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**HISTORICAL THOUGHTS ON
PROPERTY RIGHTS ON WOMEN AND
GENDER**

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1 Preamble

In the year 2014, I was doing a field work in Kundargi village of Bagalkot Taluka in Karnataka about assessing the socio-economic impacts of raising the height of Almatti dam on Krishna river in Karnataka, of its full reservoir level from 519.6 to 524.256 meters. While talking to several people who would be displaced and to be rehabilitated from their villages due to submergence from this project, one woman came up to me with folded hands and said:

“You are talking of providing all compensations to the menfolks-their lands, their houses, their loss of jobs etc. But what do you have for us, the womenfolk? In the rehabilitated lands or villages, there are no wells to fetch drinking water, no trees for fuel wood needed in our cooking, no grass or fodder for our cattle; and our menfolks do not care for those, except for monetary compensation, which they would be spending on drinking and gambling”.



For sure, I did not have a readymade answer. She actually raised a profound question on property rights of women in large scale development project management, apart from the artificial divide of responsibilities and duties between men and women, a socio-cultural resolve from time immemorial.

That is a moot question in the development paradigm today as much as an enquiry of the history of our family and socio-cultural identity of man and woman. So, my inquisitiveness moved back to asking, ‘What do our ancient and contemporary writings talk or say about these major gender property rights questions?’ Some glimpses of

those thoughts are traced here in this monograph for a better understanding of the historical roots of gender perspective. The wider question on current state of property rights of women in the context of economic development however, still remains to be answered fully¹.

2 What is the Property rights question about women?

Property rights in the context of women can be defined as:

'An institutional framework, under which, the rules and regulations on the behavior, conduct and management and governance of this segment of mankind, are to be dealt by the whole mankind itself. What follows are a basket of several customary rules, cultural practices, societal regulations, or constitutional laws, and emergence of organizations and institutions to conduct and deliberate on these. Property rights on women are meant to provide information on codes of social and individual behavior for everyone concerned, governance and social sanctions to be followed, and the degree of transparency to be maintained, and beneficiaries of the rules to be well defined; and the duties and responsibility of agents delivering such property rights well established. All these are aimed at protecting the status, dignity and virtues of the gender.'

Specifically speaking, the rules may be on the rights and responsibilities of women, the ownership and inheritance rules, rules regarding their marriage and family life and such others.

Even a cursory survey of historical literature on women and gender suggests that property rights have been the most fundamental doctrine to the understanding and analysis of women and gender, as much as other thoughts pertaining to the evolution of human civilization and society. Unfortunately, very rarely one looks at the historical

¹ On these issues, contemporary writings have grown substantially, talking about Constitutional equality of men and women (Articles 14, 15(3), 39(a), 39(d) of Indian Constitution), gender bias (various sections of Indian Laws; Agarwal, 2016), gender gaps (WEF, 2013, p.3-38; WEF, 2009,p.23) and, gender inequality (Eastin and Prakash, 2013; Basu, 2007, p.224 ff) and empowering women (Duflo, 2011) and several others.

roots of these impacting on mankind, while we are too busy in trying to understand and analyze various current societal paradigms (e.g., ethnicity, caste, religion, region), institutions (home, family, education, health care, government), rules (customary laws, cultural habits, IPCs, *phatwas*, community dictates), laws (constitutional Acts and rights, international conventions and protocols), the state (democracy, monarchy, hierarchy), and various issues (girl child marriage, rape, family violence, girl feticide and so on).

In India today, there are over 125 research centres specialized in Women and Gender Studies spread over different universities and ICSSR institutions, with over 2000 learned publications in recent periods (some in *Economic and Political Weekly*, *Journal of Feminist Studies*, and *Indian Journal of Gender Studies*, all from India, most others are on the shelves of those departments and centres.)². But have we ever thought of the roots of this enquiry as 'women's property rights', and more specifically on historical basis? One does not find many studies to cite (Agarwal, 2007, 2016).

3 Gender or women?

At the outset it is very important to understand the distinction between gender and women, though both the terminologies, perhaps are meant to address the same set of issues, to some extent.

