the Northern states during the beginning of the 19th century, they were the principle advocates in enhancing their property rights (Custer, 2013).

The Married Women's Property Act of 1839 in Mississippi allowed women to own property. The law also gave a woman the right to refuse to sell off property, but she could not sell the property without her husband’s consent. Also, the law pointed out that parents giving property to daughters upon marriage would enjoy protection to sell and manage it without consent from their husbands (Moncrief, 2016). However, today American women suffer from a gender pay gap which is considered as sexism between genders. Figure 9 shows the gender pay gap in the United States (Kottasova, I., 2015). This may limit women’s ability to buy land.

Figure 9. Gender pay gap in the United States. Source: (Kottasova, I., 2015).
In South Africa, gender inequality in relation to land is also intimately related to women’s exclusion and poverty. Broadly speaking, access to land is also determined by economic factors. Consequently, limited access to the resource also hampers economic development strategies. However, land still remains an unattainable goal for the majority of poor rural and urban women. The prospects of women’s socio-economic growth through secure land tenure seems to be grim, particularly more so as the demand for land heightens land scarcity (Borras, 2003). According to Borras (2003), as measured by access to land and income, South Africa is positioned among the most unequal nations in the world. Years after the end of Apartheid, land relations are highly problematic for the large majority of the South African population. The Neo-liberal capitalist development model created by post-apartheid governments has not satisfactorily addressed land inequalities evident in land ownership. Apartheid and colonial rules were characterized by significant land dispossessions (Borras, 2003); the practice contributed to gendered inequalities. Hardest hit by gendered inequality associated with land are black women living in rural areas, who work the land. Figure 10 shows African women working the land (Bassily, 2009).

According to Machethe (2004), despite the increase in concern for gender equality in recent years, the particular women’s is population has not benefited from land reform. Implemented legal reforms appear to serve the interests of politically and socially powerful groups. As an outcome, control over land shapes owners’ power relations.
According to Benjaminsen et al. (2006), one of the aims of South Africa’s Land Reform program was to address land reform policy that affected women’s rights to control and own land. Additionally, the land policy was also subject to the gender equality clause of the country’s Constitution. Despite these efforts, the attention to gender equality within land reform has been uneven and patchy. There are no clear overall targets set for women (Benjaminsen et al., 2006). Claassens (2013) suggests that the goals in gender policy tend to disappear with implementation. Data collection on various aspects of land reforms is not often gender disaggregated. In South Africa, women’s rights have been curtailed by de jure direct discrimination (Claassens, 2013). In Brazil, the demand for property has fueled an increase in land prices and severe struggle for control. Women’s access to land cannot be separated from the wider context of macroeconomic policy. Inclusive growth demands equal access to resources and opportunities and for all members of society (Deere, 2003). Brazilian women face discrimination in society’s structures and the Brazilian economy. Even though, they dominate the informal political action. Women work very actively in informal economic fields as well. However, women make up 35% of the total labor force, but they face a pay gap and are paid less than men. Many people went to cities to look for jobs. Some of them from were landless families, and others are men or women.
who left their families and their small farms in search of employment to send money back to their families. Women were the majority of urban workers. Women in Brazil have a physical home, but they do not have a legal title to the land they live on. They are the majority of the poor and they make up more than half of the Brazilian population. So inequality in Brazilian society impacts women’s lives (Onsrud et al., 2006).

Brazil is faced with inequality of land ownership in spite of various programs to facilitate ownership and control of land. Similar to South Africa, the country has high levels of inequality regarding access to land in the world. Inadequate ownership of land by women is a factor behind rural poverty. Lack of accessible land causes numerous Brazilians to settle in shantytowns and slums (Razavi, 2003). However, pursuant to the Constitution, Brazil has implemented numerous programs to facilitate ownership through state-initiated approaches including tenure regularization. However, ownership of land by women remains an issue. Women’s rights to own land are limited by indirect discrimination in Brazil. For instance, the criteria used in land distribution under agrarian reform programs do not refer to gender explicitly (Perry, 2004).

Deere (2003) noted that, the criteria often refer to male-dominated groups such as smallholders and permanent agricultural workers. Most women rarely own land and are concentrated in the temporary and seasonal agricultural labor force. Therefore, the program leaves out women through such categorizations (Deere, 2003). Even where formal discrimination does not exist, the rights of women to own land may be restricted in practice. Rural women also lack the documents obligated by the government to benefit from agrarian reform programs. Socio-cultural factors including the perceptions of women’s role in the society and family constrain the meaningful involvement of women in land ownership and management. Other socio-economic factors may pressure women to give up their statutory land rights in favor
of male relatives (Deere & De Leal, 2014). Figure 11 shows a Brazilian woman asking about equality in society (Dadwal, 2013).

