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**Integrated justice approach to land reform: Why is it
important and how?**

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Abstract

The unjust (re)distribution of resources (in this case land) between and amongst classes and gender persists. Justice lens is explored here to better understand and intervene in the agrarian land concern. As oftentimes, gender justice on land is neglected or hardly advanced by the state, the social movement, and even by the women's movement, the integrated justice approach is found here useful. In many experiences, including the Philippines, while peasant women lead and take the frontline roles in advancing land, the women's strategic gender interests are, however, often neglected and overshadowed by class-based concerns. This paper argues that the class and gender-based land injustice are interconnectedly shaped by economic maldistribution, cultural misrecognition, and political misrepresentation. Thus, land question requires analyses and interventions that integrate the economic, cultural, and political aspects of justice or here coined as integrated justice approach. This approach becomes more relevant considering the on-going agrarian structure, which is often marred by violence from the opposing landlords and lack of political will from the agrarian program enforcers, operating through an outdated set of gendered norms and values.

Keywords

Gender, integrated justice, land reform, (social) peasant movement, The Philippines.

Integrated justice approach to land reform: Why is it important and how?¹

1 Introduction

In many experiences, gender-based land injustice persists. Women seldom own the land they farm. For instance, according to World Bank's Development Report (2012), women who own land in Brazil is as little as 11 percent, women registered landholders in Kenya is only 5percent, while men's landholdings are three times more than women in Ghana. In Asia, Kieran et.al (2015) pointed out the serious lack of data on men and women's ownership of land including joint ownership. Joint ownership is only reported in India, Nepal and Vietnam and individual ownership or plot land ownership is only reported in Bagladesh, Tajikistan, Timor Leste and Vietnam. And while smaller gender gap is noted in the case of Vietnam, however, men are still twice more than women (2015:136). The registered women agrarian landholders in the Philippines account to an average of 30%, which is a significant number compared to other experiences as abovementioned, however, women beneficiaries are still more than twice lesser than men. These women beneficiaries are also likely widows or with absentee or disqualified husbands (Bejeno, 2021). Moreover, it can be observed that the data has barely increased from the recorded 29% in 1999 (Ibid). Regardless of this gender gap in land ownership in most of the countries, including the Philippines, however, the land reform discourse remains generally centered on class question, which in turn neglect gender injustice in land.

This article aims at contributing to understanding land (in)justice, highlighting gender (in)justice, especially given its marginal consideration in and its importance to the on-going agrarian discourse. In so doing, I explore Nancy Fraser's theory on justice. This paper argues that the on-going land and gender injustice on land are shaped by the on-going economic maldistribution, cultural misrecognition, and political misrepresentation in agrarian concern.

The article is organized as follows: the following section clarifies the concepts of justice and gender justice that are crucial building blocks in my argument. The second part discusses Fraser's integrated approach to justice, which informs the analysis of this article. The third part discusses the class and gender-based land injustice and the underlying structures, using the three-dimensions of land justice. And finally, the article concludes by discussing the potential implications for research, policy, and practice.

¹ The author acknowledges the Journal of Peasant Studies' Writeshop and the EADI Conference, which stimulates me to focus on this piece, which is taken from and part of my PhD thesis (Bejeno, 2021).

2 Concept of justice, gender justice and an integrated justice approach

In this article, the concept of (in)justice means economic (mal)distribution, cultural (mis)recognition, and political (mis)representation. Injustices are shaped by agrarian structure and cultural structure or patriarchy and political subordination that limits peoples, especially women's equal participation resulting to injustice.

In land reform and peasants' struggle, justice is often seen as the foundation of their demands and claims. Oftentimes, however, the various dimensions of justice are ignored, which render gender (in)justice negligible. Gender justice here means that peasant women (not only men) are recognized on their own right to own land independently or as co-owner of their husbands or partners in the event of all agrarian land redistribution (Bejeno, 2021). Thus, the notion of gender is taken here as about power relations, in this case, the power relations between male and female peasants. Hence, the aim is towards the transformation of power relations and the advancement of gender equality and social justice. This would mean not only about access to and control over resources but towards changes on perceptions of and on women, as citizen and human being (Cornwall, 2016). The transformation of social structure and power asymmetries towards a just society means that people (such as men and women) have equitable resources, standing and voice (Fraser, 2005). The access to and control over land will boost women's well-being, and the community's and society's, which is critical in women's empowerment and in ending women's subordination (Deere and Leon, 2003, Agarwal, 1994).

