

Thesis #7

Their formative role in the evolution of the human species was secured by customs and practices that guaranteed to females the right of access to the resources of nature. This enabled women to fulfil their functions at the heart of the family hearth.

Their rights were degraded when the sacred status of land was profaned. A culture of violence replaced society's nurturing, life-affirming processes. Re-allotting the right to share in nature's and society's riches is the pre-condition for resolving the war between the sexes.

The Woman's Lot

Fred Harrison

Contents

The Biological Origins of Land Tenure	...	...	...	...	3
The Subordination of Women	...	...	...	...	5
The Route to Equality	...	...	...	...	8
Women as Collateral Damage	...	...	...	...	8
The Making of a New Strategy	...	...	...	...	9
Learn, or Lament?	...	...	...	...	10
Box 1	Structurally-induced Violence	...	...	...	5
Box 2	The Economics of Apartheid	...	...	...	6
Box 3	To Love, Honour and Obey	...	...	...	7
Box 4	Cruelties of “the adult world”	...	...	...	8
Box 5	The UN is found wanting	9
Box 6	Where “democracy” is not enough	10
References	11

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PROTO HUMANS emerged out of the primate species by creating social networks that made possible the evolution of *Homo sapiens*. The social networks were fragile and yet resilient. They had to accommodate two imperatives. The first was biological: ensuring the continuity of families through the generations. DNA-based instincts were gradually replaced in importance by the wisdom that had to be transmitted orally, a wisdom that came to be framed by symbols and rituals. People ensured harmony with their neighbours so that the household economy could function effectively through generations.

The second imperative was ecological. Humans needed long-term stability within their habitats. They relied on the repetition of the seasons to meet their material needs. Respect for nature was one way of showing respect for other people. Nature and society were organically integrated through the realms of psychology and moral values, making it possible for early humans to fulfil their unique biological and intellectual potential.

The social network was the mosaic of life which could be enriched by the further accumulation of knowledge and resources. Dynamic change was *constructed* as people added value to the social galaxy that they were establishing within the natural universe. This additive process revealed a unique capacity in humans to *create*. This creative capacity drove the expansion of culture that enabled humans to extend their range of opportunities. This creativity was the essence of what is meant by *freedom*.

It was not possible to alter one of the foundation pillars of this matrix without disturbing the other components. A *dysfunctional* change would necessarily disrupt the social edifice, with potentially disastrous consequences. Such was the case when men ruptured the tenure rights of women.

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The Biological Origins of Land Tenure

The earliest societies formalised the right of women to access the resources of nature. From this, it is tempting to subscribe to the hypothesis that those communities were founded on a matriarchal structure.

Through their fieldwork in the 19th and early 20th centuries, social anthropologists popularised the notion that pre-historical communities were matriarchal. Max Gluckman (1911–1975),

a professor of social anthropology, provided a synoptic treatment of tribal law which concluded that “Matrilineal (as it became known) succession must have been the earliest stage of human society” (Gluckman 1971:12).

The inheritance of land rights through the female line is a well attested fact. That, however, does not necessarily mean that society could be characterised as matriarchal. That hypothesis is now contested (Lerner 1986:31). For the purpose of defining the conditions under which the traditional freedoms enjoyed by women would be restored, the dispute does not need to be resolved. What is beyond challenge is that pre-literate communities did recognise the rights of women to access the land that was needed if they were to nurture the food out of the soil to sustain their families. This

was a *natural* arrangement. Inheritance was a human custom which combined biological imperatives (the need for stable unions between men and women to facilitate procreation) with the right to use land. Without land, life was impossible.¹

This nexus – women and land rights at the heart of the household economy – was the building bloc on which culture-bearing evolution became possible. Women bore the children and suckled them from birth to adulthood. Custom and practises embedded the right of access to the resources of nature, first through gathering, then through gardening. Thus was the status of women established and preserved.

