

The Practice of Smallholder Irrigation

Case Studies from Zimbabwe

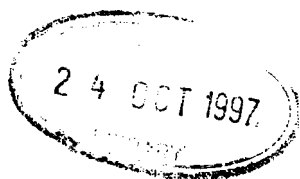


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Who feeds the children?

Gender ideology and the practice of plot allocation in an irrigation scheme

Carin Vijfhuizen¹

The shortage of land in rural areas, which is a consequence of historical circumstances (Ranger, 1985, Moyo, 1986) and the low rainfall in the regions where the majority of communal area people live, means that irrigated plots are indispensable to both women and men. The plots are regarded as an important part of their livelihoods from which they derive food and cash. Irrigated plots are mainly allocated to married couples (Madondo, 1992; Dikito, 1993; Chimedza, 1989). The name of the husband is usually registered because it is he who is perceived as head of the household, although in many cases it is the women who cultivate the irrigated plots. This registration practice raises questions regarding the access of married women to irrigated plots, which is the focus of this chapter. Widows often have problems with access to plots (see Dikito, 1993: 6–7).² It will be shown that married women also face difficulties.

In this chapter, I analyse three cases from an irrigation scheme in Manicaland province. In the first two cases, I look at gender conflicts over plot allocation by focusing on the images husbands and wives construct, reproduce and transform concerning each other and themselves, and the strategies they devise to cope with the situation. Husbands construct certain images concerning their wives in order to remain in control of the irrigated plot. Wives, on the other hand, devise certain strategies to sustain themselves and their children. In their conflicts, wives and husbands have recourse to traditional, semi-official and official arbitration. The third case is an example of official arbitration and explains how a government official in the irrigation scheme, representing the state agency, Agritex, decides on the two conflicts over irrigated plots. Reference is also made to policy documents to indicate the gender images which are constructed and reproduced by government officials. The three cases show the cultural and institutional impediments which help to shape plot allocation.

Based on the three cases, I aim to show how discourses (knowledge and value frames) shape the practice of plot allocation. I show how the discourses of women and men conflict and how men, through the construction of images concerning resources, the existing marriage legislation and through accusing women of witchcraft, try to control the resources and their wives. Second, I explore how the perceptions and decision-making of village chiefs, the IMC and government officials originate from and reproduce the dominant gender ideology (images, existing ideas and values), through which wives are hindered from registering. The chapter ends by arguing that married women in general should have registration rights to irrigated plots.

MIRIAM'S CASE: "I AM ONLY USED AS A HOE ON HIS ACRES"

Miriam presently lives together with 9 of her 10 children and a *muroora* (daughter-in-law), who has a baby. Miriam is 43 years old, and although some of her children have grown up, she feels responsible for all her 11 children. Her husband lives elsewhere, because they have had long-standing conflicts. The conflicts started in 1985 when the husband married a second wife and used the money from the irrigated plot. That made Miriam furious because she was the one who had worked on the 2-acre plot (1 acre is 0.4 hectare). As she explained to me, "My husband just came to collect the produce from the plot and I remained with nothing." The husband, on the other hand, legitimises his actions by arguing that he is the owner of the plot who should not be challenged regarding produce disposal: "Everything from the plot is mine. I will distribute it, because I am the *muridzi weminda* (owner of the fields)."

As a consequence Miriam and her husband have fought several times. Each have their own view. The husband states, "It all started when I married a second wife. Ever since we have continued fighting. *Havagarisani* (the two wives cannot live together peacefully). Now I am chased from my home." From the outset Miriam resisted the plans of the husband to bring the second wife to the same homestead. She said: "We sometimes fought because he wanted that wife to come and stay in the homestead. I defeated him and now he says that he is chased from his home."

The husband then shifted to the homestead of his second wife in the same village. However, he continued to benefit from the irrigated plot by coming and grabbing the produce, to which he had contributed nothing. In desperation, Miriam threatened the second wife, who then moved to another village. The husband joined her there. The husband, however, would come back several times to the homestead where Miriam was living, but conflicts continued to arise. He then decided not to return again to Miriam. But they remained married. Miriam explained that "he never paid a *gupuro*³ because he is afraid that people will say 'he divorced his wife'."

Miriam leaves the decision about divorce to her husband. She does that most probably because if she divorces him, she has to leave the children with the husband or his family and her parents have to pay back the *lobola*.⁴ A husband who divorces

his wife is not entitled to request *lobola* back, but he and his family will argue that the children belong to the family of the husband. If the husband of Miriam divorces her, he has to look after the children and may find that problematic and, therefore, he wants to safeguard his marriage. He comments on their situation: "In marriage we are together, but on *pfungwa* (mind/thought) we are not. If I divorce her, who is going to support my children? My children will be *marombe* (tramps)."

From 1985 onwards, the husband remained in control of the plot. He then rented out an acre (0.4 hectare) to somebody else in exchange for cash. At the same time he barred Miriam from cultivating the remainder of the plot. He nevertheless allowed his sons (who stay peacefully with their mother) to cultivate the acre. The sons harvested the maize (grown from October up to April) and stored it in their mother's granary. However, during the harvesting of tomatoes in the months of June, July, August, and September, the husband would come to the village where Miriam stayed. From the homestead of one of his brothers in the village, he would then go to the plot to pick tomatoes and sell them to private buyers. The bulk of the tomatoes, however, were delivered to the Cairns Tomato Company by his sons, who actually cultivated the tomatoes. Cairns Tomato Company pay the farmers once a month in the village, through the IMC. It was the husband who collected the tomato money. When I asked him why, he explained:

I went to collect the money because I want to pay *mutero* (maintenance fee) for the plot and because the plot is registered in my name. Whatever comes, I am going to be faced with it. Fertilizer, seeds and tax, it is me who pays.

Miriam became desperate and could no longer endure it. How was she going to look after her 11 children without a plot? In 1994, she reported to the IMC and Agritex that her husband was denying her access to the plot she had always cultivated. She also told them that he took money from the tomatoes and that the plot was being rented out. The IMC reacted by emphasizing "We cannot interfere in private affairs." Agritex, who had made it clear during numerous meetings that the renting of plots was not allowed, took no action concerning this reported case of renting out. Agritex kept quiet for almost a year, a situation which favoured the husband.