According to Fraser "justice requires social arrangements that permit all participants as peers in social life" (2005:73). To overcome injustice means eliminating the institutionalized barriers that hinder "parity participation" in societal interaction between and amongst social classes and status order. These institutionalized barriers include the economic, cultural, and political structures. Thus, an integrated approach to justice (Fraser, 1999/2005), becomes useful in understanding and bringing gender and class concern simultaneously to further understand and intervene in land (in)justice. This approach assumes that injustice is coming from economic maldistribution, cultural misrecognition especially women's subordination to men, and political misrepresentation. Thus, to pursue gender justice on land require an integrated approach that brings together the three spheres of land justice: economic distribution, cultural recognition, and political representation.

The economic sphere of justice centers on the redistribution of resources, where class structure is the main barriers. When people are deprived of required economic resources to participate fully in societal life, there is a distributive injustice (Fraser, 1999/2005). This subscribes to the Marxian understanding that class is an economic relation between the capitalist and proletariat, thus focuses on structures of exploitation and domination (Wright, E.O. 2009:60). In agrarian studies, scholars apply the notion of class in their examination of land structure. For instance, Borras, (1997/2007) investigated

the link between landlessness and peasants' socio-economic status in relation to land reform. Among others, the author found that landlessness has direct relationship between peasants' poverty and injustice and landowners' domination and violence (Ibid). Likewise, feminists' scholars found that women's landlessness is brought about by lack of land redistribution and lack of recognition of women's equal land rights (see for example, Deere and Leon, 2001 and Deere, 2017 and Jacobs, 2013).

The cultural sphere of justice centers on the recognition of status order, where gender relations (amongst other social status order/relations) is the main barrier. When people (in this case women) are deprived of required recognition to fully participate in societal life, there is recognition injustice (Fraser, 1999/2005). Gender injustice is produced and reproduced through patriarchy or male supremacy. This is described as "the institutional all-encompassing power that men have as a group over women, the systematic devaluation of all the roles and traits which the society has assigned to women." (Popkin, A., 1979). Under patriarchy, men obtain and maintain economic, cultural, and political dominance, on one hand, and women's subordination and oppression, on the other. This divide between hegemonic power of males and subordination of women shapes the societal everyday practices, norms, and public policies that in turn produce and reproduce gender-based injustice, including land injustice.

The political sphere of justice centers on the representation of peoples' voices and standing, where political structure is the main barrier. When people (especially poor women (and men) are deprived of participation, such as in framing policies, there is a representation injustice (Fraser, 2005). The political misrepresentation, for instance, in policy making (be it in peoples' organization or state agencies), may jeopardize the advancement of peoples' conditions (in this case women), including their marginalized or subordinated position.

Hence, the integrated justice approach, which consider the simultaneous scrutiny and intervention on economic redistribution, cultural recognition and political representation to address injustices resulting from economic maldistribution, cultural misrecognition, and political misrepresentation, is more useful justice approach if the aim is towards gender justice on land.

3 Gender-based land injustice and the underlying structures in the Philippines and elsewhere

Gender injustice on land persists, in the Philippines and elsewhere. For instance, in the Philippines, female agrarian registered beneficiaries are twice less than men (Bejeno, 2021). In World development report, a study in 16 developing countries noted that female-headed households are found less likely to own land and farm (World Bank, 2012). As mentioned above, women who own land can be as little as 11 percent, like in Brazil, or lesser as 5 percent, like in Kenya, or three times less than men, like in Ghana (Ibid). In Asia, as data is

available like in Vietnam, women is registered twice less than men (Kieran et.al, 2015).

This persistent women's inequality on land in many parts of the world are due to various reasons, including: 1.) laws and policies that are directly discriminatory to women's land rights; 2.) women's ignorance to their land rights; 3.) male bias and dominance in administrative, judicial, and other decision-making bodies; 4.) distribution of land is directed to household heads, which is oftentimes directed to men; and 5.) the strong opposition of men, on one hand, and non-assertion of women, on the other. The historical premium on men in land redistribution process and the underlying gender structure render women's less access to and control over land.

