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Black Sites: Locating the Family and Family Law in Development†

While the family as an economic institution has traditionally been sidelined in development policy, development institutions like the World Bank now promote a range of legal and policy reforms that touch on the family and the household. This Article considers how interventions designed to expand formal markets and to encourage participation in markets and investments in human capital might provoke change within the family and the household. Although they aim to increase welfare by increasing measurable economic growth, such interventions have both constitutive effects on the household itself and significant effects on the bargaining power of household members both at home and at work, effects that can be illuminated by attention to the legal reforms themselves.

Taking as its starting point the family as an economic entity, this Article taxonomizes the wide range of laws that effectively regulates the family and the household, and highlights properties of legal rules, such as their impact on the bargaining power of different social groups, that tend to be ignored or suppressed in regulatory and governance debates in the field of development. Aided by that expanded taxonomy, it investigates the impact on the family and the household of legal and policy initiatives in four areas: gender equality, social protection through conditional cash transfers, labor market formalization, and land titling. Tracing the effects of regulatory interventions across the market/household divide or continuum indicates how such reforms may induce households to adapt in ways that undermine as well as further welfare and equality objectives. But attention to the continual interactions between the household and the market not yet in view within general measurements and analyses of the economy, also indicate how and where they might sometimes undermine economic growth objectives as well.

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I. Introduction

In the field of development, the family is traditionally the place carved out for the preservation and performance of culture and local particularity. Even where development is intended to be socially as well as economically transformative, the family has typically been placed at the periphery of development concerns, certainly beyond the purview of those whose mandate is economic modernization and reform. While there have always been development initiatives that touch the family, like population control measures, the place where regulatory and policy interventions are normally expected to stop is the threshold of the family home. The family is a complex institution, however, serving a range of economic and political as well as affective, moral, and cultural functions. Moreover, the border between the household and the wider economy is often uncertain rather than clear and fixed, particularly in societies where significant amounts of productive activity takes place outside of markets. Thus, the family could never be safely cabined from the wider concerns of development.

It has been clear for a while that many development projects have an impact on the family. Trade itself inevitably entails adjustment, and as previously protected sectors are exposed to competition and existing modes of production are altered, social and cultural life is transformed as well. Infrastructure projects like dams, too, often generate profound disruptions to households as well as to social and community life. Structural adjustment policies and other forms of conditional lending have proved to be similarly disruptive to both households and labor markets, as are many of the legal and regulatory reforms introduced in developing and transitional states in the past two decades. Such measures routinely pose economic challenges to both family members and the household as a whole. For example, family members may be forced in or out of the labor market or may

migrate to pursue new opportunities in cities and special economic zones at home or abroad. Economic or fiscal crises, as well as the strategies and reforms introduced to manage them, may cost jobs and compel households to sharply curtail their consumption, while household members may step in to provide meals, health- and child-care, and poverty-relief functions to the broader community on an unpaid basis. When all goes well, of course, development initiatives may have positive effects on the household. For example, household incomes may rise and household members may have access to new economic opportunities, goods, and services. Yet initiatives that empower and enrich some households often worsen the position of others, and greater inequality among households is a common result even of development ventures deemed a success. The effects of development on individual family members typically vary as well, for example, as changed economic activity reallocates household labor and resources as between men and women.

Development initiatives may not only change household activities but also alter the structure and even transform the ideology of the family. For example, household activities may disappear and reappear in the course of market-making reforms, as time and opportunity for subsistence production and self-provision are alternatively displaced by new economic activities or compelled because market alternatives have disappeared or become too expensive. The size and the composition of the household may change, as domestic workers are added or eliminated or family members are forced, or choose, to leave home in search of new sources of income. In the course of modernization and development as a whole, the family might come to be understood not as an institution that is indistinguishable from productive life but as a private, nuclear unit that is separate and apart from the wider sphere of the economy. In short, in ways that range from the trivial to the far-reaching, development initiatives may transform the form and structure of the household, remake its activities and priorities, and reinvent the ethos that surrounds it as an institution.