In very simple terms, as we can understand, women are '*human females, men are human males*' depending on *biological* features (Stanford Encyclopedia of Philosophy, 2011); 'gender' stands for both women and men depending on societal identification of the relevant issues (based on social and cultural factors, position, behaviour or identity). Gender differences result from cultural practices and social practices and expectations,

² *Some of the leading international journals on this subject are, Gender and Society from USA, Gender, Work and Organization; Feminist Theory ;Feminist Economics all from UK, International Journal of Gender Studies in Developing Societies, from Switzerland, and many more.*

apart from the biological differences³. Many differences between women and men are socially produced or planted, and therefore, changeable gender wise. For instance, in matriarchal societies it is the mother or a female who is at the helm of decision making at the family or even a societal level, whereas in patriarchal societies, it is the other way round—the man. While biological differences are fixed, gender differences are the result of societal creations and interventions. For instance, it is customary in many societies and religions that only menfolk can become priests, father or a moulvi. As and when such traditional rules and practices get transformed in favour of gender, the concept of male and female distinction becomes insignificant⁴. To what extent this difference is to be practiced and to be devolved is a matter of social and historical stage of evolution of human society towards good governance, peaceful existence and sustenance.

But certainly, sex is much different. Most people ordinarily seem to think that sex and gender are coextensive: According to Rubin (1975), Gender is the ‘social interpretation of sex’. Gender conceived as ‘*masculinity and femininity*’ is superimposed on sex, as sexed bodies with their cultural conceptions and riders of how males and females should behave. For instance, parents often consciously or unconsciously treat their female and male children differently. Customarily in many parts of India on food, boys are given first preference on choosing eggs while, the girls will have to wait for their turn. Even today girls are discouraged from playing sports like football or from taking part in wrestling games and are more likely than boys to be given dolls or cooking toys to play with. Children's books do portray males and females in blatantly stereotypical ways: for instance, males as adventurers and leaders, and females as helpers and

³ Manu for instance, does not make this biological difference to be a big thing; when it comes to sex distinction, he rather refers to progeny (*santati*) than son or daughter.

⁴ As an illustration, one can cite the very recent (March 2016) judgment of the Supreme Court of India, which upheld the Maharashtra Hindu Places of Public Worship (entry Authorization) Act, 1956, by saying that, “no Hindu of whatsoever section or class shall in any manner be prevented, obstructed or discouraged from entering such place of public worship or from worshipping or offering prayers, or performing a religious service... “. This ruling implied and allowed women to enter the inner sanctum of the Shani Shingnapur temple in Ahmednagar district, as much as the menfolk are allowed. Hence the gender concept vanishes in such situations. In Maharashtra and several other states, female folks are acting as priests performing various religious rituals.

followers. Rubin is of the opinion that this perspective has its roots in Freudian psychoanalytic theory.

4 Ancient historical thoughts on gender property rights

It will be extremely difficult to provide a complete Bradshaw of all the major literature that exists on ancient historical thoughts on gender and women with specific reference to their property rights. I wish to take a short cut, by recounting only a select few of them, but mainly concentrating on their treatment of property rights.

Greek Philosopher Antisthenes (BCE 446 to 366 BCE) in *Diogenes Laertius* (vi, I, 5) stated that “*Virtue in man and woman is the same*”.



In the likeness of Confucius

recall of the ancient most philosophy of Confucius from China (about 2500 years back) and many of his followers having stated that: ‘*Nothing can be built on a male foundation alone. Nothing can be built on a female foundation alone. But when the female and male are together and yet distinct, the whole world can be built on them*’.