Superior rights over the resource base were held in common. The home hearth corresponded to specifiable plots of land, the rights over which were linked to specific individuals. Within this framework, women cultivated the nearby gardens. The extended home range was accessed by both male and female hunting bands. The community as a whole “owned” the territory.

Modern literature records ample evidence of how tribal societies passed land rights down the generations on a matrilineal basis. This practise was sustained through millennia to secure the capacity of humans to negotiate their way across the planet and into the future as they expanded their awareness of the natural universe. That consciousness enabled them to probe deeper into nature’s secrets, the laws

¹ “Land” is defined by economists to include the services of all of nature’s resources. Thus, the electromagnetic spectrum that is used by cell phones draws on the powers of a layer of “land” that commands an economic rent. Because those rents are now largely privatised, Carlos Slim (Mexico) and Bill Gates (USA) are the two richest men in the world. Hi tech billionaires are being created by default in China, because the communist government is failing to collect spectrum rents for reinvestment in the welfare of the whole population.

which enabled the natural universe to reproduce the energy that is life itself.

As early humans plumbed the carrying capacity of their habitats, they further enriched their culture. This was an incremental process of voyaging upwards and outwards from nature into an ever more complex social galaxy, a process of discovery and invention that relied on the preservation of inter-personal harmony. As women fulfilled the biological role of reproducing the generations, men served as guardians of their communities. Threats from within the home territory came in the form of predator species. External threats might come at the edges of the territories from other humans whose intrusion could upset the delicate demographic/resource balance. Land tenure was at the heart of the symbiotic relationships that mediated the unique evolution of the human species.

The pre-colonial status of women in Africa was recalled by Nigerian barrister T. Olawale Elias, a commissioner for justice under the British. He noted:

In many African households the woman is usually, but not always, the mistress of the family. Her predominance is unquestionable in those social organisations which have the matrilineal and matrilocal systems of kinship arrangement, since the husband is then generally in a position of dependence upon the wife’s family. The man’s position is, however, often better where the kinship system is matrilineal but marriage is patrilocal (as among the Ashanti, for instance), although even here the woman retains and often embarrassingly asserts her independence of her husband. The children of such marriages look upon, or until recently used to look upon, their maternal uncles as more important than their fathers (Elias 1956:101).

African traditions before Europe’s colonial intervention reveal the rights and responsibilities associated with land. The general rule was that *ownership* was vested in the group, and the individual held rights of *possession*. Possessory

rights were secure but not absolute. The non-use or ineffectual occupation of land resulted in forfeiture and re-allocation to someone willing to put it to productive use (Elias 1956:163).

The Subordination of Women

Today, after a century of campaigning for the restoration of their rights, women continue to oppose the abusive treatment which is meted out against them and their sisters. The violence assumes many forms, from the exploitation of wives as domestic servants to the rape of women as a tactic of war, to the dragooning of women into the diamond mines of Zimbabwe by rogue politicians and their military henchmen (Thorneycroft and Laing 2012).

Demands for legal and institutional reforms, to establish the right of women to be treated as equals, are expressed as the right to vote and the right for equal pay. Are these demands sufficient to override the crime of gender inequality? Are additional reforms needed to materialise the rights and dignities of women?

The violence against women originates with problems that are “structural”. One definition of this kind of violence has been offered by American professor of psychiatry Dr James Gilligan (Box 1).

How the violence became institutionalised may be inferred from an examination of what happened when ancient traditions were disturbed. The traumatic responses have been analysed by English jurists.

Sir Henry Sumner Maine, in *Lectures on the Early History of Institutions*, stressed that the shift in the character of society away from its kinship basis was defined by land tenure: “[F]rom the moment when a tribal community settles down finally upon a definite space of land, the Land begins to be the basis of society in place of the Kinship” (Maine 1914:72). How the rights of access to land were redefined became the seminal issue. One of the transformations is noted by Maine:

[A]s the land rather than the common lineage gets to be regarded as the cement of the brotherhood, each man in his own house practically obtains stringent patriarchal authority over his wife, children, and servants (Maine 1914: 118, emphasis added).