11. Gammage et al., supra note 2, at 36.
Whatever constraints formerly operated to limit intervention in families in the past are now dissolving in any event. The family is no longer even formally or officially off limits; indeed, development policy has now moved closer and closer to its heart. The family itself is increasingly an object of direct policy intervention and legal reform, as household decisions and priorities, gender relations, and the behavior of individual family members, especially as they might affect market activity and broader rates of economic growth, come under intense scrutiny and interest.

The family as an object of development attention, a place where behavior and interactions within the intimate or private sphere emerge as significant to broader economic objectives, is explicit in initiatives such as the newly-popular conditional cash transfers to households and efforts to encourage men to participate more in the care of family members. Yet the importance of the family in and to contemporary development projects far exceeds such overtly "familial" initiatives and projects. Normative aspirations about the family and the household can be traced throughout development discourse and policy, from initiatives on gender equality and social protection to labor market formalization and land titling. Indeed, ideas about the household and the family—the obligation to adjust in the face of the "creative destruction" wrought by markets, for example—are arguably implicit even in areas where they appear to be entirely irrelevant, such as trade and financial liberalization.

The significance of the family to development, then, is immense. Despite this, the family remains something of a black box in the discourse and policy of mainstream development institutions such as the World Bank. The pervasive conception of the family as private and as non-economic in its essence—and the correlative conflation of the economic with markets—often makes it difficult to locate the family within the domain of economic concerns. More often than not it is sidelined or simply missing in debates about economic growth; where it is considered, its integration into policy discourse remains partial and incomplete. To the extent that the household does come into view, it tends to be where it is perceived to impinge upon "real" pro-

13. See infra Part IV.B.
ductive activity, which in development parlance is understood to be market activity.

Whether outcomes are good, bad, or both, there is little systematic attention to what actually goes on inside of households in the process of development. This is, at minimum, because the household itself is not examined as a site of economic valuable activity and labor; because the effects of policy and regulatory reforms on household structure and the activities of its members are neither theorized nor routinely tracked in any systematic way; and because the feedback effects—both actual and potential—of changes to the family and household on the nature and level of market activities are either not traced at all, or are traced in partial and incomplete ways. The result is not only that the significance of the family within development remains obscure. Because the household and family are themselves central sites of economic activity, much about the character and effects, and hence the desirability, of development initiatives themselves remains obscure as well. Put simply, the aggregate economic picture is quite different than the partial one with the household blacked out, and development initiatives may be much less functional, even on their own terms, than they appear once the family is brought back into view.

What makes this a subject of interest to legal scholars, and comparative legal scholars in particular, is that development itself can be understood as a legal project: in central rather than peripheral ways, it has become a governance project directed at legal and institutional reform; indeed good governance itself has become a measure of development.18 The transnational diffusion of legal rules, institutions, and norms to promote both economic and social development has not only contributed to the massive revival of interest in law and development and comparative legal developments and legal transplants across the globe today;19 legal and economic interventions designed by the inter-


national economic and financial institutions are arguably the most important face of international law in the Global South.\(^{20}\)

This Essay begins to chart the place of the family in development and to probe the hidden, obscure or simply black sites in the development picture where economic activity appears to just stop. It does not comprehensively analyze either the role of the family in development or the effects of development policy on the household or family. Instead, it discusses some of the main places that families and households emerge as subjects of interest in the contemporary development enterprise and attempts to tease out the forces and concerns behind this new interest. In so doing, it also suggests how and why a wide range of regulatory and policy interventions, whatever their other functions and purposes, might be thought of as "about" the family.

The major aims are to illuminate the web of interconnections that link the family and the household to other economic institutions; to reveal something about the legal mechanisms by which these connections are structured and through which they change; to trace the way in which legal and policy interventions to further development might affect flows of people, resources and power in and across households and markets; and to indicate the significance, for both families and for development itself, of what we neither know nor, most of the time, even investigate, about their effects on household and familial economic activity.

