

## Property rights and the gender distribution of wealth in Ecuador, Ghana and India

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**Abstract** Women’s ability to accumulate wealth is often attributed to whether they have property rights; i.e., a legal personality to own and manage property. In this paper we argue that basic property rights are insufficient; whether women are able to accumulate wealth also depends upon the marital and inheritance regimes in particular contexts. Drawing upon surveys which collected individual level ownership data in Ecuador, Ghana and the state of Karnataka in India, we estimate married women’s share of couple wealth and relate it to how assets are owned within marriage as well as to different inheritance regimes and practices. In Ecuador, married women own 44 %, in Ghana, 19 %, and in Karnataka, 9 % of couple wealth. Ecuador is characterized by the partial community property regime in marriage while inheritance laws provide for all children, irrespective of sex, to be treated equally, norms that are largely followed in practice. In contrast, Ghana and India are characterized by the separation of property regime which does not recognize wives’

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contribution to the formation of marital property, and by inheritance practices that are strongly male biased. Reforming marital and inheritance regimes must remain a top priority if gender economic equality is to be attained.

**Keywords** Inheritance regimes · Marital regimes · Women's property rights · Asset ownership · Wealth in developing countries

## 1 Introduction

Historical evidence suggests that married women's property rights matter greatly to achieve a gender equitable distribution of wealth. In the United States (US) and Great Britain, for example, the Married Women's Property Acts which were enacted in the last half of the nineteenth century facilitated women's accumulation of wealth so that by the 1950s women owned approximately 40 % of the personal wealth in each country (see [23, 32]). But once women have basic property rights—i.e., a legal personality so that they can own and manage their own property, enter into contracts, write wills and receive bequests in their own name—their ability to accumulate wealth may depend on the governing marital and inheritance regimes. By marital regime we refer to the specific rules governing the ownership and management of property during marriage and upon its dissolution. Inheritance regimes refer to the rules governing wills or testaments and intestate (what happens when there is no will).

In broad terms three main types of marital regimes can be distinguished: full community property, partial community property and separation of property (see [11, 12]). In community property regimes all assets acquired during the marriage are considered the joint property of the couple. What distinguishes them is how property acquired prior to marriage and inheritances are treated. Under partial community property, inheritances and assets acquired prior to marriage remain as individually owned property during the marriage and are treated similarly in case the marriage is dissolved: each spouse retains their own. Under full community property, all assets are pooled whether they were acquired prior to or during the marriage, including inheritances. In contrast, in the separation of property regime all property, irrespective of when or how it was acquired, is treated as individually owned property; in the event 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 and child-rearing (see [12]). 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.

Inheritance regimes can be distinguished on a number of criteria, but key aspects are whether sons and daughters are treated equally, whether husbands and wives have inheritance rights to each other's estates, and whether these provisions govern intestate as well as testaments.

Until now, national level estimates of the gender distribution of wealth have not been available for any developing country. This article presents evidence on the gender distribution of wealth for three countries with differing inheritance and marital regimes—Ecuador, Ghana and India. We draw upon nationally representative household asset surveys in Ghana and Ecuador and a survey representative of the state of Karnataka, India, which collected individual level asset ownership data to explore how marital and inheritance regimes affect women's accumulation of wealth.

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. In Ecuador, and in most of India since 2005, all children of either sex are treated equally under intestate while in Ghana the law is silent on this. In both India and Ghana, spouses are entitled to a share of the decedent's estate under statutory law on intestate succession. In Ecuador, if the decedent has children or their offspring, the surviving spouse retains his or her half of the marital property, but does not inherit from the deceased. At the aggregate level, the gender distribution of wealth in Ecuador is equitable; women own 52 % of gross household physical wealth, approximately equal to their share of the country's population. In Ghana and India the gender wealth gap is quite large: in Ghana women own 30 % and in Karnataka, India, 19 % of household wealth (see [15]).

This article focuses specifically on married women's share of couple wealth (including those in consensual unions). Married women's share of couple wealth is much lower than these aggregate figures on the gender wealth gap, principally because a relatively large share of women's aggregate wealth is held by women who are not currently partnered. As we demonstrate, the much larger share of married women's couple wealth in Ecuador than in Ghana and India is largely explained by the fact that the majority of major assets—housing, land and other real estate—are owned jointly by the couple, rather than by men individually, reflecting the outcomes of different marital regimes. Moreover, in Ghana and India there is a strong male bias in inheritance in practice, whereas in Ecuador inheritance is much more gender equitable.

Surprisingly little comparative research has been carried out on marital and inheritance regimes across countries, thus in the next section we provide a brief summary of their historical evolution before turning to the empirical analysis.

