



*Empowered lives.
Resilient nations.*

THE WOMEN'S ACCESS TO LAND

IN CONTEMPORARY VIETNAM

THE WOMEN'S ACCESS TO LAND IN CONTEMPORARY VIETNAM

Hoàng Cẩm
Lê Thanh Sang
Nguyễn Thị Phương Chăm
Ngô Thị Phương Lan
Nhưng Tuyet Tran (Team Leader)
Vũ Thành Long

Copyright © July 2013

By the United Nations Development Programme
25-29 Phan Boi Chau, Hanoi, Viet Nam

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without prior permission.

The views expressed in this publication are those of the author(s) and do not necessarily represent those of the United Nations, including UNDP, or the UN Member States.

The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations or UNDP concerning the legal status of any country, territory, city or area or its authorities, or concerning the delimitation of its frontiers or boundaries.

Designed by: Phan Huong Giang, UNDP
Printed in Viet Nam, by Phu Sy Company
Publishing license 1256-2013/CXB/05-135/VHTT

ACKNOWLEDGEMENTS

The authors wish to thank the staff from the UNDP country office in Hà Nội and administrators and individuals from the ten provinces who helped to facilitate our research. We thank the experts who gave critical feedback in the workshop held in Hanoi in April 2012, Lê Thị Ngân Giang and Lê Nam Hương, UNDP Program officer. In Vietnam, Trần Duy Anh provided valuable research assistance and, in Toronto, Michelle Phan and Shalika Sivathanan created the maps and Kristen Chew edited the manuscript.

We also thank the four external reviewers who gave us extensive written feedback on the draft report. We have not incorporated all of their suggestions, but their critiques enabled us to give an even more critical eye to our own arguments.

We owe a special thanks to our survey and interview participants, without whose generosity we would not have been able to complete our research. All the mistakes are, of course our own.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	6
INTRODUCTION	13
I. RESEARCH RATIONALE	14
1.1. Theoretical Framework.....	14
1.2. Research Issues.....	17
II. METHODOLOGY	17
2.1. Textual Methods	23
2.2. Survey Methods	23
2.3. In-Depth Interviews and Focus Groups.....	24
2.4. Research Limitations	24
III. RESEARCH FINDINGS	25
A. THE CURRENT STATE OF WOMEN'S ACCESS TO LAND THROUGH SURVEY RESULTS.....	25
1. Household and Land Properties	25
2. Gender Roles	40
3. Attitudes toward Women's Land Rights and Access to Land.....	43
4. Women's Access to Land in Practice	48
5. Access to Legal Knowledge and the Real Estate Market.....	56
B. POWERS OF EXCLUSION.....	59
1. The Law	59
2. Lineage practices: household division and succession	65
3. Mediation Committees.....	83
4. Wills and Testaments.....	87
5. Access to Legal Services.....	91
6. Local Constructions of Gender	94
C. WOMEN'S ACCESS TO LAND: NEW OPPORTUNITIES.....	97
1. State Power and the Role of Communication	98
2. Urbanization and Women's Access to Land	99
3. Changes in the Symbolic Value of Land—Effects of Mobility.....	102
IV. CONCLUSIONS AND RECOMMENDATIONS	103
4.1. Conclusions.....	103
4.2. Recommendations.....	106
4.2.1. General Recommendations	106
4.2.2. General Recommendations	108
LIST OF TABLES AND CHARTS	111

TABLES

Table 1. Social Characteristics of Respondents by Gender.....	25
Table 2. Level of Education of Respondents by Residential Urban/Rural Division	26
Table 3. Reason for Change in Residence from Natal to Present Community By Gender.....	27
Table 4. Ethnic Designation According to Research Sites and Kinship Group	28
Table 5. Social factors According to Kinship Group	29
Table 6. Average Household Income by Province, Rural/Urban, and Kinship Group	31
Table 7. Quality of Housing by Province, Rural/Urban, and Kinship Group.....	31
Table 8. Respondents' Relation to Kinship Who Live in the Same Commune/Ward, Their Occupational Position and Level of Closeness by Gender, Kinship Practice, and Urban/Rural	33
Table 9. Vị trí nghề nghiệp của những bạn bè đang sống trong cùng xã/phường và mức độ thân thiết của người trả lời phân theo giới tính, nhóm tộc người và nông thôn/đô thị	34
Table 10. Occupational Position of Friends Who live in the Same Commune/Ward of Respondents and Level of Closeness to Them by Gender, Kinship Group, and Rural/Urban.....	35
Table 11. Source of Household Residential Property by Province, Rural/Urban, and Ethnic Group.....	36
Table 12. Non-residential land by Province, Rural/Urban and Kinship Group	38
Table 13. Average Size of Non-residential Property by Type, Province, Rural/Urban, and Kinship Group	39
Table 14. Division of Household Domestic, Economic, and Societal Responsibilities	40
Table 15. Expectation of Who Performs Domestic, Economic, and Societal Responsibilities by Gender, Kinship Group, and Urban/Rural Residence	41
Table 16. Respondents' Attitudes toward the Role of Gender in Land Titles and the Division of Household Property between Wives and Husbands by Gender, Kinship Group and Rural/Urban.....	42
Table 17. Gender Attitudes and Effects on Inheritance and Succession by Gender, Kinship Group and Rural/Urban.....	44
Table 18. Analysis of Factors Related to attitudes toward the Division of Household Property among Children	44
Table 19. Respondents' Attitudes toward the Role of Family, Lineage, and the State with Respect to Household Division and the Settling of Land Disputes by Gender, Kinship Group, and Rural/Urban.....	45
Table 20. Respondents' Intentions with Respect to the Division of Household Property by Province and District.....	46
Table 21. Respondents' Intentions in the Division of Household Property by Gender, Kinship Group, and Urban/Rural.....	47
Table 22. Persons Entitled and Have De-facto Authority over Family Residential Land by Kinship Group and Rural/Urban	48
Table 23. Percent Named on Title as a Function of the Sources of Land	49
Table 24. Marital Entitlement Practices and Authority over Residential Land according to Economic Situation, Education Level, Knowledge of the Law, and Attitudes toward Land Ownership...50	
Table 25. Person Entitled or with Reported Authority over Non-Residential Land by Kinship Group and Rural/Urban.....	53
Table 26. Participation in Household Land Transactions.....	53
Table 27. Persons Who Decided on Household Land Transactions in the Last Five Years	54
Table 28. Percent Seeking to Understand Information, Policy, and Land Law by Gender, Kinship Group, and Rural/Urban	55
Table 29. Percent of People Attending Policy and Law Information Sessions by Kinship group and Rural/Urban.....	56
Table 30. Sources of Support in the Case of Land Disputes by Gender, Kinship Group, and Rural/Urban.....	58

CHART

Chart 1. Percentage of Respondents Listed on Title of Residential Land	25
Chart 2. Percentage of Persons by Role Listed on Non-Residential Land Title	26

EXECUTIVE SUMMARY

The issue of women's access to land is often framed in the context of oppression, emancipation, or Vietnamese uniqueness. The current study examines contemporary women's access to land across ten provinces outside of these traditional narratives.

The Research Team conducted survey and ethnographic research in the following locations: Hà Nội (Quốc Oai and Từ Liêm Districts), Hồ Chí Minh City (Hóc Môn and Bình Thạnh Districts), and Đà Nẵng (Hải Châu and Sơn Trà Districts); and two districts in each of the seven following: Lâm Đồng (Đức Trọng and Lạc Dương Districts), Long An (Cần Đức District and Tân An City), Nghệ An (Quỳnh Lưu and Diễn Châu Districts), Ninh Thuận (Ninh Phước and Bắc Ái Districts), Quảng Ninh (Hoành Bồ District and Hạ Long City), Sơn La (Phù Yên and Bắc Yên Districts), and Trà Vinh (Cầu Kè and Tiểu Cần Districts), representing eight economic regions in contemporary Vietnam. The Research Team chose the sites because they reflected a diversity of rural-urban locations, lineage patterns, and ethnic diversity. In addition to the survey data, in-depth interviews, and focus group discussions, the Team analyzed forty-two available court cases involving inheritance and succession issues in the Vietnamese courts, from the district through Supreme Court levels.

Research Findings

Taking into account both the survey and interview data, we found that women, by and large, do not have equal access to land compared with their male counterparts. We were able to identify six key obstacles to women's access to land

Obstacles to Women's Access to Land

Major obstacles preventing women from adequately accessing their land rights include current **laws** (regulation); **lineage practices**

(legitimation); **mediation committees** (force, the market, and legitimation); **testamentary practices** (the market, regulation); **access to legal services** (the market, force) and **local gender attitudes**, which privilege male power across the ethnic groups.

Though contemporary Vietnamese law, in theory, enables women equal access to land in that it guarantees individual divestment regardless of gender, two features of the law work to exclude women access to their property claims. Court cases, survey data, and interviews illustrate that families that do divide property before death do so without or less regard to gender equity. They divide household property based on a diversity of reasons, including male preference, customary practice, and individual circumstances, which combined, serve to exclude women from accessing their property claims, as elaborated in the report. Second, because household property is often inherited through the process of succession, the laws regulating succession exclude children of non-registered unions, putting the women and children of these unions vulnerable. Here, secondary wives/common-law spouses/and extra-marital partners lie outside of the legal parameters for succession, leaving these women and their children without recourse in the case of the death of the partner. Although respondents perceived that the courts will rule according to the law, in practice, the adjudication of inheritance law is complex. Evidence shows that Vietnamese judges sometimes make decisions based on overlapping episteme and that they apply the law without the goal of gender equity in mind. Rather, they use the flexibility of the law to adjudicate their cases balancing what they perceive as customary practice of the area with the fairness of the law.

Inheritance patterns, which are legitimated by lineage practice, serve to exclude many women in Viet Nam from accessing their land rights. There is a clear distinction in attitudes toward women's

access to land when measured against kinship practices. 52.2% of respondents from patrilineal households indicated that they believed that property should be divided equally between daughters and sons, compared with 89.5% of those from bi-lateral groups and 29.6 of those from matrilineal groups. Within a marriage, with respect to land entitlement, among patrilineal groups, 58.9% of respondents indicated that men should be the sole owners of household property while the levels decrease significantly among matrilineal (30.1%) and bi-lateral (37%) groups, respectively. Here, the symbolic value of the ancestral land, as site of the spirits of the parents, is important to determining whether a son or a daughter would be given access to that land. These statistical findings map well with the in-depth interviews, where informants from patrilineal households that practice patri-local residents indicated a propensity to reserve land exclusively for sons, while the opposite was true in matrilineal households. Residence patterns, which create expectations of responsibility and reliance between the generations affects how parents divide their household property.

Among the Khmer of Tra Vinh Province, who practice bi-lateral lineage practices, respondents indicated no preference in daughters or sons but placed importance on s/he who would maintain the ancestral offerings. Although women inherit and succeed to family property at greater rates among matrilineal groups, it does not necessarily mean that they are able to benefit (access in our use of the term) from it on par with the men in their community. The Raglai and Cham community present a solid example: though survey takers and interviewees indicated without hesitation the preference for daughters in matters of household division and succession, during in-depth interviews and focus group discussions, it became clear that because of education levels and perception of social competence, the husbands in the household (or the maternal brother) made important decisions regarding household property, not the women who were entitled to it by custom. Across the ethnic groups, we found that authority over household property generally shifted in favor of the husband, usually because of the relative difference in education levels or familiarity with the law and other state institutions.

Across the ten research sites, we found uneven testamentary practices, where some communities

only kept oral testaments. Other communities, particularly ethnic minority communities with little access to education or legal services, believed that land-registry records served as de facto testaments and would ensure their successors' claims upon their death. Interviewees described, also, a reluctance to promulgate a will and testament as it may portend health issues. Finally, even when families do establish wills, the primacy of the preference of the testator often means that the document only formalizes patterns of household division before the fact. That is, because most families in contemporary Viet Nam privilege sons, daughters only inherit a small share of the household property or none at all. This phenomenon occurs most clearly in communities where the land is closely connected to multiple generations in the family and lineage practices.

The in-depth interviews revealed that local mediation committees serve as one of the strongest obstacles to women accessing their land rights. Established by the state, these mediation committees resolve local disputes with two goals in mind: to maintain peace and to broaden adherence to the law. In matters of women's access to land, however, we found that members of mediation committees encourage women not to challenge the status quo, meaning that they should not insist on claiming a share of household property that is guaranteed by law. Though their decisions and encouragement is not binding, members of mediation committees have social status and prestige within the community and their decisions and threats to women who consider claiming their land rights serves as a significant deterrent. Interviews with mediation committee members and local women involved in property disputes demonstrate that the goal of preserving community harmony is more important to these committees than ensuring women's access to their land rights.

Across the research sites, women lacked of access to legal services in their local communities, putting them at a disadvantage to claiming their land rights vis a vis their male counterparts. Women lack adequate access to legal services for a variety of reasons, including language and education, social position, power dynamics, and the difficulties of the bureaucratic system. For women of ethnic minority groups, language barriers prevent them from accessing legal services and convince them that their male counterparts

are better positioned to represent their property interests. Even among women who identify as ethnic Kinh, language serves as a barrier because they do not perceive themselves as being well-versed in the language of government, and thus are dissuaded from accessing legal services. They are also dissuaded from accessing legal services because they perceive themselves to hold low social positions vis a vis their husbands or brothers. Finally, the difficulties of the bureaucratic system along with the power that the state's employees have over local women further dissuade women from accessing those services. To participate, women must have the capital to pay the fees and associated grease payments and to interact with representatives of the state, who reportedly have used their power to influence local women.

Though each community has different expectations of the women in it, we found that local gender attitudes converged on their effect: to limit women's access to land. From the division of household responsibilities, to the perception of intellectual ability, to social position and status, we found that local gender attitudes were reproduced by women and men alike, working to limit one's own or the next generation of women's access to land. Gender, as a mechanism of signifying power relations, helps us to interpret why property may be transmitted via women, yet they may not be able to benefit from it, as in the case of Cham women. Men in Cham communities are represented as more educated and capable and hold the positions of power in these local communities. Thus, even though women might have formal claim over land, they may not have authority over it. Socially constructed gender expectations affect how women and men view their responsibilities and rights: women take care of domestic duties while men take care of societal concerns. These expectations were not universal, but varied by region and across the rural-urban divide.

Though the obstacles to women's access to land are many, the evidence reveals some opportunities to widen them. First, the evidence demonstrates that women have greater access to land in urban compared to rural communities. This phenomenon is true not because of some magical quality linked to cities, but rather because of the intersection of material and intellectual opportunities available to women in urban areas. There, women had greater economic opportunities, but they lived in spaces where they

could access newspapers, the internet, and other material and non-material artifacts that code women's equal access to land as a natural and socially acceptable standard. Women who live in cities or who have recently migrated to cities take their new found understandings of the law, of gender equality, and experiences back to their rural communities, changing local expectations from within as well. The observations from interviewees suggest that in seeking to broaden women's access to land, we approach the issue through practical measures that widen access to knowledge and legal services for the cultural practice to change from within, rather than be imposed from without.

Recommendations

Across the ten provinces, during in-depth interviews and focus group discussions, respondents demonstrated a strong resistance to the imposition of gender equity from the outside. In instances where women were excluded from their land rights, most framed it as "tradition" or "custom." Both female and male interviewees indicated that notions of gender equity should not be imposed from the outside because it would not be possible and that it would create disorder within local society. The better path would be for the natural evolution of social norms. Thus, in our recommendations, we are mindful of the perception that encouraging more equitable access to land rights can be perceived as inappropriate by the local community, women and men alike. Any intervention program, then, must include a broad education program to give women and men the information and tools available to claim their land rights.

To mediate these forces of legitimation that can exclude women's access to land, we believe that outreach programs emphasizing the importance of understanding one's rights under the law can help to encourage individual women to access their rights and community members to allow them to do so. The information sessions to broaden this understanding need to be strengthened, particularly in rural communities and in areas where ethnic minorities predominate. We suggest that information session work from within the community, to learn about the patterns of behavior and to educate women about their legal rights without imposing a universal concept of equality and fairness. The information sessions

should also seek to educate across a broad cross-section of the community, including men, so that when women try to access their land rights, they will be able to take advantage of a wider range of allies.

Mediation groups/committees, especially those in areas where patrilineal groups dominate, have become a faceless power that works to limit women from accessing their land rights. The mediation committees reinforce customs and practices that exclude women from acing their land rights, especially when disputes arise between family members and within the village. Because of the power that the committees have, we suggest that the “reason” goal of the mediation committee be emphasized over the sentiment practices they pursue. That is, they should seek to mediate according to the law rather than to preserve family relations, especially when women are seeking to claim their rights.

By improving legal services, the state could begin to change the structure of women’s exclusion from land. The bureaucratic process could be simplified and women should be given financial assistance with fees for the processing of paperwork. We also suggest that where possible, such offices arrange for translators who can assist women from minority communities. Finally, we suggest that in the hiring process, local governments seek to hire more women, and especially women from the minority communities, to serve in these offices. Linked to the improvement of basic legal services is the need for more hands-on assistance with land-use documents as well as the promulgation of wills and testaments. These offices and workshops have the potential to become major resource centres for women to turn to when their family and social networks fail.

Finally, the lack of social services generally and education opportunities for girls from ethnic minority communities remains a major obstacle to women’s access to land rights. Stronger public safety nets would allow the elderly security and thereby decreasing expectations on their children, and enable women to know that they have alternatives when they are involved in intra-family disputes. In rural areas, almost all respondents shared the impression that women did not know anything or were not as competent as their husbands, and so control over household property rests in husbands’ hands. Improving the quality of education for girls in poor areas is a

basic step to broadening women’s access to land in the long run.

Interventions

Our findings indicate that women from patrilineal groups and especially from rural and mountainous areas face the most obstacles to accessing their land rights. Before initiating programs to intervene in the present practices and expand women’s access to land across such a broad spectrum (region, actions), we suggest choosing three communities (Hmong and Dao in Sơn La and the Kinh in Nghệ An) to initiate interventions in the form of a pilot program in enlarging access to legal services. Any initiative undertaken should seek to 1) improve the content and communication strategies of outreach programs; 2) encourage and support women in registering their land rights and to use land transfer documents; and 3) raise the standard of basic legal services in communities throughout Vietnam. We recommend initiating an outreach pilot program that is governed by the principles of inclusiveness, diversity, and clarity.

By inclusiveness, we mean that the design and implementation of the program must guarantee the basic message to all actors. Every member of the community—seniors, women, men, the poor and the elite, must all be subject to the same message—that the law guarantees women their land rights and that the legal system has mechanisms to help women to access them. Only with participation of members from all levels of the social strata will the message be most effective.

By diversity, we mean that the design and implementation of the outreach programs must be diverse and flexible. The message should be relayed through multiple communication channels and in formal and informal ways. That is, the outreach programs should draw on the local expertise of formal and informal actors and to fashion the communication strategies based on the practices in those communities. In that way, the message could be understood, rearticulated, and reproduced in local terms rather than imposed from above.

By clarity, we suggest that attention to the form and language of the message is as important as the message. Universalist or legal such as “gender equality” “wills and testaments” has

little resonance with some local ears. Thus, those working in these outreach programs must be attuned to how to translate these terms in ways that are meaningful to the clients in the particular community.

In order for any outreach program to function well, we believe that pilot programs that train workers to respect local clients and their practices and customs would build trust between local women and legal institutions that have thus far been viewed as a barrier to adequate access. With well-trained personnel, these pilot programs could serve as models for how other basic legal institutions in Viet Nam can serve their purpose as resources for local communities rather than barriers to access to the law.

INTRODUCTION

International feminist discourses often characterize women from the developing world as a universally oppressed group, representing them as homogenized “third world women,” whose “ignorance, poverty, and victimization” prevent them from achieving equality.¹ Though more nuanced, research on Vietnamese women’s access to power and land rights and international donor programs have also framed the issue as one of “empowering” women in their daily lives. Framed in such a way, these programs position Vietnamese women as victims, waiting to be illuminated and emancipated by more modern forces, whether those forces are international feminists, state actors, or international non-governmental organizations.

On the other end of the narrative spectrum, Vietnamese and international scholars have long claimed that Vietnamese women have historically enjoyed equal property rights, suggesting that Vietnamese women are the exception in the developing world. This narrative has framed discussions about gender equity and feminism in Vietnam for the last century.² It traces Vietnamese women’s property rights from a mythical matriarchal period, through the guarantee of equal property rights in the Lê Dynasty (1428-1778) and the devolution of those rights with the Nguyễn Dynasty’s adoption of the Chinese bureaucratic model; and finally to the official declaration of gender equity in the constitution of 1945.³ This Vietnamese version of Engels’ classic theory on the origins of the household economy provides the Vietnamese past with the potential of being modern, yet links Vietnamese feminism with the emergence of the socialist nation.⁴ Scholars from the Republic of Vietnam structured their argument slightly differently—they argued that the existence of equal property rights for women in the past reflected the country’s potential to become a liberal democratic country.⁵ Though these two traditions used the idea of women’s property rights to lay claims to their particular visions of Vietnam’s future, these two

groups share commonality in their conflation of women’s status as a key marker of modernity and the state’s central role in creating it. This Research Program takes a different approach to studying women’s access to land rights. Rather than framing the issue of Vietnamese women’s access to land rights as one of empowerment or of cultural authenticity, we seek to highlight how locally attentive research can help to reveal the major obstacles that *exclude* women from accessing their land rights. We do so by examining women’s access to land across ten provinces in eight key economic zones in contemporary Vietnam.

I. RESEARCH RATIONALE

When studying the issues of law and gender, this study departs from several key ways. First, it uses “gender,” defined here as a mechanism of signifying power relations, as the primary lens of analysis. Second, it is the most comprehensive study of women’s access to land rights to date, encompassing data from ten provinces in eight key economic zones. Third, related to our first point above, this study analyzes a wider scope of actors, including “the state,” women, men, community groups, kinship groups, and other official and non-official actors in the process. Fourth, it rejects the prevailing presumption that women are a homogenous category or simply victims of a cultural, which is how studies are often framed. Rather, this study approaches women as a heterogeneous group, with each individual acting within overlapping networks of demands, desires, and obligations. This study argues that women are excluded from access to land by a multiplicity of actors. These actors include the state (law, the courts); local authorities (village leaders), semi-formal institutions (mediation committees), and influential individuals within in their local community. These actors work to preserve community harmony, and when women seek to access equity in land division, they are represented as threats to community harmony.

In short, our findings suggest that state law, as it is currently applied, enables local actors to exclude women from access to land, rather than guaranteeing women access to land.

1.1. Theoretical Framework

In organizing our findings on “women’s access to land in contemporary Vietnam,” we have found it useful to borrow two key heuristic concepts proposed in the recent literature on agrarian transitions in Southeast Asia: access and exclusion. Jesse Ribot and Nancy Peluso have argued that access, which they define as the “ability to benefit from things,” should be disambiguated from property, often defined as “an enforceable claim.” Access, they argue, should be understood as bundles of powers and relationships that enable individuals or groups to “gain, control, and maintain [the ability to benefit].” Derek Hall, Philip Hirsch, and Tania Li have expanded on these formulations, using the term exclusion to refer to the diverse and connected ways in which individuals or groups are “prevented from benefitting” from their land claims. The four powers that shape exclusion from land—regulation (laws, moral codes, customary laws, etc.); force (the explicit or implicit threats of violence against one’s ability to access land); the market (the value of property or the cost of accessing services to secure one’s access); and legitimation (justifications to moral or other bases to support exclusion)—provide a helpful framework for understanding how diverse actors engage in processes that exclude groups or individuals from benefiting from land.

By applying Hall, Hirsch, and Li’s term, “exclusion,” we agree with their point that all access necessarily means exclusion. When applied to the case of women and land rights in Vietnam, the term “exclusion” refers to ways in which women have been prevented from benefiting from land, whether by regulation, force, the market, or legitimation. These powers of exclusion often operate in overlapping ways. Regulation refers to state law, customary law, and morality codes that work to exclude women from accessing their land rights. For example, as discussed below, the law is too broad as it is written, and leaves room for judicial committees and mediation committees to draw upon other epistemes—morality (đạo), justice, custom (tục)—to reach their decisions. This practice often leads to the exclusion of women

from their land rights. Women are deterred from accessing their land rights with force, which is often implicit, in their communities. Reports from legal cases and interview evidence demonstrate that when women seek to access their land rights, they face oral harassment or face implicit and explicit threats of violence to prevent them from claiming these rights, often described as “they do not dare.”

The market operates as both deterrent and motivator for women to claim access to their land rights. This force is applied to all claimers including women. The market force works hard on women who are often considered vulnerable because of their inferior socio-economic positions in the society. As a deterrent, women who seek to claim their land rights must pay a set of fees, ranging from filing paperwork to determine their ownership to legal fees to enforce their claims. Since most people are not trained attorneys, they must also pay for legal advice. In addition to the formal fees that must be paid to the regulatory structure, there is an entire underworld of graft that is understood to be a part of the market structure for accessing state services. Such payments can include simple grease payments (payments made so that expected work will be done) to outright bribes (payment to secure a particular outcome) and can quickly multiply, making the market a major force of exclusion. In short, to access one’s land rights, one must be prepared to pay for it.

Market forces can also motivate women to access their land rights because they help to determine the economic value of land. However, market forces also motivate others to exclude women from accessing their land rights. In certain communities in Vietnam, particularly in urban or rapidly urbanizing areas such as in Hà Nội, Hồ Chí Minh City, Đà Nẵng, or Long An, the value of land has increased manifold. This rise in the market value of land has led to a rise in the number of land disputes, a phenomenon revealed in court cases and in-depth interviews. While the rise in the economic value of land can motivate some women to claim their land rights when they may otherwise choose not to, it may also motivate others to lay claim to the land, and exclude women. For example, the male relatives of a deceased party may lay claim to land and appeal to customary, hereditary, or community standards to legitimize their claims, the fourth power of exclusion.

The diversity of actors is key to our analysis of the exclusion of women from land in Vietnam. Whereas the discussion has often been framed as one between men and women, our research indicates that the actors involved in the exclusion of women’s access are multiple and diverse. These actors can be grouped broadly into three categories: state, community, and family. State actors include the local officials and judges who are in position to enforce the laws and regulations and judgments that affect women’s access to land rights. The “state” also includes the legal structures set up to preserve social order. Community actors include individuals who enjoy informal power within the local networks. They include lineage heads, religious and/or spiritual leaders, and members of local mediation committees. These mediation committees occupy a hybrid identity within the local communities. As individuals with status from the community, they are not formally state representatives. However, these members serve on a committee established by both the state and the community. Even though they are not formally state representatives, their position can also serve as a symbol of state power in local communities. In practice, these mediation committees serve as an added layer of deterrent for women who seek access to land rights. The mediation process in Vietnam is not binding and complainants can still access the legal system to pursue their claims. Those complainants who have gone through mediation face enormous pressure not to pursue court strategies, however, as the mediation committee’s decision carries it not the force of law, but of community expectation.

Finally, although women are often represented as a homogeneous group, our analysis relies on the understanding that women pursue strategies that correlate with their particular conceptions of right and wrong. These conceptions are not homogeneous and often, women—as complainants demanding their land rights, as agents of the state, and as family and community members—often work to limit other women’s land rights. Access, therefore, is not a zero-sum game, and women who access their land rights often, in effect, limit other women’s access. This process becomes most clear in our discussion of polygyny. In those instances, because of the way state law defines marriage, we find that secondary wives (and their children) are often excluded from claiming land rights. Combined, the terms exclusion and access allow us to understand how, despite legal guarantees of gender equality

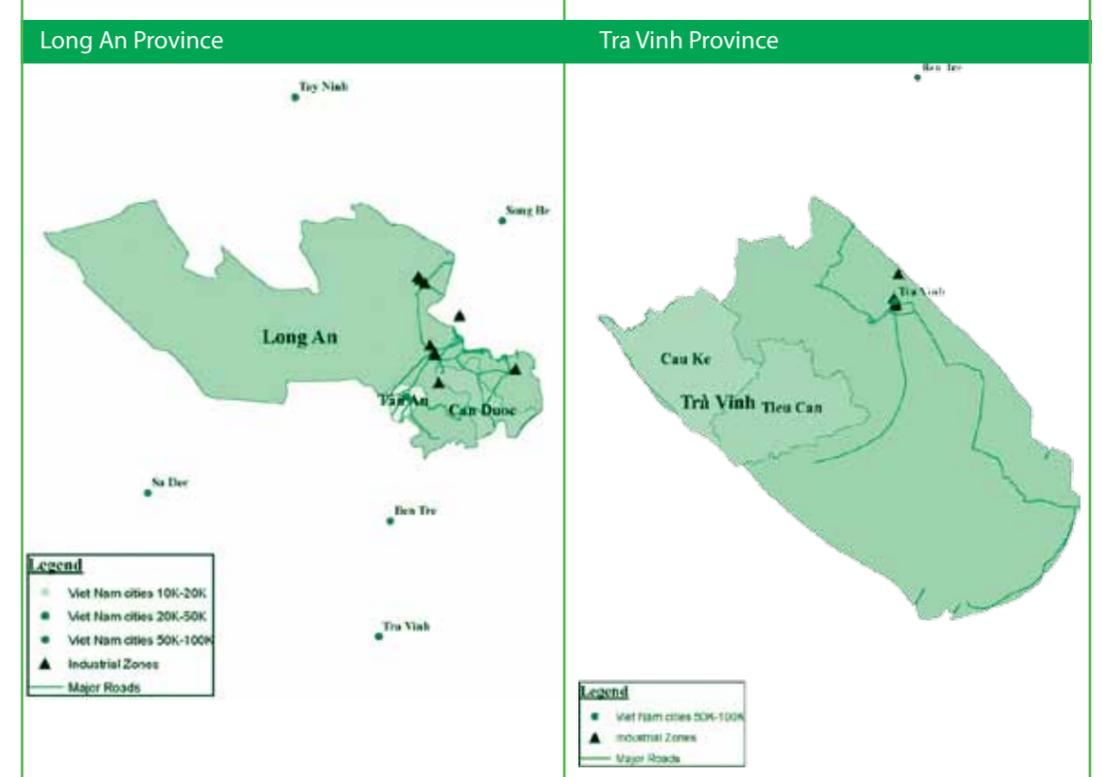
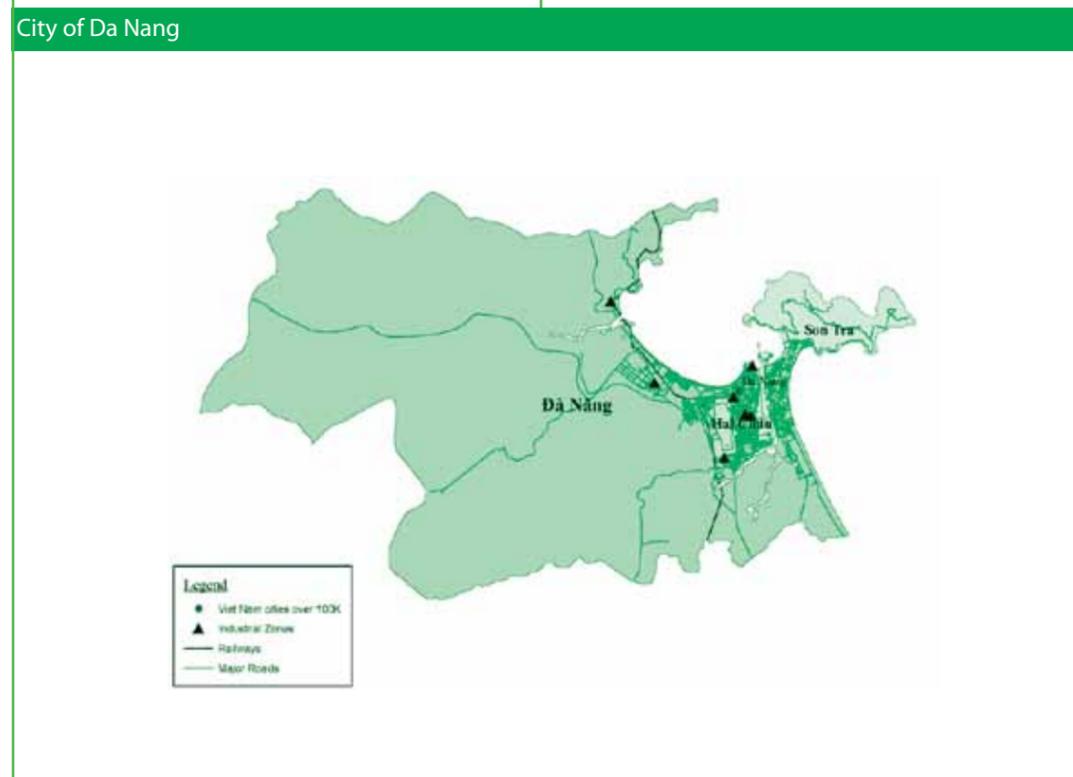
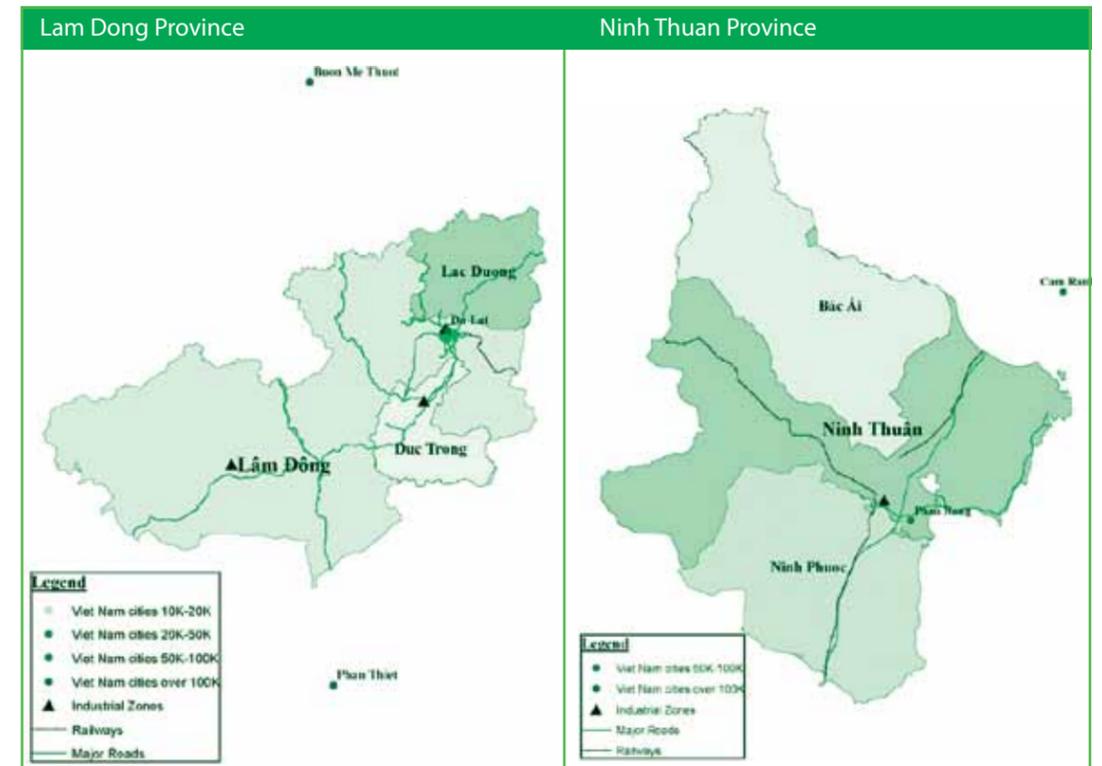
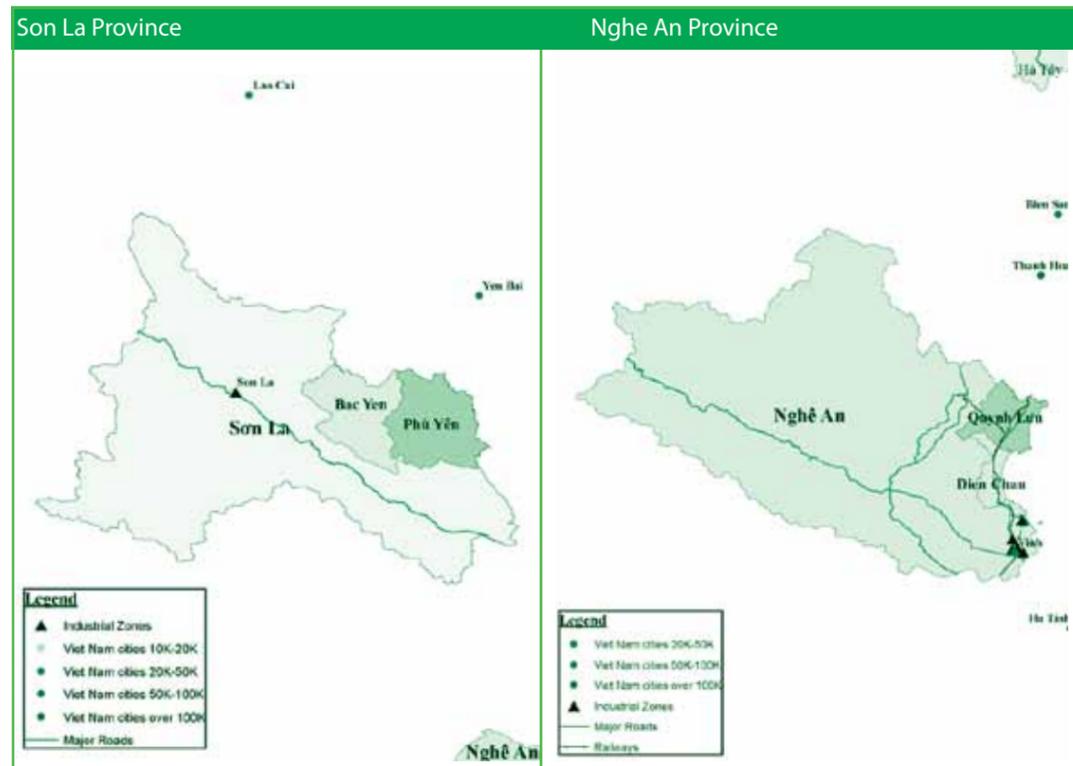
in property law in contemporary Vietnam, interconnected powers operating at familial, local, and state levels continue to exclude women from “benefitting from land.”