Plato (428 or 424 BCE to 348 BCE) can perhaps be called as the first ancient western feminist in the world. He was concerned not only with women’s rights, but also with their usefulness. He says : “*The Guardians were to rise above their sexual prejudices. Women should exercise the same as men, be educated, go to war; except that not so much should be expected of them. Motherhood cannot be abolished if there are to be guardians in time to come*”(as expressed by Craik,1990). He talks of Spartan women on war front as an exemplary of the social and political equality of two sexes. In brief, the independence of women seemed rather a necessity to the Greeks as part of the army and protector of the Republic. Much earlier, *Manusmriti*, Laws of Manu, perhaps the first ever Indian script following the Vedas, written by

several scholars between 1400BC to 400 CE can be considered to be the first book on Code of Conduct for humanity. When it comes to the gender aspects, it proclaims man as '*ardhanari*', meaning there by women as a component part of man, in the manner man is a component part of women, and together they make a complete whole (Bhullar⁵, I.32). Therefore, many ancient world thinkers have dealt with gender as sex free.

I now turn to the historical roots from within Indian subcontinent. I will refer to two major writings on this subject, namely by Manu and Kautilya.

As against the writings from the pre-Christian period in the west, the ancient most Indian script *Manusmriti*, Laws of Manu, had dealt with the property rights issues of gender and women in some details, but within a framework of 'family' as an institution to be sustained within the structure of a patriarchal society(Bhullar, III.55-58).

As a doctrine coming from a spiritual, theological and lawgiver Manu, it draws all the contours or rules and regulations of conduct for man, woman, child, son and daughter, purely from the point of a well governed family and also within the social frame of *Varna* system(Bhullar, I.2). It sets up the scope of an ordered family with man as the superior head, and wife as part of his life. In fact Manu names the wife as 'Ardhangini' (half of the family unit as a female), indicating unbiasedness about the concept of gender (Bhullar, I.32,45). It is also clear if one understands that when Manu speaks of progeny (*santati*), he refers to a child without referring to sex (Tiwari, undated; Bhullar, I.32,III.259, IX.130).

Manu defines rules and property rights status of daughter, wife and mothers separately. There are very clear indications of property inheritance rights of daughters (Bhullar, IX.130, 133, 139,192). Firstly, they have rights as girl's dowry (*Streedhana*) not

⁵ References to Manusmriti are made here referring to the English translation by G Bhullar, the first edition of which came out in 1886.

by demand but as duty of the father, and also as a share from her brothers, a quarter share of the inheritance from their parents (Bhullar, IX.118, 131, 192,195). Second, as wife, her property is clearly defined by Manu as, *'what was given before the nuptial fire, what was given on the bridal procession, what was given in token of love, and what was received from her brother, mother, or father, is called six fold property of a woman'* (Bhullar, IX.194-198). Third, a wife or woman is placed at a cultural and self-esteem position within the family; she is at the center of the family, never marginalized, be it for family negotiations on marriages, be they in family religious ceremonies, or household maintenance affairs (Bhullar, III.55-58, V.150, IX.11). She is treated exclusively as a distinct family member; in the house she is ordained to behave, conduct and exercise her rights keeping the status, prestige and dignity of the family. This also makes it necessary for Manu to specifically design rules of conduct for family life of a woman (including also the man).

Talking about property rights, according to Manusmriti (IX, 3): women were never to be considered as independent, as *'Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age'* (Bhullar, V.147-150 ,IX.3). Manu attributes this to 'the two sexes being unequal in strength, stigma and psychology'(Vishnoi, 1993), an attribute not subscribed by Plato in his discourse in Republic. Manu has listed a large number of rules and regulations on women's behavior, much distinct from the men, giving her a subordinate status⁶ (Bhullar, V.147-149, IX.2-3, IX.46). Many scholars pointed to this treatment as discriminatory for any family life of a woman (Doniger, 2010; Patwari, 2011). On social front, Manu has very little to say about woman's rights and behaviors.

