

Strengthening Women's Property Rights

Cheryl Doss, Carmen Diana Deere, Hema Swaminathan, and Abena D. Oduro

With the growing recognition of the importance of empowering women to reduce poverty and encourage economic growth, a variety of programs are being developed to strengthen women's property rights. One focus has been on strengthening women's property rights to land, especially in an era characterized by increasing pressure on land from both domestic and global actors. Recent efforts have focused on ensuring that women's names are included on land titles, strengthening women's inheritance rights, and programs to ensure that women understand and can claim the legal rights that they currently have. While all of these programs are important, this policy brief focuses on an area that has received less attention: strengthening women's property rights within marriage.

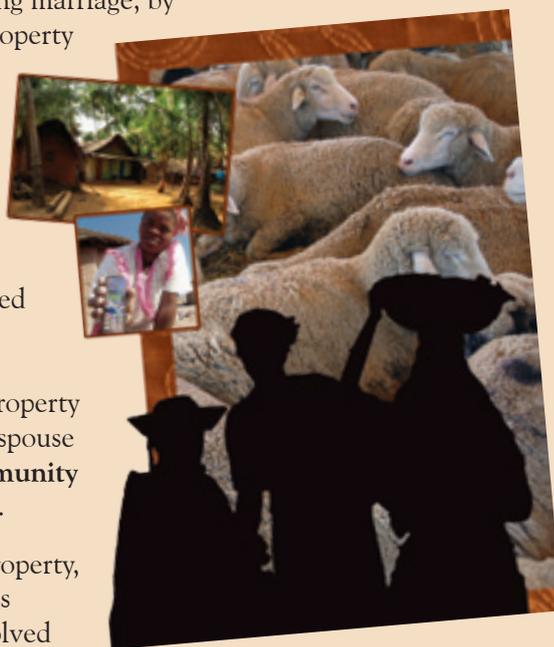
Strengthening women's property rights within marriage will not only affect women's access to property while they are married, but also enhance their claims to marital property when the marriage ends, either through death, divorce or separation.

The key policy question is whether assets acquired during marriage, by either the husband or wife, are considered individual property or joint property. We can distinguish three different types of marital regimes, which differ regarding the ownership of property within marriage.

In community property marital regimes all assets acquired during the marriage are considered the joint property of the couple. What distinguishes partial and full community property regimes is how property acquired prior to marriage and inheritances are treated. Under **partial community property**, assets acquired prior to marriage and inheritances remain individually owned property during the marriage and when the marriage ends, each spouse (or his or her heirs) retains their own. Under **full community property**, all assets, including inheritances, are pooled.

In contrast, in the **separation of property** regime, all property, irrespective of when or how it was acquired, is treated as individually owned property; when the marriage is dissolved due to divorce or death, there is no community property to distribute.

Community property regimes implicitly recognize wives' contribution to the formation of marital property through domestic labor, child-rearing and other care giving duties. Given women's lower labor force participation rates than men's, and the disadvantages they face in the labor market - including occupational segregation and the gender earnings gap - married women's potential for accumulating assets on their own is generally lower than men's. Recognition of joint community property in marriage thus levels the playing field for the great majority of women, particularly those in developing countries.

