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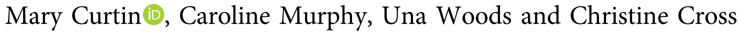
RESEARCH ARTICLE

The legacy of history: women and the ownership of land in Ireland



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Abstract

This paper is a review of existing sources across disciplines focusing on the topic of female farm ownership. Throughout the centuries, females have been explicitly excluded from owning and prevented from inheriting land. The purpose of this paper is to examine historical customs and rules governing female land ownership in Ireland and to demonstrate how the 'old' laws and customs have contributed significantly to the patriarchal system of farm ownership that is still in existence today even though the gender-based laws have disappeared. This paper argues that a contributing factor to the current male-dominated farm ownership figures is the normalisation of patriarchy by way of the old, gendered laws and practices. Although gender discrimination is no longer acceptable in such a direct legal form, the tradition and culture that established and supported such customs can still be seen today, as males account for 87% of Irish farmholders. This research addresses a lacuna in our understanding of women's unequal position when it comes to the ownership of farms in Ireland.

Introduction

This paper explores the lasting impact of the historical customs and rules governing female land ownership in Ireland. Throughout the centuries, females have been explicitly excluded from owning and prevented from inheriting land. A female landowner was usually an exception. The patriarchal system of land ownership in Ireland continues to this day. Today, males account for 87% of Irish farmholders in Ireland.[1] Women generally do not own the land they work on; instead, they are farming land, which is owned by their husband, brother or father. We stipulate that the legacy of the 'old' laws and customs has contributed significantly to the patriarchal system of land ownership that is still in existence even though the gender-based laws have disappeared. This paper explores in detail the historic structures that kept land out of female ownership and its continued implications on the gender asset gap and farming as an occupation. Byrne *et al.* described 'Irish research on women's farm property ownership' as 'a pressing area of inquiry'.[2] There is clearly a need for further research addressing the issue of why the rate of farm ownership in Ireland remains unequal. We surmise that one of the reasons for the current low rate of female farm ownership is that the old rules perpetuated and enabled certain traditions and stereotypes that still affect the Irish farming psyche.

This paper is a review of existing sources across disciplines pertaining to the issue of female land ownership. The focus is on literature relating to agriculture in developed market economies especially that of Ireland and the United Kingdom. Literature on developing countries was excluded as the barriers are different for women in developing countries. For example, lack of technology, equipment, and access to education are barriers that women in developing countries

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face to a greater extent than women in developed countries.[3] Ireland is a country worth studying, given its complex history of land ownership and its rapid transition from a largely agricultural, rural economy to one that is now generally driven by the service sector. This research contributes to existing knowledge by addressing a lacuna in our understanding of gender inequality in farm ownership in Ireland.

The purpose of this paper is to examine historical customs and rules governing female land ownership in Ireland and to demonstrate how the 'old' laws and customs have contributed significantly to the patriarchal system of land ownership that is still in existence today even though the gender-based laws have disappeared. This paper argues that a contributing factor to the current male-dominated farm ownership figures is the normalisation of patriarchy by way of the old, gendered laws and practices. Although gender discrimination is no longer acceptable in such a direct legal form, the tradition and culture that established and supported such customs can still be seen in the Irish farming ethos of today, as reflected in the statistics.

This paper begins by contextualising the issue of female farm ownership in Ireland by providing a rationale for the research. We then explore the history of female Irish land ownership as it provides an understanding of the practice of patrilineal succession and how it forms the basis of the current patriarchal system of farm ownership in Ireland. Patriarchy is then discussed given it is a fundamental concept underpinning this research as it provides a frame for understanding women's positions on Irish farms. We then conclude with a discussion of the implications of the historic practices on current farm ownership figures.

Rationale for the research

Over the past 50 years, women's place in society has transformed.[4] The removal of the marriage bar, increased access to education, more women staying in the workforce, and divorce have all had an impact.[5] Yet the role of women in the 'grassroots' of the agricultural industry, namely farming, remains an area where progress is still limited. Farming is one of the oldest occupations in the world. However, the classification of farming as an occupation or a sector remains a topic of deliberation[6] and becomes particularly nuanced when examined from a gender perspective.

