10 Social security in the extractive state

Gender, land inheritance, and agrarian change in Ratanakiri, Cambodia

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Introduction

Land inheritance has traditionally been a key social protection mechanism in the rural world. Young people are able to start or consolidate their own farms through inheritance, while older people secure care by providing land to children who look after them. Even though the shift from subsistence to commercial farming means that farming is becoming less important than wage labour to household incomes, land still retains a crucial affective, social, and economic function within rural families. In countries where rapid agricultural commercialization and 'land grabs' have radically altered the landscape, however, smallholder farmers face land scarcity. Since the mid-1990s, the Cambodian government has actively pursued agricultural development objectives underpinned by an 'extractive' logic within which private economic interests and patronage networks reinforce centralized authoritarian political power. Wealth and natural resources have been concentrated in the hands of the elite without any mechanisms to promote egalitarian resource redistribution. Thus, at the same time as it is undermining informal, family-based social protection, the state continues to be conspicuously absent as a provider of social security.

As land becomes a scarce commodity, land-poor families in Cambodia's Northeast are increasingly concerned with negotiating inheritance for their children to guarantee economic and social security for all members of the family unit. While the growing literature on land relations in Cambodia tends to focus on conflict between households and agribusiness/political elites, every day, intimate struggles over resources also need to be recognized (Brickell, 2020; Jackson, 2003). Families negotiate inheritance decisions in diverse ways, taking into account intersecting demands and expectations over old age care, familial love, inter-generational wealth, fairness, and affective relationships with the land that show a complex and dynamic moral economy of land transmission. In this chapter, we examine changing inheritance practices as a lens through which to understand the gendered and

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generational effects of the incursion of capitalist social relations in rural areas.

This chapter is based on extensive qualitative interviews carried out by members of the DEMETER research team in 2016–2017 and again in 2019–2020 in Ratanakiri province, Cambodia. Ratanakiri is home to the majority of the country's indigenous groups and increasing numbers of Khmer (ethnic majority) who have migrated from lowland provinces. We draw from around 180 semi-structured interviews and ten focus group discussions with farmers (women and men), including indigenous Charay and Tampuan ethnic groups, as well as Khmer. All interviews were conducted in Khmer or Tampuan and Charay languages, and transcribed into English. The transcripts of the semi-structured interviews have been coded in NVivo using inductive coding. In what follows, we first discuss theories and relevant legal provisions on social protection and the moral economies of land inheritance; then we examine changes in inheritance practices at the household level, and discuss how these practices contribute to shifting social relations of class, gender, age, and indigeneity to produce new forms of empowerment and inequality in rural communities.

Social protection and the absent–present state

Social protection[1] consists of practices, policies, and programmes aimed at reducing vulnerability and enhancing capacity to manage risk in times of social and economic crisis (ICRW, 2006). Although the right to social security is clearly articulated in Article 22 of the Universal Declaration of Human Rights (1948) and in Article 9 of the International Covenant on Economic, Social and Cultural Rights (1966), in many countries, social protection is increasingly being privatized within families as states following neo-liberal approaches have retreated from active provisioning. Nancy Fraser (2016) describes how the current, financialized form of capitalism is 'systematically consuming our capacities to sustain social bonds' by withdrawing public social supports and depending on families (particularly women) to provide unpaid care as well as income from paid work. This has resulted in a 'crisis of care', which is intertwined with the ecological crisis, as capitalism sees both nature and social reproductive capacities as free gifts to exploit. Even where formal social protection schemes are provided, rural people who work on their own farms, do caring work, and labour in informal employment are often ineligible for the state benefits that accrue to urban people in formal employment (Cook et al., 2003). Social security systems are also premised upon gendered constructs with a presumptive male breadwinner and, as in the case of the Cambodian constitution, women being positioned as 'housewives' (ICRW, 2006; Sepúlveda Carmona & Donald, 2014). The burden of caring work usually falls disproportionately on women, whose invisible reproductive labour, alongside

structural discrimination in education and employment, excludes them from high-earning economic opportunities and formal employment relations (Goldblatt & Rai, 2020; ICRW, 2006; Sepúlveda Carmona & Donald, 2014).

The ability to access and control land is a strategy used by rural people to manage economic shocks and social risks including family dissolution, illness, disability, and indebtedness. Land rights for men and women are often affirmed in legislation, although customary law regarding land inheritance usually prevails on the ground and may, in some contexts, perpetuate inequalities of gender, age, class, and ethnicity (Toulmin, 2009). Across Asia, the growing dominance of globalized markets has reshaped the social contract between state and citizens in relation to access to land (Rao, 2008). This has gendered implications: market mechanisms often favour private capitalists over family-based small farms, and even if legal and policy frameworks support equitable land rights, neo-liberal economic policies use state power to legitimize the alienation of communities, especially women, from their rights to land and resources (Rao, 2008).

