

WORKING PAPER / 2014.02

Household decision- making and gender relations in Tanzania.

Literature and theory review.

Katrien **Van Aelst**

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WORKING PAPER / 2014.02

ISSN 2294-8643

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April 2014

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ABSTRACT

This working paper briefly compares statistical, economic and anthropological views of the household, and describes the main determinants of intrahousehold bargaining and decision-making powers. Next, it discusses the shortcomings of the economic household models: their lack of attention to social norms and the non-bargaining area (i.e. the possibility of latent decision-making or non-decision-making). Additional insights in the Tanzanian household context are gained, through empirical evidence from the academic literature and the Tanzanian Demographic and Health Surveys; as well as from the country's legislation.

INTRODUCTION

“The significant differences between the economic position of men, women, and children within the patriarchal household mean that it cannot be treated as an undifferentiated unit of analysis” (Folbre, 1986: 6).

This working paper is written as part of a PhD project that seeks to investigate the influence of gender relations and intrahousehold decision-making processes on the adoption levels of strategies to deal with climatic variability (by which we mean specifically the increasing unpredictability of rainfall and occurrence of extreme climatic events). As other societies, the Tanzanian society is characterized by a certain degree of gendered labour division: women and men are not only expected to behave in a distinguished way, they are also (ideologically) expected to perform separate tasks (e.g. women are fetching water and firewood, while men perform heavy physical wage labour). These distinguished (ideological and/or physical) gender realities induce the existence of gendered preferences: men and women face different incentives, trade-offs and have different interests, which might consequently lead to differential preferences (e.g. in how to deal with and which decisions to make in the face of climate variability).

Even though these gender differences have been much researched, only scant attention has been paid to the blackbox of the household, which is nevertheless a highly gendered rather than a neutral local institution. For indeed, the household serves as an important intermediary between the individual and the policy level and can mediate incentives from the government in ways that are often unforeseen by these policies.

To gain insights into the influence of intrahousehold bargaining powers on decisions to adopt climate variability coping/adaptation strategies, this working paper collects insights from both theory and literature on intrahousehold decision-making. What does theory and literature tell us about the determinants of decision-making power; and what can this tell us about the processes through which intrahousehold bargaining influences men’s and women’s adoption of adaptation practices?

In this working paper, we seek to develop an analytical framework for researching intra-household bargaining processes. First we address the existing theoretical models of household bargaining by briefly comparing statistical, anthropological (1.1) and economic modelling (1.2) views of the household. Next, we discuss the importance of social norms and the non-bargaining area as the blind spot of the economic household models (1.3). In conclusion of this first part, we then develop these insights into an analytical framework, thus integrating the determinants of bargaining power and the bargaining area into a single, comprehensive model (1.4). In the second part, we focus on evidence relating to household bargaining and decision-making in Tanzania as an exploratory case study. After looking at a number of (family) law reforms (2.1), we focus on studies on the gendered divisions of labour, and bargaining power within the household, agricultural and water sectors (2.2).

1. CONCEPTS AND THEORETICAL MODELS OF THE HOUSEHOLD AND INTRAHOUSEHOLD BARGAINING

1.1. Definitions and views of the household: statistical and anthropological perspectives

This section begins by critically discussing the household as a statistical unit and some associated concerns. Providing examples from Tanzania, the question is posed whether anthropological perspectives can bridge the discrepancy between the household as a statistical concept and the complex social realities it refers to. Next, we seek to offer a conceptualisation of the household that is both empirically workable and grounded in social reality.

A good place to start a discussion of the definition of the household is to look at the still frequently used definition of the United Nations. In 1986, the UN defined the household as “people living together under one roof, eating out of one kitchen and sharing one common budget”, a definition that is quite restraining, demanding three conditions to be fulfilled at the same time (UN, 1986). Nowadays, research finds that most surveys lack uniform household definitions. Almost all definitions would be concerned with living and eating together, and some with the pooling of resources. The three components of the UN definition still seem predominant in defining the household, even though the presence of all three components is no longer required (Deaton, 1997).

Randall et al. (2011), investigating a total of 2,367 articles referring to household data, find that 97% of them did not have a clear-cut definition of the household (Ib.: 225). Most did not even explain or justify what they understood under the term ‘household’. Tanzanian government surveys use several definitions in practice, even though the National Bureau of Statistics put forward one single household definition in its 2005 survey manual, defining it as “a socio-economic unit that consists of one or more persons with common living and catering arrangements. Such persons are usually, but not always related to each other by blood or marriage... A husband with more than one wife and who spends his time in more than one household is counted as a household member if he spends at least half of his time in that household”. Definitions of household characteristics are also frequently lacking. Budlender (2003) examining South African surveys, concludes that “there is little clarity about what dimension of headship is sought when data on household head are collected. Is it authority, economic contribution, knowledge about the management of the household budget, age, or tradition?”. This indicates that the household as a concept is assumed to be unproblematic in many survey studies. According to Randall et al.’s analysis most survey data users do not realise that there might be problems with household data, and “implicitly assume that a household as a statistical unit accurately represents the household as a social unit” (Ib.: 225).

This lack of attention to the social reality of the household can partly be explained by survey professionals’ concern with households as ‘statistical households’. Their disciplinary culture attaches great value to the avoidance of double-counting; the household as a tool for international standardisation, for facilitating comparability, and the identification of household heads; and as providing a useful sampling frame (Randall et al., 2011), leaving little room for possibly conflicting demands for household conceptualisation such as local experiences of the household.

While not wishing to downplay the importance of these statistical concerns, I do want to point out three associated problems of focusing on the household solely as a statistical unit. First, we will discuss local variation and flexibility in the social reality of household formation. Second, we deal with the self-definition of households, that is how involved social actors construct and perceive their households and its' boundaries. Third, we touch upon the linguistic complications that can impact upon the quality of survey definitions of the household.

Firstly, local variation and flexibility in household variation. Too much focus on generalising findings etc. might lead to a disregarding of local social and cultural differences relevant for household modelling. Are household definitions sufficiently flexible to encompass a country's cultural specificities? According to Randall et al. (2011: 217), "[h]ouseholds as defined by survey statisticians may bear little resemblance to the social unit in which people live." Similarly, Gittelsohn and Mookherji (1997: 168) state that "[l]ocal concepts of "household" often differ significantly from those of an outsider". Anthropological insights of the household may prove instructive in bridging such discrepancies. According to Gittelsohn and Mookherji contributions will especially stem from the anthropologist's focus on the emic perspective (that is, focussing on the insider's own points of view as opposed to interpretations based on an outsider's perspective) and the range of methods available in the anthropological toolbox. Considering some anthropological studies on the household in Tanzania might thus be extremely useful.

The 1995 comprehensive collection of anthropological essays "Gender, Family and Household in Tanzania", edited by Creighton and Omari, shows the wide variety of household structures, compositions and functionings in Tanzania. The book critiques the (early) sociological and economic conceptualisations of the household for their projection of the nuclear family as it exists in Europe and North America. As in other African countries, individuals in Tanzania may frequently change households, resource flows may often be intended for persons beyond the household, and household members may (temporarily) migrate. For example, Campbell (1995) describes a household whereof the sons and husband (household head) are non-resident, yet are acknowledged as full household members and even granted a prominent role in financial decision-making.

Consequently, it must be acknowledged that it is difficult to pose generalisations of household behaviour in Tanzania (Campbell, 1995), as a huge variation exists in Tanzanian households across ethnic groups, lineage, religions, region, and local customs (Forster, 1995). Forster for instance discusses marked differences between monogamous and polygamous communities. Typically, polygamous households consist of several nuclear families (that is each co-wife and her children), each having a high degree of autonomy. Even though the husband might be the head of the (extended) household, he might often be more of a visitor to each sub-unit, lacking detailed information on household functioning (Forster, 1995; Omari, 1995). Both Forster and Omari, however, warn not to minimize the variations in household decision-making among polygamous households, or to contrast one single model of a polygamous household with monogamous households. Stereotypical assertions such as 'monogamous households always pool their resources whereas polygamous households do not' are to be avoided. Research by Caplan (1995) on a monogamous relationship in a Swahili community in northern Mafia Island, Tanzania, supports this point, showing that households in these communities are complex, with

women and men holding separate resources, while cooperating in production. Clear-cut divisions of labour along gender lines in this community are based among others on Islamic Law, or more precisely on a specific interpretation thereof. The Islamic ideal that men have the responsibility to provide food and clothes to their wives and children, was practically translated into men being responsible for purchased food, while women bearing responsibility of subsistence farming. An African household's boundaries might be hard to define. Omari's study (1995), for instance, shows that a household can consist of more than one homestead. This practice is not restricted to polygamous households; also married sons, or unmarried and single mothers might live together in a compound. Omari states that nuclear families are not dominant in mainland Tanzania: data from 1993 suggests that households with three or more related adults are far more dominant than households consisting of two related adults of the opposite sex (1995: 210), an element that from time to time seems to be ignored by economic household models. Furthermore, she points out that in 1993, 28% of married women had co-wives, thus being in polygamous marriages. Polygamy furthermore, is not linked solely to Islam.

There also exists much variation among and between matrilineal and patrilineal societies, the latter comprising about 80% of Tanzania's population (Rwebangira, 1996; Englert, 2008). Moreover, a general shift has been observed in many matrilineal societies, towards the inclusion of more patrilineal practices. The patrilineal-matrilineal divide is thus more of a continuum in practice, and neither of the extreme ends are static or fixed. For example, the Kwaya, a traditionally matrilineal community, gradually incorporated patrilineal practices when the local Catholic church encouraged them to pay bridewealth upon marriage, in an attempt to lower the number of divorces (Forster, 1995; Bryceson, 1995; Englert, 2008). An example from the matrilineal communities of the Uluguru Mountains, Morogoro Region, finds that the traditional matrilineal practices are under negotiation, and practices such as matrilineal residence are today primarily seen as a choice of the couple. The newlyweds are likely to move to the matrilineal kin, yet this might be for a period of time as short as a week. Depending on their financial capacity, they can afterwards move anywhere they want (Ingbert, 2008). According to Omari (1995), matrilineal societies typically present women with more (symbolic) power, even though men are still dominant. However, because the dominant men are part of the matrilineal kin group, antagonism between men and women is expected to be less pronounced compared to patrilineal situations (where husband and wife form the central relationship and both belong to a different kin groups). Similarly, in the matrilineal Asante kinship system in Ghana, it is brother and sister who form the most important and permanent bond, not husband and wife. Ideally, husband and wife continue to live separately with their own natal families as before they were married (Clark, 2010).

In conclusion, there exists a huge variation in Tanzanian households, a social reality that is easily forgotten and denied when looking at households predominantly as a statistical unit.

A **second** problem related to conceiving households as statistical units emerges when one considers the variety of ways in which households are constructed and conceived by its members (i.e. self-definition). Focusing on the household as a statistical unit involves a one-way process: the aim of survey professionals is for respondents to interpret 'correctly' what the household is, and thus how they should answer questions relating to it. Randall et al. (2011: 221) illustrate this point with two extracts from interviews with demographers involved in the Tanzanian Demographic and Health Surveys (DHS):

“And it’s not letting them self-define usual residence, for example, students who live in dormitories nine months during the year when you ask ‘Where is your usual residence?’ they may say their parents’ house but from our definition they are not, I mean they are usual residents in the hostel where they stay most of the year so it’s not a self-defining thing...”

“... The head of the household has to be a usual resident in that household. So if the man is off in the Middle East... working you know, the woman,... the wife, may say he is the head of the household but according to our definition it’s not possible because he is not a usual resident.”

These quotes clearly illustrate the conflicts that can exist between respondents’ own interpretations of household-related questions and the survey’s ‘standard definition’ of the household, and who does (not) belong to it, and does (not) qualify to be the household head. Whose definition and perspective is most valuable?

In this regard, it is important to avoid reifying the household and to frame gender and household relations within broader social relations (community, kin, neighbours, village) (Creighton and Omari, 1995). It is sensible to consider whether the household is actually a significant unit of analysis. Might in an African context non-resident, kinship or religious-based groups not be more influential than households in mediating behaviours such as income pooling, labour-force decisions, migration etc.? Deaton (1997), Haddad et al. (1997), and Bruce and Lloyd (1997) indeed acknowledge that the household might not be the relevant unit of analysis for some decisions, for example in cases where the (head of the) lineage has the power to organise labour and migration of its members, or to control communal assets. Similarly, a mother-in-law might have specific decision-making power in the household, and may have more diverging interests vis-à-vis the couple than might exist between the spouses themselves. Husband-wife relationships might thus not be the most antagonistic ones in the intra-household bargaining process. Therefore, if people’s own lived experiences indicate the irrelevance of the household to certain decisions, using it as a unit of analysis risks reifying a household unit without specific social meanings and might feed into bad research and policy outcomes. Creighton and Omari, however, conclude that it depends on the specific context, with research on rural Tanzania suggesting that the household may indeed be of substantial importance for many decisions (referring to Booth, 1994; Rubin, 1985).