## 2 An overview of the evolution of marital and inheritance regimes

Until the second half of the nineteenth century, the British common law tradition was one of the most unfavorable to married women. In England under what was known as coverture, women lost their legal personality upon marriage. Any moveable assets such as furniture, livestock, money and stock that women acquired prior to marriage or inherited while married became the property of their husbands. While they did not lose property rights over immovable property (such as real estate), management was in the hands of the husband.<sup>1</sup> Only if they were widowed and no longer under

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<sup>1</sup>Exemptions were possible under common law, such as the establishment of separate estates for women through prenuptial contracts. These were primarily used by the upper class, and less common in the US than in Great Britain (see [31, 33, 36]).

coverture did the management of their own real estate revert to their control. The property rights of widows and single women were almost the same as those held by single men (see [24]).

In addition, married women generally could not write wills. As testamentary freedom (the right to freely choose to whom to bequeath one's property) became the norm in England during the eighteenth century, a married woman was excluded from this privilege since her husband had a lifetime right to enjoy the fruits of her immovable property. Only upon his death would this property pass to her heirs, by statute, her children or parents (see [24]). Moreover, under intestate widows did not automatically inherit from their husbands; they only had the usufruct right to dower, which was a right to the income from one-third of their deceased husband's immovable property during their life time. All moveable property accumulated during the marriage by the husband passed to the children.

In contrast, under the Roman and Islamic legal traditions, married women maintained their legal personality upon marriage. They continued to own both moveable and immovable property, inherited in their own names, and could will their own individually owned property, subject to certain restrictions on testamentary freedom noted below. The Roman legal tradition, as it evolved in southern Europe and was transported to the New World by the Spanish, French, and Portuguese, was particularly favorable to married women in that marriage automatically created a regime of community property. All property purchased by either spouse during the marriage belonged to the couple irrespective of whose income was used to acquire it. In case of the death of one spouse, the community property was divided equally between the surviving spouse and the decedent's estate. Whereas in Portugal full community property was the norm, in Spain and France partial community property was the default regime. Until the twentieth century under both regimes the husband managed both the community property as well as his wife's individual property. An important legacy of the Roman legal tradition is that inheritance laws treated children of both sexes equally, both under intestate and in the regime of restricted testamentary freedom where children were automatically entitled to most of each parent's estate. However, surviving spouses did not inherit automatically from the decedent's estate since they owned half of the community property (see [12, 13]).

Under the Islamic legal tradition as it evolved in the Ottoman Empire in the fifteenth to nineteenth centuries separation of property was the default marital regime (see [20, 29]). Wives retained both possession and management of whatever property they brought to or acquired during the marriage, putting them in a more favorable position than married women elsewhere. However, the inheritance regime was unfavorable to women. Sons were entitled to twice the share of daughters. While spouses were in the first order of inheritance under intestate along with the children, widows were in a less favorable position than widowers; the latter received one-quarter of their deceased wife's estate, while widows received only one-eighth of that of their husbands, and in polygamous marriages that share had to be divided among all wives [19].

The nineteenth century wave of reforms of married women's property rights was centered in Great Britain and the US and focused on granting married women a legal personality. The British Married Women's Property (MWP) Act of 1870 granted married women the right to own and control their own moveable property, including their own earnings; married women attained similar property rights to those of single women in the 1882 reform, including control over their immovable property and the

right to bequeath all of their property (see [7, 24]). In the United States, MWP acts were adopted on a state by state basis, beginning in the 1840s so that by the end of the nineteenth century married women in most states could inherit, own and dispose of their own property and earnings, write wills and generally enter into all contracts and suits (see [22, 32, 33, 35]).

Marital and inheritance regimes in developing countries were often shaped by their particular colonial experiences, the timing of such, and the manner in which formal, statutory law was imposed on or coexisted with customary law. In Latin America, the inherited regimes of Spain and Portugal evolved but slightly over the three hundred and some years of colonial rule. With independence in the 1820s, most of the new Spanish American republics retained their regimes of partial community property (and Brazil, of full community property) and restricted testamentary freedom. Because a feature of the community property regimes is that married women have a legal personality, this step which was so crucial in the US and Britain, was never an issue. The pressing issues related to equality in marriage—such as the husband's right to manage the community property and his wife's individual property, and the restrictions on the activities that wives could carry out only with permission of their husbands—were not addressed until the twentieth century (see [12]).

Ecuador was fairly typical of the South American pattern. Its first republican Civil Code of 1860 largely maintained its colonial heritage with respect to family law. The civil code reform of 1949 allowed married women to administer their own property; that of 1970 lifted requirements for husbands' permission for certain activities. The 1989 reform allowed couples to choose whether the husband or wife would represent the household and manage the community property (see [12]).