In Cambodia, Article 36 of the constitution states, 'Every Khmer citizen shall have the right to obtain social security and other social benefits as determined by law'. The 2001 Land Law makes provision for gender equality through presumptive joint land registration and titling (Thiel, 2010). The Civil Code, adopted in 2007, provides that both women and men have equal rights in accessing bank loans and inheritance.[2] The 2019 Law on Social Security aims to entrench a system of comprehensive maternity, unemployment, illness, disability, and old age pension coverage that would be extended to those working in the private sector as well as civil servants who were covered under the pre-existing benefits schemes defined in the 2008 National Social Security Fund for Civil Servants (Hiilamo et al., 2020). In practice, however, these state schemes remain inaccessible for the majority of rural people, particularly women who tend to have less of the education and political connections that would enable them to access formal employment in the public sector. This situation compounds pre-existing gender inequalities (ILO, 2012). The state may therefore be present as a provider of social security in policy documents and legislation, but this has little meaning for rural people if they are not aware of these policies, or if they deem the judicial and administrative systems untrustworthy, inaccessible, or violent and therefore do not claim their entitlements. Amongst people we spoke with, there was rarely any sense that the state should be providing health, education, adequate housing, or social security in the event of disability, illness, old age, or caring responsibilities.

The state thus exists as a 'ghostly' absent presence in the everyday lives of rural upland communities (Gordon, 2008); absent in terms of public social service provision, but increasingly present as a mediator of global capital and an enforcer of private property rights for those with the right political connections and economic power. Upland spaces have rapidly been brought into global circuits of capital and into the everyday bureaucratic realm of

the state. Starting from the mid-2000s, and particularly around 2012–2013, agribusiness concessions, land speculators, and lowland migrants have moved into the province *en masse*, encouraged by state economic development policies promoting agribusiness investment through Economic Land Concessions (ELCs), and the provision of private land titles. Communities that previously saw land as a plentiful and fertile common resource have rapidly developed a sense that it has become scarce and impoverished. The idea that land is essential to life was a dominant theme in our interviews, as one woman eloquently stated:

> If we have land, we can work on it for survival. But if we do not have land, we sell labour and just earn income from day to day. How can we survive? People hope on land to improve their lives and their children's, on and on… As a mother, I worry about land.
>
> (44-year-old woman, November 2019)

The arrival of ELCs had a profound impact on people's farming and inheritance practices. Communities had to clear and cultivate whatever land they could to prevent the land being grabbed by companies and well-connected elites. Families that lacked the labour and resources necessary to quickly clear land, or who sold land due to debt or hardship, were forced to turn to low-wage labouring. Park and Maffii (2017, p. 1248) suggest that a 'gender fissure' is emerging in indigenous communities as men have more mobility than women. Young men are more likely to speak Khmer and to have access to mobile phones and motorbikes, while young women face the cumulative obstacles of time scarcity, workload and responsibilities as farmers and carers, and the barriers created by patriarchal norms and discrimination. However, literature on agrarian transformation makes clear that we cannot assume any simplifications about the ways commercialization of agriculture affects people, and upland women have diverse aspirations, class positions, and integration into commercial agriculture and off-farm livelihoods (Frewer, 2017).

Changing moral economies of land inheritance

The burgeoning literature on land in Cambodia tends to focus on land acquisition through the state and market or on land conflict between village households and agribusinesses (Sovachana and Chambers, 2018; Un and So, 2011). Until recently, there has been little discussion of intra-familial land inheritance practices and the way in which macroeconomic structures are influencing the everyday struggles and land inheritance strategies within extended families[3] (FAO, 2019). What we find in practice is a diversity of mechanisms through which families negotiate various intersecting demands and expectations over old age care, affective relationships, and intergenerational wealth and fairness that show an economy of land inheritance based on complex moral judgements. The notion of a 'moral economy' of

land inheritance draws attention to the mutuality of relationships involved in these transactions that are not exclusively economic in nature but also repose upon social and cultural values (Carrier, 2018; Gudeman, 2016). The outcomes of these negotiations are often filled with ambiguity for land-poor women.

State intervention through the formalization of land tenure rights may be beneficial for women where legislation and policies mandate equal inheritance and rights over land in cases of divorce or widowhood. In practice, however, in many countries, the formalization of land rights has instituted a patriarchal system of titling land in the names of male heads of households, which can deprive women of their traditional property rights (Peters, 2010). In the case of Ratanakiri, our research has documented many cases of departure from the formally equal land inheritance rights laid out in legislation in the interests of preserving matrilineal land inheritance customs that seemingly favour women. Amongst groups with communal land governance and use structures, such as pastoralists and indigenous communities, privatization of communal land can undermine customary land tenure arrangements. Lesorogol points out that this does not necessarily dissolve existing relationships, however; rather, it can create a gap in social institutions relating to land inheritance that encourages a diversity of practices to proliferate (2014). This is certainly true in Ratanakiri where the complex mix of collective forest, fishery, and grazing lands that was previously managed by indigenous communities together with their family farms and residential land has increasingly been enclosed and privatized. This has occurred despite the constitutional recognition of indigenous collective title and the mechanisms supposedly in place to enable indigenous communities to assert claims over communal land (Bourdier, 2019).

The growth of diverse non-farm livelihoods in Southeast Asia's rural communities means that there is no longer a straightforward linkage between land inheritance and gendered social status. Land inheritance may restrict people's mobility and ability to gain education and off-farm livelihoods or to 'utilise land through markets' (Fernando, 2015). In communities such as those in upland Cambodia where women may have previously secured status through land inheritance, increasing land atomization, whereby inherited plots are too small to be economically viable, may also be eroding the function previously performed by land in the provision of social security (Agarwal, 1991).