In South Asia, for instance, few women own land because of strong opposition of men, the social construction on gender need and role, the female low level of education, and male bias and dominance in administrative, judicial, and other decision-making bodies (Agarwal 1994). In Latin America, the gender equality on land are constrained by women's ignorance of joint ownership or direct ownership of land and the direct targeting of men or men's associations in land titling program, such as in Peru, Honduras, and Mexico (Deere and Leon, 2001). A recent study in 32 cases from Africa, Asia, and Latin America (Jacobs, 2013), the direct targeting of the household head (i.e. men) in the redistribution of land remain. More recently, targeting men as beneficiaries of compensations to land dispossession and rehabilitation and resettlement are also found in four cases in countries in Asia, Africa, and Europe (Levien, 2017). Direct targeting of men as beneficiaries on land redistribution or titling is similarly the case in Indonesia and the Philippines (Morgan, 2017; Bejeno, 2021; Leonard et.al, 2015; Alano, 2015).

These patriarchal norms, practices, and policies oftentimes impact women's participation in decision-making in the household and beyond, their decision on reproductive health (such as decision on the number of children and use of pre-natal or delivery care), mobility, bargaining power, domestic violence, and children's welfare, amongst others (see for example, World Bank, 2012).

Nonetheless, for rural women, access to land that ensure security of tenure is crucial for their economic empowerment and social bargaining power because oftentimes land equal entitlement is a condition towards access to other productive resources and social inclusion (or exclusion) (Agarwal, 1994, Deere and Leon, 2001). To a large extent, women's access to land is associated to access to other productive resources such as credit, inputs (such as high-quality varieties of seeds and inorganic fertilizers), farming equipment, and extension services to improve productivity. Without title to land, on the other hand, means lack of collateral required for credit and lack of access to inputs and services (World Bank, 2012; Agarwal, 1994; Deere and Leon, 2001; Leonard et.al, 2015; Bejeno, 2021). As FAO noted, "in most countries the share of female smallholders who can access credit is 5–10 percentage points lower than male smallholders" (DEVCO, EU Commission 2017). In most countries, the lack of access to credit abate the assets that female smallholders

can mobilize that further perpetuate a gender asset gap, which arises from the assumption that support to men will benefit women (ADB, 2013:19 and 29) The large and significant gender disparities in access to inputs (such as credit) and asset ownership result to gender productivity gap, while the same access to productive resources as men increased farm yields by 20–30 percent (or increase to agricultural output by 2.5 to 4 percent in developing countries) and in turn, reduce world’s hunger by 12–17 percent (Ibid: ADB, 2017 cited from FAO, 2010: 40).

Moreover, it is also found that women’s ownership of at least 25% of household assets increase women’s decision-making power within the household and on reproductive health concerns, such as in decision on the number of children and use of prenatal and delivery care (Ibid: ADB, 2013 cited from Beegle, Frankenberg, and Thomas, 2001). Meanwhile, in most countries, women have less decision-making power in households, communities, and societies, this include underrepresentation in formal politics, which is fewer than one-fifth of all cabinet positions, also in the judiciary and labor unions (Ibid).

Women’s ownership of land (or other assets) is also found to significantly reduce violence against women (Ibid: cited from Agarwal and Panda, 2007), as having property helps women flee from marital violence (Ibid: 28, cited from Friedemann-Sánchez, 2006; International Center for Research on Women [ICRW] 2006:12). Also, this enhances women’s mobility (including travel to the market, health center, and other places outside the community), and decisions on employment, health, independent use of money and impact children’s nutritional welfare (Ibid: cited from Swaminathan, Lahoti, and Suchitra 2012; Doss, 2005). According to OECD (2010), in countries where women lack right to own land there is an average of 60% more malnourished children compared to countries where women have some or equal access to credit and land (Ibid).

Notwithstanding the crucial role of women’s equal land entitlement, the gender-based land injustice persists. As Jacobs (2002) suggests, women’s exclusion from land entitlement is rooted from their subordinate position in the household as implied by the higher regard to production (often equated to men) and lower regard to reproduction (equated to women). This divide between the production and reproduction also implies that household head becomes the target beneficiaries of land redistribution. For instance, in Latin America (Deere and Leon, 2001), in South Asia (Agarwal, 1994), in Asia (Kieran et.al) and in the Philippines (Bejeno, 2021; Leonard et.al, 2015; Alano 2015; Borrás 2007). The household is often seen as one of the sites of women’s oppression and exploitation (Jacobs, 2002:33, Agarwal, 1994), which often lead to women’s exclusion to land rights (Deere and Leon 2001/1994; Leonard et.al, 2015; Bejeno, 2021). Moreover, the allocation of time for care and housework between men and women has consequence on access to land and income. Most women bear the responsibility and dedicate more time on housework and care regardless of income, “where women take up a bigger share of market work, they remain largely responsible for care and housework” (ADB, 2013). Women’s housework is ranging from one to three hours more

and two to ten times for care work (of children, elderly, and the sick), which has consequences for their leisure and well-being (Ibid).