1.2. Research Issues

The Government of Vietnam is to be applauded for their efforts to guarantee and promote gender equity. These efforts are clearly expressed through the Constitution of Vietnam since its very beginning. An article in the 1946 Constitution reads: “All citizens of Vietnam, regardless of their sex and gender, share equal rights in all aspects of political, economic, cultural and social life.” The issue has been reinforced through the national Constitution of 1959, 1980 and 1992.

To bring this philosophy into practice, the Government has issued a series of decrees and programs focused in specific thematic areas. In regard to the issue of women equal access to property rights, Article 48 of the 2003 Land law, for example, certifies that: “Where the land use right is a mutual asset of a wife and husband, the certificate of land use right must state the full names of both husband and wife. Where the land user of one parcel of land comprises a number of individuals, family households and organizations, a certificate of land use right shall be issued to each individual, family household and organization being a land co-user.” Similarly, the Marriage and Family Law of 2000, Article 27 clearly states that “Common property of husband and wife includes property created by husband and wife, incomes generated from labor, production and business activities and other lawful incomes of husband and wife during the marriage period; property jointly inherited or given to both, and other property agreed upon by husband and wife as common property. The land use right obtained by husband and wife after their marriage is their common property....Where a property under the common ownership of husband and wife is required by law to be registered for ownership, names of both husband and wife must be inscribed in the ownership certificate thereof.”

The Government efforts have significantly improved gender equity in Vietnam during last decade. However, due to a number of reasons as presented in the following sections, a distinct gender difference still exists in practice. Surveys conducted by Action Aid (2008), the World Bank (2008), VARHS (2010) and UNDP (2006) all show,



2.1. Textual Methods

This report was based on research of the laws of the Socialist Republic of Vietnam, as well as on 42 court cases that dealt with the adjudication of inheritance and land use. Twenty-one cases included the full case record and were collected from provincial and district courts throughout Vietnam. The other twenty-one cases were published in abridged format in a collection of cases for law students. In addition to providing insight into how the legal system adjudicates land disputes, the narratives within the cases allow us to discern patterns of household division that have not been discernible through interviews or survey results. Within the narratives of the cases, plaintiffs and defendants describe how household property was divided among members. Though these practices, or the fairness of these practices, may be disputed in the courts, we can still discern local practices from these patterns. Second, the court decisions themselves allow us to explore how state law regarding property rights has been adjudicated. Finally, the court cases allow us to examine the issue of polygyny and its effects on women's access to land rights. Formal or informal polygynist practices, where a man has multiple wives (or a wife and other partners), persists in Vietnamese settings and is difficult to measure because of the sensitivity of the topic. The court cases allow us to examine how the status of individual women before the law, and within a family system, fare in the adjudication of property law in Vietnam, and provide insight into the relative power of women related to their position. Though it is commonly expected that the transition toward formal court systems and the formal rule of law would make Vietnamese courts adjudicate cases according to state law and regulatory statutes, their decisions reveal a complex situation that, in practice, relies on the law to limit women's access to land rights.

2.2. Survey Methods

The ability of women to access land is complicated by a number of economic, cultural, and social factors that must be examined from broad perspectives so that the multiple and complex issues related to this research topic can be understood.

We used three approaches to measure the data. Economically, each region has a different way of life, different experiences with land development

and types of land ownership, and different issues related to land scarcity. Uneven economic development and the varying quality of the land itself have had a large impact on access to land in general, and for women in particular. Culturally, Vietnam is home to many ethnic groups that are unevenly dispersed throughout the country, and who live in quite different spaces; each of these groups has a different attitude toward land that comes from their cultural traditions. Alongside state policies, customary law also influences attitudes and practices toward women's access to land. On a societal level, urbanization can change the value of property, affect social structures, and change the perception of one's individual actions, including those of women. State institutions have their own different effects, and can, in fact, be contradictory, and may not necessarily broaden women's access to land claims.

Our survey method combines both weighted and random sampling to account for the issues discussed above. Because individuals from ethnic minority backgrounds comprise a small sampling of the population, this research program has made efforts to provide a large enough sample for analysis by weighting the outcomes and then readjusting the measures. In total, ten provinces reflecting the ethnic diversity and urbanization are selected. Sơn La is home to patrilineal groups such as the Thái, Tày, and Hmông, and Ninh Thuận and Lâm Đồng are home to a number of ethnic groups who practice matrilineal succession, including the Chăm, Raglay, and K'ho. Trà Vinh Province, in the Mekong Delta, is home to the largest Khmer population outside of Cambodia, who practice bilateral succession. In each province, we chose two districts with different characteristics and were representative of those features. In each district, we chose two communes with different characteristics and that well-represented that characteristic. In each commune, we randomly chose two villages or hamlets. Using the family registries in these areas, we chose thirty families using a systematic sampling method. In each province, we surveyed 120 individuals. Those interviewed were the head of the household or the spouse of the head of the household.

2.3. In-Depth Interviews and Focus Groups

Interviews in local communities were conducted among average individuals and officials. To

select participants for in-depth interviews, we interviewed one official and twenty individuals per village or city district. We had the following general criteria for choosing officials: they needed to play some role in the distribution of land rights, had some administrative position that gave them authority or knowledge over the distribution of land in these communities, or played some role in the local women's groups in local settings. These individuals could be the head of the village people's committee, a director of the women's groups, or local officials responsible for the adjudication of law. To select the twenty individuals who were interviewed each village, we chose informants whose household situations reflected the key issues we wanted to interrogate: they had families, had some measure of landed property or owned their homes, were both agricultural and non-agricultural workers, and were across age groups. This was a semi-random method, as we had to rely on village registries and hamlet officials' knowledge of the individual's marital, economic, and trade status. After we chose the individuals to be interviewed, we scheduled individual meetings with stakeholders in their homes.

In each province, we also held two focus groups—one comprised of men and the other of women. One focus group was comprised of officials and the other of citizens. We chose individuals with and without land; those who were homeowners and those who were not; individuals of different ages; and individuals from different professions. Throughout the focus group discussions, we often had to encourage participants to raise their voices.

Each in-depth interview or focus group lasted from 45 minutes to an hour. Each of these interviews or focus groups was recorded with the permission of the participants. In cases where our informants were not comfortable with speaking in Vietnamese, we relied on individuals from that community to provide translation assistance.

2.4. Research Limitations

The issue of women's access to land, especially disputes over property distribution and inheritance within family contexts among siblings, between parents and children or between offerings of an extra-marital affair with members of their father family's members, etc., is a quite sensitive issue in Vietnam society. Because of time limitation while the research project was conducted in 10 provinces with 80 villages across

Vietnam, we found, in many cases, it was difficult to collect data on this so-called sensitive issue. Research findings of the study, thus, may not fully cover current situation of women's access to land, especially in the case of land disputes among family members.

Due to difficult access to court cases, analysis of perception and practices in Vietnamese courts of this report is based mainly on only 42 court case records that dealt with the adjudication of inheritance and land use. We understand that in order to have a comprehensive understanding of perception and practices in the courts across Vietnam, the number of court cases that we use to analyze is rather limit. Furthermore, we are also well aware that all activities and arguments happening in Vietnamese courts are not fully recorded. Therefore, twenty-one case records collected from provincial and district courts might not fully cover what happened in reality. The other twenty-one cases were published in abridged format and therefore they may not convey all detail activities occurred in the courts.

To overcome these limitations, it is necessary to conduct case studies in a long period of time and with the typical method of participant observation which can allow researchers to access to the issues thoroughly. In addition, it is important to have further studies focusing into Viet Nam law systems based on a larger number of court-case records across Vietnam.

III. RESEARCH FINDINGS

A. THE CURRENT STATE OF WOMEN'S ACCESS TO LAND THROUGH SURVEY RESULTS

1. Household and Land Properties

1.1 Population Features - Social Characteristics of the Household

Our sampling reflects a balance between women and men who completed surveys (see Table 1). Interviewees came from diverse ethnic groups - among these, the majority Vietnamese (Kinh) made up 65.2%; ethnic Khmers 9.9%; and those from the Thái, Chăm, Raglay, Mường, and Lạch made up 3-5% of the total sample size. The

remaining groups - Hoa (Chinese), C'il, Hmông, K'ho, and Tày - made up less than 1-2% of the sample size. The diversity of ethnic groups allows us to observe the different behaviors that the research program had hoped to investigate.

With respect to age ranges, 39.8% of respondents were under the age of thirty; 44.6% between the ages of thirty and sixty; and 15.6% of respondents were older than sixty years. With these different age ranges, we hoped to identify how age and generational position may affect one's attitudes toward women's access to land. Moreover, there are particular periods in one's life course where the importance of access to property ebbs and flows, such as when one is starting out economically, at the mid-career point, and at retirement. All these factors can affect one's economic situation, social position, and attitude with respect women's access to land. Because the interviewees were either the head of the household or her/his spouse, 86.8% of

those interviewed were married. The proportion of women, who are single, widowed, divorced, and separated, are relatively higher compared to men (19.2% versus 5.8%, respectively). Among 134 women fall into this group, 69.2% are widowed and of which 85.9% are those aged 50 and over because women have higher a life expectancy than men. Our result shows that there is a little different in access to land between these women and other women aged 50 and over. Proportions of single, divorced, and separated women are low and somewhat higher compared to men.

With respect to the level of education achieved, approximately 29.7% respondents had less than an elementary school education; 32.9% of respondents had a middle-school education; 23.7% respondents had a high school education; and 13.7% of respondents had intermediate education or beyond. In general, female respondents had achieved a lower level of education.

Table 1: Social Characteristics of Respondents by Gender

Characteristic	Total		Men		Women	
	n	%	n	%	n	%
Kinship Group						
Vietnamese	817	65.2	357	64.3	460	65.9
Chăm	51	4.1	25	4.5	26	3.7
Raglai	64	5.1	12	2.2	52	7.4
Kh'mer	124	9.9	60	10.8	64	9.2
Thái	62	4.9	31	5.6	31	4.4
Mông	15	1.2	9	1.6	6	0.9
Hoa	5	0.4	4	0.7	1	0.1
Mường	43	3.4	20	3.6	23	3.3
K'ho	2	0.2	1	0.2	1	0.1
Lạch	41	3.3	18	3.2	23	3.3
C'il	28	2.2	18	3.2	10	1.4
Tày	1	0.1	0	0.0	1	0.1
Age Group						
Under 30	499	36.6	203	42.4	296	39.8
From 30 to 60	559	46.3	257	43.3	302	44.6
Over 60	195	17.1	95	14.3	100	15.6
Marital Status						
Currently married	1087	86.8	523	94.2	564	80.8
Never married, separated, divorced, or widowed	166	13.2	32	5.8	134	19.2
Education Level						
< = Elementary	372	29.7	140	25.3	232	33.3
Middle school	411	32.9	179	32.3	232	33.3
High school	296	23.7	152	27.4	144	20.7
>=Vocational school	172	13.7	83	15.0	89	12.8
Occupation						
None or homemaker	352	28.1	115	20.7	237	34.0
Worker, artisan	70	5.6	37	6.7	33	4.7
Agriculture, forestry, animal husbandry	495	39.5	239	43.1	256	36.7
Business or service	160	12.8	68	12.3	92	13.2
Government job	136	10.9	80	14.4	56	8.0
Other	39	3.1	16	2.9	23	3.3
Residence Patterns						
Living in natal community	1006	80.3	467	84.1	539	77.2
Migrated from other areas	247	19.7	88	15.9	159	22.8

Of particular note is that the level of education achieved differs widely between rural and urban populations (Table 2). Comparing the two, we see that the level of education of urban-dwellers is higher, while the level of education for rural dwellers is lower. For example, only 8.8% of urban-

dwellers had less than an elementary education while 37.5 % of rural-dwellers had less than an elementary education. Conversely, the 37.5% of urban-dwellers with at least a high school education compared to 5.7% of rural-dwellers.

Table 2: Level of Education of Respondents by Residential Urban/Rural Division

Education Level	Total	Commune (rural)	Ward (urban)
	%	%	%
< = Elementary	29.7	8.8	37.5
Middle school	32.9	22.9	36.6
High school	23.7	32.9	20.2
>=Vocational school	13.7	35.3	5.7
Total	100.0	100.0	100.0
(n)	(1253)	(913)	(340)

Because most of our respondents lived in rural areas, up to 39.5% of respondents worked in agriculture, forestry, or husbandry professions, while 10.9% of the respondents worked for the state in some capacity. There is a distinct gender difference with respect to occupations. Among women, those who do not have occupations outside of the household is much larger than men (34% versus 20.7%), suggesting that women contribute more to activities within the household. The percentage of men who work in occupations related to agriculture, forestry, and animal husbandry (jobs related to land) and in occupations connected to the state (which can grant them more power from their social position) is much larger than women do (14.4% of men working for the state versus 8% of women). These differences in occupations can affect one's ability to access land.

Migration patterns are also different between women and men, which again can affect one's access to land. For example, residence in proximity to one's natal community can make one more vulnerable to the pressures of family, lineage, and custom. On the other hand, residence in such familiar terrain can afford one with the social benefits of community and family. For example, new migrants may escape some customary pressures but they also face the challenges of an atomized existence, which may also contribute to one's acclimation to new patterns of living. Post-marital residence patterns in the different cultural environments and economic migration are also important factors affecting women's access to land. Our research findings reveal that women have higher levels of migration than men, with 22.8% of women having come to their current residence within their lifetime, as compared to 15.9% of men. This difference is most prominent

among the Kinh primarily because there are relatively low levels of migration among the ethnic minority groups. For the most part, they have spent their entire lives in their current communities.

From within this framework, we assessed the mobility of the respondents and their families from birth to the present at the commune level. Findings related to residence patterns can be found at the ward and commune level. Migration status is defined as change in the respondent's residence at the commune level.

Our research findings reveal that there are multiple reasons for change in residence patterns, but that the two most significant are economics, and marriage/family. These reasons were very different for men compared to women (Table 3). Among groups that practice patrilineal succession, the largest percentage was made up of those who moved for economic reasons (46.8% of respondents of those who moved). Among these respondents, the proportion of men who changed their residence for economic reasons was almost double that of women (64%, compared to 38.1%). Those who changed residence because of marriage or family comprised 23.9% and 21% respectively. Among these respondents, 29.6% of women changed their residence because of marriage, versus 12.8% of men, while 23.9% of those who changed their residence for family reasons were women, as compared to 15.2% of men.

In contrast to these figures, the majority of men among those who practice matrilineal succession, engage in uxori-local marriage practices, moving to their wives' families homes following marriage. Here, 76.2 percent of male

respondents noted that they moved their residence because of marriage. Among groups that practice bi-lateral succession, marriage was also the main reason for change in residence, but there was no noticeable difference in levels between women and men. Generally, the level

of mobility is much lower among ethnic minority groups and the primary reason for change in residence is marriage. Post-marital residence patterns, as discussed below, can affect one's access to land and is specific to each of the ethnic groups surveyed.

Table 3: Reason for Change in Residence from Natal to Present Community By Gender

Reason		Men	Women	Total
Patrilineal Groups (*)				
Marriage	N	16	73	89
	%	12.8	29.6	23.9
Work	N	80	94	174
	%	64.0	38.1	46.8
To follow the family	N	19	59	78
	%	15.2	23.9	21.0
Other reasons	N	10	21	31
	%	8.0	8.5	8.3
Total	N	125	247	372
	%	100.0	100.0	100.0
Matrilineal Groups				
Marriage	N	16	3	19
	%	76.2	37.5	65.5
Work	N	3	2	5
	%	14.3	25.0	17.2
To follow the family	N	1	3	4
	%	4.8	37.5	13.8
Other reasons	N	1	0	1
	%	4.8	0.0	3.4
Total	N	21	8	29
	%	100.0	100.0	100.0
Bi-lateral Groups				
Marriage	N	10	8	18
	%	83.3	66.7	75.0
Work	N	2	2	4
	%	16.7	16.7	16.7
To follow family	N	0	2	2
	%	0.0	16.7	8.3
Other reasons	N	0	0	0
	%	0.0	0.0	0.0
Total	N	12	12	24
	%	100.0	100.0	100.0

(*) including the Kinh and other patrilineal ethnic minorities

1.2 Population and Social Characteristics According to Ethnic Group

Each ethnic groups studied here has its own cultural and residence patterns. The Kinh, Hoa, Tày, Thái, Mèo, Mường, and Hmông all practice patrilineal succession, while the Chăm, Raglai, Lạch, C'íl, and K'ho practice matrilineal succession. Among these, the Khmers practice neither patrilineal nor matrilineal succession, but exhibit practices that can be best described as bi-lateral succession.

Of the ten provinces/cities where we conducted

our research, with the exception of the Vietnamese who were present in all of these sites, each of the ethnic minority groups can be identified with a particular province. Those groups practicing patrilineal succession can be found in the districts of Phù Yên và Bắc Yên in Sơn La Province and in Đức Trọng District in Lâm Đồng Province. Among those who practice matrilineal succession, the Chams in Ninh Phước District and the Raglai in Bắc Ái District are both located in Ninh Thuận Province and the Lạch, C'íl, and K'ho in Lạc Dương District of Lâm Đồng Province. Respondents who practice bi-lateral succession, such as the Khmer, live in Tiểu Cần and Cầu Kè districts of Trà Vinh Province.

Table 4: Ethnic Designation According to Research Sites and Kinship Group

Province	District	Kinship Group				Total N
		Kinh	Hoa, Tày, Thái, Mèo, Mường, Hmông	Chăm, Raglai, Lạch, C'íl, K'ho	Khmer	
		N	N	N	N	
Hà Nội	Từ Liêm	60	0	0	0	60
	Quốc Oai	64	0	1	0	65
Hồ Chí Minh City	Hóc Môn	63	1	0	0	64
	Bình Thạnh	60	3	0	1	64
Quảng Ninh	Hạ Long	63	0	0	0	63
	Hoành Bồ	59	0	1	0	60
Sơn La	Phù Yên	2	61	0	0	63
	Bắc Yên	16	44	0	0	60
Nghệ An	Diễn Châu	63	0	0	0	63
	Quỳnh Lưu	59	0	1	0	60
Đà Nẵng	Sơn Trà	60	0	0	0	60
	Hải Châu	62	0	0	0	62
Lâm Đồng	Đức Trọng	38	16	9	0	63
	Lạc Dương	0	0	62	0	62
Ninh Thuận	Ninh Phước	15	1	48	0	64
	Bác Ái	0	0	64	0	64
Long An	Cần Đước	64	0	0	0	64
	Tân An	64	0	0	0	64
Trà Vinh	Tiểu Cần	1	0	0	63	64
	Cầu Kè	4	0	0	60	64
Total		817	126	186	124	1253

Differences between the ethnic groups also emerge in other areas, such as the level of urbanization or education level (Table 5). These characteristics affect the kinds, quality, and the price of land, along with the social environment, all of which affect one's ability to access land.

Among those respondents who identified as Kinh, 41.1% of them lived in urban areas (cities or towns). For the most part, the level of urbanization for those from other ethnic groups is not large enough to be statistically significant. The majority of respondents who identified as one of the non-Kinh groups live in rural areas that are at least ten kilometers from the closest urban centre. With the exception of the Khmer respondents, who lived in rural areas relatively close to urban centers, more than one quarter of the remaining respondents live in rural areas more than ten kilometers from an urban centre. The level of urbanization in one's community can affect many different issues related to access to land, such as attitudes and expectations for individuals and the community, as well as the role of traditional institutions and legal institutions.

One's education can affect one's tastes and activities. Across the different ethnic groups, there is a large gap in education level between the Kinh and other ethnic groups. Only 18.3% of those who identify as ethnic Kinh have less than an elementary education, but among the ethnic minority groups who practice patrilineal, matrilineal, and bilateral succession, that number

increases to 37.3%, 53.8%, and 61.3%, respectively. Conversely, among those who identify as Kinh, 19.6% of respondents had a secondary education, but that number decreases to 4.8%, 2.2% and 1.6% among those ethnic minorities who practice patrilineal, matrilineal, and bi-lateral succession, respectively.

This education gap between ethnic groups and the Kinh is even more striking between women from across the ethnic groups. Of those women who identified as ethnic Kinh, 20% of respondents indicated that they had less than an elementary school education. However, among the ethnic minority groups, that number rises to 41.9%, 58.9%, and 75% of women from patrilineal, matrilineal, and bilateral groups. This gap of less than an elementary school education between women and men is 4, 9.9, 13, and 28.3 percent points for the Kinh, the patrilineal, the matrilineal, and the bi-lateral groups, respectively. This evidence reveals that women have a far lower level of education, particularly among the Khmer population. These data correlate with the evidence from our in-depth interviews, which reveals that many men from ethnic minority groups comment that women have a lower level of education, understand little, and cannot speak Vietnamese well. These attitudes work to prevent women from engaging in activities outside of the home and leave them to their husbands. Low levels of education and language barriers can be regarded as obstacles to women's engagement with legal services related to land.

Table 5: Social factors According to Kinship Group

Feature	Kinship Group				Total %
	Kinh %	Hoa, Tày, Thái, Mèo, Mường, Hmông %	Chăm, Raglai, Lạch, C'íl, K'ho %	Khmer %	
Location of Home					
Ward	41.1	2.4	0.0	0.8	27.1
District town	9.8	11.1	16.7	25.8	12.5
Close rural area	28.9	61.1	55.4	73.4	40.5
Distant rural area	20.2	25.4	28.0	0.0	19.9
Total	100.0	100.0	100.0	100.0	100.0
Education Level					
< = Elementary	18.3	37.3	53.8	61.3	29.7
Middle school	34.4	38.1	28.0	25.0	32.9
High school	27.7	19.8	16.1	12.1	23.7
>=Vocational school	19.6	4.8	2.2	1.6	13.7
Total	100.0	100.0	100.0	100.0	100.0
Men's Education Levels					
< = Elementary	16.0	32.8	45.9	46.7	25.3
Middle school	33.4	35.9	23.0	33.3	32.3
High school	30.3	23.4	25.7	16.7	27.4
>=Vocational school	20.2	7.8	5.4	3.3	15.0
Total	100.0	100.0	100.0	100.0	100.0
Women's Education Levels					
< = Elementary	20.0	41.9	58.9	75.0	33.3
Middle school	35.1	40.3	31.3	17.2	33.3
High school	25.7	16.1	9.8	7.8	20.7
>=Vocational school	19.2	1.6	0.0	0.0	12.8
Total	100.0	100.0	100.0	100.0	100.0
(n)	(817)	(126)	(186)	(124)	(1253)

1.3 Family Economic Situation

Household Income

To measure household living standards, we divided all respondents into five groups, measuring average household income per month. After that, we separated those groups according to the measures that interested us: by province; rural/urban; and according to ethnic identification. (Table 6). The different levels of household income have some effect on household division between daughters and sons.

The data indicates that in the most urbanized

areas - Hà Nội, Hồ Chí Minh City, Quảng Ninh, Đà Nẵng and Long An - respondents fell into both the bottom two and top two categories. This evidence suggests a relatively high level of stratification in the urban areas. Whereas evidence from the provinces demonstrates the opposite. In Ninh Thuận and Sơn La provinces, where there is a large concentration of ethnic minorities, most respondents' average household incomes fell into the lowest grouping. Moreover, the sampling in Ninh Thuận and Sơn La is purposeful to select communes with most patrilineal and matrilineal ethnic minorities, where belong to the Program 134 and Program 135, and interview only the ethnic minorities. Therefore, the income gaps of

surveyed households in these provinces and other provinces are large. This pattern also correlates when measured by level of urbanization or ethnic group. When respondents lived in a village setting, quite a few were evenly distributed among the five income groups, whereas those who lived in urban neighborhoods often fell into the top two income levels (levels 4 and 5), and especially into the top income level.

There is a notable income gap between the different ethnic groups. Among those who identify as ethnic Kinh, there are some who fall into the lowest income category, but there is a clear pattern of rising income levels, with an

increased concentration of ethnic Kinh in the highest categories. Conversely, ethnic minority groups that practice patrilineal and matrilineal succession demonstrate the opposite pattern. Those who identify as ethnic Khmer fall more or less evenly between the five income levels, suggesting that the standard of living of Khmers, on average, is higher than those of the other ethnic groups. Those who identify as Khmer generally reported an average standard of living, while those from other ethnic minority groups fell below the average standard of living. As the survey and interview data suggests, the lower average family income is one obstacle to women's access to land.

Table 6: Average Household Income by Province, Rural/Urban, and Kinship Group

	Five levels of average household income						
	20% lowest	20% below average	20% average	20% above average	20% highest		
Province							
Hà Nội	%	(125)	2.4	6.4	9.6	28.0	53.6
Hồ Chí Minh City	%	(128)	2.3	10.2	25.0	35.2	27.3
Quảng Ninh	%	(123)	5.7	5.7	12.3	39.3	36.9
Sơn La	%	(123)	32.8	16.0	20.2	14.3	16.8
Nghệ An	%	(123)	12.5	16.7	28.3	13.3	29.2
Đà Nẵng	%	(122)	15.3	5.9	17.8	33.9	27.1
Lâm Đồng	%	(125)	19.4	21.0	27.4	25.0	7.3
Ninh Thuận	%	(128)	61.4	18.9	8.7	10.2	0.8
Long An	%	(128)	4.8	14.5	26.6	37.9	16.1
Trà Vinh	%	(128)	23.4	18.0	25.0	25.0	8.6
Urban/Rural Setting							
Commune	%	(913)	21.9	15.6	22.3	22.9	17.3
Ward	%	(340)	7.8	7.5	14.0	35.2	35.5
Ethnic Group							
Kinh	%	(817)	8.2	10.3	19.9	31.2	30.3
Hoa, Tày, Thái, Mèo, Mường, Hmông	%	(126)	32.0	17.2	24.6	16.4	9.8
Chăm, Raglai, Lạch, Chít, K'ho	%	(186)	48.6	20.5	15.1	11.9	3.8
Khmer	%	(124)	22.6	18.5	24.2	25.0	9.7

Housing Conditions

One method to measure standards of living, which is important to assessing household economic status, is identifying the quality of housing. The quality of one's housing varies across provinces,

between urban/rural groups, and among the different ethnic groups (Table 7). Almost all households in Hà Nội, Hồ Chí Minh City, Quảng Ninh, and Nghệ An live in sturdy homes with concrete or tile roofs, while in the provinces of Lâm Đồng, Ninh Thuận, Long An, and Trà Vinh and

Sơn La, a large proportion of respondents lived in semi-solid or temporary housing structures. The condition of the housing is partly determined by environment but also reflects the economic

situation of the household which, in turn, can affect the household's ability to hold onto and to divide household property.

Table 7: Quality of Housing by Province, Rural/Urban, and Kinship Group

		Total	Concrete roofs	Solid housing with tile roofing	Semi-solid	Temporary housing
Total	%	100.0	20.0	46.9	25.3	7.8
	(n)	(1238)	(248)	(581)	(313)	(96)
Province						
Hà Nội	%	(125)	70.4	28	1.6	0
Hồ Chí Minh City	%	(128)	14.8	69.5	13.3	2.3
Quảng Ninh	%	(123)	45.5	54.5	0.0	0.0
Sơn La	%	(123)	11.0	78.0	26.0	2.0
Nghệ An	%	(123)	14.0	86.0	0.0	0.0
Đà Nẵng	%	(122)	32.8	47.9	19.3	0.0
Lâm Đồng	%	(125)	0.8	19.4	64.5	15.3
Ninh Thuận	%	(128)	0.8	47.7	44.5	7.0
Long An	%	(128)	11.2	30.4	45.6	12.8
Trà Vinh	%	(128)	1.6	21.9	39.8	36.7
Urban/Rural Setting						
Commune	%	(913)	11.1	48.8	29.9	10.2
Ward	%	(340)	44.0	42.0	12.8	1.2
Kinship Group						
Kinh	%	(817)	30.1	50.7	15.3	3.8
Hoa, Tày, Thái, Mèo, Mường, Hmông	%	(126)	0.8	65.8	30.0	3.3
Chăm, Raglai, Lạch, C'íl, K'ho	%	(186)	1.1	34.9	55.4	8.6
Khmer	%	(124)	1.6	21.8	40.3	36.3

1.4 Social Networks

Social networks are one important source of support that women can rely on to broaden their access to land, but those same social networks can also prevent access it when where gender attitudes that devalue women persist. The thicker the social networks, the greater the ability for agents to use those networks to their advantage and the clearer the effects on women's access to land.

1.4.1 Family Networks

The results detailed in Table 8 demonstrate that almost all respondents have immediate family

members or relatives living in the same village or neighborhood; less than 15% of respondents indicated that they had no family members living in the vicinity. This statistic demonstrates relatively low levels of mobility and that family and kinship networks can affect women's access to land. On average, from 5-10% more men than women lived in communities with high levels of family and kinship networks. Ethnic minority patrilineal and matrilineal kinship groups have more family and kinship networks within commune/ward than the Kinh and bi-lateral kinship groups, reflecting the higher levels of residential cohesion. This statistic lines up well with reports of patrilocal residence patterns. Those from matrilineal

lineage groups reported higher levels of family and kinship network integration than those from patrilineal or bi-lateral kinship groups. These finds correlate with in-depth interview results, where interviewees from Chăm and Raglai groups live in housing segregated from other ethnic groups, they have stronger community ties. Ethnic minority patrilineal groups often reside in the mountainous areas, isolated from centers, so are less mobility. When we examine the level of urbanization, we see a lower level of family and kinship networks in cities than compared with rural communities. These patterns allow us to hypothesize that the ability for traditional social institutions to regulate behavior is stronger in ethnic minority patrilineal and matrilineal groups and in rural communities; whereas, because men more often live in communities with family and kinship networks, they are more often able to draw on those relationships to maintain and enforce local gender attitudes toward women.

The effects of these traditional social networks can also be influenced by the occupations of their family members. Findings indicate that in over half of the families surveyed, men enjoy a certain status that can affect women's access to land. Among these, more than 25% work in the People's Committee of their village or district;

14% work at the police station; 12% work in the Women's Union; and 10% are village or team leaders who have prestige in the community. Individuals engaged in occupations related to the legal structure, such as employees of the courts or law offices, or to the real estate market, such as brokers or dealers, numbered very few in our population sample, mainly in the Kinh. Family and kinship networks of patrilineal, including ethnic minority groups, have proportions of those who work in administrative offices as the People's Committee of communes/districts and police much higher than those of matrilineal and bi-lateral kinship groups. This difference possibly is an indicator of men having more power than women in society. The density of these particular social networks can also make some women more dependent on social networks that are connected to state institutions charged with broadening women's access to land. The positive effects of these social networks can be much stronger if the relationships are stable. Almost all respondents indicated that they had very close relationships with familial networks, with little variation across ethnic groups or across the urban/rural divide. The level to which women are immersed in traditional social networks in each of the rural and urban communities is a potential factor when examining women's access to land.

Table 8 : Respondents' Relation to Kinship Who Live in the Same Commune/Ward, Their Occupational Position and Level of Closeness by Gender, Kinship Practice, and Urban/Rural

	Gender		Kinship Group				Residence	
	Men	Women	Kinh	Patrilineal minorities	Matrilineal	Bi-lateral	Rural	Urban
	%	%	%	%	%	%	%	%
Kinship								
Natural parents	51.4	47.9	41.9	65.1	70.4	51.6	57.0	29.4
Spouse's parents	43.4	40.4	34.5	61.1	57.0	46.8	50.6	18.2
Natural siblings	69.7	65.8	60.5	84.1	80.1	78.2	77.1	42.4
Spouse's siblings	62.2	52.4	49.2	80.2	66.1	68.5	68.1	26.8
Aunts & uncles	62.9	55.3	53.5	81.0	61.8	65.3	69.8	29.1
Other relatives	44.1	37.4	43.3	54.8	24.7	29.8	46.5	24.1
None	12.1	15.3	19.5	5.6	2.7	2.4	6.4	34.1
Total respondents	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Occupational Position of Kinship								
Local People's Committee	27.9	25.4	28.2	42.9	17.2	12.9	30.0	17.4
Police	16.9	12.3	15.8	24.6	4.8	8.9	16.6	8.5
Courts	2.5	2.4	2.9	4.0	0.5	0.8	2.1	3.5
Attorney's offices	1.8	1.0	2.0	0.8	0.0	0.0	0.5	3.5
Realty office	1.8	1.1	2.2	0.0	0.0	0.0	1.0	2.6
Women's Union	13.0	10.7	14.3	14.3	4.8	2.4	12.1	10.9
Village/community head	6.8	5.4	5.1	12.7	4.8	7.3	6.8	4.1
Persons with prestige in community	3.2	2.6	2.7	5.6	2.7	1.6	3.1	2.4
None	48.3	47.9	41.2	36.5	69.9	71.8	52.5	36.5
Total Respondents	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Level of Closeness								
Poor relationship	0.0	0.4	0.3	0.0	0.0	0.0	0.0	1.0
Little interaction	7.0	9.1	10.4	4.3	2.0	2.9	8.5	6.7
Close	57.3	54.3	57.4	45.7	58.0	55.9	55.0	58.1
Very close	35.7	36.2	32.0	50.0	40.0	41.2	36.4	34.3
Total respondents	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(n)	(555)	(698)	(817)	(126)	(186)	(124)	(913)	(340)

1.4.2 Friendship Networks

We observed that having friends in occupations that are related to land and access to land can affect women and their access to land in a variety of ways. Table 9 demonstrates that approximately 40-50% of respondents have friends who work in occupations where they may provide special insight and influence one's access to land (or

perception of access to land). Among those who responded thus, more men had friends in such positions than women. Notably, more than double the number of male respondents, as compared to female respondents, indicated that they had friends who worked for the local People's Committee or the police, or as heads of villages or communities. In this respect, women certainly have a lower level of social capital than men and

in such communities, the powers of regulation, legitimation and the market work together to exclude women's access to land.

Across the ethnic groups, friendship networks have a relatively small influence in communities where matrilineal and bi-lateral kinship patterns prevail. Within these communities where friendship networks have limited influence, those respondents who reported having friends in particular positions mentioned those who were officials in basic levels of administration or

persons with prestige in the community. Almost only the Kinh have friends who work in the legal or real estate professions. When compared to rural areas, friendship networks in urban communities did not play any larger a role, with the exception for those who had friends in the legal or real estate professions. These findings demonstrate that friendship networks have relatively little influence in ethnic minority communities and these communities have relatively little familiarity with the legal structures and markets compared with urban communities.