When Miriam discovered that the IMC and Agritex were not supporting her, she began to think of alternatives for coping with the situation. She decided to work hard on her dryland field. But it did not rain and she could not feed her 11 children from that *makowa*.⁵ She then arranged with the son of her brother to cultivate 5 *madhunduru* or half an acre (0.2 ha) of his plot. In return she was to pay the maintenance fee for the plot. She cultivated groundnuts and maize (October-April) and tomatoes (April-September). However, in the name of one of her sons she also secretly cultivated 0.2 hectare of tomatoes on the non-rented acre of the husband.

She sold the produce to private buyers. She would not send the tomatoes to Cairns because then they would have to be registered in the husband's name. "If I send tomatoes to Cairns", she said, "he collects the money."

On one occasion Miriam sold 4 bags of maize at Z\$75 each.⁶ She spent the Z\$300 on buying fertilizer, chemicals and seeds for tomato production. On the other hand, her eldest son, who is married and has one child, registered tomatoes for sale with Cairns in his own name. He could afford to do so because his father gave his permission. Both Miriam and her son rely solely on family labour, of those who live at the homestead. The son lives with his mother, brothers and sisters, but he is not supporting them financially. Miriam explained that "*Haasati* (he is not yet supporting his brothers and sisters) because he first has to pay the *lobola*." The son realized Z\$2500 from 0.2 hectare of tomatoes, and used Z\$1000 for paying *lobola*.⁷ His mother earned the same amount from the rented plot of the son of her brother. Her (cash) expenditure pattern was quite different from her son's.⁸ The mother lived up to her expectations as a supporter of the children by paying the school fees and providing clothes and food. She also invested in the future "*kuchengeta mhuri*" (to support the family).

In July 1995, almost a year after the case was reported by Miriam, Agritex called Miriam and her husband to the office. The irrigation supervisor advised the two to "live together and use the plot together." Miriam was not happy:

Agritex is not taking any action. Agritex only listens to my husband and his brothers. They say that my husband's plot should remain registered in his name. I should work on both acres and collect the produce from one acre. The husband collects the produce from the other acre, without working on the plots. The decision of Agritex does not work because my husband will sell the produce from both acres. I am only used as a hoe on his acres. I want my name to be registered on one acre otherwise he will come and sell my tomatoes.

The husband was not happy either with Agritex's decision: "Agritex goes zig-zag. What they said was not clear. They said go and live together but I cannot stay with her because she wants to kill me." The husband explained that Miriam was too harsh and could kill him. Miriam explained that her husband's brothers call her a *muroyi* (witch) and that they side with the husband in his struggle to keep the plot. Before Agritex, the husband constructed the image of being the supporter of the family to legitimise his claim to the plot. "I am supporting my first wife through the plot; I help her." Miriam had lived for almost 10 years with this insecurity. She was now extremely tired and wanted her name registered, but the husband said:

Nobody is going to divide my plot. She is not a widow and not a divorced woman, so she can't register. If she were divorced she could. If she wants to register she has to leave my homestead.

To remain registered on both acres and have a supporter for his children could be the reasons why he did not divorce his wife despite his complaints about his wife wanting to kill him. To give more weight to his argument the husband constructed and reproduced certain images about women in general:

It cannot be possible that a woman has land, because she is married to somebody. If a woman gets land she is a *chabuya* (prostitute). She can be given land, but then she is a widow. A woman is there to listen to the husband, because it is the husband who marries the woman. Therefore the wife should stay on his field and she should work in that field.

Miriam disagreed that married women cannot be registered stating that “some married women are registered by their husbands who work elsewhere.”

Miriam informed the chief, who had also been present at the Agritex offices, that her husband had not come home. She argued that since the husband had not followed the Agritex ruling, she should have her name registered on half of the plot.⁹

FORTUNATE’S CASE: “MY HUSBAND SAYS THAT I HAVE BAD SPIRITS ON ME”

Fortunate is 60 years old. She has 9 children and lives with 5 of them and her *muroora* (daughter-in-law) who has a baby. Fortunate and her husband are now divorced. In March 1995, Fortunate sent a letter to the Agritex offices at local, district, provincial and national level. She wrote:¹⁰

I bring my problem to you, the head of the acres. I looked for acres and registered the name of the husband. Now he is chasing me away from this acre. He says that I have bad spirits on me. He rents the plot to others (the wife gives the names of three women who rent the plot). I don’t have anything to give my children. I have hunger with my children and I cannot pay the school fees. I am crying for a field to cultivate so that I can support my family. I have a garden which I spent six months requesting and my husband also chases me from there.

In the first sentence of the explanation of the problem Fortunate highlights her biggest irritation. With hindsight she regrets what she did:

I should have registered my name because I found the plot in 1961. I cut the trees and levelled the 2-acre plot. So it is mine. My husband and relatives were not interested. I wanted the plot, but registered the name of the husband because I did not have a *chitupa* (identity card) and they said that I had to register the plot in his name. Now I am

suffering because we are not allowed to enter the plot and the garden. I received the garden in 1978, did the clearing, but since 1983 he has been chasing me away.

The husband denied very strongly that his wife Fortunate cleared the plot and the garden: "It is all lies. How can a woman clear the land? How can she do that work? *Ari kurwara* (she is sick)." In order to justify his claim the husband constructed the image that a woman cannot do such heavy work of clearing. However, other women explained that they were also involved in clearing the fields when the irrigation scheme was constructed in 1953 and when it was extended in 1960-61.

Agritex replied to the letter in March 1995, explaining the following:

After investigation we see that the acres are not rented. We have no proof that you looked for the acres. We see that the acres are registered in your husband's name. To be chased away from the acre means that you have been chased away from home. You go to the police or welfare, they are the owners of such cases like this.

In their reply Agritex hinted that this was considered to be a private affair which fell outside their jurisdiction as exemplified by the statement that to be "chased from the plot is to be chased from the homestead." The statement suggests that a woman can only have access to land through the husband and not in her own right, irrespective of the (labour) investment she made on the plot. The investigation carried out by Agritex was not thorough. They had consulted the irrigation supervisor of the scheme and he denied that the plot was rented. In this way the offence of renting out plots was overlooked. Hence, the decision of Agritex is similar to the decision of the IMC in the previous case.