The essay advances three interlinked theses. The first is that the place of the family in development is best approached indirectly, via the institutions to which it is connected and the functions it is intended to serve in broader projects of economic and social development. Interventions directed at families that might seem puzzling or just idiosyncratic in isolation seem less so if they are seen as of a piece with decisions and ideas about other domains and institutions, like the market or the state. We might think of the space carved out for the family and the specific features and activities of the household that now attract attention, then, as a product of larger processes and concerns that animate the field of development.

Second, attention to the legal rules, institutions, and norms that govern families is one of the best ways to both capture and explain the change underway within families and households, the shifting fortunes of family members, and their possible significance to market activity, and thus to the development enterprise as a whole. However, to focus only on the law and policy that directly regulates the

family not only generates an incomplete picture of the place of the family and the household in development; it may well also miss some of the most important mechanisms that now transform the family or household and influence the behavior of its members. This, I suggest, is because the family is effectively governed as much by the laws regulating economic activity and by policies directed at general economic objectives, such as inducing higher levels of labor market participation, increasing the economic value of market activity, and generating greater economic output as measured by indices like the Gross Domestic Product (GDP), as it is by legal rules and policies directed at the family or household per se.

Third, the manner in which the family is incorporated into development projects is a function of contemporary ideas about good governance in the development imaginary. To put it another way, not only are families and households of interest because they affect whether and how individuals participate in markets. The beliefs about what induces that participation and the strategies that are either on or off the table to encourage it are deeply informed by broader ideologies and practices that link legal rules and institutions to better and worse economic outcomes.

Part II situates the household in the economy and considers the family/household as an economic institution. Part III taxonomizes the law that regulates the family and the household and highlights properties of legal rules that tend to be ignored or suppressed in regulatory and governance debates in the field of development. Aided by that expanded taxonomy, Part IV discusses development and legal reform initiatives in four areas that touch on the household—gender equality, social protection, labor market formalization, and land titling—and describes how such initiatives might raise distributive concerns and produce unexpected, even perverse, as well as expected outcomes inside and outside the household. Part V revisits the place of the family of development in light of the taxonomy and the examples, and considers their import both for households and for the development enterprise itself.

II. THE ECONOMIC FAMILY

A. The Family as an Economic Entity

Economists, sociologists, feminists, and philosophers have long analyzed the economic functions of the family and observed that the household is a key site of production, reproduction, and welfare.21 An

enormous amount of economic activity goes on at home, and even
where the resulting products and services are not traded, the house-
hold provides crucial inputs to goods and services that do circulate in
the market. For related reasons, the household is also an important
site of labor or work.\textsuperscript{22} It has been estimated, for example, that if
unpaid work, the vast majority of which occurs in and around the
household, were included in national accounts, the average GDP
would increase by around fifty percent and if capital inputs were in-
cluded too, it would almost double.\textsuperscript{23} The family is also a source of
economic security and an important mechanism of resource redistri-
bution. Not only is the family a pillar of the welfare regimes of
industrialized societies;\textsuperscript{24} the family and kinship networks remain
the de facto source of economic security in much of the developing
world. In addition, many of the preoccupations that are most central
to the question of development—the nature and organization of pro-
ductive activity, questions of welfare and economic security—are also
pre-eminent concerns of families and households.

Nonetheless, in mainstream development analysis and policy,
the family is not talked about as an economic institution. While
household income may be important for the question of living stan-
dards or because of its effect on economic demand, the household
itself is not imagined as an economically significant site of productive
activity. As a result, in general household production is not valued
for the purposes of determining aggregate levels of economic
output.\textsuperscript{25}

Despite the complexities involved in imputing a value to goods
that have no market price,\textsuperscript{26} the exclusion of household production
from the economic calculus not only distorts the measurement of eco-

domic growth;\textsuperscript{27} it inevitably skew the overall assessment of living
standards;\textsuperscript{28} there is no reason, for example, that the mere substitu-

\begin{footnotesize}
\begin{enumerate}
\item Stiglitz et al., \textit{supra} note 25, at 88-91.
\item Id. at 30.
\item Id. at 35.
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\end{footnotesize}
as an increase in economic activity, still less as an increase in household welfare. It also obscures the distribution of costs and benefits of development initiatives both inside and outside the household.