One might expect that the legal heritage of countries that were once part of the British Empire would be influenced by the timing of colonization. India fell under British domination before the MWP Acts had been enacted in England, while most African countries were not colonized until the late nineteenth century, when married women's property rights in England were being reformed. However, the legal position of married women in India and Ghana prior to British colonization was stronger than that of married women in England under coverture. Under both pre-colonial Hindu and Muslim personal law in India, and customary and Muslim personal law in Ghana, married women had a legal personality and could own and manage property in their own right. In both countries the separation of property regime was the customary norm in marriage (see [2, 21]). Thus British colonization and its timing brought little change with respect to the marital regime.

British colonization was more pluralistic than the earlier Spanish and Portuguese empires. The legal frameworks that evolved in the British colonies were a complex mosaic of religious and customary law and British common law, a mosaic that still exists. In India, British common law governed marriage and inheritance among the Christian population whilst in Ghana it applied to marriages contracted under the Marriage Ordinance. Codification of family law governing other religious and ethnic groups took place much later, with the British relying on indirect rule and customary law to solve conflicts governing property and succession.<sup>2</sup> It was not until

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<sup>2</sup>The evolution of the legislation regarding marital and inheritance regimes in each of the three countries is summarized in Appendix 1, available online. The appendix draws upon the following additional resources: [1, 5, 6, 17, 25].

after independence in both countries that concerted moves were taken to improve the inheritance rights of wives and daughters, the most glaring source of gender inequality.

In India the rights of women were strengthened by the 1956 Hindu Succession Act which granted both women and men full testamentary rights over self-acquired or separate property, which is distinguished from ancestral property.<sup>3</sup> Under intestate, sons, daughters, widows and widowers (and in the case of men, mothers) were all included in the first order of succession (known as Class I heirs). Agricultural land, nonetheless, was exempt from this law. Women could be discriminated against with respect to both ancestral and self-acquired agricultural land. The Hindu Succession (Amendment) Act of 2005 removed the remaining vestiges of gender inequality in inheritance by granting daughters equal rights as sons in ancestral property and incorporating agricultural land within the jurisdiction of the Hindu Succession Act (see [3]).<sup>4</sup>

In Ghana the majority of the population has followed customary law with respect to marriage and inheritance. While customary law varies by region and ethnic group, a main distinction is whether they are characterized by matrilineal and patrilineal descent systems. In inheritance, separate rules apply to self-acquired and family assets. The latter, consisting primarily of land rights, belong to the lineage and usufruct rights are transmitted across generations according to the rules of the specific descent system. Self-acquired property may be gifted to immediate family members (spouse and children) who may not be considered part of the lineage. Under both matrilineal and patrilineal systems a wife does not have an established right to inherit from her husband, although traditionally, it is expected that a widow and her children will receive support from the extended family (see [4]).

The Intestate Succession Law of 1985 in Ghana, governing self-acquired property, was applicable to all irrespective of the law under which they were married and is generally considered a significant advancement of the rights of widows. It sought to protect widows from dispossession (often by their husband's extended family members) under customary law. The widow and children of the deceased now became automatically entitled to one house as well as the household "chattels" (furnishings, consumer durables, etc.) and any remaining wealth under a certain limit (see [4, 27]). The statute was silent, however, on whether sons and daughters should be treated equally. The 1992 Constitution (article 22) implicitly recognized community property during marriage: "spouses shall have equal access to property jointly acquired during the marriage and that assets which are jointly acquired during the marriage should be shared equally between the spouses when the marriage is dissolved" (see [30, p. 4]). However, this constitutional provision requires implementing legislation to go into effect.

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<sup>3</sup>Ancestral property stems from the concept of the Hindu Undivided Family property, where the right to property ownership was through birth and only for male members. This was meant to protect agricultural land holdings and thus the right of ownership did not confer the right of alienation, except under special circumstances (see [3]).

<sup>4</sup>Given India's federated structure, states may establish their own statutes with respect to marital and inheritance regimes. The state of Karnataka anticipated the Hindu Succession Act of 2005 by more than a decade, establishing equal inheritance rights for sons and unmarried daughters in certain types of ancestral property (see [37]).