Table 9: Occupational Position of Friends Who live in the Same Commune/Ward of Respondents and Level of Closeness to Them by Gender, Kinship Group, and Rural/Urban

	Gender		Kinship group				Residence	
	Men	Women	Kinh	Patrilineal minorities	Matrilineal	Bi-lateral	Rural	Urban
	%	%	%	%	%	%	%	%
Occupational Position of Friend								
Local People's Committee	39.8	22.3	34.4	37.3	12.4	23.4	31.2	27.4
Police	25.8	12.3	22.3	15.9	5.9	12.9	18.4	17.9
Courts	8.3	4.2	7.7	5.6	1.1	2.4	4.6	9.7
Attorneys' offices	4.7	2.6	4.8	0.8	1.1	1.6	1.3	9.4
Realty offices	3.4	2.0	3.9	0.0	0.5		1.8	5.0
Women's Union	20.4	19.2	22.2	33.3	7.0	10.5	18.9	22.1
Village/Community Head	21.6	11.9	13.8	34.9	17.2	13.7	16.5	15.6
Persons with prestige in the community	6.1	2.4	3.7	2.4	7.5	4.0	4.3	3.5
None	49.4	61.9	52.4	45.2	73.7	67.7	57.2	54.4
Total respondents	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Level of Closeness								
Acquaintances	4.3	5.6	6.2	2.9		2.5	3.1	9.7
Not very close	27.4	25.9	22.4	49.3	32.7	22.5	31.1	15.5
Close	60.5	63.2	65.6	46.4	51.0	65.0	59.4	67.7
Very close	7.8	5.3	5.9	1.4	16.3	10.0	6.4	7.1
Total respondents	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(n)	(555)	(698)	(817)	(126)	(186)	(124)	(913)	(340)

1.5. Sources of Household Land

Land resources and its distribution are important factors affecting women's access to land. The quality of household landed property is measured against the source of the household landed property as well as other kinds of land that the household owns.

1.5.1 Residential Land that the Household is currently Occupying

Respondents reported the median size of a piece of residential land as being 60 m², but there was greater variation across the provinces between rural and urban areas and among the ethnic groups (Table 10). In the major cities such as Hà

Nội, Hồ Chí Minh City, and Đà Nẵng, households had the smallest average residential plots, while in the provinces in the Central Highlands and the Mekong Delta, households reported the largest average plots of residential land. In the cities, the median residential plot is just 23m², whereas the median amount of residential land per household

is 93m² in rural areas. Those who identify as Khmer in Trà Vinh province reported the largest residential plots - up to 250m² - whereas those identifying as Kinh reported residential properties average about 45m². The availability or scarcity of land in a particular area can influence one's ability to access to household residential land.

Table 10: Size of Household Residential Land by Province, Urban/Rural, and Kinship Group

	Number of Residential Plots	Largest Size	Smallest Size	Median size	Mean size	Standard deviation size
	N	m ²				
Total Residential Land	1229	3552	2	60	138	250
Province						
Hà Nội	125	237	6	27	36	31
Hồ Chí Minh City	128	1000	2	24	67	120
Quảng Ninh	123	3552	6	60	158	370
Sơn La	110	1000	8	75	110	127
Nghệ An	119	333	13	75	91	58
Đà Nẵng	119	63	4	23	24	13
Lâm Đồng	124	1000	6	100	191	220
Ninh Thuận	127	1250	4	83	105	133
Long An	126	3500	9	125	209	364
Trà Vinh	128	2333	7	250	374	388
Urban/Rural Setting						
Commune	893	3552	4	93	176	283
Ward	336	435	2	23	38	56
Kinship Group						
Kinh	807	3552	2	45	99	222
Hoa, Tày, Thái, Mèo, Mường, Hmông	113	1000	4	93	129	137
Chăm, Raglai, Lạch, C'íl, K'ho	185	1250	4	100	153	203
Khmer	124	2333	5	250	375	395

Along with the availability or scarcity of land, the source of household residential property is an important factor in understanding the roles of actors with an interest in the entitlement and in making decisions over this property (Table 11). Of the total number of surveys where there were answers for the sources of household residential property, 34.3% reported that they inherited from their natural parents; 20.7% reported that they inherited it from their spouse's parents; 27.8% reported that they purchased it after the marriage; 5.7% reported that they bought it themselves or it was granted to them by the state; 3.8% reported that their spouse purchased it or was granted it by

the state; and 7.7% reported that the land came from other sources. These results indicate that land inherited from one's parents and parents-in law and land purchased as a couple were the two most common ways that respondents came to own land.

Depending on the particular case, there are wide differences between the sources of household residential property and that must be delineated to measure its influence on women's access to land. Residents of Hà Nội reported a higher than average percentage of household residential property that was inherited from one's natural parents or a spouses' parents - 42.6% reported

that their residential land was inherited from their natal family versus an average of 34.3% in all other provinces, while 27% of respondents reported that their residential land was inherited from their spouse's parents versus an average in all other provinces of 20.7%. A higher than average number of individuals in Ninh Thuận, Long An, and Trà Vinh reported that their residential land was inherited from their parents or in-laws. By contrast, in Hồ Chí Minh City and Quảng Ninh province, only 37% of respondents reported that their residential land came from their parents or in-laws. Significantly, 37% of Hồ Chí Minh City and 51.2% of Quảng Ninh province reported that they purchased their household residential property following marriage, compared to an average of 27.8% of all respondents. Table 11 shows that a larger percentage of respondents living in rural areas, as compared to urban areas, reported that their household residential property came from their parents or in-laws (37.4% compared with 25.6%). Conversely, 38% of urban dwellers reported that they jointly bought their residential land with their spouse, as compared to 24.1% of rural residents. Comparing sources of household residential property between men and women, the effect of ethnic cultures on land inheritance is even

stronger. In the Kinh group, household residential property inherited from their parents of men is double compared to women (43% and 19.7%, respectively). In the ethnic minority patrilineal groups, the gap is even larger (59% and 13.6%, respectively). In contrast, 69.6% of women and 8.1% of men in matrilineal groups reported they received household residential property from their parents. There is almost not different in land inheritance between men and women in bi-lateral groups. Moreover, among provinces mostly located by patrilineal group, the gap of land inheritance between men and women in Northern provinces were larger than in Southern provinces: Proportions of household residential property inheritance to men are about double or lower to women in Đà Nẵng, Hồ Chí Minh City, and Long An but much larger in Hà Nội, Quảng Ninh, Sơn La, and Nghệ An. The Kinh also had higher proportions of their bought household residential property compared to the other ethnic groups. The role of individuals on decision-making relating to a piece of land depends on the origin of the land. Participation acquiring land resources may strengthen one's authority with respect to that land and vice versa.

Table 11: Source of Household Residential Property by Province, Rural/Urban, and Ethnic Group

FOR BOTH MEN AND WOMEN		Total	Source of Household Residential Property					
			Parents	Spouse's parents	Married couple purchased together	Respondent purchased or received from the state	Spouse of respondent purchased or received from the state	Other sources
Total Respondents	%	100.0	34.3	20.7	27.8	5.7	3.8	7.7
	N	1232	422	255	343	70	47	95
Province								
Hà Nội	%	100.0	42.6	27.0	17.2	4.1	6.6	2.5
Hồ Chí Minh City	%	100.0	24.4	14.2	37.0	8.7	4.7	11.0
Quảng Ninh	%	100.0	18.7	7.3	51.2	13.8	4.9	4.1
Sơn La	%	100.0	31.6	29.1	23.9	7.7	1.7	6.0
Nghệ An	%	100.0	28.6	16.0	30.3	8.4	12.6	4.2
Đà Nẵng	%	100.0	32.2	11.9	26.3	6.8	7.6	15.3
Lâm Đồng	%	100.0	36.3	25.0	20.2	2.4	0.8	15.3
Ninh Thuận	%	100.0	45.3	20.3	26.6	3.1	0.0	4.7
Long An	%	100.0	38.1	27.0	25.4	0.0	0.0	9.5
Trà Vinh	%	100.0	43.8	28.9	20.3	2.3	0.0	4.7
Urban/Rural Setting								
Commune	%	100.0	37.4	24.2	24.1	4.8	2.8	6.7
Ward	%	100.0	25.6	11.1	38.0	8.1	6.6	10.5
Ethnic Group								
Kinh	%	100.0	29.9	16.7	32.9	6.6	5.7	8.1
Hoa, Tày, Thái, Mèo, Mường, Hmông	%	100.0	36.7	30.0	18.3	6.7	0.8	7.5
Chăm, Raglai, Lạch, C'íl, K'ho	%	100.0	45.2	26.9	16.7	3.2	0.0	8.1
Khmer	%	100.0	43.5	28.2	21.0	2.4	0.0	4.8

ONLY FOR MEN		Total	Source of Household Residential Property					
			Parents	Spouse's parents	Married couple purchased together	Respondent purchased or received from the state	Spouse of respondent purchased or received from the state	Other sources
Total Respondents	%	100.0	40.5	15.8	29.7	6.4	2.9	4.8
	N	546	221	86	162	35	16	26
Province								
Hà Nội	%	100.0	67.2	3.1	18.8	4.7	4.7	1.6
Hồ Chí Minh City	%	100.0	34.6	13.5	32.7	7.7	3.8	7.7
Quảng Ninh	%	100.0	26.5	2.9	48.5	13.2	5.9	2.9
Sơn La	%	100.0	53.6	3.6	30.4	7.1	0.0	5.4
Nghệ An	%	100.0	41.2	1.5	30.9	13.2	10.3	2.9
Đà Nẵng	%	100.0	47.4	15.8	15.8	21.1	0.0	0.0
Lâm Đồng	%	100.0	23.0	41.0	21.3	1.6	0.0	13.1
Ninh Thuận	%	100.0	11.4	52.3	31.8	2.3	0.0	2.3
Long An	%	100.0	51.9	11.5	32.7	0.0	0.0	3.8
Trà Vinh	%	100.0	46.8	24.2	24.2	0.0	0.0	4.8
Urban/Rural Setting								
Commune	%	100.0	42.9	17.5	27.0	4.9	2.3	5.4
Ward	%	100.0	31.6	9.4	39.3	12.0	5.1	2.6
Kinship Group								
Kinh	%	100.0	43.0	6.3	33.9	8.5	4.6	3.7
Hoa, Tày, Thái, Mèo, Mường, Hmông	%	100.0	59.0	4.9	24.6	6.6	0.0	4.9
Chăm, Raglai, Lạch, C'íl, K'ho	%	100.0	8.1	63.5	17.6	1.4	0.0	9.5
Khmer	%	100.0	46.7	23.3	25.0	0.0	0.0	5.0

ONLY FOR WOMEN	Total	Source of Household Residential Property						
		Parents	Spouse's parents	Married couple purchased together	Respondent purchased or received from the state	Spouse of respondent purchased or received from the state	Other sources	
Total Respondents	%	100.0	29.3	24.6	26.4	5.1	4.5	10.1
	N	686	201	169	181	35	31	69
Province								
Hà Nội	%	100.0	15.5	53.4	15.5	3.4	8.6	3.4
Hồ Chí Minh City	%	100.0	17.3	14.7	40.0	9.3	5.3	13.3
Quảng Ninh	%	100.0	9.1	12.7	54.5	14.5	3.6	5.5
Sơn La	%	100.0	11.5	52.5	18.0	8.2	3.3	6.6
Nghệ An	%	100.0	11.8	35.3	29.4	2.0	15.7	5.9
Đà Nẵng	%	100.0	29.3	11.1	28.3	4.0	9.1	18.2
Lâm Đồng	%	100.0	49.2	9.5	19.0	3.2	1.6	17.5
Ninh Thuận	%	100.0	63.1	3.6	23.8	3.6	0.0	6.0
Long An	%	100.0	28.4	37.8	20.3	0.0	0.0	13.5
Trà Vinh	%	100.0	40.9	33.3	16.7	4.5	0.0	4.5
Urban/Rural Setting								
Commune	%	100.0	32.5	30.4	21.4	4.7	3.2	7.9
Ward	%	100.0	22.3	12.1	37.2	6.0	7.4	14.9
Kinship Group								
Kinh	%	100.0	19.7	24.8	32.2	5.1	6.7	11.5
Hoa, Tày, Thái, Mèo, Mường, Hmông	%	100.0	13.6	55.9	11.9	6.8	1.7	10.2
Chăm, Raglai, Lạch, C'íl, K'ho	%	100.0	69.6	2.7	16.1	4.5	0.0	7.1
Khmer	%	100.0	40.6	32.8	17.2	4.7	0.0	4.7

1.5.2 Other Kinds of Household Land

Other than residential property, many households also possess other kinds of land and, in particular, agricultural land, which is the most inherited type of land. Table 12 demonstrates that on average, each household has another plot of land in addition to its residential land. Those lands include land for rice cultivation (57.5%); residential land in excess of the house (16.3%); orchard land (12.9%); and land designated for wider agriculture (10.6%).

The remaining property include forest land, land designated for the cultivation of piscicultural products, and other types of land. Respondents from the provinces of Sơn La, Nghệ An, Hà Nội, Ninh Thuận, Long An and Trà Vinh reported ownership of the highest amount of non-residential land, while those from Hồ Chí Minh City, Quảng Ninh Province, and Đà Nẵng reported the lowest levels of ownership of non-residential land, indicating that ownership of non-residential land is primarily a feature of rural areas.

Table 12: Non-residential land by Province, Rural/Urban and Kinship Group

		Total number of plots of land	Lot in excess of dwelling	Orchards	Rice Cultivation	Kitchen Gardens	Forest	Piscicultural cultivation	Other Land
% of households with designated property	%	100.0	16.3	12.9	57.5	10.6	2.2	1.6	0.4
Total number of lots	N	1272	204	162	721	133	27	20	5
Province									
Hà Nội	N	184	57	4	121			1	1
Hồ Chí Minh City	N	28	11	8	9				
Quảng Ninh	N	81	12	15	40		8	6	
Sơn La	N	215	20	7	122	48	11	6	1
Nghệ An	N	209	73	22	114				
Đà Nẵng	N	19	16	2			1		
Lâm Đồng	N	107	2	62	22	18	2		1
Ninh Thuận	N	175	2	6	104	58	5		
Long An	N	125	10	19	86	1		7	2
Trà Vinh	N	129	1	17	103	8			
Urban/Rural Setting									
Commune	N	1155	119	148	707	133	25	19	4
Ward	N	117	85	14	14		2	1	1
Kinship Group									
Kinh	N	684	188	81	383	6	9	14	3
Hoa, Tày, Thái, Mèo, Mường, Hmông	N	224	13	15	129	49	11	6	1
Chăm, Raglai, Lạch, C'íl, K'ho	N	240	2	49	110	71	7		1
Khmer	N	124	1	17	99	7			

These non-residential properties come in different sizes, depending on the purpose of the property and the province, as illustrated in Table 13. The average size of a residential plot in excess of the dwelling is 250 m², while the average size of orchards and rice land is anywhere from 2500–3000 m²; the average size of kitchen gardens,

forest, and land designated for production of piscicultural products is about 5000 m². The data also reveals that respondents from the southern provinces owned larger plots of non-residential land than residents of the northern provinces.

Table 13: Average Size of Non-residential Property by Type, Province, Rural/Urban, and Kinship Group

	m ²	Total	Types of Property						
			Residential property greater than dwelling	Orchards	Rice Land	Kitchen Gardens	Forest	Piscicultural products	Other
Size of property	m ²	2667	249	2889	2594	5815	5084	4546	457
Province									
Hà Nội	m ²	366	261	200	363			1387	56
Hồ Chí Minh City	m ²	897	90		1300				
Quảng Ninh	m ²	3762	253	792	3580		6967	8058	
Sơn La	m ²	1159	100	684	823	1368	2052	1110	2000
Nghệ An	m ²	566	284	234	767				
Đà Nẵng	m ²		47						
Lâm Đồng	m ²	4905			4972	4160	3500		
Ninh Thuận	m ²	6884	1000	10667	3792	7113	8350		
Long An	m ²	2484	1652	2986	2726	1500		3000	310
Trà Vinh	m ²	5255		5422	5287	5062			
Urban/Rural Setting									
Commune	m ²	2487	409	1703	1774	4526	3779	4268	986
Ward	m ²	1475	459	288	1935		20000	1081	57
Kinship Group									
Kinh	m ²	1248	413	785	1156	4833	6967	6206	209
Hoa, Tày, Thái, Mèo, Mường, Hmông	m ²	1554		684	1705	1368	2052	1110	2000
Chăm, Raglai, Lạch, C'íl, K'ho	m ²	6202	1000	10667	3905	6873	7380		
Khmer	m ²	5370		5165	5246	5930			

2. Gender Roles

In this section, we analyze gender roles and responsibilities within the household. The division of household responsibilities can give insight into the construction of gender roles in these households and communities and can affect women's relative position in the land regime.

2.1. Household Responsibilities by Gender

An individual's family role and authority is sometimes reflected in her or his fulfillment of particular household duties, from daily household chores to economic matters to social matters. Table 14 illustrates that, there is a very clear gender difference in the division of household duties,

reflecting the general trend that women were responsible for the domestic realm, while men were responsible in the public realm. Couples tended to share household financial responsibilities, although a larger proportion of men had those responsibilities than women. Of respondents surveyed, 59.2% indicated that women should be responsible for household chores while only 4.7% of respondents believed that men were responsible for household chores; 38% responded that they believed that husbands were responsible for the social/public, while 22.7% of respondents believed that it was the wife's responsibility; 59.4% said that household financial matters should involve both spouses; and 20.5% believed that husbands should take care of household financial matters, as compared to 12.3%, who indicated that wives alone should handle financial affairs.

Table 14: Division of Household Domestic, Economic, and Societal Responsibilities (*)

Person completing the duties	Domestic Chores		Economic Chores		Societal Interaction	
	N (**)	%	N	%	N	%
Wife	4437	59.2	461	12.3	853	22.7
Husband	352	4.7	770	20.5	1427	38.0
Both spouses	2152	28.7	2230	59.4	1295	34.5
Others	551	7.4	291	7.8	176	4.7
Total	7492	100.0	3752	100.0	3751	100.0

(*) According to each chore, gendered responsibilities are divided thus:

"Domestic duties" include: (a) going to the market, cooking; (b) laundry and household cleaning; (c) child care; (d) accompanying children to school; (e) moral education/ disciplining children; (f) purchasing food and other household items.

"Economic duties" include: (g) large purchases/sales; (h) purchase of a house or land; (i) other types of business ventures.

"Societal duties" include: (j) attending local and neighborhood meetings (k) attending meetings to decide on lineage matters; (l) attending meetings to deal with issues related to the law.

(**) N is sum up of 1253 respondents' choices from various questions in each chore

2.2. Factors Affecting the Division of Household Responsibilities

Our findings suggest that local gender construction, particular cultural practices, and the level of urbanization affects value of a wife or husband's contribution to the household and affect the division of household responsibilities. These factors also help to explain the inequitable distribution of household responsibilities (Table 15).

When analyzing by gender, we find that the wives reported higher levels of agreement with taking on a larger share of domestic duties than their husbands did (61.1% compared with 50.5). Wives expected their husbands to take on a higher share of the household economic responsibilities and interactions outside of the home (17.8% and 31% compared to 5.3% and 11.8%). These findings indicate that women would like to play a larger role in household financial matters and societal duties compared to their husbands' expectation while continuing to accept that they are responsible for the domestic chores.

The acceptance of the traditional family roles is even stronger when among the ethnic minority groups. There is no statistically significant difference in expectations of household responsibilities between patrilineal, matrilineal, and bi-lateral groups and between urban and rural-dwellers. There was universal acceptance among the survey

population about the division of labour between husbands and wives. Across ethnic groups and the urban/rural landscape, there is virtually no difference in the expectation that women are primarily responsible for domestic chores.

With respect to household economic matters, wives in households that practice patrilineal succession play a larger role in household economic matters and societal duties compared to women in matrilineal and bi-lateral households (economic: 13.1% in patrilineal groups compared to 9.7% in matrilineal and 9.9% in bi-lateral groups; societal duties: 24.3% in patrilineal compared to 16.9% in matrilineal and 19.4% in bi-lateral). Though the percentage difference is not significant, it may be explained by the fact that most of the respondents in the patrilineal groups are ethnic Vietnamese, who, as demonstrated in Table 5 above, have higher levels of education, which may provide them with more economic autonomy than women from other ethnic groups. This relative economic autonomy is most evident in the large urban areas, as detailed below in observations from in-depth interviews. One's authority over these economic and societal matters has an effect on one's ability to access land.

We observe that although a similar proportion of women from matrilineal groups are responsible for household economic matters as compared to women from bi-lateral groups (and less than

those from patrilineal groups), the percentage of women in matrilineal households who share in the economic decision with their husbands is much higher. Here, 73.6% of survey-takers from

matrilineal households indicated that women shared in the deciding household economic matters, as compared to 57.6% in patrilineal households, and 52.4% in bi-lateral households.

Table 15: Expectation of Who Performs Domestic, Economic, and Societal Responsibilities by Gender, Kinship Group, and Urban/Rural Residence

Party responsible	Gender		Kinship Group			Residence	
	Men	Women	Patrilineal (*)	Matrilineal	Bi-lateral	Rural	Urban
	%	%	%	%	%	%	%
Domestic duties Responsibilities							
Wife	50.5	66.1	57.8	65.5	60.6	59.5	58.4
Husband	6.8	3.0	5.1	2.9	4.6	4.8	4.4
Both spouses	36.0	22.9	28.8	28.3	29.1	28.7	28.7
Others	6.7	7.9	8.4	3.3	5.7	6.9	8.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Economic duties							
Wife	5.3	17.8	13.1	9.7	9.9	10.3	17.6
Husband	23.3	18.3	20.8	14.2	28.0	22.5	15.2
Both spouses	65.7	54.5	57.6	73.6	52.4	60.6	56.4
Others	5.7	9.4	8.5	2.7	9.7	6.6	10.8
Total	100.0	100.0	100.0	100.2	100.0	100.0	100.0
Societal duties							
Wife	11.8	31.5	24.3	16.9	19.4	20.0	30.0
Husband	47.5	30.5	36.3	40.8	46.8	41.2	29.4
Both spouses	36.8	32.7	34.4	39.3	28.0	34.3	35.0
Others	3.9	5.4	4.9	3.1	5.9	4.4	5.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(*) including the Kinh and other patrilineal ethnic minorities

3. Attitudes toward Women's Land Rights and Access to Land

3.1. Attitudes toward entitlement and the division of household property.

Entitlement and the division of household property between women and men is an important indicator when assessing women's access to land. Table 16 demonstrates that up to 74.6% of respondents believed that both spouses should be named on land titles, though the number of individuals from matrilineal groups was much lower (49.4%), while 86.3% of respondents from bi-lateral households believed that both spouses should be listed on the paperwork. When

analyzing according to residence, 88.8% of urban dwellers believed that both spouses should be listed on the title, as compared to 69.2% of rural dwellers. These patterns correlate precisely with evidence from the in-depth interviews.

In cases where only one member of the household is listed on the land title, 52.6% of respondents believed that that person should be the husband or a son in the household. However, when examined by gender, we see that only 48.2% of women, as compared to 58.1% of men, agree with that scenario. The most significant finding in this part of the survey indicates that while there is no statistically important difference in attitude when comparing urban/rural evidence, there is a clear distinction between patrilineal groups

(58.9%) and matrilineal (30.1%) and bi-lateral (37%) groups. These findings indicate that kinship practices play a large role in determining women's access to land.

The person identified with having the main responsibility of conducting societal issues outside the household and the person who contributes the most economically should be allowed to list their name on the land title documents received lower levels of responses (23.2% and 18%, respectively). There was very little difference between different groups. These indicators show that household financial matters and societal obligations are less influential than gender preconception when considering one should hold the title to household land. There was very little difference between the kinship groups, an indication that participation in household financial matters and in societal obligations has little effect on the expectation that one should hold the title to household land.

Attitudes toward the division of property between wives and husbands contribute to our understanding of gender attitudes toward access to land. In the case of death, almost all

respondents indicated that the widow should inherit her husband's property, even if she does not have children or sons (in practice, this is not the only attitude that influences actions, but there are many other obstacles that prevent women from accessing land). Attitudes toward the division of household property in the case of divorce are significantly different across gender, kinship group, and urban/rural settings. From patrilineal groups, 74.7% of respondents, and 70.2% from bi-lateral groups, indicated that property gained before a marriage should be given to that individual, while 35.3% of respondents from matrilineal groups agreed with that solution. Almost all respondents from patrilineal and bi-lateral groups agreed that joint property should be divided equally, while only 40% of those from matrilineal groups agreed with that solution. During in-depth interviews with ethnic Chăm respondents, many individuals responded that, in the case of divorce, a husband [should] "depart with his bare hands" (literally, 'white') and leave the household property for his wife. There was no concern with the source of that property. These findings illustrate that cultural practice plays an important role in determining women's access to land.

Table 16: Respondents' Attitudes toward the Role of Gender in Land Titles and the Division of Household Property between Wives and Husbands by Gender, Kinship Group and Rural/Urban

Attitudes related to gender roles	Total	% agree							
		Total	Gender		Kinship Group			Residence	
	N	%	Men	Women	Patrilineal (*)	Matrilineal	Bilateral	Rural	Urban
			%	%	%	%	%	%	%
Both spouses should hold the title	1209	74.6	75.9	73.5	77.9	49.4	86.3	69.2	88.8
If only one person can be on the title, then it should be the husband or son	1195	52.6	58.1	48.2	58.9	30.1	37.0	53.5	50.3
Whoever is better equipped with the knowledge to interact with those outside the household should be listed on the title	1218	23.2	22.2	23.9	20.7	28.3	34.8	23.1	23.2
The higher breadwinner or the highest contributor to the purchase of land should be listed on the title	1217	18.0	17.2	18.6	18.3	15.7	19.1	16.1	23.2
In the case of divorce, pre-marital property should be returned to its original owner	1160	68.7	68.8	68.6	74.7	35.3	70.2	63.1	82.9
In the case of divorce, jointly created property should be divided equally between the spouses, regardless of whether they have children	1210	84.7	89.3	81.0	92.3	40.0	94.2	16.5	12.1
In the case of a husband's death, the widow should inherit his property, regardless of whether or not she has a son	1231	96.8	97.4	96.4	97.3	93.4	98.4	97.7	94.6
In the case of a husband's death, the widow should inherit his property, regardless of whether or not she has a child	1230	95.8	96.0	95.6	95.6	95.6	97.5	96.3	94.3

(*) including the Kinh and other patrilineal ethnic minorities

3.2. Gender Relation in Land Inheritance

Gender and inheritance relation in household is one important issue that greatly affects women's access to land. Table 17 illustrates that, among the groups examined, attitudes toward gender and inheritance and succession vary significantly. Few women and urban-dwellers believed that sons should get a greater share of household property than daughters, or that daughters should be excluded completely. Rather, they agreed with the assertion that both daughters and sons should inherit household property.

Responses were significantly different across the kinship groups. Most respondents from patrilineal groups believed that succession should be reserved for sons. Conversely, those from matrilineal groups believed that succession should be reserved for daughters. Over 50% of respondents from patrilineal groups believed that sons should inherit more of the household property than daughters because of their responsibility to maintain the ancestral offerings.

Very few of those from bilateral groups agreed with this assertion while none of the respondents from matrilineal groups agreed. Respondents from bi-lateral groups overwhelmingly supported the assertion that sons and daughters should inherit household property equally. Evidence from in-depth interviews indicate that, in matrilineal groups, daughters carry the major responsibility for performing the rituals to maintain the ancestral rites while among patrilineal groups, the responsibility is mainly carried out by male. By contrast, it is more flexible among bilateral groups as ritual performance is not related to gender or birth order, reducing the effects ritual offerings to the ancestors has on the division of household property. Many interviewees noted that who provides old-age care to their parents, the economic situation of the children, and the child's contribution to the household economy were important factors in determining the share of household property that each would receive. One important issue to note is that in rural areas and among ethnic minority populations, there is little to no safety net and children are expected to provide old-age-security.

Table 17: Gender Attitudes and Effects on Inheritance and Succession by Gender, Kinship Group and Rural/Urban

Attitude related to gender	Total	Agree with statement							
		Total	Gender		Kinship Group			Residence	
	N	%	Men %	Women %	Patrilineal (*) %	Matrilineal %	Bi-lateral %	Rural %	Urban %
Eldest son should inherit parents' property	1235	8.2	8.4	8.0	10.7	0.0	1.6	8.5	7.2
Sons are responsible for maintaining ancestral rites and should succeed the parents	1240	38.8	43.3	35.2	50.1	2.7	8.1	39.4	37.0
All sons should inherit property equally	1240	49.6	53.1	46.8	62.0	6.5	21.0	47.6	54.9
All children should have a share but sons should have a greater share than daughters	1240	34.3	35.8	33.0	45.1	1.6	2.4	31.8	40.9
All children, regardless of gender, should inherit equally	1238	52.5	49.0	55.3	52.2	29.6	89.5	46.6	68.6
The child who contributes the most to the household should inherit more of the household property	1240	28.4	27.6	29.0	28.7	21.5	36.3	26.1	34.6
The child most able to provide old-age care should inherit more of the household property	1240	50.6	51.3	50.1	54.5	26.9	57.3	48.1	57.6
The neediest child should inherit more of the household property	1240	34.1	29.5	37.8	36.5	17.7	41.1	27.7	51.3

(*) including the Kinh and other patrilineal ethnic minorities

Results from factor analysis of variables relevant to attitudes of respondents on inheritance of parents' land to children show that there are two main components underlying these attitudes (Table 18). The first component has strong and positive correlations to variables 1-4 that support more sons and negative correlation to variable 5 that supports equality between sons and daughters, while have weak correlations to the other variables. Therefore, it can say that this

component presents gender preconception of respondents' attitude on land inheritance. This gender preconception reflexes specific traditional cultures of ethnics. This component explains 27.5% of variance of above variables.

The second component has strong and positive to variables 6-9 relevant to economic concerns and weak correlations to gender preconception variables. This component presents different

considerations of parents when they divide land to their children regardless gender preconception. This component explains 24% of variance these

variables. In total, two components explain 51.5% of variance of 9 variables relevant to attitude of parents' land inheritance to children.

Table 18: Analysis of Factors Related to attitudes toward the Division of Household Property among Children

Component matrix(a)	Gender preconception	Economic concerns
1. Only the eldest son should succeed the parents	0.60	0.20
2. Sons bear the responsibility for making the ancestral offerings and should inherit the parents' landed property	0.86	0.06
3. All the sons should inherit the parents' property	0.82	-0.06
4. All children should inherit parents' property but sons should inherit a larger share than daughters	0.65	0.10
5. All children should inherit parents' property equally, regardless of gender	-0.49	0.13
6. Whichever child contributes more to the household should inherit more of the parents' property	0.03	0.79
7. The child most able to provide old-age support should inherit a larger share of the parents' property	0.15	0.65
8. The child who is most needy should inherit a larger share of the parents' property	-0.10	0.73
9. The child most able to reap returns from the parents' property should inherit a larger share of it.	0.02	0.71
Level of explanation of 2 component for variables of land property inheritance: 51.5%	27.5	24.0

Results from Table 19 illustrate that parents and other family members play an important role in decisions related to household division. Although lineage members are important, they play a secondary role. Even though most decisions about the division of household property are made orally, a large proportion of respondents (86.7%) equally between men and women indicated that these agreements between sons and daughters should be overseen by local authorities for adherence to the law. This shows that it is necessary to promote the testate succession from

parents to children when they are still alive in order to avoid possible disputes later. application of the Nearly 100% of the respondents indicated that, in cases of conflict over household property, it must first be resolved within the family. Only after that method is unsuccessful may the actors approach the authorities. The in-depth interviews reveal that institutions such as the family, lineage, village and commune institutions, and mediation committees have been influenced by local gender attitudes. (See Section B.4)

Table 19: Respondents' Attitudes toward the Role of Family, Lineage, and the State with Respect to Household Division and the Settling of Land Disputes by Gender, Kinship Group, and Rural/Urban

Attitudes affecting gender roles	Total	Agree with statement							
		Total		Gender		Kinship Group			Residence
	N	%	Male	Female	Patrilineal (*)	Matrilineal	Bi-lateral	Rural	Urban
			%	%	%	%	%	%	%
Inheritance and succession is solely the decision of the parents, children have no role in it.	1237	38.5	35.6	40.8	38.1	40.9	37.9	36.2	44.7
Inheritance and succession should have the input of all children in the household, but it is ultimately the parents' decision	1236	78.8	80.7	77.3	83.2	61.3	72.6	77.6	82.2
Inheritance and succession should include the participation of the lineage head or another person with prestige in the lineage	1217	21.3	20.8	21.7	20.7	20.6	26.6	20.7	22.7
The division of household property between the children should be validated for adherence to the law by local authorities	1221	86.7	88.6	85.1	90.6	66.3	85.5	83.3	95.5
When there are conflicts or land disputes within the family, then they should be resolved within the family first. Only when this step has failed should the issue be brought to the authorities to intervene	1237	98.4	98.9	98.0	97.8	100.0	100.0	99.1	96.4

(*) including the Kinh and other patrilineal ethnic minorities

3.3. Intentions to Divide Household Property

To understand gendered attitudes with respect to the intentions of the parents in the respondent's property, we arranged the intentional into four categories: (1) divide land and other property equally between sons and daughters; (2) give sons

a larger share, (3) give daughters a larger share, and (4) Divide according to other criteria. Table 20 illustrates that 38% of respondents intended to divide their property equally between their sons and daughters; 43% intended to give sons a larger share of their property; 13.1% intended to give daughters a larger share; and 5.7% made their decision based on other factors. There were large

regional variations. In the Northern provinces, the proportion of respondents indicating that they would favor their sons is extremely high, while in the southern provinces, with the exception of Long An Province, very few indicated such intentions. In the northern provinces, with the exception of Sơn La province, the proportion of respondents who indicated that they would divide their property equally between sons and daughters was lower than average. By contrast, in almost all the southern provinces, the proportion of respondents who supported the equal division of household property between sons and daughters is rather high, especially in Trà Vinh province. Respondents living in Ninh Thuận province and in Lạc Dương district of Lâm Đồng province, where the majority of respondents from matrilineal

groups live, indicated that they favoured their daughters in the division of household property.

The provincial differences in the share that daughters should have in household property reflect differences in local culture. Those who identify as Khmer, representative of bi-lateral kinship groups, in Trà Vinh province, do not distinguish between sons and daughters when making decisions about inheritance and succession. Among matrilineal groups, however, the Chăm and the Raglai in Ninh Thuận and the Lạch in Lạc Dương district of Lâm Đồng province all practice matrilineal succession, and so not surprisingly, respondents from these groups indicated that they would give their land and succession property to their daughters.

Table 20: Respondents' Intentions with Respect to the Division of Household Property by Province and District.

Province	District		Divide evenly between children	Favour sons	Favour daughters	Divide using different factors	Total
Quảng Ninh	Hạ Long	%	31.7	68.3	0.0	0.0	100.0
	Hoành Bồ	%	25.0	73.3	0.0	1.7	100.0
Sơn La	Phù Yên	%	41.3	57.1	0.0	1.6	100.0
	Bắc Yên	%	43.3	50.0	0.0	6.7	100.0
Hà Nội	Từ Liêm	%	15.0	85.0	0.0	0.0	100.0
	Quốc Oai	%	6.2	93.8	0.0	0.0	100.0
Nghệ An	Diễn Châu	%	19.7	80.3	0.0	0.0	100.0
	Quỳnh Lưu	%	8.3	88.3	0.0	3.3	100.0
Đà Nẵng	Sơn Trà	%	70.0	25.0	0.0	5.0	100.0
	Hải Châu	%	71.0	27.4	0.0	1.6	100.0
Lâm Đồng	Đức Trọng	%	49.2	33.3	11.1	6.3	100.0
	Lạc Dương	%	12.9	0.0	85.5	1.6	100.0
Ninh Thuận	Ninh Phước	%	15.6	14.1	65.6	4.7	100.0
	Bác Ái	%	6.3	0.0	93.8	0.0	100.0
Hồ Chí Minh City	Hóc Môn	%	51.6	39.1	0.0	9.4	100.0
	Bình Thạnh	%	64.1	12.5	0.0	23.4	100.0
Long An	Cần Đước	%	17.5	69.8	0.0	12.7	100.0
	Tân An	%	42.2	50.0	0.0	7.8	100.0
Trà Vinh	Tiểu Cần	%	73.4	0.0	0.0	26.6	100.0
	Cầu Kè	%	93.8	0.0	3.1	3.1	100.0
Total number of respondents		n	475	538	164	73	1250
Percentage who agree		%	38.0	43.0	13.1	5.8	100.0

Table 21 illustrates that, although there are small differences in intentions to divide property by gender, it is most obvious when measured across kinship groups. Respondents from patrilineal groups (56.9%) indicated that they would favour their sons in the division of household property; 86% of respondents from matrilineal groups indicated that they would favour their daughters; and 82.3% of respondents from bilateral groups (Khmer) that they intended

to divide their property equally between their daughters and sons. In urban areas, 51.5 % respondents indicated that they intended to divide their property equally among their daughters and sons, compared to 33% of those living in rural areas. These findings demonstrate that customary practices play a large role in women's access to land. The level of urbanization also influences one's intentions with respect to the division of household property.

