



The Gender Asset Gap: Land in Latin America

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Summary. — The gender asset gap in Latin America with respect to ownership of land is significant. In few countries do women constitute even one-quarter of the landowners. Gender inequality in land ownership is related to male preference in inheritance, male privilege in marriage, male bias in community and state programs of land distribution as well as gender bias in the land market, with women less likely than men to be successful buyers. But there are also important differences by gender in how land is acquired. Inheritance is the primary means by which most women become landowners; men are much more likely than women to acquire land through its distribution by communities or the state and via the market. Factors contributing toward a trend toward greater gender equity in land inheritance and in recent state programs are highlighted.
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1. INTRODUCTION

In her pioneering book, *A Field of One's Own: Women and Land Rights in South Asia*, Agarwal (1994) makes the case for women's land rights in terms of their welfare, efficiency, equality and empowerment, and these arguments are beginning to resonate in the thinking and practices of international agencies. As the UNDP's 1997 *Human Development Report* argues,

Gender equality needs to be part of each country's strategy for eradicating poverty, both as an end and as a means to eradicating other forms of human poverty. This means...empowering women by ensuring equal rights and access to land, credit and job opportunities (UNDP, 1997, p. 7).

Similarly, the *Rural Poverty Report 2001* recognizes that "reducing barriers to women's control of rural assets, especially land, is crucial for policy against poverty" (IFAD, 2001, p. 85). As the World Bank's (2001, p. 5) policy research report on *Engendering Development* concludes, "women continue to have systematically poorer command over a range of productive resources... Such disparities, whether

in education or other productive resources, hurt women's ability to participate in development and to contribute to higher living standards for their families."

Little is known, nonetheless, about the magnitude of the gender asset gap, particularly with respect to land. The agricultural censuses are deficient for this purpose since they implicitly assume that the owner of an owner-operated farm must be the household head or principal farmer of the household. Until recently few household surveys have probed further, inquiring as to the legal owner(s) of the land or how it was acquired. As a result,

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relatively little quantitative research has been done on the determinants of asset holdings, specifically, on the different mechanisms—via the family, community, state and the market—through which land is acquired and on whether these various mechanisms are gender differentiated. The bulk of Agarwal's (1994) book focuses on inheritance practices, which is the primary means through which property in land is acquired in South Asia. But in other regions such as Latin America, where capitalist agriculture is well developed, the market may now be as or more important than the family, community, and/or the state in the acquisition of land as private property. Moreover, in some Latin American countries land reform programs were deeper than in South Asia. This raises the question of the relative importance of different forms of land acquisition in contributing to the gender gap in land ownership.

In this article we show that the gender asset gap in land in Latin America is significant and that it is due five factors: male preference in inheritance; male privilege in marriage; male bias in both community and state programs of land distribution; and gender bias in the land market. Nonetheless, men and women tend to acquire land in different ways, with inheritance being the primary means through which women become landowners, while the land market is a relatively more important means of land acquisition for men. There are also indications that inheritance of land in Latin America is tending to become more egalitarian, as are state programs of distribution and titling, but these favorable trends are taking place in an overall context in which the distribution of land is becoming ever more concentrated and where land market transactions are of increasing importance.

In the next section we discuss the methodological problems involved in measuring the distribution of land ownership by gender and present the available quantitative data for Latin America. We then turn to the question of how property of land is acquired and show that gender matters. The next four sections consider each of the main forms of land acquisition—via the family, community, state and market—in more detail and analyze the factors contributing to gender inequality in land ownership. Average farm size is considered next and we show that men are not only more likely to be landowners, but also tend to own larger farms than female landowners. The concluding sec-

tion summarizes recent trends and proposes a research agenda derived from this review.

2. THE DISTRIBUTION OF LAND OWNERSHIP BY GENDER

Even 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 sex of their country's farmers. Moreover, many still do not include the variable "sex" in the census questionnaire. Further, none of the agricultural censuses ask *whom* in the household is the legal landowner and few inquire as to *how* ownership of land was acquired. Researchers and policymakers alike continue to assume that owner-operated farms are the property of the household head. This is clearly an unsatisfactory assumption since the "family farm" may be owned by the husband, the wife, jointly by both of them, or by a parent or another relative who may or may not reside in the household. Moreover, each of the different parcels making up a household's landholdings may be owned by different persons and been acquired in different ways.

In order to derive a rough approximation of the distribution of land by gender from current census data one has to assume that, given prevailing gender norms, the women who declare themselves to be the principal farmer of an owner-operator farm are in fact the owners. In other words, given the social construction of gender by which agriculture is considered a male occupation, one has to assume that few women will declare themselves to be the primary agriculturalist (thus answering the census questionnaire) unless they are in fact the actual landowner and/or the household head, with no adult male residing in the household.¹

Table 1 presents the available census data on the sex of the principal farmer, and when available, of those on owner-operated farms. First, since 1960, only four Latin American countries have published data on the sex of their farmers; the 1997 Chilean agricultural census included this variable in the census questionnaire but did not publish the results (INE, 1998). The trend has been for an increasing number of countries to include the variable sex in the census questionnaire, but then to fail to report the results in census publications, ostensibly because of budgetary considerations. Second, census data on the

Table 1. *Sex of principal farmers in agricultural censuses, various years (%)*

	Women	Men	Total
Chile ^a (1997)	21.9	79.1	100
Of owner-operated farms	24.3	75.7	100
Dominican Republic ^b (1960)	11.4	88.6	100
Of owner-operated farms	13.7	86.3	100
Guatemala ^c (1979)	6.6	93.4	100
Paraguay ^d (1991)	9.4	90.6	100
Peru ^e (1994)	20.3	79.7	100
Of owner-operated farms	20.6	79.4	100

^a Unpublished data provided to the authors by the Agricultural Development Unit, CEPAL based on INE (1998).