### 3 The household asset surveys

The household asset surveys employed in the subsequent analysis were carried out in 2010 through the Gender Asset Gap project, a comparative study of Ecuador, Ghana and Karnataka, India.<sup>5</sup> The project included six months of qualitative field work in each country. Each of the surveys utilized two-stage random sampling, with the primary sampling units selected in the first stage being nationally (or in the case of India, state) representative. Within each of the randomly selected primary units, the appropriate number of households was then drawn with equal probability of selection.<sup>6</sup> The samples consist of 2,892 households in Ecuador, 2,170 in Ghana, and 4,088 in Karnataka and include both urban and rural areas.

The surveys employed a household and an individual questionnaire.<sup>7</sup> The household questionnaire included a household registry with basic socio-economic information on each household member and an assets inventory (including detailed information on individual-level ownership and valuation). The individual questionnaire included information on the respondent's financial assets and debts, and information on marital and inheritance regimes. The person or persons most knowledgeable about the household's assets was selected as the respondent to the household questionnaire.<sup>8</sup> The individual questionnaire was answered by up to two respondents (including the respondent to the household questionnaire) separately and privately.

The analysis below is based on the sub-sample of households with a married couple (or a consensual union) where both currently live in the household and each completed the individual questionnaire. The final sample for this analysis includes 1,776 couples in Ecuador, 944 in Ghana, and 2,666 in Karnataka. For ease of exposition, we refer to the respondents as spouses (or husband and wife) whether they are formally married or in a consensual union.

Finally, the analysis is based on gross physical and financial wealth. Physical assets include the principal residence, agricultural land, other real estate, businesses, agricultural equipment and installations, consumer durables as well as other important consumer goods, such as jewelry. The value of physical wealth was determined by asking respondents how much they would receive if they sold the asset at the time of the interview. The value of financial assets is the current amount held in formal accounts or as informal savings. Pensions, other retirement accounts, life and burial insurance, and loans to third parties are excluded in this analysis.

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<sup>5</sup>The study was funded by the MDG3 Fund of the Dutch Foreign Ministry. The Ecuador Household Asset Survey (EAFF, Encuesta de Activos FLACSO-Florida) was carried out by the Latin American Faculty of Social Sciences (FLACSO), Ecuador, and the University of Florida. The Ghana Household Asset Survey (GHAS) was implemented by the University of Ghana, and the Karnataka Household Asset Survey (KHAS) by the Indian Institute of Management Bangalore.

<sup>6</sup>Both Ecuador and Karnataka faced a high level of refusals among households in the upper income groups, particularly in the cities of Quito and Bangalore. For further detail on the surveys, see [9, 16, 30, 38].

<sup>7</sup>The survey instruments are available at <http://genderassetgap.iimb.ernet.in>

<sup>8</sup>In Ecuador, the protocol was to administer the household questionnaire to the principal couple together. They were interviewed together in approximately half of the couple households. In Ghana, both spouses could be present for the household inventory and in slightly over half of the households with a principal couple both were present for the household inventory. In Karnataka, the protocol was to select the most knowledgeable person as the primary respondent for the household questionnaire.



#### 4 The gender division of wealth and marital regimes

Our main proposition is that married women's share of couple wealth reflects the interplay of both the marital and inheritance regimes. As Table 1 shows, married women own 44 % of couple wealth in Ecuador, 19 % in Ghana, and 9 % in Karnataka, India. Married women fare better under a partial community property as opposed to a separation of property regime, and under a regime that favors equality in inheritance among children of both sexes.<sup>9</sup>

In all three countries financial wealth is a relatively small share of total couple wealth (3–4 %). In most developed countries financial assets tend to represent at least one-quarter or more of total gross household wealth, thus we would expect this share to be lower in our three countries [8]. We cannot rule out the concern, however, that the value of financial assets may have been underestimated in our surveys.

The countries illustrate different patterns with respect to whether the gender wealth gap is largest for physical or financial wealth. In Ecuador married women hold a much smaller share of reported financial wealth than they do of physical wealth, while in Ghana and Karnataka the opposite trend prevails. For these latter two countries, then, married women's particular disadvantage is with respect to the number and value of the physical assets that they own, which represents the vast bulk of couple wealth. In Ecuador there is little difference in women's share of total couple wealth between urban and rural areas, being 44 % and 43 %, respectively. In Ghana urban women have a substantial advantage over rural women, owning 23 % as opposed to 15 % of couple wealth, respectively. Married women's share of couple wealth in Karnataka is also more favorable in urban areas, with urban women owning 10 % compared to rural women's 8 %.