Table 21: Respondents' Intentions in the Division of Household Property by Gender, Kinship Group, and Urban/Rural

Intention	Total N	Agree with statement							
		Total %	Gender		Kinship Group			Residence	
			Men %	Women %	Patrilineal (*) %	Matrilineal %	Bilateral %	Rural %	Urban %
Divide equally between all children	475	38.0	35.8	39.7	37.3	11.8	82.3	33.0	51.5
Favour sons	538	43.0	47.2	39.7	56.9	1.6	0.0	43.2	42.6
Favour daughters	164	13.1	11.8	14.2	0.2	86.0	1.6	18.0	0.0
Divide according to other methods	73	5.8	5.2	6.3	5.5	0.5	16.1	5.8	5.9
Total	1250	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(*) including the Kinh and other patrilineal ethnic minorities

4. Women's Access to Land in Practice

Bearing in mind the population and social conditions described above, in this section we examine in practice women's access to land and their authority over land in each of the research sites. In this portion of the statistical analysis, we examine one among a number of indicators of women's access to land and authority over the land: the ability to serve as the owner of record on the land-use title (red book). In our research, we collected data detailing the person of record on the land-use title or, in the case where such titles were not yet granted, then the person with de-facto authority over the entire plot of land that the household currently holds. These lands include residential land and other kinds of land (i.e., rice land, orchard land, agricultural land, forest, and clearing abandoned lands). Here, we discuss in what settings and under what conditions women access their land rights.

4.1. The Ability to be Named on the Land-use Title and to Make Decisions about the Residential Land on Which They Reside

Table 22 illustrates that the percentage of women who are named as the sole owners (19%) or are named with their husbands (22%) on the land-use title is lower than the percentage of men who are named as sole owners on land-use titles (45%). Drawing from our in-depth interviews, we explain below why there is such a gap between women and men's entitlement patterns (see Section B).

Chart 1: Percentage of Respondents Listed on Title of Residential Land

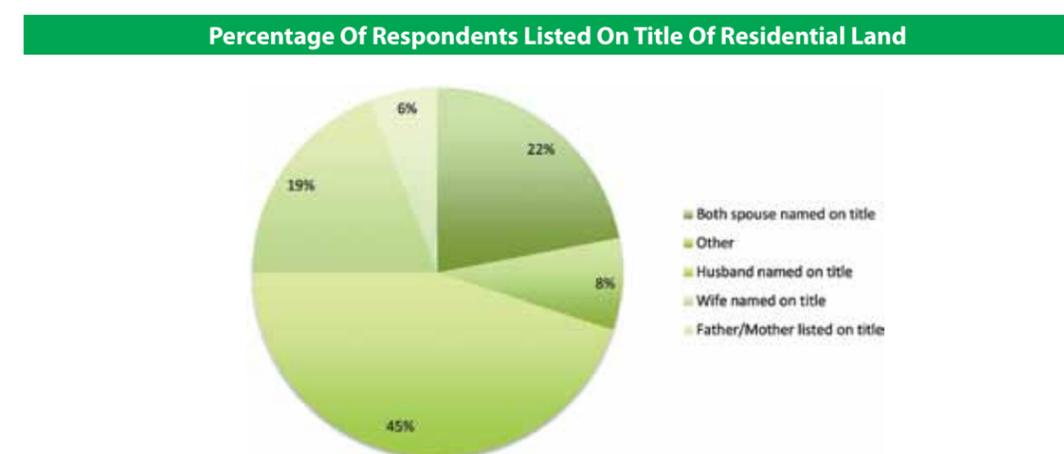


Table 22: Persons Entitled and Have De-facto Authority over Family Residential Land by Kinship Group and Rural/Urban

	Kinship Group				Residence	
	Kinh	Patrilineal minorities	Matrilineal	Bi-lateral	Rural	Urban
	%	%	%	%	%	%
% of families with certificate of authorizing land use	85.4	80.8	69.2	78.0	82.4	80.4
Person named on the title						
Husband	40.6	74.2	46.0	43.8	51.8	25.7
Wife	19.3	11.3	21.4	25.0	16.9	26.0
Both spouses	28.6	6.2	2.4	12.5	16.3	36.4
Others	11.5	8.2	30.2	18.8	15.0	11.9
Total	100.0	100.0	100.0	100.0	100.0	100.0
(n)	(698)	(101)	(127)	(96)	(740)	(270)
Persons with de-facto authority (where no title has been issued)						
Husband	29.1	66.7	33.9	39.3	37.9	28.6
Wife	19.8	20.0	30.5	17.9	24.2	19.6
Both Spouses	38.4	6.7	16.9	14.3	19.7	39.3
Others	12.8	6.7	18.6	28.6	18.2	12.5
Total	100.0	100.0	100.0	100.0	100.0	100.0
(n)	(118)	(23)	(56)	(27)	(158)	(66)
Person named on title and has authority						
Husband	39.3	73.2	42.2	42.7	49.7	26.2
Wife	19.4	12.5	24.3	23.4	18.0	24.9
Both Spouses	29.7	6.3	7.0	12.9	16.8	36.9
Others	11.6	8.0	26.5	21.0	15.5	12.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
(n)	(816)	(124)	(183)	(123)	(898)	(336)

When assessing the differences according to ethnic group, the trends indicate that those who identify as ethnic Kinh have the highest percentage of couples jointly listed on land titles (28.6%). This may be attributed to the fact that those who identify as ethnic Kinh are better off economically, more ethnic Kinh live in urban areas where they have access to more broad sources of information, and that women who identified as ethnic Kinh have higher levels of education, making them more aware of their land rights. Those who identify as a member of a minority group with patrilineal kinship practices have the lowest proportion of joint entitlement of land (6.2%) compared to those from matrilineal groups (21.4%) and bilateral groups (25%). As expected, the percentage of households where men were the sole owner named on land titles were the highest among patrilineal groups (40.6% for those identifying as ethnic Kinh and 74.2% for those identifying with an ethnic minority group that practices patrilineal succession) compared to those from matrilineal groups (46%) and bi-lateral groups (43.8%).

Turning to levels of urbanization, our research findings indicate that families living in urban areas are more likely to be listed as joint owners on land titles compared to families living in rural communities. The number of women who are listed as sole owners on land titles is also higher for those living in urban areas compared to those living in rural areas. In the rural communities surveyed, more than half (51.8%) of the respondents indicated that a man is listed as the sole owner on land title documents.

Comparing to people named on title of family residential land, results also indicate that the proportions of husband, wife, and both spouse have de-facto authority (where have no title) are fairly similar. These patterns suggest that even naming on title or not ethnic and residential factors have clear and consistent influences on land authority in reality.

Accompanying the factors discussed above, the source of land is an important factor affecting women's ability to be listed on the title documents of residential land.

when the land in question has been issued to them by the state. In cases where residential land has been purchased within the marital unit, the percentage of respondents who reported joint entitlement was highest.

There were few instances when individuals purchased land before marriage. In the 15 cases we surveyed when the man purchased the land before marriage, both spouses were named in five cases, only the husband was named on the title in six cases, and only the wife was named on the title in four cases. In the eight cases where the woman purchased the land before the marriage, both spouses were entitled in two cases and the wife was the sole name listed in the remaining six cases. Though these cases are not large enough to be statistically significant, they still indicate the trend that women seldom are able to claim entitlement unless it is regarded as their personal

property, an observation that is supported by the finding that women are more often able to be entitled if they inherited land from their parents (see Table 23 above).

To better understand under what conditions women can increase their access to land within the marital unit, we provide here an analysis of correlations with other measures to assess the level of acceptance that wives should have the same authority as their husbands over marital land (as expressed through joint entitlement on land documents) and over the land inherited from their natal families. Table 24 illustrates that differing economic conditions, education level, settlement patterns, knowledge and understanding of the law, and attitudes toward land ownership each affect whether or not both spouses are listed as owners on land titles.

Table 23: Percent Named on Title as a Function of the Sources of Land

		Jointly purchased by the couple within the marital unit	Inherited from the husband's parents or relatives	Inherited from the wife's parents or relatives	Granted to the husband by the state	Granted to the wife by the state
Both spouses named	%	37.1	13.2	14.3	37.7	23.7
Others named	%	0.7	10.7	11.7	0	2.6
Husband named	%	43.5	51.7	29.9	52.8	28.9
Wife named	%	18.4	16.9	27.3	9.4	42.1
Parents named	%	0.3	7.6	16.9	0	2.6
Total of land titles	%	100.0	100.0	100.0	100.0	100.0
	(n)	(294)	(515)	(77)	(53)	(38)

Table 23 illustrates that when women live with their husband's family on a plot of land inherited from that side of the family, there is a very slim possibility that these women will be solely (16.9%) or jointly (13.2%) named on the land title. Indeed, in one case that appeared before the Supreme People's Court discussed below, one father filed a lawsuit against his son for allowing his wife to be listed on the land title. The court ruled in favour of the father. In cases where residential

land was inherited from the woman's parents, the percentage of women who are solely (27.3%) or jointly (14.3%) entitled increased. Despite this increase, the proportion is still smaller than the percentage of men who are solely (29.9%) entitled to the residential land inherited from their wives' families (the percentage is the same for joint entitlement).

Women have the highest rates of entitlement

Table 24: Marital Entitlement Practices and Authority over Residential Land according to Economic Situation, Education Level, Knowledge of the Law, and Attitudes toward Land Ownership

	Percent of joint entitlement over residential land	% joint authority over residential land
Natal residence compared to present residence		
In the same province	18.4%	18.2%
From a different province	36.8%	48.9%
Education level		
< = Elementary	7.5%	14.3%
Middle school	17.6%	22.2%
High school	29.4%	34.1%
>=Vocational school	46.9%	68.8%
Income level		
20% lowest	12.4%	15.0%
20% below average	11.4%	19.4%
20% average	15.7%	35.0%
20% above average	26.2%	33.3%
20% highest	34.7%	36.8%
Frequency of attending policy and legal workshops (designed for the population)		
Never	11.1%	0.0%
Wife	30.8%	35.7%
Husband	18.5%	32.5%
Both spouses	43.8%	33.3%
Among those who took the initiative to understand land entitlement regulations		
No	12.1%	24.6%
Yes	31.6%	27.8%
Among those who took the initiative to understand wives' rights over joint property		
No	12.5%	23.4%
Yes	32.9%	32.6%
All daughters and sons should inherit parents' property equally		
Agree	23.7%	32.4%
Disagree	20.0%	16.9%
Both spouses should be listed on land title		
Agree	28.3%	32.5%
Disagree	3.7%	13.3%
Those who have a "better understanding" or are better equipped to interact with institutions outside the household should be entitled.		
Agree	17.4%	19.6%
Disagree	23.3%	26.5%
The person who contributes the larger share of household income or contributes a larger share toward the purchase of land should enjoy entitlement		
Agree	21.6%	23.5%
Disagree	22.5%	25.5%

Among respondents who currently live in the same province as their natal home, fewer reported joint entitlement than those who had moved to other regions/provinces. This observation correlates with the finding that women who live on the land inherited from their parents are less likely to be named on that title than to land they purchased themselves (or with their husbands). We find these findings hold true also when respondents report on the authority over residential property: among families who have moved from their natal homes (province or region), the proportion of respondents who indicated that both spouses share authority over household property is far larger (48.9%) than those who remained in the same province as their provincial home (18.2%).

Those with higher levels of education have a higher percentage of joint entitlement and they also report a higher proportion of spouses who share in the authority over household property. Those with elementary and lower levels of education report the smallest percentage of joint entitlement (7.5%), as well as joint authority (14.3%). This percentage increases by the same rate as increases in education level. Those respondents who reported the highest level of education achieved (post-secondary) report the most equal proportion of joint entitlement and joint authority (46.9% joint entitlement compared to 68.8% joint authority). We note that these are self-reported statistics only, and there is a possibility that the respondents reporting the highest level of education are also more attuned to perceptions of their household dynamics.

When analyzing the data with respect to income level, it is easily discernable that persons reporting higher levels of income report more equitable entitlement and authority over household property. When comparing the 20% of respondents with the highest income with the 20% respondents with the lowest income, we see that 34.7% for the former group reporting joint entitlement, compared to 12.4% in the latter group. When comparing reported levels of authority over that property, 36.8% of the highest income level report joint authority compared to 15% from the lowest income level.

Turning to those respondents who attend local meetings or workshops where policy and laws are explained in their local communities, we see that participation in these sessions affects women's access to land. Very clearly, in those families

where both the husband and the wife attend these meetings, the proportion of respondents indicating joint ownership and joint authority is higher than in those families where only the husband attends such meetings. Among those who took the initiative to understand more about land entitlement regulations, respondents reported a higher percentage of joint land entitlement than those who did not seek more information (31.6% compared with 12.1%). Those who sought to understand a wife's land rights over joint property also report higher levels of joint entitlement than those who did not (32.9% compared with 12.5%). Individual initiative in broadening one's knowledge of law and policy tends to broaden joint entitlement and authority within the marital unit.

When analyzing the level of equality of land entitlement and authority between spouses, we see that entitlement practices and reported authority correlate precisely with reported attitudes toward land ownership. Respondents who believe that joint property should be jointly entitled was seven times the proportion of respondents who did not believe in that assertion (28.3% compared to 3.7%); the proportion of those who reported joint authority was also larger (32.5% compared to 13.3%). Attitudes that tend to lead to inequitable entitlement between spouses, such as s/he who has a greater understanding of policy or s/he who has greater access to institutions outside the household should be named on the land title, prevent more equitable entitlement in practice. Among those who supported this assertion, only 17.4% of respondents reported joint entitlement while those who did not share this attitude reported 23.3% of joint entitlement over household property. Reported levels of authority over household property also trended similarly, with 19.6% of those who shared that belief reporting joint authority over household property against 26.5% of those who rejected this assertion and reported shared authority over household property.

4.2. Entitlement and Authority over Non-Residential Land

As with residential property, women's access to non-residential property (i.e., orchards, rice lands, kitchen gardens, agricultural property, forest land and land earmarked for production of sea products), as measured by entitlement, is not very high.

Chart 2: Percentage of Persons by Role Listed on Non-Residential Land Title

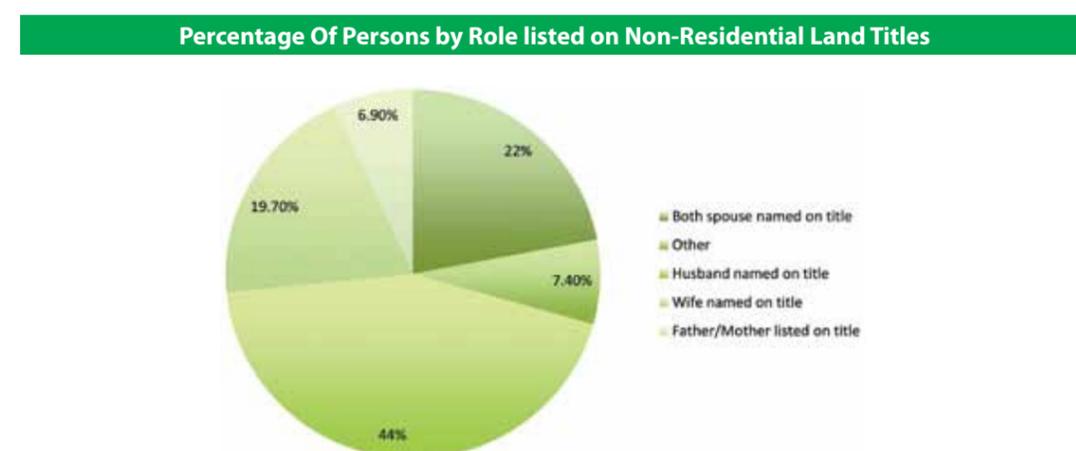


Table 25: Person Entitled or with Reported Authority over Non-Residential Land by Kinship Group and Rural/Urban

Person entitled/with reported authority	Kinship Group				Residence	
	Kinh	Patrilineal minorities	Matrilineal	Bilateral	Rural	Urban
	%	%	%	%	%	%
Husband	54.9	74.5	54.9	49.6	59.1	44.8
Wife	17.4	15.7	21.1	18.7	16.9	27.6
Both spouses	20.6	4.2	11.0	8.1	14.4	18.1
Someone else	7.1	5.6	13.1	23.6	9.6	9.5
Total	100.0	100.0	100.0	100.0	100.0	100.0
Total plots of land (n)	(674)	(216)	(237)	(123)	(1134)	(116)

Table 25 illustrates that, with respect to non-residential land, women's entitlement and authority over non-residential property is ambiguous. The percentages of joint entitlement over non-residential property and a wife's sole entitlement over non-residential property are low. However, those who identify as ethnic Kinh report the highest levels of joint entitlement (20.6%), followed by those groups what practice matrilineal succession (11.0%), and the lowest levels was amongst those who identified as members of ethnic minority groups that practice patrilineal succession (4.2%). Among all groups, those who identify with matrilineal groups report the highest levels of sole entitlement for the

wife (21.1%) compared to those from non-Kinh patrilineal groups (15.7%).

4.3. Women's Participation in Land Transactions

A small percentage of women reported enjoying the right to sole land entitlement, which correlates with their reduced roles and influence over household property. In our research program, we sought to measure women's participation in land transactions within their family. Table 26 illustrates that women do play a certain role in land transactions within their family, even if they do not enjoy land entitlement or reported authority.

Table 26: Participation in Household Land Transactions

	Type of Transaction					
	Purchase of land/a house	Sale of land/a house	Renting out land/a house	Renting land/a house	Acceptance of inheritance and succession	Division of land
	%	%	%	%	%	%
Both spouses	30.6	46	20	26.1	11.1	4.3
Husband	42.9	32	40	39.1	33.3	54.3
Wife	22.4	22	40	13	44.4	41.3
Others	4.1	0	0	21.7	11.1	0
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of transactions (n)	(98)	(50)	(38)	(46)	(18)	(46)

The reported level of women's participation in negotiating and decision-making over land transactions is not as high as their husband's level of participation, Table 27 more concretely illustrates that, while some women report participation in

negotiations and making decisions in household land transactions, in the end, they are not the ones who make the final decision. Even fewer respondents report that women participate in the decision-making in these transactions.

Table 27: Persons Who Decided on Household Land Transactions in the Last Five Years

	Kinship Group				Residence	
	Kinh	Patrilineal minorities	Matrilineal	Bi-lateral	Rural	Urban
	%	%	%	%	%	%
Purchase/sale of land/house						
Husband	42.0	33.3	14.3	30.8	42.1	26.3
Wife	17.9	16.7	14.3	7.7	13.1	26.3
Both spouses	35.7	50.0	64.3	46.2	37.4	47.4
Someone else	4.5	0.0	7.1	15.4	7.5	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of transaction (n)	(112)	(6)	(14)	(13)	(107)	(38)
Renting and renting out land/a house						
Husband	36.2	66.7	25.0	50.0	40.3	38.5
Wife	31.0	0.0	25.0	8.3	20.9	46.2
Both spouses	20.7	0.0	50.0	33.3	23.9	15.4
Others	12.1	33.3	0.0	8.3	14.9	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of transaction (n)	(76)	(11)	(7)	(6)	(83)	(17)
Division or inherit land/ a house						
Husband	46.1	63.6	28.6	50.0	50.6	29.4
Wife	14.5	9.1	28.6	0.0	10.8	29.4
Both spouses	11.8	0.0	28.6	50.0	13.3	17.6
Others	27.6	27.3	14.3	0.0	25.3	23.5
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of transaction (n)	(76)	(11)	(7)	(6)	(83)	(17)
Other transactions						
Husband	46.2	0.0	0.0	40.0	28.6	10.0
Wife	15.4	0.0	18.2	20.0	17.9	20.0
Both spouses	15.4	0.0	63.6	20.0	35.7	50.0
Others	23.1	0.0	18.2	20.0	17.9	20.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of transaction (n)	(13)	(0)	(11)	(5)	(28)	(10)
All land/housing transactions in the family						
Husband	42.1	56.5	13.9	41.7	42.8	26.9
Wife	19.7	8.7	19.4	8.3	14.7	29.5
Both spouses	24.3	13.0	55.6	38.9	27.0	35.9
Others	13.9	21.7	11.1	11.1	15.4	7.7
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of transaction (n)	(259)	(23)	(36)	(36)	(285)	(78)

Respondents living in urban areas (47.4%), members of matrilineal groups (64.3%), and bilateral groups (46.2%) reported the highest

level of shared decision-making over household transactions, while respondents living in rural areas reported the lowest levels of women's

participation in land transactions (7.5%). Women participate with greater regularity in transactions involving the rental of land or a house compared to the sale or purchase of land/home and the division of household property and inheritance of household property.

they do with this information varies across ethnic groups and by rural/urban residence.

5.1. Women's Efforts to Broaden their Understanding of Land Policy and the Market

Although the survey data reveals that there is a proportion of women determined to broaden their understanding of they remain relatively small compared to the number of men who report having broad understanding of the land regime. This gap helps to explain why the proportion of women who participate in land transactions or the proportion of women with a role in making decision ins land transactions is still limited, especially when they have not yet been able to understand the details of policy or other information related to their land rights. As revealed in the interviews, women's limited understanding of policy and their rights in the land regime had prevented them from accessing services connected to the issue of women and land rights (See Section B.4.5).

5. Access to Legal Knowledge and the Real Estate Market

Our in-depth interviews reveal that one understands of the law and of the changing value of land encourages women to assert their access to household property more proactively. When women act in these manners, they are better able to protect their land rights against the men in their families (see Section C). Here, we discuss how the level of interest women has with the law and real estate market against their knowledge of the issues. We measured the extent to which women take an interest in policy and regulations related and learn about them; the extent to which women they seek information on the rising value of property, particularly of their household property, and what

Table 28: Percent Seeking to Understand Information, Policy, and Land Law by Gender, Kinship Group, and Rural/Urban (*)

	Gender		Kinship Group				Residence	
	Men	Women	Kinh	Patrilineal minorities	Matrilineal	Bilateral	Rural	Urban
	%	%	%	%	%	%	%	%
Price of land/real estate	43.6	22.5	40.6	24.6	8.1	16.9	25.5	48.8
Land market/ real estate	36.6	20.3	36.6	17.5	5.4	11.3	20.5	46.5
Information about real estate development in the area	49.9	33.0	53.4	27.8	11.3	12.1	33.2	60.0
Information about state-issued land use titles	56.9	39.7	61.4	38.1	14.0	13.7	40.1	66.8
The law and inheritance rights	49.0	35.2	54.8	30.2	9.7	11.3	34.3	60.3
The law and spousal rights over joint property	50.6	37.2	57.5	33.3	10.2	8.1	35.7	63.2
Other information related to land	22.3	16.8	25.5	12.7	4.8	6.5	13.5	34.7
Average percent (n)	44.1 (555)	29.2 (698)	47.1 (817)	26.3 (126)	9.1 (186)	11.4 (124)	29.0 (913)	54.3 (340)

(*) Percents (by column) presented in this table are the proportions of respondents who "have" seeking to understand information, policy, and land law in total respondents (n) in the last row of the table.

Table 28 illustrates that though some women might seek to broaden their knowledge about land laws and their rights within the regime, most do not. More significantly, when measured against men's efforts, it becomes clear that more men seek out this information to broaden their knowledge and understanding of theirs and others' rights and claims. Both women and men were most interested in gaining more information about applying for a Land Use Certificate (Giấy chứng nhận quyền sử dụng đất) issued by the state, followed by news about development projects in the vicinity, and finally, information about policy and the law. Notably women were least interested in the real estate market, which correlates with reports that women were seldom involved in household real estate transactions (Table 27).

When analyzed by ethnic group, those who identified as Kinh were most interested in understanding news related to land law, at a rate greater than all three other groups combined. In that case, those from matrilineal groups reported the least interest in acquiring information related to the value of land or the real estate market. This lack of interest may be attributable to environment: the two districts of Bắc Ái and Ninh Phước, where we conducted our research, had low levels of urbanization, little development, and little movement in market prices. As such, the price of housing and the real estate market may not have had an effect on their lives, making increased knowledge about it superfluous.

When comparing those who live in rural and urban areas, there is a clear gap between the two groups.

Compared against rural residents, urban dwellers reported greater interest in gathering information across all measures. This gap is easily explained by the relative influence that the real estate market has on the urban and rural dwellers and urban dweller's easy access to this information. In Ho Chi Minh City, one female vendor's explanation about why she understands market prices and her rights and other news well illustrates the latter point. When asked where she gets her information, she responded, that it was everywhere, on the television and in the newspapers. Significantly, she spoke of reading multiple newspapers each morning while waiting for customers.

5.2. Activities to Propagate State Law and Land Policies in Local Communities

The law and policy information sessions organized by local authorities can work as an important agent in broadening citizen's access to information and knowledge of their rights and limitations in the landed property regime. With respect to women in particular, attending sessions will broaden their understanding of the law and their rights and to build their confidence. Though less easily identified, building women's confidence in understanding their rights within the system may help them to participate in household land transactions or in the division of household property. Though these sessions provide opportunities, there are also limitations, especially with respect to the diversity of the country. Our findings suggest that interest in attending these sessions varies greatly among the different regions.

Table 29: Percent of People Attending Policy and Law Information Sessions by Kinship group and Rural/Urban

	Kinship Group				Residence	
	Kinh	Patrilineal minorities	Matrilineal	Bilateral	Rural	Urban
	%	%	%	%	%	%
Local government sponsors information sessions	69.0	68.0	51.1	46.8	62.0	69.6
Person who most often attends						
No one	1.3	1.2	0.0	5.4	2.0	0.0
Wife	43.0	31.4	15.8	23.2	30.9	51.9
Husband	35.7	48.8	61.1	60.7	47.9	27.8
Both spouses	18.2	17.4	17.9	7.1	16.6	19.0
Someone else	1.8	1.2	5.3	3.6	2.7	1.3
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of meeting (n)	(560)	(86)	(95)	(56)	(560)	(237)

Table 29 illustrates that in areas where patrilineal groups predominate, persons from these groups reported the highest level of awareness about information sessions on land law and policy sponsored by the local authorities. The data also reveals that these sessions are more popular in urban compared to rural areas. When measured across kinship/ethnic groups, those identifying as Kinh reported the highest levels of women's (wives) participation in the session (43%), with those from matrilineal groups reporting the lowest levels of women's participation in these session (15.8%). Not surprisingly, women in urban areas reported a higher level of attendance at these information sessions than those living in rural areas (51.9% compared to 30.9%). These results correlate with the above findings on women's participation in household real estate transactions for those identifying as Kinh compared to other ethnic groups and in urban compared to rural areas.

5.3. Advice and Support in Property Disputes

In the study, respondents were asked about sources where they might turn for advice and support when they are involved in disputes over land. Generally speaking, respondents indicated that they looked to the state and local authorities when they face difficulties with respect to land. Up to 78% of respondents indicated that that they would seek out local authorities or representatives of the state

if they were to encounter these problems (Table 30). After formal authorities, 24% of respondents said they would seek out persons with prestige in the community, such as the neighborhood leader, a village head, etc. Approximately one fifth of respondents replied that they might seek the advice or support of an acquaintance or the union.

In addition to the sources of support mentioned above, a small number of respondents indicated that in case of land disputes, they would seek information through watching television, researching the Internet, and a few other sources. In analyzing efforts to seek support by gender, there is no noticeable difference in level of activity between women and men. However, there is a notable difference in strategies. More men responded that they sought information to support their claims through reading the newspaper (10.3% versus 6.4%), and men seek out their friends or acquaintances for advice and support more than women (20.4% versus 16.5%)

When analyzing strategies of support across the ethnic groups, we see drastically different strategies. Whereas 84% of those who identify as ethnic Kinh seek out the local authorities, 66.7% of those from non-Kinh patrilineal groups, 60.2% from matrilineal groups, and 75.7% from bilateral groups will pursue the same strategy. More striking is the difference in the level of confidence that those from ethnic minority groups have in informal authority, were 36.5% of non-Kinh persons from patrilineal groups,

34% of persons from matrilineal groups, and 30% of persons from bilateral groups report that they would seek the advice of persons with prestige in the community. Among the Kinh, only 18% of respondents would seek the advice and support of such persons. Among those who reported seeking information to support their claims through

reading the newspaper or the internet, those from patrilineal groups outnumbered those from the other two kinship groups. Very few respondents indicated that they sought out the services of an attorney, though the Kinh reported the highest numbers nonetheless.

Table 30: Sources of Support in the Case of Land Disputes by Gender, Kinship Group, and Rural/Urban

	Gender		Kinship Group				Residence	
	Men	Women	Kinh	Patrilinea I minorities	Matrilineal	Bilateral	Rural	Urban
	%	%	%	%	%	%	%	%
Family	19.3	18.9	20.0	14.3	20.4	16.1	19.6	17.6
Acquaintances/friends	20.4	16.5	18.4	29.4	9.7	18.5	18.5	17.4
Local authorities	82.3	74.4	84.0	66.7	60.2	75.8	77.7	78.5
Unions	23.1	14.9	22.5	17.5	9.1	7.3	18.9	17.4
Newspapers	10.3	6.4	11.0	2.4	2.7	3.2	5.0	16.5
Village head/ community leader	24.3	23.1	18.2	36.5	34.4	29.8	27.3	13.8
Attorney	4.5	5.9	6.7	2.4	2.2	3.2	2.0	14.1
Other	0.9	0.7	1.1	0.8			0.2	2.4
Total	100	100	100	100.0	100.0	100.0	100.0	100.0
(n)	(555)	(698)	(817)	(126)	(186)	(124)	(913)	(340)

In short, when analyzing how gender affects land entitlement and authority over household property, we see that in most scenarios, women have fewer powers at their disposal than men have. The above findings suggest that some of the major factors that exclude women's access to land can be counteracted with specific strategies. Generally, raising education levels, raising the standard of living, and broadening general knowledge about land law and policy can help. In addition, finding specific ways to encourage women's participation in information or training sessions will help them understand their land rights and provide them with alternatives to act rather than "enduring" (nhịn) the inequities of land distribution.

B. POWERS OF EXCLUSION

As specific as the statistical data is with respect to perceptions, expectations, and social features of our respondents, they are but just one part of the picture. To help us understand how the

powers of regulation, legitimation, the market, and force exclude women from fully accessing their land rights, we turn to information gathered from court documents and in-depth interviews. There are six major obstacles that prevent women from adequately accessing their land rights: laws (regulation); lineage practices (legitimation); mediation committees (force, the market, and legitimation); testamentary practices (the market, regulation); access to legal services (the market, force); and local gender attitudes, which privilege male power across the ethnic groups. In each of these instances, we find a remarkable correlation between our statistical data and observations from in-depth interviews.

1. The Law

1.1. Historical Precedents

Much of the research on Vietnamese property law highlights the Le Dynasty legal code's section on private property as being unique in world history.

Researchers claim that the fifteenth-century "Penal Code of the [Le] Dynasty" (Quốc triều hình luật; hereafter, simply, the Le Code) guaranteed women equal property rights, a feature that was reflective of long-standing Vietnamese or Southeast Asian cultural patterns. What Le legislators preserved in their laws, the neo-Confucian Nguyễn Dynasty destroyed by faithfully adopting the Chinese legal code of the Qing Dynasty, disenfranchising women by excluding them from household and succession claims. The claim that the Lê Code guaranteed a daughter an equal share of household property is simply wrong, as Tran has demonstrated elsewhere. Rather, she argues, the logic and the letter of the law only guaranteed sons an equal share of family property. Moreover, the article in question designated a testament as the primary mechanism of dividing household property, and in such circumstances, Tran has uncovered that daughters often received far less property than sons.

More broadly, Tran suggests that the process of exclusion of women from access to land is more complex. She argues that the efforts of pre-modern Vietnamese states to exclude women from accessing their property claims is directly related to the state's need to wrest power back from local communities and women's growing economic and social importance in the seventeenth and eighteenth centuries. The privileging of male property claims, in line with the state's reliance on Sung Dynasty neo-Confucian philosophy, provided a model for strengthening the patriline and establishing social order, a key component of this political philosophy.

The Gia Long Code of the Nguyễn Dynasty (1812) formalized partible inheritance for sons and has become the model of inequitable inheritance between sons and daughters for colonial and contemporary scholars. Although there is yet little research on the property regime in the Nguyen era, the research that has been done suggests that state laws continued to limit women's access to land while protecting those of their brothers and husbands. At the writing of this Report, there has not yet been research conducted on women's access to land in practice (as opposed to the law) during the Nguyễn Dynasty.

The imposition of French colonial authority in the second half of the nineteenth century did little to change the laws of inheritance and succession in Vietnam. Although the French attempted

to bring Cochinchina under its legal orbit with the imposition of French laws in Cochinchina, Vietnamese laws applied to the "natives, Asiatics, Cambodians, and others." In practice, this meant the "native" courts in Cochinchina, where French colonial officials judged cases, applied their interpretation of "Vietnamese tradition." Hence, Miraben reports, with respect to inheritance and succession, the Court of Saigon more or less consistently affirmed that daughters and wives should be excluded from their fathers' and husbands' property and only sons had the right to register as the head of the household in the land registries. Though a review of colonial adjudication of women's access to land is beyond the scope of this study, readers interested in the decrees and decisions of colonial authorities may consult the *Journal Judiciaire de l'Indochine*, in print from 1890-1915. Though the Civil Code of 1883, which effectively drew upon Nguyen Dynasty laws to adjudicate inheritance and succession matters applied in Cochinchina, women in that region appear to have been exposed to more information about their rights with respect to property. For example in a pamphlet published in 1939, subtitled "Regulations that [our] sisters and friends from all three regions must know to care for themselves," the legal scholar, journalist, and propagandist Phan Văn Thiết detailed legal issues that women "should be aware of" in their daily lives, including those related to property within a marriage and in the case of divorce. Though there is yet no study on the issue, Thiết's productivity, from his position as a professor of law in Huế, likely had some effect on the broadening of women and men's knowledge about women's claims over land in in Southern region to 1975.

It was not until 1931 in Tonkin and 1937 in Annam that the colonial civil code formalized existing inheritance practices in the two northern provinces. The civil codes of 1931 and 1937 were billed as correctives to the mis-direction of Chinese legal models to return the property regime to those established in the Lê Code. Purportedly codifying customary inheritance patterns the codes of Annam and Tonkin granted the father the sole authority in the disposal of his family's property, though the codes preserved for the primary and secondary wives authority over their personal property. In what appears to have been new at the time, the codes stipulated that only testaments that conformed to the state's specification and were notarized property would be considered legal and binding. During the

period of the Republic of Vietnam, widespread proliferation of legal materials that emphasized women's long-standing claims to property that had been encoded in ancient Vietnamese law suggests a broad effort on the part of legal scholars and the government to highlight women's legal rights with respect to land. Thiét's efforts (and his contemporaries in the South) at educating women and men on the effects of colonial and later republican laws on their daily lives may have had some impact on the perception among inhabitants of the southern provinces on women's access to land, a topic that appears not have been as widely pursued in the Democratic Republic of Việt Nam at the time. This difference in mass education approaches may account for some of the regional differences in attitudes about women's access to land observed in the present study.

1.2. Contemporary Law

In many ways, contemporary Vietnamese law is a reflection of historical precedent with respect to land rights. While it may, in theory, grant women equal civil rights, its broad language enables its interpreters to impose their particular understanding of that law. In theory, contemporary Vietnamese law, since 1986, provides for gender equity with regard to inheritance and succession because it guarantees that "each individual has the equal right to transfer property to others and the right to inherit according to testament or according to the law. Here, gender equity is guaranteed by default—the law grants individual autonomy to all, regardless of gender. As in the historical period, contemporary law gives primacy to parental wills. In the case of intestate deaths, the law of inheritance and succession applies. In such instances, the law specifies three levels of inheritance: (Level 1) natural parents of the deceased, adopted parents of the deceased, natural children of the deceased, and adopted children of the deceased; (Level 2) maternal and paternal grandparents of the deceased, siblings of the deceased, and maternal and paternal grandchildren of the deceased; and finally, (Level 3) great grand-parents, maternal and paternal aunts and uncles, and both maternal and paternal nieces and nephews.