In rural areas, land access and ownership has traditionally played a key role in a person's social status and economic security. A rich literature in feminist economics and agrarian studies confirms how important land rights are for rural people's food security, women's autonomy, and sense of identity (Quisumbing, 2003; Tsikata & Golah, 2010). Access to and control over land is fundamentally gendered, and patterns of inheritance favour men in most of the world (Cheryl Doss et al., 2014; Deere & Leon, 2003). However, differences among women are equally important (Doss et al., 2014). Women's changing relationships – whether as members of landholding families,

as members of groups that do not own land, as migrants, and as divorcées or widows – structure their access to and control of land. Within Southeast Asia, the predominantly bilateral and matrilineal inheritance systems in land are said to give women more status than in South Asia, with its patriarchal systems of land control (Kieran et al., 2015). It is important to remember, though, as Errington (1990) points out, that while bilateral and matrilineal inheritance may provide status, this does not mean women have *control* over the land (Peluso and Lund, 2011) or that they are able to exercise each of the different 'bundles of rights' attached to ownership (Doss & Meinzen-Dick, 2020), nor does it mean that women have access to property management and public authority (Agarwal, 1994).

Inheritance norms are not static; as agricultural production practices become more market-oriented, there is a tendency for matrilineal societies to adopt the more restrictive practices of patrilineal inheritance (Lastarria-Cornhiel, 2005), undermining women's customary land rights (Jacobs, 2009b). But feminist scholars are careful to note that customary arrangements do not always give women more rights of access and control, and claims to land must be constantly negotiated (Jacobs, 2009a). State efforts to formalize land rights also influence customary systems in ambiguous ways. Formalizing land rights can be beneficial to women when states mandate equal social protection provisions in patriarchal systems, such as bilateral inheritance and women's control over land in cases of divorce/widowhood (Jacobs, 2009b). But, in practice, the formalization of land rights often institutes patriarchal systems of titling land in male head of households' names, and in matrilineal societies, mandating bilateral inheritance harms women's status (Peters, 2010).

The growth of non-agricultural livelihoods in rural communities calls into question the relationship between land inheritance and gendered social status. As societies adapt to land scarcity and market conditions, land can paradoxically become both more valuable (as scarcity causes land prices to rise), and also assume less importance in rural household livelihood strategies as off-farm work becomes more prevalent (Rigg, 2006). In contexts where the contribution of agriculture to household incomes has declined, women's land rights may increase their work burden without providing them with greater status or decision-making authority in their households and communities (Rao, 2006). Land inheritance can restrict people's mobility and ability to gain education and off-farm livelihoods, 'shackling' young people to the soil (Fernando, 2015). While the ability to inherit land can secure some status for women, this might no longer be the case once inherited plots become too small to be commercially productive. Agarwal (1994), however, argues that even if land is not large enough to be economically viable it still plays a role as part of livelihood diversity, but this requires empirical understanding of how this works as part of diverse household strategies, and careful consideration of how land may increase the double/triple burden on women as well as increasing their status.

'The lucky and unlucky daughter': moral economies of land inheritance in Ratanakiri

The legal provisions governing inheritance practices in Cambodia – in particular the Civil Code – assert that parents should divide assets equally amongst their children. But our study revealed a huge diversity in inheritance norms, and no one felt that the law reflected their reality; in fact, one young man noted, 'In our country we follow the parents first and then the law, but for other countries they comply with the law first and then parents' (22-year-old Charay man, April 2016). All indigenous Charay families said that the traditional practice in their communities was to transmit land and the family name to their daughters (Park & Maffi, 2017).

Customary land rights comprise a mosaic of residential and farm lands that passed through the family line, and community forest land that young couples could clear for practising shifting cultivation. Most people felt it was appropriate to give land to daughters and not sons, because matrilocal norms meant that sons would gain land through marriage and men were seen to have the strength to clear forest land if needed: 'Daughters do not know how to get land. For men, after their marriages, they will come to live with the lady's side and get land' (35-year-old Charay man, November 2019). Some families passed land on equally amongst daughters upon the daughters' marriage, while families with less land often held back plots for the daughter who would care for them in old age (usually the youngest daughter). This custom means, as one 17-year-old indigenous woman said, that the youngest daughter is the 'lucky and unlucky daughter':

> She is lucky because she will get the property more than any other daughter in the family even the home not only land. She is unlucky because when parents get older and cannot do farming anymore, she will take all responsibilities to taking care of them and feed them.
>
> (17-year-old Charay woman, March 2016)

Indigenous Tampuan families in our study had different inheritance norms from Charay families; while still following a matrilineal inheritance line, most families gave some land to sons also. Amongst the Khmer, inheritance practices were heterogeneous. Most practised bilateral inheritance, with all children receiving farmland, and holding back residential land for the person who would look after their parents in old age – usually the youngest daughter (60-year-old Tampuan woman, April 2016).

Traditional Charay and Tampuan matrilineal inheritance practices provide a higher status for women than in patrilineal communities. With no dowry to pay and with the woman bringing land into the relationship as well as carrying on the family name, many people said that daughters were favoured because they continued the family line (40-year-old Charay woman, April 2016).

But now that land is increasingly scarce, being the provider of land is a double-edged sword for women's status: women are rooted to the land, while

men are more mobile. In fact, many families said they did not pass on land to their sons, but they passed on assets such as 'money, motorbikes, and gold necklaces', which provide men with the mobility to access education and job opportunities outside the village, and money to make different livelihood choices (52-year-old Charay woman, March 2016).