^b República Dominicana (1966, Table 7a).

^c Guatemala (1985, Tables 10 & 11).

^d Paraguay (1993, Table 10)

^e Ministerio de Agricultura (1998, Table 10).

share of principal farmers who are women on owner-operated farms are only available for three countries. In Chile, the Dominican Republic and Peru this share is higher than the total share of women farmers, reflecting a tendency for women to be less likely than men to acquire land through tenancy arrangements such as renting or sharecropping. The available census data illustrate the relatively low measured participation of women as principal farmers, ranging from a low of 7% in Guatemala to a high of 24% on owner-operated farms in Chile.² This first approximation of the gender gap in the ownership of land in Latin America suggests that it is, indeed, significant in size.

Another potential source of data on asset distribution are the large-scale living standard measurement surveys (LSMS), sponsored by the World Bank and carried out in a number of Latin American countries during the 1990s. Indicative of the lack of attention to the issue of land ownership and its distribution by gender until recently, is that information by sex on who in the household legally owns the land was not elicited in most countries. As in some of the agricultural censuses, it is only possible to deduce the share of women who are the principal farmers on owner-operated farms and assume that these are the landowners.³

The Peruvian 2000 LSMS was the first in Latin America to ask specifically if the land parcel belonged to the respondent or another household member, and then to follow that up with the most important question for our purposes: 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.⁴ As shown in Table 2, joint ownership of land by couples is a fairly common phenomenon in Peru, with 13% of the land parcels jointly owned by husband and wife. An additional 13% of the parcels were individually owned by women and 74% by men. All told, if the parcels which are jointly titled to a couple are attributed to both sexes, women (individually or jointly) own 23% of the land parcels. Another way of measuring the extent of female land-ownership is by considering the share of households in which women have land rights, either individually or jointly with their partner. This figure, 28%, is considerably higher than the 1994 census figure of the share of households, 21%, where women are the principal farmers (Table 1).

The 2000–01 LSMS for Paraguay also inquired into property rights by sex, but only at the level of the farm household. This survey revealed that in 27% of the households the landowner was a woman; in 70% a man; and in the remaining 3%, land was either individually owned by both a man and woman or jointly owned by the couple. The share of households in which women have land rights, 30%, is substantially higher than the 1991 census estimate, 9%, of the share of female agriculturalists (Table 1).

The 1995 Nicaraguan survey was a representative sample survey of rural households; only 32% of the 3,015 households interviewed owned land, illustrative of the degree of landlessness in this country. As Table 2 shows, of these landowning households, in 15.5%, the landowner was a woman, while in 4% land was jointly owned by a couple; thus women had

Table 2. *Distribution of landowners by gender, various years (%)*

	Women	Men	Couple	Total	
Brazil ^a (2000)	11.0	89.0	–	100	<i>n</i> = 39,904
Mexico ^b (2002)	22.4	77.6	–	100	<i>n</i> = 2.9 m
Nicaragua ^c (1995)	15.5	80.9	3.6	100	<i>n</i> = 839
Paraguay ^d (2001)	27.0	69.6	3.2	100	<i>n</i> = 1,694
Peru ^e (2000)	12.7	74.4	12.8	100	<i>n</i> = 1,923

^a For farms larger than 50 ha, derived from Censo Comunitario Rural 2000, Confederação Nacional Agraria, Brasilia.

^b Ejido sector only, includes *ejidatarios, posesionarios and vecindados* (Beyer Esparza, 2002, p. 2).

^c Excludes members of production cooperatives, FIDEG rural household survey (Renzi & Agurto, 1997, p. 74).

^d Based on households with land titles, derived from LSMS, MECOVI (Mejoramiento de las Condiciones de Vida) survey, 2002–2001, Ministry of Agriculture and Livestock, Asunción.

^e Based on distribution of ownership of titled land parcels; excludes nonhousehold members. Derived from LSMS, ENNVI (Encuesta Nacional de Niveles de Vida) survey 2000, Instituto Cuanto, Lima.

land rights in 19% of the households. For Brazil the only national-level data on land ownership by sex are from a national survey of commercial farmers, defined as those who own 50 ha or more of land. In this sample of 36,664 landowners, 11% were women. The survey questionnaire did not provide the option for landowners to report whether their land was jointly owned with their spouse, potentially underestimating the share of women who are legal landowners.