The analysis of whether major assets are owned individually or jointly by married couples reveals the features of different marital regimes. Table 2 shows the form of ownership of the assets that are owned by at least one member of the couple. In Ecuador, the most frequent form of ownership of main residences and agricultural parcels is joint ownership by the couple; an important share of other real estate (which includes non-agricultural lots, other dwellings, and commercial buildings) are owned jointly as well. Since real estate constitutes the vast bulk of physical wealth, joint ownership of these by the couple partly explains women's relatively high share of couple wealth. In addition, the gender gap in the share of individually owned assets between married men and women is relatively minor with the exception of agricultural parcels, where the gap among married couples strongly favors men. Businesses reveal a different pattern of ownership than real estate, with the great majority of businesses reported as being individually owned, with the gender gap favoring men. Since self-employment makes up such a large share of businesses, it is not surprising that the assets pertaining to these are considered to be tied to a person's occupation, rather than as marital property. Family enterprises, which are

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<sup>9</sup>Most researchers of the US, which has historically had both community property and common law states, expect married women to fare better under community property as compared to the separation of property regime, since women have property rights to the assets acquired during the marriage (see [18, 22, 32]). Evidence of this is presented in a 1953 study of federal estate tax records of the top wealth holders (see [26, p. 125]).



**Table 1** Married women's share of couple wealth (%)

	Physical	Financial	Total
Ecuador ( <i>n</i> = 1776)	44.2	27.7	43.7
Ghana ( <i>n</i> = 944)	18.8	29.0	19.0
Karnataka, India ( <i>n</i> = 2666)	8.2	35.0	9.1

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

reported as being jointly owned by the couple or by a member of the couple and someone else, constitute 19 % and 13 % of total businesses, respectively.

In both Ghana and Karnataka, the great majority of dwellings, agricultural parcels and other real estate are owned individually by men. Ownership of land is particularly concentrated in the hands of married men. In Ghana, a notable share of principal dwellings are owned jointly by the couple, 21 %, and similarly for other real estate, partly explaining the difference in women's share of couple wealth between these two countries with a similar marital regime.

In Ghana and Karnataka married women are more likely to own businesses individually than any type of real estate. Moreover, in Ghana, women individually own the vast majority of businesses. In Karnataka, while the majority of businesses are owned by men, businesses are more likely than any type of real estate to be owned jointly by the main couple (or by one of them with someone else).

In sum, then, the distribution of the form of ownership of major assets among husbands and wives suggests that the marital regime of separation of property in Ghana and Karnataka disadvantages married women, concentrating major assets in men's hands. In this comparative perspective, the regime of partial community

**Table 2** Distribution of assets by form of ownership, couples sample (%)

	Asset	Individual male	Individual female	Couple	Other joint	Total	n
Ecuador	Residence	13.8	10.6	63.4	12.2	100	1060
	Ag parcels	27.3	14.9	47.9	9.9	100	357
	Other real estate	22.8	23.3	40.6	13.3	100	273
	Businesses	36.7	32.1	18.7	12.5	100	1095
Ghana	Residence	66.9	4.6	20.7	7.9	100	492
	Ag parcels	83.1	9.8	3.5	3.5	100	682
	Other real estate	71.1	15.0	10.2	3.6	100	301
	Businesses	30.5	62.0	2.9	4.5	100	703
Karnataka, India	Residence	83.6	5.9	5.4	5.1	100	2196
	Ag parcels	85.2	3.3	2.6	8.9	100	1937
	Other real estate	79.6	8.9	5.3	6.2	100	674
	Businesses	59.7	16.2	10.7	13.4	100	655

*n* = total assets owned by either member of the couple; percentages are weighted. Other joint includes ownership by either spouse with another household or non-household member and cases where everyone in the household owns the asset

property in Ecuador appears much more favorable for women since the majority of major assets are owned jointly by the couple, partly explaining why in Ecuador married women's share of couple wealth is much higher.

## 5 Inheritance regimes

We draw on two types of information on inheritance patterns. First, we collected data on respondent's brothers and sisters and asked whether they had inherited or been gifted assets by their parents. In order to analyze the general trends in inheritance patterns by gender we present this information for the full sample and not just married couples. Second, we also collected information on how each asset currently owned was acquired. This is presented only for inherited assets and for the couples sub sample, allowing us to assess the extent to which a male bias in inheritance contributes towards married women's lower share of couple wealth in the three countries.

### 5.1 Patterns of inheritance among siblings

In Karnataka, respondents were asked if their siblings had inherited a dwelling or a land plot from their parents. Of the female respondents who had brothers, 51 % reported that their brothers had inherited one or both of these assets. In contrast, of the male respondents who had sisters, only 4 % indicated that their sisters had inherited a dwelling or land (see [38]). While previous research has suggested that this state's equal inheritance provision (which preceded national legislation in India by a decade) has increased the likelihood that daughters inherit land (see [14]), our data indicate that equal inheritance by sons and daughters is still far from being achieved.