Changes induced by land scarcity

In Ratanakiri, the moral economy of land inheritance is changing, as people no longer have enough land to pass on to children and there is very limited access to forest for clearing new land. We found that, rather than any strong new norms emerging, social norms are in flux, as people find different strategies to cope with the scarcity, trying to help their children get established, and prepare for old age. We analyse these emerging norms below through a generational lens, looking first at the implications for youth and then for their parents.

Transmission of land to the younger generation

Matrilineal or gender-neutral inheritance?

Land scarcity and the loss of forest land means that families with sons face the possibility that their daughter-in-law's family will not have land to pass down to her, and their son will become landless. Families had different ways of dealing with this possibility. Some people planned to continue their matrilineal inheritance traditions and said their son would just have to make his own way (65-year-old Charay man, April 2016). Others suggested that the old inheritance norms were no longer fair if men were unable to inherit land from in-laws or clear new land plots from the forest. For this reason, families were starting to pass small land parcels down to their sons and daughters. Many people shared a sentiment that sons also should now get land, particularly among families that possessed enough land to be able to spare some for sons. A typical case is one Charay woman whose parents distributed land only to their daughters in the customary way, but who is now married with two sons and one daughter, and is considering passing some land on to all her children when they marry:

> I will consider it when they marry. If their wives inherit land, I will give [my sons] small lands such as 1ha each. The rest, I will inherit to my daughter, and my husband and I will live with my daughter until the end of my life. If their wives only inherit a small amount of land, I will consider giving my sons more land.
>
> (38-year-old Charay woman, April 2016)

The prospect of marrying into a family that did not have land worried both parents of sons and the young men themselves. In one interview with a

55-year-old Charay man and his son, both spoke about their anxiety for the next generation:

SON: If parents do not pass on land to sons, how can they have land for living? If my parents do not inherit land to me, everything will be finished. If a son gets married to a lady whose parents also do not have land, what could he do? From where could he find land in this time?

FATHER: I agree we should inherit land to all children. It is not like the past where people could clear land wherever they wanted. I lie down and I think of the next generation; they face difficulty from today onwards.

(24 year-old and 49 year-old Charay men, March 2016)

Like others in formerly matrilineal families, this father had passed farmland on to all his children, and had also divided his large residential land plot to allow his children to build houses next to his, a shift in norms that disrupts long-held matrilocal norms in this community whereby married couples live near the wife's natal family. This change has implications for childcare and support, as the wife's mother often takes a large role in assisting her daughter as she raises her own family, and this informal social security may not be available to her if daughters relocate to live with their husbands upon marriage.

Land use rights and shared cultivation

This context of shifting inheritance norms has thrown customary practices and social status linked to land into flux. Families who provide land in their son's village may have to act cautiously to avoid shaming his wife's family, or they may worry that they will not have enough land to divide when their younger children marry. People are devising creative strategies to deal with the new context of land scarcity, including providing sons and their spouses with use rights to the land rather than passing down ownership (62-year-old Charay woman, November 2019). Some indigenous families said they share cultivation of rice with their parents and parents-in-law because the rice land is not large enough to divide between children, and then the wider family shares the rice harvest among themselves for eating; this arrangement is more unusual with cash crop fields. This practice of giving use rights rather than ownership caused tension in some families; one Charay woman in her 50s with eight children said she gave use rights to her oldest children to share management of her land rather than passing some on, because she did not have enough for everyone: 'I have so many children … [and] my land is not enough to distribute to my children… Now, my daughter complains about her father who does not inherit her the land yet' (55-year-old Charay woman, March 2016).

Children choosing not to take inherited land from parents

Adult children also exercised agency to refuse land from their parents. Some said they chose to give back their land or not take land their parents promised

them because they knew that this would leave their parents in a difficult position in future years (22-year-old Tampuan man, February 2020). Others said it was inconvenient to take the land as they did not live nearby, or they would buy land themselves (32-year-old Tampuan woman, March 2016). This care for the family extended to the wider family unit. For example, a Khmer man who was brought up by his grandmother inherited land and livestock from her and from his parents. When his in-laws offered him and his wife land, they refused because they felt that her parents did not have enough land to survive themselves. 'This is because my side we have enough land and some property but my wife's family have nothing … they gave us the land but we rejected it because I know they don't have anything' (23-year-old Khmer man, November 2019).

Delaying inheritance and marriage

Some families who found themselves suddenly facing land scarcity – whether because of land grabs, forest enclosure, or land sales – did not yet have a strategy for passing on their assets, and many seemed unsure what they would do. In some cases, families were putting off passing on land, even though their children had already married. Some young people said they were delaying getting married due to a lack of money and land to farm and build a house on. One Charay woman in a relationship said she was currently growing cassava to save money, and she hoped to get married soon because, 'If we do not do it, I am afraid that the ghost or spirit will come' (22-year-old Charay woman, February 2020). Some families said they were using family planning methods to have fewer children, because, as one woman noted, 'I don't want to have more children because … there is no land for the next generation to access' (30-year-old Charay woman, April 2016).