According to Vishnoi (1993) Manu admits education to women (as also mentioned in Rig-Veda), remarriage on widowhood, or abandoning her husband if he is found to be insane or incurable disease infected (Bhullar, IX.76-79). According to Vishnoi, it was

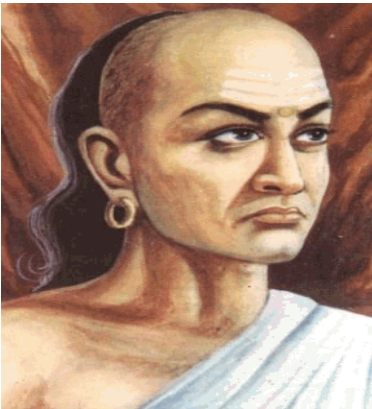
⁶ The continuation of this tendency is also well discussed in Mikkola (2016), See also Stone (2007, p.162)

during the post *Vedic* period, more so after 600 BC that status of women in India however deteriorated. It should be noted that even Jainism followed the *Rig-Veda* for women's property rights to some extent.

One can say that Manu's prescriptions about the status and property rights of women have to be understood and analyzed within the *Varna* system, and family as the destined institution to be sustained. Summarily it can be said Manu's concept of property rights about women is one of providing physical security within a family framework, with movable and immovable property in her custody including her dowry and gifted properties and inherited properties (in case of the death of her husband) and legal and customary rights to transfer her properties, duty as maintaining family dignity and societal recognition as an equal member of a family system; however, as wife and daughters to be subordinate within the family.

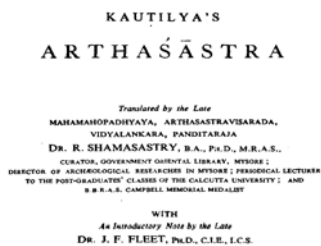
It may be worth to recollect that in the same period when these ideas about women in Manusmriti were making rounds as *Dharma Sutras* (Righteous paths), the Buddha was advocating admission of women to sainthood or as *Bhikkunis*, under a separate female '*Sangha*' communion to exercise the same rights as *Bhikkus* in their male *sanghas*, both with a mission of practicing an 'eightfold path' (Right view, right aspiration, right speech, right action, right livelihood, right effort, right mindfulness, right concentration).

The next Indian philosopher and social thinker that comes to my mind is Kautilya (c. 370 – c. 283 BCE), who wrote the well documented book: *Arthashastra*, Principles of Economics. He was the Philosopher and advisor to King Chandragupta Maurya in the years of about 2300 years back. Kautilya attached prime importance to 'state' or kingdom as an institution to provide welfare to the society.



In the likeness of Chanakya (Kautilya)

He first defined the contours of state craftsmanship and good governance from which he draws social and economic principles and moral philosophies for the king, society, the citizen, the family, army and administration in general.



He knitted most of the present day thoughts on economic, sociological, political and theological sciences within the framework of good governance of a state or kingdom. Kautilya devotes four chapters (in Book III, chapter II to V) on women's property rights. Let me deal with his thoughts in four subthemes.

First is on 'Property rights and customs on marriage, divorce and having second wife'. Kautilya talks of several types of marriages (known as *Prajapatya* marriage in which a man and a woman jointly perform the marriage rituals) as approvable by the father as an ancestral and sacred custom; the first one is labeled as Brahma marriage, as consecrated for a well adored maiden. Then he recognizes marriage to a priest as Daiva; voluntary union of a maiden with her lover as Gandharva marriage; two other types are, *Rakshasa and Pishacha*, not considered to be most appropriate but to be approved both by father and mother (Vishnoi, 1003)⁷. I notice that the same classification can be added to many of the marriages even today; also surpassing the property rights of the parents!

Divorce for Kautilya, is permitted only with mutual enmity (Rangarajan, p.400; Vishnoi, 1993, Shamasastri, 1967,p.178ff). If a man desires divorce due to hatred or enmity, he has to forfeit all the property given to her as dowry. If a woman divorces the man, she shall forfeit all her property. If a wife hates her husband, and has passed 7 menses without him being around, she can divorce him and can turn to another lover; then,

⁷ Other types of marriages are Arsha and Asura.

she has to return all her property and jewelry endowed to her by her former husband. Kautilya also sets up rules about having a second wife. A husband has to wait for 8 years before remarrying another woman if his present wife is barren or has no male issues. If she delivers a dead child, he has to wait for 10 years for another marriage (Rangarajan, p.399; Shamasastri,1967, p.174ff). If she delivers only females, he has to wait for 12 years for another marriage. If he violates these rules, he has to pay her *shulka* (penalty) property plus adequate monetary compensation for her living, and also pay a penalty to the government. It will be interesting to note that some of these concepts are used in the present day Indian Hindu Marriage Act of 1955 (Clause 11-12 and 13 of the Act).