Thirdly, we address the linguistic complications that can impact upon the quality of survey definitions of the household. In the Tanzanian context, for instance, there are linguistic complications due to connotations related to household terminology resulting from the country’s specific historical developments. In the 1970s the National Bureau of Statistics, National Kiswahili Council and Department of Kiswahili at the University of Dar es Salaam, decided that the Swahili word that corresponded best with the UN definition of a household was ‘kaya’. This term was however not unproblematic, as it had also been used during the villagization (ujamaa) policy of Tanzania’s post-independence government. Ten-cell units, each comprising ten households and one ten-cell leader, were the lowest level of village organisation in the ujamaa system, and were also called ‘kaya’. To a degree this ten-cell system still functions today (mainly in rural Tanzania), regulating access to certain services. People’s registration in the ten-cell system can influence how “they represent themselves as households to any survey interviewer, even if their social organisation does not, in fact, match survey criteria” (Randall et al., 2011: 224). This indicates that views of the household as a statistical unit disregard complications associated with local historical developments of the meanings attached to household terminology. However, such terminology and local policy developments

persistently influence people's ways of thinking, and should thus not be ignored.

In conclusion, the statistical conceptualisation of the household often aims primarily to achieve comparability, standardisation, identification of heads of household etc., meanwhile neglecting its grounds in social reality. Tanzanian households, however, exhibit much variation, among others along the lines of (but also within groups of) polygamous vs. monogamous households; matrilineal vs. patrilineal households; and between rural and urban areas. In addition, self-definition and linguistic challenges further complicate statistical conceptualisations of the household. How then, can we deal with these challenges?

First of all, it is useful to apply a broader and overarching definition of Tanzanian households that is able to include a range of cultural differences. Bryceson (1995), for example, deals with the aforementioned challenges by defining the household in a way that leaves space for a broad range of cultural variations and phenomena, yet does not lose its value for empirical analysis. She sees the household as: "the collective identity of a group of individuals unified by commonly held factor endowments and one or more of the following: a common budget arising from greater or lesser degrees of income pooling, common cooking quarters, and/or a common residence" (Ib.: 39). Factor endowments "consist of land, labour and/or capital derived from the pooling of 'entitlements' as legal and social rights held by the individual" (Ib.: 39). An individual's entitlements are furthermore determined by the cultural values and norms of the wider community, e.g. rights associated with an individual's gender, marital status or age. An individual does not need to contribute all its entitlements to the household. Campbell furthermore emphasises the dynamic nature of the household, stating that it is a "set of relationships whose content is continuously re-negotiated by co-resident members", thereby contrasting it with a "bounded, homogeneous or harmonious social unit" (1995: 179).

Further specifying the nature of households is of course recommended for more local studies within Tanzania. Illustrating their approach with a number of detailed examples, Gittelsohn and Mookherji (1997) offer an anthropological approach that can prove extremely useful for local, in-depth studies. Utilising a range of anthropological methods such as key informant interviewing, focus groups, direct and participant observation, and systematic data collection methods such as free listing, pile sorting and ranking, they encourage researchers to identify local concepts of the household (as well as local perceptions of intra-household resource allocation and decision-making procedures). An alternative approach is to let villages self-identify their households through village-based social mapping. Households can then self-define their boundaries through discussion with fellow villagers (Chambers, 2008).

Randall et al. (2011) propose some additional suggestions to increase the local relevance and applicability of statistical household conceptualisations and its characteristics. For example, they suggest to replace data on household headship "with data on relationship between different household members, recorded either in a grid form or by identifying smaller units within households (e.g., married couples or parents and children) and recording the closest relationship to any individual rather than to the (apparent) household head." (Ib.: 226). Moreover, they suggest recording the nature of membership relations, for example 'polygamous man', 'provider', 'occasional resident', etc. Lastly, they suggest replacing the term 'household' in the sense of a statistical unit, by a term such as 'local residential unit'.

These considerations will of course be taken into account in the PhD project, not in the least because of the local variability in and the relational nature of the central notion of

'gender', dealing with socially constructed roles and relations of power between men and women, and boys and girls. Consequently, I will use both surveys and qualitative methods, thus effectively triangulating the research data in order to tackle the three aforementioned problems: opening up the household concept for complex and diverging realities; integrating the emic perspective (self-definition of households); and taking into account linguistic subtleties when preparing data collection instruments.

1.2. Views of the household: an overview of economic intrahousehold allocation models

In this section, we will investigate the theoretical literature relating to the degree of shared and separate (gender) interests in the household and subsequent (non-)bargaining in the household, mainly through looking at economic household modelling. We will give a short overview of the evolution of these models, keeping in mind the already discussed anthropological insights of Tanzanian households.

Two main household models are distinguished in the economic literature: the unitary versus the collective (preference) approach. In what follows, these two approaches are described and compared, giving particular attention to how they conceptualise the household; whether they emphasise cooperation, conflict or both; and their assumptions as to how individual household members aggregated their preferences (into one collective choice). This latter issue is approached very differently by the unitary and the collective preference models, as is described below.

1.2.1. The Unitary Approach

The unitary approach is strongly influenced by classical economic theories and Gary Becker's Household Economics or New Home Economics, projecting neoclassical market logic on household and family functioning. Becker's model specifications assume that the household possesses a single set of preferences and pools resources such as time, labour, and household and market goods, aiming to generate a maximum household utility (Haddad et al., 1997). The aggregation of individual utility functions into a joint utility function entails an altruistic household head or benevolent dictator, whose objective is to ensure the interests of the other household members. The joint utility function is in fact represented by the dictator's individual utility function, which is assumed to be positively dependent on the other members' utility (assumption of interdependent preferences) (Sen, 1990; Holvoet, 1999).

Ironically, Becker sees altruism as the dominant behaviour within the household, whereas outside the household, in the market place, these same people behave selfishly, considering only their individual utility maximisation. Consequently, many authors, including Creighton and Omari (1995), critique the model's downplaying of conflict within the household, and of opposing interests and domination within marriage and family life (e.g. Rotten Kid Theorem). Becker's model thus trivialises conflict and overestimates cooperation within the household, a critique that is taken into account in the collective preference approach. Other critiques include the model's assumption of perfect information, and that it is difficult to reconcile with empirical evidence (cf. the existence of domestic violence).

The unitary approach is compatible with different assumptions with regards to in-

trahousehold resource distribution. For example, the wealth model assumes transfers within the household towards the more poorly endowed offspring, whereas the separate earnings-transfers model assumes parents do not solely take equity concerns into account but also efficiency, as they want to maximise the returns on the investments in their children (Haddad et al., 1997). The marriage market perspective claims that potential spouses negotiate in a pre-marriage state about the distribution of assets and gains from marriage. Due to competition between potential wedding candidates, those who can contribute more assets to the household, are promised higher future benefits from it (Fafchamps et al., 2009). With the marriage market model in mind, Fafchamps et al. (2009: 567) claim that “[t]o explain inequality within households [resulting from unequal intra-household allocations], the theoretical literature has focused on two main ideas: the functioning of the marriage market; and bargaining within the household”. The latter refers to the second main approach to intrahousehold allocation: the collective preference models.

1.2.2. The Collective Preference Approach

In contrast to the unitary approach, the collective preference approach takes into account both the theoretical notions and the simultaneous existence of cooperation and conflict, and acknowledges that individual and differing preferences cannot simply be presented as the individual utility function of one household member, such as its head. How then does the collective preference approach assume these individual preferences are aggregated at the household level? This happens through an intrahousehold bargaining process. The approach actually consists of a variety of alternative bargaining models, each looking at how the fruits of cooperation are distributed within the household. The division of these benefits from cooperation can be seen to indirectly reflect the bargaining powers of the different household members (outcome-level measure). How strong one’s threat point or breakdown position is (that is, one’s well-being level in case the household is, or is threatened, to be broken down), affects one’s relative bargaining power vis-à-vis one’s household members. Household members will bargain over a range of collusive arrangements, all of which are preferred to the breakdown position by both persons. At this point only conflict remains, as household members rank the possible arrangements in exactly the opposite way (Haddad et al., 1997; Sen, 1990). However, as Sen stresses, “each person knows that the choice between any such collusive arrangement and the breakdown position is a matter of cooperation since the former is better for [all household members]” (Sen, 1990: 132). Two models aspire to solve the aggregation question in a different way: the cooperative and non-cooperative models.

1.2.2.1. The Cooperative Collective Preference Models

The cooperative collective preference models assume cooperation in the sense of pooling and joint allocation of resources. Some of the cooperative models assume Pareto-efficiency, others a specific bargaining process directing the household allocations (Haddad et al., 1997; Lundberg and Pollak, 2003). In the former, efficiency guarantees – through comparative advantages – that when the husband’s opportunity cost of time increases, female labour in the household is reallocated towards the production of household public goods (as compared to market production) (Holvoet, 1999). In the case of a bargaining process, it is acknowledged that potential spouses cannot pre-commit to a specific distribution of utility within their future household, therefore the allocation of resources in the household depends on a bargaining process performed during the marriage itself. In this case, extra-household or extra-marital environmental parameters (EEPs)

gain relevance, as they influence spouses' bargaining powers through their impact on threat points (Manser and Brown, 1980; McElroy and Horney, 1981) (more on EEPs in section 1.3.).

At this point it is interesting to investigate which forms threat points can adopt. The literature suggests two main categories: firstly, an outside option, separation from the household or divorce; and secondly, an inside option, non-cooperation within an existing household (Fafchamps and Quisumbing, 2002). Both threat points are discussed below.

A. The Cooperative Collective Preference Models with Outside Threat Point

The cooperative collective preference model using divorce as a threat point assumes that when there is disagreement within the marriage, the spouses can return to the 'single state situation'. In other words, the opportunity cost of marriage is the potential utility a spouse can obtain in the case of disagreement, that is in the single state situation, after divorce or separation. The single state positions are therefore approximations of the threat points (Manser and Brown, 1980; McElroy and Horney, 1981). The reasoning is that when a woman has better outside options and alternatives, she will be more inclined towards ending her marriage or relationship, especially if the cost of being dominated by her husband is high while the cost of leaving the relationship is lower (e.g. Resource Theory). Then what determines the proportion of these respective costs? If the individual threat points remain within the utility possibilities frontier, the formation of a household provides benefits to its members. Since there are no long term contracts determining intra-household resource allocation - as future partners cannot pre-commit to intra-household resource allocations - bargaining over the unique equilibrium within the bargaining set is required. When the bargaining set is small, intra-household bargaining will be less relevant and influential. In contrast, when the bargaining set is larger, and there is more marriage-specific-capital, then bargaining gains importance. Changes in threat points alter the household's collective preference, as a higher weight is given to those commodities preferred by the individual whose threat point has improved. EEPs can thus have considerable impact on threat points (Holvoet, 1999).

B. The Cooperative Collective Preference Models with Inside Threat Point

In the cooperative collective preference model using an inside threat point, the threat point is a non-cooperative equilibrium. This means that in the intrahousehold bargaining process a member can threaten with non-cooperation within the marriage, when the threat of marital dissolution is not credible or effective due to disproportional costs. In case of small, daily decision-making threatening with divorce is not credible and its high transaction costs do not make it an attractive option. Furthermore, it is not an effective threat if the spouse(s) are not really free to leave the marriage due to legal, social or cultural limitations. Non-cooperation within the marriage can be practised in various ways: e.g. reduced contributions to the production of household public goods, the disproportional use of household funds for one's own expenditure preferences, the refusal to have sex etc. (Fafchamps et al., 2009; Fafchamps and Quisumbaum, 2002).

An important form of the cooperative collective preference model is the "Separate Spheres" bargaining model (Lundberg and Pollak, 1993; 1996). This model is found to be very rele-

vant in many (developing) countries, where women's and men's everyday experiences are strongly separated. That is, when men and women produce different crops, provide labour for different production stages, have decision-making power in different spheres of the household etc. In this case men and women are very specialised along gender lines, and often have separate fields of decision-making, taking the decisions and strategies of their spouse within their respective domains as given, natural or non-disputable (Lundberg and Pollak, 1993). This does not necessarily mean that the decision-making powers between the genders are unequally distributed. This separation may very well be induced by a desire to minimise coordination and transaction costs within marriage. Whether or not its distribution is unequal depends on how the fields of decision-making are allocated, for example, are they chosen by the spouses themselves or not; and on whether their decision-making power in these fields is absolute (Lundberg and Pollak, 1993). Typically, women are responsible for the household's daily needs, requiring a constant small amount of money. When this resource is lacking, jeopardising the expenditures in the female sphere, women are in practice granted nothing more than an implementation power, rather than actual decision-making power. They become managers of a small budget, while men holding resources are the ones possessing actual orchestration power (Safilios-Rothschild 1990 as referred to in Holvoet, 1999). Similarly to the outside-threat-point model, the Separate Spheres Model predicts that individuals will remain at the separate spheres equilibrium when they believe the transfer costs of leaving their non-cooperative equilibrium will be higher than the potential gains from cooperation. When the separate spheres equilibrium is preferred, there will be no explicit bargaining. However, the division of resources, tasks and time will follow the existing gender norms, roles and tasks (Lundberg and Pollak, 1993). In other words, this model conceptualises marriage as a cooperative game, "but with a threat point that is a non-cooperative equilibrium within marriage, based on traditional gender roles" (Haddad et al., 1997: 9).