Box 1

Structurally-induced Violence

Dr. James Gilligan (2000: 192) notes that “Structural violence differs from behavioural violence in at least three major respects.

1. The lethal effects of structural violence operate continuously, rather than sporadically, whereas murders, suicides, executions, wars, and other forms of behavioural violence occur one at a time.
2. Structural violence operates more or less independently of individual acts; independent of individuals and groups (politicians, political parties, voters) whose decisions may nevertheless have lethal consequences for others.
3. Structural violence is normally invisible, because it may appear to have had other (natural or violent) causes.

Neither the existence, the scope and extent, nor the lethal power of structural violence can be discerned until we shift our focus from a clinical or psychological perspective, which looks at one individual at a time, to the epidemiological perspective of public health and preventive medicine.”

Arthur Diamond (who became Master of the Supreme Court) explored *Primitive Law, Past and Present*. In the forested regions of West Africa, “the matrilineal principle is dominant, whereas in states which have been created through the conquest of agricultural peoples by

pastoralists (as in Northern and Western Nigeria) or by hunters (as in North America) we see clearly the paternal principle gaining upon the maternal” (Diamond 1971:365). With the onset of patrilineal practises, “primogeniture holds sway; the eldest son (or sometimes brother) succeeds with the obligation to help his brothers to marry and to support his mother and sisters...Personal property usually descends in the same way as heritable interests in land. It is almost exclusively vested in the male head of the household, *who acquires powers of life and death over his children and almost equal powers over his wife*” (Diamond 1971: 337; emphasis added).

The power of life and death stemmed directly from the monopolisation of the means of life – the land. By degrading the rights of access to nature (whether within the household, or within a nation), inequality is institutionalised. This results in the *economics of apartheid* (Box 2). An unnatural hierarchy of life is established that is offensive to everything entailed by the concept of humanity. *My life is superior to yours, not because I am a better person than you are, but because I own the land which you need to occupy.*

We can trace similar transformations in a country like England. The modern nation-state was established by creating the state of dependency. That was achieved by eroding people’s common law rights of access to land.

Feminists draw attention to the way in which laws degraded women’s rights. They cite William Blackstone, for example, who wrote in his influential *Commentaries on the Laws of England* that “by marriage the very being or legal existence of a woman is suspended, or at least it is incorporated, or consolidated into that of the husband under whose wing she performs everything”. A woman became known as *femme couverte*. That meant she owned no property of her own, had no rights over her children, her body or her earnings. But what was the cultural logic that brought this about?

Box 2

The Economics of Apartheid

Apartheid is the arrangement whereby owners of land evolve a separate culture from those who are excluded from land, who are driven to the margins of existence. Differential access to land establishes a dynamic of separateness enforced by legally sanctioned violence against those who are excluded. In what is officially designated as post-apartheid South Africa, the failure to devise and enforce a land reform that was capable of re-integrating the whole population has made it impossible to erase the blights of unemployment, destitution and crime (unemployment is 40% of the employable population). The fine words in South Africa’s constitution count for little in the townships of Johannesburg and Cape Town. Women cannot recover their traditional dignities while an abusive system of land tenure and rent privatisation is sanctioned by the policies of government.

The replacement of common law by statute law began with the intervention of Henry II (1133–1189). The social status of land was in the process of being transformed. Up to then, rents funded the needs of the monarchical state. The king “lived of his own” – meaning, he held estates, the rents from which were expected to cover the Crown’s costs. Feudal aristocrats held land assigned by the Crown on condition that they administered justice and came to the defence of the realm in its time of need.

With the incremental shift of society away from this paradigm – or land rents received in return for performing social service – customs and practises were modified. Modernisation was necessary, as science and technology improved the productivity of farmers. The reforms could have favoured the further evolution of society, raising the quality of everyone’s life. Instead, changes to the law of the land consequently degraded women and

their traditional rights.² Attitudes in the Victorian era indicate the depths to which the status of women had sunk (Box 3).