Generations of men and women have worked the land. However, the legal ownership of land is heavily male dominated. The ownership of land and access to land are inextricably linked with the occupation of farming. In some countries, farming is a business rather than an ownership model and thus different forms of land management systems exist. In the United Kingdom, for example, long-term leasing or tenancies are the norm. In Ireland, however, it is predominantly the landowner that manages their own land in a family farm, self-employed system. Therefore, land ownership is key to farming.

Not all property is created equal. Land, as an asset, is both durable and permanent, historically serving as a foundation for political power and social status. It offers a sense of identity and stability, making it more meaningful than other forms of property.[7] However, land is owned almost exclusively by men.[8] The social and economic position of women in farming is reduced by their limited ownership, a situation which is preserved by patriarchal inheritance practices that are deeply ingrained and unquestioned.[9]

Although extensive literature exists on the gender wage gap, there has been much less work done on the gender asset gap.[10] Alston notes 'the structural arrangements governing land ownership and inheritance continue to ensure that gender and power relations in agriculture have been, and continue to be, inequitable'.[11] Owning land is significant as it confers protection, security, control, and value as an asset.

Land ownership is based on legal and social norms and means the owner has both rights and control. Rights to land are legally and socially recognised and can be in the form of ownership or the right of use. Ownership does not always mean control. Control means having the ability to

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decide how the land is used, whether it can be leased out, mortgaged, or sold. Legal ownership does not always mean the person also has control of the property, and this raises the importance of effective rights, which are rights not just in law but in practice to ensure efficiency, equality, and empowerment. Land ownership is linked to social norms regarding property rights, marriage, and inheritance, and while ownership rights are ascribed to individuals, it must be examined within the context of families as marriage is the primary context in which persons own assets jointly and inheritance is an important means of acquiring assets and bequeathing resources to the next generation.

In Ireland, land ownership is guaranteed by Article 43 of the 1937 Irish Constitution, Bunreacht na hÉireann.[12] The 1937 Irish Constitution was based on an earlier draft from 1922. The early 20th century followed an unsettled period in Irish history given various wars relating to sovereignty and independence. Article 43 relates to private ownership rights but also speaks of opposing rights. According to Walsh and Fox O'Mahony, the opposing rights, crystallise the

> *tension between the security afforded by property rights, on the one hand, and resistance to absolutist conceptions of ownership, as impediments to social justice, on the other. It reflected the culmination of a complex interaction of local, national and international factors.*[13]

Down through the centuries, land has been a crucial element in economic, social, political, and cultural change. As noted by Drudy land has been, and still is, regarded as having 'the status of a deity in some societies' and

> *the positive contribution land can make to furthering economic and social progress can hardly be overestimated. Yet land has been a source of great discontent, conflict and much evil. Its ownership and control, its use and abuse, have been a subject of controversy since man first inhabited the earth.*[14]

Land ownership has played a significant role in Ireland's history and has been at the heart of political, social, and economic power. The ownership of land is significant. This research attempts to shine a light on how we have arrived at the current position where 87% of Irish farm owners are male. An examination of historic female landownership will contribute to our understanding of the practice of patrilineal succession and how it forms the bedrock of the current patriarchal system of farm ownership in Ireland.

Female landownership in Ireland

The route to female land ownership and inheritance in Ireland has never been straightforward and those women who do own land have always represented the exception to the rule. In early medieval Ireland such an exception was referred to as 'banchomarbae'. A banchomarbae was a female heir, an occurrence arising only on the death of a father without a living son. A banchomarbae acquired a certain amount of power which she would not have had as a woman otherwise. According to Raae

> *the main implication of being a banchomarbae was that she was not seen as a woman in the eyes of the law. By having inherited the fintiu, 'kin-land', she had to be capable of managing that land, and by extension having a certain amount of contractual capacity she would not have been entitled to if she had not inherited the land.*[15]

However, under Brehon law, the female landowner typically only inherited a life interest in the land. Consequently, when she died the property reverted back to her father's kin.[16] A woman

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therefore was not entitled to pass her property on to her children, except where the amount of land was relatively insubstantial.

