

Privatization and Social Relations

Meanings of Women's Land in the Taiwan's Modern Indigenous Society

Chinghsiu Lin¹

¹ Department of Public and Cultural Affairs Studies, National Taitung University, Taiwan

Manuscript received:
February 25, 2024

Manuscript revised:
March 28, 2024

Manuscript accepted:
March 29, 2024

Date of publication:
March 30, 2024.

Corresponding author:
Chinghsiu Lin
watanlin@nttu.edu.tw



Abstract – Since the 1960's, Truku people, one of the Austronesian groups in Taiwan, have suffered from loss of lands, arising from various governmental policies, privatization of land ownership, and implications of the modern legal system. This paper is to look at how the emergence of the privatization has significantly produced and reproduced various kinds of the gender tensions arising from the conflicts of the women's land ownership in Truku society. The privatization of the land ownership and the introduction of the modern legal system is argued to have created two unique concepts of land rights: men's and women's land in the contemporary Truku society. The former is based on the discourse of the Truku tradition interpreted and represented by the men; but the later one is relied on the legal protection from the modern law for the women and their contributions to farming and taking care of their parents' lands. Furthermore, the different perspectives of whether or not women customarily or legally have land ownership have profoundly influenced on the social interactions among households in people's daily lives as well as on the strategies of the land reclamation movements in Truku society.

Keywords: indigenous people, privatization, Taiwan, Truku people.

I. INTRODUCTION

The Truku people linguistically belong to the Austronesian group, and are among the indigenous groups in Taiwan. The population of Truku people is about 30,000 constituting a minority in Taiwan. Their territory can be divided into two parts: the highlands and the lowlands. Due to subordination to the mainstream society, the Truku people, have been passively and continually forced to face and react to the introduction of the modern legal system. In this context, the modern legal system has significantly influenced and challenged the normative system in contemporary society. Additionally, their lands have gradually been occupied by the government and Taiwanese-owned private companies through the establishment and execution of discriminatory laws and policies regarding indigenous lands.

This research site, Fushih, is a Truku village with fewer than 2,000 residents. Geographically, it was a border between the highlands and the lowlands. Truku village is situated near Taroko National Park, established in 1986, which occupies most of the highlands. Owing to the national park's policy,

residents are legally prohibited from working and living in the park resulting in the loss of their land rights in the highlands. Moreover, they have also lost lands in the lowlands. Many residents' arable lands in lowlands were expropriated by the government and taken over by a private cement company. Despite governmental policies leading to the loss of these lands, many Truku people still strongly identify with the highland areas. Consequently, there are numerous land movements to reclaim their land rights in Fushih village.

The fieldwork was carried out from 2005 until now in Fushih. I routinely worked with my Truku friends in their farms. During the period of doing fieldwork from 2005 and 2006, I stayed at my fieldsite for more than one year. After that, I very frequently visited my fieldsite and typically stayed at it for at least one week. Through working together, I can learn embodied indigenous knowledge in terms of cultivation, land use, and hunting from my Truku informants. When they took a rest in their field, I would arrange interview and conduct a series of genealogical survey with my Truku friends. This genealogical survey usually encouraged them to share more family stories and showed their values of family and concepts of kinship. Because my family stories narrated by my informants are private and sensitive, I would not utilize these data until I secured their permission. Moreover, I am not Truku people, I have been learning their language in order to understand what they said and thought. But my understandings of their language are partially. Therefore, it is necessary to point out that the Truku concepts of kinship and property relations in this article are based on my interpretations.

This research focuses on the relationship between land privatization, the introduction of the modern legal system, women's land rights, and land movements in Fushih village. I argue that land privatization develops an unfamiliar situation in which Truku women occupy rights to access and become landowners. However, various disputes between modern law and the Truku customary system subsequently arise in the society. Furthermore, the emergence of women's lands intensifies gender relations compared to the past because traditionally Truku society did not allow women to gain access to or inherit lands.

II. LEGAL SYSTEM AND WOMEN'S RIGHTS TO LAND OWNERSHIP

During colonial periods or instances of past colonialism, the privatization of land was a fundamental approach employed to govern their colonies or the nations. Ronsbo, in his examination of the history of colonialism in Central America, argues that government techniques were shaped by private property. He points out that 'through the legislation, various types of communal land tenure were fragmented and turned into private property, and a homogeneously fragmented countryside was created throughout the nation space. Individuals were thereby related to properties either as workers or owner' (Ronsbo, 1994: 58). Through property, the nation state defined its political subjects (Ronsbo, 1994: 68).

However, privatization should be regarded as a process wherein Western ideas of land ownership challenge and supplant the indigenous customary system in colonial societies. The Western notion of privatization is rooted in an ideology that overlooks women's role in land ownership. In societies where women were traditionally allowed land ownership, privatization significantly undermines women's land rights. However, implicit in land privatization is the commoditization of land property and the acceptance of the notion of equal rights for all citizens. In contrast, it allows an opportunity for women to have land rights in societies where women were traditionally prohibited from accessing lands. Radcliffe (2014) argues that issues of the relations between woman and cultivated lands represent not only an intersection between legal regimes and histories of dispossession, but also associated the influences of capitalism and neoliberalism on indigenous society (also can see Li 2010).

Examining the relationship between privatization and women's land ownership rights, numerous feminist scholars, focusing on case studies in Africa, highlight that the introduction of privatization and the modern legal system is key to women forfeiting their lands (i.e., Asimwe, 2002; Boserup, 1989; Tripp, 2004). Boserup's study (1989) on the transformation of women's status in Africa indicates that women had land access rights in many African societies before Western colonialism. However, with the introduction of Western landownership concepts by colonial administrators through land titling and registration, secondary rights of women to access land were marginalized, leading to increased male control over land. As a result, land ownership tended to transfer gradually from women to men, even in tribes where women possessed the right to inherit land.