Although influential economic theories posit that resources are shared among all household members, development policy analyses, in particular those attentive to gender relations, have begun to acknowledge that the distribution of resources within the household is partly a function of the bargaining power held by different household members. Rather than the locus of undifferentiated altruism, the household is a place of conflict as well as cooperation, a site of intense and complex bargaining. Moreover, the amount of household labor performed and leisure enjoyed by different family members appear to be intimately related to their command over external resources. This means, of course, that what goes on in the market—for example, whether women and men possess opportunities to work or transact in the market and what those opportunities look like—may change the structure of negotiations between husbands and wives, produce different investments in the health, fate, and even the presence of children, and alter family relations in myriad other ways. In short, external transformations in the market and the political sphere may generate significant changes in norms and practices within the household.

What remains is to extend and generalize these insights and to explain how such changes in bargaining power and household norms and activities might come about. The interactions between markets and households are, I suggest, pervasive rather than limited; moreover, influences operate in both directions and they may work indirectly as well as directly. This means that market processes have multiple circuits for transforming the household, and that changes within families and households might also spillover into the market in lots of ways. Moreover, all of these processes and transformations are themselves produced in part by legal reforms.

29. This “invariance” principle is discussed in Stiglitz et al., supra note 25, at 30.


32. World Bank, supra note 15.


34. Bina Agarwal, 'Bargaining' and Gender Relations Within and Beyond the Household, 3 Feminist Econ. 1 (1997).

35. Id.
B. The Family as a Legal Entity

The family and the market are as much made as found. Begin with the family. Although the family is the most naturalized of social institutions, the legal issues that have been central to the transformation of family law in last generation establish that it is nature of a distinctly plastic kind. For example, what is a family? Is it the nuclear family of the post-war social imaginary, the normative basis of everything from labor and employment law to welfare and social policy? Must marriage be confined to persons of the opposite sex? Whatever the legal answers to these questions—and they vary a great deal—they determine, in part, what the family is and what it does.

We can make a parallel set of observations about the market. “The market” is conventionally invoked as if it were simply a fact, or a force, of nature, and development policy is pervaded with assumptions that people have a natural propensity to “truck, barter, and exchange.” Yet the markets of post-industrial, globally integrated economies are complex creatures of law and policy, not only regulated by legal rules and institutions but dependent upon them in thorough-going ways for their very existence; thus, the type of market is as much in question as the presence of the market.

But if neither the family nor the market can be imagined as just “facts,” what makes their joint interrogation compelling is the evidence that changes in families and markets are often linked. For example, the emergence of the idea of the household as a private, non-productive sphere historically tracks the rise of wage labor in the broader economy. Efforts to scale back the degree of public assistance to families may run in tandem with changes to family law rules that place heavier burdens on family members to support each other or even change the very definition of who stands in a familial relationship.

Thus, the relationship between the family and the market is to some degree mutually constitutive; changes to the nature and obligations of one sphere are very likely to reallocate labor, risk, resources,
and power in the other, and in so doing, differentiate the rewards of both household and market work for different groups. For example, legal mandates to provide either child care or parental leave to workers can be expected to affect the degree of care work that is performed in the home versus the market; so will provision by the state. But such decisions also typically reallocate the costs of care. Indeed, the regulation and organization of care work may shift its very association with either the family or the market, private or public.

III. The Family and Development and the Law of the Family

In Part I, I made the claim that the role of the family in development is best understood in relation to other institutions and objectives, and that the regulatory and governance projects that most profoundly affect the family or the household are not limited to those that target them directly. This has implications for how we comprehend the law of the family or household, whether domestic, comparative, transnational or international.