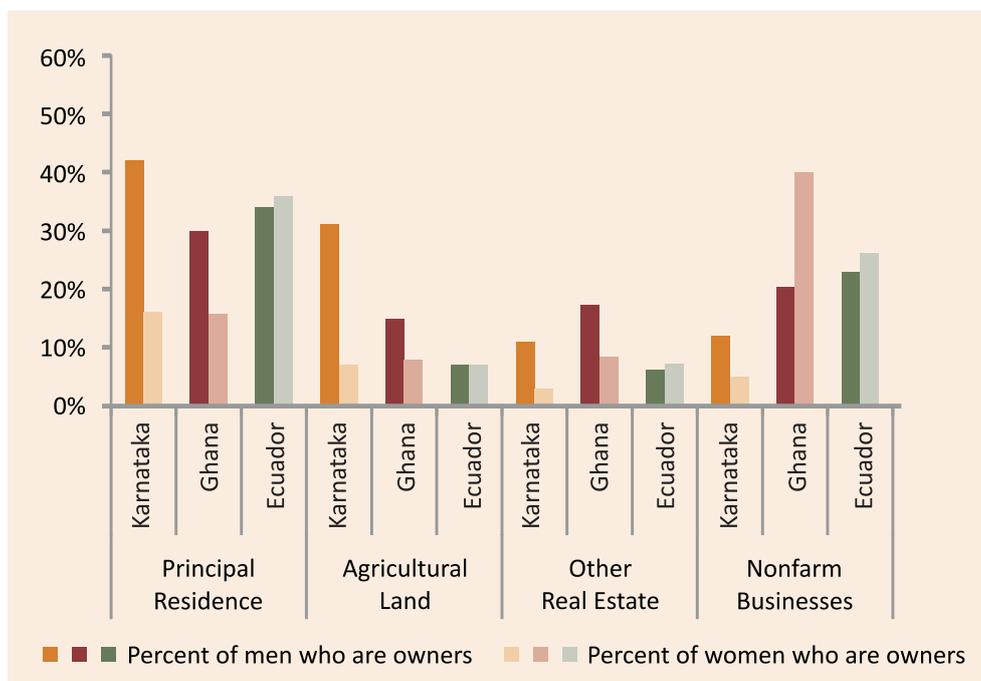


Research carried out by the Gender Asset Gap Project demonstrates the importance of these different marital regimes. In 2010, the project implemented household asset surveys that are nationally representative in Ghana and Ecuador and representative of the state of Karnataka, India. Information was collected on individual and joint ownership of all physical and financial assets. The data was used to calculate measures of the gender asset and gender wealth gaps in each of the three countries.

A key measure of the gender asset gap is the incidence of ownership by men and women. **Figure 1** presents this for the four most important physical assets: principal residence, agricultural land, other real estate and nonfarm businesses. Together, these four assets comprise 90% of the value of household physical assets in Ecuador, 82% in Ghana, and 93% in Karnataka, India.

In Karnataka and Ghana, a higher proportion of men than women own the principal residence, agricultural land, and other real estate. While in Karnataka, men are also more likely to own nonfarm businesses, the gender gap in Ghana for nonfarm businesses favors women. Yet, further analysis of the data indicates that although in Ghana, women are 70% of the business owners, they only own 38% of the business wealth. In Ecuador, the gender gap in incidence of ownership is small for all four major assets, and often in favor of women, rather than men.

Figure 1. Incidence of Ownership of Four Major Assets, by Sex (for those 18 years and older).



Source: Doss et al, 2011.

Overall in Ecuador, women own 52% of the value of gross physical wealth, which is similar to the proportion of women in the population overall. In Ghana and Karnataka, women own only 30% and 19% respectively, of the value of gross physical wealth.

These patterns match what we would expect given the marital regimes in each of the three countries. In Ecuador the default marital regime (what prevails legally if nothing else is declared) is partial community property whereas in Ghana and India, separation of property prevails.

The marital ownership patterns are revealed more explicitly when we consider the ownership of assets among married couples (including here those in consensual unions.)

Table 1 - Married Women's Share of Couple Wealth (%).

	Physical	Financial	Total
Ecuador (n=1,776)	44.2	27.7	43.7
Ghana (n=944)	18.8	29.0	19.0
Karnataka, India (n=2,666)	8.2	35.0	9.1