In June 1995, Agritex invited the village chiefs, Fortunate and her husband to the local office. The Agritex officers and the chiefs accepted the submission of the husband that Fortunate had to be cleaned first of the *mavyuri* (bad spirits). Once she was treated, he would cultivate the plot together with her. Dissatisfied with this ruling she immediately went to the police to report the case to the community court. She did not accept the way Agritex and the chiefs had connived with her husband to deny her access to the plot. Fortunate explained:

Three years ago I went together with my husband and my parents to Chief Matorwa in Chibuwe. He is famous for his good *n'angas* (African doctors). They could not find a bad spirit on me. The chief said to my husband: "Give your wife 15 *madhunduru* (0.6 hectare) and keep 5 yourself because you don't have anybody to feed." But my husband continues to say that I have a bad spirit and did not give me the *madhunduru*.

Because the chief lived at some distance from the scheme, the husband did not respect Chief Matorwa's judgement and referred to the local chief who is favourable to him.

The chief (of the village where the husband and wife live) says that the plot is mine, because the chief gave it to me. How can a married woman be given a plot? Everything is mine. I have two dryland plots, one garden, a 2-acre irrigated plot and a fish pond. All is mine because I was given it by the chief.

The husband continued to reproduce the bad spirit construction:

Since 1976 she has a bad spirit of a man. We went to her place of birth in 1986 to solve the problems together with her parents. I asked them to remove the evil spirit from my wife so that I can take my wife back home. They failed and my wife came back home with the bad spirit.

From the analysis of the court books from 1987 up to 1995 in the village of my research, it appears that only women have *mabvuri* (bad spirits). Divorces mainly occur because of the *mabvuri* argument.

The husband has been chasing his wife Fortunate from the plot since 1990. Fortunate tried to cope with the situation by buying produce in the irrigation scheme for sale or barter in other areas. As a result she travelled a lot and was often absent from her homestead. Be that as it may she took time at very regular intervals to go to the local Agritex office to explain that her acre was being rented out. The irrigation supervisor responded by asking her to bring the people who were renting the plot. Fortunate had gone to the women who were renting the plots but for obvious reasons they refused to accompany her to the Agritex office. Sending the farmers who have a complaint from one person to another until they give up, appears a regular strategy of Agritex officers.

Fortunate and her husband have fought several times. Then Fortunate was formally divorced as the husband explained:

I collected the parents of my first wife and gave them a *gupuro*. We divorced because of the bad spirit. I went to the chief to surrender the homestead and said: "this is your place, because I have left." The chief agreed.

Fortunate refused to leave the homestead because she said that she had no bad spirits on her. She refused to leave her children behind;

The chief says: "You have to leave because your husband surrendered the homestead." But I can't go home to my parents, leaving all my children, I can't.

The husband now stays with the second wife in the same village and has two children by her. The husband claimed that he did not know anything about the summons of the case to the community court. However, the police confirmed that he was handed a letter about the court case on 4 July 1995. The case was tried in his absence. The presiding officer ruled that the husband should pay his wife Z\$305 per month or give her one acre. Fortunately, however, did not want the money. She wanted an acre of the plot to be registered in her name. She brought the letter of the court to the police. The police officer expressed the need to have a careful record of the judgement in case the husband, in his fight for the plot, might kill her through witchcraft. In that event the plot would go to her children. The police made a follow up of the court's judgement. They visited the husband and advised him accordingly. The husband was furious. He told the police that he was being chased away from home, and was being beaten up and assaulted everyday by his wife. Why did he not report the beatings earlier on? The police explained:

The husband did not raise before that he was beaten by his wife. He is shy because he is overpowered by his wife and that is rare. He should have started the case before the wife started the maintenance issue. It is now a maintenance¹¹ issue.

After hearing the sentence from court, the husband resisted by constructing the image of the subordinated husband and said that he was going to appeal. Up to now he maintains that he will appeal, which is a strategy for delaying the case and to keep control over the plot. The police officers have been waiting for the husband to appeal.¹²

THE CASE OF THE AGRITEX OFFICIAL: "THE WIFE WILL NEVER WIN ANYTHING"

The third case embraces government officials. First I present the strategies and gender images of the irrigation supervisor, hereafter called the Agritex official. He heads the local Agritex office and played an important role in the decision-making involving the two cases presented. I then examine a number of gender issues relating to two documents, that is, the irrigation policy (Derude, 1983) and the recently published Land Commission Reports (Rukuni, 1994).

The Agritex official perceived himself as the decision-maker concerning plot allocation in the scheme. Three major factors shaped his decisions and strategies. The first factor is land utilization and payment to the government. "As long as the plot is utilised and the maintenance fee is paid, it is alright with us", he explained. It is a position which rationalises his ignoring the illegal renting out of plots, which is not perceived as a problem so long as the maintenance fee is paid. Agritex officials found it difficult to obtain the required evidence about renting. Rules about renting

were not, therefore, strictly adhered to, and is probably one of the reasons why the Agritex official did not follow up the complaints of the wives that their husbands rented plots to others.

In Miriam's case, the strategy of Agritex was first to ignore the case, and then later to call for a meeting between husband and wife. While the husband was able to bring three male relatives to the meeting, Miriam was not given the opportunity to collect her relatives. The Agritex official told her that this was not a court session and that what they were doing was engaging in discussion to try to come to some agreement. The Agritex official asked the husband why he did not stay with his wife Miriam. The husband said that he could not do so as he was constantly being beaten up. Miriam denied the charge. The Agritex official then instructed the husband to go home, to start a new life with Miriam and to give her an acre; adding that there would be no changes concerning registration of the plot. The Agritex official expected the wife and husband to live together 'as others do' and to share produce and money. In addition, he instructed Miriam to stop using the plot which she rented from her brother's son. The Agritex official commented:

The wife will never win anything. She gets her food, she gets everything, except her husband. So we cannot interfere. We have never had a problem with the husband. The maintenance¹³ fee was always paid.

It would seem that the Agritex official knew very well that the husband was a polygamist who lived with his second wife. Therefore he did not take seriously Miriam's claim that she was chased from the plot. He simply thought that she was jealous. He also found Miriam too violent and could not reconcile to the fact that she had beaten up her husband. He expressed his dislike of the fact that many African women were too bossy and dominate men.