Some development initiatives seem so obviously connected to families or household activities and preoccupations that no conceptual rethinking is required to locate them as part of the law and policy of the family. Others seem tangential to or entirely remote from family or household concerns; nonetheless, it is plausible to think of some of them as part of family law. This is not merely because of their effects on households and families. Rather, it is because assumptions about the family—its roles and responsibilities in respect of welfare and economic security in particular—are part of the background against which these rules operate, and because changes to such rules may reconstitute the family and the household in both material and ideological ways.

In order to capture the myriad laws, policies, and norms that operate on the family and the full range of normative, regulatory, and institutional projects that bear on household and family forms, some scholars have developed the following system of classification of family law rules: Family Law I, II, III and IV. Family law as conventionally understood in family law treatises and casebooks, that is, the laws, policies, norms, and institutions that directly regulate domestic and intimate

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42. Kerry Rittich, The Gender of Restructuring, in Recharacterizing Restructuring, supra note 6, at 173.
relations, such as conjugal, spousal, and parental relations, and other familial obligations (Family Law I);

Laws, policies, and institutional or governance projects that explicitly mention or incorporate the family, even though their subject matter or objective is not, in the first instance, the regulation of families; think, for example, of tax laws that differentiate between single and married or cohabiting persons (Family Law II);

Laws and policies that constitute or reconstitute the household or family; influence or determine household and family activities, preoccupations and responsibilities; or alter the allocation of resources and bargaining power among their members, even though they do not mention the family (Family Law III); and

Informal norms and plural or competing normativities, including gender, religious, cultural or customary business norms and practices, that directly or indirectly operate on the household or family and potentially mediate, intensify, moderate or otherwise alter the impact of Family Laws I, II and III. We might think of these norms as Family Law IV, although where they are formally recognized as part of the law of the family, as is sometimes the case in plural legal systems, they might loop back into Family Law I and II.

This expanded taxonomy has the collateral effect of highlighting a number of features that are relevant to analyzing the family and family law in development. One is that family law is a contingent and historical category; whether it comes into being as a discrete legal field is typically related to outside developments, political, economic, and cultural. Notice also that the list of rules and norms that might have an impact on the activities of households or the distribution of resources among household members is not closed. We could contemplate, and in many instances document, such effects emanating from the following non-exhaustive list of legal rules, all of which have been the subject of reform proposals to promote development by the international financial institutions: labor and employment laws (household income level, numbers of household members who work outside the home); property, land, and zoning laws (nature of household economic activity, distribution of land, and capital between

45. This framework is adapted from DUNCAN KENNEDY, A CRITIQUE OF ADJUDICATION: FIN DE SIECLE (1997).
47. See Halley, supra note 40; Philomila Tsoukala, Marrying Family Law to the Nation, 58 AM. J. COMP. L. 873 (2010); Rheinstein, supra note 36, at 7-8.
household members); debtor/creditor and bankruptcy laws (ability to
remain in the family home); tax laws (decisions about household la-
bor market participation); and trade law and investment laws
(viability of traditional economic activities, including household sub-
sistence activity). But in specific contexts, there would certainly be
others. In addition, the wide variety of non-formal rules and con-
ventions that operate on households and markets will complicate any
assessments of the effects of formal rule changes; the likely result is
that the same legal rules will generate different effects in different
places and at different times.

Inherent in the project of economic development premised on
growth through integration into global markets is the fostering of ex-
change relationships among parties who have no pre-existing or
continuing relationships, and who transact on an arms-length rather
than personal or reputational basis. This is widely thought to require
more formal and sophisticated rule structures than those adequate to
organize local economic relations; hence, the centrality of the rule of
law and market institutions like property and contract rights to the
development enterprise.