The available data on land ownership by gender in Mexico are for the *ejido* sector (which accounts for approximately half of Mexico's agricultural land), forthcoming from the current land titling program in that country. It is more akin to a census for by 2000 three-quarters of the *ejidos* had completed the land titling and certification program (Robles, Artís, Salazar, & Muñoz, 2000). A particular characteristic of this land titling program was that, following the rules of *ejido* membership, only one person per household, the household head, was titled the family patrimony of land. As Table 2 shows, women represented 22% of those titled land.⁵

This review of the available data on land ownership by gender for Latin America suggests the following methodological points. First, the most accurate measure of the distribution of ownership of land by gender is derived by considering the ownership of each parcel which comprises the family farm. It should not be assumed that all parcels belong to the same owner, let alone, that they constitute the property of only the household head. Second, in order to rigorously measure the

distribution of assets by gender it is important to take into account the marital regime, since these define married women's property rights. The default or legal marital regime in most Latin American countries is the "participation of profits" (*gananciales*) regime whereby any assets acquired by the couple during the marriage from wages, salaries, rents and profits constitute the common property of the couple.⁶ Under this regime assets which are acquired prior to marriage or inherited after marriage constitute the individual property of each spouse. Failure to take into account jointly owned property (as in the case of the Brazilian survey reported above) probably underestimates the degree of women's ownership of land.

Third, women's ownership of land in Latin America is probably more extensive than the share of women who are the principal farmers of their households, as demonstrated in the cases of Peru and Paraguay, due to the social construction of gender roles. The available data on land ownership, nonetheless, illustrate our main point: the gender distribution of land ownership in Latin America is extremely unequal, with women rarely representing more than one-quarter of the landowners. Moreover, the gender gap in the ownership of land also varies considerably across Latin America, probably being less acute in the Andean countries and Mexico than in other regions, reflecting such variables as differences in marital regimes, inheritance norms and practices, state land distribution policies, and the degree of development of the land market, factors to be investigated below.

3. GENDER DIFFERENCES IN THE FORM OF ACQUISITION OF LAND

Up until recently little attention had been given to the different ways that ownership of land is acquired and how these differ by gender (Agarwal, 1994; de Janvry, Platteau, Gordillo, & Sadoulet, 2001a). As noted above, the principal means of acquiring land ownership is through the family via inheritance, the community either through inheritance or via land re-allocation, the state through land distribution programs or the titling of national land, and market purchases. In Latin America men are favored in all forms of land acquisition. As Table 3 shows however for six countries, there are notable differences by gender in how own-

ership of land is acquired (in all, the distribution by gender and form of land acquisition was statistically significant at the 99% level of confidence).

Although in absolute terms men are favored by inheritance practices, inheritance is a relatively more important mechanism of land acquisition for women. As Table 3 shows, in five countries—Brazil, Chile,⁷ Mexico, Nicaragua and Peru—inheritance is the principal means through which women acquire ownership of land, with over half of women landowners acquiring their land through inheritance. Ecuador is the only case where the market was a slightly more important source of land acquisition for women than inheritance, yet it still conforms to the pattern of inheritance being a relatively

Table 3. *Form of acquisition of land ownership by gender (%)*

	Inheritance	Community	State	Market	Other	Total	
Brazil ^{a,*}							
Women	54.2	–	0.6	37.4	7.8	100	<i>n</i> = 4,345
Men	22.0	–	1.0	73.1	3.9	100	<i>n</i> = 34,593
Chile ^{b,*}							
Women	84.1	–	1.9	8.1	5.9	100	<i>n</i> = 271
Men	65.4	–	2.7	25.1	6.8	100	<i>n</i> = 411
Ecuador ^{c,*}							
Women	42.5	–	5.0	44.9	7.6	100	<i>n</i> = 497
Men	34.5	–	6.5	43.3	15.6	100	<i>n</i> = 1,593
Mexico ^{d,*}							
Women	81.1	1.8	5.3	8.1	3.7	100	<i>n</i> = 512
Men	44.7	14.8	19.6	12.0	8.9	100	<i>n</i> = 2,547
Nicaragua ^{e,*}							
Women	57.0	–	10.0	33.0	–	100	<i>n</i> = 125
Men	32.0	–	16.0	52.0	–	100	<i>n</i> = 656
Peru ^{f,*}							
Women	75.2	1.9	5.2	16.4	1.3	100	<i>n</i> = 310
Men	48.7	6.3	12.4	26.6	6.0	100	<i>n</i> = 1,512
Couples	37.3	1.6	7.7	52.6	0.8	100	<i>n</i> = 247

* Distribution by gender is statistically significant at 99% level of confidence.

^a Derived from Censo Comunitario Rural, 2000, Other includes donations by private parties.

^b For farms larger than 5,000 m² only; derived from "Evaluación del Impacto del Programa de Saneamiento y Regularización de la Pequeña a Propiedad Rural, 1997," survey data tape provided by the Ministerio de Bienes Nacionales, Santiago, July 1997. Other includes imperfect donations by private parties and other responses.

^c Derived from LSMS, Encuesta de Condiciones de Vida 1999, INEC, Quito; based on total parcels acquired by 1,586 individuals assuming principal agriculturalist is the owner. Other includes land held in usufruct which treated as private property.