Changing notions of valuable inheritance land

With the need for cash to pay for food (that now must be bought from the market due to the reduction in rice production and forest loss, as well as the growing desire for, and status associated with packaged food), and money to pay for farming inputs, school fees, and other new 'needs', the notion of what value inherited land has is also changing. Passing on uncleared forest land was seen as less desirable than passing on land with mature fruiting cashew trees. Even if parents had very little land to pass on to children, growing cashew on the land could increase its value for children through providing a steady income source. In one interview, a woman commune councillor instructed another Charay woman to grow cashew on the land so her children could gain ongoing income:

> Growing cashew nuts is good for children. When they marry, they can make money from selling cashew nuts. You have only one daughter and two sons. This would not be difficult for you.
>
> (38-year-old Charay woman, April 2016)

Value also depended upon what crop 'boomed' at the time; one Khmer woman said that while she only received one hectare of land from her parents, she received a mature rubber field while her siblings received cassava fields, and were forced to pull out the cassava after the price plummeted (39-year-old Khmer woman, February 2020). Cashew nut trees were also valuable, and could provide an income for children and grandchildren, as children could harvest the nuts. One young Charay woman from a large family of eight siblings said her father was determined to provide an income for his grandchildren so they did not have to work for others:

> My father grows cashew trees for me [on] land which he inherited to me. He said if he passes away, at least there are cashew nuts for his grandchildren to harvest and sell to get cash … All of these lands, there are people asking to buy but my father said he won't sell land. … Land now is very expensive. Like my land, if I decided to sell, they would give me $30,000, but my father said he doesn't want to sell because he has many children and grandchildren.
>
> (18-year-old Charay woman, April 2016)

This quotation is interesting also for the debate it raises over what can be done with inherited land. While we heard from many people who sold some or all of their inherited land when land prices rose, this woman seemed tempted to sell but suggested it was her father's decision.

Care for the older generation

Cambodian parents making land inheritance decisions are concerned both with how to give their children the best start in adult life, and how to ensure that they themselves are cared for in older age, in a context where no formal systems of social support are available. Older people who do not have land to share with their children said they were fearful that they would not be cared for, such as a Charay woman who said:

> I used to feel so happy because I thought I had big land for my children but now I don't know what to think because if I share to my children, I will have no land when I am in old age. When I am old and I still have land, my children will come close to me and take care of me but if I don't have land when I am old, no one will come to see me.
>
> (58-year-old Charay woman, March 2016)

There was a strong sense from this woman and others that caring for parents was a moral obligation expected of children, but also that it was not automatic. People talked about the possibility that their children may choose not to care for them, and what they would do in this situation:

> If children love parents, then they would give some money to parents. But if they do not love parents, they won't give money to parents.
>
> (40-year-old Charay woman, December 2019)

Widowed or divorced women without children, or whose children are estranged, are particularly vulnerable if they have limited land resources and often have to rely on extended family networks for support. In one case, an indigenous woman married a Khmer migrant who sold land she had inherited from her own family, then left her and went back to Phnom Penh. His brother, who continued to live locally, said that when she was older, his children would look after her. In other cases, husbands had retained land upon divorce, sometimes selling it, which meant that the children could not receive land. The father of one divorced woman with three children said that,

> All three children are living with my daughter, and her husband did not inherit any property to the children. The village chief said that I can file a complaint but now it is over.
>
> (55-year-old Charay man, November 2019)

In cases where people did not have daughters who would care for them, most Charay people said the custom was for the niece (child of wife's sister) to inherit land and come to take care of people in their old age. But some disagreed, and one man said this was a 'stupid idea' because only their own children would take care of them, so they would rather pass land down to their son and his wife even if this meant doing things differently. When the interviewer expressed surprise that this man did things differently from other interviewees, the man said he was influenced by Khmer families:

> I started to think like this about three or four years ago. No reason we inherit our land to the other beside our children. Just following the culture without thinking properly I think it's wrong. I met and discussed with Khmer people, they also said that 'whether son or daughter, they are [still] our blood'. We have to inherit to them equally. I will not inherit my land to other people that will not take care of me and my wife when we are old. Currently, I still have power to work so it is ok but when I am getting old, how can I survive? If I get sick, who can help me? There are only my children.
>
> (55-year-old Charay man, April 2016)

This quote suggests that the emerging norm of inheriting land bilaterally to both daughters and sons appears to be motivated both by the possibility that sons will not receive land from their in-laws, as well as the influence of Khmer migrant practices of bilateral inheritance. One 25-year-old Charay woman expressed this as: 'Charay people learn from Khmer practice. They are afraid

that sons will be jealous of daughters who inherit land. So some families start passing on land to sons too' (25-year-old Charay woman, March 2016).

A second way in which Khmer migrants influence inheritance norms in indigenous communities is through the growing number of mixed marriages between Khmer and indigenous people. Most often, this was Khmer men marrying indigenous women. Some indigenous interviewees felt that Khmer migrant men wooed and married indigenous women just so they could claim land from them. Some indigenous families responded by changing their practices when their daughters married Khmer, such as several indigenous women who said their mothers did not share any land with them upon marriage as they did not trust their Khmer husbands:

> I do not have land. I only work on my mother's small land … She did not dare inherit land to me with a land title because I got married to a Khmer man. She is afraid that my husband would sell that land. So I just keep working on her land and get some harvest for sale.
>
> (32-year-old Charay woman, April 2016)

Strategies for ensuring income and care in old age

Several families who did not have land to bequeath to their children said they hoped to buy land in order to pass it on, on the understanding that this would mean that they would be cared for once they were no longer able to work. Others tried to secure more land by selling the small plots they inherited and buying land in more remote areas that was cheaper so that they could give their children a farming livelihood and continue to live with them. This was a risky strategy, however, as more remote land was difficult to access and maintain. Some older people whose children did not live nearby said they hired others to work on their land if they could afford it. One older Charay man who grew cashew, banana, and pepper, said 'I earn money from renting my ten hectares of farming land to buy rice to eat… Both of us are old enough to relax' (58-year-old Charay man, April 2016). The differences in these strategies depended fundamentally on class divisions, as the new pressures on land had deepened inequalities of land ownership within and between ethnic groups.