Figure 11. Brazilian woman asks about equality in society. Source: (Dadwal, 2013).

Inheritance

Having the right to own property means that a woman can possess, own and manage a property as well as enjoy its income. The woman in such an instance has the absolute and exclusive right to own property in the American culture and laws. Also, woman can give up her right to property or inheritance when there is informed consent from her (Maher, 2006).

Another example is that the civil law of Saudi Arabia grants women the right to inherit land. According to United Nation entity for gender equality and the empowerment of women (UN, 2015), women have the right to inherit land as widows, sisters, and daughters in the Sharia laws. Additionally, women are entitled to rights of property in cases of divorce. The prevalence
of divorce is extremely low compared to America, and when it occurs, the Saudi Arabian women rarely go to courts claiming for their rights to property, as in the case of America. However, widows in Saudi Arabia will receive one-eighth of the properties when they have children and one-fourth if the widows have no children (UN, 2015). In the case of a polygamous family in Saudi Arabia, the inheritance is shared equally among wives. In America, this is not the case since the inherited land can be under the name of the widow. Also, the Saudi Arabian families do not allow their daughters to issue land to a husband from an external tribe, because it will cause the males in her family to lose control and influence of the land to outsiders. Thus, for this reason, they prefer girls to marry their cousins so that the land remains within the family (World Net Daily (WND), 2005).

Men and women in the United States have the right to dispose of their property at will. The states, however, provide that a surviving wife or husband is entitled to share the estate of the deceased regardless of the will terms. This provision prevents married individuals from disinheriting their spouses. The statute gives rights to the surviving spouse for one-half or one-third of the descendant’s estate (United States Commission of Civil Rights, 1979).

In March of 2010, the Food and Agriculture Organization of the United Nations showed that, in Hindu Personal Law, those married daughters without male offspring cannot inherit land. Prosterman (2013) demonstrated the importance of land documentation to ensure women's land rights even though it does not eliminate men's ability to control land, including by sale or mortgage. Also, documentation helps to foil illegal attempts by male relatives to take the land rights from women where a wife survives her husband. Documentation may also promote women's ability to pass land rights by inheritance to their daughters.
In contrast, in South Africa, discrimination has been observed in family law. Before family reforms, South Africa’s family law restricted the legal capacity of married women to control property (Borras, 2003). Claassens (2013) noted that the women in Africa cannot inherit their parents’ lands. However, in the 1950s, members of the elected Bhungo council said that “‘responsible’ women, including single women, could and should inherit the property of their parents” (p. 83). Unfortunately, segregation and customary restrictions on women’s land rights had more power than the Bhungo council, so the rights to land came to be inherited only by the eldest son. As mentioned before, Ilumoka (2012) found that the native law in 1924 said that women cannot inherit land from their parents; they just have the right to stay in the home, but they cannot bring their husband to live in the family house. Conversely, the men can bring their wives to live in the family house, which shows the difference between genders in family property.

According to the United Nations Human Settlements Programme (2006) the inheritance in most of Africa is subject to both statutory and customary laws. According to customary law, inheritance in Africa is determined according to the eldest son of the first wife. Customary laws, like the Lesotho Land Act of 1997, control inheritance. It lets widows stay in the home without remarrying, but only to survive, and get the benefits from the land without ownership rights. Figure 12 shows an African woman working the land to survive (Seed Africa, 2015). According to the Centre on Housing Rights and Evictions (COHRE, 2005), customary laws in Africa dictate that only men can inherit. Some laws conflict with customary laws. For example, laws stating that a man cannot sell his house without approval from his wife conflict with customary laws, which suggest that a man can remove a widow from the house and override her rights to land or property. Thus, women under customary law may lose their inheritance rights to land or house.
As another example, in Brazil, the inheritance of property by women is significantly influenced by social factors. Properties are including of land and such discriminatory succession norms have a particularly negative impact on women’s land rights specifically, because inheritance is one of the primary forms of land acquisition (Deere, 2003). Brazil’s Civil Code requires that all children must receive equal inheritance. Unfortunately, traditional laws of inheritance still are present in the country. Women seldom inherit land from their parents, but if they do, it will be under their husband’s control when they get married. However, today the inheritance pattern is changing for the better, because women have become more educated. Women have citizen rights even if they do not have any documents. On the other hand, documentation is very important to women in Brazil. Women do not have a set of basic documents, which will allow them to benefit from the rights guaranteed to Brazilian citizens. Unfortunately, Brazilian infrastructure is built on inequality between gender and land reform issues, which affect women’s rights to owning land (Onsrud et al., 2006).
Education

Education is another factor that limits the Saudi women from accessing property. Education gives women exposure to issues of managing land and other properties and also in knowing their rights. Figure 13 shows Literacy rates by gender in the world by urban versus rural area (Adrielaiach, 2005). Two-thirds of the globally illiterate population are women, (see figure 14) (Lefton R., 2013). In Saudi Arabia, the number of schools for girls and women has been relatively low compared to the male schools. Currently, the Saudi government is making efforts toward increasing the level of access to education among girls and reducing the gender gap, resulting from different levels of education (Rajkhan, 2014).