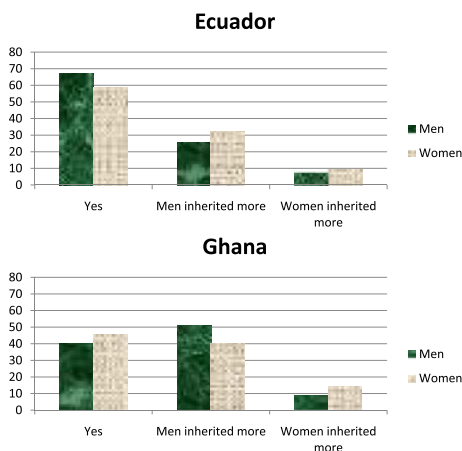
In the Ecuador and Ghana surveys, respondents were asked not only if their siblings had inherited assets, but also whether brothers and sisters had inherited assets of equal value. Overall, in Ecuador 62 % of the respondents who had siblings of both sexes replied that their brothers and sisters had inherited equally as compared to 43 % in Ghana.<sup>10</sup> Moreover, whereas in Ecuador only 29 % of the respondents considered that brothers had been favored, in Ghana 45 % reported a gender bias in inheritance favoring men.

Figure 1 presents this information according to the gender of the respondent. In Ghana female respondents report less of a gender bias in inheritance than do male respondents. Particularly noteworthy is that 14 % of the female respondents consider that a sister or the women have been favored whereas only 9 % of the men do so. In Ecuador there is a different pattern, with a larger share of male respondents reporting that the inheritances had been of equal value compared to

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<sup>10</sup>The Ecuador data, due to nuances in language, includes the respondent among the brothers or sisters in the valuation of relative inheritance shares; the Ghana data refers strictly to a comparison of the respondent's siblings. Inheritances are defined broadly to also include *inter-vivo* transfers or gifts. Approximately three-quarters of the respondents in each of the two countries had either not inherited or not inherited yet, or did not know if the inheritances had been of equal value. Respondents who do not have siblings or siblings of the opposite/ each sex have been excluded.

**Fig. 1** Inheritance by siblings: did brothers and sisters receive an inheritance of equal value?



women respondents. The greatest disagreement is over whether men have inherited more.

In sum, the evidence on inheritance by siblings—the most general indicator of inheritance patterns—suggests that inheritance is extremely male-biased in Karnataka, notable in Ghana, and moderate in Ecuador.

## 5.2 The importance of inheritance in the accumulation of assets

Inheritance is important in all three countries, but its relative importance is context and asset specific. As Table 3 shows for the sub-sample of married couples, inheritance is by far the most important means of acquisition of currently owned agricultural land in the three locales. In Karnataka, inheritance is almost the sole means of acquiring land in this predominantly rural state. While land markets are much more developed in Ecuador and Ghana, the majority of agricultural parcels were obtained as inheritances or gifts.<sup>11</sup>

A large share of the dwellings in Karnataka, 57 %, was also obtained through inheritance. In Ghana and Karnataka if the house itself was not inherited, it is likely that the plot upon which the dwelling was built was inherited. In Ecuador it is relatively unusual to inherit a house but quite common for the dwelling to be built on an inherited housing lot. In terms of other real estate, such as non-agricultural lots or other dwellings, it is more likely that these were obtained as inheritances in Karnataka than in Ecuador and Ghana. In none of the locales was it common to inherit a business, although it is more frequent in Karnataka than elsewhere.

We now consider in more detail the form of ownership of currently owned real estate which was inherited or received as a gift by the married couples. For Ecuador, where relatively few primary residences are inherited or gifted, Table 4 reveals only

<sup>11</sup>In Ecuador the survey instrument distinguished between donations (or gifts) given by parents *inter vivo*, and inheritances that were received upon their death. These terms, however, are used interchangeably in common parlance, thus we do not distinguish between them (see [10]). In Ghana, the distinction between gifts and inheritances is important, although here the two forms are combined.

**Table 3** Share of assets that inherited, couples sample (%)

Asset	Ecuador	Ghana	Karnataka, India
Principal residence	8.1	17.5	57.0
Housing lot	44.0	44.5	34.4
Agricultural parcel	52.9	58.7	85.7
Other real estate	34.1	26.9	30.1
Business	2.5	9.5	17.0

Based on total number of assets owned by either member of the couple; percentages are weighted. Inheritance includes bequests and gifts

a slight difference in the share of these which were inherited by women and men. It is much more common to inherit a housing lot, and there is a notable gender gap in terms of the share reported as being male (32 %) as opposed to female (18 %) individually owned property. There is a similar gender gap in the inheritance of agricultural parcels, with 31 % of these being owned by men and only 22 % by women individually. In the case of other real estate, however, the gender gap favors women, with men individually owning 27 % of these assets and women, 42 %.