Additionally, with land privatization, women not merely lost their legitimate claims to land, but also lacked control over the money men had to purchase land. Moreover, they did not own land that would have permitted them to accumulate capital with which to purchase land. Under the Western ideology of sexual division of labour in agriculture, female agricultural labour was disregarded when colonial administrators and technical advisers introduced capitalist agricultural forms in Africa. Men adopted modern scientific methods for cultivating cash crops, while women continued cultivating food crops using traditional methods. Agricultural training and instruction were responsible for this distinctive polarization of gender roles, positioning men at the progressive end and women at the traditional end. This shift to modern farming practices tended to elevate men's status at the expense of women's, widening the knowledge and training gap between them.

Reflecting on the transformation of landownership concerning gender relations, Boserup indicates that 'the loss of women's right to land is sometime the result of land reforms introduced by European administrations. The Europeans everywhere seem to have objected to the peculiar position of African women, which was different from anything in Europeans were accustomed to' (Boserup 1989:60). In a similar vein, Sachs (1996) points out that under Western ideologies devaluing, disregarding, or usurping rural women's role in agriculture, public policies play a critical role in determining women's relationship to land. Policies such as land privatization, land reform and titling that exclude women specifically, as well as policies encouraging the separation of land ownership from management, reduce women's options in agricultural production.

Despite women losing their land right due to privatization, it does not imply that women have no chance to regain land rights in Africa (Haller 2019). For example, Tripp (2004) illustrates that women in Uganda have adopted both collective and individual strategies to assert their claims to land. This ranges from participation in struggles around Land Act Amendments to taking claims to court and purchasing land independently.

In particular, appropriating the customary system has become an effective strategy for women fighting for their land rights, considering women traditionally had rights to land. Scholars researching African contexts have found that women's claims to land with customary arrangements are much stronger than suggested by many studies due to their integration into social relations. They utilize local associations and manipulate customary arrangements to access land, sometimes securing new rights (Gray & Kevane, 2002; Whitehead & Tsikata, 2003). Customarily, there is a considerable overlap between customary and formal legal systems, and women draw arguments from both systems to support their claims, selecting those arguments that best serve their purposes (Stewart, 1996).

However, in many societies, women were traditionally denied land rights. Anthropologists often highlight that the ignorance of women's land rights strongly correlates with concepts of kinship in many societies. Kinship transmits both identity (in terms of name) and resources. operates in gendered ways, distributing resources and organizing work, time, and space (Dube, 1997). At a macro level, the strengthening of patrilineal kinship ties might hinder women's interests by opposing their land claims (Agarwal, 1995), and excluding them from village and higher-level decision-making bodies.

Nevertheless, land privatization in such societies enables women to claim land rights and access lands (Kuokkanen, 2011). For example, Rao (2005) indicates that the customary systems of tenure, often displaying gender, status, and lineage-based inequalities, especially in patrilineal settings in Jharkhand in India, have eroded due to privatization. To claim land rights, women constantly push kinship norms without completely renouncing kinship relations. They navigate between asserting their land rights against their lineages through reliance on a progressive national framework, and supporting traditional institutions, representing an identity distinct from that of the state, as a legitimate basis for claiming resources from both the community and the deferral state (Rao 2005:728). Nevertheless, men frequently argue in favor of cultural respect to continue denying women their land ownership rights, inheritance or political power.

Reflecting on various case studies concerning the interplay between privatization and women's land ownership, many studies indicate the importance of the constitutional system for women. It contributes not only to constructing identities as subordinates, legitimatizing patriarchal culture, but also, in certain contexts, serves as a tool for women to construct spaces of resistance (Lazarus-Black & Hirsch 1994; Smart, 1989). While acknowledging that national law reproduces inequalities, feminist

legal anthropology explores how women challenge decisions of indigenous customary law they deem unjust (Moore, 1994).

Land rights are embedded in local practices, social relations, obligations, responsibilities, and kinship. The impact of privatization not only influences women's land rights but also prompts reconsideration and redefinition of customary kinship systems in society. Furthermore, privatization provides a space for women and men to renegotiate kinship and gender relations.

III. THE STORY OF Igon –LAND MOVEMENT IN TRUKU SOCIETY

Igon, a sixty-five-year-old Truku woman, was a passionate activist leading the 'Land Reclamation Committee' in Fushih village. Having married a Japanese man, she spent much of her life in Tokyo. In 1995 she returned to Fushih village, her hometown, and got involved in the movement against Han Chinese-owned Asia Cement Company. Her involvement began when she stumbled upon a stack of the company's documents, confirming many of landowners' suspicions about malfeasance in obtaining land rights. Describing her experience, she said,

'When I arrived at my home town on the first day, there was a coordination committee about the dispute of the land ownership between the Asia Cement Company and Truku landowners in the village. The coordination committee was derived from that more and more Truku land owners found that the Asia Cement Company occupied their lands without their agreements. When I attended this coordination committee, I was completely astonished that more than fifty hectares of my father's land in the area of the Cement Company had been dramatically reduced to merely 0.4 hectares.'