C. Cooperative Conflict Model

Amartya Sen's Cooperative Conflict Model conceptualises the household as an institution where household members simultaneously face a problem of cooperation and conflict: respectively adding to total household availabilities, and distributing these total availabilities within the household. Sen's model contributes to the other bargaining models, through its attention for perceptions and contributions. Sen does not assume clear and unambiguous perceptions of individual interests. Consequently, one may choose a bargaining solution in the space of perceived interests, instead of that of actual individual well-being. Similarly, the perception of one's contributions to the overall family well-being determine the legitimacy of one's claim to enjoy a certain share of the fruits of cooperation. The perceived contributor is favoured with regard to the cooperative outcome. Sen labels this the perceived contribution response: "given other things, if in the accounting of the respective outcomes, a person was perceived as making a larger contribution to the overall opulence of the group, then the collusive solution, if different, would be more favourable to that person" (Sen, 1990: 136). In this regard, women are - on average - disadvantaged because their lower educational achievements and wage incomes negatively influence their perceived ability to contribute to the economic well-being of the family. This, in turn, worsens their breakdown position and thus their bargaining power. According to Sen, having a source of earnings outside the house is especially important to positively affect the perceptions of one's contribution. Time and non-paid labour investment, however, are not perceived as similarly valuable (Sen, 1990).

Next to other people's perceptions of one's contributions, self-perception is just as relevant since an individual's preferences are influenced by his or her individual perceptions. Sen suggests that "given other things, if the self-interest perception of one of the persons were to attach less value to his or her own well-being, then the collusive solution, if different, would be less favourable to that person, in terms of well-being" (1990: 136) (the perceived interest response). Sen indicates that individual preferences are not separate of cultural (gender) ideologies. Even individual perceptions are not strictly individual, as they are largely formed in a socialisation process, consequently reflecting deep-rooted social and cultural norms and values such as gender norms. Gender norms and values socialise an individual as to how she/he can, should, or prefers to act; what she/he can, should or prefers to wear; and what are her/his 'natural' tasks, or what he/she prefers to do. Ideals of gender identities are upheld as a set of meta-preferences in which individual preferences are framed and can develop. For example, women might internalise society's systematic gender discrimination, as a result undervaluing their own (labour, financial) contributions to their family's welfare (Holvoet, 1999).

Sen's model unfolded an interesting discussion between himself and Agarwal concerning women's perceived interests. Are women's perceptions of their own contributions blinded by their internalisation of society's systematic gender discrimination? Does their undervaluation of their contributions make them perceive themselves as putting undeserved claims on household resources (legitimacy question)? Sen argues that women - especially those in traditional societies - can indeed perceive their own interests falsely, being socialised within a society discriminating against themselves. Therefore, he finds it necessary to include objective well-being measures in the analysis of cooperative conflicts and gender inequality more broadly, since women's subjective accounts of their well-being may not be correct (Sen, 1990). As Sen puts it: "It can be a serious error to take the absence of protests and questioning of inequality as evidence of the absence of that inequality" (Sen, 1990: 126). One can thus draw the conclusion that - at the outcome level - "more decision-making power for women who have internalised the principles of gender discrimination will not necessarily lead to more equal allocations of household resources towards women and girls" (Holvoet, 1999: xx).

Agarwal (1997) however, challenges Sen's account of women's alleged false consciousness. She argues instead that women are constrained, not by a false consciousness, but by a lack of resources (financial, time, infrastructure) and by rigid normative systems promoting gender inequality (e.g. social disapproval of divorce by the community, risk of isolation after divorce). Agarwal stresses that women often show covert non-compliance, and that "it can... be an error to take the absence of overt protest as the absence of a questioning of inequality [by women]. Compliance need not imply complicity." (Agarwal, 1997: 25, emphasis in original). Moreover, according to Agarwal, bargaining over legitimacy involves various levels. Striving for gender equality through extra-household bargaining at different levels of society - within the state and the local community, arenas where legitimacy is actually determined -, facilitates the gender struggles at the micro level, and is at the same time its prerequisite. When a claim is perceived as socially or legally legitimate, individual women can then start bargaining for it, e.g. within their households and families (Agarwal, 1997; Holvoet, 1999). Agarwal's theoretical contributions to the bargaining discussion will be further elaborated on in section 1.4. below.

1.2.2.2. The Non-Cooperative Collective Preference Models

In non-cooperative collective preference models, contrary to the bargaining models described above, household members' incomes are not assumed to be pooled, nor are Pareto-optimal outcomes assumed from the start.

The 'Conjugal Contract Model' is an important example of non-cooperative collective preference models. The conjugal contract model sees the household as consisting of autonomous gender-specific sub-economies that are connected by reciprocal claims on household members' income, land, goods and labour (Haddad et al., 1997). The 'conjugal contract' comprises exactly those terms under which household members exchange goods, incomes and services (that is, the level of transfers within the household). Following this model, women respond to a reallocation of labour (along the lines of comparative advantages), only if it is compensated by a re-bargaining of the conjugal contract. For example, by providing a higher allocation towards the female expenditure sphere. Empirical evidence supports this hypothesis, showing that not all allocations of household labour are Pareto-efficient and do not always conform to the logic of comparative advantages. Thus, in the Conjugal Contract Model, the resource allocation outcome is a non-cooperative (Nash) equilibrium, even though the optimal level of transfers (whereupon the resource allocation is conditional) is a Nash-bargaining solution. Put differently: "Once the transfer level is obtained, both partners decide relatively autonomously and simultaneously about the allocation of resources" (Holvoet, 1999: xx) in their own gender-specific economies.

The degree of patriarchy in society is a vital influencing factor of the terms of the contract. In case of complete patriarchy, when women do not have a voice, it is the husband who autonomously determines the terms of the conjugal contract. The Conjugal Contract Model is more likely to be relevant in situations where men and women have their own agricultural plots, when there exists gender-segmentation at the crop level, and when household members possess separate budgets (Holvoet, 1999). A downside of the model is, however, that it requires an additional effort in data collection, namely the gathering of data on intrahousehold resource transfers. These data might be hard to obtain given its sensitive nature and its vulnerability to measurement error.

In the next section we address some of the shortcomings inherent to the household bargaining models in general, specifically their tendency to neglect social norms and the possibility of latent (non-)decision-making.

1.3. Social norms and the non-bargaining area

In the same way as the bargaining models were a response to the unitary models' rosy picture of intrahousehold decision-making and the existence of an altruistic household head, Jackson (2007) critiques the bargaining model's tendency to overemphasise the separateness of interests in marriage. Jackson emphasises that marriage can be a form of gender co-operation beneficial to women: "[s]eparate and shared interests are cultural representations and social acts, and not simply conjugal rules which equate the shared with patriarchy and the separate with women's gender interests" (2007: 122). Jackson points out that marriage as an institution might have a material value to women, particularly as a safety net. Nevertheless, this safety net often takes the form of a conditional social insurance: "the politics of entitlements to sup-

port are such that one needs to be a deserving woman, a compliant woman, who performs her gender roles with socially acknowledged success, to be certain of support in the event of unforeseen shocks” (Jackson, 2007: 118). This indicates the importance of social (gender) norms, as has been discussed by Bina Agarwal before. In her 1997 article “Bargaining and Gender Relations: Within and Beyond the Household”, Agarwal was the first scholar to systematically distinguish the key role played by social norms in the intrahousehold bargaining process. This role of social norms is four-fold. Firstly, social norms constituting the non-bargaining area; secondly, social norms as determinants of and constraints to bargaining power; thirdly, social norms influence how bargaining is conducted; and fourthly, social norms are endogenous to the bargaining process. All four are described in more detail below.

Firstly, and most significantly for this PhD project, Agarwal illustrates that norms form limits to what can be bargained about. That is, social norms delimit what constitutes the so-called ‘bargaining area’ – a set of decisions or topics that can be bargained and negotiated over and that can be imagined as viable to change –, and what belongs to the ‘non-bargaining area’ – decisions which are so deeply enrooted in cultural and social practices, values and norms that even the mere possibility of their (viability to) change is non-imaginable or hard to imagine; these decisions are believed to be incontestable. Social norms and values thus determine which decisions are socially legitimate to bargain over. Examples of widely accepted norms and practices which are hard to bargain over – and are thus situated within the non-bargaining area – are the gendered divisions of labour both within and outside the home, which criteria are used to value individuals’ contributions and to decide over the ‘equitable’ allocation of resources, etc. The latter are all typically informed by tradition, custom or ‘common sense’. Consequently, it is clear that the above described bargaining theories assume a certain degree of agency, without sufficiently taking into account structural constraints to this agency. Furthermore, Agarwal acknowledges that norms may also limit bargaining by restricting the scope of contestation, rather than contestation as such. For example, one may be able to bargain over the participation of boys in water fetching, while the possibility of men assisting in this task might be non-negotiable. Additionally, Agarwal notes that bargaining will be easier (or getting a decision into the bargaining area is easier) when there already exists a socially legitimate claim to a certain share of an item, and it is only the size of that share that is under dispute. Women’s rights to land are an evident example of this. Consequently, a primary concern when analysing the nature of intrahousehold bargaining and decision-making processes should be to examine the (permeable) nature of the boundary between the bargaining and the non-bargaining area, and how easily decisions can move from one area to the other. These observations by Agarwal are of significant importance to the PhD project, especially as it aims to inquire into some elements that are most likely situated within the non-bargaining area, and are thus not actively negotiated over, such as water-related gendered divisions of labour, etc.

Secondly, social norms and values are both determinants of and/or constraints to bargaining power. For example, social norms can disadvantage women in the intrahousehold bargaining process, by weakening their earning possibilities in the market place and ideologically constructing women as dependents and men as breadwinners. Similarly, social norms can impinge on the possibility of leaving one’s marriage, both through its influence on economic prospects outside marriage as through the social acceptability of divorce (for either both or one sex).

Thirdly, social norms influence how bargaining is conducted. Women might be constrained by gender norms in being assertive and loud, subsequently adversely affecting her position in the bargaining process. Whereas men may pursue more aggressive and effective bargaining forms and strategies. Agarwal describes that “[w]omen may be pushed to using implicit forms of contestation. Persistent complaining, pleading ill-health, playing off male affines and consanguines against each other, threatening to return to the natal home, withdrawing into silence, and withholding sex from husbands, are all means by which women are noted to bargain within the family... These can, however, prove less effective in many contexts than more explicit forms of bargaining.” (Agarwal, 1997: 18). These implicit forms of contestation are nevertheless in line with the arguments Agarwal put forward in the debate with Sen (see 1.2): individual actors are able to appropriate social norms and ideologies in their own interest. Women may, for instance, deliberately renounce from participation formal decision-making processes such as Water Use Associations, in order to exert more informal influence on social practices, through e.g. gifts and social visits (Zwarteveen 2007, Van Aelst 2012).