Two key features of this law work to exclude women from inheriting property equally. First, the law is clear that parental will comes first, and that the order of inheritance and succession

only comes into play in the absence of a will and testament. Court evidence, survey data, and interview evidence suggests that in the vast majority of cases (with the exception of bilateral or matrilineal groups), families that do divide property before death do so without regard to gender equity. They divide household property based on a diversity of reasons, including male preference, customary practice, and individual circumstances. Second, because the division of household property is often related to succession, daughters tend to inherit far less than an equal share of household property. Succession, the process whereby an individual inherits the responsibility to become the head of the household and the ancillary responsibilities to maintain the ancestors' offerings, has been conflated in Vietnamese law, but deserves to be identified as a separate but related process that influence women's access to land rights.

Contemporary Vietnamese law on household property does not actually define the legal parameters of successors. For example, its vague reference to "natural" and "adopted" children and spouses as members of the first order of succession leaves open the potential for legal problems. First, the spouse who is entitled to inherit that property is presumed to be the legal spouse—according to contemporary Vietnamese law, there can only be one. However, in addition to some above-mentioned case sample, our interviews also show that evident polygyny continues to be practiced in Vietnamese settings. Beside the persistence of polygyny, there is broad understanding that extra-marital affairs result in offspring. Case law demonstrates that children borne out of wedlock inherit property quite difficultly. They must submit paperwork verifying their parentage, but that paperwork can be rejected or accepted based on the determination of the judicial committees. Cases from three different regions of Vietnam illustrate our point. The lack of a clear definition of who constitutes a "natural child" potentially leaves the rights of secondary wives/common law wives and children born out of wedlock to be vulnerable to legitimizing forces.

Secondary wives/common law wives are also left vulnerable within the contemporary legal definition of inheritance and succession and the legal definition of marriage. As Vietnamese law only allows for one legal spouse and registration with the state is required, only women who have formally registered as the legal spouse

of an individual can appeal to the theoretical protection of the law. The law does not recognize common-law marriages, even when the relationship has lasted decades. Again, though the law does not recognize non-registered relationships, the interpretation of those laws rests in the hands of the judicial committees, who base their decisions on a broad array of circumstances. In one case, they rejected one plaintiff's argument based on the rationale that neither party registered the "marriage," despite the husband declaring the woman to be his wife in his Communist Party membership forms and other administrative forms.

1.3. Perception and Practice in the Vietnamese Courts

Respondents usually indicated that they were cognizant of the legal guarantees for equal rights for women, and they usually had the perception that, if matters were brought formally to the courts, then the courts would apply the law. Because the laws related to inheritance are technically gender-neutral (i.e., all children are to inherit equal in the case of intestate deaths), then the presumption is that those charged with adjudicating the law would apply this logic. Indeed, the language used by citizens during in-depth interviews and in legal testimonies suggests a strong public performance in the confidence of the legal structures. The respondents' concern, rather, is that that even when the courts adjudicate in their favour, there will be no mechanism to enforce those judgments.

Our research of 42 case samples demonstrates that the adjudication of the law is more complex. When resolving property disputes, courts often rely on particular statutes and regulations to justify their decisions, rather than relying on the law to guide them. Thus, despite the widespread perception among respondents that the courts will adjudicate according to the rule of law, the cases we examined confirm John Gillespie's observation that Vietnamese judges make decisions based on overlapping epistemes. As individuals living in communities where family, kinship, and local cultural practices constitute competing pressures in their professional and personal lives, members of judicial committees decide on cases based on these overlapping concerns. Although they may cite particular statutes to buttress their decisions, close readings of those decisions suggest that they draw on the law selectively.

Several key patterns emerge in the adjudication of property disputes in contemporary Vietnamese courts:

1. The higher courts have broad authority to void or amend lower courts' judgments, however in some cases, they use these broad powers to void official paperworks, land usage papers guaranteed by local authorities, and testamentary records of lower court decisions.
2. In the absence of a "valid" will and testament, the courts consistently apply the law with respect to the equal division of household property when the disputes involve sons of relatively equal social capital. By equal social capital, we mean to describe stakeholders who present no more compelling social or symbolic capital, explained in (3) below.
3. If in cases of property dispute where one party (or their descendants) possesses greater social capital or symbolic value for the state, the Courts adjudicate according to perceived acceptable standards. For example, the Courts usually adjudicate in favour of the son of the primary wife (even while recognizing the validity of polygyny for older households) or in favour of the descendants of war martyrs against others. Although the Court decision does not indicate that such is the reason, the patterns suggest otherwise.
4. There is no evidence to suggest that the courts recognize women's claims, defined in relation to gendered rights, when adjudicating property. When adjudicating property disputes, the Courts often exclude women and their claims according to the principles of partible inheritance for sons and in this case local practice and, here, region matters a great deal.
5. When the Courts rely on established law and statute to guarantee women's access to land, it is to rationalize the distributive justice they hope to achieve.

The following examples illustrate the point that members of the judgment committee rely on local patterns and practices to decide their cases, an issue also observed by John Gillespie. Gillespie argues that judges and other members of the adjudication committee "draw on a complex repertoire of legal, socialist, and community traditions to resolve land disputes." The statutory shortcomings of Vietnamese law induce judges to impose a form of distributive justice that relies on "reason and sentiment in applying the law".

These judges, Gillespie suggests, are members of overlapping epistemic communities which have competing notions of fairness. Gillespie concludes that the courts are unlikely to be the best arena to adjudicate property disputes, and that such matters are best left to conciliation. Though we agree with Gillespie's interpretation of the juridical process, we differ quite significantly with his conclusion about the efficacy of mediation. Mediation in land dispute relating to women (inheritance, property division in divorce) is arranged by families or mediation committees at different levels. Ironically, these institutions of conciliation and mediation are major obstacles to women's access to land (discussed deeply in section 3 Mediation committees).

2. Lineage practices: household division and succession

The issue of inheritance can be separated into two distinct but related processes: household division and succession. Household division refers to the parceling of family property among family members following the parents' death or in the case of divorce. In contemporary Vietnamese law, household division is governed by the principles of equal inheritance for all children in the absence of a will and testament. An important principle here is that the law applies only when the person dies intestate. In the language of every day Vietnamese, this process is generally described as parents "giving" their children property or individuals benefitting from an inheritance which may include houses, agricultural or industrial land, or monetary assistance.

Succession refers to the assumption of the role of the head of household with the concomitant ceremonial duties following the parents' deaths. Our research demonstrates that the role of succession - the expectation that the child may assume duties to maintain ancestral rites - is directly related to the proportion of household property that she/he will inherit. Succession affects not just the responsibility for maintaining ancestral offerings, but post-marital residence patterns also greatly influence attitudes toward distribution of household property. Survey data measuring attitudes toward the distribution of household property by type of kinship practice; qualitative evidence from in-depth interviews and household division practices from legal cases well illustrate this point.

The table above demonstrates that the expectation of succession greatly influences attitudes toward one's expectation to inherit household property. For example, among groups that practice patrilineal succession, where sons bear the responsibility for maintaining the ancestral rites, 50.1% of those surveyed agreed that sons should have the right to a greater proportion of household property, while only 8.1 percent of respondents from groups that practice bi-lateral succession agree, and 2.7 % of those who practice matrilineal succession agree. In extreme circumstances, daughters may be totally excluded from enjoying a share of household property. For example, drawing on information from our survey results, among the populations that practice patrilineal succession patterns throughout Viet Nam, we see that daughters are excluded from household property in the following ways: Vietnamese: 23.5%; Thái: 35%; Mường: 33.4%; and Hmong: 60%. These attitudes and expectations are confirmed in respondents' answers in in-depth interviews from across the provinces.

2.1. Inheritance and Succession in Patrilineal Groups

In-depth interviews indicate that, among families that practice patrilineal succession, daughters do not inherit property equally compared to sons. Respondents gave two major reasons for this phenomenon: (1) the expectation that sons maintain the ancestral rights, and (2) the prevalence of patrilocal residence among these populations. When families expect sons to maintain the ancestral offerings, female and male respondents both suggested that sons would inherit a greater share of household property to offset that responsibility. Patrilocal residence, where a married couple sets up their home in or near the husband's household, excludes women from inheriting property from their own parents because of the expectation that daughters will enjoy the property that their husbands have inherited and that they will take the property outside of the family. The pattern holds true for patrilineal groups across all provinces, with the exception of the most urbanized community in Hồ Chí Minh City, discussed below.

2.1.1 The Symbolic Value of Land

The most common pattern of household division among patrilineal groups is that sons receive the proportion of land earmarked for

the maintenance of ancestral rites. This piece of property is connected to the ancestors, the lineage, and to generations of households and is called the fire and incense or ancestral property. Because of its role linking family members, living and dead, across the generations, it does not have a simple, fixed economic value, but has important symbolic value. The fire and incense property is central to ancestral worship, and is connected to the familial gatherings during death anniversaries, binding family, experience and memory. Thus many families resist selling this land (or the house regarded as the "fire and incense property,") for it is the physical reminder of the ties that connect generations of the living and the dead. The importance of the fire and incense property is a major factor contributing to daughters' exclusion from household property.

The importance of succession through the male line elevates the role of the eldest son in matters of ancestral worship during the death anniversaries and the Tết Celebration among the entire family. The eldest son's role in these rituals legitimizes his claim over the ancestral properties. Sons should inherit this ancestral property, interviewees indicated, because that it correlates with "principle" and keeps steady the family cycle. A representative of the Women's Union in Hồ Chí Minh City explains,

There's the death anniversary, and this and that celebration (marriage), requiring them to return to that house. The eldest son, or the youngest son—in general, it's the son, will be allowed to benefit [in the division of household property] . . . so that they can keep their customary practices (phong tục tập quán), so that they can keep the family cycle operating smoothly, from the grandparents, to the father, the ancestors left [that property, and] that is how [we] live our lives. And so, people tend to do that . . ."

(Forty-year-old female, Representative of the Women's Union, Hóc Môn, HCMC)

Around here, whoever maintains the offerings and takes care of the ancestral altar gets that property. That is tradition. And with respect to thinking about their daughters—well, there's none of that! But, the boys, well thaty have to be taken care of. In general, around here, they only divide [household property] between the sons only. That is tradition.

(Forty-five -year-old Male, Quỳnh Lưu District, Nghệ An Province)

In general, around here, [people] respect and value the land used to maintain the offerings for the lineage. For example, in my family, we still have a plot of land where we have built an offering house, and the head of the lineage is responsible for it, and the land, in turn, must be passed to the sons and grandsons to manage.

(Thirty-seven-year-old Female, Diễn Châu District, Nghệ An Province).

As the (expected) designated successor, the eldest son enjoys an important role in the household and will often have the authority to decide on ceremonial, financial, and personal issues central to the functioning of the household. Along with these privileges come the pressures to bear sons and sustain the lineage, and to remain close or in the natal home. In contrast to the responsibilities of the eldest son, daughters are not bound with the responsibility to maintain the ancestral offerings, prepare the annual death anniversary meals, and take care of the responsibilities within the lineage or to provide daily care for their parents. These different roles and responsibilities allow families to rationalize the exclusion of their daughters from the succession property, or sometimes, household property as well.

Around here, nobody gives [her/his] daughters [a share of the household property]. They believe that since it came from their father and grandfather, then they will leave it for their sons, for their eldest son. The eldest son must worship ancestors, the eldest has a greater burden, so the eldest [son] gets a larger share. And that has been tradition for generations

(Forty-two-year old female, Quốc Oai District, Hà Nội).

One businessman explained succinctly, "Sons inherit more than daughter because they still live with the ancestral temple. If a daughter gets ten sao , then a son would get 30 sao"

(54-year-old male, Long An Province).

Women appear to have acquiesced to this situation. Almost every woman interviewed indicated that they understood that the law guaranteed gender equity, but suggested that, in practice, long-standing cultural patterns related to ancestor veneration, by default, excluded them from inheriting household property.

My life is like that now, the fire and incense property belong to the sons . . . women and girls like us, we

don't even dare glance at it if we bear [the burden] in our in our husband's house, then we get it there, everyone's life is like that"

(Fifty-seven-year-old female, Từ Liêm District, Hà Nội).

In the absence of sons, families will transfer the succession property to their daughters to maintain. One thirty-six-year-old Vietnamese woman, who is the head of a village in Long An Province revealed that in her own household, there were no sons, so she took on the duties of maintaining those rites:

Of course sons get to live in the fire and incense property of ancestors, that [has happened] since time immemorial. Only in the event that a family does not have sons, then the daughters may live there...for instance, my family, I live in the ancestral home"

In practice, as revealed in the in-depth interviews, the eldest son or others sons do not always fulfill the responsibilities passed to them from the last generation. In such cases, daughters step in to help with old-age care and to assume the ritual responsibilities in lieu of their brother(s). However, even when daughters take on the responsibilities associated with the duty of succession, prevailing habits exclude them from sharing in the succession property. Because these patterns have been set, if a daughter even has the intention of "glancing" at the fire and incense property, she is subject to accusations of "greed" and being "frightful":

Usually, women are always afraid of having that kind of reputation: '[She's] already married yet returns, greedily expecting a share from her own family.'

(Fifty-three-year-old, Từ Liêm, Hà Nội).

If you live here, then you can't have a reputation. It's not just you, it's your entire family, people say it out, and they bring it back in, they'd say, 'She's a girl but she doesn't understand her role, fighting with her brothers...'

(Fifty-two-year-old female, Diễn Châu District, Nghệ An Province)

Widespread adherence to the "tradition" of ancestral worship and "tendencies" for sons to inherit the ancestral property allow sons to claim a key role in preserving its symbolic value. In assuming the role as successor, sons provide the physical reminder of the bond that links generations.

This special role that sons play in preserving the symbolic value of the ancestral property shapes women's attitudes toward that property, inducing them not to glance at it. If their families have large amounts of property other than that earmarked for succession purposes, then some women expressed that they might hope to receive some small share of it. Moreover, even if in practice, they share in the responsibilities of caring for their natal family, whether aged or dead, many women responded that "society" expected them to depart their natal home and to help their husbands bear the ancestral responsibilities in that household.

2.1.2 Patrilocal Residence and Household Division

The importance of patrilineal succession excludes daughters from inheriting the property associated with the ancestors and engenders another tradition/way of life that limits a daughter's claim over her family's household property as well: the practice of patrilocal residence.

There is the law, but in practice, [people] do not divide [household property] equally [between sons and daughters] because daughters get married and go off on their own, and sons stay and live with their parents and have to support them. Tradition [mandates] that sons must make the annual ancestral offerings and because of that sons inherit more property than daughters. That is customary practice and it is also good.
(Thirty-six-year-old female, Long An Province)

Post-marital Residence Pattern

Despite awareness of the legal guarantee of gender equity in Vietnamese law, respondents indicate that inequities in household inheritance between daughters and sons exist by suggesting that patterns of patrilocal residence ensure that daughters will benefit from their husbands' estates. The response from a representative of the Women's Union in Hà Nội indicates the difficulties of changing these perceptions. Speaking of her husband's family, she acknowledged,

In their will, they only mentioned the sons, their daughters were not mentioned. [My husband's] sisters were already married and had followed their husbands home, and so no one had an opinion on the matter. Each already enjoyed the property from their husband's side, so there were no objections. Usually, with respect to the division of household

land, [people] give sons a greater share
(Female, Women's Union Representative, Quốc Oai District, Hà Nội)

When this representative of the Women's Union moved from her family's specific situation to general practices of that district, she described a situation where the prevalence of patrilocal residence served to limit a daughter's claim to household property. Only in exceptional circumstances did families apportion a share of the household property for their daughters. How she explains exceptional circumstances sheds light on how local gender constructs affect one's access to property:

Probably most families around here are like that. In a few cases, where household have daughters who have unfortunately passed the marriageable stage or for some other reason like that, then if they get the permission and acceptance of the family, then they may have a place to live otherwise they have to move out or to rent a house.

Another respondent from Nghệ An echoed her views:

The custom here is that when girls get married, [then her parents] give her something as a dowry only. We still rely on what is tradition, and the kids accept this, and when we say something, they are silent. If, in some instances, a family has two daughters and those girls cause a fuss then it is necessary to determine the value of the property, and [s]he who stays on that property has the responsibility to pay the one who does not stay on the land. And if the two girls agree, then it's okay, but if they don't agree [to the division], and they cause a fuss, then we just have to accept it, [especially] if they say that it is not okay [to give property] to my sons only. So, if [the girls in the family] are okay with it, then it is possible, but if they do not agree, then we just have to divide it as described above
(Female, Nghệ An Province)

Despite praising the gender equity laws in Vietnam, a Women's Union Representative in the city of Đà Nẵng echoed the sentiments of the representative in Hà Nội: patrilocal residence patterns dictate that daughters enjoy less of a share of household property than sons. Speaking of her own exclusion, the representative ascribes it to her own decision:

With respect to property rights, daughters [have the same rights] as sons. . . [for example], if the family has seven children, then they will divide [the property] into eight shares. But in my opinion, in my case, when I married, I followed my husband, and so I do not have any opinion with respect to the other property
(Women's Union Representative, Danang City)

Although interviewees represent these customs as timeless, the in-depth interviews suggest that custom is neither hegemonic nor timeless. This hint comes through quite clearly in the in-depth interview of one elderly man from Nghệ An Province, who, as described above, was visibly pleased that, in that province, few questioned the importance of patrilineal succession and its related consequence, that daughters inherit a smaller share of household property compared to sons. He indicated later that not every woman resigned herself to familial practice or local pressure:

Well, with respect to this issue, in reality, it is up to the commune authorities who regulate the situation. [Even then], there are situations when mediation is necessary and these disputes over property are then brought to the mediation committee. But this happens very rarely . . . the law now also includes daughters, and because our daughters know this, they will even object [to their being excluded from household property], but once it is mediated, then they are silenced.
(Sixty five-year-old male, Nghệ An Province)

In Hà Nội, a sixty-year-old man, when expressing consternation at the level of intra-family land disputes, echoed these observations. This particular individual responded began the interview by vocally demonstrating that he understood the law and its implications for household division, drawing a distinction from his world view and those of previous generations by indicating that he does not discriminate between his daughters and sons. Though the respondent insists that prevailing practices rely on the law rather than on custom, as there is no custom to follow any longer, further into the interview, one discovers that he does not quite follow the law as he has suggested. The respondent meanders quite a bit after his assertion that he treats all children equally; however, he reveals that of the two houses that he owned, he transferred title of one house to his middle son and the other to his youngest son, while he maintained the title on the land itself. It is never clear what has happened

to his daughter, the eldest child in the household, other than that she has married and has children of her own. The respondent suggests that laws requiring gender equity in distributing household property are responsible for the rising number of property disputes. He explains,

Now, the law [guarantees] equality, sons and daughters all are entitled to property; nowadays, all have been emancipated. Sons and daughters return and demand property. The state of property is very disorderly, for in old times, only boys could inherit property but, in these days, daughters are just as sons, sons and daughters are all the same. . . they all demand their share of the property.

(Sixty-year-old male, Hà Nội)

The experience of the sixty-year-old man in Hanoi suggests that when families exclude their daughters from inheriting household property, they are not necessarily even aware that they are treating their daughters and sons differently. Rather, it appears that patterns of post-marital residence, rooted in kinship and customary practices, influence how household property will/has been divided between daughters and sons. The Nghệ An woman's comments also reveal that, often, women can be the strongest defenders and reproducers of practices that exclude other women (in this case, their daughters) from accessing their land rights. In contemporary Vietnam, patrilocal residence patterns predominate, and daughters inherit a smaller share of household property than sons as a result of these practices.

2.1.3 Household Division in Practice

Though the court cases reflect moments when the division of household property is disputed, the details within these cases provide evidence of patterns of household division. Drawing from the forty-two cases available for study, we identify key patterns that emerge in the practice of household division.

1. When there are both male and female children, the male children often inherit the property while daughters may be completely excluded or inherit a smaller share of household than their brothers. Property is generally given to children before the parents' death, and property and titles are transferred to sons. Not surprisingly, most cases that come to the Courts arise in the absence of a will and

testament. In such cases, as discussed in #3 below, daughters often relinquish their claim to the household property. A few brief examples help to illustrate our point.

- A. In 2007 in Gia Lâm District, Hà Nội a mother divided her property between her two paternal grandsons, whose father had died, and excluded her daughter completely. None of the participants in the case indicated that the daughter might have some claim over that property.
 - B. In 2003, the family of Mr. Xuy and Ms. Phu (then deceased) met in the absence of their daughter, Ms. Quyet, and granted her brother, Mr. Cường, all of the family estate.
 - C. In Từ Liêm District, in 1993, Mr. Thuận and his wife Ms. Mào divided their property between their son (280 square meters) and one daughter (200 square meters) but excluded his other (two or three) daughters.
 - D. In 2010, a case from the Vinh City Court in Nghệ An Province indicated that of the eight children (from two wives) in one household, the three daughters were completely excluded from sharing in the household property. Though they were listed as "parties with interest" in the case involving two of their brothers, none of the sisters sought to claim any of that property.
2. Though sons generally inherit a greater share of household property than daughters, there is some regional variation. Generally speaking, daughters tend to be excluded more often in the northern and north-central provinces and quite differently for the southern provinces. For example, the patterns described in #1 above hold true for cases from out of Hà Nội and Nghệ An Province, where daughters were excluded from inheriting household property when the parents divided it in their lifetime. No one involved in the case suggested that the daughter, the boys' paternal aunt, had some claim over that property.

Though there is some evidence that household division is more equitable in Hồ Chí Minh City, this observation is somewhat misleading because of the deployment of a sister's name as a strategy for gaining a greater share of household property, explained in #3 below. For example, in one case from Hóc Môn District

in Hồ Chí Minh City, eight brothers and sisters divided their parents' estate into eight equal shares with a paper signed at the People's Committee in Hoc Mon District. Two sisters brought suit against their brother because he refused to allow them to access their land, but transferred their share to another brother. Both the District Court in Hóc Môn and the Hồ Chí Minh Court ruled that the property should have been divided equally among the twelve surviving siblings (including the four living overseas). Here, we see that when siblings divided their parents' estate, they apportioned shares regardless of gender. However, in practice, the brother prevented his sisters from accessing that property. In this case, it appears that the other sisters had transferred their share of the property to their brothers, and that the decision to divide the property equally among the siblings regardless of gender was simply a strategy before the authorities.

3. Though daughters are often excluded from inheritance when there are sons, in cases where the division of household property is disputed, female children are entered into the record as a strategy for their brothers. The records indicate that daughters will allow their names to be used in a complaint to "stack the deck" favour of one or another sibling, "requesting that the Court divide the property according to the law". In such cases, the sisters are listed as "parties with a claim/ an interest". Often, when sisters are included in these lists, they also sign a statement relinquishing their share over the property to another (usually male) family member. Such careful steps suggest that these parties to the court cases believe that there is a possibility that the Court will apply the inheritance and succession law strictly and divide the disputed property into equal shares for all children, regardless of gender. The use of their sisters' names in the court cases indicates that it is a legal strategy on the part of the plaintiffs, and that there are a relatively high number of instances where daughters do not perceive that they have a right to household property even if the law allows it. In one instance, an adoptive daughter (who shares the same surname as her adoptive parent) from Kien Giang Province indicated that she had no wishes to claim a share of the parents' estate, leaving it to her two brothers to fight it out.

This observation is supported by respondents' attitudes in the in-depth interviews, where many women indicate quite bluntly that they do not believe that they have a customary claim to household property, whatever the law says.

4. Though the law suggests that a parent's will and testament is paramount over the division of household property, in practice, that testament is subject to judicial review. Courts have wide latitude over these matters and the Judicial Committees make their rulings drawing on a broad range of influences, including the law. A case from Đồng Nai Province illustrates this point well:

In 1994, Ms. Huệ brought suit against her brother, Mr. Hải, in the Provincial Court of Đồng Nai, requesting that court grant her one-half plus one seventh of her deceased parents' home and all the furnishings in the household (her mother had issued a will and testament in 1991 giving her one half of the home, provided that she accept the duties to maintain the ancestral rites, and the other half to be divided "according to the law").

Although the Provincial Court ruled in her favour, when reviewing the case, the People's Court of Hồ Chí Minh City reversed the decision, granting the entire property to her brother, Mr. Hải, reasoning that the mother's will and testament was not completed in adherence to the law, though it did not accept the brother's argument that the document was a forgery. When the case was sent to the Supreme People's Court in Hà Nội, split the decision of the two Courts, ruling that in 1976, when the mother and father issued the "Statement transferring property to the children and grandchildren," they had intended to give the house to Mr. Hải, their eldest son, even though they maintained title to it. Thus, the Court reasoned in its "findings" that, because the deceased father intended to give his share of the house to Mr. Hải by giving him temporary use of the house, then his intent must be respected. Therefore, it calculated that the deceased father's share of the house should go to the brother, Mr. Hải, and that the other half of the house, the mother's share, should be divided according to her will and testament, which it judged to be valid. Based on those findings, the Supreme People's Court

voided the original two decisions and sent the case back to the Provincial Court of Đồng Nai to issue a new decision, presumably according to its findings. In effect, what the court did was to reduce Ms. Hue's share of the property in favour of her brother, Mr. Hải, with ambiguous evidence at best.

In its findings, the Supreme People's Court based its decision on the 1976 document both parents issued, suggesting that they intended to give that property to the son. However, there is no indication that the document transferred the house to Mr. Hải in 1976. Rather, there are only suggestions from other siblings that the parents "gave" the house to Mr. Hải but never transferred the title. Though the Court ruled to grant his father's share to Mr. Hai, the lack of information about the 1976 document suggests that it was not, in fact, stipulated in the document itself. We infer that because the Supreme People's Court goes to great lengths to dissect the 1991 Will and Testament, giving quite detailed information about the document but only speaks of the 1976 document very generally. The difference in discussion of the two documents suggests that, in this case, the Supreme People's Court exercised its judgment, inferring that the father must have intended to give his eldest son his share of the house. Thus, though the Court did not disenfranchise Ms. Hue completely, the decision suggests that it does have great latitude in interpreting the law and the validity of wills and testaments, at times inferring intent where none may be suggested.

2.1.4. Wives' Access to Property

Although our statistical analysis in Section A provides an understanding about percentage of women whose names are listed on entitlement documents and levels of authority reported by survey-takers, it is difficult to measure authority accurately. Land entitlement does not necessarily mean access, or the ability to derive benefit from that property. Our survey data and in-depth interviews give some idea of how gender attitudes and household roles can affect wives' access to household property.

There is a common assumption that within the nuclear family, in the event that one of the two adults has a higher level of cultural awareness, education, and language capabilities (here,

Vietnamese when discussing those from ethnic minority populations) then decisions related to household real estate transactions, including entitlement should be the responsibility of that person. In theory and practice, this person would generally be the husband. These attitudes are reproduced in patrilineal and even in matrilineal households, and husbands appear reluctant to relinquish this power. Evidence from the court cases provide insight into the findings unearthed from the survey data. For example, 82.5% responded that both their parents should jointly made decisions about the division of household property, only 4.5% indicate that the father should have complete authority while 1.4% indicates that the mothers should have complete authority.

Although many survey respondents indicated that women had a fair amount of authority in the affairs of household property, the in-depth interviews temper those assertions. The interviews demonstrate that the authority that each spouse has over joint and individual property is dependent on cultural practice, social position in the community, language and economic status. The Court Cases further provide evidence that while women may not enjoy as much authority as the law or the survey data suggests, what authority women do have depends on the above factors.

Several Court cases provide insight into women's authority over household property within the marital unit.

Example 1. A Wife's Claim against her Husband and Brother-in-Law

One case from the People's Court of Hà Nội in 2011 indicates that the Judiciary can retroactively exclude women from accessing their land rights. In 2010, Ms. Mai brought suit against her husband (Mr. Lực) and brother-in-law, asking the court to invalidate her husband's contract to transfer 451 square meters of their household property to his half-brother, Mr. Sâm. In her testimony, Ms. Mai relayed that she had lived with her husband's parents since 1976, and had built a house on the family property using their own funds. In 1997, the People's Committee of Đồng Anh had given Mr. Lực title over that property, making it the joint property of Mr. Lực and his wife. In his testimony, Mr. Lực concurred with his wife's rendering of the facts of the case, but testified that Mr. Sâm was the son of his father's first wife, and so he gave his brother 100 square meters of land so that Mr. Sâm

could build an ancestral house of worship. Also in 2002, his mother issued a testament dividing the household property in half, granting each of her sons 351.5 square meters of land. The District Court of Đồng Anh declined to nullify the agreements, but required Mr. Sâm to pay Ms. Mai 1,000,000 VND for her contributions to the household property. When Ms. Mai appealed to the Hanoi Court, it dealt with her much more strictly. The Hà Nội Court reasoned that the property belonged to Mr. Lực's parents, and thus he never should have been issued title over that land, and the land should not be regarded as that of Mr. Lực or his wife. Thus, Ms. Mai had no authority over that land and no say over the transfer of that land. It went further, stating that while Ms. Mai and Mr. Lực claimed to have paid for the house they build with their own money, there was no evidence for that statement, and thus it determined that Ms. Mai had made no contributions to the property and was not entitled to any repayment of investments.

Example 2: A Father Disinherits His Son for Allowing His Wife to be listed on the Land Title

In 2005, Mr. Thuấn brought a lawsuit against his son, Mr. Trung, and his daughter-in-law, Mrs. Thúc, and asked the court to void his will and testament of 1993, in which Mr. Thuấn and his deceased wife divided their property between their son and daughter. What appears to have instigated the suit was that Mr. Trung allowed his wife's name to be on the title of the land, and as a result, his father wanted all of his property back and to claim half of the property that his wife had given to the son. In effect, the father was displeased that his daughter-in-law was named on the title and was resolved to reclaim that land. Both the lower court and the Hanoi court ruled in Mr. Thuấn's favour, and returned the disputed property to him, but required that he compensate his son and daughter-in-law for the improvements made to the land in dispute.

The cases summarized here reveal several issues about wives' authority over marital property. First, if marital property originally came from the husband's family, there is little hope for them to have authority over it, in practice or by law. The husband, other family members, and the surrounding community serve as obstacles to women claiming access to that property. That women have little or no authority over marital property if it came from the husband's side indicates that women are doubly excluded

from accessing their land rights. They are often excluded from sharing in their natal family's estate because of the cultural perception that they will enjoy their husband's property. However, in their husband's family, they are excluded from accessing that property because it is regarded as his family's property, not hers. In its decision, the Hà Nội Court cited its authority to void entitlements issued by local authorities (Art. 38 of the Land Law of 1993) but also cited Article 73, indicating that s/he who is entitled by the state has the authority to benefit and transfer the land as s/he chooses, though it nullified Mr. Luc's entitlement. In effect, the Court refused to recognize a wife's authority over land that the husband brought from his family and refused to recognize the wife's contributions to the improvement of that property. The second case cited also suggests that wills and testaments can be nullified retroactively, even after the transfer of title, making it, at best, a guideline without force.

Evidences from in-depth interviews demonstrate that issues of education and social standing can sometimes override traditional forms of ownership and authority over household property. One key example involves groups that practice matrilineal kinship and the authority that wives have over household property. Although the property in matrilineal households predominantly comes from the wife's side, in-depth interviews suggest that, overwhelmingly, individuals in these communities see the "husband as the owner". This pattern is reflected in the high proportion of men who are given title over household property, and reproduced in expectations that husbands are responsible for dealing with land issues in society. Our survey data from above well illustrates this point. Though entitlement is only one clue to authority over household property, it also reflects the roles that each individual plays in the household and in society.

2.1.5. Inheritance and Succession in Polygynous and Extra-marital Relationships

One practice that emerges from court cases but is absent from interviews and survey data is the persistence of polygyny, or its contemporary equal, extra-marital affairs that result in offspring. These cases illustrate well that women are not an undifferentiated category but, rather, occupy varied social roles. Of the forty-two legal cases surveyed, at least six (we discuss five here) include property disputes occurred as a result

of polygyny and/or extra-marital affairs. These cases well-illustrate the powers of exclusion that limit women from accessing their land rights. Because it is still a sensitive topic, there is little data yet on the prevalence of extra-marital affairs in contemporary Vietnam. However, these cases and ample anecdotal evidence demonstrates the ubiquity of such practices. Multiple powers of exclusion influence familial, community, and state approaches. On the one hand, the rising value of property throughout Vietnam (the market) can influence an individual's decision to claim property. At the same time, though, differing notions of who has the right to claim property (legitimation) is laid bare in such disputes. One might say that all (male) children born to a man have the right to claim succession rights, or that by law, only legitimate children—that is, children born to a wed couple—can claim those rights. The offspring of polygynous marriages may be discouraged by custom or the law (legitimation, force & enforcement) from claiming their rights. Though the results differ widely, these cases converge on the broad authority that the courts appear to have and the legitimacy that the Courts and local community give to the children of primary wives. The upshot is that secondary wives in polygynous marriages or women involved in extramarital relationships can expect little for themselves and their children. The following cases illustrate that the Courts deal with such unions in three ways: (a) accepting the polygynous relationship and the offspring as legitimate heirs; (b) rationalize why the polygynous relationship should be acceptable and the offspring therefore regarded as legitimate heirs; and (c) reject the polygynous relationship as illegitimate and refuse to recognize the offspring as legitimate heirs. The upshot of this broad authority is that the second wife's claims to property within the marital unit and her ability to pass it on to her children is largely dependent on the Adjudication Committee's determination of the legitimacy of her relationship with the deceased husband.

Type A Examples: Court Accepts Polygynous Marriage and Offspring as Heirs

1. In 2011, a case went to the People's Court of the City of Vinh, in which one man had two wives, and all three had passed away. The only son of the second wife, Mr. Đĩnh, sued a son of the first wife, Mr. Vo, claiming that his half-brother and sister-in-law were unlawfully

occupying his share of the household property- approximately 750 square meters of land and a house that his father had left him upon his death in 1990. Since 1990, Mr. Đĩnh had been living apart from the community, first in the military and later working in another region, and only returned in 2008 to build a home. After interviewing the defendant and the deceased's five other children, the Court discovered that the plaintiff's six half-brothers and sisters had convened a meeting in 2008 (in his absence) and determined that Mr. Đĩnh would be allowed a total of 300 square meters of the family property. Although the Court ultimately did not grant Mr. Đĩnh all of the 750 square meters of the property he claimed, citing the decision made by family members in 2008, it is notable that it recognized the polygynous marriage. That is, in its findings and its decision, the Court ruled that it recognized the entire 1500 square meters of the property as having belonged to all three spouses jointly. One reason why the court might have recognized the polygynous family unit without comment or question is that the original members would have wed sometime in the 1920s (for the eldest son was born in 1930), when polygynous marriages were not yet outlawed.

2. In a case that went to the People's Court of Hanoi in 2011, the Court recognized that the deceased, Mr. Tuấn, had two concurrent wives, Mrs. Thân and Mrs. Lan. The Court accepted all the facts of the case, including that Mrs. Thân had four children (one son [deceased] and three daughters [the plaintiffs]) and Mrs. Lan had one son, Mr. Thường, who was martyred in the American War. Despite contractual evidence indicating that Mr. Thường's widow acknowledged that she had borrowed the three daughters' property, the Court decided in favor of Mr. Thường's widow and his sons, ruling that the three daughters did not have a legitimate claim to use the property that belonged to Mr. Tuấn, Mrs. Thân, and Mrs. Lan. Here, the Court does not question the status of the polygynous marriage-it simply asserts that it viewed the property as jointly owned by Mr. Tuấn and his two wives, but decided in favour of the second wife's son's widow and sons. That is, the court decided in favour of the grandsons over the daughters. Here, it appears that gender trumps family status, for if the court had applied the law of succession,

it would have adjudicated in favour of the daughters. However, it relies on a suspect interpretation of the validity of a document submitted by the plaintiffs. In that document, the plaintiffs and their half-brother's widow signed a document in 1988 that acknowledge the plaintiffs' usage rights over said property. Over time, the widow allowed her two sons to use that property and when the plaintiffs wanted to reinstate their rights to land use, their nephews refused. Despite the testimony of a court-commissioned forensic expert attesting to the validity of the signatures on the document, the Court decided to accept the testimony of the widow and her sons, rejecting that the signature belonged to her. The Court would have had to acknowledge that the secondary wife's relationship to Mr. Tuấn was legitimate to allow for the son's widow and sons to claim their use rights over the household's property. Whether that was the reason for the Court to acknowledge the polygynous household or because the deceased were from a different generation is unclear, but as in the case above, the court accepted the validity of the household, its joint property, and the legitimacy of the heirs without comment.

