

Winner of the young scholar best paper award, Mumbai 2015

In December 2015, the Commission on Legal Pluralism granted its first 'Young Scholar Best Paper Award' for the best paper presented during its biennial conference in Mumbai.

The jury, composed by Prof. Gordon Woodman, Prof. Ajit Menon and Prof. Dik Roth, has unanimously awarded the following paper, written by Joyce Das from Bangladesh, PhD student at the Crawford School of Public Policy, the Australian National University, Canberra, Australia:

Good laws, bad outcomes: Land rights and inheritance practices for Christian women in Bangladesh

This paper explores a critical gender issue: women's land rights in the context of legal pluralism in Bangladesh. It considers the case of women's land rights in the minority Christian community. The paper notes that, whilst the Christian Personal Law provides women with substantial inheritance rights, in practice most women fail to exercise these rights. After giving an overview of scholarly literature that catalogue the causes of this divergence, this paper shows that women's land inheritance and disinheritance are directly linked with processes of identity politics in the Christian minority community. Based on theories of legal pluralism and linking these with community identity, this paper argues that the Bangladeshi Christian community pragmatically use, alter, or break the law in a way that helps them to protect their identity as a religious minority community. In these processes, women's land rights are often violated in the identity politics of the Christian minority's patriarchal system. On the basis of my ethnographic research carried out in Bangladesh, the paper also examines the consequences of such inequalities in land inheritance practices. I argue that there is a difference between legal land ownership, and actual possession and use. To make this point I show that, though many women have verbally provided land use rights to their brothers, they have not transferred formal rights. Thus, legally women continue to be entitled to the land which they do not till (or use). Difficulties arise when the female owners' children and/or grandchildren claim the land. Because of the virilocal marriage system, the progeny is likely to live in a different village and often sells it to people from the dominant Muslim community in the village where the land is located. Evidence shows that such sales tend to exacerbate the inter- and intra-religious conflicts and tensions in the country. I argue that the incidence of such conflicts and tensions has further aggravated the insecurities and vulnerabilities of the Christian minorities.

Some remarks by the jury:

- Relevant and original application of existing theory to a little researched topic.
- Well-structured and well-argued paper with a clear topic and purpose.
- Creative linking of legal pluralism with identity, property and gendered relations of inheritance.
- Combines issues of gender, religion, and identity as they influence land rights in a very interesting and relevant way.
- Good use of empirical research data.