^d From nationally representative sample of *ejidatarios* and *poseionarios*; based on total parcels titled to 1,576 individuals (Procuraduría, 1998, Table 1). Other includes adjudications based on judicial actions.

^e For individual landowners only (Renzi & Agurto, 1997, p. 75).

^f Derived from ENNVI, 2000. Other includes parcels held in co-ownership with family and nonfamily members of unspecified sex.

more important source of land acquisition for women than for men.⁸

In all countries (with the exception of Ecuador) the land market followed inheritance in relative importance as a source of land acquisition by women, but only in Brazil and Nicaragua was it an important means (comprising at least one-third of the cases). A relatively small share of women acquired their land via agrarian reform or colonization programs, with this figure being highest in Nicaragua, where 10% of the women property owners acquired their land in this manner. In the two countries, Mexico and Peru, where a significant share of land is held by peasant and indigenous communities and where in the last decade this has become an important source for the acquisition of private property in land, the share of women acquiring land through this venue has been negligible.

Men's acquisition of land ownership by source shows more variation across countries than women's. In Brazil, Ecuador and Nicaragua, the primary means by which men acquire land is through the market.⁹ It is thus in Brazil and Nicaragua where the gender differences in the pattern of land acquisition are most evident. In Chile, Mexico and Peru inheritance is the primary means, just as for women, through which men acquire land. Whereas in Chile and Peru the market follows inheritance in relative importance, in Mexico, the acquisition of land via state or community distribution dwarfs the market. This latter result is not surprising since until the 1992 reform land sales on the *ejidos* were technically illegal. What stands out in Mexico as well as Peru is how the acquisition of land via the state and community has been particularly gender biased. Each of the main mechanisms of acquiring ownership of land is considered in more detail below.

4. THE FAMILY

We established above that inheritance was the primary means in most countries through which women acquire ownership of land, although in absolute terms men are favored in inheritance over women. Here we analyze in more detail the mechanisms of discrimination against women within families, distinguishing between the rules of inheritance for children and for spouses, and consider more generally the property rights of wives. We also review recent trends in inheritance practices which

suggest that inheritance of land in Latin America may be becoming more gender equitable.

(a) *Inheritance by children*

Latin America has a relatively favorable legal tradition compared to other regions of the world,¹⁰ for women could inherit land under the norms of most of the major pre-Columbian civilizations as well as under colonial rule. While data on the pre-conquest period are skimpy, a number of pre-Columbian civilizations appear to have had relatively egalitarian gender inheritance norms, specifically, parallel or bilateral inheritance systems (Silverblatt, 1980; Socolow, 2000). In parallel inheritance systems sons inherit through the male, and daughters through the female line. Bilateral inheritance is characterized by children of both sexes inheriting from both parents; it thus assumes that women own and inherit property which they can pass on to their children.

Under the Luso-Hispanic legal tradition inheritance was also bilateral, with all children, irrespective of sex, inheriting approximately equal shares of each parent's estate. In colonial Hispanic America testamentary freedom was limited to only one-fifth of a parent's estate, although an additional one-third, the "improvement" or *mejoras*, could be willed to only one or several of the legitimate descendants. Thus the gender bias which could be introduced through testaments was legally restricted. If a parent died intestate, the entire estate was divided in equal shares among all the legitimate children, irrespective of sex (Couturier, 1985; Socolow, 2000).

Given the relatively egalitarian inheritance norms with respect to children, why is inheritance of land in contemporary Latin America so skewed in favor of men? One reason has to do with gender roles. Many regions of Latin America are characterized by a gender division of labor that defines agriculture as a male occupation; women are viewed primarily as housewives regardless of their contribution to family agriculture. Women's agricultural work tends to be invisible, considered simply as "help" to the husband or as secondary to women's primary role in the provision of domestic labor. Either women's lack of work in agriculture or the invisibility and lack of social recognition of this work may serve as mechanisms of exclusion of women from land rights. 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 (Carneiro, 2001; Woortman, 1995).

The prevailing gender division of labor is then often mirrored in the composition of inheritance, with sons and daughters inheriting different things. Daughters may inherit animals, household goods, cash or a house while land is concentrated in the male line. While both sons and daughters thus inherit from their parents, the inheritance shares are not necessarily equal in value. Relatively little research has been done on the value of gender differentiated inheritance shares, but the available evidence suggests that it is usually unfavorable to daughters (Woortman, 1995).¹¹ This is particularly the case when it is taken into account that land has not only economic but also symbolic value within peasant communities (Carneiro, 2001).

Gender inequality in the inheritance of land in Latin American peasant communities has also been associated with patrilineality, patri- or virilocality, exogamy, and what has been called “the logic of peasant household reproduction.” Patrilocality refers to the residence of a young couple in the paternal home of the groom while virilocality refers to residence on lands provided through the male line. Both are often associated with exogamy, where women marry outside their community of origin. Depriving daughters of inheritance rights to land is justified in these systems since women leave the community and “cannot take lands with them;” moreover, the husband’s family is expected to provide them with lands (Córdova Plaza, 2000).¹²

The logic of peasant household reproduction has sometimes been invoked to justify male preference and the custom of prioritizing only one son in inheritance. Where access to land is limited, inheritance of land is a fundamental condition of peasant household reproduction, for access to land is what guarantees the continuity of the unit of production and reproduction between generations. In these circumstances, the continuity of the family patrimony is best guaranteed by restricting the partition of land via inheritance systems that prioritize the eldest or youngest son and disinherit daughters from access to land. The privileging of one son in land inheritance rights (particularly the youngest) also serves as a means to guarantee the old age security of parents, since the sole heir is obligated to re-

main at home, caring for elderly parents and tilling the land in expectation of the inheritance (Carneiro, de Freitas, & Guedes, 1998).