Type B Example: Justification for Polygynous Marriage & Legitimacy of Offspring

Sometimes the Court accepts the legitimacy of a polygynous marriage and the offspring of that marriage as rightful heirs, but only after painful justification in the decision itself. In one such case, the Court in District 9 of Hồ Chí Minh City ruled in favour of the secondary wife and her offspring against the principle wife. What is remarkable about this ruling is not that it chose to recognize the legitimacy of the secondary wife and her offspring against the claims of the principle wife, but, rather, the Court's reasoning for accepting that legitimacy. In this case, Mr. Rì married Mrs. Bé in 1961, but also lived in another house with Mrs. Tính from 1972. Upon Mr. Rì's death in 2004, Mrs. Bé sued Mrs. Tính for the house where she and Mr. Rì had lived, which had been given to them by the deceased's brother. In adjudicating the matter, the Court decided that both Mrs. Bé and Mrs. Tính were legitimate wives, and they and their children had equal claims over that property. The Court reasoned that because Mr. Rì and Mrs. Tính had lived together since 1972, their relationship predated the application of the national marriage

law of 1959, and, presumably, the law of the Republic of Vietnam (South Vietnam) applied to their relationship. Thus, the Court reasoned that it had to accept the validity of the polygynous household because the laws of the SRV that outlawed polygyny would not apply to this couple. The Court relied on the presumption that DRV law allowed polygyny to legitimate the relationship between Mr. Rì and Mrs. Tính and her children. Again, what is remarkable in this case is not that the Court recognized the relationship but the Court's reasoning, demonstrating the flexibility it enjoys in adjudicating cases.

Type C Examples: Rejection of Polygynous Marriage and Rejection of Legitimacy of Offspring

In two examined cases, the Supreme People's Court refused to acknowledge the legitimacy of the marriage and the claims of the secondary wife and her offspring to the household property.

1. One case that came to the Supreme People's Court in Hà Nội involved a Party Member from Bến Tre Province and the claims of his adoptive daughter with his first wife against the claims of his secondary wife. Though the Provincial Court of Bến Tre Province had validated the claims of the second wife, granting her use rights over the disputed property, the Supreme Court ruled that the Provincial Court did so in error, and that the secondary wife had no such claims over the deceased man's property. It reasoned that, in *vitas* filed with the state in 1975 and 1980, Mr. Thắng had named Mrs. Huệ as his wife, and that the State viewed her as his sole legitimate wife. Thus, even though Mr. Thắng had named the second woman, Ms. Truyền, as his wife in paperwork filed with the Communist Party, the state could not regard her as a legitimate wife because (a) his first wife was still alive when the two registered as a household in 1989, and (b) Mr. Thắng never formally registered Ms. Truyền as a wife after his first wife's death. Given that evidence, the Supreme People's Court decided that Mr. Truyền had no claim over the deceased's property, that all the use rights should be given to his adoptive daughter, and voided the original decision, instructing the lower court to revise its decision. Here, the Court relied on *vita* submitted by Mr. Thắng to determine the validity of his marriage to Mrs. Huệ, yet refused to accept a similar statement by Mr. Thắng to accept the legitimacy of his relationship with

Ms. Truyển. It goes so far as to label Ms. Truyển's children as "her own children", though, given the logic of the court, they could very well have been Mr. Thăng's natural children. The point here is that the Court decided not to recognize a polygynous relationship, leading it to exclude the claims of the secondary wife and her children to a share of the household property.

2. In the second case brought before the Supreme People's Court, a Ms. Thăng requested that the Court recognize her claim to the estate of Mr. Đặng and Mrs. Lịch because Mr. Đặng had had a second wife, Mrs. Tước, who was the natural mother of the plaintiff. To buttress her claims, Ms. Thăng submitted paperwork granted by the People's Committee of Ha Bà Trưng District verifying that she was, indeed, the natural child of Mr. Đặng. To determine this, the People's Committee of Ha Bà Trưng District had relied on the testimonies of multiple family members. Despite the paperwork and other evidence dating from 1977 and 1985 claiming that Mr. Đặng was Ms. Thăng's natural father, the Supreme Court ruled that, without DNA evidence, there was no evidence suggesting that the two were indeed, related, and that Ms. Thăng was therefor not a legitimate heir to Mr. Đặng's estate. The Court also reasoned that Ms. Thăng had refused the suggestion that they exhume Mr. Đặng's body for DNA testing, indicating that she must not be his natural child [here, the Court noted that DNA testing conducted provided evidence that Ms. Thăng was related to Mr. Đặng's but ruled that it was inconclusive]. Here, the Supreme Court could have relied on paperwork that dated back as far as 1977 to accept Ms. Thăng's claim to be Mr. Đặng's legitimate heir, but instead rejected those claims on a "scientific basis." As the preceding cases demonstrate, the Courts have certainly relied on less paperwork to base their decisions. In this case, the reasoning only served to buttress the Court's decision not to recognize the polygynous marriage and the offspring from that relationship, and to grant Mr. Đặng's sister full rights to inherit his property.

As the preceding cases demonstrate, the Courts have broad authority to determine the legitimacy of secondary wives and their offspring, ranging from accepting these relationships to outright rejection of the

arrangements. Though both cases where the Court refused to acknowledge the relationship came from the Supreme People's Court, there is no evidence to suggest that the Court would always have ruled that way. Quite the contrary: the Supreme People's Court often relies on conflicting evidence to justify its ruling. Because there is no real way to guess why judges might validate one polygynous marriage over another, the examples here suggest key issues for other kinds of relationships in contemporary Vietnam: extra-marital relationships and the offspring that result from these relationships. The prevalence of such relationships suggests that similar issues of legitimacy will emerge and the claims of the women in these relationships and their children will have to be weighed against those of the legal wife and her children.

2.2. Household Division Among Matrilineal Groups

Succession, Family Responsibilities & Old-Age Security

The division of household property and succession in matrilineal groups is practiced very differently in families that practice matrilineal succession. In these families, daughters are regarded as the children who maintain the ancestral line, and so they have the responsibility to perform the offerings. Along with provided a promise of spiritual contentment for their parents (as they maintain the offerings), daughters also provide old age security. Daughters have certain responsibilities they must fulfill for their parents and ancestors: they must provide old age care for their parents; they must perform all the death rituals once their parents pass away and other rituals thereafter. Because of these duties, daughters inherit the parents' property. Members of ethnic groups who practice matrilineal succession regard their mother's side of the family as the "inner side" and the father's side as the "other side". In our research, those who identify as Chăm, Raglai, C'il, and Lạch report taking up patrilocal residence following marriage, and in old age, live with their youngest daughter, who is often the last daughter in the family to marry. In the absence of daughters many respondents reported that they would seek out daughters to adopt, usually nieces from the matrilineal. Some respondents reported

"buying" an adopted daughter, who could be an ethnic Raglai or ethnic Kinh. This adopted daughter would then be able to succeed her mother and to perform all the duties connected to her adopted mother's lineage. Respondents reported that even if they could not find a girl to adopt, they would not live with their sons in old age.

Among matrilineal families, as in patrilineal families, maintaining the line of succession is central to the communities' cultural practices, leading to daughter preference. One elderly Chăm woman's explanation well-illustrates this point:

If [a Chăm family] does not have daughters, then they adopt a [girl], or they buy one so that [she] will take care of you. If [one] buys [a daughter], then [one] purchases [her] from the Vietnamese. [In this case], the adopted daughter will still receive more of the [household property] because she will worship you. When [we] divide household property, we privilege daughters because daughters worship their parents' [spirits]. When the parents die, sons contribute less than daughters. A son is only given a share of household property if they family has a lot of property and if his wife's side does not have [enough] land [for him] to make a living, but even then, the family would only allow him [enough] arable land to earn a living. And this arable land would only be given for one generation. When the son dies, then the land belongs to his sisters.

(Sixty-five year old female, Chăm, Ninh Thuận Province)

Succession patterns affected respondents' attitudes about where they would live once they reach old-age. Respondents from matrilineal households overwhelmingly indicated that they would live with their daughters or by themselves. No one indicated that they would live with their sons. As one Chăm man explains,

I would only live with my daughter[s] and never live with my son[s] for sons are outside of the family line, and you can't live there. Usually, parents hope to live with the youngest child, but if she does not demonstrate filial piety, then one can live with the second or third child. Whoever I end up living with, I would give that child more [of my property]. With respect to moveable property, I would divide it equally between the children, and we would keep a share for ourselves (to use

in business, etc.). When we went old, usually, we give all of it the youngest daughter. A son follows his wife. And with respect to land, any family that does not have a daughter will give that share to their younger sister[s]. However, if you are able to have daughters, then that property will not be lost. [We] do not give it to our sons; sons do not have the right to inherit property. We will not change these values. This has become custom. How could I disagree? If I were to disagree, who would keep me? Later, [when I die] who would maintain the offerings for me? Sons would not dare make those offerings [to my spirits].

(Male, Focus Group, Chăm, Ninh Thuận)

Household Division

In matrilineal families, household division is generally done drawing on the principle of partible inheritance for daughters, with each daughter received an equal share of the household property. However, the daughter who succeeds her mother gets a larger share of the household property for several reasons. By assuming the responsibility of "caring for her parents in old age", this daughter will require a larger share of the household property. Often, she is "given" over her parents' house and land that her parents retained following the division of household property. Ownership over this land can better be described as use, as it is formally the parents' property and at any given time, her sisters "have the right" to return and live there.

I have one 1 sào of arable land that my natural mother gave me. There are only two sisters in my family, and we live next to each other. My sister is the youngest [so] she was able to inherit 3 sào from my mother. My mother is currently living with my younger sister. I did not dispute or have issues [because of my smaller share], for the youngest daughter takes care of the parents. If, when my parents die, and she loves me, then she will give me one sào, and if not, then that's it.

(Forty two-year-old woman, Raglai, farmer, Ninh Thuận)

[We] would usually leave [household property] for the sisters and the wife in the household, and sons get very little. Sons do not have the right to inherit household property. We do give [something] to our sons, but very little—it's not even worth mentioning—we leave more for [our] daughters.

(Fifty-year-old male, Raglai, Ninh Thuận Province)

As one Châm man in a focus group in Ninh Thuận Province relayed,

“Before boys get married, they may get arable land so that they can feed themselves. When they get old, [the matrilineal] takes it back, they don’t give it completely, it is only temporary. When [sons] wed, parents will give them gold and money, but very seldom do they get arable land. This younger generation has not altered this way of thinking, this tradition has become ingrained. (Male Châm, Focus Group Discussion, Ninh Thuận Province).

In cases where the family’s cultivation property was received from the state according to the population, then each of the daughters receive a share of the property as apportioned by the government. In this case, the daughter who takes on the responsibility of providing old age care for the parents will receive the share the state had a proportioned for her, the residential property of her parents, and a greater share of the kitchen garden land than the other daughters.

Matrilocal Residence and Household Division

While many families spoke of the division of household property between daughters as an ancient cultural tradition, there were some clues that custom is not hegemonic. In practice, economic circumstances and population realities temper these customs.

In olden times, it seems as if people would only take girls [as adoptive children]. Olden means from about three years and earlier, they would only take girls. But now, they even take sons. Up to now, whichever family does not have a daughter, they will still seek a girl to raise... for it for my people, it is custom that when sons marry, they all follow their wives home... There are a few instances where people say daughters and sons in laws all get it, but now, it seems as if everyone follows the daughter, and so if tomorrow, the next day the three sons marry, they will all follow their wives... and if [that son] marries and that wife is the only daughter [in instances when the wife is the eldest daughter], then he will have to go over to the wife’s side, how else could it be? So, you just have to worry about one girl, so that she can return and care for her grandparents. (Twenty nine-year-old female, C’i, village official Lâm Đồng)

Although custom dictates that only daughters have the right to family property in matrilineal groups, in practice, sons do inherit some property. These cases occur when the son’s marital unit faces hardship, particularly when his wife’s family does not have cultivable land. Certainly, compared to their sisters, sons do get a share of the cultivable land designated by the state, but if they are given a share because of need, they may only keep it for one generation. Once this son dies, this then that property is returned to the daughters and granddaughters of the matrilineal.

As the in-depth interviews and survey data illustrate, in matrilineal groups, property and succession is transmitted through the daughters in the household. Families report that they divide their property according to the principles of partible inheritance for their daughters, but the child who provides old-age care, usually the youngest daughter, will get a larger share. That child also has the responsibility to maintain the ancestral rites. Although respondents acknowledged that they were aware of the law, for the most part, the ethnic minority groups interviewed here reported relying on customary principles to govern their division of household property.

2.3. Inheritance and Succession in Bi-lateral Households

Examples from Khmer households in the Mekong Delta demonstrate clearly that kinship practices play an important role in the division of household property. The Khmer, who practice bilateral succession patterns, divide their property most equitably between sons and daughters. Most respondents indicated that they “do not distinguish between sons and daughters,” reflecting the view every “child is a child”, and an indifference to lineage, (“the father’s line, the mother’s side are alike”). Many respondents indicated that because of these attitudes, they divide the household and succession properties without regard to gender or birth order. Informants reported that they divided household property when children established their own households.

“Every Child is a Child”: Succession and the Lack of Gender/Birth Order Preference

One fifty-nine year old Khmer peasant insisted that the lack of preference for the male or female line among her people allows any child to succeed the parents, regardless of gender:

[We] do not differentiate between daughters and sons in the family, the Khmer are people who divide [household property] equally. And [in any case] it depends...who ever provides old-age care for their parents is the one who will make the annual sacrifices, ... it is permissible whether it is a boy or a girl... whoever takes care of the parents is the one who will venerate their spirits. (Female, 59 years, Khmer, Trà Vinh Province)

Women from a focus group describe how succession is determined, illustrating the flexibility of the practice among Khmer households:

“We divide it equally, sons, daughters, each get a share, the youngest will often get a little bit more because s/he will care for the parents, but the parents have a share in that, too. Whoever cares for the parents will receive that share, and when we die, they will maintain our offerings. And they will let us eat, and that child will provide for us in old age. Sons or daughters [we] would live with either, but that would depend, too. Whoever lives with the parents will be able to inherit, it’s not always the youngest child! If we can’t give it to the youngest child, we still allow her/him to set up their own household... whoever stays and takes care of the parents is the one who will inherit [the parents’] share. Daughters also maintain the offerings for their father, there is no differentiation [between daughters and sons]. Whoever lives with the parents will do it, there is no differentiation because of different lines this, or some other reason that... (Women’s Focus Group, Khmer, Trà Vinh Province)

The discussion during the focus session described above, along with other observations from informants, indicate that the lack of preference for either line among Khmer families leads succession patterns related to each particular family’s circumstance: the child that succeeds and provides old-age-security does so because she/he has exhibited some quality to suggest they would be willing and able to do so.

Household Division

Most respondents explained that they had no gender or birth order preference in succession or household division. For example, when explaining why her children would inherit household property equally, a forty-four year old female Khmer market vendor in Trà Vinh suggested, “[Our] is easy with our people—[we]

don’t distinguish between the male and female [line] at all. Whoever you allow to venerate [the ancestors] then they will venerate.

A sixty-year-old man echoed his thoughts:

Sons or daughters, we divide [our property] equally among them. If we have land beyond the foundations of the house, then all of it gets divided. If we have arable land, then that is also divided. Every child gets an equal share, there is no differentiation between sons and daughters. (Sixty-year-old Khmer male, Trà Vinh Province)

As the above quotes illustrate, bilateral kinship practices among the Khmer of Trà Vinh Province leads to the equal division of household property, regardless of gender.

Post-marital Residence Patternst

Though most respondents indicated no gender preference for succession or inheritance purposes, most reported taking up residence with the wife’s family. Respondents reported this practice was a result of social factors rather than because of “tradition” or “custom,” as in matrilineal families. One respondent explained, “usually mothers fear that their daughters would face hardship when they become a daughter-in-law, so they don’t let their daughters go to live on their husband’s side.”

Other than the fear of difficult in-laws, there is little evidence of a specific pattern of post-marital residence among the Khmers surveyed, particularly compared to patterns in patrilineal and matrilineal groups. Another respondent echoed that “now, if it is easy to be a daughter-in-law, then the daughter will ‘become a daughter-in-law’ (move into her husband’s family’s house). However, if it is no difference, then the husband will “live as a son-in-law.” Thus, though more individuals report living with the wife’s family after marriage, because of the lack of rules governing this process, there is no small number of cases where the couple will reside with the husband’s family. Respondents reported that the son who lives with his wife’s family would still be able to inherit household property on equal par with his other siblings. The only exception to this case is when the son marries and moves away and cannot stay to cultivate the land he was granted, and in such cases, then he will not accept that share.

Authority over Property within the Marital Unit

Although our research reveals remarkable gender equity in matters of household division and succession, the in-depth interviews demonstrate that authority over that property shifts to the husband upon marriage. The survey evidence and interview data illustrate that whether property within the marital unit is inherited from the husband or the wife's family, in the majority of Khmer households, the man is the person of record listed on land title documents. There are reported instances when wives are listed on the title, but they occur because she has inherited that property from her natal family or when one household unit has too many documents and in that case, the wife stands in for the husband.

The prevalence of husbands listed as the owner of record on land titles is related to the state's policy that the owner of record must be the "head of household" and to the attitude that the person in the household who deals with the more important affairs of the household (lit. "heavy") or the person who has more experience with dealing with institutions outside the home. Despite this phenomenon, Khmer women recognize clearly their equal land rights. This recognition is often expressed with the phrase, "the husband is head of the household, the wife succeeds—if we don't [sign the paperwork] then [then husband] can't really do anything with it." In cases of divorce, Khmer households divide the household property according to the principle that "from whence that property came, that person will keep it." Joint property would be divided equally between the spouses, as one respondent explained, "if the husband and the wife do not share happiness then they divide [joint] property equally," or another echoes, "when divorcing, the property is divided in half."

When identifying patterns where the division of household property is most equitable between sons and daughters, we saw that it occurred among two key populations: (1) groups that do not distinguish between the male or female line with respect to succession, or those who practice bi-lateral kinship patterns. Among populations that practice matrilineal succession patterns in South-Central Vietnam, daughters are completely excluded from inheriting household property by the following percentages: Lạch: 2.4%; Chăm: 4%; and Raglai: 3.1%. And finally, among the Khmer, who practice bilateral succession patterns, only

1.6% of those surveyed indicated that in their families, daughters would be/were excluded accessing household property. (2) highly urbanized populations in Hồ Chí Minh City, where the combined effects of urbanization and a longer-term familiarity with testamentary practices might influence these equitable distribution patterns, and (3) among those who do not place strong emphasis on the role of ancestor veneration in their daily lives—or Roman Catholics.

The prominence of patrilineal succession patterns in Viet Nam means that in practice, when household property is divided by agreement or, less regularly, by testament, sons will usually get larger shares than daughters. In regions where succession practices differ, such as among the Chăm of Ninh Thuận Province (where matrilineality prevails) or among the Khmer of Trà Vinh Province (where bilateralism prevails), then daughters have a greater change to access their land rights. Although kinship practices are powers that exclude women from accessing their land rights through legitimation, they also work in the reverse, and enable access. The survey data in Table 16 illustrates how kinship practices can affect attitudes toward household division and succession, which correlate well with the findings discussed above.

3. Mediation Committees

During the entire period of field research across the ten provinces/cities, we sought ways to investigate how disputes were resolved in local communities, hoping to understand how the wide variation of research sites revealed multi-faceted mechanisms. In each location, our team faced very high opinions about the success and results of mediation groups (at the group or village level) or mediation committees (commune or neighborhood level). The people who work in these mediation efforts often peppered their interviews with self-congratulatory statements about the percentage of mediation cases that were successful (came to a resolution that was accepted).

As a matter of policy, the state invests in the mediation process and views it as an important institution to handle small disputes among the population. The purpose of mediation, thus, is stated clearly as follows:

"The foundation of mediation is to guide, help and persuade each side to reach agreement, to resolve between themselves violations of the

law and minor disputes among the population, to contribute toward the solidarity within the population, to prevent and moderate violations of the law, to keep social order and security in the community (Ordinance on Grass-root Conciliation endorsed by National Assembly's Standing Committee on 25 December 1998)

In June 2012, the Ministry of Justice has just drafted a bill governing mediation laws before the National Assembly. In this bill, the purpose of mediation basically remains intact the principle stated in the state law of 1998, specifically, this purpose is emphasized:

The foundation of mediation is to help each side to resolve between themselves violations of the law and minor disputes among the population, to contribute toward the connections within the population; to reinforce and to bring about righteousness, and good traditions within the family, the lineage and the community among all the ethnic groups of Vietnam; to limit litigation, to prevent and to limit violations of the law; to broaden understanding of the law, to raise the consciousness of the law within the population and to keep social order, to contribute to an awakened economy and a developed society.

These mediation committees are usually comprised of the president (or vice president); officials from the justice department, the police, the Vietnam Fatherland's Front; and representatives of other groups such as the farmer's union, the Women's Union, Veteran's Association, and the Communist Youth Union. The members of the mediation groups in each village or hamlet include representatives from the different groups and those with prestige within the community. Though these groups/committees are comprised from a wide range of individuals, acting as a committee, they serve as representatives of a state-legislated committee. They will speak with one voice to encourage and offer advice to the parties when there are disputes.

One frequent member of these committees describes the process:

Below the hamlet there is another mediation committee that is similar to the upper one, but is of a lower level. At that level, the members are usually citizens arranged internally, they encourage one side to endure a step, the other side to endure a step, so that it is satisfactory to all

and it is the end of the issue. If they see that they can't do it at that level, because of the words on either side, then they push it up to their level, and then we will sit down and reach a compromise (lit. "unite"). We will tell them about feeling and reason so that each understands and will unite and sign their name on the document. And if in the end, we cannot come to an acceptable compromise, then we will do it a third time, and if at that point, believe there is no way to resolve it, then we will send it to the courts.

(Forty-year-old woman, Hóc Môn District, Ho Chi Minh City)

Other members describe the principles that motivate them during deliberations:

In mediation, you follow both reason and feeling, and resolve it according to the level of feeling [to preserve relationships]. But you will have to also follow legal policies. In general, if you follow both guidelines, then you will be successful. In front of your face it is sentiment/affection, and eventually you will get to the law.

(Forty-two-year-old woman, Quốc Oai District, Hà Nội)

As for me, when I sit in a mediation group, we mediate according to the law first, but sentiment/affection is also important. One has to base [mediation] on that; we follow the law but you also have to base it on the actual situation here, and speak of both reason and sentiment in such a way that it is compatible so that they (the disputing parties) will accept it.

(Sixty-nine-year old man, Diên Châu District, Nghệ An Province)

As the descriptions above illustrate, the mediation group/committee seeks to encourage each of the disputing parties according to both reason and sentiment. "Reason," here, is understood as having a legal base and "sentiment" is understood as "feelings, traditions, and culture." The composition of the committee is also made up of the balance between reason and sentiment, for there are representatives from both perspectives in the mediation process. The presence of all individuals with local prestige in these committees reinforces the community sentiment goals of the committee. In our research, we found that the level of reason and sentiment in the mediation process was flexible, and is determined by the particular circumstance of the case, according to the capabilities and attitudes of the members of each

mediation group/committee. The most important goal of the mediation was always to get each side in the dispute to reach an agreement and avoid bringing it to the formal institutions of the state (courts). Because of the importance of this goal, each member of the mediation group/committee will often emphasize traditional righteousness, elevate the importance and steadfastness of fondness and emotion between family members; and suggest the negative effects if the party is to receive the condemnation of the community [for taking the case to court] family members]. In emphasizing these factors, the mediation groups/committees rely on emotion and sentiment related to a shared understanding of culture and morality. The emphasis on maintaining peace in the family and the community can often infringe upon the goal of “reason” (adherence to the law) in the mediation process.

In theory, each mediation group/committee is expected to reach a resolution that relies on the principle of reason and sentiment, and should not rely solely on “reason.” Our research indicates that often, committee members attach special importance to sentiment, tradition and “culture,” and custom more often than “reason.” Recollections from committee members well-illustrate this observation:

When mediating, each neighborhood, street mediation committee will mediate according to sentiment and righteousness—they don’t take it to the legal institutions.

(Focus Group Discussion, Hạ Long City, Quảng Ninh Province)

We encourage them to come together and to resolve the issue within the family more often than not. The methods of mediation for our residents must be gentle, so that they can affect issues of safety, strength and desires of each household. Thus, [the disputing parties] need to be calm, to think things over...we cannot use the law to convince [them], with the exception that the issue has gotten so out of hand, then it will have to go to the authorities (courts).

(Focus Group Discussion, Hải Châu District Đà Nẵng)

We don’t use the law of the state. We mediate according to the primary principle that we follow our customary law.

(Forty-eight-year-old male, Lâm Đồng Province)

The frequency of placing “sentiment” above “reason” in mediation described above has become an important obstacle preventing women from accessing their land rights. In a large number of cases described in the in-depth interviews, we found that women described situations where women were clearly disadvantaged in the mediation process. We observe that the most common method of mediation is for members of the committee to explain and to persuade women to accept practices regarded as “customary” or according to “traditional morality”.

We old people, we often explain to everyone so that they understand that the rights of the son is like that of a daughter, but when the daughter marries and leaves [the natal home] then the parents have to deal with it in such a way that it accords morality. It wouldn’t be good if [one] brought the issue out her and another brought it out there. If one marries and already makes a stable living, then one shouldn’t come home and fight [for the household property] and have a few bits of money affect sentiment. I often speak about those issues [on the committee].

(Sixty-nine-year-old Man, Diên Châu District, Nghệ An Province)

[We mediate] according to customary practice, we explain it so that they all see that in practice, preserving sentiment, everyone recognizes from the ancient times to now, daughters who have already left the household (to marry) will not return to demand their rights.”

(Forty-two-year old Female, Quốc Oai District, Hà Nội)

Mediation is just a display that you have to arrange internally, you encourage this side to endure a step, the other side to endure another, so that everything is calm and the issue is over

(Forty-year-old woman, Hóc Môn District, HCMC)

Convincing women by exhorting them to “withstand a step” or “you’ve already left the household and should not demand [for your share]”, “siblings will fall through the sieve” are all strategies shared by members of the mediation committees/groups to guide women who stand up and claim their equal rights to the division of household property within the family. They are continually reminded of women’s roles in society, customary practices and the need to “adhere” to them. “Adhering to morality and customary

practices,” as members of the committee explain, means that women should endure a little bit of hardship, women should not demand much, they should not be frightful but instead, they should keep their concerns private keep the peace agreement within the family, and above all, to avoid gaining a reputation with the neighborhood and the community.

All these forms of encouragement serve to remind women to be conscious of their role and responsibilities in the family and society and to “alert” to the sentiments and reputations that they will have in the family and community. In practice, the work of the mediation committees have not helped to broaden women’s access to land but have pushed women further from the goal of accessing the rights that they have been guaranteed by the law. Behind the seemingly gentle and reasonable exhortations of “traditional morality,” women’s roles within the family, and the belief that once one marries, upon marriage a woman leaves her natal household, the mediation committees have relied sentiment and emotion rather than according to the law. When women follow those patterns, as demonstrated above in the in-depth interviews, they will be disadvantaged in matters of inheritance and succession. These practices also make it difficult for women to overcome the “sentiment” part of the mediation process to demand their rights as guaranteed by the law.

None of the mediation committee members indicated that they have ever encouraged or advised men and/or parents to respect the rights that the daughters have under the law or suggest advise them to “endure a step” in the interest of family harmony. In fact, many members of the mediation committees unabashedly expressed their opinion that “daughters must endure a bit, demanding a share of landed property on equal par with the sons... how can that be?! One should appreciate and value whatever your parents give you. (Forty-seven-year-old male, Quỳnh Lưu District, Nghệ An Province). This particular informant’s perspective is not unique, but reflects those of the many mediation committee members we interviewed, regardless of gender. They lead the committee members to encourage women to accept the status-quo.

Many women have internalized these attitudes as well, believing that “whatever you get from your parents is that good,” “women who have married

shouldn’t demand anything [from their parents’ household],” “that’s the way it is for a woman” (45-year-old woman, Nghệ An Province, 57-year-old woman from Hà Nội; 46-year old woman, Đà Nẵng). It is clear that in practice, the attitudes and practices of the mediation committee work to preserve peace within the community by adhering to customary practice and particular conceptions of traditional morality. Because of the primacy of maintaining and order within the community, women are prevented (by legitimation, force) from accessing their land rights.

According to policy, mediation committees have two clear objectives: (1) to maintain peace within the community and (2) to broaden adherence to the law among the population. As demonstrated above, the two goals often contradict one another and with respect to women’s access to land rights, mediation committees appear to emphasize the former and have nearly forgotten the latter goal. The methods that mediation committees describe are methods that do not necessarily harmonize, but rather exclude, even when members represent their actions as finding a balance between sentiment and the law:

During mediation I usually rely on the law, tradition. First, I encourage the parties to settle the situation between themselves, for if they resolve it among themselves, then when they see each other, they can still shake hands, and have happy faces. But once they allow the legal system [to adjudicate], then one is one and two is two, and after that, there will not longer be sentiment.

(Local Official from Quảng Ninh Province)

We just lay it down, show them multiple models so that they see . . . siblings who order things on the first nine issues and leave the tenth, then the issue is done, during the annual death anniversaries or the Year, they can still come together and be happy. But if those women persist in demanding an equal share and take it to the authorities/the courts, then for the rest of their lives, fathers and daughter, mothers and daughters will not even look at each other, not to mention brothers and sisters . . . and then they understand and accept it and it is done.

(Focus Group, Quỳnh Lưu District, Nghệ An Province)

These methods often serve to exclude women from accessing their land rights. This is revealed in the words of the committee members themselves

and by cross-referencing the insights from other in-depth interviews with the goals and practices of the committee. The committee members suggest that if they resolve issues according to the law, then there is little room for “sentiment” and vice versa. When the goals of preserving sentiment is honored through action and becomes the sorts of morsels of advice and encouragement to women that we cite above, it serves to exclude women from accessing their land rights.

4. Wills and Testaments

Vietnamese law has several articles that clearly specify the primacy of the will and testament in matters of household division, including Articles 652, 653, 654 of the People’s Law of 2005. In practice, in the case of parents’ sudden death, the existence of a will and testaments plays a key role in the division of household property. They help guide the court and other authorities in adjudicating issues related to land disputes within families.

The clear dictates of the law (as cited above) led the research team to devote a large amount of time to examining practices in establishing wills and testaments in surveys and in-depth interviews across the ten research sites. Speaking generally, despite almost all respondents and interviewees acknowledging the clear advantages to establishing a will and testament, the practice of issuing one has not become mainstreamed. Attitudes about establishing a will and testament differed between rural and urban dwellers, across the different ethnic groups and often depended on the particular family and lineage situation. Throughout the focus-group discussions and in-depth interviews, we found that Vietnamese citizens from across the ethnic groups are not very familiar with the practice. In fact in a few circumstances, interviewees expressed the sentiment that wills and testaments are only used when parents have concern about the potential for disputes between their children once they have passed or that they were to be established only when one is old and weak.

In urban areas, the practice of establishing wills and testaments has steadily increased, but is still quite rare, as one official succinctly describes,

“In my fourteen years of working for the Office of Justice, I have only seen about five or six testaments that citizens have voluntarily made and brought to the commune to authenticate”

(Forty-six-year old male, Ministry of Justice Official, Hoàn Bồ district, Quảng Ninh Province).

Among respondents who identified as a member of an ethnic minority group, the practice of establishing a will and testament according to the dictates of the state are very rare. Many report that the division of household property should lie in the purview of customary law and such, “oral testaments” are still popular among Khmer, Chăm and Mường communities of Vietnam. One official from Trà Vinh Province explained,

Presently, establishing a will and testament is not very popular in the commune . . . it is very rare. If someone wants to leave property for another person [and establish a testament] then they will come up here and ask an official to guide them through the process of establishing the testament. Often, it is just by mouth, and they divide property each [child] but they do not complete the paperwork detailing each step.
(Male local official, Trà Vinh Province)

Other officials revealed that the Khmers view the certificates of land use (sổ đỏ) as the testaments themselves: “With respect to the issue of transmitting property, the Khmer usually do it by mouth, and very seldom establish a will, and a number of people will stand out and register the property. There are some complaints but those are a result of a lot of complicated reasons from many years ago” (male local official, Trà Vinh Province.) One woman, speaking of her own family, explained, “Well at that time, nobody established a will, and they just said that, like dividing the property equally how many here, how many there, like that. Brother Nine had money, so he was able to retrieve the land use document. And to divide that property, my brothers and sisters met and decided what to do. My mom said, “Do not let disagreements to emerge” (forty-year-old female, Khmer, Trà Vinh Province).

In Ninh Thuận Province, home to a large population of Chăm, a local official likewise shared,

In this commune, there are some who have written their wills and testaments to divide their property, but there are very few. . . In the time I have served as an official to now, there are three instances, but they are all Kinh, and no Chăm.
(Local Official, Ninh Thuận Province)

Among the Mường of Sơn La Province, it appears that oral testaments are the only kind of testaments in the community:

When the Mường divide land to give to their children, they do not establish a will. When they divide it, they just say, “I let you live here, and cultivate there.” The Commune will issue papers, but as for the family, they just gather and discuss who will live where, who will get how much cultivable land. When the family meets, it includes all the sons, daughters, including daughters-in-law and sons-in-law. Whoever came first, lives in the front, whoever comes later, if there is no more land, then the parents or brothers and will seek out land and purchase it for them.
(Fifty seven-year-old woman, Mường, Phù Yên District, Sơn La Province)

Here, from yesteryear to now, the old folks seldom had wills, and their ability to do so was hindered by the fact that they may not have been literate, or some other reason like that. And so, if they had anything [they wanted to relay], they would do it orally, such as I give to you this place, or that place. It’s not that these [oral testaments] were clear-cut. And after that, the siblings enact it. There are many cases where the siblings do not follow the will [of the parent, causing disputes]. [To resolve them] first, one has to take responsibility oneself, then to the head of the community, the mediation group from the hamlet may even intervene [if the hamlet het] cannot resolve it.
(Forty three-year-old male, Thái, Phù Yên District, Sơn La Province)

Among those who identify as ethnic Kinh, when explaining why establishing a will and testament was not popular, many remarked that the traditions and culture of “the Vietnamese” always trusted in one’s family members and children in those families respect the will of the before their death. Because of this, respondents claimed, a document with the authentication of the state is not necessary. When asked if she thought whether there would be a dispute if she did not promulgate a will and testament, one local official from Hồ Chí Minh expressed clearly her sentiments that she was “not afraid” and that she “does not think of that possibility”. Others, as mentioned above, believed that wills and testaments are only established by the elderly and mentally weak. Others expressed that they were reluctant to deal with the issue of wills and testaments because such documents are closely

linked with the idea of death: “Among those whose seventy-years-old in my neighborhood, only about 30% establish a will and testament. Many people are afraid that in establishing a testament, they may die or they don’t wan their children to celebrate their old age quite yet” (50-year-old woman, Quảng Ninh Province). A seventy-one-year old man from Từ Liêm District, Hà Nội, explained, “When I turned sixty-five, I transferred the land-use documents to my child, and when I feel like I am not sound of mind, then I will write a will and testament.”

In the more urbanized research sites, the rising price of real estate has led to the concurrent rise in the popularity of wills and testaments. The rise in the price of property has also influenced a number of individuals to claim their land rights when they might not have before. All these issues have contributed to the growing regularity of the issuing of wills and testaments. One official from Bình Thạnh District, in Hồ Chí Minh informed us that in the last three years, the number of individuals who have established wills and testaments in his neighborhood has increased. He explained the rise in testaments thus,

It’s because people have more and more property now-a-days, other than the house, moveable property, stocks, they and other business investments . . . one reason for the increase is related to the propagation of [different] forms of business. But the largest part is related to the development of society to the point where people need it, and they take the initiative to research and understand. But in general, [the division of household property] often also happens according to tradition [i.e., without a testament.