The legal consciousness that informs this project might be de-
scribed as divided: it exhibits both functionalist and formalist
tendencies. On the one hand, reform proposals reflect a pragmatic
sensibility and a technocratic concern with identifying legal “best
practices” to advance security of possession, facilitate efficient trans-
actions, and ensure participation in markets. On the other hand, they
reflect a formalist or neo-formalist sensibility: property and contract
rights and, more lately, human rights and anti-discrimination rights,
may be described as simply definitional parts of development, mar-
kets, and rule of law respecting societies. Missing from this

48. See World Bank, supra note 18.
49. Max Rheinstein, too, noted that family law was distributed among other legal
fields such as social security, welfare, housing, criminal law, procedure, taxation, pro-
tection of youth. See Rheinstein, supra note 36, at 4.
50. The classic formulation is found in North, supra note 19.
51. See David Kennedy, The Rule of Law as a Strategy for Economic Development,
in The Dark Sides of Virtue: Reassessing International Humanitarianism 149
(2004); Promoting the Rule of Law Abroad: In Search of Knowledge (Thomas
Carothers ed., 2006).
52. The term functionalism is used in comparative law in ways that both parallel
and diverge from its use here. See Ralf Michaels, The Functional Method of Compara-
tive Law, in The Oxford Handbook of Comparative Law 339 (Mathias Reimann &
Reinhard Zimmermann eds., 2006).
53. Kerry Rittich, Functionalism and Formalism: Their Latest Incarnations in
See also David Kennedy, Challenging Expert Rule: The Politics of Global Governance,
27 Sydney L. Rev. 1 (2005); Duncan Kennedy, Three Globalizations of Law and Legal
54. See Kerry Rittich, The Future of Law and Development: Second Generation
Reforms and the Incorporation of the Social, in The New Law and Economic Devel-
opment, supra note 18, at 203.
consciousness, however, is attention to other properties of legal rules that are relevant to the family. Whatever their effects on the ease and security of transactions, legal entitlements provide important chips in the bargaining over both family and market relations, and thus affect the status, balance of power, and exit options of the parties in marriage and employment.\textsuperscript{55} Rules that strengthen the economic position of some actors often impose new obligations, burdens, risks or disabilities on others.\textsuperscript{56} For example, reforms to enable entrepreneurial activity may heighten the exposure of workers to volatile market conditions and simultaneously reduce the resources available to the households. How legal rules are structured, therefore, can strengthen or weaken the position of different parties, powerfully influence the distribution of resources in the household as well as the market, and advance or impede the realization of a range of social and economic objectives.


There are, at minimum, three interrelated objectives within the mainstream development agenda that traverse the market/household divide. All have potentially large implications for how families and households order their priorities, orient their activities, deploy their personnel, and otherwise spend their time, energy, and resources. The first is a norm approaching universal market participation, accompanied by reduced "dependence" on the state.\textsuperscript{57} The second, virtually definitional of market-centered development initiatives, is the promotion of higher value economic activity. The third, closely related to the first two, is fostering greater productivity and increased economic growth by encouraging investments in human capital.\textsuperscript{58}

In order to understand how these objectives are translated into law and policy, it is useful to know that development institutions like the World Bank have adopted what might be described as a "convergentist" approach to the dilemmas of development.\textsuperscript{59} That is,
social and economic objectives are represented not as competing, conflicting or simply different development goals, but as linked, even coterminous, ones, all of which are compatible with fostering market-centered growth. While the first phase of market-centered economic development was widely decried for the neglect of the social,\textsuperscript{60} social justice is now squarely on the agenda.\textsuperscript{61} Development policy documents are threaded with references to the importance of human rights, empowering women and the poor, and encouraging the participation of communities and civil society, while legal and economic reforms such as labor market and land formalization are now typically defended in terms of economic growth and objectives like poverty alleviation and social inclusion.\textsuperscript{62} At the same time, participation in markets has emerged as the principal means to advance the social and economic status of disenfranchised groups. But this means that families, households, and individual family members are subject to more discipline by the market and, paradoxically, sometimes to greater bureaucratic control as well.\textsuperscript{63} It is this convergence of the social and the economic within development thinking, I suggest, that has served to bring the household into view as a productive (and potentially more productive) space, and that holds so much transformative potential for the family.