In many societies, like the Philippines, women's labor or contribution to production is oftentimes undervalued if not devalued and the reproductive work is equivalent to 'unemployment' (Bejeno, 2021). As men are being considered as the farmworkers and the household heads, they remain the land reform beneficiaries (Bejeno, 2021; Leonard et.al, 2015). In effect, "the primacy given on economic or production over reproduction places women in less valued, invisible, and excluded socio-economic and political position" (Bejeno, 2021). In Brazil, the husband often represents the household and manages the assets given the cultural practices regardless of the availability of joint adjudication and titling (Deere and Leon, 2001, Deere, 2017). In south Africa, regardless of women being listed as independent household heads and beneficiaries, their land access is still determined by the patriarchal households (Walker, 2003:143).

Nonetheless, efforts are on-going in several countries where government adopted different mechanisms towards addressing the persistence of gender injustice to land. In the Philippines, women's equal land rights are now provided by CARPER and in public lands (apart from other national and international laws and agreements), which provide women's individual land entitlement or co-ownership with the husband/partner (Bejeno, 2021). Elsewhere, there efforts on joint tilting for couples (such as in Bolivia); prioritization of female household heads (such as in Venezuela/Ecuador, Chile, and Brazil); and joint titling and prioritization, such as in Brazil (Deere, 2017). In Asia, joint land ownership between men and women is reported in India, Nepal, and Vietnam, while individual and plot land ownership is reported only in Bangladesh, Tajikistan, Timor Leste, and Vietnam (Kieran et.al, 2015).

The progress, however, is slow. Oftentimes, this is because of the underlying assumptions that prevent the advancement of gender equality. For instance, the assumption on household and household head, which is important as it becomes the basis of identifying beneficiaries in land redistribution. For instance, in the Philippines (Bejeno, 2021; Leonard et.al, 2015), in South Asia (Agarwal 1994), in Latin America (Deere and Leon, 2001), in Africa (Doss et.al, 2014), and in Asia (Kieran et.al, 2015). Thus, critical feminists, have been criticizing the theorization of peasantries for assuming that household are unified and that household relations are egalitarian – without strong status hierarchy or power relations. Whereas household is often seen as sites of women's oppression (Jacobs, 2002:33, see also Agarwal, 1994) and women's exclusion on land ownership (Ibid; Bejeno, 2021; Kieran et.al, 2015; Leonard et.al, 2015). Moreover, even women have been listed as independent household heads and beneficiaries, their land access is determined by the patriarchal households, for instance in South Africa (Walker, 2003:143), and women often remain with fewer rights compared to men regardless of joint ownership to land (Doss et.al, 2014). Also, in terms of inheritance, for instance in case of widowhood (such as in sub-Saharan Africa), the women do not inherit from their husbands (Ibid).

In sum, the gender relation has a significant relationship with and between women's control of assets, decision making power within the household (including reproductive rights) and in communities, women's mobility, and children's (household) welfare. Land ownership contributes to women's household economic security, increased self-confidence and self-esteem, decision making power, and enhance social or community status. These put forward the need for further research and to intensify policy interventions to address gender-based land injustice and the access to and control over resources or class injustice in general.

4 Class injustice and the underlying agrarian structure

Landlessness or less access to and control over land is oftentimes a cause of injustice. For instance, in the Philippines, studies (for example, ADB, 2007; Quisumbing et.al, 2004 and Balisacan, 2007) suggest that limited access to land (including social services) is often a key cause of poverty and inequality, while the access to land is one key determinants of rural welfare. The Philippine National Statistics Office (2006) established that among the basic sectors, farmers are the second poorest (44%), next to the fisherfolks (49.9%). Thus, landlessness is a major factor in rural poverty as farmers lack an access to and control over land while few landed elites continuously hold several landholdings.