Box 3

To Love, Honour and Obey...

Neville Lytton (1879–1951), 3rd Earl of Lytton, artist and brother of suffragette Constance Lytton, wrote in *The English Country Gentleman* (n.d.: 110-111): “Take, for instance, the question of love and marriage. The heir to a landed estate considered, above all, his relation to that estate. He chose his wife as a suitable queen consort; she was not to be a co-partner. She was to love, honour, and obey him, but *he* was not to endow her with all his worldly goods, but rather endow all his worldly goods with her”. Lytton was evidently innocent of the facts of life, for he accounted for the relationship between the sexes in these terms: “Such an attitude is only possible in a country where there are more women than men and therefore men have a wide choice”!

The status of women was eroded during the late medieval period which historians call “bastard feudalism”. Women’s status and rights were at risk once the aristocracy sensed that its social function was becoming obsolete. The modern nation-state was being defined by the emergence of a professional standing army, professional judges and professional civil servants. These specialists had to be trained, and the roles were becoming full-time commitments. Feudalism was decaying through obsolescence. *The rents of the community*

² The Wikipedia entry on *Coverture* informs us that early feminist historian Mary Beard (in her 1946 book *Woman as Force in History*) held the view that much of the severity of the doctrine of coverture was due to Blackstone and other late systematizers, not due to a common-law tradition.

would need to be redirected, to fund the new employees of the state. The barons and knights would have to disappear into history. Right?

Wrong!

The knights were not going to go down without a fight. The chivalry of yore went out of the window: survival meant that they would have to challenge the authority of the monarchical state if they were to grab the nation’s rents. *They could preserve their social status by transforming the status of land.* But to privatise the rents as their exclusive income, they had to deny the social character of land as, ultimately, the property of the whole community. They had to separate possession from social responsibility. This was achieved by a protracted *coup d’état* against the monarchical state. Parliament, and the “rule of law”, became subservient to class interest.

Private tenure could only be achieved by assaulting the community. One device for extending the financial power of the aristocracy was that of appropriating land from the people who lived on the commons. This was followed by all the legally sanctioned abuses directed at the dispossessed, to contain their discontent. By privatising the land, the aristocracy necessarily prejudiced the status of women. Women were annexed as property. This was a logical outcome of the re-definition of the status of land, as we see in its most virulent expression – the law of primogeniture.

To secure their absolute control, the aristocracy enforced ownership of land in perpetuity through the male line. Daughters became dependent on their eldest brother. Gone was the chivalry towards the fairer sex. Now, it was a matter of crude contract. Men held the trump cards. Women no longer had equal rights of access to land. This exposed them to the potential abuses which became custom and practise once the social status of land had been erased. Women were now chattels.

The Route to Equality

Clawing back the dignities of womanhood has been a long, painful and still incomplete process. In the West, the campaign began at the beginning of the 20th century with the demand for the right to vote in elections. This route to equality could not deliver its full promise because change is negotiated within the terms of the prevailing social paradigm. Thus, the dominant culture would never agree to more than changes in appearance. The private status of land, and rent, would necessarily perpetuate violence in all its forms.

Legal concessions have been made that formally recognise women as equal to men. But the violence continues, disguised. Today, the primary tool for degrading freedom is the tax regime that was incubated as the substitute for funding public services out of land rents.

Formal concessions achieved by human rights campaigners *cannot be consummated* while the majority of people are still deprived of their equal rights of access to land (or, to state this proposition in a way that is appropriate for current socio-economic conditions, *their equal right to enjoy the benefits of the rental income from the land*).

We live in a dis-eased world. All the talk is of delivering human rights, but the reality “on the ground” is of disintegration. Values and institutions – the cultural glue – are in chaos. Women and children continue to be systematically abused.

- Violence against children in Britain is organised. The trade in women across Europe is one of the growth sectors of the economy.
- In Africa, the venerated status of women disappeared when colonial intruders grabbed the land. Children are press-ganged into murderous militias.
- In America, the commodification of women to serve commerce has achieved shameless levels.