Women in Gaelic families (1500AD to 1800AD) were prohibited from inheriting family land. Both in Irish law and in English law by the year 1500, most contracts ensured the passage of land to male rather than female heirs.[17] According to O'Dowd, 'most agreements also specified that the inheritance of the lord's estate should descend through male heirs only. Gaelic lords appeared determined to embed the male monopoly on land inheritance'.[18]

The introduction of the common law began in Ireland with the Anglo-Norman invasion of the 1160s and 1170s. Different forms of land transfer were used. The fee tail was created by the Statute De Donis Conditionalibus 1285 in response to the demands of landowners for an estate which would be retained within the family and could not be sold by their descendants. Succession under a fee tail was confined to the direct descendants of the original holder of the estate known as 'the tenant in tail'. The descendants were identified by the ancient heirship rules of primogeniture, which favoured the eldest son, although in the absence of a son, daughters could inherit as co-owners.[19]

By the fourteenth and fifteenth centuries, the most common legal method of land transfer was a deed of enfeoffment. The enfeoffment of land to uses had developed to facilitate landholders wishing to entail their lands to male heirs only as the fee tail male excluded females from succession.[20] Under a fee tail, daughters could only inherit as a last resort, whereas under a fee tail male, daughters were entirely excluded from inheritance. The practice of entailing land, which was widespread among Irish landowning families before the Statutes of Uses and Wills in 1635, meant that women were often explicitly excluded from inheriting their family estates. In families without sons, nephews, male cousins, and grandsons were named as heirs before daughters. Even when a man wished to recognise his daughter as his heir, he may have been prevented from doing so through the will of his father or grandfather which had entailed the land to male heirs only. A woman could be identified as an heiress to her father in a post-mortem enquiry, however, this was very rare.[21] If the land were entailed, it would pass to the next named heir who was usually a man.

A significant amount of new land was acquired by Old English landowners in the sixteenth century, either in the form of dissolved monastic property or that of attainted rebels.[22] However, due to the conservative attitude of Irish landholders towards property rights, they were reluctant to leave estates to daughters even when they were legally able to do so. The Old English concern, like that of their Gaelic counterparts, was to preserve the estate intact for future generations of the family.

The emergence of family settlements after 1660 led to the reintroduction of the entail but not in such a restrictive format as in the earlier deeds of feoffments and wills. Some families revived the older practice of entailing to male heirs only, but most entailed to sons and their heirs male and then to daughters and their heirs male. For example, a daughter was recognised as an heiress if a man's sons died without male heirs. The entail might list the landholder's daughters successively, according to age or it might follow common law practice and divide the property among all the daughters of a man without sons or heirs male and this type of entail expanded the potential for land passing to female heirs. According to O'Dowd

> *the possibility of a woman inheriting a landed estate widened, therefore, after 1660 as did the potential for a son or grandson to claim a right to landed inheritance through his mother or grandmother.*[23]

However, the expansion of the potential for women to inherit land did not diminish the patrilineal aims of most landed families.

Another issue was the legal status of married women. During the 1100s, a combination of Anglo-Saxon and Norman traditions led to the establishment of coverture.[24] Coverture meant that married men and women were one financial entity. From the 1200s until 1870, English Common

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law provided that once a woman married, although she retained legal ownership of property she acquired before marriage, her husband gained control of her property.[25] Women's lands passed into the guardianship (but not the ownership) of their husbands. Their husbands could not sell the land without their explicit permission and upon death the lands would pass to the woman's heirs, whether or not those heirs were also her husband's. Thus, there was a disconnect between land ownership in theory and effective control. She could not sell, rent, or mortgage her property without the consent of her husband, and it was the husband who received the rent. The Married Women's Property Act 1870, which was amended in 1882 and applied in Ireland, England, and Wales finally permitted women to own and control their own land. While this legislation was regarded as a breakthrough in the emancipation of women,[26] it did nothing to change the deeply entrenched traditions and stereotypes.

During the 16th and 17th century, Irish land was confiscated by the English, which led to English Landlords controlling the land. The plantations transformed land ownership and control in Ireland by colonising Irish land with English settlers. One person or family would own a large amount of land and rent it out to tenants. Before the plantations, Irish chieftains and Anglo-Irish Lords controlled the island except for 'the pale' an area around Dublin which was ruled by the English. The legacy of colonisation made land redistribution an important aspect of modern nationalism movements. The demand for secure possession of property and the need to ensure economic sustainability in agriculture underpinned widespread popular support for land redistribution.[27] Land redistribution was also politically intertwined with Irish nationalism and thus 'successfully mobilised popular opposition to the status quo of established property rights and forged the link between Irish sovereignty and Irish land ownership'.[28] The land question was a critical instrument in the eventual emergence of an independent Ireland.[29] The Land League founded in 1879 by Michael Davitt in Co. Mayo became a national movement led by Charles Stewart Parnell. Anna Parnell, Charles's sister also played a key role and the Women's Land League was a powerful force in rural communities.[30] The membership was primarily wives and daughters of farmers at a time when women had no political and few legal rights. As noted by Ward 'women, unable to vote or to influence parliament, had regarded the land agitation as a first stage in the formation of a movement in which women and men could participate'.[31]