The extent of the bias favoring sons differs across Latin America, varying not only by country but also by subregions and communities. In Deere and León (2001c, Chap. 8) we summarized the ethnographic material for the six Latin American countries with the most ample literature and established two broad patterns with respect to the inheritance of land by children: where bilateral inheritance predominates and inheritance of land is relatively gender-egalitarian, and where land inheritance is strongly male biased. Bilateral inheritance is most common in the Andean countries with large indigenous populations: Ecuador and Peru, in particular, and to a lesser extent in Bolivia. The countries characterized by a strong male bias in land inheritance were quite diverse ethnically—Mexico, Chile and Brazil—but predominantly mestizo. This raises the question of why the gender asset gap in land in Tables 1 and 2 appears less acute in Mexico and Chile than in other countries. To answer this question we must turn to the norms governing the inheritance of land by widows.

(b) *Marriage and the property rights of wives*

Under the Luso-Hispanic legal tradition spouses generally did not inherit from each other unless the deceased left no living descendants, ascendants, or collateral kin; they could, however, be the beneficiaries of the share of an estate (the one-fifth) which could be freely willed. Married women, nonetheless, had relatively strong property rights with respect to property acquired during marriage. Under the marital regime of “participation in profits” (*gananciales*, the default regime in colonial Spanish America and in most countries today), in case of separation, divorce or death, the common property of the union is divided into equal shares among the spouses. The estate of each spouse is thus constituted by half of the common property plus any individually owned property acquired before marriage (such as a dowry) or via inheritance before or after marriage.¹³

While married women had relatively strong property rights (particularly when compared with Anglo-Saxon women in this period), these rights were circumscribed in practice by the fact that until the mid- to late 20th century husbands were the sole, legal head of the household.¹⁴

Only husbands represented the household and administered its assets, including the individually owned property of their wives. Although husbands could not alienate their wives' property without their permission, no such restrictions applied to the common property (that which was jointly acquired during marriage from wages, salaries, rents or profits) unless the property was registered in name of husband and wife. Joint titling of assets, however, was a rare practice since husbands represented the household. This favored the accumulation of assets in the hands of men and allowed husbands to dispose of common property as they saw fit, selling it, for example, in anticipation of separation or divorce, or distributing it among sons before their death. Male privilege in marriage—as legal household heads—thus contributed to the gender asset gap directly, in terms of the effective distribution of the ownership of assets, and indirectly, through male bias in inheritance practices.

After independence there were three main innovations in inheritance regimes: a few countries improved the inheritance rights of spouses, including them among the forced heirs and placing them in the first order of inheritance, along with children;¹⁵ others adopted measures to protect widows/ers from not being left destitute;¹⁶ finally, at the end of the 19th and early 20th centuries, Mexico and the Central American countries adopted full testamentary freedom.¹⁷ Testamentary freedom increased the bargaining power and authority of parents over children since the latter could be dispossessed of any inheritance at all if they displeased their parents. It also introduced a new possibility for increasing gender inequality in the ownership of assets since parents, for example, were now free to more strongly favor sons over daughters with respect to the inheritance of land.¹⁸ But testamentary freedom could also improve the position of some women, particularly widows, since husbands could now will them their entire estate. This reform thus opened the possibility for widows to retain majority control of family land and businesses and to exert considerably greater bargaining power over their children. But enhancing women's ownership and control over property in this manner was totally dependent on their husbands' goodwill.

Scant research has been done on inheritance by wives, let alone, their inheritance of land, thus it is difficult to analyze the impact of different legal inheritance regimes for spouses on

the gender asset gap in land. Moreover, the four countries characterized by a relatively high share of female landowners in Tables 1 and 2 (Chile, Mexico, Paraguay and Peru) all have different inheritance regimes. Only in Peru are the legal rights of widows particularly favorable, since they are included among the forced heirs in the first order of inheritance. Mexico is the only one of these countries with full testamentary freedom. Since inheritance of land by children in Mexico is reported as being particularly biased in terms of sons (González, 1992), it would be tempting to conclude that testamentary freedom must be favoring widows. Rather, the relatively high proportion of female landowners today is more likely due to the special inheritance rules in the *ejido* sector which contained several favorable provisions for widows.