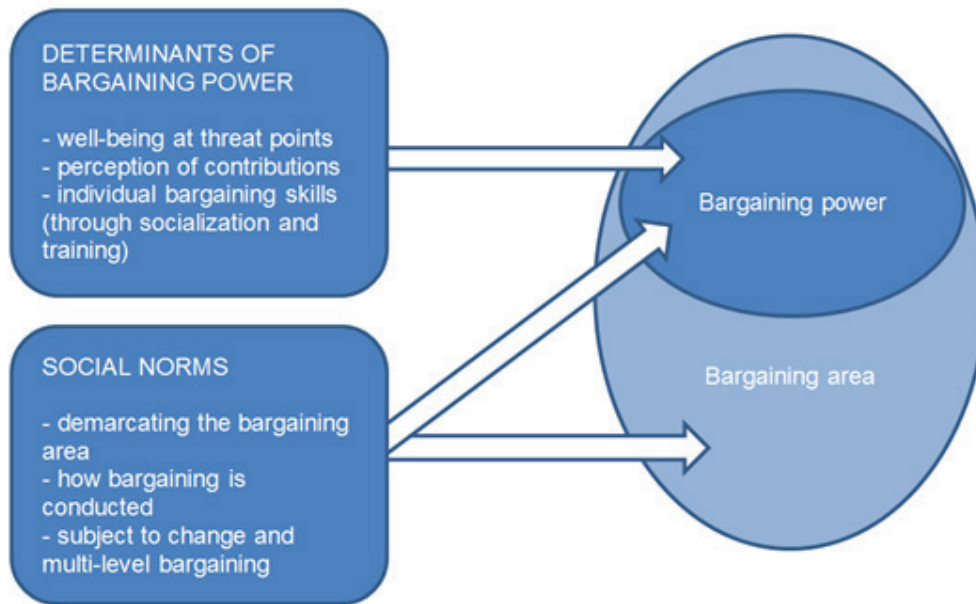
Fourthly, Agarwal argues that social norms themselves are subject to change and negotiation, which means that they are endogenous to intrahousehold bargaining processes (they can thus be bargained over). Such changes, however, are dependent upon the interaction of these intrahousehold bargaining processes with extrahousehold factors (e.g. economic factors incentivising to challenge social norms, and social groups and institutions providing platforms thereto). The latter can be considered as the importance of multi-level bargaining, and the importance of legitimacy and perceptions beyond the household to achieve change of these perceptions within the household, or e.g. change what is perceived as socially legitimate to bargain over within the household. The influence between intra- and extra-household bargaining of course is a two-way process. For example, “a woman’s typically weaker intra-household bargaining power would also weaken her extra-household bargaining power (compared with men), if her husband and marital family oppose her stand” (Agarwal, 1997: 31). Extra-household bargaining can also relate to the role of the state. If the government takes in gender-progressive positions in policies and legislation, “it provides space for individual women or individual households to exit from or openly contest a community’s gender-retrogressive stranglehold. It also provides space for women to build organized resistance against gender-retrogressive practices prevailing in the community and/or household” (Ib.: 36). Consequently, section 2 (infra) offers some insights into Tanzanian policies and practices which either play a role in determining individual’s (intra-household) bargaining powers or can serve as a facilitating extra-household bargaining arena to legitimise intra-household bargaining.

In the next section, we will integrate the aforementioned intrahousehold bargaining models (1.2) with Agarwal’s contribution on social norms and the non-bargaining area (1.3), into an elaborated analytical framework.

1.4. Towards an analytical framework

In this section, I will develop an analytical framework, including all theoretically predicted factors determining bargaining and decision-making powers within the household, as well as the factors determining the broader bargaining area. The analytical framework is schematically represented below.

Figure 1: analytical framework



The upper part of the framework represents the factors that can be found to influence the spouses' relative bargaining powers. Three key determinants of intrahousehold bargaining and decision-making powers can be distinguished: firstly, the well-being level at the breakdown position or threat points; secondly, the perception of contributions made by the different household members and the claims arising from these contributions (perceived legitimacy); thirdly, people's individual bargaining skills (as obtained through socialization and/or training). In what follows I will describe all three key determinants and if relevant, the factors that in turn determine them.

First of all, the well-being (Nash) and/or perceived interests (Sen) at the threat point or breakdown position are a widely recognised factor determining intrahousehold bargaining powers (Sen, 1990). The distinction between 'well-being' and 'perceived interests' concerns a difference in interpretation that was previously clarified (see 1.2.2: Nash bargaining models versus Sen's Cooperative Conflict Model). Both models describe how threat points (or well-being levels at the breakdown position) influence one's bargaining power: a more favourable bargaining outcome will be secured if one can expect a higher well-being in the fallback position and thus a more secure situation. Fear of the breakdown position governs the bargaining process, and thus its outcome. As Sen puts it: "given other things, if the breakdown position of one person were worse in terms of well-being, then the collusive solution, if different, would be less favourable to his or her well-being" (1990: 135) (this is the breakdown well-being response). Household members' well-being levels at the threat point or breakdown position depend on a number of factors which differ if the threat point is internal (non-cooperation within marriage) respectively external (divorce or separation).

In the case of a **divorce threat point**, one's well-being level at breakdown depends primarily on one's earnings outside the household or one's potential income-earning possibilities outside the home. Which welfare and income level will a spouse be able to ascertain after divorce? (Sen, 1990; Holvoet, 1999; Fafchamps et al., 2009). These potential earnings of course depend on the specific labour market conditions a spouse is confronted with (for example strongly

gendered labour market where women/men cannot perform work that belongs to the other gender's work domain, or where women's earnings are systematically below men's). A spouse's previous labour market decisions of course also influences his or her later possibilities. Foregoing wage labour to stay at home and care for the children increases one's marriage-specific capital but substantially reduces her market-specific human capital, again lowering her earning capacity.¹ Policy measures on the other hand, such as alimony and child support payments, can have a positive influence on -mostly women's - income after divorce (at least if she gained custody of her children) (Haddad et al., 1997; Fafchamps et al., 2009). Next to this, material support from kin and other networks can prove vital in protecting someone's well-being level after divorce.

On top of one's expected income after divorce, it also is important how the matrimonial assets are distributed between the spouses upon divorce (Fafchamps et al., 2009). With regard to this distribution of assets, divorce law is of course critical. How much assets a spouse can obtain upon divorce according to divorce law determines how much well-being they can negotiate for themselves within the marriage (McElroy and Horney, 1981 as referred to in Fafchamps et al., 2009). Human capital and support from one's networks is also influential in this negotiation process. Likewise, the assets a spouse has brought into marriage are an important reference point as to how much they can wish to retrieve after divorce, as well as a spouse's degree of control over (his/her own pooled or others') assets obtained during marriage (Fafchamps and Quisumbing, 2002; Bryceson, 1995).² With regard to the former, Bryceson (1995) notices women's disadvantage, as they often hold considerably lower individual entitlements than men, especially in rural Tanzania, therefore also being less likely to pool individual entitlements into the household's resource endowment.

Other elements influencing one's well-being level after divorce are the likelihood that a spouse will perform well on the (re)marriage market; as well as a spouse's personal values and feelings, for instance the importance they grant to having children within marriage (McElroy and Horney, 1990; Haddad et al., 1997; Freidmann-Sanchez, 2006).

In case of a **non-cooperative threat point** within marriage, what is relevant is not the welfare a spouse can expect after divorce, but the welfare this spouse can achieve in a non-cooperative marriage. It is thus not divorce law that is relevant here, but the rules regarding the management of household assets during the marriage itself. This means that the well-being at the breakdown position is mainly dependent on the management of household finances (do the spouses have separate purses?), the possibility to obtain independent sources of income within marriage³, the control over the allocation of one's own labour, et cetera. Furthermore, as in the case where divorce is the threat point, assets brought to marriage and control over assets during marriage are important (Fafchamps et al., 2009; Fafchamps and Quisumbaum, 2002).

[1] Note that there is an on-going discussion among scholars on whether or not to include factors such as wage income as a determinant of threat points (wage income being determined within the household, being dependent on decisions made within the household, and thus being endogenous). McElroy and Horney (1990) for instance, use non-wage income in their analysis, which is exogenous (e.g. inheritance is not influenced by decision to remain in marriage or not). Sen (1990) on the other hand, does include wage income in his analysis, as he argues that an increase in wage income induces an increase in perceived contribution to the household economy. Some scholars see domestic violence as an endogenous variable as well (e.g. Fafchamps et al., 2009).

[2] Even though evidence of Ethiopia shows that the assets brought to marriage are found to have little impact in case of disposition upon the death of a spouse, this is not the case for divorce. Similarly, they find that *control* over assets during marriage rather than their *ownership* of these assets is actually influential with regard to women's welfare after divorce. Thus, "[c]ontrol over assets is associated with larger claims over these assets upon divorce" (Fafchamps and Quisumbing, 2002: 76).

[3] Bryceson (1995) further points out that while a household member's non-pooled income is not directly beneficial to other household members, it is, indeed, indirectly beneficial to them, as it relieves pressure on the pooled income, thus allowing the pooled resources to be spend more freely. However, members' independent incomes are often not accessible by and not even known to other individuals in the household.

Moreover, bargaining powers are influenced by threat uttered by a household member vis-à-vis another. More specifically, it concerns threats of the occurrence of a harmful action if the bargaining process fails, and ends in divorce or non-cooperation. For instance, domestic violence can in this way be employed as a bargaining instrument: it can affect both the threat points and utility functions of both partners, and can as such be used as an instrument to redistribute intra-household resources (Bloch and Rao, 2002). Evidence from India suggests that the presence of domestic violence often has the aim of extracting more resources from the bride or the bride's natal family; it thus aims to renegotiate the optimal level of intra-household or intra-family transfers, weakening the wife's bargaining position, and strengthens the position of the husband. In the above situation the husband's bargaining power depends on conviction rates; stigma of using domestic violence or the social acceptance thereof by the community; and whether or not his wife has an exit-option through divorce (Bloch and Rao, 2002). The wife's threat point on the other hand is increased through the same variables as suggested by the Separate Spheres Model: independent income, support from networks, government policies (targeted transfers) and access to credit programmes (Holvoet, 1999).

Second, next to a spouse's well-being at the threat point, his/her bargaining power is also determined by the perception of his/her contributions to the household and the subsequent claims in terms of intrahousehold resource allocation that these perceived contributions admit. Perceived contributions can also be linked to the 'marriage/cohabitation contract', described earlier, and more specifically to the social (gendered) rights and obligations entailed in the contract (Bryceson, 1995), and how well people live up to them. These expected gender roles and behaviours change with age and one's phase in the life cycle. For example, especially women's decision-making power and status in the household and family often depend on whether or not she has (male) children. Her gendered performance and subsequent social status may influence her perceived right to be involved in decision-making in the household. Moreover, as discussed by Sen (1990), perceptions of one's own contributions to the household economy and of the legitimacy of one's claims are an important factor in the bargaining process. In this regard, one's earnings outside the household are very influential, as their visible nature (compared to time and domestic labour contributions to the household) positively influences the one's perceived contributions to the household's economic position (both self-perception and perception by other household members). An example from Ghana - where women are highly dominant as market traders - can illustrate the importance of perceptions (Clark, 2010). In the 1970s Ghana's terms of trade worsened dramatically, leading to higher prices for imports and lower prices for exports; its inflation rate consistently remained high, with prices doubling each year; while at the same time real incomes plummeted substantially to about 10% of their 1960 value. The public rhetoric blamed market women for this economic situation, depicting them as useless parasites (2010). The material consequences were violent raids by soldiers in the market place, but also at the household level more fights occurred over relative incomes and (perceived) contributions to family expenses.

The third factor directly influencing household members' bargaining powers are their respective negotiation or bargaining skills. Spouses might simply possess different bargaining abilities (Fafchamps et al., 2009). Under negotiation skills, we could also understand the effect of (women's) participation in local decision-making institutions such as the Village Water Committee. This participation may (mainly positively) influence women's bargaining power within the household through its educational and empowering effect, its visible contribution, its network-effect (women organising themselves, participants enlarging their network), and its direct contribution to decisions made on the village-level, paving the way for claiming

similar legitimate claims within the household (Agarwal, 1997).

The lower part of the analytical framework (see figure 1) represent how social norms have an impact on the bargaining area through three general mechanisms. First, social norms help demarcating the bargaining area from the non-bargaining area, that is, social norms help determine which issues can or cannot become subject of bargaining processes. It may be the case, for instance, that the gendered labour division within households is largely determined by tradition and customs, rather than conscious decisions. Second, social norms have an influence on how bargaining is conducted. Nevertheless, it should be noted that individual actors are generally able to make creative use of these social norms to their own advantage. Whereas women may be excluded from formal decision-making processes, they may, for instance, make legitimate use of more informal social practices such as gifts or social visits in order to increase their influence on social practices. Third, it should be noted that social norms themselves are subject to change, mostly through multi-level bargaining processes. For instance, if women begin to obtain formal access to Water User Associations, they may thereby simultaneously improve their intrahousehold bargaining position, and gain the ability to make water-related issues subject to explicit bargaining processes. How these social norms work, however, is crucially dependent upon the local situation. Consequently, I will deal with these social norms more elaborately in section 2, by focussing on Tanzanian norms and traditions.

2. BARGAINING AND DECISION-MAKING POWERS IN TANZANIA

This section provides an application of the theoretical determinants of threat points and bargaining powers discussed in section 1, aiming to give an indication of the bargaining powers that men and women in Tanzania may possess. Section 2.1 covers a number of legal and policy situations in Tanzania, which may facilitate people's bargaining agency, or give us an initial idea about the structures and constraints imposed on them. An overview of this legal perspective (family law, land law and inheritance law) may offer some initial insights into the scope for (intra-household) bargaining. Section 2.2 discusses some evidence from Tanzania on the existing gendered divisions of labour and decision-making relating to household issues, agriculture and water-related decisions. Can legal pluralism provide an opportunity in terms of multi-level and multi-forum bargaining?