The Agritex official distinguished between 'domestic' and 'technical' problems in the scheme in order to justify his decision-making. He explained that Agritex is only concerned with the area inside the fences of the scheme, with the strategy that land should be utilized and that maintenance fee should be paid. Everything outside the fences of the scheme is not an Agritex affair. He considered the first case a domestic issue in which he could not interfere. People have to solve their own problems, he said.

The fear of witchcraft appears to be a second factor which shaped the decision-making concerning plot allocation. "You know", he said, "you need to be very careful in Chipinge district, among the Ndau. *Chivanhu* (culture) is not easy. I am here to work for my family, otherwise you find yourself in hot soup."

The third factor which influenced his decision-making was the administrative system. The Agritex official explained that an eviction form comprises 8 pages and that it is an extremely difficult procedure to evict a person from a plot.

These three factors contributed to the fact that the Agritex official did not solve the real problem. He asked Miriam to write a letter. Miriam thought that the letter would be forwarded to the district administrator, because he is the highest government official who should decide in this case. But that was not to be. The Agritex official called Miriam, her husband and the IMC to the office, where the Miriam's letter of was presented. As expected, the husband and his brothers did not agree with the letter. The Agritex official then decided that the husband should also write a letter. But the husband did not come to the Agritex offices any more, so subsequent meetings to deal with the issue were cancelled and the letter was never written. The Agritex official then sent Miriam's letter to his superior and informed the husband and his brothers to bring the case to the village court. In this way Agritex absolved themselves of any responsibilities. When the husband brought the case to the village court his wife Miriam and her relatives refused to attend the court case. Miriam decided to go to the community court, which sits at the District capital.¹⁴ But there they explained to her that the community court does not deal with land issues and she was referred to the village court, which is presided over by the village chief. The court case has not yet taken place.¹⁵

In Fortunate's case, the Agritex official argued as follows Fortunate's claim that the plot is hers, because she cleared it, is invalid. She just did her duty as a wife. The Agritex official wanted Fortunate to leave the scheme and was not willing to respect the verdict of the court. If the court had decided to give her an acre, then the Ministry would respond to it, he said. He also asserted that this was a customary marriage which did not entitle her to any property:

Customarily it is as follows. If you are divorced, the wife should go back to where she comes from. No sharing of property. The land is not their property, it belongs to the government. Customary marriage, Chapter 37, reads that the wife should go home empty handed.

According to him Fortunate should simply return to the home of her parents. He saw no need for Fortunate to have an acre registered in her name, because *maintenance* of the children should not worry her as this was the responsibility of the father. The Agritex official explained that men and women are not equal because men pay *lobola*, which make them heads and 'owners' of women. Women have to do their duties. They are property because *lobola* is paid for them. Furthermore, husbands and sons in the family have the duty to support the family.

Ownership of land

So far I have presented the perceptions, gender images and strategies of the irrigation supervisor, who represents Agritex at local level and takes the decisions about access to irrigated plots. Agritex seems to be entrusted by the state with the responsibility of land allocation and utilization in irrigation schemes, which is why the Agritex officer refers to it as belonging to the government. However, do women and men

perceive the state as the owner of the land? In a survey conducted among 306 respondents in the village of my research (389 homesteads), the following question was asked: Who is the owner of the land (*muridzi weivhu*)? The results were:

God	48 %
<i>Mambo</i> (paramount chief) Mutema	42 %
Village chief	6 %
Other chiefs, President, <i>vadzimu</i> (ancestors)	4 %

It was also clear from the survey that ownership (of land) was a difficult concept. Even where ownership was well defined, how could God or *Mambo* Mutema decide about (gender) struggles over land? In questions of this kind and when it comes to disputes over land, it can be said that although the state is not perceived to be the owner of the land it is the state through its various agencies that decides about land. According to the law it is local government, that is, the Rural District Council, who should make the decisions about land. Legally the chiefs (*vatape*), Agritex, and the councillor are not allowed to allocate and divide the land. In irrigation schemes, however, Agritex appears to play an important role.

Policy documents and gender

I will now look into two policy documents, that is Irrigation Policy (Derude, 1983) and the Land Commission Reports (Rukuni, 1994), in order to examine the view they take on access to land in terms of their gender perspective. According to Agritex, at provincial level, the policy paper of April 1983 on smallholder irrigation schemes was never formally adopted but is widely used. It is the document which guides the administration of such schemes. As examples, the permit to cultivate and the objectives of the irrigation schemes are examined. The document defines an irrigation plot as a holding, and explains the general conditions governing the use or occupation of an irrigable area. Farmers who occupy a holding need to have a permit to cultivate in accordance with the land tenure regulations of 1970 (Rhodesia, 1970). The permit contains 16 terms and conditions. For example, it is written that:

during the currency of the permit the holder shall: personally, actively and continuously carry on agricultural activities on the holding to the satisfaction of the Minister . . . the holder shall permanently and personally reside on the residential site allocated to him/her by the Minister. (Derude, 1983: 26-27)

The registered holders in most cases are husbands while wives ‘continuously carry on agricultural activity’, since they are the ones who continuously, actively and personally reside on the plot. One of the stated objectives of irrigation schemes with plot sizes smaller than one ha (the scheme of this chapter also belongs to this category

of 'comma-hectare' schemes), is to supplement dryland agriculture. Another objective is to provide food security in grain-deficit areas of the country, where a decent crop harvest is achievable only once every 4–5 years. It appears that if you literally stick to the wording of the permit and the objectives of the scheme, most women, including those married, would qualify to be plotholders and most of the male irrigators would not. Perhaps the most interesting question is, then, how does this legislation relate to land tenure in communal areas where many smallholder irrigation schemes are located?

From the Land Commission Report it becomes clear that the land tenure system in communal areas should be based on principles of customary land tenure (Rukuni, 1994, volume 1: 50). The three principles of customary rights to land are: (1) absence of private ownership of land, but the right to cultivate, (2) entitlement of every member of the community to land and (3) security of tenure (volume 2: 191). Furthermore, it explains that the distinguishing feature of customary land tenure is the hierarchical and patrilineal nature of land allocation. The male head of household, usually the husband, receives an allocation of land on behalf of his family. He in turn allocates a portion of this plot to his wife or wives (*ibid*: 192). In other words, as Gaidzanwa (1988, cited in Rukuni, 1994, volume 2: 192) indicates, women derive their land use rights from patrilineages in their capacities of wives and daughters. Furthermore, the land commission reports indicate that decision-making concerning land allocation in communal areas should be undertaken by the chiefs, the *dare* (court) and the community. However, they should remain broadly under the jurisdiction of some higher authority: Headman, Chief, Rural District Council, Provincial Government and ultimately the State laws (volume 1: 50).