According to the Focus on the Global South, poverty is highest in and the poorest family is found from top fifteen provinces where large land redistribution backlogs are located (Manahan, 2013:11). Suggesting the high correlation of and impact by the land concentration among the few elite and poverty among landless peasants and farmworkers. For more than 30 years of CARP, however, the land reform implementation remains contentious, resulting to a slow progress. According to the Department of Agrarian Reform (DAR), from 1987 to June 2009, under Republic Act 6657 or the Comprehensive Agrarian Reform Law, 2.3+ million hectares of private agricultural lands and 1.7+ million non-private lands are covered, accounting to 4+ million hectares redistributed lands to 2.3+ million agrarian reform beneficiaries. Under Republic Act 9700, from July 2009 – December 2012, it has distributed 196,055 hectares private agricultural lands and 209,151 non-private agricultural lands with a total to 405,187 hectares to 210,586 ARBs installed (see www.dar.gov.ph).

Overall, for more than 30 years of CARP and its repeated extension, only 4.4+ million hectares are redistributed by the DAR. With DAR's CARP target of 5.2 million hectares around 800,000 hectares remains to be redistributed. This means that around 300,000 to 800,000 households (or 1.5 million to 4million individuals (calculated to an average of 5 members per household) may possibly benefit from land redistribution. However, contentions by the landowners remain strong that oftentimes result to violence and even deaths and in turn compel for peasants' movement (Bejeno, 2021).

In 2008, however, the World Bank concluded that smallholder's farming is one of the pathways out of poverty (World Bank, 2012). In recent UN SDG report (2020) the critical role of the small-scale farmers in food production worldwide is noted. Based on the available data, small-scale producers in Africa, Asia, and Latin America share in food production from 40 percent to 85 percent. Their productivity, however, is on average lower than large-scale producers, and in most countries have less than half of income of the larger producers. The recent Covid pandemic, however, caused the closure of businesses and local markets, which also prevent small-scale food producers to deliver their products to consumers (UN SDG report, 2020). Moreover, the difficulties in accessing land and other productive resources, including markets and opportunities, among others, are also noted (Ibid).

5 Political injustice and the underlying political misrepresentation

Progress towards the advancement of gender justice is already significant, set and led by the strong role of and by feminists' activism and scholarship including in land reform (Bejeno, 2021). Crucially, over the past several years, international interventions have advanced women's rights and gender equality, resulting to international agreements, laws, and policies, such as CEDAW and the Beijing Platform of Action, amongst others. Similarly, resulting to national policies and laws that recognizes women's equal rights, such as land rights, employment, education, amongst others (Bejeno, 2021, Batliwala, 2008).

The social movements priorities, however, were often directed to class or redistribution of resources concerns, which in effect stunted the advancement of gender justice (Bejeno 2021). In many instances, the gender agenda is seen 'divisive' (Agarwal, 1994, Deere and Leon, 2001). Also, regardless of women's active role and oftentimes frontline roles in the movement (Bejeno, 2021). In general, the rural social movements in different countries, such as Brazil, the Philippines, Central America, India, China, and elsewhere and their global campaign for agrarian reform often assert the redistributive land reform and class concern (Deere and Leon, 2003:272-274 and Agarwal, 1994). Therefore, in most instances, the advance on both land redistribution and recognition of women's land rights remain marginal if not absent in the social movement agenda and political strategies, including in bibingka strategy and rightful resistance (Bejeno, 2021).

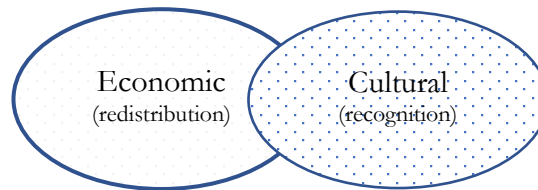
Overall, the class and gender-based land injustice are brought about by the class hierarchy or economic maldistribution, gender structure and politics that does not adhere to gender equality. These systems shape the economic, cultural, and political injustices that, in turn, influence public policies and political representation, which reinforces and reproduce gender-based injustices such as on land. As such land injustice can be understood and addressed better by taking together the interlinkages of economic, cultural, and political dimensions if the aim is towards land justice.

6 Towards land justice

The discussions above provide evidence that class-based land injustice due to class hierarchy and or economic maldistribution cannot be understood and addressed adequately through economic distribution approach alone. Similarly, the gender-based land injustice due to patriarchy and or cultural misrecognition cannot be understood and addressed adequately through cultural recognition approach alone. Likewise, the political injustice. Rather, a three-dimensional or integrated approach to justice that integrates economic distribution, cultural recognition, and political representation offers a more useful perspective.