Outcomes of new pressures on land: deepening class, gender, and ethnic divisions

One of the main implications of land scarcity and the changing patterns of land inheritance is a deepening of class, ethnic, and generational divisions within communities. People's narratives identified growing inequality between those who were able to amass land (and capital through logging) prior to land prices rising and forest land enclosure, and those who had little or no land to pass on to their children and few other decent livelihood options available.

This is particularly an issue for girls, as their status has previously been reproduced as holders of the family name and land, but they get married early and usually receive limited schooling. This means it is difficult for them to move into jobs that require literacy, and they are more likely to end up labouring on other people's farms if they do not have sufficient land in their own family. When we asked indigenous families who had limited land how their children would cope, they often connected land scarcity to the growing class of landless labourers in the village, and the potential that their children would become labourers:

> I do not know what we will do [about land inheritance]. We will wait and see. Now, parents could inherit around one hectare to each of their children. And it is hard to live with this amount of land. They would live by selling labour their whole life.
>
> (42-year-old Charay man, March 2016)

Khmer families who had not managed to amass land holdings were similarly concerned about their ability to provide for their children, and worried that their children would become labourers or migrants to the city or to Thailand. Others suggested that children who did not have land to inherit might have to delay the transition to adulthood and forming their own household, because if they did not have land 'they can only continue living with their parents and taking care of their parent's farm, tapping their parents' rubber or going to work for other people' (30-year-old Khmer woman, March 2016).

Labouring for others was seen as a shameful activity, of a lower status and less secure than owning one's land. However, this sentiment was expressed strongly in our first round of interviews in 2015–2016, while in 2019–2020, fewer people discussed the shame of labouring. While almost all interviewees still desired to own land, people noted that in the past year, labourers could do better than farmers because of a fluctuation in crop prices and weather, and because there is now such a divide between those who own a lot of land and others who own just small plots and work for others.

Out-migration

The strategy often followed in situations of land scarcity in lowland Cambodia – migration out of the community, either temporarily or permanently – was evident amongst Khmer families. As land has become scarce and the logging trade has been progressively closed down, some Khmer migrant families who have not managed to secure long-term land are leaving the area, sometimes selling land and at other times retaining fallow lands for their children to inherit. However, out-migration has not yet become a dominant livelihood strategy amongst most indigenous families. Women, in particular, are less mobile. This is the other side of having status as the holder of the land in the female line: women are seen as less able to drive a motorbike, to travel far into the forest or into the

city. So the men are the ones who have taken up job opportunities in mines or plantations; men are much more likely to have an education, which can potentially set them up for decent off-farm livelihoods, and a few men are now migrating to Thailand or Phnom Penh, as is common amongst lowland Khmer.

Those labouring opportunities that are available locally are often low paid, and the rate of remuneration is generally lower for women than men. Because most labour is paid piecemeal (depending on performance), older people and those who are unable to work as fast receive less pay, and some told us that they are simply not considered for work. It is uncommon in some communities for indigenous people to labour on the large plantations. They are more likely to work for other indigenous families, and sometimes for Khmer migrants, but the availability of these jobs fluctuates.

Some mothers talked about the need to begin focusing on educating their daughters as well, since they could not rely on having land, and education was seen as a potential path out of poverty and of the dependence on labouring for others. Most families, however, did not talk about strategies for preparing their daughters for off-farm employment, and while a lot of families hoped to give their daughters more education, this was limited by the inaccessibility of schools (high schools were far from the community, which meant children had to stay in the district town, which was expensive and some families saw this as inappropriate for girls) and gender norms that reproduce the notion that girls should marry young. And many young people were well aware that they may not receive land from their parents, but in the absence of any decent off-farm livelihood options they knew of in the area, and with out-migration not (yet) a feature of life for the Charay communities, they had a sense that they did not know what to do. The interviewer asked a 15-year-old girl who was sitting listening to the adults talking about land scarcity:

Q: So, in your generation, how could you have land for production?
A: Maybe there is no land inheritance from my parents.
Q: So, are you currently learning any professional skill or are you at school?
A: I do not learn any skill and I also dropped out of school. (15-year-old Charay girl, March 2016)

Conclusions: land, care, and social security in the absent–present state

In Ratanakiri, the complex mosaic of communal and individual land rights that, in the past, has been reproduced and supported through mechanisms of matrilineal land inheritance has been disrupted through the workings of neo-liberal agricultural development and the adoption of private and joint land titling schemes (FAO, 2019). Our research shows that access to communal forest and grazing land, as well as the social security that comes through matrilineal land inheritance patterns, are particularly important for women and girls, as well as for elderly family members, and that land continues to

perform a crucial affective and cultural function in upland communities, in addition to being an economic asset.