Within the *ejido* regime (established in 1920) land parcels were indivisible and thus land rights could only be transmitted to one person. But since 1934, if an *ejidatario* died without a will, the spouse automatically inherited the family patrimony of land (or since 1940, if applicable, the permanent companion) (Baitenmann, 1997). During 1971–92 a restriction was also placed on full testamentary freedom within the *ejido* regime, limiting the transmission of land rights to either the spouse or companion or to one child. While legal norms thus became more favorable to widows, case studies emphasize how difficult it was to change traditional inheritance practices that favored sons to the benefit of widows. Brunt's (1992, pp. 82–99) research in Guadalajara demonstrates how women's land rights are often challenged by male relatives. In addition, if faced with opposition, women find it difficult to claim land rights successfully for they have to convince those in power of the legitimacy of their claims. This means using the right arguments—such as not claiming land rights for themselves as women, but rather on behalf of their sons as future household heads—sand mastering and manipulating patron–client relationships on par with men.

Nonetheless, the tendency for inheritance increasingly to favor wives is supported by data from a nationally representative survey of *ejidatarías*. The great majority of them inherited their land rights; of these, 50.7% inherited land rights from their husband; 25.4% from their father; 11.4% from their mother; 11.8% from other family members and 0.5% from non-family members (Robles *et al.*, 2000, p. 37).

Nonetheless, it is impossible to glean from this data if the women who inherited land from their husband did so as a result of his testimony (this being indicative of a change in preferences in favor of wives) or as a result of his having died intestate.¹⁹

Stronger evidence of a change favoring wives with land rights on the *ejidos* is presented in Table 4, based on 14,099 wills written and filed between 1993 and 1995. The land titling program required owners to file a will; moreover, under the changes introduced in Mexico's agrarian code in 1992, testamentary freedom was once again extended to the *ejido* regime although the restriction on the indivisibility of *ejido* parcels remains in force. It can be seen that testators were just about equally divided between those currently favoring their wife or partner as their sole heir and those favoring a son. The tendency to favor wives over a child is probably related to growing life expectancies over the course of the 20th century and the growing gender gap in life expectancies, with women outliving men by approximately five years (Valdés & Gomáriz, 1995, p. 115). This tendency may be a compensation for the deterioration in traditional social support systems for the elderly. It is also argued that in some regions of Mexico the tendency to favor wives with land rights is associated with a growing recognition of women's role in agriculture (Córdova Plaza, 2000).

(c) *Recent trends in inheritance practices*

What interested us most in the ethnographic material were these patterns of change over time and the conditions under which the inheritance of land becomes more equitable. In the literature, we found the following factors causally associated with a trend toward more gender-egalitarian inheritance of land: (i) rising literacy, including legal literacy, so there was greater knowledge of national laws favoring equality of inheritance shares among children and/or the rights of widows; (ii) a move toward partible inheritance practices, which is also associated with smaller family size; (iii) greater migration by children of both sexes, so that there are fewer potential heirs interested in remaining in farming activities; and (iv) growing land scarcity and/or a decline in peasant agriculture, associated with decreasing reliance by households on farming as their primary income-generating activity.

The data for Mexico reviewed above provide the clearest evidence of a tendency over the course of the 20th century for widows to be favored by the inheritance of the family farm, a tendency supported by legal inheritance norms on the *ejidos* and growing legal literacy. There is also some evidence that mothers are more likely than fathers to include daughters as heirs, and thus the inheritance of land by widows may support a trend toward a culture of gender equality in inheritance. In the wills reported in Table 4, while both male and female *ejidatarios* preferred a son as sole heir, 19% of the women designated a daughter as their sole heir compared to only 5% of the men (Valenzuela & Robles, 1996, p. 52).

The 1998 Mexican survey of *ejidatarias* also revealed that women were more likely to have inherited land when partible inheritance practices were followed, a practice that was technically illegal on the *ejidos*. Of the 402 *ejidatarias* who inherited their land parcel, almost one-quarter did so as a result of a partible inheritance (Robles *et al.*, 2000, p. 41). Over one-third of the *ejidatarias* planned to will their land to more than one heir. Daughters represented over one-third of the intended beneficiaries in these cases, as compared to only 20% when only one heir was planned (Robles *et al.*, 2000, pp. 67–69), suggesting that partible inheritance favors gender equity. Other research in Mexico has linked the tendency towards partible inheritance to smaller family size, increased migration by both sons and daughters, and to regions where agriculture is no longer

Table 4. *Registered heirs of ejidatarios, 1993–95, Mexico (%)*

Wives/partners	38.5
Daughters	8.8
Granddaughters	0.4
Subtotal, women	47.7
Sons	38.8
Grandsons	2.5
Subtotal, men	41.3
Other relatives	10.0
Nonrelatives	1.0
	100.0
	(n = 14,099)

Source: Based on Sistema Informativo del RAN (Registro Agrario Nacional) (Valenzuela & Robles, 1996, pp. 49–51).

the primary household activity (González, 1992, pp. 414–420).

An example from Peru illustrates how relative land scarcity and a growing reliance of peasant households on multiple income-generating activities may break the logic of peasant household reproduction or the need to concentrate land on sons or only one son. According to de la Cadena (1995), up through the early decades of the 20th century the custom in the Quechua community in the department of Cuzco which she studied was for the eldest son to inherit the vast majority of a family's land. But the inheritance system was technically bilateral. While the eldest son inherited as much as 80% of the family's holdings, and a second son might inherit another 10–15% of the land, all the other children, male or female, would inherit the remaining land and divide it among them. As land fragmentation became more extreme, and participation in multiple income-earning activities frequent, a more gender-egalitarian pattern emerged, with all children, irrespective of sex, inheriting approximately equal shares of land. De la Cadena argues that the ownership of land became increasingly feminized as land lost its previous value as a source of income and of power within the community.