Around one-third of all inherited real estate assets in Ecuador are reported as being owned by the principal couple jointly. This is surprising since legally inheritances are treated as individually owned property, unless explicitly designated as being gifted to the couple or when the transfer took place via a sales contract.<sup>12</sup> The data may be capturing the fact that parents often gift a child with an “advance inheritance” at the time of marriage, such as a housing lot or agricultural land, and that couples consider such land to belong to both of them. When a housing lot is inherited, the couple often builds the house together. Thus, the joint ownership of the dwelling is also being attributed to the lot, irrespective of who inherited it.

To verify if there is a gender bias in whose inherited assets are considered jointly owned, we examined from whom these assets were acquired. For all kinds of real estate, these joint assets were more likely to have been inherited from the man’s family than the woman’s, providing further evidence of a gender bias in inheritance in favor of men. This might also result if women who inherited were more likely to sell their assets than men who inherited; in this case, they would not show up in the data on currently owned, inherited assets. We tested this proposition and women were no more likely than men to report that they had sold an inherited asset.

In Ghana, agricultural land is more likely to have been acquired as an inheritance/gift than any other asset, and the vast majority of these parcels, 81 %, belong to men individually. Gifting as opposed to inheritance is also relatively more important for land than for other assets, and particularly so for women, who sometimes receive gifts of land from their husbands or fathers. The male bias in inheritance/gifting also holds in terms of the primary dwelling. A fairly large number of the inherited dwellings, 26 %, are owned jointly with other heirs who may not live in the household. Women are more likely to have acquired other real estate as

<sup>12</sup>In the past in Ecuador it was common for assets to be devolved to children through fictitious “purchase and sale” contracts. Legally such contracts, if entered into by someone who is married, result in the property being jointly owned by the couple. However, our field work revealed that the legal ramifications of such contracts were not very well understood (see [10]).

**Table 4** Distribution of inherited assets by form of ownership, couples sample (%)

	Asset	Individual male	Individual female	Couple	Other joint	Total	n
Ecuador	Residence	22.4	23.7	37.2	16.6	100	86
	Housing lot	32.1	18.3	31.1	18.5	100	309
	Ag parcels	31.4	21.8	36.0	10.8	100	189
	Other real estate	27.3	41.9	10.6	20.2	100	93
Ghana	Residence	53.8	10.1	10.5	25.7	100	99
	Ag parcels	80.6	11.8	3.7	3.9	100	400
	Other real estate	57.9	30.9	6.5	4.7	100	81
Karnataka	Residence	79.6	8.5	3.6	8.3	100	1350
	Housing lot	83.8	4.4	4.8	7.0	100	249
	Ag parcels	83.7	3.9	1.8	10.6	100	1799
	Other real estate	78.5	5.9	5.8	10.8	100	305

*n* = total number of assets which were inherited by either member of the couple; percentages are weighted. Inheritance includes bequests and gifts

inheritance or gifts, with 31 % of these assets being owned by them individually. As Table 4 also shows, relatively few inherited/gifted land parcels or other real estate assets apart from the principle residence are reported as being jointly owned by the couple, which is as expected.

In Karnataka, which is more rural than either Ecuador or Ghana, it is even more likely that the main residence and/or land parcels have been acquired through inheritance. Eighty-six percent of the agricultural parcels were inherited and of these, 84 % are individually owned by men and 4 % by women. Of the inherited residences, 80 % are reported as individually owned by men, with only 9 % belonging to women; with respect to housing lots, 84 % belong to men and 4 % to women. A similar gender bias against women is also apparent in terms of the inheritance of other real estate. Finally, between 7 and 10 % of all the inherited real estate assets are owned by one spouse jointly with other family members; relatively few of these assets are reported as jointly owned by the couple.

In sum, in all three countries inheritances are treated legally as individual property and hence, patterns of inheritance among siblings are important in shaping the gender distribution of wealth. Ecuador has the most gender egalitarian pattern of inheritance; further, in spite of the legal norm treating these as individual property in most cases, inherited property is sometimes treated as jointly owned by the couple. This suggests how engrained the concept of joint marital property is in this country. Men may be pooling their individually acquired assets as a result of social convention. Nonetheless, as our qualitative work revealed, disputes often arise in the case of divorce or death of one of the spouses over the origin of such property unless the asset has been formally titled in the name of the couple (see [10]).