2.1. Bargaining and decision-making powers in Tanzania: a legal perspective

Tanzania's legal system is pluralistic, combining elements of statutory, customary and religious (primarily Islamic) law. Legal pluralism is defined by Franz and Keebet von Benda-Beckmann (2006: 14) as the coexistence "within the same social order, or social or geographical space, [of] more than one body of law, pertaining to more or less the same set of activities". This relates to the coexistence of, for example, statutory, religious, customary, project or donor law, organisational law and a variety of local norms. However, not all these legal frameworks carry the same weight or are hold the same amount of power. Statutory law, for instance, might often be more widespread, powerful and standardly used by state officials (Meinzen-Dick and Pradhan, 2002). This system entails a great deal of complexity and may often appear paradoxical (Oxfam International, 2013). Indeed, Meinzen-Dick and Pradhan (2002) argue that legal pluralism can increase knowledge uncertainty, since it becomes less clear which legal frameworks are applicable and how other people will behave and act. Similarly, people may not know all the laws in the repertoire which they can draw from. Nevertheless, they argue that these knowledge

uncertainties do not necessarily form obstacles to sustainable and equitable natural resources management: “legal pluralism distributes knowledge uncertainties among the different stakeholders, so that no one has a monopoly on knowledge, nor is anyone likely to be totally without some notion of property rights” (Ib.: 15). Furthermore, legal pluralism offers a number of other potential advantages, the first one of which is forum shopping: that is “us[ing] different normative repertoires in different contexts or forums depending on which law or interpretation of law they believe is most likely to support their claims” (Ib.: 5). Which legal framework is addressed depends on both the subject’s knowledge and resources, the dispute’s context, the power relations surrounding it, et cetera. Legal pluralism thus offers people several (fora) options and some flexibility for claiming their rights. Consequently, I argue that the choice of the bargaining forum – that is the choice of the rules of the bargaining game – may well be more important than the actual bargaining process within the specific forum (see also Ansoms and Holvoet, 2008 on Rwanda: e.g. customary vs. statutory fora, women pick fora where they stand stronger through collective action). A second advantage is that legal pluralism may provide an adaptive or coping strategy in situations of high (ecological, livelihood, social and political) uncertainty (Meinzen-Dick and Pradhan, 2002). However, a downside is that conflicting interpretations with regard to the applicable laws, will often be decided on in the advantage of those who already possess a stronger bargaining position (see e.g. Ansoms and Holvoet, 2008 on Rwanda).

A discussion exists as well on the degree of flexibility provided by customary legal systems. According to Englert (2008) for instance, customary law may offer both men and women advantages because of its lack of written, static form and concomitant flexibility and room for bargaining. Others (Cleaver, Lecoutere) warn against customary law’s role in reproducing existing unequal societal relations. In what follows I will give a brief description of relevant elements of Tanzania’s Constitution, family law, inheritance and land laws. In this section, the focus lies on outside threat points, and on broader social norms regulating the bargaining area.

2.1.1. Tanzania’s Constitution

Tanzania’s Constitution is rather ambiguous on women’s rights and gender, as it does not specifically mention the subject. The following extracts of the Constitution are relevant with regard to gender equality (United Republic of Tanzania, 1998; McAuslan, 2010). Section 12(1) states that “[a]ll humans beings are born free, and are all equal”, and section 13(1) adds that “[a]ll persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law”. The latter sections make no explicit mention of gender, for instance when describing ‘discrimination’. However, this does not imply a legitimisation of gender discrimination (McAuslan, 2010). Next, section 24(1) offers an important guarantee of rights of property ownership for women and men, stating that “[e]very person is entitled to own property, and has a right to the protection of his property held in accordance with the law”.

2.1.2. Family law

This section offers a description of the marriage and family law in Tanzania, and its relationship to gendered asset ownership, child custody etc. Prior to 1971, Tanzania’s family law was governed by custom and religious belief, differing per local community (Peterman, 2011). In 1971, Tanzania’s Law of Marriage Act (LMA) was approved, regulating the division of matrimonial assets, and the custody and maintenance of children in case of separation or divorce. Standardising marriage and divorce throughout the country, the LMA legally supersedes Islamic and customary Law. However, it should be kept in mind that even though the latter are

no longer legally applicable, they still influence people's attitudes, behaviours, and practices, especially in rural areas (Rwebangira, 1996; Bryceson, 1995; Ansoms and Holvoet, 2008). In other words, while women's outside threat points have in principle been improved through national law reforms, these improvements have in practice been mitigated by recurrent social norms and lack of application of the laws protecting women.

The LMA grants married women equal rights to men in acquiring, holding and disposing of property. In case of separation or divorce, the LMA regulates the division of matrimonial property. Section 114(2) of the LMA prescribes that marital property must be divided upon separation, according to the spouses' contributions; that is property acquired through joint effort shall be equally divided. There has been quite some discussions on the interpretation of 'joint effort'. Does this require each spouse to have income-earning activities? That is, to contribute financially to the household? This has long been the favoured interpretation in court, as it was argued that women's unpaid domestic work did not really count as 'joint effort', but being simply their 'wifely duties'. In 1983 a landmark ruling in the Court of Appeal recognised women's domestic work and childcare activities as a contribution to matrimonial assets, thus constituting a joint effort. However, in practice women rarely acquire half of the matrimonial assets, as the courts find it difficult to ascertain the actual household contributions made by wives. Similarly, customary Law offers resistance to, as well as various interpretations of the LMA, contributing to the insecurity about what exactly the wife can receive upon divorce (Rwebangira, 1996; Peterman, 2011; Ikdaahl, 2008; Bryceson, 1995). As we have seen earlier, perceptions of women's contributions to the household may thus have a decisive impact on their bargaining power. Apart from these legal constraints, it is often found culturally inappropriate to claim a husband's property after divorce. If a woman's community perceives it as improper for her to demand her share of the matrimonial assets (Rwebangira, 1996), a fear of social exclusion and stigmatisation will most likely weigh on a woman's decision to challenge her husband in court. In any case, there is a large likelihood of impoverishment after divorce, independent of a woman's living standard while still in marriage (Ib.).

In relation to custody of children, the LMA offers mothers the possibility to demand custody of her children, an important right in Tanzania's mainly patrilineal society where children traditionally belong to the father's clan. The deciding element here is the children's welfare.⁴ However, the father usually remains the one who is granted custody of the children after divorce. If he contests the mother's custody claim, he is more likely to get custody. Only if he does not contest her claim, does she make a fair chance to regain custody of her children. During the (often long) court process, the mother usually has to leave her child(ren) behind (Rwebangira, 1996). Consequently, "many women adhere to bad marriages for fear of losing her custody of their children should the father contest it" (Rwebangira, 1996: xx). With regard to the maintenance of children, the LMA requests only the father to provide his children with accommodation, clothing, food, and education (independent of whether or not they are in his custody). Mothers do not have this duty, except when the father has deceased, his whereabouts are currently not known or, he is presently unable to provide the maintenance. However, in case of remarriage of the mother⁵, the father is no longer obliged to pay maintenance for this children. As a result, the mother's remarriage goes hand in hand with important financial repercussions for both the mother and her children (Ib.).

[4] Yet, in practice economic considerations often seem to be more important. Is the father willing to pay maintenance for the children? (Rwebangira, 1996)

[5] Or the restarting of cohabitation with her husband.

The LMA further requires the registration of the marriage as being either monogamous or polygamous; and although the Act did not ban bride wealth, it did state that it is not required⁶ (Bryceson, 1995). According to Bryceson (1995), the potential positive impact of the LMA on women's bargaining power was negatively mediated by the following factors:

- The male bias in the court system through gendered stereotypes and role expectations;
- The lack of legal education of the population, making women unaware of their new rights (both in rural (Peterman, 2011) and urban areas (Ikdaahl, 2008 for Dar es Salaam));
- The law's incomplete protection of women's economic welfare in marriage, thus mitigating the potentially positive effects of these laws on their outside threat points.

2.1.3. Inheritance law

Tanzania's inheritance law is legally pluralistic, consisting of customary, Islamic, and statutory law, and including more specific ordinances such as the Indian Succession Act, and the non-Christian Asiatic Succession Ordinance. To decide which legal system is applicable, different rules hold. For instance, for rural Africans, it is assumed that customary Law applies, unless the contrary is proven. For African Muslims on the contrary, Islamic law applies unless it can be shown that the intention of the deceased was otherwise (mode of life test) (Rwebangira, 1996).

The written form of Tanzania's customary law applies only to patrilineal communities (about 80% of Tanzania's population) (Rwebangira, 1996). These patrilineal communities' customary law protects clan and family land against alienation. Female children cannot inherit land, as they are 'transitional passengers' in patrilocal communities.⁷ Only when there are no male heirs, can women inherit. Even then, there are extra restrictions on women's land behaviour, such as a prohibition to sale or bequeath the land. However, in 1989, the High Court decided that forbidding only female heirs from disposing of clan land by sale was unconstitutional because of its discriminatory nature (Ib.).

Islamic Law is based on the Qur'an. Even though in theory women have at least some right to a share of the inherited land, in practice female heirs are unprovided for. They inherit in the third degree, which means after the eldest son (by the most senior wife in case of polygamous household) and all other sons⁸. If there are no male heirs, daughters can be the main heirs (government notice 436) (Ib.).

Statutory Law, as enacted by Parliament, applies to those of European origin and those Christians for whom Customary Law does not hold. As like the Indian Succession Act,

[6] Yet, for many Tanzanian women it is still a vital element to become a valued member of the community (Bryceson, 1995).

[7] Patrilocal means that daughters will move to the family/clan of their husband. As a result, they are seen by their natal family as 'transitional passengers' ('msafari' in Swahili). This is often the reason why natal families invest less in girls compared to boys, since the investments in girls are seen to be lost once she moves to her husband's family (Rwebangira, 1996). Furthermore, the removal of girls from their natal village and family severely reduces their social capital at the time of marriage, as the (extra-household) network they can rely on shrinks considerably and they are often regarded as outsiders by their husbands' families.

[8] Heir in the first degree inherits a third of the land. Heirs in second degree, are entitled to between a tenth and a fifth of the land, independent of the seniority of their mother. Daughters can inherit whatever remains after the heirs in first and second degree have inherited their land (Rwebangira, 1996).

and the non-Christian Asiatic Succession Ordinance, the Statutory Law is rarely used. The latter however is considered as more egalitarian towards male and female heirs compared to Islamic and Customary Law (Ib.).

There is much to be said about widows' vulnerable position within the existing inheritance systems⁹. Widows usually only have inheritance rights through their children. "Her share is to be cared for by her children, just as she cared for them." (Rwebangira, 1996: xx). As mentioned above, daughters are heirs in the third degree. This means that widows can only inherit when there are no children nor male relatives; a situation that is very rare. "She may have contributed the most to the survival of the family and acquisition of assets; yet her property rights are not secured unless she has a son(s) or there are no other existing or former wives, dead or alive, with sons." (Ib.: xx). As concluded by Rwebangira, this law in practice penalises women for staying in marriage until their spouse's death. Rationally speaking, the law would encourage women to divorce, as a divorcing wife can expect division of matrimonial assets of up to 50%, while a widow gets nothing.

Moreover, the HIV/AIDS epidemic has led to even more insecurity for widows, as well as to an increase in inheritance conflicts. A case study by Dilger (2006) on the Luo in rural Mara illustrates this: when a husband dies relatively young, the family often expects to be compensated for the loss of potential future (social security) benefits to parents and kin by retaining control of his estate, at the expense of his widow. Moreover, if chances are high that the widow herself is HIV infected, her husband's kin might fear having to care for the sick widow or that she might spend her husband's property on her medical treatment. To avoid these scenarios wives may already be forced out of their property before the death of their dying husbands.

"Widows have national jurisdiction on their side and can assert their rights in court to sole hereditary title (assuming they are able to overcome the hurdles of the Tanzanian legal system). In general, however, they tend to avoid open conflict with in-laws in court because they do not want to risk losing their own or their children's membership of their husband's or father's lineage" (Dilger, 2006: 113).¹⁰

These practices are therefore a good illustration of how intra-household decisions may be deliberately pushed outside the bargaining area.

What then can be said about matrilineal communities? As indicated by Daley and Englert (2010), matrilineal inheritance practices are not static, but subject to continuous and incremental adaptation. An example from the Uluguru Mountains, Morogoro Region, Tanzania (Englert, 2008) illustrates this. The Uluguru Mountains lie on a crossroads of patrilineal and matrilineal societies. In the upper mountains, matrilineal and matrilocal practices still prevail, while in the villages of the lower mountains and in the peri-urban areas of Morogoro Town patrilineal patterns are become more predominant.¹¹ In the more patrilineal communities, both male

[9] Note: very different treatment of widows depending on the region (Rwebangira, 1996).