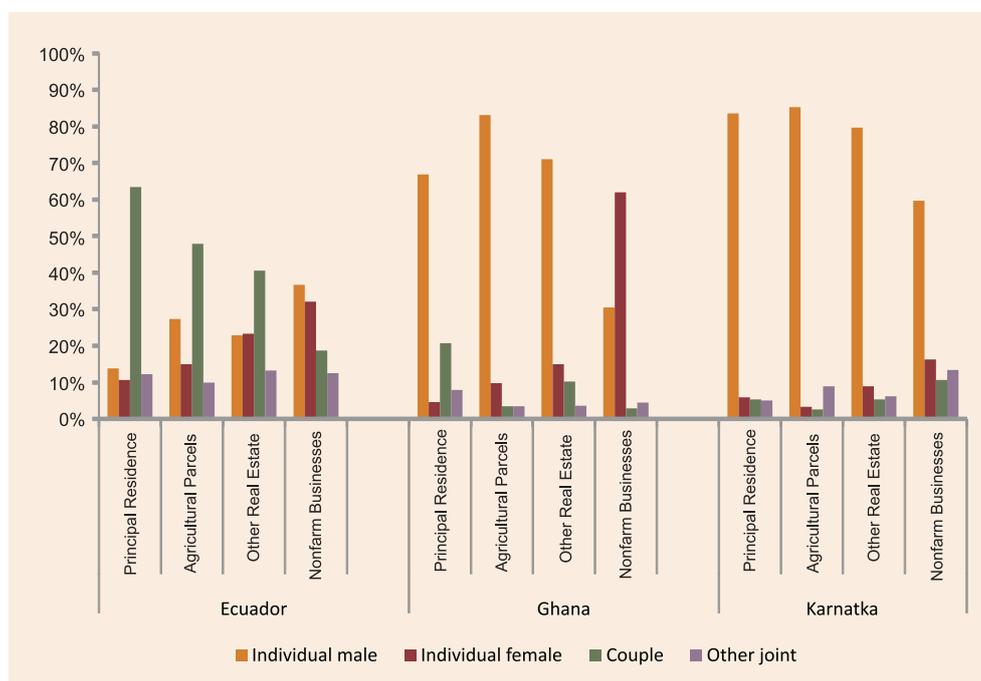
n=couples; percentages are weighted by survey expansion factors. Financial excludes insurance and pensions, and for Karnataka, cash savings held at home as it cannot be separated from cash for daily expenditures.

Source: Deere et al, 2013.

In considering married women's ownership of couple wealth, the proportion is smaller than women's share of wealth overall (Table 1). This is due to the fact that many more women than men are non-partnered heads of household. Yet, married women in Ecuador own a much higher share of couple wealth (for physical assets) than do women in Ghana or Karnataka.

Figure 2 indicates the form of ownership for each of the assets owned by either member of the couple. In Ecuador, the predominant form of ownership of residences, agricultural parcels, and other real estate is joint ownership by the couple. Only businesses are more likely to be owned individually. In Ghana and Karnataka, very few of these key assets are owned jointly by the couple. Instead, for all but businesses in Ghana, the majority of the assets are owned individually by men. In Karnataka, all categories of major assets are owned primarily by men.

Figure 2. Distribution of the Form of Ownership of Key Assets Owned by Married Couples.



Source: Deere et al, 2013.

Thus, recognizing women's claims to property acquired within marriage is key to increasing women's ownership of assets. Because women, especially married women, are less likely to be able to acquire assets individually than are men, it is important that their contributions to household production, domestic and care labour be recognized explicitly by considering assets acquired during marriage as the joint property of the couple.

While the marital regime of partial community property does not resolve the fact

that wives do not have any claim to land and other assets that their husband inherits, it does ensure that the assets purchased by the couple during the marriage belong to them jointly. The historical patterns of asset ownership in Europe and the United States of America indicate that women are likely to own a greater share of assets as the portfolio of household assets is diversified and shifts away from being based primarily on land. Thus, as land markets develop and a greater share of land is purchased rather than inherited and as other assets become a greater component of household wealth, ensuring that women have claim to half of the marital property would be an important step towards reducing the gender asset and wealth gaps and strengthening women's property rights.

This policy brief draws heavily on research presented in:

Doss, Cheryl R., Deere, C.D., Oduro, A.D., Swaminathan, H., et al. 2011. The Gender Asset and Wealth Gaps: Evidence from Ecuador, Ghana, and Karnataka, India. Indian Institute of Management Bangalore, Bangalore.

Deere, C.D., Oduro, A.D., Swaminathan, H. and Doss, C. 2013. "Property Rights and the Gender Distribution of Wealth in Ecuador, Ghana, and India." Journal of Economic Inequality, forthcoming.

For more information, see <http://genderassetgap.iimb.ernet.in/resources>

***Acknowledgements:** This policy brief has been produced with funding support from an anonymous donor. The data presented was collected with support from the MDG3 Fund of the Dutch Ministry of Foreign Affairs.*



Centre for Public Policy
Indian Institute of Management Bangalore
Bannerghatta Road, Bangalore - 560076, Karnataka, India
Ph: 91 80 26993323. Fax: 91 80 26994050
Email: genderassetgap@iimb.ernet.in
Project website: <http://genderassetgap.iimb.ernet.in>
Website: www.iimb.ernet.in

January 2013

Design and production: Communication for Development and Learning, Bangalore; email: cdlblr@gmail.com