The role played by land as a form of informal social security is, however, filled with ambiguity, and possession of land can serve to limit the mobility of women or even lead to abuse and harm by those in positions of decision-making power in relation to land inheritance. In addition, the specific vulnerability of older people who are no longer strong enough to engage in farm labour and therefore not viewed as productive members of rural communities is clear in our interviews.

The situation our interviewees describe in this chapter reveals the 'absent presence' of the state in rural Cambodia, where the state actively reshapes rural communities through economic development policies favouring large agribusiness and commercial farming practices, while the provision of care and protection is left largely in the hands of families and communities. This 'absent presence' is by no means unique to Cambodia. A rich literature shows how people's interactions with the state depend on subjectivities formed through gender, rurality, ethnicity, age, and other contextual social factors (Williams, 2011). This notion of the state as 'absent presence' also works on an analytical level to go beyond the common trap of work on plural/hybrid systems and neo-patrimonial politics that sees the state in the global south as always what it is *not* (a rational, legal bureaucracy with independent judiciary) to the exclusion of what it *is* – 'the myriad ways in which politicians, state makers, and different sectors of society make claims and engage with each other' (Strauss & Cruise O'Brian, 2007, p. 2). Recognizing that the state is neither simply present nor absent directs the researcher to work through the ways that the state is both markedly marginal in the regulation of daily life and areas in which it is directly active, and to attend to moments in which shifting relationships between state and society re-shape informal social protection mechanisms. In this chapter, we have shown how state and corporate actions in the 'public' domain of economic development and land governance influence the 'private' sphere of intra-familial land inheritance practices and informal social protection across generations.

The Cambodian case highlights broader spatial and temporal phenomena linked to globalized, neo-liberal capitalism that promotes commoditization of agriculture and land while simultaneously constraining social protection. Rural people actively strategize to ensure care for themselves and their children in this context of land scarcity, and we see new moral economies of land inheritance emerging based on bilateral rather than matrilineal inheritance, and on a revaluing of off-farm livelihoods and assets. These strategies may enable individual families to shore up care for themselves and their children; however, they also reinforce growing class and gender inequalities in rural communities. In the absence of legal and policy frameworks to ensure state-provided social security, these transformations are likely to leave women from poorer families with reduced social status and limited mobility, while condemning many of the next generation of smallholder farmers in Ratanakiri to a life of landlessness.

Notes

1 Social protection can be 'formal' protection provided by the state and market (private insurance firms), or various 'informal' individual and collective care arrangements, and sometimes a combination of each of these.
2 This is enshrined in Article 1156: 'Children are first in line for succession. They receive equal shares regardless of whether they are natural or adopted', and Article 1162, 'The spouse of the decedent is always entitled to succession. If there are children, the surviving spouse receives an equal share'.
3 A 2019 paper on land inheritance and migration, for example, bases its description of inheritance practices and family formation on May Ebihara's well-known anthropological study from 1968 and a small study from 2001 (Takahashi, 2001). This tendency to justify contemporary assertions about inheritance practices using a limited selection of historical works tends to reproduce stereotypes about the conventional patterns followed, with a common-sense assumption that Khmer families follow bilateral inheritance and indigenous families follow matrilineal inheritance patterns. See the discussion in FAO (2019, p. 13).

References

Agarwal, B. (1994). *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge University Press.
Bourdier, F. (2019) From Confrontation to Mediation: Cambodian Farmers Expelled by a Vietnamese Company. *Journal of Current Southeast Asian Affairs*, *38*(1), pp. 55–76. https://doi: 10.1177/1868103419845537.
Brickell, K. (2020). *Home SOS: Gender, Violence, and Survival in Crisis Ordinary Cambodia*. Wiley.
Carrier, J. G. (2018). 'Moral Economy: What's in a Name'. *Anthropological Theory*, *18*(1), 18–35. https://doi.org/10.1177/1463499617735259.
Cook,S.,Kabeer,N.,&Suwannarat,G.(2003).*SocialProtectioninAsia*.HarAnandPublications. https://www.researchgate.net/publication/47651591_Social_Protection_in_Asia
Deere, C. D., & Leon, M. (2003). The Gender Asset Gap: Land in Latin America. *World Development*, *31*(6), 925–947. https://doi.org/10.1016/S0305-750X(03)00046-9
Doss, C., & Meinzen-Dick, R. (2020). Land Tenure Security for Women: A Conceptual Framework. *Land Use Policy*, *99*, 105–180.Doss, C., Summerfield, G., & Tsikata, D. (2014). Land, Gender, and Food Security. *Feminist Economics*, *20*(1), 1–23. https://doi.org/10.1080/13545701.2014.895021
Errington, S. (1990). *Power and Difference: Gender in Island Southeast Asia*. Stanford University Press.
FAO. (2019). *Women's Land Rights and Agrarian Change: Evidence from Indigenous Communities in Cambodia*. www.fao.org/
Fernando, A. N. (2015). Shackled to the Soil: The Long-Term Effects of Inherited Land on Labor Mobility and Consumption. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.2693327
Fraser, N. (2016). Contradictions of Capital and Care. *New Left Review*, *100*, 99–117. https://newleftreview.org/issues/II100/articles/nancy-fraser-contradictions-of-capital-and-care
Frewer, T. (2017). The Gender Agenda: NGOs and Capitalist Relations in Highland Cambodia. *Critical Asian Studies*, *49*(2), 163–186, https://doi.org/ 10.1080/14672715.2017.1300861

Goldblatt, B., & Rai, S. (2020). Remedying Depletion through Social Reproduction: A Critical Engagement with the United Nations' Business and Human Rights Framework. *European Journal of Politics and Gender*, *3*(2), 185–202.