[10] "Instead of bringing about a break with the widow, they may press for the appointment of a guardian (*msimamizi wa mirathi*) who comes from the patrilineage and who will guarantee that the deceased's inheritance is used only for the children or the long-term improvement of the widow's living situation" (Dilger, 2006: 113-4).

[11] For many men in Nyandira [case study village in upper mountains] their situation with regard to tenure security seems to be quite similar to that experienced by the majority of women in patrilineal societies: their access to land is tied to their status as spouse" (Englert, 2008: 86). For example, after divorce or death of their wife, some men have had to return to their natal kin as his in-laws no longer accepted his use of her compound. A strategy pursued by these

and female children can inherit (whether they get equal shares or not depends on the family. In matrilineal upper mountains (case village Nyandira), it is still mainly women who inherit land. In Nyandira, women indicated that they were no longer willing to discriminate against their male children. Therefore, they looked for ways to renegotiate the traditional matrilineal inheritance systems and to allow their sons to inherit land from their mother's clan. Englert's description of women's strategies in giving part of their land to their sons is highly reminiscent of the informal bargaining strategies we discussed earlier (see 1.3):

"Some silently challenged the tradition that they no longer perceived as suitable by distributing their land equally among all their children. Others tried to please both sides... often acting in conjunction with their husbands, bought land on the market to supplement the land they owned through the family clan; the purchased land could then be left to their male children without the parents having to worry that those children would eventually be harassed by the clan making claims to the land." (Daley and Englert, 2010: xx; Englert, 2008).

However, as men increasingly bring their cases to court, it has - paradoxically - become more difficult to give them a part of the clan land, as it has now become more visible and especially temporary use-rights are no longer granted to sons as their parents fear they might not be willing to return the land upon their marriage (Englert, 2008).

Women's property and inheritance rights thus are not very secure in the Tanzanian context, neither for widows nor divorced women, and therefore might not actually facilitate improvements in women's intrahousehold bargaining powers. In the next section, evolutions and women's position in Tanzania's land law is discussed.

2.1.4. Land law

After independence in 1961, the Tanzanian government started its forced resettlement of the rural population into Ujamaa villages organized around collective agriculture¹² (Ikdaahl et al., 2005; Daley, 2008). In the 1980s, however, this villagisation process, in combination with ambiguous and contradictory land laws, poor administration, and dual allocation of land rights had brought about much confusion and insecurity (Peterman, 2011). Following Customary Land Tenure, women rights to own, inherit or control land are often severely limited (Rwebangira, 1996; Ikdaahl, 2008).

Tanzania's land tenure reform resulted in its National Land Policy in 1999, and a Village Land Act in 2000 (in legal force since May 2001) (McAuslan, 2010; Ikdaahl, 2008). The National Land Policy (NLP) stands for the registration of existing land use, and the creation and facilitation of a land rights market, while ensuring non-discrimination (Ikdaahl, 2008). Through the Village Land Act (VLA), much land administration tasks were decentralised to the village level, more specifically those responsibilities of registration, adjudication, titling and dispute resolution. The VLA installs a community-based land tenure management system, granting broad powers to the village councils. Land ownership can be individual, family, group or village based. Customary Law remains applicable in case the VLA does not offer any solutions to a specific issue¹³. Furthermore, new legislation acknowledges all customary rights as property rights,

men is to buy the plot of land for themselves. Women too, have pursued this buying strategy, protecting their families from their relatives demands.

[12] Late 1960s till early 1970s (Ikdaahl et al., 2005).

[13] This does however not hold for Customary Law that is contrary to the Constitution (including article 13: non-

independent of its (non-)registration (Ik Dahl, 2008; Tripp, 2004).

The NLP's position on women's land rights are the following (McAuslan, 2010):

- "Women will be entitled to acquire land in their own right not only through purchase but also through allocation. However, inheritance of clan or family land will continue to be governed by custom and tradition."
- "Ownership of land between husband and wife shall not be subject to legislation."

McAuslan (2010) points out that these sections in the NLP exclude exactly those reforms which would benefit women's land rights most, namely inheritance rights and land rights between husbands and wives or their land rights within the household. Moreover, the second extract of the NLP ignores and seemingly denies the existence of the Marriage Act (1971), which does explicitly deal with the issue of ownership between husband and wife.

So, what are Tanzanian women's own perceptions of land rights and entitlements? A study commissioned by the Ministry of Community Development, Women's Affairs and Children (as referred to in McAuslan, 2010), finds that women were enthusiastic about land titling and obtaining full land rights. "They preferred using statutory courts which could hand down binding decisions as opposed to using traditional dispute settlement bodies and they argued for equal representation on decision-making and adjudication bodies" (McAuslan, 2010: xx). Ik Dahl (2008), however, shows in her study on Tanzania that implementation of the land titling policy incurs some difficulties. Although the titling is supposed to protect people's livelihoods, in practice the commoditization of land rights might lead to more insecurity, distress sales and even landlessness among the poor. Many insecure situations exist within the family as well: a widow is at risk of being forced out of her home by her husband's kin, a husband might dispose of land without knowledge or consent of his family who has been using it, etc. In an attempt to offer a solution to this insecurities, the LMA (section 59) and Land Act (section 114) state that spousal consent is required to dispose of matrimonial home. Otherwise the sale or mortgage is invalid. However, in practice courts have often been unwilling to accept that the wife was not involved in the deal (Ik Dahl, 2008).

Furthermore, there is often informal pressure on women to hand over their land (or they are made to by force) even though they are entitled to it by law. Consequently, the main problem is not the laws, but its application and enforcement. Another drawback is that the land law's advantage to women may well be undone at the death of their spouse, as succession law is not equally advantageous to women (McAuslan, 2010). These drawbacks make that in practice, women's ability to inherit land remains limited (Oxfam International, 2013).

Moreover, as Ik Dahl (2008) rightly points out, in practice most conflicts are not decided over in court, but are dealt with by the implementing institutions ruling at village level. As these institutions help determine people's access to their rights, they are clearly an important form of extra-household bargaining, and they should thus be given crucial attention. It is therefore a positive step forward that the NLP imposes quota, requiring women to be represented in the local land administration and dispute-settlement bodies¹⁴ (Peterman, 2011; McAuslan, 2010;

discrimination) (Ik Dahl, 2008).

[14] Called Mabaraza (McAuslan, 2010).

Ikdahl, 2008), and recommends attention for gender and the protection of women's rights. However, in some communities the amount of women elected to participate in the village institutions is still lower than required by law, the women who are involved do not participate actively and/or lack the necessary legal knowledge (Ikdahl, 2008).

The Land Act (section 161) requires that when the parties do not explicitly demand for only one person to be registered as the owner, the names of both spouses will be included in the document. In practice, however, most women were not aware of the joint titling provision, and even thought that it was not allowed to have more than one name on the title deed (Ikdahl, 2008). Daley (2008) too, finds that women in her case village in Mufindi District, Iringa Region, were not aware of their right to joint registration. She claims that the women she interviewed would have hesitated to claim this right anyway, as their husband might read it as a sign that they want to leave their marriages. Consequently, Daley's research shows that marital status played a crucial role in women's access to land rights. It was particularly easier for unmarried, divorced or widowed women to buy land in their own right than it was for married women. Yet, there were married women forming an exception, who did undertake their own land market transactions. Especially those women who were self-confident, younger, well educated, resources-rich, and were locally well connected both socially and politically, had a better chance of success when taking their case to court. Even when women undertook action to get their names included on the title deed,

“[officials] would ‘normally not deal with such conflicts’. Instead, they told the wives to ‘go home and clear the conflict’, as they saw it as a household matter which was up to the couple to decide.” (Ikdahl, 2008: 53).

Officials often did not show any interest in the gendered fallout in the registration process (Ib.). As a result of these pressures, women are often restricted in claiming exclusive use over property, as well as in make decisions to sell it (Oxfam International, 2013).

Yet, many women did actually (intend to) make use of the (joint) titling provisions, or did not fear claiming them.¹⁵ For example, in peri-urban areas of Morogoro, female interviewees who were going to inherit or planned to buy land indicated that they would register it in their own name, or that of their children; they did not consider jointly titling or registering it in his name. In these peri-urban areas they saw registration as a risk and potential financial burden (“failure to pay taxes might lead to them losing their land”). In the upper mountain village Nyandira (matrilineair), however, women's attitudes were more positive towards land titling, particularly because they had the resources it required (cash crop production). However, they did not think of it as a necessity, since the land conflicts they were confronted with mainly dealt with inheritance problems, not expropriation by the government (Englert, 2008).

2.2. Evidence of gendered divisions of labour, bargaining and decision-making powers in the household, agricultural and water sectors

To actually understand (intra)household decision-making it is essential to unpack the decision-making process, both in terms of the gendered distribution of bargaining power and influence; and in terms of the bargaining areas household members have control over.

[15] Note, these women possess agency: resistance and change is possible (Agarwal, 1997; Cleaver, 2012; Jackson, 1998).

After all, one person or gender rarely possesses either all or no decision-making power at all. Furthermore, a person's degree of decision-making control may depend on the decision-making field under consideration, and may be either explicit or implicit, and openly recognised or not (Holvoet, 2005). Consequently, this section investigates gendered decision-making powers in the different decision-making fields of household-related decisions, agricultural decisions and water-related decisions. The interplay between different levels of decision-making will also be illustrated. Indeed, many of the decisions are made at the (intra)household level, even though the importance of other decision-making fora becomes more important in the agricultural and especially the water sector. This section will also demonstrate some of the links between gendered tasks divisions and the associated decision-making power on those tasks. For example, an important focus lies on the discrepancy between women's involvement in water work and their absence from formal water decision-making institutions and the gendered nature of the water sector. The specific focus on the agricultural and water sectors, should be understood within the wider framework of my PhD project, in which I focus on the impact of bargaining power and bargaining areas on how households cope with climate variability. As climate variability is more likely to manifest itself in the agricultural and water sectors, I have therefore chosen to focus my research on these sectors.

2.2.1. Within Households

2.2.1.1. Gendered division of labour

Mollel and Mtenga's study (2000) on a matrilineal community in the Tchenzema ward (on the western slopes of the Uluguru Mountains), asked respondents about the distribution of tasks in both domestic and farming activities.¹⁶ The study showed that domestic activities were almost exclusively done by women, with the exception of fuel wood collection (which was a male activity), and shopping (which was shared equally between family members). According to Kajembe (1988), it is possible that men take over the task of fuel wood collection when distances to forest source increases. A similar observation is made by UN Women (UN Women, 2012) with regard to the more equal sharing of water collection tasks between men and women in Morogoro Urban District, resulting from the task's increasing (physical and time) demands. However, observations by other researchers seem to contradict this finding.¹⁷ Of course, much depends on local cultural practices and taboos, and specific gendered meanings attached to certain tasks. In Tchenzema ward, it is not uncommon for a man to carry a child on his back and fuel wood on his head (Mollel and Mtenga, 2000), while in other (patrilineal) communities and regions, it might be considered as rather improper. For example, in Iringa it is a taboo for a man to carry a child on his back, and in many patrilineal societies men would not even carry a heavy load on their heads or above their shoulders, as it is seen as feminine (Mollel and Mtenga, 2000).

In Tanzania, it is women's responsibility to feed the family. She performs most household work, care for the children, and is responsible for a lot of (subsistence/cash) agricultural work (Rwebangira, 1996). However, the gains from her high labour burden might not always be equivalently distributed within the household. Rwebangira (1996) takes account of cases where women and children in a household are undernourished simply due to unequal distribution of food within the household. She claims that in some ethnic groups (mainly Southern

[16] The answer categories consisted of proportions of allocated time: 1/4th, 1/2nd, 3/4th or 1.

[17] Mollel and Mtenga (2000) refer to Lijongwa (1981); Due and Mudenda (1982); Burfisher and Hornstein (1985); Bulow and Sorensen (1988); Polomack (1989); and Poley, (1991).

Tanzania) it is a taboo for women to eat protein-rich food such as eggs, fish and milk, indicating girls' and women's disadvantaged nutritional status. Clearly, the tasks and responsibilities a woman has to fulfil depend to a large extent on her phase in the life cycle, her age and her marital status (Oxfam International, 2013).

2.2.1.2. Gendered decision-making

Inglert (2008) found in her study on several villages in the Uluguru Mountains, Morogoro Region that men have a more powerful voice in decisions relating to the household. Consultation with adult household members is possible, but the father/husband is usually the one who takes the decisions. This finding holds both in the villages where matriliney is still very influential and in those villages where it has ceased to have any influence; indicating that the difference between matrilineal and patrilineal societies with regard to intrahousehold decision making power might not be substantial. In both societies, the husband is the one who possesses the most decision-making power. Indeed, matriliney may give women a higher symbolic value and more material and social protection within the lineage, but senior men are still the ones dominating decision-making within this lineage (Clark, 2010), and within the household. Inglert does find some exceptions, especially among younger spouses, who more often stress that there is no 'msemaji mkuu'¹⁸ as such since husband and wife consult each other in decision-making.