Kautilya provides major property rights to a wife when he says that 'A woman can remarry another kinsman, if her husband goes abroad for education or war, and does not return or does not inform her till 7 menses. If he informs her, she has to wait for 10 menses. If a husband is of bad character, or gone abroad for a long time, or fallen off from his caste, the wife can abandon him'.

Second subtheme is on rights to property for women. Kautilya argues in favour of right to own property by women to afford protection in case of calamity and diseases, and as means of subsistence. Jewelry coming to her as *Streedhana* constitute property of a woman (Ranganathan,1987, p.65 ff, 397 ;Shamasastri, 1967, 174ff). This however is a restricted right. For instance, a widow is not mentioned as a natural inheritor of husband's property, such as land. Wife has control only on her dowry and jewelry; retains her control even after the death of her husband as long as she did not remarry. Upon remarriage if acceptable to her father-in-law, she can get the property (Shamasastri, p.175-176). All properties are passed down to male lines, except when there are only daughters. A remarried woman can make use of her property for herself, for her daughters or daughter-in laws. If her father-in-law objects, then her new husband has to return all the property she has taken with her out of her former

marriage. Then the former property is in the custody of her sons from the earlier marriage (Rangarajan, p.399).

A very important property right with women, according to Kautilya is that if a wife dies, the property will go to her sons (and not to her husband).

Third subtheme I want to touch is on the role of women as female sex: Kautilya argues that as a matter of both feminine dignity, matter of inheritance and virtue it is important for women to be begetters of sons. But there was a special rights on girls: a right for a girl to marry any one of her own choice (even outside of the *Verna*) if her father does not marry her within three years of attaining puberty. He also says that a woman can refuse sex with her husband if she has already borne a son to her husband. Thus choice of sex as part of life is substantially left to the wife to decide.

The final subtheme is on Women's employment. Kautilya mentions of empowering women with rights on spinning and weaving activities. He suggested cottage/home based weaving as the activity for women. He was against women bonded labour or as factory worker. He talks of protecting them against these outside home activities. For reasons not clear to me, in Kautilya's view, women were not permitted to enter in to any business contract when their husband or sons are alive.



In summary, Kautilya's notion of family as the foundation for women is at the root of her property rights. Women were treated as totally dependent and fully protected within a family framework. This seems to limit the rights to women. Secondly, women's role as providers of family lineage is not fully understood and valued in Arthashastra. After all, value system (or *dharma*) is very basic to any social science understanding of human

relations and behaviors. While all labour, productive or unproductive, by menfolk are to be rewarded by wage rules (also mentioned in Arthashastra), the 'reproductive labour' of women, serving as wife does not find any assigned value or recognition in Kautilya's society, except as duty for the family. Thirdly, women enjoyed more but differentiated respect and dignity (whose interpretation may be questioned). Finally social security, dignity and recognition at the family level were considered to be primary for the design of women's property rights.

Before turning over to other historical views, one can not miss remembering Basaveshwara (during 1134 to 1196 CE) for his greatest concern about men and women, placed in a spiritual context (unlike Kautilya framing the same as a state good governance order, or Manu as a matter of family decorum). Through establishing Anubhava Mantapa, a seat for discourses, discussions, working on religious reforms and sharing experiences, he advocated a unification between dwaita and advaita philosophies, advocating to give up caste, gender and superstitious beliefs, but to experience a unified Linga?????. His Sharanas make it amply clear that he advocated to treat all women as Mothers.