The Land Commission Report recommends that the government develops a comprehensive irrigation policy and strategy (volume 1: 141). Customary land rights do not apply for land in irrigation schemes, resettlement and land leased for small-scale commercial farm use (volume 1: 69–71 and 83–86). In those situations it is the government who regulates access to land. The question I want to address is how the framework, as presented in the land commission reports relates to the reality of struggles over land in smallholder irrigation schemes. This is pursued in the next section.

DISCUSSION AND CONCLUSIONS

The understanding of different and possible conflicting forms of knowledge and ideology is central to the analysis of rural development (Long and Villarreal, 1992). The discussion that follows explores this observation further. I will argue that the practice of plot allocation is shaped by gender ideology and knowledge frames (discourses). I will cover two areas in the discussion which are interrelated. First, I discuss gender images which are constructed, reproduced and transformed by wives, husbands and government officials. I show how the discourses of women and men

conflict, and how men, by constructing false images about resources and existing marriage legislation and by accusing women of witchcraft, try to control the resources and their wives. Secondly, I examine how existing traditional, official and semi-official legislation originate from a dominant gender ideology that reinforces a situation where women are clearly disadvantaged.

Conflicting discourses of women and men

A first observation is that for a long time the two wives tried to accept their predicament and acquiesced before seeking recourse to outsiders to arbitrate in 'marital problems' that are supposed to be private. These women decided they had suffered enough and overcame the social pressure that is described by Gabi and May. Gabi (1995) indicates that 'the fear of being labelled a failure in marriage is so great in some women that they will do anything to make sure that the torture that is going on in the marriage is not revealed.' May (1983: 86) points out: 'the problem of the mother having no rights to her children if the *lobola* has been paid tends to make many women put up with gross ill-treatment for fear of losing their children.' Both Gabi and May stop at the silently suffering woman. The two cases presented here go beyond that in the sense that they show how two women resisted. The strategy of accommodation to the husband's practices and ideas in the end finally culminated in conflicts over plot allocation.

The images constructed and reproduced in the conflict situations by the two husbands concerning themselves are: owners of the plots, the divider of the land among renters and family members, investors of cash in the plot, owners and dividers of produce, owners and dividers of cash, supporters of the family, owners of the wife because they pay *lobola*, owners of the homestead and the children. They construct these images concerning themselves in their own interest (see Andrew Long, 1992). Their strategy for doing so is to try to remain in control of everything, that is, the resources and their family. The images constructed by the wives concerning their husbands are: non-providers of labour on the plot, non-supporters of the family, defeated husbands, 'he who divorces his wife'. Clearly the husbands do not wish admit to such images of themselves, because it would certainly undermine their control.

The images the two men construct and reproduce concerning the two women are: Non-owners of land, wives do not clear land, obedient listener and carrier of bad spirits. From the material presented in this chapter it follows that the male Agritex official holds similar views as these two husbands. An image constructed by both women and men concerning women is that they are labourers on the plot.

It appears that the discourses — the knowledge and value frames of women and men — conflict. To identify how these discourses conflict I have developed three major conflict areas: resources, marriage, and witchcraft.

The first conflict area deals with resources (cash and land). Based on the existing practices of women regarding resources, it has been shown that the images which

the two husbands construct concerning themselves and their wives, do not accord with what happens in practice. For example, husbands maintain the image that they are responsible for cash expenditures on crop production, whereas the practices of the two wives show that it is often women who make these cash expenditures and therefore function as the cultivators. The husbands, however, want to reproduce and promote this 'investor' image of themselves, so that they remain the plotholder (an owner according to their own perspectives) and owner of the produce. The two husbands do not invest in crop production, but they make sure that the fee for the plot is paid, which is a criterion for being a plotholder.

The two husbands construct the image that they are also the supporters of the family, but the wives' practices and strategies show that they are the major supporters. The wives' cash and barter from tomatoes is used for food, clothes and school fees. Regarding land, the husbands are plotholders, but they act as owners of land. They decide about the produce and access by renting it out and chasing away the wife. However, in the final instance, land belongs to the government and even men cannot be owners, but are plotholders and have user rights. But the farmers do not perceive the state as the owner of land. Those who have their name registered on the plot are commonly perceived as 'owners' and the plot will be inherited accordingly. As indicated from the survey concerning ownership of land, ownership is a difficult concept. Gluckman (1965: 36) says: 'what is owned in fact is a claim to have power to do certain things with the land or property, to possess immunities against encroachment of others on one's rights in them, and to exercise certain privileges in respect of them'. It must be clear that married women also want to be registered, to become plotholders in their own right and therefore be protected from their husbands coming and taking the produce. This is because women want to look after their children.

The second area which contributes to conflicting discourses is legislation and ideology of marriage. When the two husbands and Agritex official realize that their constructed images about women differ from practice, they refer to marriage legislation, to justify their existing practices and to safeguard their position and power. May (1983: 70) indicates that marriage under the African Marriages Act (Chapter 238) is customary marriage. Marriage under the Marriage Act (Chapter 37) is civil marriage:

The principal differences between 'civil' and 'customary' marriages are: firstly, a civil marriage is monogamous; secondly, in the event of the divorce, a wife can claim maintenance; and thirdly, grounds for dissolution of the marriage are those of the common law, and thus adultery becomes a ground in a suit brought by the woman. According to customary law only the husband may sue on these grounds (May, 1983: 73).

Fortunate wins because hers is a civil marriage. The application of common law principles supported the woman. Even in the customary marriage, the payment of

lobola does not automatically entitle a husband and his family to custody of children. The Agritex official is confused about the different marriages. Or in fact he does not distinguish any rules because he believes that a woman should go home empty handed, whatever type of marriage. But that is a false image, because in a civil marriage a woman can claim a maintenance allowance. Customarily, she is also not necessarily empty handed. If she looked after her children, if *lobola* was not completed, or if the marriage was not solemnised by the right officer, then she can take her children. When a woman divorces, she is allowed to take her personal belongings, which usually have little value (clothes and other things). These are the legal rules. What actually happens also depends on decisions taken by the parents of the wife and husband in such conflicts.¹⁶ However, women and men themselves often do not know the difference between the two types of marriages.