The Land League and the Land War (1879–1882) were important factors in bringing 'landlordism' to an end in Ireland. It led to the Land Purchase Acts including the Land Law (Ireland) Act 1881 and the Land Acts of 1903, 1909, 1923, and 1933. The Land Acts first weakened and then eliminated landlordism.[32] The breaking up of large estates in the 1880s was not solely due to the Land Laws/Acts. The legislation was not the sole cause in itself, but also reflected wider, multiple socio-economic processes. The division of Irish landholdings was to some extent also driven by the effects of the Great Famine as well as being a legislative shift towards greater sovereignty.

In 1880, Parnell noted that a board should be established to purchase large estates and then sell the land in lots to the occupying tenants.[33] The Irish Land Commission was a statutory public body created by the Land Law (Ireland) Act 1881. Its primary objective was to redistribute the land in favour of Irish farmers thereby resolving the 'Land Question' which arose from the enduring agricultural unrest caused by English colonialism.[34] This redistribution occurred through the compulsory acquisition of the land. Keane credits the Irish Land Commission for the greatest social revolution in Ireland – the end of landlordism as the dominant form of farm ownership.[35] State intervention was seen as legitimate for social justice reasons, for economic security and Irish nationalism.[36] The Land Acts were successful as the ownership of land changed completely. In the 1870s, only 3% of Irish farmers owned their own land while 97% were tenants whereas in 1929, 97.4% of Irish farmers owned their land with only 2.6% still tenants.[37] The primary issue in the past centuries was that of tenant farmer versus landlordism. Now the discrepancy is that of male versus female ownership.

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Patriarchy and farming

Patriarchy is a fundamental concept underpinning this research as it provides a frame for understanding women's positions on Irish farms. The patriarchal family model underpins the culture of farming and the socialisation of children on Irish family farms.[38] Patriarchy can be considered a theory, a framework, an ideology, and a social system. Patriarchy refers to a male-dominated power structure where men are predominantly the leaders and control property and resources. Benstead refers to the 'multidimensional and intersectional nature of patriarchy' and notes that patriarchy is often used too generally and as a 'catch all' when gender is being discussed.[39] Thus, there are various dimensions to patriarchy and the angle that applies here is patriarchy in the private sphere of inheritance and family relationships.

Patriarchy is referred to in different ways in the literature on farming. According to Watson patriarchy in Irish farming can be described as hegemonic masculinity.[40] Hegemonic masculinity is the dominant norm of males in farming and is a form of patriarchy. Another term is that of patrilineal culture or patrilineal system.[41] Patrilineal lineage is part of patriarchy and in this context means that farms are kept and passed through the male line. According to Shortall, 'the patriarchal transfer from father to son in Ireland is remarkably resilient, some might argue impervious, to change. It is a well-established and socially, economically, and politically accepted practice'.[42]

Balaine notes one son is usually chosen as the farmer, and he is the one working on the farm while the other children, mainly daughters, help on the farm but is directed towards education, perpetuating gender stereotyping in farming.[43] Access to farming is primarily through inheritance, therefore patriarchy is a primary contributor to the occupational sex segregation of farming.[44] The norm is male privilege in farm ownership. Women in farming are 'uniquely situated within a social, cultural, institutional and economic context that differentiates them'.[45] Shortall *et al.* states 'male inheritance of land is the key factor shaping women's participation in agriculture and the public perception of farming as a male activity'.[46] Farming in Ireland privileges men and is preoccupied with keeping land in male ownership.[47]