Tanzania's Demographic and Health Surveys (DHS) inquired into a number of household-related decisions. It is interesting to look into some of the data gathered by the 2010 DHS, the most recent Tanzanian survey to have asked questions on this topic. For instance, the 2010 survey inquired about respondents' (perceptions of their) control over their own earnings. More specifically the respondents were asked about the main decision-maker with regard to the use of their earnings (that is, both men and women answered this question with regard to their own income).¹⁹ Table 1 offers some data on who decides about the spending of the respondents' cash earnings, categorised by location, education, number of children, and age (DHS, 2010). Looking at the answer categories of the survey question, we might interpret the category 'wife and husband jointly' as the bargaining area, it implies a continuum of bargaining options where husband and wife may have very different bargaining powers. The answer category 'other' however, may indicate the existence of an important decision-making authority besides the spouses. However, no answer category seems to represent the non-bargaining area, that is the fact that the decision is perceived as a non-decision, it is not to be decided over but for instance, determined by common sense or tradition (Holvoet, 2005). Based on table 1, it is found that women have substantially less independent control over their incomes than men. Furthermore, older married women, perceive that they have more decision-making power over their own earnings than younger women. Married women who have children are more likely to have decision-making power over their earnings than women who do not have any children. Similarly, the higher a woman's educational level, the more likely she is to both be the main decision-maker herself and to make decisions jointly with her husband. Women living in urban areas have a higher likelihood of deciding on their own cash earnings than women in rural areas. Men are more likely to decide on the use of their cash income jointly with their wife/wives and less on their own when

[18] Msemaji mkuu is Swahili for 'the one with the final say', indicating the person who has the final decision-making power over a decision.

[19] This question was asked to those respondents who were married at the time of the survey and were employed for a cash income.

they are higher educated.

Next, the 2010 DHS asked respondents²⁰ whether they participated in a number of decisions: namely, decisions regarding their own health care; regarding major household purchases; and regarding visiting family, relatives or friends. Table 2 illustrates some key findings. Results indicate that most women do not make independent decisions about their own health (45% of married women make health decisions jointly with their husband, while in nearly 40% of the cases her husband is the main decision-making regarding her health). Men on the other hand are the main decision-maker of their own health decisions in 66% of the cases. Responses with regard to major household purchases are very similar across men and women: around 32-36% of those decisions are made jointly by the spouses, while around 57% of the respondents claim it is a predominant male decision. Interestingly, only 10% of female, married respondents indicated that they were the usual decision-maker with regard to making visits to her family or friends, while 50% of the respondents indicated that her husband usually made this decision. Further DHS data on female participation in decision-making²¹ (not visualised here) indicate that women's participation increases with her age, the number of children she has and her educational level. Women that are employed for cash have a higher likelihood of controlling decision-making than other women, while rural women are less likely to have a say in the reviewed decisions.

[20] Women and men who were married at the time of the survey.

[21] Participation in decision-making is conceptualized as having either the final say with regard to the decision (being the sole decision-maker) or deciding jointly with one's spouse.

Table 1: Control over own cash earnings (percentage of currently married respondents aged 15-49 receiving cash earnings, by person who decides how husband's/ wife's cash earnings are used).

Mainly wife		Person who decides how the respondent's cash earnings are used:				Total	Number of respondents
		Wife and husband jointly	Mainly husband	Other/missing*			
All respondents	Women	35.9	47.2	16.6	0.2	100	2,535
	Men	3.3	49.9	45.0	1.8	100	937
Urban respondents	Women	47.6	44.1	7.9	0.3	100	1,014
	Men	4.6	49.7	45.8	0.0	100	287
Rural respondents	Women	28.1	49.3	22.5	0.2	100	1,521
	Men	2.7	50.0	44.7	2.6	100	650
Morogoro Region	Women	21.6	56.4	22.0	0.0	100	124
	Men	7.0	44.8	48.2	0.0	100	67
Education							
No education	Women	30.8	41.5	27.4	0.4	100	411
	Men	4.3	35.2	59.7	0.8	100	102
Primary incomplete	Women	34.3	44.2	21.5	0.0	100	284
	Men	3.1	44.7	45.6	6.5	100	131
Primary complete	Women	35.4	49.1	15.3	0.3	100	1,484
	Men	3.4	51.8	43.5	1.3	100	574
Secondary or more	Women	45.3	48.7	5.9	0.1	100	355
	Men	2.2	58.0	39.8	0.0	100	131
Number of living children							
No children	Women	24.1	63.3	12.7	0.0	100	171
	Men	4.9	41.6	44.0	9.5	100	77
One or more**	Women	36.9	45.8	17.1	0.2	100	2,364
	Men	3.2	50.8	45.0	1.0	100	860
Age							
15-19	Women	13.8	52.3	33.9	0.0	100	85
	Men	n.a.	n.a.	n.a.	n.a.	n.a.	23
20-24	Women	31.9	49.8	18.0	0.3	100	430
	Men	1.4	42.1	44.3	12.2	100	71
25-29	Women	32.5	50.7	16.8	0.1	100	518
	Men	3.3	49.5	46.7	0.6	100	163
30-34	Women	38.6	46.4	14.5	0.6	100	507
	Men	1.8	55.8	41.0	1.3	100	203
35-39	Women	36.4	46.7	17.0	0.0	100	426
	Men	2.1	52.0	45.9	0.0	100	185
40-44	Women	42.6	40.4	16.5	0.4	100	334
	Men	6.6	51.6	41.8	0.0	100	174
45-49	Women	42.4	45.8	11.8	0.0	100	236
	Men	4.5	44.9	49.1	1.5	100	119

* Male respondents were given the option to answer that a person 'other' than husband or wife was the usual decision-maker, while women were not given this answer option. Instead, the DHS gives information on missing values for women.

** Average of the categories '1-2', '3-4' and '5+ children'. Because of limited differences between those categories, although differences for men were more pronounced and trends less unambiguous.

Adapted from DHS (2010): "Table 12.2.1 Control over women's cash earnings and relative magnitude of women's earnings: women" (pp. 245) and "Table 14.2.2. Control over men's cash earnings" (pp. 247). Note: n.a. means data are unavailable due to less than 25 cases.

Table 2: Usual decision-makers regarding own health care, major household purchases and visits to wife’s family or friends (according to male and female respondents) (% of all persons married at time of survey).

		Mainly wife	Wife and husband jointly	Mainly husband	Someone else (wife) / other (husband)	Total	Number of respondents
Own health care	Women	15.3	45.0	38.1	1.4	99	6,412
	Men	2.6	29.6	65.9	1.6	97	1,317
Major household purchases	Women	6.9	31.9	57.7	3.2	97	6,412
	Men	4.2	36.4	57.0	2.1	97	1,317
Visits to wife’s family/friends	Women	9.1	40.4	48.9	1.3	97	6,412
	Men	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.

Adapted from DHS (2010: 249). Note: there was no cross-checking through asking the spouses about their perceived participation in decisions regarding their spouse, respondents were only asked about their own participation in e.g. their own health.

However, a number of reservations need to be made regarding the survey data. For example, it is not clear how the household as a unit was defined or conceptualised in this survey. Similarly, as a result of the imposed answer categories, the survey dictates the wife-husband dynamic as the primary or most significant social relationship within the intra-household bargaining space. However, this is not necessarily the case (e.g. role of natal family/family-in-law). This means that social groups considered to be outside of the household may have an important impact on intra-household bargaining processes. For example, the possibility of a woman deciding on an issue jointly with her mother-in-law is now obscured. The 2004-5 DHS survey on the other hand obscured exactly potentially vital husband-wife decision-making dynamics by offering a very broad ‘joint decision-making’ answer category. Next, an important critique of the DHS survey relates to the rather different results found in the 2010 DHS versus the 2004-5 DHS with regard to similar questions on household decision-making. This is at least partly due to slight differences in the question that were posed, and whom the question was asked to (e.g. in 2010 there seems to be have been the extra condition of being married before having been asked the decision-making questions, which was not the case in the 2004-5 DHS). For example, the 2004-5 DHS found that 42.8% of female, married respondents had themselves the final say in decisions regard their health (vs. only 15.3% in the 2010 DHS, although in 2010 respondents were asked about the *usual* decision-maker rather than the person who had the *final say* in the decision). In 2004-5 only 16.3% of women claimed that the final say about their health decisions was made jointly with their husbands (vs. 45% in 2010) and in 38.5% of cases the husband had the final say (similar in 2010). Furthermore, in 2.1% of women indicated that someone other than herself or her husband had the final say over her health decisions. These very pronounced differences in trends are likely to be an indication of limited data quality, rather than actual trends in the population as the trend implied by the data is rather unexpected and possibly implausible. These limitations, which are a good illustration of the problems associated with statistical household conceptions discussed in section 1.1, should thus be kept in mind when considering the 2010 survey data offered in this document. A decisive determination of the causes of these variations across household surveys requires more in-depth investigation and is not within the scope of this literature review. Other data inconsistencies relate to the existence of different answer categories for men and women, or even posing in essence different questions, and sub-

sequently hindering comparative research. For example, in the 2004-5 DHS, women were asked about their actual participation in decision-making, while men were asked about their value judgement with regard to women's participation in decision-making (that is, the decisions of which men thought women ought to have the final say). The aforementioned considerations regarding the DHS clearly also have implications for this PhD research, especially with regard to whom to ask questions and how to ask them (construct validity, the risk of social desirable answering and hypothesis guessing).

2.2.2. The agricultural sector

2.2.2.1. Gendered division of labour

In Lushoto District of the Tanga Region (bordering Morogoro) - as in wider parts of Tanzania - women traditionally cultivate vegetables for household subsistence. Today, women in this region predominantly grow produce for subsistence farming on the lesser fertile and non-irrigated mountain slopes,²² while men cultivate vegetables for cash production on the fertile and irrigated valley bottoms (Oxfam International, 2013). This finding is consistent with stereotypical representations of men and masculinities' connection to irrigated agriculture and women and femininities' link with subsistence farming and domestic water. The study acknowledges that as market opportunities improved, both men and women became more involved in cash crop cultivation of vegetables (Ib.). Furthermore, vegetable production for commercial purposes is found to be mainly a family business, where agricultural tasks are divided along gender lines: women plant, weed, harvest, and transport the vegetables, and sometimes do small-scale local marketing; while men take care of land preparation, pesticides spraying, and larger scale marketing. Men's predominant involvement in marketing ensures their larger control over the subsequent cash crop revenues. Yet, women are not entirely excluded from m, even though their marketing practices tend to be more small-scale, local and restricted to certain groups of women: "Women tend to sell their produce in local markets within the district, while men dominate the regional and national markets... women are not traditionally involved in selling vegetables, but those women who control some portions of land devoted to vegetables in valley bottoms engage directly in marketing" (Oxfam International, 2013: xx). Moreover, for some vegetables (e.g. tomatoes) women are usually responsible for both its production and marketing (Oxfam International, 2013).

Mollel and Mtenga (2000) find for the Tchenzema Ward, Uluguru Mountains that cash and food (subsistence) crops are highly incorporated and a clear-cut distinction between them cannot always be made²³. Labour contributions to both cash and food crops are thus rather similar. Furthermore, most agricultural tasks are shared equally between men and women, with the exception of fertiliser and pesticide application, storage of food crops, and marketing of cash crops, which are predominantly male;²⁴ and the processing and storage of cash crops which are mainly female tasks. They find that 71% of marketing activities of cash crops are done by men, while only 47% is done by women. The tasks that are shared more or less equally between men and women (and boys and girls) are cultivation, sowing, weeding, and harvesting. Similarly, veg-

[22] Typical women's (subsistence) crops are maize, field beans, bananas, cassava and sweet potatoes (Oxfam International, 2013).

[23] Cash crops are beans, peas and other vegetables, whereas food crops are maize, beans, bananas and root crops (Mollel and Mtenga, 2000).

[24] The male nature of the storage of food crops is mainly due to the fact that maize is stored on the ceiling of the house, and this climbing task is done by men (Mollel and Mtenga, 2000).

etables were grown more often by men than women (68% of the vegetable growers were male), particularly because of the required fertiliser and pesticide application to vegetables which was perceived as more technical and was therefore done by men (Ib.)²⁵. This more or less equal division of agricultural tasks across the genders, as found by Mollel and Mtenga, is in agreement with findings of Paul (1988) and Lasalle and Marquett (1991). However, the researchers note that different results were found by a number of studies (Due et al., 1982 for Kilosa District; Due and Mudenda, 1982 for Zambia; Burfisher and Horenstein, 1985 for Nigeria; Swantz, 1985 for Kilimanjaro and Bukoba; Beshara, 1987 for Egypt; and Polomack, 1989 for Kilimanjaro). The latter studies uncover a clear-cut gendered division of labour, with women on average contributing more labour than men (Mollel and Mtenga, 2000). A possible reason for the more equal labour distribution in Tchenzema may - according to the researchers - be found in their matrilineal heritage.