If women and men talk about marriage, they always refer to *lobola*, which is an important aspect of the marriage ideology. The claim on women's reproduction and labour is established through the payment of *lobola*. Holleman perceives *lobola* as 'the transfer of a wife to the husband's family and the compensation for her reproductive capacity' (Holleman, 1974: 84–101). He perceives *lobola* as a reciprocal arrangement related to reproduction only. That meaning of *lobola* may be ideologically true, but is incomplete.¹⁷ Men often give additional meanings to *lobola*, to their own advantage, as appeared from the cases. The two husbands and the Agritex official claim the labour of the wives through the payment of *lobola*. The general perception especially among men, is: 'as long as *lobola* exists the wife is supposed to work as a hoe on his acres', and that the husband 'owns' his wife. Gluckman (1965: 47) indicates that 'father or husband may speak of himself as 'owner' of the woman: but this is shorthand for saying they have rights over her against each other, and accept duties towards her'. In practice, however, the relationship between husband and wife may be not as balanced as suggested. The two women of this chapter clearly experience that their space is limited not only because their husbands claim to 'own' them and with it their labour power and reproductive capacities, but more so that the husbands deny them the right to register as a plotholder; all in the name of having paid *lobola*. It is important to note here that women, through their work on the plots, pay part of their own *lobola*. For example, the wife of Miriam's son works on the irrigated plot but receives only 6 per cent of the total produce. Her husband keeps the rest and uses it to pay for her *lobola*. In sum, bridewealth is critical to the understanding of marital disputes over the ownership and entitlement to property (Cheater, 1986:147).

The third area which contributes to the conflicting discourses of women and men is related to witchcraft or *mabvuri/muroyi* (bad spirits/witch) constructions. It seems that wives are not that easy to control, for in addition to the husband's control over resources and marriage, they accuse their wives of having bad spirits. From an analysis of the court cases in the village, of which Fortunate's is an example, it appears that only women possess bad spirits.¹⁸ Shona marriages are virilocal, which means that

married women live within the *dzinza*¹⁹ of the husband. Holleman (1952: 278) explains that a woman remains to some extent a stranger in the husband's environment. There will be a tendency to distrust her and for that reason wives are more often suspected of witchcraft than husbands. May refers to Gluckman (1965), Fry (1976) and others to argue that women, as outsiders and not members of the lineage, are blamed when things go wrong. The women are the natural victims of accusations of witchcraft (May, 1983: 18).²⁰ In my experience, mainly powerful women who resist the whims of men are accused. The husbands construct images of their wives as carriers of bad spirits to better control them and their resources. The image of a powerful woman is therefore re-configured into the image of a woman as a carrier of bad spirits.

The position of a married woman in the *dzinza* of a husband is not easy, but the women in these two cases resist. They also have power, because they are able to change their situation, but the circumstances they encounter are not simply of their own choosing (see Long and Van der Ploeg, 1994: 66). The wives have accommodated long enough to the images constructed by their husbands, their strategy is now to transform those images. Related to the difficult position in the husband's *dzinza*, Bourdillon (1987: 50–57) and Holleman (1974: 117) argue that women have influential positions in their own lineage. While this is true, I wish to make a few comments regarding the two cases. Miriam's relatives are nearby, but they could not help solve this 10-year-old marital dispute, although they gave her the opportunity to rent half an acre. The parents of Fortunate assisted when she was accused of bad spirits, but regarding the conflict over land they could not assist. But her own family also often argues according to the dominant gender ideology. Hence these women are lonely in their struggle over land.

I wish to give a few examples of how these women resist in their clearly limited space. The image constructed about women as non-holders of irrigated plots, is resisted by the wives. They try to devise certain strategies to have their names registered on the plots. They approach Agritex, IMC, village and community court. They rent plots via their own kinship ties or become traders. The wives also resist the marriage ideology and are aware of their position. Fortunate goes to the community court, instead of the village court, because she anticipates that the village court will judge according to the bad spirit construction. The wives refuse to leave the homestead and devise strategies in their own network of family and kinship relations. Related to the *muroyi/mabvuri* constructions, women try to prove that they are not carriers of bad spirits or witches by visiting *n'angas* and their parents. They are able to construct and transform their own social worlds, but they are not able in these two cases to construct or transform the world they wish. In that world they are obstructed by a dominant gender ideology and practices, which leave the resources (land) in the control of men.

The two husbands and the Agritex official construct false images concerning women, which is their strategy to control resources and wives. The two wives are more likely to speak the truth in these two cases. It is not necessary for them to construct false images concerning their husbands, because they have nothing to lose. Or, in other words women have very little to control. Therefore, married women need plots registered in their names if they are to have any control over it, enabling them to look after their children when they must do so alone. If she dies, the plot will be inherited by one of her sons; hence the land remains in the *dzinza* of the husband due to virilocal marriage.

I have shown how powerful ideology is, the power of existing ideas and images.²¹ It is not a matter of ownership of resources (land, cash, water) or legal rules only. It is also a matter of controlling the construction and reproduction of gender images. Often men resist change or transform culture, and reproduce existing gender images, because they want to remain in control.²²

Gender ideology and legislation

I want now to focus on legal aspects as they relate to both women and men in irrigation. In this discussion I will use legislation loosely to refer to rules and regulations which were formulated in semi-official or official spheres. First, I will focus on the role of Agritex. Secondly, I indicate the lack of rules and a proper framework in which gender conflicts over land could be solved.

The Agritex official reveals that he cannot interfere in conflicts when the plot is utilised and the maintenance fee is paid. In addition he is afraid of witchcraft and the complex administrative issues. However, these reasons should not overshadow the gender images that shape his decision-making concerning plot allocation. Although the Agritex official says that he cannot interfere in domestic affairs, he clearly does: to decide not to interfere and leave the resources in the hands of men is also a decision and therefore an interference. The Agritex official perceives those issues as technical which appear inside the fences of the scheme and those outside the fences as domestic issues. However, such a rigid distinction cannot be made, because it appears already from the decisions taken by the Agritex official that the inside shapes and influences the outside and vice versa. Everyday life cannot simply be distinguished in technical and domestic, or private and public, because as appeared from the cases, all facets of life are intertwined.