In Ghana and Karnataka, legal norms and practice converge to treat inheritances as individual property. In Ghana, the data on inheritance of currently owned assets conforms to the gender biases seen in the reports of inheritances across siblings. Customary laws and norms reinforce the gender bias in favor of men. Similarly

in Karnataka, inheritance patterns are highly biased towards men even though the state has legislated equal inheritance rights for daughters and sons since 1994. The inheritance trends are not surprising given the entrenched social norms and attitudes that privilege sons over daughters particularly regarding the transmission of property. The results speak pointedly to the fact that while progressive legislations are necessary, they are not always sufficient to effect social transformation.

## 6 Policy implications and conclusions

This study has demonstrated that simply granting women basic property rights is not enough; rather, the specifics of marital and inheritance regimes matter greatly. The laws and norms regarding marital property and inheritance have a substantial impact on the distribution of wealth among couples. If men and women had equal opportunities and achieved comparable outcomes then perhaps the specific marital and inheritance regimes would be less important. But in situations where inheritance is a key source of wealth, a gender bias inherently creates an unequal playing field. The fact that real estate constitutes such a large share of couple wealth in all three countries suggests that the gender bias in inheritance is one of the major factors driving the low share of married women's couple wealth in Ghana and India as compared to Ecuador.

Marital regimes interact with inheritance regimes to determine asset ownership when a spouse dies. The question of whether or not a widow inherits from her deceased spouse is less important in the partial community property regime, in which the wife automatically owns half of the marital property. When there is no community property and most, if not all, of the property acquired during the marriage belongs to the husband, then it is especially important for widows to have strong inheritance rights.

Ecuador seems to be following a pattern, similar to most developed countries, whereby as agricultural land becomes a smaller fraction of overall wealth, women are more likely to inherit. Thus, it should be easier to ensure more gender egalitarian patterns of inheritance as countries urbanize and other assets become more important. Legislation can anticipate this trend and facilitate it.

Ghana and India are currently deliberating legislation that reduces gender disparities in inheritance and marital regimes. The Intestate Succession Bill currently before the Ghanaian Parliament seeks to remedy weaknesses in the Intestate Succession Law of 1985, such as its provision that in polygamous marriages all the widows share the inheritance rights to just one dwelling.<sup>13</sup> Both this and the Property Rights of Spouses Bill have faced resistance because of the perception that they unduly favor women. In addition, some claim that unpaid domestic work should not be considered as a contribution to the acquisition of marital property, as these are the responsibility of wives.<sup>14</sup> Happily, a 2012 Supreme Court judgment has set a precedent regarding

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<sup>13</sup>Deliberation on the Intestate Succession Bill was suspended in June 2012 in order for Parliament to obtain the views of the public.

<sup>14</sup>Views expressed by members of the Constitutional, Legal and Parliamentary Affairs Committee and Gender and Child Committee of Parliament. <http://politics.myjoyonline.com/pages/parliament/201201/79963.php> Accessed November 18, 2012.

this matter, interpreting the constitution more favorably towards women seeking divorce by ruling in favor of joint property during marriage (see [28]).<sup>15</sup> Despite the absence of a statutory framework, the Supreme Court ruling in favor of joint marital property should define the parameters for future laws.

The Indian Parliament has yet to debate the 2010 Marriage Law Amendment Bill which refers to the division of matrimonial assets at the time of divorce. A 2012 amendment to this bill provides women (and their children) with rights to one-half of the residence, while the division of moveable assets is left to the discretion of the court. This revision still falls short on several counts, most importantly a lack of clarity on what constitute marital assets or how a woman's non-monetary contribution to the acquisition of marital property will be assessed (see [34]).

Our study illustrates the complicated dynamic between legal and social change. Customary practices that discriminate against women are difficult to change, but without a gender-equitable legal framework, change might not occur at all. If gender economic equality in marriage is to be achieved, women must inherit on par with men and the contribution of wives to the acquisition of marital property must be recognized if they divorce or are widowed.

Our analysis also suggests the importance of considering the gender distribution of couple wealth in studies of economic inequality. Most studies use the household as the unit of analysis and do not consider who within the household owns the property. We have demonstrated that it is both important and feasible to go beyond the household as the unit of analysis to collect individual level asset data. As more asset data is collected at the individual level in developing countries, it should be possible to test in other settings the conclusions reached herein regarding the importance of community property in marriage and equality in inheritance among children to reach a gender equitable distribution of couple wealth.

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<sup>15</sup>Civil Appeal No J4/20/2011 of February 22, 2012. It represents a radical shift since it recognizes the unpaid domestic work of wives as a contribution to the acquisition of property during marriage.



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