



Land in Latin America: the gender asset gap

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Summary

This paper argues that inequality in land ownership is related to male preference in inheritance; male privilege in marriage, community, and state programmes of land distribution; as well as gender bias in the land market. It draws attention to significant differences by which rural men and women acquire land and shows that inheritance is the primary means by which most women become landowners; men are more likely to have acquired land through its distribution by communities or the state and through the market. It reviews recent trends favouring gender equity in land acquisition.

After more than three decades of efforts by women/gender and development scholars and practitioners to make rural women visible, few Latin American agricultural censuses publish data on the gender of their nation's farmers. None of the agricultural censuses ask who in the household is the landowner and few enquire as to how ownership of land was acquired. Researchers and policy-makers alike continue to make the erroneous assumption that owner-operated farms are the property of the household head. The questionnaire for the Peruvian living standards measurement study (LSMS) for 2000 was the first in Latin America to specifically ask if the land parcel belonged to the respondent or any other household member, and then follow it up with the most important question: whether the property title was in the name of the household head, the spouse, the couple, another family member, or others; and whether the latter cases were in co-ownership. The available census data illustrate the low participation of women as principal farmers, ranging from 7% in Guatemala to 22% in Chile, and as principal farmers on owner-operated farms, from 14% in the Dominican Republic to 24% in Chile.

In the author's view, national level data on land ownership often obscure important regional differences. Moreover, any serious study of land ownership must take into account that land may be the joint property of the couple rather than being individually owned. The national level figures, nonetheless, underscore the point that gender distribution of land ownership in Latin America is extremely unequal, with women rarely representing more than one-quarter of the landowners.

Data for six countries (Brazil, Chile, Mexico, Nicaragua, Peru, and Ecuador) suggest that inheritance is a relatively more important mechanism of land acquisition for women than for men in Latin America, although, in absolute terms, men are favoured by inheritance practices in all countries. In Brazil, Chile, Mexico, Nicaragua, and Peru, inheritance is the principal means through which women acquire ownership of land. In Brazil, Ecuador, and Nicaragua, the purchase of land in the market is the primary means by which men acquire land; in all three, purchase of land is followed in importance by inheritance.

Although inheritance constitutes the primary means by which women acquire land, men are nevertheless favoured in inheritance over women. In Chile men constituted 54% of those that inherited land; in Ecuador, 72%; in Peru, 73%; in Nicaragua, 75%; and in Brazil, 76%. In explaining this, the author writes that Latin America has a relatively favourable legal tradition compared to other regions of the world, for women could inherit land under the norms of pre-Columbian civilisations as well as subsequent colonial rule. This has been associated with relatively egalitarian inheritance norms, and specifically with parallel or bilateral inheritance systems. After independence there were two main innovations in inheritance regimes – the establishment of full testamentary freedom in some countries, and in others, measures to prevent widows from being left destitute. Testamentary freedom increased the possibility for increasing gender inequality in the ownership of property since parents were free to favour sons over daughters in inheritance. But it also improved the position of some women, particularly widows, as husbands could will them their entire estate. The main innovation in South America, beginning with Bolivia in 1830 and Peru and Chile in the mid-nineteenth century, was, however, the forced inclusion of widows under certain conditions.

Given the relatively egalitarian inheritance norms, why is inheritance of land so skewed in favour of men? One reason has to do with gender socialisation and stereotyping. Many regions of Latin America define agriculture as a male occupation, women are seen primarily as housewives in spite of their contribution to family agriculture. This gender differentiation is reinforced where inheritance of land is seen as an earned right, following the principle that land should belong to those who work or earn it, i.e. men. Gender



inequality in the inheritance of land in Latin American peasant societies has also been associated with patriliney and patrilocality. Both are often associated with exogamy, where women marry outside their community of origin and leave their natal homes. The locale of post-marital residency is one of the strongest factors associated with different inheritance systems cross-culturally.

Continuing the family line is another factor that has been used to explain male preference and the custom of prioritising only one son in inheritance. Thus, the privilege of the son in land inheritance rights is a means that seeks to provide security to parents in their old age. The bias in favour of men in inheritance systems is also related to male privilege in marriage. Until the late twentieth century, husbands were the legal household heads in most Latin American countries. Property jointly acquired during marriage (with the exception of inheritances) was always considered common property, to be divided between the spouses upon dissolution of the marriage. In practice, such common property was rarely registered in the name of both husband and wife, favouring instead, the accumulation of assets in the hands of men. The rules of membership in peasant communities where land is owned collectively also favour inheritance of land by men.

Male-dominated community assemblies were the final arbiters of inheritance disputes and, until recently, these tended to favour inheritance of land by sons, particularly those of legal age, over widows. However, while inheritance by children could be very biased in favour of sons, countries whose civil codes favour inheritance by widows and in which there is a growing gender gap in life expectancy could support a trend towards greater female land ownership.