5 Some recent Western thoughts

I now turn to some of the specific recent western thoughts on gender and their property rights regimes. Among the many I thought of mentioning at least three. Adam Smith (1723-1790) wrote the most well known classic on the theory of development as a book: *An Inquiry into the Nature and Causes of the Wealth of Nations*. He was the great proponent of division of labour, specialization of labour, wage determination based on labour costs, limits to domestic market, and free trade. But he hardly talked about any gender issues. His equally celebrated book: *Theory of Moral Sentiments* also does not go specifically on gender and women related moral issues. It is strange and unfortunate, that when he was working on these books, it was also the time of early emergence of industrial revolution about to arrive in western Europe. The industrial revolution

subsequently, transferred all the powers of decision making in the hands of capitalists, leaving very little scope for addressing gender and women issues, be they about women in employment, trade or as representative consumers.

It is equally strange that in the propositions on socialism as the ultimate solution to the nature of the state, Karl Marx (1818-1884) and also to some extent Frederick Engels (1820-1895), did not critic women's oppression under capitalism (Pertson and Lewis, 1999, p.683ff). Though very rampant exploitation of women existed in those years including slavery of women, Marx did not blame the ruling bourgeoisie for oppression of women. However Friedrich Engels in his book: *The Origin of Family, Private Property and the State*, argues that '*the process of social evolution, specifically the ownership of private property and exclusion of women from social production, was the source of women's oppression*'. However, August Babel, German Social Democrat (1879) was able to link women's oppression to their economic dependence on men and lack of independent property rights. Most of Marxist feminists however, blame this to male working class becoming breadwinners, and not leaving options for women.

**THE
SUBJECTION
OF
WOMEN**

BY
JOHN STUART MILL

SECOND EDITION

LONDON
LONGMANS, GREEN, READER, AND DYER
1869

But I was very happy that I came across a most remarkable book by John Steward Mill (1806-1873) entitled: *The Subjection of Women*, written in 1869, i.e., 145 years back. By subjection he meant: to bring under control or dominion. In brief he goes in to three aspects of gender property rights: On status of women, On marriage, and reforms in laws and customs.

First, on status of women: J S Mill strongly opined that the principle which regulates the existing social relations between the two sexes-the legal subordination of one sex to the other-is wrong in itself. It is one of the chief

hindrances to human development; and that ought to be replaced by principle of perfect equality, admitting no power or privilege on the one sex, nor disability on the other sex. Certainly, writing in the years of industrial revolution, Mill's proposition advocates social justice to gender as the first principle for human development, just as much as he attributed to productivity improvements through industrial revolution. He also adds by saying that, '*the opinion in favour of the system which entirely subordinates the weaker sex to the stronger, rests upon theory only*', and perhaps not with much of social approvals. Though the same can be said about the writings on these lines in Manusmriti, one is not sure about the empirical evidences in the latter on either way.

However, he refer to the British society then existing, in which all women are brought up from the very earliest years in the belief that their ideal character is the very opposite to that of men, not having self-will, and self-control but conducting themselves by submission, and yielding to the control of others. Therefore, at best it can be said that it is common and normal for laws and systems of polity always to begin by recognizing the relations they find already existing between individuals. In this connection, Mill quips to remark, by perhaps remembering several queens (e.g., Queen Mary-I, Mary II, Elizabeth I, Anne, Victoria) who ruled being the head of the British monarchy, that the fact that England is ruled by a woman astonishes the world over, but not women not being permitted to be soldiers or members of parliament. We should note that It was only in 1918 that the first woman (above the age of 30) was elected to British parliament, though the parliament was in existence since 12th century. Even after another one hundred years, in 2014 women's representation in British parliament was only 22%; where as it is 11% after 65 years of parliament in India.

He was perhaps the first western scholar to talk of free play of competition that will act as a strong inducement for women to undertake all tasks. He felt that the collective

faculties of the two sexes can be applied on the whole with the greatest sum of valuable results.