Since then, she has been a vociferous critic of the mine and a leading figure organizing landowners against the Asia Cement Company. After a thorough investigation, she discovered that the landowners had registered their land cultivation rights in the village under a newly established law for preserving indigenous peoples' land in 1968 and 1969. This legislation allowed full land ownership transferred to indigenous people after five years of cultivation. It also stated that land granted to indigenous people for cultivation was non-transferable and non-leasable except to other indigenous persons under restricted conditions. Nevertheless, beginning in 1972, Asia Cement entered nine-year lease agreements, negotiated by the local administration office, for 272 plots of indigenous land. In subsequent few years the land rights to all but 61 parcels of land were cancelled and transferred to the company. Activists and authorized representatives argue that these actions were illegal and should render the company's land use claims invalid.

At the heart of Igon's campaign against the mine are deep suspicions that the cancellations of land rights were obtained through forgery. Copies of relevant documents report remarkably similar handwriting for signatures by different people signing over land rights. Some documents lack dates and none contain thumbprints, which are required when a representative signs on behalf of someone unable to write Chinese. Furthermore, a 1996 investigation into the land right cancellations revealed that none of the interviewed individuals could recall signing the waivers.

In 2000, a decision from the Hualien District Court mandated Asia Cement to permit entry onto their land for holders of cultivation rights on the 61 parcels where such rights had not been waived. Nevertheless, the company has consistently refused to comply, and authorities have failed to enforce the court's ruling. Asia Cement contends that the land rights were legally obtained and dismisses the indigenous people's claims to the land. The violent protest in 2001 was an attempt by Igon and the landowners to gain access to these plots.

Igon highlights several other problems. Initially, landowners received as little as £50 in compensation from the company when leases were first acquired, and subsequent investigations found that many received no compensation at all. She also notes an increased incidence of lung ailments in the township, attributing it to suspended dust particles generated by the mine's TNT-blast digging methods, stone-grinding and delivery processes. Additionally, she highlights the company's unfulfilled promise to provide employment opportunities for local indigenous landowners and the village residents and improve the community's economic situation. Despite initial assurances, the company implemented rigorous educational criteria and discriminatory labour policies, refusing to hire local indigenous people. Consequently, assessing the benefits to the local community, especially in terms of job creation, remains challenging. Only 30 Truku employees out of a workforce of 450, and among them, 15 are not from the village. Merely five landowning Truku residents of the village are currently employed at the mine, all

in low-ranking positions. Consequently, since the cement company's establishment in 1972 Truku residents in the village have suffered unemployment, economic hardships, severe air pollution, and social turmoil in Fushih village.

To reclaim their land rights, Igon joined forces with Truku landowners and the village residents, establishing the 'Land Reclamation Committee' and leading a series of land movements against Asia Cement Company for over 12 years. During this period, they organized marches against the company and Igon, as the landowners' representative, lodged complaints against the company's land occupation and the local administrator's alleged malfeasance and corruption. Since 2005, Igon initiated and conducted 'indigenous mapping', utilizing modern geographical and cartographical technologies, such as Geographical Information System (GIS), Global Position System (GPS), Google Earth, and satellite maps, to investigate their occupied or traditional territories. She gathered Truku landowners and their descendants to mark the location of their occupied lands on satellite maps, attaching their memories and associations with each property.¹ While undertaking indigenous mapping, Igon continues her legal battles against the company and local administration (Lin, 2022).

While Igon's land movement is considered a successful and radical social initiative within Taiwanese indigenous communities, it hasn't been an easy struggle. Igon suffered a stroke in 2003, almost fatal, brought on at least in part by the stress of the case. First, she faced immense pressure from the company and the government. Second, she endured sorrow as more of her partners, the landowners passed away without reclaiming their occupied lands. Third, many of the descendants of the landowners lack the same passion and interest as their parents in participating in the land movements. Finally, it's distressing for Igon that numerous landowners and their descendants do not support or appreciate the efforts of the Land Reclamation Committee. On the contrary, some landowners, residents, and Truku local administrators, due to individual interests or fear of reprisal, hindering the land movements and blaming Igon. Ironically, even Gimi, one of Igon's brothers, a 25-year mine employee close to pension-backed retirement, opposes the land movements.

Igon constantly investigates why many landowners and residents do not support her or participate in the land movements. She cannot comprehend their acquiescence to the illegal occupation of their lands by the company. She emphasizes that 'I consistently remind landowners and residents that the key responsibility of the modern state, like Japan, is to protect rather than violate everyone's private property'. She firmly believes the land movement is just and reasonable, anticipating a victorious outcome for the Truku people based on her understanding of the modern state and legal system.

However, Igon's understanding of the modern state and legal system clashes with the traditional beliefs of many indigenous landowners and residents, especially the concept of *gaya*. While most Truku people acknowledge Igon's efforts in reclaiming their lands, they don't entirely align with her ideas on the modern legal system. Rowty, a prominent resident in the village and the deputy head of the local government could mobilize many people to confront the company. Yet he chooses not to engage in the land movement, despite his father's lands being occupied. He argues that 'I have conflicting ideas surrounding the issue of the land movement against the company. Although I insist that the company should return our lands, I simultaneously disagree with the strategy of the land movement originated from Igon's concepts of modern legal system.' He adds that 'Igon is particularly a controversial person in the village. Many residents and elders think that the Truku traditional customs and social orders are probably broken by the land movement operated by Igon.' He continues that 'more and more women have been gradually aware that they have equal legal rights to receive their fathers' inheritance since Igon introduced the concepts of modern law in the process of the land movement.'