This tendency, for inheritance of land to become more gender-egalitarian as households rely less on agriculture as their principal activity, has been reported throughout highland Peru, Bolivia and Ecuador, both in regions where inheritance was previously patrilineal as well as bilateral, and in Mexico and Brazil (Deere & León, 2001a, Chap. 8).²⁰ It is reinforced by high rates of migration, and a tendency in recent decades for migration to be more gender balanced, rather than female dominated as in the past. Under these conditions inheritance tends to favor whichever child remains at home, willing to farm and take care of elderly parents; that is, gender becomes less of a filter in inheritance decisions as compared to individual preferences and opportunities. These propositions, of course, need to be further tested empirically.

5. THE COMMUNITY

Another factor contributing to the gender asset gap in land has to do with the rules of membership in peasant communities where land is technically owned collectively. In both the *ejidos* in Mexico and the officially recog-

nized peasant and indigenous communities in Peru, membership in community assemblies has traditionally been restricted to only one person per household, the household head. This has resulted in primarily only men having voice and vote in the assemblies which decide over such crucial matters as the allocation of new land (for example, obtained through agrarian reform) or the re-allocation of the family patrimony of land following the death of a member. In Mexico, the state determined the rules of inheritance on the *ejidos*, and, as we have seen, these were more favorable to spouses than the rules of the civil code. Nonetheless, male-dominated community assemblies were the final arbiter of inheritance disputes and until recently these tended to favor the land rights of sons, particularly those of legal age, over widows (Brunt, 1992; González, 1992).

A similar process has characterized inheritance practices within Peruvian peasant communities. While the Peruvian civil code is quite favorable to widows—these being in the first order of inheritance, with equal rights to children—the state also recognizes and protects “the customs, practices and traditions of the community” (Peru, 1987, Article 1). These traditional customs have been particularly discriminatory against women.²¹ As in Mexico, the male-dominated community assemblies tend to favor inheritance of land by sons over widows, depriving widows of any land rights at all if the son is of working age (Bonilla, 1997; Coordinadora, 1997). As demonstrated in Table 3, few women have gained land rights via their distribution by indigenous and peasant communities.

Moreover, when neoliberal programs in the 1990s opened up the possibility for communally held lands to be parcelized and titled individually, the majority of women were excluded from participating in this crucial decision regarding the future of their communities, since this decision was the prerogative of the male-dominated community assemblies. In Mexico this had the result of turning what had been considered the family patrimony of land into the individual private property of the male household head (Botey, 2000; Deere & León, 2001b; Esparza, Suárez, & Bonfil, 1996).

6. THE STATE

Acquisition of land via the state here includes programs of land reform based on the expro-

priation and redistribution of land, state purchase of land for purposes of redistribution, and state titling of national lands that have been occupied either through spontaneous or directed colonization. The focus of state efforts in Latin America has varied by country and time period; land reform efforts have also differed significantly in scope (Deere & León, 2001a, Chap. 3; de Janvry, Sadoulet, & Wolford, 2001b). As Table 4 showed, among current landowners, with the partial exception of Mexico, Nicaragua and Peru, acquisition of ownership of land via this means appears relatively insignificant as compared with inheritance or the market. This is partly related to the number of years which have passed since the bulk of land was redistributed. After one generation ownership of such land would probably be reported as having been acquired through inheritance, rather than via state distribution. It also is related to the limited scope of agrarian reform efforts in many countries. The focus of this section is on the mechanisms of exclusion and inclusion of women in state efforts to redistribute land.

Data on the share of female beneficiaries in 13 Latin American land reform and colonization programs up to the period of the neoliberal reforms suggest that the mode was around 11–12% (Deere & León, 2001a, Table 3.2). Women were largely excluded from state efforts in the distribution of land until recently due to legal, cultural or ideological, structural and institutional reasons. All these factors are interrelated and have as their basis patriarchal ideologies embedded in concepts of masculinity and femininity.²² Here we highlight the legal and cultural mechanisms of exclusion.

Most of the agrarian reform laws appear to be gender neutral in that the beneficiaries are defined in terms of certain social groups such as the tenants on the expropriated estates or landless workers. The most significant legal barrier to the inclusion of women was that, while it was assumed that households were the main units to be benefited, the legal beneficiaries were the household heads. Those laws that did not explicitly designate household heads as beneficiaries stipulated that only one person per household could be a beneficiary. Following cultural norms, if an adult male is present within the household he would be designated the head or representative of the family for agrarian reform purposes.

By the 1960s most Latin American civil codes recognized the legal rights of married women to

manage their own assets. But, husbands continued to be the sole representative of the family and were responsible for administering the property and economic affairs of the household. Thus the agrarian reforms that privileged male household heads as beneficiaries conformed to the civil codes of the time. The women who could have benefited directly from the reforms were female heads of households, particularly in those countries (Mexico, Bolivia and Honduras) that explicitly included them as potential beneficiaries. But with few exceptions, rural women represented a much higher share of reported rural household heads than they did of agrarian reform beneficiaries, suggesting that other factors were, indeed, overwhelming barriers to their incorporation as direct beneficiaries.