Fraser's proposal is a critique to the earlier justice approaches that focuses on either economic injustice thus, concentrated on economic redistribution or cultural injustice thus, concentrated on cultural recognition approach. Hence, she proposes a two-dimensional approach (see Figure 1).

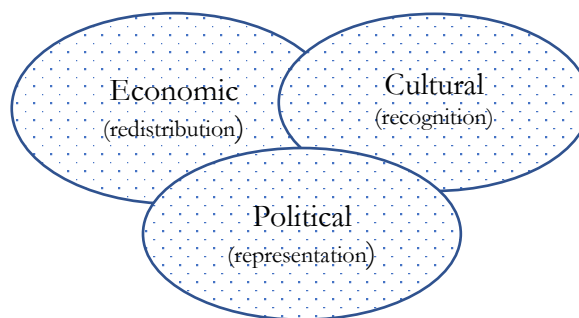
Figure 1
Two-dimensional approach to land justice
based on Nancy Fraser (1999/2005)



In this approach, it is viewed that injustice is produced by both economic maldistribution and cultural misrecognition, thus should be understood, and addressed through economic redistribution and cultural recognition. In practice, for example, the justice demand is land redistribution that equally recognizes both peasant men and women. Thus, regardless of gender, men and women peasants are expected to be entitled to a piece of land on their own name as individual or as co-owner with the husband or partner.

Later, Fraser (2005) integrated the political dimension, which is then coined as three-dimensional approach or the three R's: redistribution, recognition, and representation (see Figure 2).

Figure 2
Three-dimensional approach to land justice
based on Nancy Fraser (1999/2005)



The three-dimensional approach to justice is the integration of economic redistribution, cultural recognition, and political representation to understand and address the class and gender (amongst other status order) injustices resulting from the economic maldistribution, cultural misrecognition, and political misrepresentation, brought about by agrarian structure and patriarchal system.

This means that to be able to advance land justice, the three R's are fundamental: redistribution, recognition, and representation. Each of which is considered distinct but interconnected and irreducible to each other. Here, I coined this as integrated justice approach. This justice approach that integrates the economic, cultural, and political dimensions is viewed here more useful in pursuing land justice or the claims or demands for economic redistribution to redress economic (land) maldistribution; claims or demands for cultural recognition (women's equality on land) to redress cultural misrecognition; and claims and demands for political representation (equal opportunities for voices and participation) to redress political misrepresentation.

7 Conclusion

Land justice is a social justice concern. In this article, the theoretical and empirical discussion shows that class, and gender-based land injustices are caused fundamentally by agrarian structure and gender structure, which is oftentimes not integrated in political actions. These in turn create and maintain economic maldistribution, cultural misrecognition, and political misrepresentation. Thus, it is forwarded that to effectively understand and address the persistent land injustice the following challenges needs attention: First, an integrated approach to justice might be more useful in the analysis and discourse on agrarian or land reform matters. Second, a serious consideration by the social movement and theorists on looking simultaneously the three-dimensions of injustices in their approach: the economic (mal)distribution, cultural (mis)recognition, and political (mis)representation. This emphasizes that there is no justice without gender justice. Third, between and among the movements (social/women), broadening alliances and utilizing multiple strategies to counter the agrarian structure and patriarchal system within institutions, including within the state agencies and civil society organizations, and the society in general has proved more useful. Ultimately, the integration of economic, cultural, and political dimensions in any research, policy, and practices could be more useful in the advancement of land and gender justice.

Consequently, this integrated approach could lead to the transformation of gender inequality. As EU noted (2017), to transform gender inequality “implies dealing with the root causes of gender discrimination, addressing the legal, administrative and economic concerns, and also the perceptions and practices around the recognition and promotion of women’s

land rights.” (2017:34). Analysis of root causes of gender injustice are required, as well the identification of the aims, which include the recognition of women’s land rights through legislation; promotion and protection of women’s land rights, such as land registration and access to legal services; changes in community practices, beliefs and attitudes; and women’s representation and participation in land governance to increase their voices (Ibid).

Overall, to transform gender injustice on land involves challenging at least three existing power structures: the ideologies that justify and sustains gender inequality (beliefs, attitudes, and practices that uphold social hierarchies); the resources and its distribution and control (material, financial, human and intellectual); and the institutions and systems that reproduce unequal power relations (family, community, market, education, law, and state amongst others) (Bejeno, 2021).

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