2.2.2.2. Gendered decision-making

Regarding decisions about the use of land, Inglert (2008 on Uluguru Mountains) finds that the choice of crops to grow, and the decision to sell a plot lie entirely with the person who bought or inherited the land. The owner of the plot is thus 'the one with the final say', even though consultation with adult family members may occur. One female interviewee in Inglert's study proudly said: "It is me indeed who has the power to decide. Me alone!" (2008: 88). She further notes that men had the tendency to present their decision-making power more favourably at first, downplaying women's power. However, they eventually had to admit that their actual decision-making power was more limited than first stated.

The abovementioned study by Mollel and Mtenga (2000) on a matrilineal community in the Tchenzema ward asked respondents which household member has the final say in decision-making regarding the production process and resource allocation. With regard to the production process, they asked respondents whether the final say lies with themselves, their spouse, both spouses or someone else. The study considered a number of crops, and decisions on the timing of particular tasks, the adaptation of an innovation, and the choice of the appropriate processing and storage method. Most decisions seemed to be made jointly by the spouses, with the exception of processing and storage which were determined either by the weather or by tradition. A t-test proved that decision-making on the production process was indeed dependent on gender.

"Women alone played very little role in all items, in comparison [to] men alone, [who] played a bigger role in all the items... However, consensus between spouses, took the lead in all the items except one." (Mollel and Mtenga, 2000: xx)

To answer the same question in relation to resource allocation and crop disposal, the researchers looked at decisions on the field selected for the crop²⁶, task allocations, hiring labour or not, field purchase, surplus food sale, market choice²⁷, and livestock purchase. It appeared that women only had minor roles in the decision-making process of all these resource allocation decisions. Due et al. (1982) also observed joint decision-making over production deci-

[25] Mollel and Mtenga (2000) unfortunately do not further expand on this point by explaining whether female farmers had access to fertilisers and pesticides or not.

[26] Was found to be dependent on fertility, and closeness to the house, water source and road.

[27] Was found to be dependent on price and distance.

sions in Morogoro and Kilosa Districts.

2.2.3. The water sector

In my PhD research I focus on the water sector in the broad sense: both the irrigation subsector and the domestic water supply subsectors. Besides many other reasons (Rocheleau 1995, Cleaver 1998, Cleaver and Elson 1995), focussing on the interplay between irrigation and domestic water supply may be worth while because they are associated with, respectively, masculinities and femininities respectively (see supra). Hence, both are interrelated and focussing on only one of the subsectors risks missing out on much of the gender dynamics related to water.

2.2.3.1. Gendered division of labour

Stereotypical views, informed by ideological masculinities and femininities risk concealing women's involvement in irrigation work as well as men's domestic water work. Consequently and with negative effects (ineffective targeting, increased workloads), they risk being excluded from irrigation (women) or domestic (men) water projects and support. Masculinities and femininities – different ways of being a man/woman or confirming and exposing one's gender identity²⁸ – are visibly present gender ideologies in the water sector. In the irrigation subsector, both the 'Normal Irrigation Engineer' and the irrigators or farmers are stereotypically assumed to be male. As Zwartveen (2006) puts it: "only the feminine gender is marked in irrigation thinking, since the masculine is conflated with the universal person, not requiring marking" (p.36) and "professional normalcy in irrigation engineering is closely linked with normative masculinity" (p.19). This hegemonic masculinity stereotypically comprises, on the one hand, the rational, scientific man; and on the other the 'true farmer', provider of cash income and breadwinner. By contrast, women and gender issues are conventionally represented as irrelevant to the irrigation world. Zwartveen links this naturalisation of the masculine in irrigation thinking to the representational world which is structured in opposite dichotomies that have strong associations with gender: women, the domestic, the home, non-irrigation, and emotion versus men, the public, the workplace, decision-making, irrigation, reason and science. Today, "most irrigation thinkers would no longer explicitly adhere to such gender ideologies, [yet] the conceptual language and methodological tools used continue to be pervaded by the [above] dichotomies" (Ib., p.110). In the domestic water sector, on the other hand, femininities such as being a good mother and wife (O'Reilly, 2006) structure women's relationship to the domestic water subsector as a 'female sphere', ruling out major (labour) contributions by men since crossing such gendered spheres would pose a threat to simultaneously the masculinities and femininities of the household members. E.g. a man who cooks might not be considered a 'real man', not living up to the hegemonic masculinity. Subsequently, his wife might be accused of not being a 'good woman', not being able to perform the household work by herself. Stereotypically, domestic water users are thus considered to be only of the female gender.

However, evidence from Tanzania illustrates that women are indeed involved in irrigation work. For example, Upperman's case study (2000) on the irrigation system in a village near Arusha, Tanzania finds that women represented 25% of the upstream users and 36% of the tail end users. The majority of women in the case study village owned agricultural land (65%),

[28] Masculinity and femininity are relational concepts: "[m]asculinity" does not exist except in contrast with "femininity" (Connell, 2005, p.68) and is situation specific.

and worked the field with their (sister's) sons or (sister's) husband. Nevertheless, women's use of irrigation water was restricted and their irrigation needs secondary to men's, as the latter were engaged in irrigation system maintenance. For various reasons women's contributions to collective labour for the maintenance of irrigation canals were restricted. Since those who contribute labour to the maintenance works are given priority rights over water, women were clearly disadvantaged, their agricultural activities jeopardized and as a result their involvement in cash crop production was low. Reasons for women's non-involvement in irrigation maintenance work mainly relate to taboos (working alongside men and their presence at the intake in the river)²⁹. Although women were believed to be relatively independent, they could not irrigate their fields without the presence of a male household member, due to threats of harassment and molestation. "A woman alone has no voice", one female respondent indicated (Upperman, 2000: 374). Using participatory methods, Babugura (2010) drew up the following list of gender differentiated water uses (based on three rural communities in South Africa). Based on exploratory fieldwork in Tanzania, it nevertheless seems that gendered water divisions of labour in rural Tanzania may be similar.

Table 3: gendered water uses in rural South Africa (Babugura, 2010: 62)

Men	Women
Watering the garden/irrigation	Watering the garden/irrigation
Livestock use	Food preparation
Building	Washing clothes
Bathing	Drinking
Drinking	Washing dishes
	Bathing children
	Cleaning
	Brewing traditional beer
	Craft work

This table indicates women's high dependence on water resources in much of their daily tasks, and reflects the gendered division of labour within the household and society as such (see also above). Accordingly, Babugura (2010: 63) states that "women value water more than men as they are the main users. It is very vital for their household activities (e.g. cleaning, washing, cooking, bathing children etc.) and when they are faced with water shortages these activities are disrupted".

2.2.3.2. Gendered decision-making

In the water and development literature and practice, it is generally understood that the water users should be included in formal water decision-making (water resource management), to ensure that their water needs are met and (em)power(ment) is obtained (Zwarteveen, 2006; ICWE's Dublin Statement, 1992). Despite the fact that the (domestic and irrigation) water users often consist of a large proportion of women, the decision-making community is usually predominantly male (Cleaver and Elson, 1995; Cleaver and Franks, 2005) and women's involvement limited to the implementation phase (Cornwall, 2003). Women have been and often still

[29] Some men stated that the intake was too dangerous for women and children, but that a modern, cement intake would prevent them from falling and drowning. However, next to these 'practical' considerations, there also existed taboos relating to menstruation. Visiting the intake during menstruation was believed to either prolong the menstruation period or dry up the water in the intake.

are excluded from irrigation decision-making. Simultaneously, they are typically perceived as the 'natural' managers of *domestic water* needs and supplies, and therefore represent the majority of participants in domestic water committees (Zwarteveen, 2006; Haggart, 2010; Cleaver, 1998; Athukorala, 1996; Cleaver and Elson, 1995; Green et al., 1998).³⁰

Upperman's (2000) case study draws attention to the issue of extra-household bargaining. She finds that women have less weight than men in informal bargaining with the water committee and water guard. Acquiring water during the dry season requires determination, influence, money to pay the water guard, etc. Women often did not receive any water turns or only at night and were thus forced to stop growing vegetables in the dry season. Moreover, they were charged for water, were harassed by the water committee members, and even had their water stolen. Hence, it can be said that women are excluded from irrigation decision-making as a result of a social norms that firstly, make certain assumptions about who the water users are (stereotypically men in the case of irrigation, and women in the case of domestic water); and secondly, social norms that normalise men as decision-makers, even on topics that concern women, and structures the ways in which women and men can perform bargaining. So, clearly other bargaining fora than the household are relevant for bargaining about access to irrigation and domestic water. Yet, the household as a place for bargaining over water rights remains under-, if not nearly unresearched to date.

[30] Yet, their actual voice and influence on decision-making in this subsector might still be limited. For example, the main decisions might still be taken by men and project staff; women's involvement being primarily instrumental and efficiency-related, as women are perceived (e.g. by the World Bank) as more reliable water managers because they migrate less, have more experience with voluntary work and are more honest in the administration of funds (Green et al., 1998).

3- CONCLUSION

In this working paper we have sought to develop an analytical framework for researching intrahousehold bargaining processes, as part of a broader PhD project focussing on the impact of such bargaining processes on adaptation practices to climate variability.

Drawing on anthropological insights, we began this paper by arguing for an open, flexible definition of 'households', paying attention to: discrepancies between household concepts used in surveys and the complex social realities of such households; how social actors themselves define households; and the linguistic subtleties posing a potential caveat for data collection. As a result, we argued that in the broader PhD project data would best be triangulated wherever possible. This means that quantitative data obtained through surveys would have to be preceded and complemented by qualitative, participatory methods.

Next, we reviewed the existing literature and theory on intrahousehold bargaining models, in order to identify the most important determinants of intrahousehold bargaining power. We identified three determinants: the level of household members' well-being at threat points, distinguishing between outside (i.e. leaving the household) and inside threat points (i.e. non-cooperative behaviour within the household); the perception of members' contributions to the household; and individual skills obtained through socialisation and training (e.g. education).

Consequently, we drew on Agarwal's work to identify how social norms impact the wider bargaining area. Again, we distinguished three ways in which social norms may impact bargaining processes: norms help to demarcate the bargaining area, thus determining which issues can or cannot be subject to negotiation; norms help determine how and through which institutions bargaining is conducted; and finally the change of such norms is dependent on multi-level bargaining, thus including extra-household institutions.

In a second part, we have applied this analytical framework to the exploratory case study of Tanzania, by focussing on the country's legal pluralism. Most of the determinants we identified in the analytical framework, re-emerged in the case study. Changes in family law pertaining to divorce and inheritance rights, for instance, were identified as outside threat points having an impact on women's, and especially widow's actual bargaining power. The positive effect of these legislative improvements is mitigated however, by the persistence of traditional social norms, both on intrahousehold bargaining processes and gendered labour division. Similarly, different actors were seen to use prevailing social norms to demarcate the bargaining area in their favour. As an example, family clans may attempt to prevent young widows from inheriting absolute decision-making power over their husbands' estates by banning them *before* their husband's death. On the other, intrahousehold bargaining power was seen to be increased by individual skills obtained through training and socialisation. Higher education, for instance, enforced young married women's ability to exercise their rights.

In the last section, we drew upon empirical evidence to explore existing bargaining processes and gendered labour divisions within households, agriculture and water sectors. This way, we sought to analyse how existing social norms informed which issues may become subject to bargaining processes (i.e. the demarcation of the bargaining area), and how norms influence how such bargaining is conducted. In all three cases, the gendered division of labour proved to be decisive in determining how bargaining power was distributed differently across the genders with respect to decisions on: household budgets; social visits; growing and selling crops; managing agricultural land; irrigation; and domestic water use.

While the aim of this working paper has been to sketch the beginnings of an analytical framework for researching intra-household bargaining processes and explore its use for the Tanzanian case, additional, empirical research is yet needed to improve and elaborate this framework. As the PhD project focusses more extensively on the agricultural and water sectors, it is especially with respect to these sectors that the framework should be elaborated in more detail. Furthermore, while this working paper has focussed on the determinants of intrahousehold bargaining processes, the broader PhD project will also focus on these intrahousehold bargaining processes as determinants of adaptation practices to climate variability in agriculture and water management. While of course a lot of work is yet to be done, the analytical framework developed in this working paper is bound to provide a starting point for such a more comprehensive analysis.

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