Next I discuss from J S Mill on marriage as a social institution: Mill thought that marriage should be on equal terms. Marriage is a social contract, as the church administers it, by way of religious protection, by declaring the couple not as man and woman but as husband and wife. But he equally argued for equality of women within family. For instance, he says that, *'it is wrong to say that whole or part of the inherited property of the wife goes under absolute control of husband. Also it is wrong to say that she cannot take anything from him if she leaves him'*. In saying all these J S Mill makes marriage as both a public and private contract. But all along in those periods, as some empirical data show, it is wrongly argued against equality within the family, not based on women's fitness, but supposedly in the interest of society. Therefore, he further argued about women's recognition as equal of men in all that belongs to them as a good citizenship -the opening to them of all honorable employment, and of the training and education which qualifies for those employments. Above all, merit and not birth, is the only rightful claim to power and authority, according to J S Mill.

Finally I wish to discuss about reforms in laws and customs pertaining to gender and property rights. J S Mill touches on various matters of reforms in the legal framework, about the role of the state and also reforms in church and religion. While the western world was then reforming various laws on slavery, he insisted that treatment of women is also equally important to be dealt with, almost like the case of abolition of slavery.

I now wish to highlight some of the advents on this issue under neo-classical economic thought, which emerged after J S Mill. Neoclassical economics initiated discussion of female labour force participation and wage differentials purely based on labour productivity, which in turn is actually based on the choices of work given to women, and not based on gender neutral privilege. But it is important to recognize that reproductive labour of women is also a productive labour, to be strictly valued---the latter consists of

reproduction and child bearing, rearing during infancy and raising the child to adulthood, providing the first schooling at home, emotional and physical support to husband and so on. Till the industrial revolution, i.e., late 19th century in Europe, household work was considered as economically productive work; but it got neglected with the advent of neo-classical thoughts, as wage became important. Fortunately, today a recognition has come to this reproductive labour contribution of women when we talk of 'Demographic dividend'! Today, women in India can avail of longer salary paid maternity leave, half time employment during the child care periods, provisions for fathers also to avail child care leaves, and many such privileges. Private companies such as Intel provide 150 days of maternity leave and another month of flexible leave for their women employees.

6 Closing remarks-lessons for present day India

I want to close my thoughts on gender and property rights by drawing attention to the recent Indian scholars by referring to the writings of Kaushik Basu (2007) and Bina Agarwal (2006, 2016). Both of them take up the issue of property rights from the inequality perspective, and unequal exchange prospects between man and woman. Basu makes a strong economic argument about women's oppression attributable to unequal bargaining power and lower autonomy to women. Basu assigns a psychological reason for this. A husband, who currently has greater bargaining power than his wife, in anticipation that her earnings would increase her bargaining power, may exercise his power and authority to prevent his wife from gaining employment. Some of these psychological perceptions are coming from our deep rooted ancient writings reviewed in earlier sections of this monograph. There is no need for me to go over them again now. Bina Agarwal (2006, 2016; and also in Basu, 2007) on the other hand, attributes gender disparity, at least in the Asian context, to whole new dimension of injustice to women, with unequal land and other immovable property rights. It is useful to quote what she heard from some women from two villages: *'Now that we have the land, we have the strength to speak and walk.'* (Agarwal in Basu, 2007, p.224). Clearly, land rights

to women by both family transfers on the lines of dowry rights, and empowerment by the state through 'land rights and reservations for women being displaced or rehabilitated' are very important social and constitutional approaches, much needed to be taken up to ensure a sustainable gender property rights system.

Finally, it is time to recognize that several positive aspects of gender property rights regimes from the ancient writings are still very much valid for sustaining a balanced family and social relations and human behavior; some new approaches through gendered education, creation of awareness and transparency and judicial guarantee of justice are also required at all level, be they at family, community, society or state. Can we not consider, apart from sex education to school children, family life education should also find a place in the curriculum for child education ?