It looks as if the role played by the Agritex official is that of *vatete*. The *vatete* is a sister of a father who plays a very important role in society. She is an important constructor of gender identities and images. She teaches women and men to live together. The *vatete* teaches girls and women that they should be brave and work hard. They should not talk at the top of their voices and if a husband beats them, they should cool down and not hit back. The *vatete* teaches the boys and men that they should look after their families. Hence the *vatete* teaches women and men to

accommodate, to live nicely together. Agritex seems therefore to be taking on the role of the *vatete*, a senior woman who perpetuates the dominant gender ideology and practice. The Agritex official did not take on board that the marriages in both cases were problematic and could therefore not make appropriate arrangements concerning land. However, it appears that the *vatete* image is overshadowed by another image, that of *babamukuru*. A *babamukuru* is a big brother of the husband who gives advice which needs to be followed. The *babamukuru* is often on the husband's side, because patrikin tend to choose for each other and not for the woman (*muroora*) who married into the husband's *dzinza*. Hence, the Agritex official appears to take the role of the *babamukuru*, because he chooses the men's side.

The second issue deals with the lack of a proper framework of rules to guide officials in Agritex, District Council, community court, village court and the IMC members in case of marital disputes over land/plot allocation. For example, the IMC, without any proper legal basis, accepts the decisions taken by the Agritex official. The same may apply for community and village courts. The women in the two cases went to all institutions and achieved nothing. The question remains: who should be the arbitrator in conflicts over land? The Land Commission Report refers to the traditional system for communal areas and to the government in case of irrigation schemes, resettlement and small-scale commercial areas. The irrigation scheme of this chapter is located in a communal area where irrigated plots and dryland are used together. The more traditional and customary situation, in which chiefs and husbands allocate land, applies to dryland. However, in government-managed irrigation schemes the situation is clearly different. Chiefs and husbands lost control over plot allocation, which was taken over by government officials. But it seems that husbands and chiefs try to control it, Agritex officials fail to control it, and the Rural District Council is supposed, but does not, control plot allocation. So they all evade the issue. Therefore, marital disputes over plot allocation remain unresolved in irrigation schemes. The two systems, traditional for dryland and government for irrigation schemes exist next to each other and are intertwined in the communal area. That may give rise to conflicts or confusion among farmers who even do not perceive the state as owner of the land. But the two systems can also be strategically applied. For example, the Agritex official sent the case of Miriam to the village court (traditional system) and based on the decision of the chief, Miriam lost her access to the plot. The Rural District Council was supposed to decide, even if Agritex had not withdrawn itself. However, it seems that the Council is not consulted in such conflicts over plots.

The plotholder is the person who is supposed to be actively, continuously and personally on the plot. Hence, in many cases the woman irrigator qualifies to be a holder, but the holder is often a registered male irrigator. Women are the main actors and therefore decision-makers in the food production and consumption spheres (Richards, 1969; Vijfhuizen, 1995a) and ensure the food security objective of the irrigation scheme. However, the law does not make appropriate provisions in case

of intra-marital conflicts over plots. Land in communal areas has become scarce and not every man and woman has access to land, as the customary principles assume. Therefore, women cannot afford to be evicted from their irrigation plots as there is nowhere to go. Even if they went to the natal home they are just as likely to be landless. The customary land right, where the husband allocates the wife land to use, does not apply to irrigation schemes, although it seems that the husbands and Agritex official act as though it does. May (1983: 35) argues that

men have always enjoyed formal and jural rights. Women have not. But as modernisation has affected small village communities, the need for legal recognition of all adults, male and female as persons has become a vital issue.

Dikito (1993: ii) argues that ‘in the long term, the legal framework concerning land allocation must be reviewed and amended to give both husband and wife equal access and control to land’. In other words it is time the deficiencies in the legislation were rectified.

In conclusion, I will reiterate some practical observations. Every intervention, whether irrigation schemes or something else, brings with it change and therefore conflicts and problems. The presence of irrigation schemes in communal areas means that traditional and government-ruled land tenure systems are intertwined, which means that the decision-making concerning plot allocation becomes mixed up. Then, the solution of conflicts should not rely on the existing gender ideology, mainly reproduced by men and Agritex, which is male dominated and therefore on the whole supports men in controlling resources and women. It should be considered before the interventions, who will be responsible for solving gender conflicts over irrigation plots and who not. Based on the national irrigation policy (Derude, 1983) married women should have the right to be registered on a plot, because they are the cultivators, supporters, food providers of the family and they safeguard the food security objective of the irrigation scheme. Therefore, joint plot registration is suggested, which means that both names, those of the husband and of the wife will be registered on the plot.²³ There is a need to revisit rules and regulations governing plot allocation and land utilization so that they take account of marriage-related land issues as well as having a unified credible system that safeguards the dignity and rights of women.

NOTES

1. I would like to thank the following persons: Locadia Makora for her valuable explanations and support; Emmanuel Manzungu, Pieter van der Zaag, Professor Norman Long, Professor Rudo Gaidzanwa, Professor Michael Bourdillon and Ann Long for their valuable comments; the wives and husbands for the in-depth interviews and for allowing me to join them participant observation and situational analysis, Agritex officials, IMC members, police officers and village chiefs.