One can see that the operations of the real estate markets has raised the price of property, and contributed to the use of wills and testaments as a necessity. This observation is most clearly observed in the urban areas:

Before, usually no one made a will and testament. When someone died, then it would create difficulties, and often we Vietnamese don’t think of making a will and testament before [we pass away]. After that, property has gotten hot, and the way that parents look at this issue has changed, they now think of promulgating a will and testament first.
(Focus Group, Hải Châu District, Đà Nẵng)

Because of the development of society, land has become a kind of property that can bring out much more, and because of that, parents fear that their children will fight and create complications. And so now, a large number of older folks understand about the need to complete documents to establish a will and testament.

(Focus Group Discussion, Hồ Chí Minh City)

Among respondents who reported writing wills, many viewed them as a form of insurance to help keep the peace once the parents have passed away. This is especially true in cases where parents are concerned about their children's ability to reach an agreement regarding their property

There are families that write testaments and they take it to be authenticated, but that is because the family has kids who are too rotten, then they [have] to go and write a testament, and then they wait until they close their eyes before they hand it over to them. When I turned sixty-five, I transferred the land-use documents to my son, and when I find that I am no longer strong of mind, and then I will write a testament. My wife says that now that while we are still working we should just give it to the two boys, to get all the documents and paperwork and transferring it is easy, to do it then, and avoid a situation where there might be difficulties and then it won't be easy to [transfer], and then they will fight with one another.

(Seventy-one-year old man, Từ Liêm District, Hà Nội)

There are few people who make testaments, but now, there are more because parents want to avoid a situation when they pass away, the siblings will disagree and fight.

(Forty five-year-old woman, Diễm Châu District, Nghệ An Province)

People are afraid when they get old and die, their children will fight with one another and so then they will establish a will.

(Local Official, Trà Vinh Province)

When families do meet to establish wills and testaments, the act often formalizes the patterns of the division of household property we have described above: most family's privilege sons, and daughters only inherit a small share or none at all. This phenomenon occurs most clearly in communities where the land is closely connected to multiple generations in the family and lineage practices.

The will only provided for the sons, it did not mention the daughters. My sisters and I had already married and we followed our husbands and so none of us had any opinion about that.

(Forty two-year-old woman, Quốc Oai district, Hà Nội)

"In my community those who does make wills is counted for 60 or 70%. If there's a boy, then they get more . . . girls get a little. When there is a will, the children will follow it, even if it is an oral testament, they must follow it. In my commune all the wills and testaments are completed in writing. It was only in the old days, and now, no one does it orally, they must do it in writing—white paper, black ink with the signature of the greater family members, even.

(Fifty three-year-old woman, Xuân Đình, Từ Liêm, Hà Nội)

Although wills and testaments can help families divide their property clearly and legal institutions in adjudicating disputes, there is no guarantee that they will broaden women's access to land. As we have seen, they can often reinforce the inequitable division of household property, where sons enjoy a greater share than daughters or they can formally exclude daughters completely.

5. Access to Legal Services

Across the ten research sites, we found that many women were not able to access the legal services in their local communities effectively, and thus were not able to benefit from them on par with their male counterparts. Many factors help to explain this lack of access to legal resources, and they are all obstacles to women's access to land as well. These factors include language, social position, local configurations of power, and the complexities of the bureaucracy.

Language

Language is a major obstacle for women of ethnic minority groups, for they are often less well-versed in the language of government-Vietnamese-as the men in their communities. All formal legal affairs, from private document assistance to all the formal documents must be written in Vietnamese, and so many women believe that they cannot access these services because of their lack of language skills. Over time, the language barrier convinces them that such issues are men's concerns and not theirs. One thirty-four year old H'Mong man from Sơn La province, using the pejorative pronoun

for his wife, scoffed, "What does she know? Why would she go? [She] doesn't know the language and so she cannot speak about the paperwork dealing with landed property." A sixty-year old Khmer woman echoed these thoughts, "Men are more clear-headed-women can not speak the language, and there are occasions when they will not understand or understand very little."

The extent to language is a barrier to accessing land rights extends to Kinh women, though in a different way. For example even in some cities, there are Kinh women who will believe that they are not good speakers, they do not know how to speak in formal settings and so they often will not want to access the formal legal services. A fair number of women shared sentiments similar to this woman from Long An:

I'm really afraid of going to the authorities, [the thought] of my kind, who doesn't know [anything]. So, never mind, I let him do it. My type, I'm a peasant and I don't have the capabilities to go to the authorities, my understanding is so basic, never mind...

Another woman from Nghệ An shared that she was reluctant to face the officials at the commune because she was afraid that as a peasant, she would not know how to speak to the officials: "I don't know [how to talk to them], To see those people, you would need to be educated so that you would know how to speak to them. As for me, I'm rough, haven't been anywhere in my entire life, how would I know how to deal with stuff like that?" **(56-year-old woman, Diễm Châu District, Nghệ An Province).**

Social Position

Many women interviewed expressed the sentiment that they did not have the social position or were lower in status than men, preventing them from accessing legal services available to them. One sixty-year-old woman from Ho Chi Minh City explained, "Women do not have status, and so they have to endure hardship when there is a dispute." Many other women echoed these thoughts. Some men suggest that women have a lower position in society and even justify it is because "women do not know anything," or that they "are reluctant" or are "too embarrassed" to access their land rights. Others added, "Here, women grow rice and seldom concern themselves or even understand the [formal] processes related to land [ownership] or paperwork, so we let the

men go (40-year-old woman, Diễm Thịnh District, Nghệ An Province); "I am listed on the land title documents because my wife does not know (male, Ninh Thuận Province); "Women are often shy, they (using the pejorative pronoun, nó) are reluctant they won't bring complaints. Here, they are reluctant, they don't want to say anything, they are embarrassed. Here they don't like to speak about societal issues". (Forty seven-year-old male, Bắc Yên District, Sơn La Province).

Many respondents believe that the woman's role is in the household, and the role of the man is out in society. Two informants from Nghệ An explained, "Women like my wife, around here are reluctant to deal with those kinds of paperwork (related to land use titles), I take care of all of that, and that's right. She's around the kitchen all day, the children all day, what would she know to be able to deal with that paperwork?" (47 year-old man, Quỳnh Lưu District, Nghệ An); "Those women, they are lacking in so many abilities, and so the situation has to be like that. The children the house, well, [that's her job] and the issues out on the street, in the commune, we men fulfill them better, we understand better.

(69 year-old male, Diễm Châu District, Nghệ An Province).

In the settings where we conducted our research, many individuals regarded women as having a lower social role than men, understand little, and are less intelligent than men. Some women have little confidence in their ability to interact with formal legal institutions, preventing them from accessing legal services that may assist them in claiming their land rights.

Configurations of Power

The process of filing paperwork or accessing legal services operates between two parties with unequal access to power: the individual and the representative of the state. These officials represent the state and often regard women who come to them as beneath them and who understand little. They thus fell empowered to ask questions and to give unsolicited advice and encouragement, or make decisions related to a woman's access to land. Because of the amount of power the official may have over the woman who has sought these services, women are reluctant to even approach the legal services to seek more information. One informant from Hà Nội shared her experience, as well as that of others in her village:

A woman who brings a form to them will have to ask, and will have to investigate this that and the other thing . . . it takes a long time. Many people see that there is really no one who supports us, and there's really no one who resolves it, and there's no one who protects our rights and so at the end of the day, we just have to deal with the hardship so that the situation is done with.

(Fifty five-year-old female, Từ Liêm District, Hà Nội)

Other women, speaking in a focus group discussion in Đà Nẵng shared, "As to matters related to the law, I can't really say anything about that in front of them. They hold all the authority. If they do well, then that's it but if they don't, well, we just have to accept it."

An imbalance of power between those who work in positions related to the law and those who the services of these organizations serves as a major obstacle for women to access legal services to broaden their access to land. The power of money and individual relationships adds to the unequal power structure in local communities. One woman from Hà Nội relayed a not so ambiguous story about the workings of the market and access to legal services:

And in reality, because of that, our officials were not serious; there are some who are not able to balance justice. For example in my commune, the succession property, this man and that man, whoever has money will get it. And then you get to a point where the other guy has more money or he goes to the upper level and then he will get it returned to him

(Fifty three- year-old female, Hà Nội)

Another woman shared that without money to give to individuals in the justice system, then issues related to land, land use titles, and other documents will be difficult to complete: "they make it hard on you, for example when you fill out the population form and want the land use documents, then you need to have an envelope in their shirt pocket and only then will they help you. Otherwise, they will keep giving you appointments up and down". (49-year-old female, Lâm Đồng Province). There is no way to know how prevalent these situations are, but the perception of the respondents suggest that the difference in power between them and those who perform legal services that may assist them ironically serves as a major obstacle for accessing those services.

Bureaucracy

A large number of female respondents indicated that they did not want to access legal services because they are reluctant to deal with the bureaucratic process because of its complexities and that they feel that have little to no guidance from those in the position to help. One woman from Từ Liêm District, Hà Nội shared, "usually, you have to resolve disputes [privately] there are occasions where you will go to the authorities, but it will take a long time." Another woman from Quảng Ninh shared, "Running after all the paperwork in the process will make you tired, never mind, why would I take the issue there?" (Thirty nine year-old female, Hoàn Bồ District, Quảng Ninh Province). Many men recognize that women are reluctant to access such services because of the bureaucracy involved: "Taking a dispute to the courts is not an easy process, you will have to deal with paperwork, and you have to do this process and that process, you have to write this and that. Women are very reluctant to engage this bureaucratic process" (fifty-year-old male, Diễn Châu District, Nghệ An Province). Because of the difficulties related to the bureaucratic processes, across the research locations, we found legal institutions intended to broaden women's access to their rights have not yet achieved their desired outcome. Women perceive that accessing these services is simply too complicated.

The factors described above: language, social position, an imbalance of power, market and personal relations, and a complicated bureaucratic process all present obstacles preventing women from accessing legal services. Uneven levels of education between women and men work to create a perception that women are less able to handle issues related to land than men, making them reluctant to access the legal system.

6. Local Constructions of Gender

As a socially constructed category, gender also signifies relations in each local community. We found that particular expectations of what is expected of a woman in a household shifts depending on community, region, and urbanization. Though each community has different expectations of the women in it, we found that gender attitudes converged on their effect: to limit women's access to land. From the division of household responsibilities, to the perception of intellectual ability, to social position

and status, we found that local gender attitudes were reproduced by women and men alike, working to limit one's own or the next generation of women's access to land.

Among the different ethnic groups, land is both property and the physical embodiment of the lineage, and the connection between the past, the present, and the future. As such, land is passed through the lineage to secure the lives and the contentment of both the living and the dead. The lineage successor must take on the responsibility of old-age support for the parents and to perform the ancestral rituals for the ancestors. Among those who practice patrilineal succession, families and the surrounding community expect sons to be the one to "worship the ancestors" and "to support one's parents." They belong to the lineage, whereas when daughters "marry, they follow their husbands," a reference to Zhu Xi style neo-confucianism. Because "women are born outside of the lineage," they may not succeed their fathers. Thus, while individuals may claim that they support gender equality, they expect that individuals in their community adhere to the responsibilities expected of them. One man who had expressed his support for women's equal access to land nevertheless shared,

To me, there is a little bit of a difference between daughters and sons, for when the children grow up, the son will live with his parents more often [but] a daughter will marry or live separately. [So], if people have property and wants to leave it for their children, everyone will think of then son, will think of ancestors. Sons take on the responsibility of making offerings to the ancestors whereas daughters follow their husband and seldom make offerings to the ancestors, and so [I] would give my son more. Nowadays, in reality, it's really not all that equal. In my opinion, I would give my son a little bit more so that he can use it to make the offerings, and the rest, I would divide it between the children. In the olden days, many families did not give their daughters a share or if they did, it wasn't enough to speak of, whereas sons [inherited] more. I think it's the same way everywhere, they value men more than women.

(Seventy two-year-old Kinh male, Hồ Chí Minh city)

Among matrilineal groups, the expected roles of daughters and sons are the reverse. The mother's side is the "inner side" and daughters are expected to succeed their parents, to maintain the ancestral

rights, and to provide old-age-care for their parents. Because of these expectations, then women in these communities appear to have more access to land in that property is passed exclusively from the mother to the daughters. However, we caution against immediately interpreting that the transmission of family property through the maternal line necessarily means that women have the "the ability to benefit from." We note here the distinction that anthropologists make between matrilineal and matriarchal. Matrilineal descent refers to descent along the female line, which does not necessarily mean that women hold the positions of power and prestige associated with matriarchal societies.

Gender, as a mechanism of signifying power relations, helps us to interpret why property may be transmitted via women, yet they may not be able to benefit from it. First, among the Cham and Raglai communities of Ninh Thuan province, men hold the most prestigious positions: as bramins or imams, village heads, or learned teachers. These positions reinforce the notion that men are more capable of handling issues outside of the household because of education or social expectation. As Rie Nakamura has observed, the Chăm of Ninh Thuận province attach great reverence to texts, still written in the Sanskrit-based akhar-thrah script. Moreover, as Doris Blood has observed the literacy rate of the akhar thrah script is quite low, (5%) of the population, of whom all are men. Our survey data illustrates, as well, that women have far lower rates of education, and their lower levels of education and literacy in both the language of cultural access (Akhar Thrah) and the language of governance (Vietnamese), creates different gender expectations for them. Women are thus expected to tend to the subsistence issues within the household while men concern themselves with issues outside of the household, including those related to the land that has been passed to the household from their wives' family. The upshot of this, as revealed in the survey data and in-depth interviews, and discussed further below, is that husbands often have more authority over land than women in practice.

In our everyday life, the husband must perform the more strenuous activities, and so I think the households are [not] equal, Men are seldom flattened. They are still the head of the household. Even though when women take their husbands, the men are not allowed to inherit the property,

but they are still venerated when they come to live in the wife's house
(Thirty-one-year old Lạch female, teacher Lâm Đồng).

Yes, but women are more tied down [than men], because in the matrilineal system, you have to many different kinds of offerings [to the ancestors]. If you study and reach a high level of education, you go far away and later, when you perform the kut (lineage graves) they don't come. For example, when women achieve high levels of education and go to the city to work, then who will worry about the sacrifices, the family, the children? Women have to give prominence to their family responsibilities. For the most part, women should concentrate on taking care of the family.
(Fifty-year-old male, Ninh Thuận Province)

Around here, for the most part women do now work [outside of the household] like their husbands. Husbands reclaim/open rice lands and so they know about the pillars, the trunks and the frontiers and so men go to do the paperwork and list themselves as the owners on land titles. In all matters, the husband and wife discuss it, but the man has the final say because the man often works far away and so he understands more.
(Forty-five-year-old Raglai male, official, Ninh Thuận Province)

Among bi-lateral kinship groups, most respondents indicated that "any child was still a child" and that they "do not differentiate" between sons and daughters. These attitudes lead Khmer families to allow daughters and sons to inherit equally.

Gendered expectations within a marriage correlated across ethnic groups. Most respondents indicated that women's roles within the household are linked to their biological function. Respondents indicated that they are told that they require the protection of their husbands, that they are dependent on their husbands and that women are still women, and that they are inferior to men. Ironically, all of these expectations that respondents reported are social roles attached to women in these particular cultural worlds and have nothing with biology.

These social constructed gender expectations affect how women view their own position. Female respondents indicated that they were

expected to exhibit particular character traits, such as "sacrifice", and "to endure hardship" and to "acquiesce". By contrast, men are regarded as "bright," who can "understand", or that they were "trees that give shade" the pillar/trunk [of a household]. These different representations of gender capabilities have made women to believe that they are naturally reluctant, timid, limited [in their capabilities. These attitudes encourage women to concentrate on affairs inside the household and for the care of their husbands and children while men concern themselves with "issues outside the household" and with "important matters." These issues and important matters translated into men being named as the owner of record on titles, as well as standing in as head of the household for real estate transactions more often than women.

Our survey data and in-depth interviews revealed a large gap between gender expectation in urban and rural communities. In urban areas, we found a more equitable distribution of land titles and reported authority between women and men. Urban dwellers reported that they had greater access to information, reported in believing in gender equality, and hold gender attitudes that allow women to access their land rights more broadly. However, urban respondents still reported that they even if they did not differentiate between daughters and sons, they did differentiate between children "who make the ancestral offerings" and those who do not, having the same effect. In urban areas, patterns of household division trend toward equitable distribution between daughters and sons, though there were still reports that sons may get a larger share.

Respondents also reported that their lifestyles created different marital expectations, as one woman from Hồ Chí Minh City explains,

Women work outside of the household and they progress, they have different ideas. There are two factors that have changed, first, economics and second, it is because we have sought more knowledge, and we understand it must be so. A husband doesn't just know how to work outside the household, but they must know how to care for his wife, care for his children, know how to share. Often, I sit around and wonder why before, I was so stupid. Back then, I only knew how to retreat and work, I care for them assiduously in every way and don't even think about myself.

Now that I have been out in society, I see that that is not okay.
(Forty five-year-old- female, village official, Hồ Chí Minh City)

Sometimes, women report that they have "turned tradition around," trying to convince their parents that they must divide property equally between their daughters and sons. Others elicit the support of their brothers to convince their parents or resorting to the law.

Gender roles are performed, reinforced, and reproduced in the family and community. We found that women's moral education in these settings serve to limit their access to land, for they are taught from childhood to remember their roles as "girls," and that they are responsible for maintaining peace and stability in the family and in society:

I teach my girls that they are girls, when they marry, they must endure a bit of hardship [and not demand their share of household property]. Who would fight with their brothers?
(Sixty seven-year-old male, Nghệ An Province)

Why would you fight over property? I tell my daughters not to bother, you should live by the principle of sentiment and affection. I, too, am a daughter. There! And then I must use the phrase "you are a daughter" to rub sweetness into them. The second reason is to console myself [for not being able to claim my share].
(Fifty-seven-year-old female, Từ Liêm District, Hà Nội Province)

Immersed in this environment where they are expected to abide by these moral teachings, women often reproduce them, if only to avoid a reputation, as one woman expressed in Da Nang, "I am not afraid of the law but I am afraid of having a reputation."

Although many informants suggested that if women were more educated, then they may have better access to land, but our research does not support this supposition. For example, we saw many instances where women with very high levels of education were still not able to share in the household inheritance on par with their brothers.

One woman in Sơn Trà, Đà Nẵng had achieved a high level of education and had become a cadre

with leadership responsibilities, but she was not able to claim her land rights in her natal family:

In my family, I relinquished it all, I did not demand to have any share, and the more I did this, the more it was expected that I give it to my younger brothers. It's not as if I am a hundred percent okay with it, but never mind. Why should I fight over it? It is my parents' right not to give me any, and so I don't have any opinion on the matter. And on my husband's side, I just live there, nearly twenty years, but I have still not seen that old lady say anything about giving land to my husband and me. And I know that and it bothers me, but I still don't say anything.

As detailed above, the survey data indicates that there is an inverse relationship between women's education level and their access to household property.

In urban communities, women have more access to information, and can access the law more easily and they participate in activities that broaden their interactions, allowing them more access their land and to pay more attention to women's rights. By contrast, in the outlying areas or in rural communities, where gender attitudes about "traditional" morality or women's roles survive and are continually reproduced in the family, lineage and community, women have a difficult time accessing their land rights.

The symbolic value of ancestral land and the lineage are connected tightly to the construction of women's roles and their ability of women to access land. A counter-example from Quảng Ninh province, where there is little or no land connected to the lineage, where there is plenty of new land, the issue of the division of household property between daughters and sons is not tense. Or, in rapidly urbanizing areas, women become more attuned to their rights because of the rapid rise in the value of land and the ease of access to information.

C. WOMEN'S ACCESS TO LAND: NEW OPPORTUNITIES

The analysis above demonstrates that are multiple forces that exclude women from accessing their land rights. In tandem with these obstacles, our research indicates that there are certain factors that have helped to broaden women's access to

land. These dynamics have and continue to create opportunities for women to claim more of their land rights in their natal families and in the lineage. Although we discuss these issues separately, in reality, they are interconnected, and each has an effect on the other, creating new opportunities for women to broaden their access to land.

1. State Power and the Role of Communication

In recent years, some state policies and initiatives to strengthen gender equity has helped to broaden women's access to land.

One of the most effective policies has been the requirement that both women and men should be listed on land use titles. This policy has had major effects on the attitudes of women and men with respect to gender equality in matters of land rights. This pattern was observed in both urban and rural areas and across the ethnic groups. As one official from Trà Vinh Province explains,

In 2007-08, Denmark sponsored an initiative in Trà Vinh in which "X" village was able to participate, to expand women's access to land in practice. They explained the need for having both spouses listed on the land-use documents to prevent future disagreements. After that, up to 80% of the people who came to the commune to complete their paperwork accepted this [and listed both spouses' names].

(Thirty-year-old male, local official, Trà Vinh Province)

Similarly, the information sessions organized local communities have played a role in changing attitudes about the relationship between the genders. These changing attitudes can become the basis for helping women gain broader access to land in their family and lineage.

Women who attend such sessions become quite active in the activities of these sessions, as one official from Quảng Ninh relayed,

Every day, we propagate the message stronger and deeper. If the organization is strong, then the information session is successful. The Central Committee of the Women's Union is stronger than the Central Committee of the Party. Of one hundred representatives, ninety-nine will attend.

(Thirty-six-year-old female official, Quảng Ninh province)

The diverse ways in which these messages are transmitted has had a large effect on the population's attitude toward gender equality. Respondents report that as they become more open-minded about gender roles, it changed their perspective on land toward giving women more access and authority.

It's only recently, recently that people give their daughters a share. Ten years ago, girls would not have been able to share in it. But in the last ten years, the law, television, and newspapers popularize this and that, and so I think that I should divide.

(Forty-eight-year-old male farmer, Long An Province).

Inheritance for daughters is something that's only recently happened, and in previous days, males took it all. In the last few years that it has emerged in people's consciousness that boys and girls are all children. Before, they would have had the attitude that they should elevate men and look down on women (trọng nam khinh nữ), but in the last ten years or so people have become conscious of the fact that males and females are the same. Some of this is related to our propagation in our population efforts to limit the size the family to just one or two children. And so, whether it is a boy or it is a girl, the child is still a child.

(Forty-five-year-old male official, Nghệ An Province)

Besides propaganda programs implemented by local authorities, we noted that modern means of communication, including national and local television programs as well as newspapers, are also effective channels to raise awareness of gender equal rights of lands in every localities.

Equal rights for women with respect to inheritance for the children, between sons and daughters, between husbands and wives . . . I heard the television channel talked about this and that related to it. I heard that the television station in Vinh Long usually does it, that they do it every week. And in Long An, it is quiet . . . They say that land this and that, that the wife and the husband worked it together, and the share of the parents is separate. If the parents left it then that child will be listed on the title documents.

(Forty-eight-year-old male, Long An Province)

In recent years, the wide-spread use of the Internet throughout the country and among all

ethnic populations has turned it into a channel of information where people can find information to access their land rights.

In the last eight years or so, urbanization has made the rural areas more developed, and from the time the rural areas developed, it has to do with society's needs and then people's recognition, via the newspapers, radio, television and the internet, and so the recognition of the people rises and the people understand more. I think today, people no longer venerate men and devalue women . . . now there is a special television program about family affairs that is very cool. And now, they have money . . . our children study about it, and whoever is old and doesn't know how to use the computer, the internet, then we tell our children to open it so that I can look at it.

(Fifty-four-year-old female, Hồ Chí Minh City).

In the last decade or so, across the ten research sites, a fair number of individuals have moved to the city to work and live, and among those, there were a large number of women. Though they live in the cities, they maintain close ties with their natal villages and they take their new-found understanding of the law, of gender equality, and of their particular experiences back home. In effect, the rural migrants and their experiences have become examples for other women to claim their land rights.

Accompanying government efforts, other institutions that seek to broaden understandings of gender equality, and the official and non-official channels of information have widened people's experiences with gender equality and have slowly changed attitudes toward women's access to land.

2. Urbanization and Women's Access to Land

In our research in Bình Thạnh District, Hồ Chí Minh City, the most urbanized research site, we were introduced to a coffee-vendor whom we will call Ms. H. Her shop was located in a very small lot, just about 10 m² on a sidewalk where there were a lot of pedestrians. In this tiny space, what struck us was the size of the large stack of newspapers. When we arrived, her shop was full of customers who sat drinking their coffee and reading the paper. We guessed that these customers came from a variety of social classes, were both men and women, both older and younger.

Ms. H informed us that her husband had roots in the north, in Hà Nam Province, and that he had fought in the War against the Americans. After retirement, he requested to work in his neighborhood. Because finances were difficult, Ms. H. informed us that she only had a fifth grade education and after that, she became a street vendor to help her parents. She and her husband have two children, one boy and one girl, both of whom were middle school students. Her family lives in a small plot of land, purchased by both spouses from their savings over the years. Because her family was poor and because of the customs of her grandparents, Ms. H, did not receive any bit of household property. When asked about her intentions with her residential property with respect to her own children, she responded very differently from many of the women we interviewed in rural areas. She proudly told us that although she knew that the custom of the Vietnamese, and especially in her husband's natal home, would be give a larger share to the son, both she and her husband had agreed to divide their property equally. She continued,

Here, everyone reads the newspaper, and so they understand about equality between women and men with respect to the division of household property that the state has ordained. Lots of people come here and drink coffee, and they all say that when you divide your estate, it must be fair, you must give some to both sons and daughters. I will also divide my property evenly between my son and daughter. Here, if both spouses are listed on the title, then you can avoid bad luck. Even the property that my husband's family gave us has both of our names listed on the title . . . that would be the only fair way. And with respect to moveable property, whoever has contributed, the wife should enjoy it as well as the husband.

As we have analyzed above, customary practices influence the division of household property greatly. However, as the above citation indicates, in urban contexts, especially in highly urbanized localities such as Bình Thạnh where Ms. H has been living, obstacles that rural women are face particularly threads from customs, limited legal information and gender equality are not significant obstacles to urban women.

As illustrated in Ms. H's case, the urban environment has many beneficial conditions for the easy transfer and access of information. First, the easy

congregation of individuals in one location allows for information and opinion-sharing in person. These conversations often turn to the issue of land rights in general and women's land rights in particular. Returning to Ms. H's experience, although she is an average worker and has very little education, she lives in an environment where "everybody reads the newspaper," and so she has access and understanding of contemporary social issues. Among those are issues related to land law and the division of household property. This frequent access to information about women's rights in general and land rights in particular, can help individuals conceptualize their own rights and to affect the attitudes of those around them, including parents and husbands.

Respondents from urban areas indicated that "everyone says that you must divide your property fairly," without reference to gender, has played a large role in minimizing the social pressures that accompany custom. For example, if women are able to share equally in the division of household property and others around them believe in those sentiments, then women will not fear being "chastened" or "judged," "sneered at," or spoken about behind their backs when they seek access to their land rights in the nuclear and extended family. For example, in our in-depth interviews in Hồ Chí Minh City, many women asserted that they would readily "push against" the traditional model of household division, or that they willingly "get their brothers to try to convince their mothers," or they rely on the law, "or sue for their rights."

The popularity of equal land rights for women in the urban communities also affects the attitudes of other parties in the community, including husbands, parents, and those in positions of authority in the lineage. In other words, older models of household division cease to play a central role in men's attitudes toward women's access to land. As the survey data collected in Hồ Chí Minh City (detailed in Section B) indicates, although the issue of succession continues to play a large role in urban areas, daughters are not completely excluded from inheriting some household property.

When living in an urban environment, women also have many opportunities to access legal services and to broaden their social networks, providing them with a greater number of choices when looking for assistance related to accessing their land rights. Moreover, women become immersed

in cultural worlds that encourage self-confidence and initiative when dealing with local and state institutions. Combined, the opportunities that urban environments afford have helped women to overcome the obstacles that prevent their rural counterparts from accessing their land rights. Urbanization and changes in occupations (from agricultural work to factory or service work) changes attitudes and created new opportunities for women to access land more equitably in their families. In many families interviewed, when their children work long distances away, the responsibility to provide old-age-care shifts: it no longer necessarily becomes the sole responsibility of the eldest but rather a shared responsibility. This change in expectations shifts long-standing cultural practices that rely on the symbolic position of the son as the link between the generations of living and dead. These changes have created new spaces where women can access their land rights more broadly.

3. Changes in the Symbolic Value of Land—Effects of Mobility

Changes in the symbolic value of land, especially among migrant communities, have enabled women to access land in a more equitable manner by loosening the pressures of village expectations on women and men. In some areas, the combined effects of urbanization and high migrant rates have limited the social pressures attached to ancestral land. These patterns were most obvious in Quảng Ninh Province and Đà Nẵng Province, two areas with high urbanization and in-migration rates in the last decade. The land that residents use in these areas is rarely connected with multi-generational residence, giving it very little symbolic value. Because of this, families lessen their expectations that the "fire and incense property" should be preserved for sons. Some observations from informants in these areas well-illustrate this point:

Basically, people nowadays divide their land and property between their daughters and sons equally. Usually, families that who have been given money in exchange for their land [in the case where the state claims it], they will divide that amount between their sons and daughters. Families that have little land will buy more land to give to their children or they will give them money. (Focus-group with officials, Hải Châu District, Đà Nẵng)

Residents in this town have come from all over [the country] to live and work, here, and so there are not so many issues related to customary practices. There is little differentiation between sons and daughters. Children are not bundled into the traditions of the village any more. Clearly, it's become more open, land is just divided equally. (Forty-eight-year-old man, Town of Trôi, Hoàng Bồ, Quảng Ninh Province)

Something that is specific to this neighborhood is that the residents here have come from other areas, and so parents are not really concerned with consulting their home village when making decisions about the division of household property. It depends on circumstances of the family: whether or not they are poor, whether their children live nearby or have gone to live far away. For example, my family has moved here to live, and so we have no concerns or thoughts [to what happens to] the land in our home village. (Sixty-seven-year-old male, Hồng Hải District, Quảng Ninh)

Changes in residence affect attitudes tradition and the division of household property, but also affect attitudes in their home villages. These migrants, many of whom were designated successors in their home villages, no longer stake claims to the ancestral properties there, changing attitudes about the necessity of having a particular person serve as the link between the generations. Migration away from natal villages contributes to the decreasing importance of ancestral property in the minds of both migrants and members who remain, potentially broadening daughters' access to land at home.

As discussed above, household division among those who identify as ethnic Kinh, the largest ethnic group in our sample, favours sons because of the importance of maintaining the patriline and providing a link between the living and the dead. While we have seen that some families do include their daughters in the division of household property for reasons such as economic need, divorce, or abundance of land, the practice of favouring sons persists. In addition, the availability of other household property adds to the likelihood that families will include their daughters in their household division plans.

Previously, families with many children and little land, and so they gave it exclusively to their eldest

son. The gradual increase in the value of household estates allows some flexibility, and respondents report sharing concern for their daughters, too. Perhaps most importantly, the rising value of property as a result of urbanization has encouraged women to seek access to their land rights.

When the price [of land] raises a lot, daughters from poor families will think of that fact that each meter of land is how much money and then they will go home and suggest [that they be allowed to share in that estate]. Before, once they married, that was it. When the price rises, combined with women's increased understanding of their rights, women will think of these issues of the world, especially those women who were from poor families. (Sixty-seven-year-old male, Nghệ An Province)

For example twenty, thirty years ago, people did not think that the façade of the house had a value, and in those times, it would have been divided. Now, they return and say how come this sibling gets to live on the face of the street, and then there will be problems. (Forty-two-year-old male, Khmer, Trà Vinh Province)

In whatever region, the price of land can exclude or broaden women's access to land, depending on other circumstances. Women from the urban areas responded that the best way to gain access was to be proactive:

The value of land has increased so much, so women must protect their rights and so they seek to understand the law clearly . . . and if they do not get a share, then they will sue for their rights. (Fifty-two-year-old female, Bình Thạnh District, Hồ Chí Minh City)

Thus, urbanization and migration broaden access to information and social networks and raise the likelihood that women act to protect their land rights.

IV. CONCLUSIONS AND RECOMMENDATIONS

4.1. CONCLUSIONS

1. In all ten research sites, women have wide social networks whereas matrilineal groups rely on tighter family and kinship networks

than other groups. In urban areas, traditional social networks are less influential than in rural areas. Though there is no notable difference with respect to friendship networks, the situation changes when individuals have connections with persons working in legal services or in the real estate market.

Families in large cities such as Hà Nội, Hồ Chí Minh City, Đà Nẵng have the smallest average plots of residential land while those who live in the Central Highlands and in the Mekong Delta have the highest. Families in rural areas generally have more than just residential land, including land designated for orchards, wet-rice agriculture, or for piscicultural products and swidden lands.

The practice of joint entitlement on land documents varies greatly across the populations, with those from matrilineal groups reporting the lowest levels of joint registration of land.

Northern residents reported the highest levels of son preference in the division of household property, whereas those from the southern provinces reported the lowest levels of son preference, with the exception of Long An Province. In the northern provinces (with the exception of Son La), a lower than average number of households that reported dividing their property equally between their sons and daughters whereas most of the southern provinces reported high levels of equitable division of household property, especially in Trà Vinh Province. Respondents from Ninh Thuận Province and Lạc Dương District in Lâm Đồng Province favour daughters in the division of household property.

The number of households in urban areas that list the name of both spouses on land title documents is higher than in rural areas. The number of women who report being listed as the sole owners of property is also higher in urban areas compared to rural areas.

Members of patrilineal groups reported high levels of son-preference with respect to succession, while those from matrilineal groups follow the opposite pattern, and prefer daughters as successors. Those from bi-lateral groups report no preference between sons and daughters.

When women live on the land that their parents left them, they are listed on the land use titles along with their husbands at a higher rate than if the land was inherited by their husband or if that land were granted by the state or purchased jointly by the couple.

Migrants, those with the highest levels of education, and from the highest income groups, and women who attended information sessions reported the highest levels of listing both spouses' names on land title documents.

Urban dwellers, matrilineal groups, and bi-lateral groups reported the highest levels of joint authority in making decisions related to land transactions. Women from rural areas enjoy the least authority over household property.

2. Some policies, clearly defined and implemented, have served to increase women's access to land. One such example is requirement that both spouses must be listed on the land use titles. Because of the prominence accorded to parental will, there has been little effort to apply them to the division of household property. Information sessions in local communities have helped to broaden understandings about land law and gender equity, and in some cases, have helped to change attitudes toward land rights in particular and gender equity in general.
3. Research across the ten provinces and eight economic zones reveals that there is a fair level of difference in levels of women's access to land. In the most general sense, women from patrilineal groups have the lower levels of access to land than those from bi-lateral and matrilineal groups. In addition, women from urban areas have more opportunities to access their land than those from rural areas. Despite these differences, there are other powers of exclusion that can shape these tendencies.
4. There are six major obstacles preventing women from accessing their land rights, including the law, kinship practices, access to legal services, the prominence of wills and testaments, mediation committees, and local gender attitudes. Although the intent of the law is to allow women equal access to land, regulations are written in such a general way that create gaps where individuals who interpret these laws bring in their competing

epistemes to adjudication on the matter. Often the decisions do not serve women well. Kinship practices in patrilineal groups, especially in rural areas, limits women's access to land severely, for they favour male successors and dictate patrilocal residence patterns, each of which help to limit daughters' access to land. The difficulty of accessing legal services to claim their land rights compounds the number of obstacles that women face. In addition to the hesitation that they feel with approaching the formal authorities, some women also face language barriers (whether minority-Kinh or colloquial-formal) and market conditions that do not allow them to access these services. Although the law gives wills and testaments prominence in their ability to limit land disputes, in the absence of other mediating factors, they do not alone guarantee women's access to land. However, these documents can often simply commit to writing the exclusion of women's access to land. Mediation committees, though an institution of the state, are created at local levels and operate according to the principle that they should preserve community relations. In practice, this means that members of the committees work hard to convince women to drop their land claims against their parents or brothers. Local constructions of gender signal the relative power dynamics between groups in these communities. They give women and men particular roles to play. Respondents across the ten research sites often characterized women as the inferior gender, making many believe that they should not access the rights guaranteed to them by law.

5. We have departed from other research programs in that we have broadened our examination of the various actors who play a role in the exclusion of women from land rights. These actors can be grouped into the following groups: the state (local officials and court officials); the community (lineage heads, spiritual leaders, and members of mediating committees); and the family. Among those actors, the mediation groups have the responsibility of bringing the law to the people and to maintain peace within these communities, but in practice, they pay more attention to maintain relations in the community and preserving traditional patterns of relationships. Thus, mediation committees serve as one of the most visible obstacles for women to access their land rights.