In this scenario, the customary notion of *gaya*, where males are considered the sole customary heir, faces significant challenge. Consequently, disputes over inheritance between sisters and brothers within a household not only disrupt household harmony, but also causes distress to elders (parents). Overall, the idea, inspired by the land movement, that women have the right to equally share their father's property with their male siblings, prompts the people to redefine the concepts of siblingship, kinship, and filiation in contemporary society. Rowty, when discussing the land movement against the company, often remarks, 'If I involve in the land movement organized by Igon, it seems to show that I

¹ Many landowners described their stories or what the plants and crops were cultivated by them on their occupied lands. The following is one of the samples about the indigenous mapping run by the 'Land Reclamation Committee':

have accepted her ideas of the modern law and agreed with that women have right to receive their parents' inheritance.' Hence, the conflicting concepts regarding inheritance, juxtaposing the modern legal system against Truku traditional customs (*gaya*), significantly deter indigenous landowners and residents from cooperating or engaging in Igon's land movement.

Upon reflecting indigenous landowners' and residents' attitudes towards the land movement against the cement company, several questions arise regarding Igon's leadership of the movement. Firstly, if Truku customs traditionally don't favor inheriting property to women, how did Igon inherit land from her father? Secondly, what constitutes the Truku traditional concept of land property and inheritance? Finally, what is the correlation between the land movement and Truku women owning land property? To address these queries, the privatization of land property is pivotal in granting indigenous woman legal rights to own land and inherit their parents' property.

IV. PRIVATIZATION AND WOMEN'S LAND OWNERSHIP

A. Tradition of Inheritance

Under traditional rules of inheritance, only sons could inherit their father's property. Furthermore, Truku followed the principle of ultimogeniture, meaning the last-born son of the family held the right of inheritance for his father's estate, house, and wealth. In this system, the father would allocate a sufficient amount of land to support a household to his other sons (excluding the last born) when they got married and set up a new household.

However, there are two exceptions to the rules, allowing women temporary ownership of land and property. First, if a wife found herself widowed with young children, she could hold the title to her husband's estate until her son's reached adulthood. Second, if the husband had not established a clear testament for property inheritance, or if he desired his wife to manage his property after his death, she could gain temporary ownership rights. However, she would lose ownership when any of her sons reached legal adulthood. Reflecting on these rules of inheritance, it is clear that in traditional society, women are not allowed to be heirs to their father's and husband's estates. Wives commented that they often felt like mere lodgers on their husband's property.

The principles of inheritance and women's limited rights to property ownership were closely tied to the sexual division of labour in domestic and public works in traditional society. Women not only lacked the right to own or inherit land, but their labor was also considered a form of property belonging to their husband and household. The strongest claims to ownership could be made through labor alone. However, while labor contributed to property (including land and staples), it did not guarantee women ownership. In their daily lives, unmarried women assisted their mothers working in the compound and cultivating household land, doing housework and weaving clothes. This family-based education, where girls learned to be good wives and mothers, through learning how to farm, harvest, pasture and raise domestic animals, as well as dealing with domestic affairs and becoming skilled weavers, was named 'podayau snow', a system in which women learned how to assist men.

Boys were trained to become good hunters, warriors, and masters of the household working with their fathers to learn essential skills. They learnt how to be the 'pusu sapah', the mainstay of the household. Therefore, boys needed to learn how to hunt, farm, raise domestic animals, build, and make bamboo and rattan goods. In particular, fathers would teach sons the precise location and boundaries of household property and community hunting territory. However, it was not deemed necessary for women to be acquainted with such matters.

Truku believe in the myth of 'Hakaw Utux'. Hakaw Utux is a rainbow spirit bridge that connects this world with the sacred heavens where Truku ancestors reside. Upon death, a person becomes a spirit and the spirit (*utux*) is invited to cross the bridge to the heavens. However, there is a judge who will ask the spirit to wash its hands in a water-filled tub in front of the part of the bridge which is still in this world. If, in doing so, the water becomes red, the spirit is permitted to cross the bridge to the sacred heavens. The ability to turn the water red is granted only to those who have worked hard and conscientiously obeyed *gaya* in their lifetime. In this context, women should be skilful at weaving, while men are supposed to be good hunters. If, however, the water in the tub remains clear, the spirit will be pulled into the stream beneath the bridge, and the crabs in the stream will consume it.

This mythology is closely associated with the practice of facial tattooing in highland Truku society. A man was not permitted to tattoo his face until he captured a wild hog or obtained an enemy's head. Only a woman who had learnt all the weaving skills possessed by her mother would be allowed to tattoo her face. One of the principal meanings attributed to facial tattoos was the symbolic identification of adulthood. Only those with facial tattoos were able to get married and become social actors in Truku society.

From the investigation of the traditional concept of land property and inheritance in Truku society, we can understand that the principle of inheritance is connected with the sexual division of labor, family education, and definition of adulthood. In other words, the rule of inheritance is a nexus of Truku society. Therefore, if this rule were to change, it would significantly influence Truku social order, *gaya*.

B. The Process of Privatization

For Truku people, having individual land ownership is a new idea rather than a taken-for-granted one. Truku people did not legally own their cultivated lands until the Chinese nationalist government (1945-2000) established the Act of 'Land Reserved for Indigenous People' in 1966. Under the act, and in distinction to the Japanese colonial approach, the Chinese nationalist government acknowledged Taiwanese indigenous people as 'juridical persons'. Henceforth, indigenous people could start claiming rights of ownership over their land and engage in buying and selling their land. Secondly, the government was obliged to endow indigenous people with ownership of their cultivated land.

To implement the act, the government conducted an investigation into and registry of land ownership of indigenous people, from 1958 to 1967. During this period, indigenous people had to go to the local administration to register their cultivated lands. If the government did not find any disputes over the lands registered, they would permit the title of ownership for the registrant. The principles on which the registry was based were that indigenous people could only register the land where they were farming rather than the land which was customarily recognized as their property. Afterwards, the government would send the officials to survey the land and record the results in the land register. In other words, the basic rule on which the registry operates is clear, uncontested ownership, and the actual cultivation of the land in question (Lin, 2011).