In Ireland, traditional farming masculinities are deeply rooted especially regarding the ownership of land and farm work.[48] Traditionally, farming is a physical and manual job and therefore the subordination of females was justified. Heavy work was felt to be a hardship upon a woman.[49] Traditionally, the work was often divided based on the man working out in the fields and the woman working in the house and farmyard as this was considered the most efficient use of labour given the woman might be with child. Before machinery and tractors, people worked with horses, and it was often very manual work for which men were considered more suitable. Women were not perceived as having the attributes required to farm. This led to the idea that women's work on farms was easier and, therefore, of less significance and importance than men's work.[50] Females were seen as the helper while the male was seen as the farmer.[51] However, now, with technological advances, machinery, and the hiring of labour, any physical disadvantage can no longer be used as a legitimate excuse or deciding factor for the preference of men in farming.[52]

Kennedy examined the theory of inheritance which entangles economic and social processes.[53] The transmission of property between generations at a societal level has 'consequences for economic efficiency, social structure, and social inequality' and at the individual level it impacts 'interpersonal relationships, marriage opportunities, and domestic living arrangements'.[54] According to Ni Laoire from the nineteenth century, Irish rural society was based on patriarchal inheritance practices where control of all family assets was concentrated in the hands of men.[55] Historically, Irish farmers insisted on a single male heir.[56] There were primarily two practices that prevailed in the 20th century, that of primogeniture (eldest son inherit) and ultimogeniture (youngest son inherit). It was felt that if a daughter inherited it would be her husband working the land and 'sons-in-law were poor substitutes for son-heirs' given 'the labour services of a son-in-law would not be available until a late stage in the life cycle of a farm household'.[57] It was noted by

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Hannan and Katsiaouni that in 'the overwhelming majority of cases' land is inherited directly through the patrilineal line or from other paternal relatives.[58]

Another issue is the attachment to the surname which is an aspect of patrilineal succession culture. Keeping land within the name is generally only achieved and guaranteed by giving the farm to a son or nephew and thus keeping the land in the patrilineal line. Shortall notes that for many, keeping the name on the land is imperative and thus sons, 'regardless of interest or ability, are seen as the natural heirs'.[59] The surname was and continues to be significant issue in that people feel that the name is linked with both the place and with the land. The attachment to the surname in the Irish context is symbolic of the larger scheme of things as this is patriarchy in essence played out through the family name where the family name is used to validate behaviour which is otherwise out of sync with contemporary norms. According to Kennedy, there is a sense of immortality having one's name and descendants on the land.[60] For many, the name on the land is everything as it gives a sense of connection between the different generations.

The traditional patriarchal practice of favouring males regarding succession to farmland has meant that women too often inherit only by default.[61] Women rarely inherit land if they have a brother and therefore many female landowners are widows or only daughters.[62] Even now 'despite economic changes in agriculture and farming in Ireland, patriarchy is still deeply entrenched in agrarian and family farming structures'.[63] According to Price, the identification of farmer as male persists internationally and despite the growth of agri-business, the majority of farms are still inherited by men and thus still in the control of men.[64] Poignantly though, patrilineal succession 'is not only dependent upon the existence of sons, but also women's willingness for their sons and brothers to inherit what is largely, in fact, wealth to which they are legally entitled'.[65]

There is however an interesting diversion from the usual Irish custom as discussed in the anthropological work of Fox on the people and practices of Tory Island, off the north-west coast of County Donegal. The islander's historical practice of inheritance was that each child had a right to a portion of their parents land and could make a claim, but it did not always transpire that each child received their portion. For example, if two people got married the spouse who came from the larger holding (irrespective of gender) would receive their share while the other spouse would not take their portion out of a sense of fairness for the other siblings. As noted by Fox[66]

> *In its ideology, the system contrasts markedly with the rest of Ireland, where the inheritance of the farm by one son, the emigration of the rest, the dowry for the daughters, and the provisions for the old people are the traditions classically described by Arensberg and Kimball.[67] And the system also differs in practice. Although there are no dowries, males and females can inherit land equally and do.*

However, this was not always reflected in the records of Tory Island. Evaluators were interested in recording one person to pay the rates for the land. From the 1830s through to the 1920s, the percentage of female owners varied from 11% to 15%. Fox believes that the correct figures vary between 20% and 30%. Cases of land being recorded as belonging to a man on analysis may turn out to belong to him and his sisters or come to him from his wife.