Box 4

Cruelties of “the adult world”

Children are the victims of adults, but should we blame “the adult world” (as Harvard historian Simon Schama puts it)? Or is there an underlying process, a non-gender specific cultural phenomenon that institutionalises the victimisation of large numbers of children? Schama noted in one of his TV series that “children in untold, unprecedented numbers [are] being enslaved, prostituted and conscripted into empires of horror and wretchedness while the prosperous world feebly wrings its hands”. But in the US, adults as a whole care for, and invest in, their children. And yet, as Schama notes, the 2012 cuts in child tax credits for single working mothers would send another 8m children deeper into destitution in a country where 25% of the child population is already defined as living at or below the poverty line.

Something is seriously amiss, but to project the problem in terms of a vague “adult world” does not isolate the root cause(s) of the problem for the benefit of policy-makers.

The catalogue of horrendous behaviour is heavily camouflaged by the promotion of scapegoats (Box 4).

Women as Collateral Damage

The international community of nations concentrates on a few major crises: damage to the environment, damage to the economy, damage to people through poverty. These are *symptoms* of the flaw in the structure of the prevailing social paradigm. All the major pathologies are symptoms that can be traced back to a single fault: property rights that legitimise the misappropriation of the rents that everyone helps to create through his and her participation at all levels of society, from the local to global. The mistreatment of women and their children is another

example of collateral damage. It does not attract the same level of public concern, now, as (say) the eco-crisis. The maltreatment of women ought to receive primary attention for this reason: arguably, *women ought to be assuming the leading role in guiding humanity out of its existential crises* (Box 5).

Box 5
The UN is found wanting

On October 31, 2000, the UN Security Council passed Resolution 1325, which urged all member States to “put an end to impunity and prosecute those responsible for....sexual and other violence against women and girls” (Para.11). And yet, 12 years later, a report by the Institute of Development Studies, called *From the Ground Up* (Justino et. al, 2012), revealed that the special skills of women were not being used in theatres of conflict; and that the UN had failed to enforce its own resolutions on the rights of women.

In terms of priorities for action, we need a synthesis of all issues into a single, harmonious vision. There is no need to fragment the feminist cause from, say, the eco-crisis.

1. ***Nature will take care of itself.***
Humans are responsible for extinguishing living species. This is offensive to human sensibilities, but does nature care? The space vacated by an extinguished species will be automatically filled by adaptation into those voids of other forms of life.
2. ***Women have the most intimate interest in restoring justice.***
Every woman is the guardian of the biological legacy of humanity. Every woman is psychologically committed to optimising the welfare of the community. Every woman assumes the long-term

view, by nurturing the inter-generational perspective.

This contrasts with the characteristics of males. But the problem is not with the specifics of gender differentiation as with the fact that, today, a proportion of the male population draws rich material rewards from the pathological flaws that disfigure society. They will fight to the death (literally or metaphorically) to preserve the *status quo*.

At the dawn of human time, females were bestowed with exceptional psychological capacities. Is it not reasonable to expect women to insist on recovering their evolutionary role, so that they may lead us into the next phase of development of the social galaxy? This places a heavy burden of responsibility on womankind. Is this fair?

Social and environmental crises are converging in ways that threaten the existence of humanity. These threats demand acts of supreme wisdom which are not being provided by men. There is no denying that many men “have their hearts in the right place,” but absent is the leadership that is needed to facilitate progress to a post-exploitative age.

The Making of a New Strategy

Progress on the gender issue is contingent on elevating public awareness of the structural foundations of violence.