The author found the following factors relating to the trend towards a more gender-egalitarian inheritance of land:

- Rising literacy, including legal literacy among women, which led to greater knowledge of national laws favouring equality in inheritance among children and/or the rights of widows.
- A move toward partible inheritance practices, associated with smaller family size.
- Increased migration by children of both sexes so there are fewer potential heirs interested in farming activities.
- Growing land scarcity and/or a decline in peasant agriculture associated with the decreasing reliance of households on farming as their primary income-generating activity.

Most agrarian reform laws appear to be gender-neutral in that the beneficiaries are defined in terms of certain social groups, e.g., as tenants on the expropriated estates or landless workers. The most significant legal barrier to women was that while it was agreed that households were the main units to be benefited, the legal beneficiaries were often the household heads. Laws

that did not explicitly designate household heads as beneficiaries stipulated that only one person in a household could be a beneficiary. Cultural norms dictated that, if an adult male was present within the household, he would be designated the head or representative of the family.

The other culturally charged concept that permeated these reforms was that of who was the actual agriculturist. Irrespective of the amount of labour that rural women dedicate to agriculture, it has always been socially constructed as a male occupation. As a result, almost all agrarian reform laws that favoured agriculturists as beneficiaries always referred to them in the masculine form. The language of agrarian reform legislation, by failing to explicitly include women, reinforced prevailing cultural assumptions and gender stereotypes.

At the international level, the most important development was the ratification of the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women. The section on property rights made it clear that efforts to end discrimination against women must include recognition of women's rights to own, inherit, and administer property. By 1990 all nineteen Latin American republics had ratified the 1979 UN Convention. The most important advancement in favour of gender equality is legislation requiring explicit mechanisms of inclusion – provisions for the mandatory joint adjudication and titling of land to couples and/or for giving priority to female household heads or specific groups of women. In most countries joint titling reinforces the notion of a dual-headed household in which both husband and wife represent the family and may administer its property jointly.

A mechanism which should facilitate women's increased ownership of land and security of tenure is the priority which some of the laws, such as those of Colombia and Nicaragua, give to female household heads. Another proactive measure of inclusion is the priority given by Colombia's 1994 law to all rural women who have been victims of the violence ravaging the country. As a result of these and similar legal changes, the distribution of land has become more gender equitable. In Colombia, Nicaragua, Costa Rica, and El Salvador, women have benefited much more in recent land adjudications than they did in the agrarian reforms of past decades.

In formulating a research agenda for the future, certain factors need to be kept in mind. A major problem in furthering the study of gender and land rights is that the agricultural censuses and major data sets collected so far give little or no attention to the ownership of assets by gender or how these are acquired. As we have emphasised, the critical question is who within the household legally owns the family farm or the different land parcels of which it is constituted. It is important to take into account that land is not only owned individually, but may be owned jointly by husband and wife, or by several family members. Moreover, laws regarding the ownership of property acquired



before and after marriage are often different across countries. All these factors must be taken into account in any rigorous study of the distribution of property ownership by gender.

Conclusion

While ownership of land is associated with diverse income-generating strategies among the rural poor which could help in alleviating poverty, it has yet to be established that land ownership by itself keeps a rural family out of poverty and that the gender of the landowner makes a difference. This aspect should be among the key items on the agenda of future research studies. Increasing women's ownership of assets is important to establish real, rather than merely formal, equality between the genders, and because ownership of land is closely associated with women's well-being and empowerment. Rigorous empirical testing of this proposition in the Latin American context remains to be done.

Another important question raised by our review is whether the gender gap in the distribution of land varies by social class. The available data for Brazil suggests that women among the middle and rich peasantry and landlord class are more likely to be owners of land than those in poorer households. But this proposition needs to be tested directly and the differences by class and gender with respect to forms of land acquisition explored in depth.

The gender gap in literacy persists in most of Latin America and rural women often have difficulty in claiming their legal rights. This situation needs to be studied; policy decisions and resource mobilisation are required to bridge the gender gap in literacy.

The current priority of most governments is to enliven land markets, largely by land titling programmes to guarantee security of tenure. In countries that have adopted mechanisms for the inclusion of women in land titling programmes, they are emerging as a larger share of the beneficiaries than in countries where such programmes are gender blind. Nonetheless, land titling programmes in principle only benefit current landowners and do not address the fundamental inequities in current distribution of land, or class and gender inequities in how land is acquired. Land markets rarely favour the rural poor, neither are they gender-neutral. If land banks become the primary means by which poor peasants can acquire land, proactive measures will be necessary to assure equality of outcomes for both genders.