The education of women has brought about a wide range of social developments, such as reduced mortality rates, and reduced fertility (Dupret, Berger, and Al-Zwaini, 1999). There is also improvement in nutrition and health and an increase in women’s participation in the country’s labor force. However, there are still some lingering local traditions, social norms and system structures for public education that constraint women in realizing their full potential through equal opportunities in their society (Maher, 2006).
Thus, it is a different practice from America whereby going to school is available for both boys and girls. However, the Education Amendments passed by the Congress in 1972 under Title IX Prohibit discrimination based on sex, especially in any educational activity or program that is
benefitting from federal financial assistance. Also, women still comprise only 20% of faculty in universities and colleges. Women’s incomes are also lower than for male (United States Commission of Civil Rights, 1979).

The rural families in Saudi believe that boys have to go to school, since they will become the heads of their families; and they need knowledge and education for managing their property and providing for their families. The Muslims in rural parts place great emphasis on their Islamic and customary laws. Most of them may not be aware of the international human rights and the state law and even the real Islamic laws that indicate women’s right to owning property. They believe more in preserving the modesty of girls by keeping them in seclusion and keeping them home, taking care of their families.

The general public may be not conversant with women’s rights to accessing and owning land. In South Africa, there is little awareness among the public about women’s land rights in particular as stated in the documents. A major hurdle to the implementation of women’s rights to owning land is the lack of legal awareness (Borras, 2003). The lack of information may be linked to illiteracy. Particularly in rural areas, the illiteracy rate among the female population is very high but with significant cross-country disparity (Deere, 2003). Figure 15 shows African farmers teaching each other as they collect plants (Werft M., 2015). Often, most rural women are unaware of their legal rights. In cases where they know about their rights, they unfortunately lack the resources needed to justify their arguments. Women’s access to legal structures may be influenced by family law norms. For instance, in South Africa before family law reforms, married women under customary law were considered to be minors under the guardianship of their husband. Therefore, they could not do any legal proceedings without their husbands’ approval. In South Africa particularly, women’s access to legal structures may be constrained by
physical inaccessibility, as their houses are located in towns in rural areas that are far away from large cities (Borras, 2003).

![African farmers teaching each other as they collect plants. Source: (Werft M., 2015).](image)

In Brazil, women’s ownership of land is affected by other factors including constitutional bias, stereotypes, lack of education and awareness of the legal provisions, and the gap between genders (Deere, 2003). Education has helped women in Brazil to fight poverty, and improve their lives: "However, although 48% of primary school students and 52% of secondary school students were female in 2000, the country’s overall illiteracy rate illustrated that a majority of the illiterate were female" (p. 27).

Although education has increased the quality of women’s lives, discriminatory and cultural attitudes hinder women's opportunities from getting good jobs. Also, there is an increase in the education of white women in Brazil day by day whereas the education of black women is still low in the same society. This is an evidence of racism in Brazil (Onsrud et al., 2006).
Discussion

Land is a source of food and income. It also provides social prestige and political power. Land is recognized as key to advancing the well-being and socio-economic rights of women and their positions in society. However, the access, control and ownership of land fundamentally remains the domain of men, because of history, culture and patriarchal structures of power and control over resources. For the greater part of women, ownership to land is still linked to their relationship to the male relative, and this is forfeited when the relationship ends. Despite some land reform policies including gender equality goals, women still do not have all their rights to accessing and owning land. The failure to pay more attention to gender equality undermines major efforts to improve women’s rights. It also reinforces the marginalized position of women (FAO Corporate Documentary Repository, 2004).