Gordon, A. (2008). *Ghostly Matters: Haunting and the Sociological Imagination*. University of Minnesota Press.

Gudeman, S. (2016). *Anthropology and Economy*. Cambridge University Press.

Hiilamo, H., Bitinas, A., & Chan, N. (2020). Extending Pension Coverage in Cambodia: The Governance and Investment Challenges of the Social Security Investment Fund. *International Social Security Review*, *73*(4), 97–116.

ICRW. (2006). *Property Ownership & Inheritance Rights of Women for Social Protection - The South Asia Experience*. https://www.icrw.org/wp-content/uploads/2016/10/Property-Ownership-and-Inheritance-Rights-of-Women-for-Social-Protection-The-South-Asia-Experience.pdf

ILO. (2012). *Social Protection and Gender in Cambodia*. Evaluation Summary. ILO Evaluation Unit. https://www.ilo.org/wcmsp5/groups/public/

Jackson, C. (2003). Gender Analysis of Land: Beyond Land Rights for Women? *Journal of Agrarian Change*, *3*(4), 453–480. https://doi.org/10.1111/1471-0366.00062

Jacobs, S. (2009a). *Gender and Agrarian Reform*. Routledge.

Jacobs, S. (2009b). Gender and Land Reforms: Comparative Perspectives. *Geography Compass*, *3*(5), 1675. https://doi.org/10.1111/j.1749-8198.2009.00257.x

Kieran, C., Sproule, K., Doss, C., Quisumbing, A., & Kim, S. M. (2015). *Examining Gender Inequalities in Land Rights Indicators in Asia*.

Lastarria-Cornhiel, S. (2005). *Gender and Property Rights within Post-conflict Situations*. www.dec.org

Park, C., & Maffi, M. (2017). 'We Are Not Afraid to Die': Gender Dynamics of Agrarian Change in Ratanakiri Province, Cambodia. *The Journal of Peasant Studies*, *44*(6), 1235–1254. https://doi.org/10.1080/03066150.2017.1384725

Peluso, N. L., & Lund, C. (2011). New Frontiers of Land Control: Introduction. *Journal of Peasant Studies*, *38*(4), 667.

Peters, P. E. (2010). Our Daughters Inherit Our Land, But Our Sons Use Their Wives' Fields: Matrilineal-Matrilocal Land Tenure and the New Land Policy in Malawi. *Journal of Eastern African Studies*, *4*(1), 179–199. https://doi.org/10.1080/17531050903556717

Quisumbing, A. (2003). *Household Decisions, Gender and Development*. IFPRI.

Rao, N. (2006). Land Rights, Gender Equality and Household Food Security: Exploring the Conceptual Links in the Case of India. *Food Policy*, *31*(2), 180–193. https://ideas.repec.org/a/eee/jfpoli/v31y2006i2p180-193.html

Rao, N. (2008). *'Good Women Do Not Inherit Land': Politics of LAND and Gender in India*. Routledge. https://www.routledge.com/Good-Women-do-not-Inherit-Land-Politics-of-Land-and-Gender-in-India/Rao/p/book/9781138501928

Rigg, J. (2006). Evolving Rural–Urban Relations and Livelihoods in Southeast Asia. In C. Tacoli (Ed.), *The Earthscan Reader in Rural–Urban Linkages* (p. 68). Earthscan.

Sepúlveda Carmona, M., & Donald, K. (2014). What Does Care Have To Do with Human Rights? Analysing the Impact on Women's Rights and Gender Equality. *Gender and Development*, *22*(3), 441–457. https://doi.org/10.1080/13552074.2014.963305

Sovachana, P., & Chambers, P.W. (2018). Human Insecurity Scourge: The Land Grabbing Crisis in Cambodia. In C. Hernandez, et al. (Eds.), *Human Security and Cross-Border Cooperation in East Asia* (pp. 181–203). Palgrave Macmillan.

Strauss, J., & Cruise O'Brian, D. B. (2007). *Staging Politics: Power and Performance in Asia and Africa*. I.B. Tauris & Co.

Thiel, F. (2010). Gender Equality and Land Law in Cambodia. *Facing the Challenges–Building the Capacity*, 1–15.

Toulmin, C. (2009). Securing Land and Property Rights in sub-Saharan Africa: The Role of Local Institutions. *Land Use Policy*, *26*(1), 10–19. https://doi.org/10.1016/j.landusepol.2008.07.006

Tsikata, D., & Golah, P. (2010). *Land Tenure, Gender, and Globalisation: Research and Analysis from Africa, Asia, and Latin America*. ZUBAAN; International Development Research Center.

Un, K., & So, S. (2011). Land Rights in Cambodia: How Neopatrimonial Politics Restricts Land Policy Reform. *Pacific Affairs*, *84*(2), 289–308. https://doi.org/10.5509/2011842289

Williams, P. (2011). An Absent Presence: Experiences of the "Welfare State" in an Indian Muslim Mohalla. *Contemporary South Asia*, *19*(3), 263–280.