Although the government allows indigenous people to own their land, there are an extraordinary number of limitations placed on gaining ownership of, and operating, the land. Firstly, it is important to note that indigenous people do not receive the land ownership certificate immediately upon registering their cultivated lands and accessing the title to these lands. Following the act, the procedure for receiving the land ownership certificate is very complicated. Indigenous people are allowed to receive the land ownership certificate dependent on their continual use of the registered lands for ten years after gaining the title of ownership. Hence, while the government allowed indigenous people to register their claims in 1966, they did not receive the certificate and have complete ownership of their land until after 1976. Secondly, indigenous people do not have complete right of ownership. In reality, the official owner of the land reserved for indigenous people is the government, rather than the indigenous people themselves.

C. Inheritance, Women's Labor, and Women's Property in Truku Society

The privatization of land ownership in indigenous society cannot guarantee that indigenous women have the right to own land, although it logically enables everyone in a capitalist society to gain land ownership through the transaction of land. I argue that the privatization of the land contributes to the practice of Civil Law and brings the system of private property to the society. In addition, Civil Law, and the system of private property, give women the right to claim ownership of land.

On the one hand, owing to privatization, an indigenous individual's *de jure* land ownership has come under the protection of Civil Law in Taiwanese society. When indigenous people deal with their property, they must regularly apply the civil code. Hence, the ideas and influence of Civil Law have gradually permeated through Truku society since the privatization of land ownership began. On the other hand, privatization, in effect, turns land into a commodity. In this situation, each individual can not only gain land by means of purchase, but can also mortgage and sell their land to generate cash within the capitalist marketplace.

In the past, Truku women could not claim ownership of land. However, according to Article 1138 of the Civil law, men and women have equal rights of inheritance enshrined in law. In addition, based

on the rule of legal portion, women are legally guaranteed their right of inheritance, even where an individual may determine to bequeath a larger portion of his or her land to his or her male heir(s). Under this system, women are still ensured their rights of inheritance.

Although the Civil law protects Truku women's rights inheritance rights, many Truku parents, based on the traditional rule that only men can receive their father's land, ask their daughters to legally give up these rights. Some fathers place a request in their last will and testament, expressing their desire for their daughters to give up their rights of inheritance, stop any claim to an equal share, and give their inheritance to their brother(s).

However, there are more and more Truku women who know how to protect their legal rights of inheritance. For example, if women, following their parents' will, want to officially give up their legal rights of inheritance, they need to go through a complicated process to do so. In such a case, they have to negotiate with their brothers or parents to surrender their rights of inheritance. When Truku women shared their ideas and opinions on land ownership, many of them confessed that 'they (brothers and parents) should respect and consider my opinions and my interests, because they need my agreement to give up my portion of the inheritance'. In some cases, in order to follow the traditional rules of inheritance, some parents or brothers purchase their daughter's or sister's allotted portion of land.

In terms of receiving land from the husband, women, based on the Civil Law, have prior rights to inherit their husband's property, or have an equal right to share their husband's property with the children. Moreover, if the marriage ends in divorce, women have the right to receive a proportion of the husband's property. In Taiwan, there are two kinds of conjugal property: conjugal communal property and united property. With conjugal communal property, if a couple divorces, each party can receive half of the property accumulated after their marriage. With united property, a woman can gain any land, the title of which is registered under her name, if she divorces.

Nowadays, an increasing number of women acquire new land through purchasing rather than inheritance. The privatization of land ownership in Truku society has resulted putting land on the market. In the past, an individual could not purchase new property from others, but he could reclaim, inherit, and exchange new property. On the contrary, now anyone can acquire new land by purchase. Hence, privatization has given women the opportunity to acquire land through purchase.

In addition, due to privatization, female labor has gradually been liberated from male control. Truku women have the right to own and trade with the wealth they have earned or accumulated through their own work. Therefore, women's labor does not always belong to their husbands and household. Truku women can earn money by themselves and preserve it in private property. They, therefore, have the opportunity to extend their land holdings.

Finally, the economic migration of Truku men to the cities in the 1960's and 1970's, in search of waged labor and in the hope of finding stable jobs, also provided further opportunities for the women to own land. Many men went to the cities alone, while their wives and children remained at home. As a result, women gradually played an increasingly important role in farming and public affairs in the society. They became both the managers and workers on their lands.

Under the Indigenous Land Preservation Act, the practice of farming is one of the essential conditions for registering for and receiving the land ownership certificate. The government intended to bestow ownership on the actual workers of the land. The government conducted the registration of land from the end of the 1950's to the 1970's, a period coinciding with the increase in the number of Truku men who became temporary, migrant, wage-labourers, leaving their communities and lands. Given their absence, women became the major actors in the complicated processes of land privatization, which developed over this period. In this situation, many women effectively replaced their husbands, emerging as landlords during this period of privatization.

V. GENDER TENSION AND WOMEN'S LAND PROPERTY

A. Disputes Over Inheritance Within a Household

While Igon engaged in the land movement against the Asia Cement company, she simultaneously filed a lawsuit against all her brothers over disputes related to their father's inheritance in the 1990's. This marked the symbolic initiation of a sister using the legal system to resolve conflicts over inheritance within a household in Fushih village. Her brothers criticized her, arguing that it was irrational for their

sister to take them to court because the decision regarding the inheritance arrangement was made by their father, not by them. They emphasized that their father chose to bequeath his property to his sons based on the traditional *gaya* (rule) of the inheritance. However, Igon, argued that she had contributed her labor to claim and cultivate her father's for more than a couple of decades. She had numerous unforgettable memories of working with her grandmother and parents on these lands. Additionally, she asserted her legal right to inheritance under the modern legal system.