The system in Tory Island was focused on ensuring sustainable land tenure on a remote island and as a result the people and practices paid less attention to gender than the rest of Ireland, however gender was still a factor. Fox notes 'as women are far more likely than men to relinquish their claim, men must predominate'.[68]

Understanding and impact of patriarchy

Pilgeram attributes a lot of the blame for modern gender inequalities in farm ownership to the legal system. Pilgeram notes that male dominance 'is maintained through structural systems such

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as laws and customs that privilege men as farmers, which is tied to the perceptions of farming as masculine'.[69] The 'old' law contributed significantly to the patriarchy that exists today even though the gender-based laws are gone. These old laws perpetuated stereotypes and inequalities between men and women,[70] and they facilitated the development of traditions which have continued to the present day. Shortall notes 'the most powerful discourses in society are those that have an institutional basis, for instance in law or in the family. They can give meaning to the social world that appears natural and taken for granted'.[71]

The patriarchal system of land ownership in Ireland continues to this day.[72] The result of the predominant patrilineal line of inheritance is that women rarely own farms independently.[73] As noted by Shortall, 'the patrilineal line of inheritance is a central social structure which powerfully reinforces the belief that male is tantamount to 'farmer' and that he has an almost automatic right to the land'.[74] This is central to gendered power divisions within farm families.[75] According to Shortall, 'even though there are situations where women are landowners, the pervasiveness of male land ownership is a key component lending weight to the ideology that positions men at the heart of farming'.[76] While the old laws institutionalized a patriarchal approach to farm ownership, it is worth examining more broadly the idea of patriarchy in Irish farming and how it operates in the present day. Our discussion of the historical development of land ownership and female land ownership provides a backdrop to and a critical component to explaining existing modern inequalities perpetuated by this patriarchy.

Patriarchal practices are usually considered a negative for women and a positive for men.[77] Patriarchy is disadvantageous to females in terms of their agency and empowerment as it limits women's choices and available options.[78] Men have the advantage of resources being in their control which maintains an unequal gender order.[79] It is this conceptualisation of unequal gender order that demonstrates areas of inequality and thus where increased gender equality is fundamentally desired.[80]

Bennett[81] discusses the persistence of patriarchy and notes that despite many changes over past centuries, women's status vis-à-vis men has remained unchanged, and argues that the challenge posed by patriarchy will be best met by long-term historical perspectives. Patriarchy has different effects on family farming in Ireland. The link between inheritance and patriarchy via a form of an unofficial continuing male patrilineal lineage would seem to suggest that it is not inheritance per se that is the problem, but its use to perpetuate ideas and practices that remain patriarchal. Patriarchy is associated with a variety of cultural practices and ideas that perpetuate male power and gender segregation across many aspects of life. Patriarchy is largely responsible for the legacy of farms in Ireland being passed through the patrilineal line. Farms passing from father to son and being kept in male ownership has effectively excluded females from farming. Patrilineal inheritance was not only the norm but expected and enabled the transfer of farms from one male generation to the next in an unproblematic way and 'remains firmly in place'.[82]

Female farm ownership changes the legacy of patriarchal power and control in agriculture.[83] Altering patriarchal control is a primary way to overcome the barriers and constraints that have endured for generations in excluding females from ownership of land which subsequently excludes them from the occupation of farmer.

A significant dimension to this research is its focus on rules and the law. Kilcommins notes that feminists argue,

> *that the theory and practice of law is not neutral but has been shaped too much by male-orientated values and concerns … in particular they seek to highlight the patriarchal ideas that pervade the law and to raise the 'woman question' by examining the variety of different ways in which the law fails to take account of the values of women and how it might disadvantage them.*[84]

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Feminist theory is useful in understanding and conceptualising patriarchy.[85] Feminist theory is part of the explanation of occupational gender segregation in addition to the sociological theory of patriarchy in farming.[86] According to Wienclaw 'feminism is an ideology that is opposed to gender stratification and male dominance'.[87] Breaking down the barriers to female equality is a key aim of the many different branches within the overall feminist approach. Anecdotally Wienclaw notes that her

> *Grandmother's brand of feminism was being allowed to do whatever it took to work alongside her husband and ensure the smooth running of the farm on which their livelihood depended, when necessary she stepped out of this expected gender role and donned pants and worked alongside him in the field. Such, in many ways, was the nature of early 20th century feminism.*[88]

Radical feminist theory 'stresses the primacy of patriarchy, rather than, say, class or capitalism, in accounting for female subordination in today's world' and to some of the more extreme radical feminists 'patriarchy is a transhistorical universal because of female biology'.[89] Feminist scholars consider the family farm as being an example of domestic political ideology with gender politics producing agriculture as a masculine space excluding women which reinforces the hegemonic position of men.[90] Shortall notes 'as inheritance patterns stand, they deny women access to property and the ability to farm in their own right' therefore access to property is the single most important factor shaping the role of women in agriculture.[91]