References

Agarwal, Bina, Humphries, Jane, and Robeyns, Ingrid, Eds. (2006): *Capabilities, Freedom, and Equity: Amartya Sen's work from a gender perspective*, Oxford University Press, New Delhi, India

Agarwal, Bina (2016): *Gender Challenges* (3-vol. box set), Oxford University Press, New Delhi

Basu, Kaushik (2007): *The Oxford Companion to Economics in India*, Oxford Univ. Press, New Delhi, India

Buhler, C (translator) : *The Laws of Manu*, from <http://sanskritdocuments.org>

Craik, E (Ed), (1990): 'Plato's Philosophy of Sex', in *Owls to Athens*, Oxford University Press, 1990, ch. 26: pp.223-232; <http://users.ox.ac.uk/jrlucas/libeqsor/platsex.html>
CSO (2013): *Women and Men in India*, 15th Issue, National Statistical Organization, Government of India.

Doniger, Wendy (2010): *The Hindus: An alternative history*, Oxford University Press, New York.

Duflo, Esther (2011): *Women's empowerment and economic development*, National Bureau of Economic Research, Cambridge, MA, USA

Eastin, Joshua and Aseem Prakash (2013): *Economic Development and Gender Equality: Is There a Gender Kuznets Curve?*, *World Politics* / Volume 65 / Issue 01 / January 2013, pp 156-186

Engels, Frederick (1884): *The Origin of Family, Private Property and the State*, www.marxists.org/archive/marx/works/download/pdf/origin_family.pdf, 2000

Essad, Philomena, Goldberg, David Theo, and Kobayashi, Audrey (2005): *A Companion to Gender Studies*, Blackwell Publishing, Victoria, Australia

FAO (2014): *FAO Land and gender data file: India*; www.fao.org/gender/landrights/home/repot/en
Higginson, Thomas Wentworth (1891): *Common Sense about Women*, Swan Sonnenschein & Co. London.

John, Mary, E (2008): *Women's Studies in India*, Penguin Press, New Delhi.

Joshi, Pushpa (1988): *Gandhi on Women*, Navajeevan Publishing House, Ahmedabad.
Jawal, Pooja (Ed, 2005): *Directory of Women's Studies in India*, Eshwa Women's University Press, Seoul

Kautilya (1967 edition), translated by S Shamasastri: *Arthashastra.*, Mysore Printing and Publishing House, Mysore; also Arthashastra translated by L N Rangarajan: Penguin Press, 1987 edition.

Mikkola, Mari, "Feminist Perspectives on Sex and Gender", *The Stanford Encyclopedia of Philosophy* (Spring 2016 Edition), Edward N. Zalta (ed.), URL =<http://plato.stanford.edu/archives/spr2016/entries/feminism-gender/>.

Mill, John Stewart (1869): *The Subjection of Women*, Longmans Green, Reader and Dyer, London.

Mohsin, Urusa (2010): *Women's Property Rights in India*, Kalpaz Publications, Delhi, India

F Max Muller (Ed.): *The Laws of Manu* (2001 edition), Motilal Banarasidass Publishers, Delhi.

Patwari, Hirday N (2011): 'The Status Of Women As Depicted By Manu In The Manusmriti', <http://nirmukta.com/2011/08/27/the-status-of-women-as-depicted-by-manu-in-the-manusmriti> August 27, 2011

Pertson, Janice and Margaret Lewis (Eds.) (1999) : *Elgar Companion on Feminist Economics*, Publishing, Northampton, USA.

Rubin, G (1975): "The traffic in women: Notes on the political economy of sex," in R. Reiter (Ed) *Toward an Anthropology of Women*, Monthly Review Press, New York. *Stanford Encyclopedia of Philosophy*, chapter on *Feminist Perspectives on sex and gender*, Nov. 21, 2011 version; <http://plato.stanford.edu/entries/feminism-gender>

Stone, A., 2004, "Essentialism and Anti-Essentialism in Feminist Philosophy", *Journal of Moral Philosophy*, 1: 135–153.

—, 2007, *An Introduction to Feminist Philosophy*, Cambridge: Polity Press.

Tiwari, Ravi : *Women in Manu*: <http://ravitiwari.in/rtpaper2.pdf>

Vishnoi Savita (1993): *Economic Status of Women in Ancient India*, Kusumanjali Prakashan, Meerat, India

World Economic Forum (2009) *India Gender Gap Review*, Geneva.

World Economic Forum (2013): *The Global Gender Gap Report, 2013*