Nowadays, resolving disputes of inheritance between sisters and brothers in a household through the modern legal system has been a common occurrence since women were inspired by Igon's case. Many women expressed that 'Igon lets us realize that the modern legal system guarantees us to have legal right to be heir. In the past, when we were about to get marry, our parents would ask us to sign an agreement to abandon our rights of the inheritance.' Nevertheless, when male informants were interviewed about the issue of inheritance, many tended to focus on how the traditional principle (*gaya*) of inheritance has been challenged and broken by the modern legal system.

Nicholas suggests that the distribution of power and authority is reflected not only in relative command over material resources and benefits but also in interpersonal command (1969:244). The woman's ownership of land prompts a renegotiation of kinship and gender relations in society. The emergence of women's land challenges the traditional concept of inheritance, where Truku fathers were intended to bestow their land property on their sons.

In tradition, a man's land can refer to his father's land. However, from many residents' point of view, a woman's land is seen as a breach of maintaining the integrity of her father's lands. From the perspective of a woman's brother, when his sister bequeaths some part of the land property from her father to her children or her husband, some of his father's lands are consequently turned into his nephew's or sister's husband's land. In other words, a woman's land can be converted to her husband's or mother's lands, and eventually, some part of his father's estate now belongs to other descendants

Reflecting on the influence of females having the right to receive her father's property in Truku society, the transformation of the inheritance system leads to a tenser relationship between sisters and brothers in a household than in the previous period. The social, economic, and political status of female seems to be improved as they gain rights to inherit their fathers' lands. Accordingly, the feminization of landed property leads to an erosion of men's power base in terms of both caste and kinship-based control over land.

B. Mother's Lands and Father's Lands

During the field work, a serious conflict arose over ideas of father's land and women's land, causing friction between relatives in a family in Fushih village. Minglu, a 45-year-old male, had a Chinese soldier for a father and a Truku resident for a mother. His parents separated, and his mother later remarried another Chinese soldier, Mr. Long. After that, his mother and his stepfather left the village for Taipei. When Minglu's mother passed away, Mr. Long was chosen by her as the administrator of the inheritance. Before transferring his wife's bequest to her children, Mr. Long had legal rights over the estates. Following Minglu's suggestion, Mr. Long rented part of his wife's estate to a couple to run a snack bar. However, this lease led to severe resentment from Minglu's mother's siblings (his uncles and aunts) towards Minglu, Mr. Long, and the manager of the snack bar.

Minglu's uncles and aunts felt ignored, and claimed that the snack bar not only occupied their sister's property, but also their father's land. How could an outsider independently administer this land without consulting them? Secondly, they worried that if Mr. Long sold the land to the snack bar manager, the future integrity of their father's lands would be compromised. Finally, living around the snack bar, they feared it would degrade the area. In response, they resorted to radical protests, including public defecation on the contested land, to express their anger, reject the lease, and oppose the presence of the snack bar.²

² It is similar to the situation of women's land in the Santal community in Jharkhand state in India. Rao describes that while women contribute to the expansion of the male clan through biological reproduction, their land claims pose a dangerous penetration into the hegemony of clans and patrikin. However, women do attempt to push back boundaries, often seeking alternate forms of legitimacy for their claims through state jural institutions—the courts, police, and local government. (2005:729-730).

Mr. Long argued that this property had been transferred from his wife's father to his wife, giving him the legal right to deal with the property. He advised the manager of the snack bar that if his wife's siblings attempted to interfere with the business of the bar, the boss could seek police assistance. Furthermore, Minglu asserted that his aunts and uncles' claim was baseless, as the estate belonged to his mother. He added that his aunts and uncles were merely interested in sharing the rent for the snack bar, and didn't genuinely care about preserving their father's land.

The conflict over land ownership in Minglu's family became a popular issue among residents. Some sided with Minglu and his stepfather, arguing that the lease of the snack bar was entirely legitimate, and his mother's siblings were irrational. Others sympathised with his mother's siblings, pointing out that the reluctance to see their father's lands pass into another's hands. From the investigation of these arguments surrounding the issue of land ownership, two discourses emerge: one is the discourse of mother's land based on the concept of private property, belonging to an individual and the other is the discourse of father's land, relying on the traditional concept of patrilineal descent where land belongs to the father, symbolically representing Truku land (ancestors' lands).

Examining this type of infraction between Minglu's stepfather (including Minglu himself) and his wife's siblings, we can understand that the conflict of land ownership is related to Truku concepts of the difference between woman's land and father's land. Furthermore, 'woman's land' is a product of the privatization of land ownership, always under the legitimate expectations. In many residents' perspectives, father's land is not only an individual property in terms of private property, but also symbolically a heritage of the Truku.

From Minglu's case, we find that Truku people have divided land property into two categories by different titles: father's land and mother's land since women legally own lands. To gain mother's lands, Truku people emphasize the tie to their mother and matrikins. Conversely, Truku men claim that father's land should be defined as the heritage given by their male ancestors, and therefore bequeathed to male descendants. However, the titles of most land properties in Truku society overlap between mother's land and father's land, depending on everyone's personal interests.