Numerous factors limit the participation of women in the public sphere, economics, and their rights to own property. The Quran provides various passages about the spiritual equality of women and men and the duty of both women and men toward each other as part of their religious obligations (Maher, 2006). However, the Quran describes different social roles for women and men as a result of their different natures. The role of a woman in marriage is to be within the domestic sphere, and other activities can be permissible when they do not conflict with family obligations (Rajkhan, 2014). Men are the providers and protectors of their families. They should maintain and protect their wives. The Quranic view of the respective roles of woman and men and the need to regulate sexuality extends into different obligations and rights in marriage, inheritance of property and divorces. Regarding inheritance, men acquire the most and are justified, since they are the ones with the duty of supporting their families. The Quran provides women the right to be independent owners of property and incomes (Maher, 2006).
Al-Hibri (2000) said that women in Saudi Arabia unlike others outside the Muslim countries have a low participation rate in economic activities. However, the Islamic law granted Muslim women the right to work outside the house and earn money: “The Qur’an states that men and women have a right to their earnings. Khadijah, the first wife of the Prophet, was a business woman and continues to serve to this day as a lofty ideal for Muslim women” (p. 49).

The gender representation pattern within and among sectors (agriculture, informal and formal sectors) is highly variable (Maher, 2006). Women’s access to credit and land in Saudi Arabia compared to the United States is smaller. Furthermore, the development projects in Saudi Arabia that offer job opportunities, education, and a place to earn wages have failed to take account of their impact in giving women more control of their resources (Rajkhan, 2014). However, it seems that Saudi Arabia has been moving towards some major reforms that are in women’s favor. Although the inequality issue is obvious in different aspects of life, a New York Lobby group noted some encouraging reforms for women in Saudi Arabia (The Economist, 2014). According to the United Nations entity for gender equality and the empowerment of women (UN, 2015), Basic Law of Saudi Arabia, “Arts, 7, 17, and 18” grant married and unmarried women in Saudi Arabia the legal right to own land and non-land assets. On the same note, Basic Law, Arts 7 and 23 grant women the control and ownership of any property they may have already.

De jure direct discrimination in both Brazil and South Africa can also be viewed in agrarian reform legislation entitling heads of households to obtain land, while women are left out. To date the country’s government is still grappling with land restoration and restitution. Apart from the legal factors associated with women’s right of ownership to land, traditional, and customary practices also lead to landlessness. Land reform programs in South Africa have
moved at a slow pace. The achievement of their intended purposes is still far off in the future. For both South Africa and Brazil, the gap between high-level commitments and implementation practice is huge. While national Constitutions ascribe to equal rights between genders, the implementation of the high-level commitments is a challenge given that no necessary attention is paid to turning the commitments in practice, and the principle is not set forth as a policy objective.

CONCLUSION

Despite the current efforts by the Saudi Arabia government, in enabling education and other ways of enhancing property ownership among Muslim women, there are other complicated customs and norms that come into play to prevent and restrict women's rights to own land. The rural areas have strong customary norms that restrict a woman from getting an education, participating in economic activities and owning land, among other properties. It is a deliberate move by men in causing confusion between Islamic and customary law so that they surpass the rights of women in owning property. They are making the customary law more predominant than the Islamic laws written, in which the latter grants women all their rights to own land, maintain their own income, and so many other rights. So, women’s rights as per the Islamic thoughts are restricted by the fact that they too are under men’s custody.

The women in the United States are very lucky, so more than women in other countries for many reasons. Firstly, in American culture and laws, the woman has the absolute and exclusive right to own property. They do not face restraint in their rights to access or own land by the customary laws. Secondly, American women have the ability to use the courts to protect their rights to property that they knew were theirs under the law. Also, they can inherit
property from their parents because fathers in American families equally share their assets with children with no regard to their gender.

In addition, both the husband and wife in the American family have the right to property that they have accumulated during the period of their marriage. So they will equally share the property if the divorce happens. Another reason is that the law in the United States prohibits discrimination in accessing education. The final reason is that job opportunities for men and women are equal in the United States. But in practice, this is not always the case because of gender expectations. American women suffer from a gender pay gap, which is considered as sexism, and it can affect their opportunities to buy land.

South Africa and Brazil have high levels of inequality of land ownership. In Brazil, the criteria used in land distribution under agrarian reform programs do not refer to gender explicitly. South Africa’s Land Reform Program lacks clear overall targets set for women. In the two countries, land remains an unattainable goal for the majority of the rural and urban women. Despite the increase of concern for gender equality in recent years, women have not benefited from land reform, because of the gap between genders in both countries.

Barriers that prevent women from access to and control of land include discriminatory cultural attitudes, inadequate legal standards, and ineffective implementation of legal standards. The failure to pay more attention to gender equality undermines significant efforts to improve women’s rights. It also reinforces the marginalized position of women. In conclusion, many women in this world face different kinds of factors, which prevent them from accessing or owning land. Some of these factors can be seen in Figure 16.
Figure 16. Factors that affect women’s access to land rights. Source: (Komjathy, M. and Nichols, S., 2001).
References