2. In the irrigation scheme of this chapter, 30 per cent of the plots are registered in the name of women, the great majority of whom are widows.
3. A *gupuro* is a divorce token, which can be 10 cents or a hoe. The meaning of the *gupuro* is that the relationship (marriage) has ended. Similarly, one of the partners can give the other a love token, meaning that the relationship has started or is established.
4. Women and men in the village of my research (Chipinge District, Ndaou tribe) use the concept *pfuma* for bridewealth. *Pfuma* means richness (or wealth). Other Shona tribes use the concept *roora*. Women and men also use the concept *lobola*, but less frequently. However, I will use the concept *lobola* in this chapter, according to Holleman (1974: 88) who explains that he uses the Zulu-Ndebele term *lobola*, because it is the term under which the bridewealth system is most widely known in Southern Africa.
5. *Makowa* are infertile fields in low rainfall areas. The Ndaou people call themselves the people of the *gowa* (a large dry, infertile low rainfall area).
6. One US dollar was 8.70 Zimbabwe dollars (Z\$) at the end of 1995.
7. This was for the months June, July and August. In addition, the son received from Cairns almost Z\$500 in September. Hence the son earned from 0.2 ha, Z\$3000 in the 1995 tomato season (June, July, August, September). His mother, Miriam, earned the same amount from the 0.2 ha she rented. The husband collected in total Z\$900. Based on these figures this family earned Z\$6900 from 1 acre. That is a good tomato harvest. According to opinions and records of other farmers, and from the lists of Cairns, the average is Z\$5000 dollars from 1 acre (0.4 ha). Costs such as fertiliser, seeds, pesticides other notes need to be deducted. The average tomato earnings from 0.4 ha are thus approximately Z\$4000.
8. The son received Z\$2500 during June, July and August (from private buyers (33 per cent) and Cairns (67 per cent)). He used the money as follows: *lobola* payments (40 per cent); savings account (20 per cent); payments of debts, beer, a gift to a brother (Z\$60), mother Miriam (Z\$50) and groceries (together 40 per cent). The son gave his wife a little money (6 per cent of Z\$2500) to buy groceries (mainly soap, salt, sugar) and to grind maize at the grinding mill. The mother also earned Z\$2,500 (33 per cent of the money from private buyers and 67 per cent from Cairns). In June when the tomato harvesting started, the private buyers paid Z\$30 per box which earned her Z\$750. In July and August when the tomatoes became abundant, the prices went down. Then the private buyers offered goods in exchange for tomatoes, which was mainly practised by women while men sold for cash. Miriam bartered 3 boxes of tomatoes for a plastic container, 10 boxes for 24 cups, and 5 boxes for one pot (in cash this amounted to Z\$300). She obtained clothes from the same arrangement. On top of that she earned Z\$300 in cash from the private buyers. Miriam used the money as follows: savings account (28 per cent); wardrobe (24 per cent); groceries (20 per cent); clothes for the children (16 per cent); goat, school fees, blanket (together 12 per cent).
9. That was the situation when I was writing this chapter. However, later Miriam (which is a pseudonym) was divorced, chased from the homestead and was never registered on the plot. She had to build her own hut. The village court decided that the children should stay with the father. He, however, is never present. The children wander around and a daughter has become pregnant. They are going to mother Miriam for food and support.

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10. These are quotations from the letter. Only full stops and some changes in the sentence construction are added. The same applies to the response of Agritex.
11. Maintenance here is the money charged from the husband, to enable a divorced wife to support her children.
12. That was the situation as I was writing this chapter. However, later the husband got a conflict with the irrigation supervisor (Agritex officer at local level). The husband went to Agritex district office and complained about the irrigation supervisor. Then the irrigation supervisor became angry with the husband and chose the side of the wife Fortunate (pseudonym) in the gender conflict over the plot (which he had not done earlier, see case 3). Finally, Agritex at the District level decided to follow the judgement of the community court to give the wife 1 acre (0.4 ha). However, Agritex, IMC and chiefs at the local level, did not want to register the name of the wife on 1 acre. Therefore problems continued to arise for a long time.
13. Maintenance here is the money charged by Agritex from the registered farmers. The money is devoted to maintain the irrigation scheme.
14. The community courts were created immediately after independence with a view to reduce the powers of the chiefs and to enlarge the jurisdiction of the formal judicial system.
15. See note 9. The husband took the case to the village court as Agritex suggested, because that was the only opportunity left for him to win the gender conflict over the plot. He anticipated that the traditional leaders would choose his side.
16. Many women and men are of the opinion that the property of a woman which she obtained during her life (cattle, goats, wardrobes and others) should go to her place of birth after her death. If that practice is ignored, the woman will *muka* (wake up) and her spirit will trouble the family in which she was married.
17. Ndaou men tend to emphasize that *lobola* defines the position of children in marriage, while Ndaou women emphasize the friendship between the two families. Gluckman (1965: 47) writes: '... a man pays cattle or goods for a bride. He is not purchasing a woman to be a concubine or a slave: a wife's rights are very different from those of such a person. He is validating the transfer of certain rights over the bride from her kin to himself, and establishing 'friendship' — in-law relationship — with those kin.'
18. The husband accused Fortunate of having a bad spirit, though Fortunate claims that African doctors had said this was not the case. He accused her because she challenged him after many years of accommodation. Accusing her of having bad spirits was a way of controlling her. That is one possible explanation I put forward in her case. Later I learnt that there are two bad spirits in the homestead, of a man and woman who were killed by the relatives of the husband. Spirits of people who are killed are always angry and express their wishes. The husband of Fortunate did not want to listen to the spirits and to brew beer to appease them. Therefore the spirits become 'bad', that is they trouble and make families unsettled. Bad spirits are perceived as witchcraft, because it often relates to the killing of a person in the (long) past. Ndaou men and women do not distinguish between sorcery and witchcraft because they perceive almost everything as witchcraft (*uroyi* meaning killing), including food poisoning because it aims to kill people.
19. In general women and men perceive the family as: husband and wife/wives with children

- and other relatives who all live within the boundary of one homestead, including the relatives who originate from that homestead but live somewhere else. Men and women use the concept *dzinza* if they refer to a much bigger group, the patrilineal extended kin or family (brothers of the husband and other relatives) or women's own family group.
20. Locadia Makora explained the Shona proverb: *Chawawana idya nehama, mutorwa anokanganwa*. This means literally: What you have, eat it with your relatives, a stranger (*mutorwa*: the one who is taken) will forget. This also refers to the position of a woman in the *dzinza* of the husband. She is not a relative, but a stranger, hence you should not tell her everything otherwise she will misuse the information.
 21. Pankhorst and Jacobs (1988: 223) conclude that many of the practices which disadvantage women at present are the result of gender ideology.
 22. Of course some women too, depending on the contexts, perpetuate existing or dominant images and values. Women and men tend to do so when it is in their own interests.
 23. For resettlement areas in Zimbabwe it is suggested that the permits should be issued in the name of *both* the husband and wife/wives (Gwaunza *et al.* 1994). Also for communal areas joint access to land is recommended (Mumba, 1996).



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