VI. GENDER AND DIFFERENT PERSPECTIVES ON LAND MOVEMENT

Igon's father was the first Truku local lawmaker in Hualien County during the regime of the Chinese nationalist Party (1946-2000). Igon's household is therefore influential in Fushih village and Truku society. Although Gimi holds an opposite position and impedes the land movement against the Asian Cement Company, organized by his sister (Igon), he led a social movement against the Taroko national park in 1993. Gimi organized indigenous residents to hold several radical marches to oppose the national park, aiming to make mainstream society and the government aware of how the national park constricts Truku people's right to life and eradicated their traditional culture of hunting. The main goal of these marches is to ask the government to return their ancestral territory, which now belongs to the national park. He proudly claims that this is the first time for the people to fight against Taroko National Park.

In terms of the strategy of the social movement, Gimi used a different approach from his sister. He encouraged participants to dress in traditional clothes and bring Truku hunting knives to every march. It is most important for him to emphasize that traditional culture and land rules can effectively legitimate this social movement. Comparing Gimi's idea of the social movement, Igon prefers to focus on legal system issues rather than the tradition in the land movement against the company.

Fighting against Taroko national park to return Truku traditional territory is actually one of the primary concerns in contemporary society. After the social movement organized by Gimi in 1993, there have been various social movements organized by Truku people against Taroko national park. Among these social movements, the project of indigenous mapping is one of the most powerful and influential movements in contemporary society.

Many people began promoting the project of indigenous mapping in 2001. The project is organized by Losi, a named Truku hunter who is more than seventy years old. The main goal of this project is to claim their land rights and fight against Taroko national park through representing the connection between the ancestors and their lands, now occupied by the national park. Truku social activists in this project investigate and record their traditional knowledge of land, map their traditional territory, and produce Truku modern maps themselves using modern geographical and cartographical

technologies, such as GIS, GPS, and various types of maps. They believe that the project can not only preserve tradition knowledge and stories of the land but also define the area of Truku self-government in the future. Due to these positive attitudes towards this project, there has been an increasing number of participants in the project of indigenous mapping, growing from 7 to more than 30 during its duration. In addition, Lawsí and Truku participants in the project of indigenous mapping regularly organize workshops to assemble Truku people, examine and discuss the results of the project and to contribute their knowledge and stories related to the traditional territory in Truku communities. Due to the promotion of the project of indigenous mapping, more and more Truku people have gradually become familiar with the ideas of this project and started engaging in this movement.

According to Lawsí's ideas about the project of indigenous mapping, firstly, any place used by the ancestors in the past, such as hunting and gathering areas, dwellings, communal places in a community, arable lands, streams, etc., should be defined as 'ancestors' lands. Secondly, he tries to describe the history of migration to show how their ancestors lost their lands because of the colonialism on the map. Thirdly, he attempts to record and emphasize the traditional rules of land use and land property, when describing characteristics and stories of each land mark on the map. Finally, the project of indigenous mapping should be regarded as a challenging programme of exploring and mountain-climbing, because they try to bring GPS to precisely locate their ancestor's lands and represent the route of their ancestor's migration on the map.

While they traced back from the lowland to the highland in the process of mapping, they, meanwhile, conducted genealogical research. They imagined that the highland was comprised of the eight descents' living and hunting areas, and there are many sub-groups and families in each area.

In this sense, they locate each ancestry community on the map, and the genealogical relationship between communities is the main topic of presentation of the map. As a result, they trace genealogically the first Truku family which moved to the high land around 400 years ago, and present a process of diffusion of the descendants of this family on the map.

Based on the result and presumption of the project, Truku participants claim that the territory in Taroko national park should be regarded as their owned communal property rather than individual ownership. This argument is originated from two hypotheses: on the one hand, the highland used to be occupied by the Truku descendants of the communal ancestor. On the other hand, land ownership, such as hunting areas and cultivate land, customarily belonged to a community rather than a person, when the ancestors lived in the highland.

Comparing the logic of practice in the process of indigenous mapping with Igon's idea of the 'Land Reclamation Movement', we can find many differences between these two land movements. Firstly, Lawsí and participants in the project of indigenous mapping tend to legitimise the land movement against Taroko national park by emphasising Truku traditional culture and rules of the land, but Igon prefers to use the legal system to claim land rights. Secondly, concerning the ownership of the occupied lands, participants in the project of indigenous mapping are inclined to regard occupied territory as communal property rather than private property, but Igon holds the opposite opinion that the heart of the land movement is based on respecting and protecting landowner's rights of private property. Particularly, many Truku people criticise that the project of the indigenous mapping more or less ignores the condition of the privatization in the highland. It is a fact that many Truku people can point out their parents or grandparents' lands in the highland. Thirdly, participants in the project of indigenous mapping pay attention to describing the tie between Truku ancestors and their descendants in the process of mapping traditional territory; on the contrary, Igon and landowners in the land movement against the cement company legitimise their land ownership by emphasising how they received these lands from their parents.

I argue that these different ideas of the land movement seem to be associated with gender differences. When I investigated many ongoing land movements in the field site, I found that the movement lead by Truku females is more disposed to use the modern legal system to fight against the private company or the government to protect or claim land rights. For example, Igon leads the 'Land Reclamation Movement'. Yabung is professional real estate attorney and a Truku female local representative in Truku local administration. She organizes an NGO to protect residents' land rights and operates a social movement for stream protection in her community, Paraden, which is neighbouring to Fushih village.

In addition, Misa is the first woman to win the election of the head of Fushih village in 2006. She is an active activist and accompanies Igon to engage in the 'Land Reclamation Movement' for a long time. Finally, Odain won the election of the head of the Truku local administration in 2005. She is the first female head to win this game. Before that, she was a lawmaker. During the period of being a lawmaker in Hualien County, she was known as a social activist and dedicated herself to various land movements in Truku communities.³ However, many land movements, which are controlled by Truku men, are usually operated by the particular strategy that social activists regard the traditional culture and customs as a more effective and powerful weapon than the modern legal system.