6. Next to the interconnected obstacles that limited women's access to land, there are other patterns that have broadened opportunities for women to access their land rights, including the effects of 1) urbanization and occupation transitions, which allow women greater access to the law and to legal services and 2) migration, which broadens access to information, and social networks, encouraging women to take the initiative to act on their own behalf.

4.2. RECOMMENDATIONS

4.2.1. General Recommendations

Improving the Content and Communication Strategies of Outreach Programs

Our research demonstrates that attitudes about women's access to land are influenced greatly by gender attitudes in the cultural communities of the research population. In rural areas and in ethnic minority communities, areas where informal social control continue to be strong, these attitudes play an even larger role. To mediate these forces of legitimation that can exclude women's access to land, we believe that outreach programs emphasizing the importance of understand one's rights under the law can help to encourage individual women to access their rights and community members to allow them to do so. The information sessions to broaden this understanding need to be strengthened, particularly in rural communities and in areas where ethnic minorities predominate. Up to now, the methods have concentrated on increasing the voices of women and bringing them into the networks of the women's union according to such factors as familial power, basic democracy, and family and culture. In addition, these sessions are weak and follow the principle of a "universal model." However, as the research demonstrates, the reasons for women's exclusion to land are diverse, and so must be the interventions. These sessions have failed to reach other important actors who work to limit women's access to property. The effects of the information sessions in rural communities can be improved by changing the content and the methods of the information exchange. They should also seek to address a broader audience in society so that when women do seek to access their land rights, they may find a wider range of allies.

Less “Sentiment” more “Reason” in Mediation

Mediation committees play a large role in preventing women from accessing their land rights by adhering to the principles of social cohesion and sentiment. The process of mediation goes from the mediation groups to mediation committees and then to the courts at the district level. Although members at each level absolutely resolve issues according to the customs and practices that influence their attitudes, we found that the mediation committees have a clear tendency to resolve disputes according to custom (sentiment) rather than to the law (reason). These mediation groups/committees, especially those in areas where patrilineal groups dominate, have become a faceless power that works to limit women from accessing their land rights. The mediation committees reinforce customs and practices that exclude women from acing their land rights, especially when disputes arise between family members and within the village. Because of the power that the committees have, we suggest that the “reason” goal of the mediation committee be emphasized over the sentiment practices they pursue.

Reducing Ambiguities in the Law/Provide Clear Regulations

Our analysis of court cases demonstrate that many of the laws and policies regulating inheritance and succession are vaguely written, allowing magistrates to interpret them according to the influences in their own communities. The conflicting interpretations suggest that court decisions rely on regulations to support the decision rather than drawing on regulations to come to the decision. Thus, we suggest that laws related to inheritance and property in general and with respect to women’s claims in particular, are clearly written to assist magistrates in their adjudication of property disputes.

Improving Basic Legal Services

Basic legal services can play an important role in broadening women’s access to land, especially when disputes arise within families or lineage groups. However, obstacles such as language barriers, power differences, service attitudes, costs, and bureaucratic difficulties make prevent the offices that provide them from becoming institutions where women can truly turn for help. These obstacles are even more daunting in rural

areas and in ethnic minority communities. We thus provide several suggestions to make these places more approachable for women so that they can use these services, as they were intended, and claim their land rights. In addition to reducing the complexity of the bureaucratic process and to provide financial assistance with fees for the processing of paperwork, we recommend more careful training for workers in these offices to change attitudes about service. We also suggest that where possible, such offices arrange for translators who can assist women from minority communities. Finally, we suggest that in the hiring process, local governments seek to hire more women, and especially women from the minority communities, to serve in these offices. These offices have the potential to become major resource centres for women to turn to when their family and social networks fail.

Providing Assistance to Registering Land Use Documents

Evidence from the in-depth interviews and focus group discussions demonstrate requiring land use documents include names of both spouses has a huge influence men and women’s attitudes with respect to gender equity. This phenomenon is true in rural and urban areas and across the ethnic groups. Although the reasons are diverse (fees, process, attitudes) in many of the research sites, and especially in ethnic minority communities, men are often the only ones listed on land use documents for both agricultural and residential lands. The practice of listing the names of both spouses has not become regular enough in any of the communities.

Strengthen information sessions highlighting benefits of being listed on the land use documents and providing assistance such as financial aid and assistance with paperwork or processing, can help expand women’s access to their land rights, especially in the poorer economic zones. In a number of communities, efforts by international and local non-governmental agencies (NGOs) have focused on providing basic assistance to resident in registering their land use documents. The Oxfam and Danish initiatives in Ninh Thuận and Trà Vinh Provinces both have had positive results. We encourage NGOs to consider action-based initiatives that can affect the individual lives of participants on the one hand [by ensuring land titles] while influence community attitudes as well. Such programs are especially

important in ethnic minority areas and can play an important role in expanding women’s access to land.

Encouraging the Use of Wills and Testaments & Provide Guidance to Writing Them

One of the most common reasons for land disputes within families is the lack of a legally enforceable will and testament from the deceased. In our research, we found that the promulgation of a will and testament is still quite rare. In the last few years, although the idea of having a will and testament has increased, household division continues to be done orally, with men adding their name to the land use document to authenticate their rights. This phenomenon is particularly prevalent in rural areas in ethnic minority communities and is a major obstacle for women to access their land rights. We suggest, just as in the case of the land-use documents, that the government and NGOs establish programs that assist the population in writing and filing a will and testament that conforms to the state’s legal requirements. Because promulgating a will in isolation does not guarantee women’s access to land, we emphasize that these programs must be run in tandem with other outreach programs that highlight women’s rights to land as established by law.

Developing Social Programs to Reduce Dependence on Traditional Networks

In addition to custom, issues of succession are also affected by economic concerns, and in particular who will provide old-age care for parents. In rural and ethnic minority communities family and social networks that reinforce family and kinship authority play a large role in determining succession matters. Strategies to strengthen the economy and society need to awaken economic activities in the formal sector and to enlarge social insurance, elderly care, and medical insurance for residents in rural areas. With stronger public safety nets, individuals will feel less pressured by the structures that govern the only existing safety networks they have: family and kinship groups, which often work to reproduce traditional attitudes toward gender and property. Stronger public safety nets would allow the elderly security, and thereby decreasing expectations on their children, and enable women to know that they have alternatives when they are involved in intra-family disputes.

Increasing Opportunities for Girls in Poor Communities (Especially in Minority Areas)

Lower levels of education and significant language barriers present huge obstacles for women to ethnic minority groups from accessing their land rights. In rural areas, almost all respondents shared the impression that women did not know anything or were not as competent as their husbands, and so control over household property rests in husbands’ hands. Even in the Châm community, where women are favoured as successors, the difference in education levels changes the effects of kinship practices. Increasing the quality of education for girls in poor areas is a basic step to broadening women’s access to land in the long run.

4.2.2. Priorities for Intervention

Choosing Groups and Issues to Prioritize

Our findings indicate that women from patrilineal groups and especially from rural and mountainous areas face the most obstacles to accessing their land rights. Before initiating programs to intervene in the present practices and expand women’s access to land across such a broad spectrum (region, actions), we suggest choosing three communities (Hmong and Dao in Sơn La and the Kinh in Nghệ An) to initiate interventions (discussed below). So that there is enough time to follow-up on any programs and to assess changes, we suggest a pilot program lasting at least two years.

We believe that choosing the three groups of issues in any pilot program: 1) To improve the content and communication strategies of outreach programs; 2) To encourage and support women in registering their land rights and to use land transfer documents; and 3) To raise the standard of basic legal services

Building and Deploying Intervention Programs

• Communication

Improving communication is a priority and where human and financial resources should be invested; a successful outreach program will help to weaken one of the largest obstacles preventing women from accessing their land, especially women in patrilineal groups. To overcome the limited communication

related to gender equality and women's land rights, from there, we suggest establishing an effective outreach program. We believe that such a plan should guarantee three principles: 1) inclusiveness 2) diversity 3) transparency (clarity, ease of understanding, and attractiveness).

Inclusiveness: The design and implementation of outreach programs must guarantee the basic message to all the agents. Each of the communication efforts implemented before has not tried to reach all these different actors (the elderly, men, young people, lineage heads, the poor and illiterate, etc.). This principle of inclusiveness must be applied to the target groups and those who will participate in the programs. The design and implementation of outreach programs in reality of must include those working in the different organizations (mediation committees, justice department, veteran's organizations, organizations for the elderly, etc.)

Diversity: The design and implementation of outreach programs must be diverse and flexible. First, communication programs must use multiple communication methods. In addition to using contemporary methods to transmit information, it is necessary to draw on the multiple official and local human resources to guarantee that the central message will reach all the members of society, regardless of social position, gender, or age. This outreach program should also be attuned to the multiple communication structures of each of the ethnic groups as well as be familiar with their cultural practices and language. It is absolutely necessary to avoid a "one size fits all model."

Clarity, Ease of understanding and attractiveness: Because of the multiple target groups that such outreach programs hope to reach, it is imperative that the central goals of the program are transmitted clearly. Attention to the form is important because the outreach programs will need to reach multiple target groups. Due to the low educational levels of ethnic minority groups, especially women, languages and terms used for transmitting contents of future communication programs should be simple and easily understood. In other words, it is essential to avoid using scientific jargon in all kinds of communication

materials, whether they are printed, visual, radio broadcasting documents or documents to be used for oral communication. In case there are no equivalent terms in local languages used for communication, a few sentences or a visual presentation should be added to explain the connotations of terms. For example, many of our interviewees did not understand the phrase, "equality" or "succession". Other than maintaining the integrity of the central message and methods of communication, it is important to establish ways to attract the various target audiences. For example, one message could be transmitted by sponsoring a play in which individuals from that community stage and in which they can perform.

- **Building "Friendly" and "Helpful" Legal Services Consulting Pilot Programs**

As discussed above, factors preventing the basic legal institutions from attracting women, particularly the most disadvantaged, include the service attitude of workers and the inconvenience of these offices. One intervention could be the establishment of a pilot centre providing free legal services in these three communities. These programs should adhere to the principles of friendliness and helpfulness and invest in improving the service standards with training programs that emphasize respect for diversity, non-discrimination, and respect for insider's perspectives, friendly attitudes and openness in interactions with clients. It would be important, also, to have a worker who is well-acquainted with the local language available to assist if necessary. These centres must be located in the most convenient spaces to limit transportation expense and time for clients and to create a bond of trust and confidence between centre and client.

- **Increasing legal aspects, reducing 'sentiment' of the Mediation Groups**

Mediation groups often rely more on "sentiment" than "reason" in mediating case as at the hamlet and commune level. This 'philosophy' contributes greatly to the maintenance and reinforcement of existing negative gender prejudice. Because of that, it is necessary to have effective measures to raise the legal content in the mediation process,

especially in rural areas and in ethnic minority communities. For example, one could sponsor a dialogue with members of the mediation group in the different sites and to provide training to understand the law and their role in the mediation process.

- **Provide Encouragement and Assistance in Registering Land Use Titles according to the new Policy and Assistance with Establishing Testamentary Records**

The two basic legal activities necessary to raise women's access to land and to elevate collective consciousness about women's equal land rights include registering land use documents according to the new

policy of having both spouses named and establishing testamentary records with the authentication of the relevant authorities. In addition to mobilization, non-governmental organizations could really make a difference by providing assistance to local individuals in the registration of land-use documents and familiarizing them with the establishment of testamentary records. It would be important to include the participation of other state bodies and non-state organizations in the local community in any such program. The participation of all these actors and institutions has the potential to change attitudes toward gender equality in these groups and in the collective consciousness.

FOOTNOTES

¹ This research program has been conducted over a period of eight months and each of the Team Members have contributed equally to research and writing of the report.

² To preserve the anonymity of our respondents, we have limited our identification of the research sites to the district level only.

³ Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonialist Discourses," in *Feminism without Borders: Decolonizing Theory, Practicing Solidarity* (Durham, NC: Duke University Press, 2003), p. 22.

⁴ See Nhung Tuyet Tran "Woman as Nation: Tradition and Modernity Narratives in Vietnamese Histories," *Gender and History* 24,2 (Aug. 2011), pp. 411-30.

⁵ This narrative has also been adopted by the international NGO community, including the United Nations. See, for example, the chronology of events related to women's equality, in *United Nations in Vietnam: Gender Briefing Kit* (Ha Noi: 2002), pp.4-5. Friedrich Hegel, *Origin of the Family, Private Property and the State*, edited by Eleanor Burke Leacock (New York: International Publishers, 1972): pp. 119-121. For iterations of this narrative in the Vietnamese context, see Lê Thị Nhâm Tuyết, *Phụ nữ Việt Nam qua các thời đại* (Hà Nội: Nxb Khoa Học Xã Hội, 1973); Lê Thị Nhâm Tuyết & Mai Thị Tú, *La femme au Viet Nam* (Hà Nội: Éditions en langues étrangères, 1978) pp. 6-31; Vũ Thị Phụng, *Lịch sử nhà nước và pháp luật Việt Nam* (Hà Nội: Trường Đại Học Luật, 1993): pg. 110; & Keith Taylor, *The Birth of Vietnam* (Berkeley & Los Angeles: University of California Press, 1983); 72. Scott et al. also adopt this construction, which emerged out second-wave feminist writings inspired by Marxism. For the citation to Scott, see Steffanie Scott, Daniele Belanger, Nguyen Thi Van Anh, & Khuat Thu Hong, "Gender, Kinship and Agrarian Transitions in Vietnam," Pamela Michele Golah and Dzodzi Tsikata (eds.), *Gender, Globalization and Land Tenure* (Ottawa: International Development Research Centre), pp. 228-270.

⁶ For an English translation, see F. Engels, *The*

Origin of the Family, Property and the State (New York: Pathfinder Press, Origins, 1973), pp. 119–21, 162–3.

⁷ See, for example, Vũ Văn Mẫu "Lời giới thiệu" in *Hồng Đức Thiện Chính Thư* ("The [Book] of Good Government"). trans. Nguyễn Sỹ Giác (Sài Gòn : Trường Đại Học Luật, 1959) & *Cổ luật Việt Nam thông khảo và tư pháp sử* (Sài Gòn : s.n. 1974.) 3 volumes, & the English-language writings of Ta Van Tai, "Women and the Law in Traditional Vietnam," *Vietnam Forum* 3 (1984); 23-53: 23. It is difficult to exaggerate Tai's influence on writings about Vietnamese women and gender equity. Virtually every English-language work that addresses this issue cites Tai's claims that the Le Code guaranteed women equal property rights under the law. For a critique of that claim, see Nhung Tuyet Tran, "Beyond the Myth of Equality: Daughters' Inheritance Rights in the Le Dynasty," in Nhung Tuyet Tran & Anthony Reid, *Vietnam: Borderless Histories* (Madison: University of Wisconsin Press, 2006).

⁸ Jesse C. Ribot and Nancy Lee Peluso, "A Theory of Access," *Rural Sociology*, 68, 2 (2003), pp 153-181. The second quote is from C.B. Macpherson, *Property: Mainstream and Critical Positions* (Toronto: University of Toronto Press, 1978).

⁹ Derek Hall, Philip Hirsh and Tania Li, *Powers of Exclusion: Land Dilemmas in Southeast Asia* (Singapore: University of Singapore Press, 2011).

¹⁰ See Steffanie Scott, Daniele Belanger, Nguyen Thi Van Anh, & Khuat Thu Hong, "Gender, Kinship and Agrarian Transitions in Vietnam," pp. 228-270.

¹¹ Lê Thị Nhâm Tuyết, *Phụ nữ Việt Nam trước thềm thế kỷ XXI* (Trung Tâm Nghiên Cứu Giới, Gia Đình, và Môi Trường Trong Phát Triển, 2001).

¹² With the exception of officials who asked that they be named in the interview process, all stakeholders were guaranteed anonymity.

¹³ To preserve the anonymity of our respondents, we have limited our identification of the research sites to the district level only.

¹⁴ In addition to our own reading of the laws,

we are indebted to Lê Thị Ngân Giang's carefully researched summary on the legal framework for women's access to land in contemporary Vietnam. See Lê Thị Ngân Giang, "Nghiên cứu rà soát văn bản pháp luật về quyền đất đai của phụ nữ," UNDP Draft Report (September 2011).

¹⁵ Đỗ Văn Đại, ed., *Luật thừa kế Việt Nam* ("Succession Law in Vietnam"), (Hà Nội: Nxb Chính Trị Quốc Gia, 2009).

¹⁶ Participants were notified orally of their rights as stipulated in the statement of informed consent, as regulated by the Canadian Federal Policy for Ethical Conduct in Research Involving Humans: <http://www.pre.ethics.gc.ca/eng/resources-ressources/news-nouvelles/nr-cp/2010-12-07/>

¹⁷ Of course, there were certainly some respondents who shared these views about their female counterparts, but nothing as clear as this pattern among the ethnic minority populations.

¹⁸ Group 1: 20% lowest, Group 2: 20% below average, Group 3: 20% average, Group 4: 20% above average, Group 5: 20% highest.

¹⁹ See section 2.5, pp. 79

²⁰ For a critique of historicist narratives of Vietnamese law and women's property rights, see Nhung Tuyet Tran, "Woman as Nation: Tradition and Modernity Narratives in Vietnamese Histories," *Gender & History* 24,2 pp. 411-430.

²¹ Nhung Tuyet Tran, "Beyond the Myth of Equality: Daughters' Inheritance Rights in the Lê Code," in *Vietnam: Borderless Histories* (Madison: University of Wisconsin Press, 2006), pp.121-44.

²² Id.

²³ Nhung Tuyet Tran, *Familial Properties: Gender, State and Society in Early Modern Vietnam* (in press, University of Hawai'i Press)

²⁴ Though not specific to the issue of women's access to land, much research has been done on the legal system in Vietnam, from the pre-colonial through colonial era. See, for example, A. Miraben, *Précis de droit annamite et du jurisprudence en matière indigène*, (Paris: Librairie Plon, 1896), reprinted 1907. For a collection of important contemporary studies, see Bernard Durand, Philippe Langlet, & Chanh Tam Nguyen, *Histoire de la codification juridique au Vietnam* (Mont Pellier: Temps et Droits, 2001). A translation of the Code from classical Chinese into French can be found in P.E. Phlastre, *Le code annamite: nouvelle traduction complète*. 2 vols, *Études sur le droit annamite et chinois*. Paris: E. Leroux, 1909. Readers wanting an overview from another

perspective may wish to consult Ta Van Tai's 1982 study, "The Status of Women in Traditional Vietnam," though we stress that we differ in our interpretation of the content and implications of the historic codes. See Ta Van Tai, "The Status of Women in Traditional Vietnam," *Journal of Asian History* (1981). Vũ Văn Mẫu, *Cổ luật Việt Nam thông khảo và tư pháp sử* (Sài Gòn: n.p. 1964)

²⁵ Readers interested in an analysis of French attempts at imposing civil laws over a Vietnamese systems should consult James Barnhardt's exhaustive study, "Violence and the civilizing mission: Native justice in French colonial Vietnam, 1858-1914," Ph.D. Dissertation: University of Chicago, 1999.

²⁶ A. Miraben, *Précis de droit annamite et du jurisprudence en matière indigène*, (Paris: Librairie Plon, 1896), pg. 10.

²⁷ Miraben, op. cit. 81.

²⁸ Phan Văn Thiết, *Phụ nữ và pháp luật: những pháp luật mà chị em bạn gái cả ba miền phải biết để tự vệ*, (Sài Gòn: n.p. 1939).

²⁹ Phan Văn Thiết, "Phụ nữ Vietnam trước pháp luật (Sài Gòn: Võ Văn Vân, 1955); *Kiểu mẫu văn khế* (Sài Gòn, n.p. 1956); *Dân luật tư trị* (Sài Gòn: n.p. 1975) fourth edition.

³⁰ Nguyễn Văn Tố, "Revue: Code civil à l'usage des juridictions indigènes du Tonkin," in *Bulletin de l'Ecole Française d'Extrême Orient* 32 (1932), pp. 524-25 & Vũ Văn Mẫu, "Les successions testamentaires en droit Vietnamien," Ph.D. Dissertation: University of Paris, 1948, 3 vols. Vol. II (French Colonial Law): pg. 4.

³¹ Vũ Văn Mẫu, op. Cit, vol. II: pg. 11.

³² Id., pg. 12. Though there have not been studies on the subject, it should be noted that many contracts in pre-colonial Vietnam also conformed to a particular model, often including the phrase "The country has its laws and the people have their private contracts," (quốc hữu luật, dân hữu tư ước), suggesting a certain uniformity in practice, if not legislation. See Nhung Tuyet Tran, "The Commodification of Village Song and Dance in 17th and 18th Century Vietnam," in Hue –Tam Ho-Tai and Mark Sidel, *State, Society & the Market in Contemporary Vietnam: Property, Power and Values* (New York: Routledge, 2012), pp.

³³ Our understanding of Vietnamese contemporary law has been greatly improved by Lê Thị Ngân Giang's nuanced study, "Nghiên cứu rà soát văn bản pháp luật về quyền đất đai của phụ nữ," UNDP Draft Report (September 2011).

For a complete overview of the development of contemporary law with respect to women's access to land, please consult the aforementioned study.

³⁴ Art. 632, People's Law of 2005), also cited in Lê Thị Ngân Giang (2011), pg. 22.

³⁵ Case # 06/2011/DSST People's Court of the City of Vinh (25/08/2011) where the father of the plaintiff, Mr. Trần Trung Định, had two concurrent wives; Case # 15/2011/DSPT of the People's Court of Hà Nội, where Ms. Nguyễn Thị Thuận and Ms. Nguyễn Thị Nguyên, claimed that their father had two concurrent wives; Case # 174/2006/DS-ST (15-12-2006) of the People's Court of Hồ Chí Minh City, where one man died intestate, leaving two wives and nine children between those two wives; Case # 158/2006/DS-GDT (20/7/2006) of the Supreme Peoples' Court, regarding a Party Member with two wives from Hồ Chí Minh City.

³⁶ See, for example, Case Number 39/2007/DS-GDT (14/12/2007) of the Supreme People's Court of Hà Nội, where the Court decided without genetic evidence (and despite decades of a paper trail, including birth certificates and police reports), a woman could not claim to be the natural and hence legal successor to her father. In a different case, the court decided to rely on funeral images and the man's position and dress at the funeral to determine his natural and legal relationship with his father, in Case number 1491/2005/DS-PT (15/7/2005) of the People's Court of Hồ Chí Minh City.

³⁷ In our analysis of the practice of the court system, we are indebted here to John Gillespie's theorizing on the decision-making processes of Vietnamese judges and the role of formalized property rights in land disputes in Vietnamese cities. See John Gillespie, "The emerging role of property rights in land and housing disputes in Hanoi," *State, Society and the Market in Contemporary Vietnam*, Edited by Hue Tam Ho-Tai and Mark Sidel (New York & London: Routledge, forthcoming 2012) pp. 103-122 & supra.

³⁸ Here, we note that the higher courts have the authority to determine the validity of each will, memorandum of agreement, or state document guaranteeing use rights, ensuring that it has broad powers.

³⁹ See, for example, Case # 01/2011/DSST of the Provincial Court of Nghệ An (22/9/2011).

⁴⁰ For a case involving a war hero, see Case # 128/2011/DS-PT of the People's Court of Hà Nội (11/7/2011). In this case, the legal documents clearly stated that one Ms. Đào Thị Lý, a daughter

of Mr. Đào Văn Tý, had inherited most of his landed property, but her paternal cousin, Mr. Đào Duy Diễn, had essentially squatted on the property. Though the Court affirmed part of the lower court's decision require Mr. Diễn to return the land to her, it also amended the lower court's decision, requiring Ms. Lý to pay Mr. Diễn for the "improvements" he had made to the land, when he held it unauthorized. It may well be that the Hanoi Court believed that this was a fair decision and was practicing a form of distributive justice, but it can also be suggested that Mr. Diễn's designation as the child of a "war martyr in the French resistance" gave him some symbolic stature. For an example of the court deciding suitability for succession because of mother's marital status within the family hierarchy, see Case # 06/2001/DSST of the People's Court the City of Vinh (Nghệ An Province) (25/08/2001). In this case, the People's Court of the city of Vinh decides to split the property of the parents between the two surviving sons: 2/3 to the son of the principal wife, Mr. Trần Văn Vo, and 1/3 to the son of the secondary wife, Mr. Trần Trung Dinh, despite agreement between all family members that their father had explicitly divided the property equally between his sons.

⁴¹ John Gillespie, "Exploring the Limits of the Judicialization of Urban Land Disputes in Vietnam," *Law and Society Review* (2011), pg. 242

⁴² Id. 42.

⁴³ While in other provinces in the Mekong Delta, 1 sao is equivalent to 1.000 m², it is 100m² in Long An

⁴⁴ Case # 30/2011/DS-PT (23/2/2011) of the People's Court of Hanoi.

⁴⁵ Case # 252/2006/DSPT (7/11/2006) of the People's Court of Hanoi.

⁴⁶ Case # 06/2011/DSST (25/8/2011) of the People's Court of the City of Vinh.

⁴⁷ See, for example, Case # 42/2011/DSPT (15/3/2011) of the People's Court of Hanoi, where the plaintiff's sisters-in laws had "married and started their families and all had settled places to live.

⁴⁸ Case # 1201/DS-ST (14/11/2006) of the People's Court of Ho Chi Minh City.

⁴⁹ Case # 29/2006/DS-GDT (03/10/2006) of the Supreme People's

⁵⁰ See, for example, Case # 01/2011/DSST People's Court of Nghe An Province (22/9/2011), where two daughters transfer their right to household property to their brothers;

⁵¹ 26/2006/DS-GĐT of the Supreme People's Court, (02/10/2006).

⁵² Case # 25/2006/DS-GĐT (02/10/2006) of the Supreme People's Court (Hanoi).

⁵³ Case # 06/2001/DSST (25/08/2011) of the People's Court of Vinh.

⁵⁴ Case # 15/2011/DS-PT (19/01/2011)

⁵⁵ Case # 158/2006/DS-GDT (20/07/2006) of the Supreme People's Court of Hanoi.

⁵⁶ Case # 39/2007/DS-GDT (14/12/2007) of the Supreme People Court of Hanoi

⁵⁷ For example, in one instance, the People's Court of Ho Chi Minh City determined that one man was the natural son of a deceased couple by relying on funeral pictures depicting him as wearing the garments a son would wear. The Court reasoned that only natural children (quan hệ máu thịt) would be allowed to participate in such a way. Case # 1491/2005/DS-PT (15/07/2005) of the People's Court of Ho Chi Minh City.

⁵⁸ Here, the respondent seems to include money/capital when speaking of "moveable property."

⁵⁹ See, for example, Case # 06/2008/DS-ST, The People's Court of the District of Tiên Lữ (sic), Hưng Yên Province (06/8/2008), where before his death in 2003, Mr. Môn divided his property between his eldest son, Mr. Bùi Văn Đức and his youngest son, Mr. Bùi Văn Mạnh, excluding both of his daughters. In this case, it is the youngest son, who remained living with Mr. Môn, who was given the responsibility of accepting the "ancestral property" on which he would be responsible for building a family temple to maintain the ancestors' spirits.

⁶⁰ The People's Law of 2005 establishes: A legal testament must meet all these requirements: the person who establishes it must be of sound mind and clear-headed when they establish it; [the] must not be conned, pressured or threatened into doing so; the contents of the testament must not violate the law and social morals; the form of the testament must not violate the law. Written testaments must have a witness. In the case the person establishing the will and testament is not able to write it, then they may ask another person to write it, but in those cases, there must be at least two witnesses to the act; the person establishing the testament and all those who serve as witnesses must sign the document or leave their fingerprint.

⁶¹ Joan W. Scott, "Gender: a Useful Category of Analysis," *The American Historical Review* Vol. 91, No. 5 (Dec., 1986), pp. 1053-1075. Shelly Errington,

"Recasting Sex, Gender, and Power: A Theoretical and Regional Overview," in *Power and Difference: Gender in Island Southeast Asia*, edited by Jane Atkinson and Shelly Errington (Stanford: Stanford University Press, 1990), pp. 1-58

⁶² Rie Nakamura, "The Cham Muslims in Ninh Thuan Province, Viet Nam," CIAS Paper, pg. 10

⁶³ Doris Blood, "The Ascendancy of the Cham Script, How a Literacy Workshop became the Catalyst," *International Journal of the Sociology of Language* (2008) Issue 192, pp. 45-55,

⁶⁴ Though the respondent is asserting equality, we believe that this was a mistake, given the rest of her statement, which clearly indicates that she does not believe the relationship is equal.

⁶⁵ Here, the shared imagined community of women with equal rights is fostered by simultaneous consumption of news on a particular day, similar to Benedict Anderson's theory on the rise of nationalism in the world. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso Press, 1991).

REFERENCES

1. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso Press, 1991).
2. Bernard Durand, Philippe Langlet, & Chanh Tam Nguyen, *Histoire de la codification juridique au Vietnam* (Mont Pellier: Temps et Droits, 2001).
3. Canadian Federal Policy for Ethical Conduct in Research Involving Humans: <http://www.pre.ethics.gc.ca/eng/resources-ressources/news-nouvelles/nr-cp/2010-12-07/>
4. Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonialist Discourses," in *Feminism without Borders: Decolonizing Theory, Practicing Solidarity* (Durham, NC: Duke University Press, 2003).
5. *Dân luật tư trị* (Sài Gòn: n.p. 1975) fourth edition.
6. Derek Hall, Philip Hirsh and Tania Li, *Powers of Exclusion: Land Dilemmas in Southeast Asia* (Singapore: University of Singapore Press, 2011).
7. Đỗ Văn Đại, ed., *Luật thừa kế Việt Nam* (Hà Nội: Nxb Chính Trị Quốc Gia, 2009).
8. Doris Blood, "The Ascendancy of the Cham Script, How a Literacy Workshop became the Catalyst," *International Journal of the Sociology of Language* (2008) Issue 192, pp. 45-55,
9. F. Engels, *The Origin of the Family, Property and the State* (New York: Pathfinder Press, Origins, 1973).
10. James Barnhardt, "Violence and the civilizing mission: Native justice in French colonial Vietnam, 1858-1914," Ph.D. Dissertation: University of Chicago, 1999.
11. Jesse C. Ribot and Nancy Lee Peluso, "A Theory of Access," *Rural Sociology* 68, 2 (2003), pp 153-181.
12. Joan W. Scott, "Gender: a Useful Category of Analysis," *The American Historical Review*
13. John Gillespie, "Exploring the Limits of the Judicialization of Urban Land Disputes in Vietnam," *Law and Society Review* (2011).
14. John Gillespie, "The emerging role of property rights in land and housing disputes in Hanoi," *State, Society and the Market in Contemporary Vietnam*, Edited by Hue Tam Ho-Tai and Mark Sidel (New York & London: Routledge, forthcoming 2012) pp. 103-122 & supra.
15. Keith Taylor, *The Birth of Vietnam* (Berkeley & Los Angeles: University of California Press, 1983)
16. *Kiểu mẫu văn khế* (Sài Gòn, n.p. 1956);
17. Lê Thị Ngân Giang's nuanced study, "Nghiên cứu rà soát văn bản pháp luật về quyền đất đai của phụ nữ," UNDP Draft Report (September 2011).
18. Lê Thị Nhâm Tuyết & Mai Thị Tú, *La femme au Viet Nam* (Hà Nội: Éditions en langues étrangères, 1978) pp. 6-31;
19. Lê Thị Nhâm Tuyết, *Phụ nữ Vietnam qua các thời đại* (Hà Nội: Nxb Khoa Học Xã Hội, 1973);
20. Meijl and F. von Benda-Beckmann (eds), *Property rights and economic development: Land and natural resources in Southeast Asia and Oceania* (London and New York: Kegan Paul International).
21. Miraben, *Précis de droit annamite et de jurisprudence en matière indigène*, (Paris: Librairie Plon, 1896), reprinted 1907.
22. Nguyễn Sỹ Giác (Sài Gòn : Trường Đại Học Luật, 1959) & *Cổ luật Vietnam thông khảo và tư pháp sử* (Sài Gòn : s.n. 1974.) 3 volumes,
23. Nguyễn Văn Tố, "Revue: Code civil a l'usage des juridictions indigenes du Tonkin," in *Bulletin de l'Ecole Francais d'Extreme Orient* 32 (1932), pp. 524-25
24. Nhung Tuyet Tran "Woman as Nation: Tradition and Modernity Narratives in Vietnamese Histories," *Gender and History* 24,2 (Aug. 2011), pp. 411-30.

25. Nhung Tuyet Tran, "Beyond the Myth of Equality: Daughters' Inheritance Rights in the Lê Code," in *Vietnam: Borderless Histories* (Madison: University of Wisconsin Press, 2006), pp.121-44.
26. Nhung Tuyet Tran, "Beyond the Myth of Equality: Daughters' Inheritance Rights in the Lê Dynasty," in Nhung Tuyet Tran & Anthony Reid, *Vietnam: Borderless Histories* (Madison: University of Wisconsin Press, 2006).
27. Nhung Tuyet Tran, "The Commodification of Village Song and Dance in 17th and 18th Century Vietnam," in Hue –Tam Ho-Tai and Mark Sidel, *State, Society & the Market in Contemporary Vietnam: Property, Power and Values* (New York: Routledge, 2012),
28. Nhung Tuyet Tran, "Woman as Nation: Tradition and Modernity Narratives in Vietnamese Histories," *Gender & History* 24,2 pp. 411-430.
29. Nhung Tuyet Tran, *Familial Properties: Gender, State and Society in Early Modern Vietnam* (in press, University of Hawai'i Press)
30. P.E. Phlastre, *Le code annamite: nouvelle traduction complète. 2 vols, Études sur le droit annamite et chinois.* Paris: E. Leroux, 1909.
31. Phan Văn Thiết, "Phụ nữ Việt Nam trước pháp luật (Sài Gòn: Võ Văn Vân, 1955);
32. Phan Văn Thiết, *Phụ nữ và pháp luật: những pháp luật mà chị em bạn gái cả ba miền phải biết để tự vệ,* (Sài Gòn: n.p. 1939).
33. Rie Nakamura, "The Chăm Muslims in Ninh Thuận Province, Việt Nam," CIAS Paper.
34. Shelly Errington, "Recasting Sex, Gender, and Power: A Theoretical and Regional Overview," in *Power and Difference: Gender in Island Southeast Asia*, edited by Jane Atkinson and Shelly Errington (Stanford: Stanford University Press, 1990).
35. Steffanie Scott, Daniele Belanger, Nguyen Thi Van Anh, & Khuat Thu Hong, "Gender, Kinship and Agrarian Transitions in Vietnam," Pamela Michele Golah and Dzodzi Tsikata (eds.), *Gender, Globalization and Land Tenure* (Ottawa: International Development Research Centre), pp. 228-270.
36. Sikor Thomas, Christian Lund, *The politics of possession: property, authority and access to natural resources* (Willey-Blackwell, 2009)
37. Ta Van Tai, "Women and the Law in Traditional Vietnam," *Vietnam Forum* 3 (1984); 23-53: 23.
38. Ta Van Tai, "The Status of Women in Traditional Vietnam," *Journal of Asian History* (1981).
39. *United Nations in Vietnam: Gender Briefing Kit* (Ha Noi: 2002), pp.4-5.
40. Vũ Thị Phụng, *Lịch sử nhà nước và pháp luật Việt Nam* (Hà Nội: Trường Đại Học Luật, 1993).
41. Vũ Văn Mẫu "Lời giới thiệu » in *Hồng Đức Thiệu Chính Thư* ("The [Book] of Good Government").
42. Vũ Văn Mẫu, "Les successions testamentaires en droit Vietnamien," Ph.D. Dissertation: University of Paris, 1948, 3 vols. Vol. II (French Colonial Law): pg. 4.
43. Vũ Văn Mẫu, *Cổ luật Việt Nam thông khảo và tư pháp sử* (Sài Gòn: n.p. 1964).



United Nations Development Programme
25-29 Phan Boi Chau,
Ha Noi – Viet Nam
Tel: (84 4) 39421495
Fax: (84 4) 39422267
Email: registry.vn@undp.org
www.undp.org.vn

*Empowered lives.
Resilient nations.*