Women carry the responsibilities of their gender without the matching rights. Universal declarations about human rights abound, but what matters is what *actually* happens to individuals in their communities. The abuse of women, from the mildest to the most virulent forms, remains a routine process. *Only by making rights meaningful will women achieve the respect that embodies something that approximates to the notion of normality.*

We cannot retreat to the past. Nonetheless, we can abstract the universal principles that guided our species through evolutionary timescales. *The indelible principle that enabled our species to navigate through time and space was the one that prohibited the treatment of land as a weapon.* Nature's resources were available for the "common good". Possessory rights were enshrined in particular individuals; but possession was conditional. Land had to be used to support families. Otherwise, holdings would be transferred to others. The "dog in the manger" motive (wilfully depriving others of what they needed to enhance their lives) was not countenanced by traditional societies. Thus was nature and society able to work in partnership to emancipate human creativity, without discrimination.

Today, the ancient wisdom could find its appropriate expression through a finely tuned system of public prices. If people personally paid for the benefits they received from the public sector, as they now do for goods and services which they receive from the private sector, the rent of the land they occupied would be paid into the public purse.³ The obligation to pay that rent, for all the services derived from the "commons" (those of nature and society), would result in the self-discipline that would surface as respect for other people, respect for the community and respect for the natural habitat.

Learn, or Lament?

Ancient societies worshipped females as goddesses. Today, women would not expect that level of commitment from men. In fact, men, as well as women, suffer

³ Families that did not "own" land would pay their share into the public pot through *commercial rents*, which include the rent of land. Economic rent, through the public pricing mechanism, would be conveyed by landlords in both the residential and commercial sectors to the public agencies that deliver the services that make each location valuable, and therefore rentable.

because of the perverse arrangements enforced by the Tax State. This state of dependency renders everyone vulnerable to the will of others. When people are victimised within communities that are traumatised, even the dispossessed can be tempted to gang-up and exploit others (Harrison 2012). No institution can be free of corruption; that includes the Christian Church in a country like Ireland (Raftery 2011), and Moslem countries where discrimination against women may include their being banned from driving cars and denied the education available to men.

Box 6

Where "democracy" is not enough...

India is the world's largest democracy. Its constitution guarantees women equal rights and opportunities. It is a nation disgraced by the culture-wide scale of abuse inflicted on women. "More girls than boys die of malnutrition, and more are deprived of medicine and education," London's *Financial Times* editorialised (Jan. 4, 2013). Gang-rape and murder of women is on an epidemic scale. In one case, a 16-year-old girl was burned to death because she refused to drop charges against the six men who violated her. Her parents report: "The authorities did nothing" (Nelson 2014).

- ❖ Democracy is not a sufficient condition for protecting women. Nor are fine words in a written constitution sufficient, as the shameful case of India illustrates on a tragic scale (Box 6).
- ❖ A similar shame disgraces Europe, where the traffic of women across the continent is big business. In 2012 the UN's special rapporteur on violence against women (Rashida Manjoo) concluded, after a visit to Italy, that "Most manifestations of violence are under-reported in the context of a family-oriented and patriarchal society" (Davies 2013).

The general state of dependency would be erased by the transformation of the public's finances, which, *inter alia*, would necessarily entail a reform to the monetary system (the inter-generational debt burden would be consigned to the past).

By drawing revenue from rents, it would be possible to abolish taxes on wages and salaries. Conventional taxes are the primary reason why millions of people are priced out of work. Social bonds would be adjusted organically in response to the freedom to earn one's living. Equality would become the norm. Cultural diversity would be celebrated. The Predator Culture (Harrison 2010) would be *systematically* unwound in response to the natural inclinations of decent people.

A fiscal-led strategy for equalising the economic status of women would simultaneously rebalance the whole of society. From the moral fabric of a population to the routine decision-making of governments, all levels of life would be strengthened by the recognition that each of us (irrespective of gender) has an obligation to match rights with responsibilities.

The woman's lot of ancient times – the plot of land inherited through the female line – is now an insufficient model for addressing people's needs. Food-growing land *does* need to be made more readily accessible to women, if the world is to achieve the zero-hunger goal. But secure access to land needs to be complemented with the fiscal settlement that would emancipate everyone, both male and female, without distinction. Do we owe this to our children?

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