VII. CONCLUSION

Since the 2001 action, in which Truku landowners under Igon's leadership attempted to forcibly enter the premises to occupy their plots of land but were rebuffed by mine employees, the fence has served as a physical barrier between the mine and the land owners. In this situation, Igon dramatically faced her brother, Gimi, who was an employee and was tasked by the company to prevent landowners from entering the mine. When many residents shared the story about this action, they often describe it as a 'sad' tale.

After the privatization of the land, there is an overlap between the modern legal system and the traditional system of customary (*gaya*) in Truku society. Females tend to utilize the modern legal system to protect and claim their inheritance and land rights, while males emphasize the traditional rules to resist their sisters' right to inheritance. Reflecting on Igon's lawsuit against her brothers and the disputes of landownership between Minglu and his mother's sibling, it becomes apparent that allowing women to have rights of inheritance and the privatization of the land not only significantly influences siblingship and kinship in a household or descent, but also make people reflect on and redefine the concepts of kinship and social relations in contemporary society.

Individuals with different gender identities exhibit distinct attitudes and strategies to claim land rights in the context of land movements. The strategy employed by female activists in land movements is based on the respect for private property within the modern legal system, whereas Truku male leaders tend to use the tradition to bolster their land movements. In summary, the fence acting as a symbolic barrier between Igon and Gimi, can be interpreted as representing the dispute of land ownership between sisters and brothers in a household, between men and women in the reorganization of women's land rights, and the contest between the legal system and the traditional customary practices in determining the protection or claiming of land rights.

REFERENCES

- Agarwal, B. (1995). *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge: Cambridge University Press.
- Asiimwe, J. (2002). The Uganda Women's Movement and the Land Struggle. In *The Women's Movement in Uganda: History, Challenges and Prospects* (ed.) A.T.a.J. Kwesiga. Kampala,: Fountain Publishers.
- Boserup, E. (1989). *Woman's Role in Economic Development* London Earthscan.
- Dube, L. (1997). *Women and Krinship: Comparative Perspectives on Gender in South and South-East Asia*. Tokyo United Nations University Press.
- Gray, L., & Michael K. (1999). Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa. *African Studies Review*, 42(2), 15-39.
- Haller, T. (2019). The Different Meanings of Land in the Age of Neoliberalism: Theoretical Reflections on Commons and Resilience Grabbing From a Social Anthropological Perspective. *Land*, 8(7), 1-22. <https://doi.org/10.3390/land8070104>
- Kuokkanen, R. (2011). From Indigenous Economies to Market-Based Self-Governance: A Feminist Political Economy Analysis. *Canadian Journal of Political Science*, 44(2), 275-297. <http://dx.doi.org/10.1017/S0008423911000126>
- Lazarus-Black mindie & Hirsch, S. (1994). *Law, Hegemony and Resistance*. New York and London: Routledge.
- Li, T. M. (2010). Indigeneity, Capitalism, and the Management of Dispossession. *Current Anthropology*, 51(3), 385-414. <https://doi.org/10.1086/651942>

³ There are more and more female politicians in Truku society. In the past, female was always subordinate to men. Women did not have political power in public affairs. However, it recently seems to be changing. For example, during the period of the fieldwork from 2005 to 2006, half of local representatives in Truku administration are female.

- Lin, C. H. (2011). The Circulation of Labor and Money: Symbolic Meanings of Monetary Kinship Practices in Contemporary Truku Society, Taiwan. *New Proposals: Journal of Marxism and Interdisciplinary Inquiry*, 5(1), 27-44.
- Lin, C. H. (2022). Culture, Land Reclamation Movement, and Property Relations in Indigenous Mapping Projects in the Contemporary Truku Society. In *Cross-Currents of Social Theorizing of Contemporary Taiwan*. Giri, A. K. and S. C. Wu eds. pp.131-54. Singapore: Palgrave Macmillan.
- Moore, E.P. (1994). Law's Patriarchy in India. In *Law, Hegemony and Resistance*. S. Lazarus-Black & Hirsch eds. New York and London: Routledge.
- Radcliffe, S. A.(2014). Gendered Frontiers of Land Control: Indigenous Territory, Women and Contests Over Land in Ecuador. *A Journal of Feminist Geography*, 21, 854-71. <https://doi.org/10.1080/0966369X.2013.802675>
- Ronsbo, H. (1994). State Formation and Property—Reflections on the Political Technologies of Space in Central America. *Journal of historical Sociology*, 10(1), 56-73.
- Rao, N. (2005). Kinship Matters: Women's Land Claims in the Santal Paragas, Jharkhand. *Journal of Royal Anthropology Institute*, 11, 725-746. <https://doi.org/10.1111/j.1467-9655.2005.00259.x>
- Sachs, C. E. (1996). Women, Agriculture and Environment in Vietnam. In *Women and the Family in Vietnam*. Barry, K. ed.Pp. 246-59. New York: St. Martin's Press.
- Smart, C. (1989). *Feminism and the Power of Law*. London Routledge.
- Stewart, A. (1996). Should Women Give Up on the State? - The African Experience. In *Women and the State: International Perspectives*, Rai, S & G. Skinner eds. London,: Taylor and Francis.
- Tripp, A.M. (2004). *Women's Movement, Customary Law, and Land Rights in Africa: The Case of Uganda*. *African Studies Quarterly* 7.
- Whitehead, A., & Tsikata, D. (2003). Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-turn to the Customary. *Journal of Agrarian Change*, 3(1-2), 67-112. <https://doi.org/10.1111/1471-0366.00051>