When examining farming as a male activity, the work of Haugen and Brandth in Norway is useful. Norway introduced the Allodial Law in 1974. The Allodial Law made the eldest child, regardless of gender, the legal heir to the farm. According to Shortall 'Norway's attempt to alter gender relations within agriculture by changing succession laws indicates the deep-rooted source of gender differences in agricultural traditions'.[92] Increasing women's participation in Norwegian farming became a political issue because such a male-dominated sector was not in accordance with ideals of democracy and equality.[93] Yet despite the introduction of the Allodial Law, the rate of female farm ownership in Norway is still low.[94] Thus, increasing females in farming is not straightforward.

Farming is synonymised with both maleness and masculinity.[95] The connection between masculinity and farming is well established and has been the status quo.[96] Therefore, women in the non-traditional role of farmer represents gender being undone and also redone in terms of non-stereotypical constructions, meaning reattaching attributes to males or females but with different connotations. Women have long been involved in farming in a variety of roles that contradict patriarchal norms.[97] Carter[98] describes female farmers as changemakers because they go against what it expected of them as women. However, Pilgeram notes that women need to be careful, that by adopting a form of masculinity in their farming approach they might actually reinforce the idea that 'farmers are men and that the only way to succeed in agriculture is to conform to the requisite standards of hegemonic masculinity'.[99] Gender will be completely 'undone' when it is no longer the descriptive factor.[100] Interestingly, Powell *et al.* highlight possible issues with undoing gender, that by breaking down barriers to enter a male-dominated arena 'gender is disqualified as a condition of their success in that arena'.[101]

Conclusion

There are stark differences in the ratio of farms owned by men and women in Ireland today. Farming continues to be a male-dominated sector in Ireland, affecting overall levels of gender equality as measured by international bodies.[102] Females represent only 13% of Irish farmholders.[103] In 2016, of the 71,700 females working on Irish farms, less than one quarter

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were holders of the farms on which they worked.[104] Thus, while many women 'farm' in Ireland it is not reflected in the legal ownership of that land. Duvvury *et al.* notes 'many farm women do not have independent ownership rights in the farm and their contribution to running/maintaining the farm is not recognised'.[105]

To understand the present, it is important to examine and appreciate the past. Ownership of Irish land by the farmers themselves is still little more than a century old. Before this, landlords owned the land and individuals were only tenants on the land they farmed. Walsh and Fox O'Mahony have reflected that key factors and legacies impacting on land ownership in Ireland today comprise the famine, the association of land reform with Irish independence, the role of the Catholic church, the European political context, and also the enduring influence of informal, local land-use practices.[106] Male dominance in farming was enabled through historic inheritance practices. The old rules and practices that existed and limited females' rights to own land are now all extinguished. However, they have left a legacy of patriarchal norms that still continue.

As noted by Osterud, 'Gender and intergenerational relations are inextricably intertwined in farming families, and looking at how they intersect with the political economy of agriculture to define the positions of rural women has proven fruitful'.[107] In examining female farm ownership, it has been helpful to assess the extent to which historical property law has alleviated or contributed to the stereotypical norm.[108] Legal and institutional factors account for the gender asset gap as females' ability to own property is conditioned by the state and the family.[109] The state sets the laws and property law regulates the transfer of land. However, as noted by Deere and Doss, 'family and community norms regarding the accumulation and transmission of wealth are as important as the state in setting the contours for women's relationship to assets'.[110] This research attempts to shine a light on how we have arrived at the current position where most farms are owned by men. It contributes to the understanding of the practice of patrilineal succession and how it forms the bedrock of the current patriarchal system of farm ownership in Ireland. A comprehensive understanding of gender inequality within this context represents a first important step in addressing it. Farming is not impervious to change, albeit farmers may be reluctant to let go of traditions.

Further research is required in this area. The Land Acts, the Land League and the Women's Land League were instrumental in changing ownership for Irish farmers.[111] There is research on these important aspects of Irish history;[112] however, more is needed on the momentous movement driven by the men and women of Ireland in the late 1800s which led to such dramatic change in land ownership and their impact on today's customs and practices.

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Notes

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