\textbf{A. Gender Equality}

Comparatists have noted the significance of gender equality norms to the transformation of family law in the last generation.\textsuperscript{64} A similar normative shift has occurred in the field of development, but with a twist: gender equality has entered the development lexicon in a similarly pervasive way, but the effect has been less to transform mainstream development norms and practices than to alter the discourse around development and, to some extent, to reinvent the idea of gender equality itself.

Following protest that its projects and policy-based lending activities violated women’s and human rights, the World Bank adopted a formal commitment to gender equality\textsuperscript{65} and a distinctive market-

\textsuperscript{60} ADJUSTMENT WITH A HUMAN FACE, supra note 4; 50 YEARS IS ENOUGH: THE CASE AGAINST THE WORLD BANK AND THE INTERNATIONAL MONETARY FUND (Kevin Danaher ed., 1994).

\textsuperscript{61} Rittich, supra note 18.


\textsuperscript{64} Harry D. Krause, Comparative Family Law: Past Traditions Battle Future Trends – and Vice Versa, in THE OXFORD HANDBOOK OF COMPARATIVE LAW, supra note 52, at 1112.

\textsuperscript{65} See, for example, WORLD BANK, supra note 16.
centered way of pursuing it.\textsuperscript{66} Drawing women out of the household and into the market through strategies like the now-ubiquitous micro-credit programs designed to boost the productivity of women's economic activities\textsuperscript{67} and law reform to aid women entrepreneurs,\textsuperscript{68} is the heart of the project. The basic claim, elaborated in \textit{Engendering Development},\textsuperscript{69} is threefold: first, women benefit more than men do from the expansion of markets; second, increased market opportunities for women will induce parents to make greater educational investments in their daughters; and third, greater market participation by women will itself provoke a rebalancing of the gendered division of unpaid household labor that operates to women's detriment.\textsuperscript{70} While general reforms to promote development are expected to do much of this transformative work, targeted legal changes to ensure equal rights for women are also part of the agenda.

The specific fields that are marked out for reform are family law, laws on gender-related violence, land rights, and rights to political participation.\textsuperscript{71} Notice how much they touch on the household. A major concern is blatantly unequal rights between husbands and wives in respect of marriage, divorce, reproductive decisions, child custody, marital property, and inheritance, whether they are found in statutory or customary law (FL1 and FL2).\textsuperscript{72} Addressing violence against women is important as well; this requires remedying narrow definitions of violence in criminal law and evidentiary requirements that frequently make it difficult if not impossible to secure convictions for assault. But also needed are restraining orders to protect women from violence inside their own homes (FL2).\textsuperscript{73} Reform to land laws—as "heads of households," men are much more likely than women to have control over land (here FL2 and/or FL3 and FL4)\textsuperscript{74}—as well as laws that grant formally unequal entitlements to men and women to vote or take up elected positions, even mandating reserved seats for women in representative political institutions, are also on the list (FL3).\textsuperscript{75}

While most of these reforms stand to transform domestic relations either directly or indirectly, and some may transform women's status and opportunities in the market as well, one puzzle is why

\textsuperscript{66} \textsc{World Bank}, supra note 15.
\textsuperscript{68} \textsc{World Bank}, \textit{Women, Business and the Law 2010: Measuring Legal Gender Parity for Entrepreneurs and Workers in 128 Countries} (2010).
\textsuperscript{69} \textsc{World Bank}, supra note 15.
\textsuperscript{70} \textit{Id.} For a more detailed discussion, see Kerry Rittich, \textit{Engendering Development/Marketing Equality}, \textsc{67 Alb. L. Rev.} 576 (2003).
\textsuperscript{71} \textsc{World Bank}, supra note 16, at 115-24.
\textsuperscript{72} \textit{Id.} at 117.
\textsuperscript{73} \textit{Id.} at 119.
\textsuperscript{74} \textit{Id.} at 120-23.
\textsuperscript{75} \textit{Id.} at 123-24.