The other culturally charged concept that permeated these agrarian reforms was that of whom was an agriculturalist. As discussed earlier, irrespective of the amount of labor that rural women dedicate to agriculture, it has been socially constructed as a male occupation. As a result, women's work in agriculture is largely invisible and if considered at all, it is usually seen as secondary. Almost all of the agrarian reform laws favored agriculturalists as beneficiaries and they were always referred to in the masculine form. The language of agrarian reform legislation, by failing to include women explicitly, reinforced the cultural assumptions of planners, communities, rural organizations and beneficiaries concerning who should benefit.

The incorporation of gender-equitable criteria in the Latin American agrarian reform laws has been a slow process. It began in Mexico in 1971 when the discriminatory criteria contained in its agrarian reform legislation were eliminated. Nicaragua, right from the initiation of its agrarian reform in 1981, established that beneficiaries were to be selected independently of their sex and marital status, but pro-active measures to assure effective land rights for women were not taken up during the Sandinista regime. Brazil and Colombia at the end of the 1980s and Honduras in the early 1990s also took steps to modify previously discriminatory provisions in their legislation. These three countries were also the leaders in the region in introducing the possibility of joint adjudication and titling of land to couples, responding to a demand that was also beginning to be heard in other countries. But it would not be until the decade of the 1990s that a confluence of factors

led to changes in the agrarian laws of most countries and to a significantly different gender composition of agrarian reform beneficiaries.

By the time neoliberal governments in Latin America began rewriting their agrarian codes in the 1990s (with a significant number of these officially ending their agrarian reforms), a number of building-blocks were in place to ensure that the new codes guarantee at least the formal land rights of women. 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 clear that efforts to end discrimination against women must include recognition of women's rights to own, inherit, and administer property in their own names. Women's land rights were considered in the context of programs of agrarian reform wherein women were to receive "equal treatment" (UN, 1982, Articles 14–16). The subsequent UN World Conferences on Women gave growing attention to women's land rights, these passing from being solely an element in efficiency arguments (a strategy for raising women's productivity), to being treated as an economic right, with clear recognition of the importance of women's ownership of land to their empowerment and pursuit of economic autonomy (Deere & León, 2001a, pp. 114–120).

By 1990 all 19 Latin American republics had ratified the 1979 UN Convention. Many of those which had not already explicitly provided for gender equality in their constitutions subsequently did so. Most countries proceeded to reform their civil and family codes to end the statutory discrimination against women in family matters. All but three Latin American countries now legally recognize the dual-headed household (where the household is represented by both husband and wife and both manage the household's common property), and all but one (Chile) recognize consensual unions and grant these the same property rights as marriages. These efforts were usually led by the national women's offices, which were also strengthened in this period. The 1980s was also a period of growth and consolidation of the feminist and women's movements in the region. Both of the latter, combined with the proliferation of nongovernment organizations (NGOs) in the crisis-ridden 1980s, contributed to the growing organization of rural women at the local, regional and national level in Latin America. As a result of the efforts of what has been termed

the "triangle of empowerment" (the coalition between women in the state, women in politics and the urban and rural women's movement (Vargas, Wieringa, & Lyclama, 1996)), when neoliberal governments created the space for revising previous agrarian reform laws, the new legislation that resulted was often more favorable for gender equity.

In the new codes following strict neoliberal principles (Ecuador, Honduras, Mexico and Peru), potential land ownership is vested in all "natural or juridic persons," implicitly establishing that men and women may own land and be beneficiaries of state programs. While an advance over the agrarian reform laws of the past that made only household heads the beneficiaries, this legislation is not as favorable as those agrarian codes which establish that men and women have equal rights to own land and be beneficiaries of state programs independent of their marital status. The latter countries include Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras and Nicaragua.²³

The most important advance in favor of gender equity is legislation which contains explicit mechanisms of inclusion: provisions for the mandatory joint adjudication and titling of land to couples and/or that give priority to female household heads or specific groups of women (Deere & León, 2001a, Table 6.1). Joint titling legislation has now been established in Colombia, Costa Rica, the Dominican Republic, Guatemala and Nicaragua. Honduras and Brazil initially made such joint titling optional, but now it is legally mandatory. In Ecuador and Peru joint titling was adopted by administrative decree only with respect to their land titling programs and in the latter country, only for married couples (Deere & León, 2001a, Chap. 6 & 9). Joint titling represents an advanced for gender equity for it establishes explicitly that property rights are vested in both the man and woman who comprise a couple. In most countries joint titling reinforces the notion of a dual-headed household—that both husband and wife represent the family and may administer its property. In those without this provision, joint titling serves to protect women from losing access to what is often the household's most important asset in case of separation or divorce. In either case, joint titling guards against one spouse making decisions with which the other spouse is not in accord, such as sale, rental or mortgage of the farm. It also protects widows from being disinherited

through a will. Moreover, joint titling potentially increases the bargaining power of women, enhancing their role in household and farm decision-making. To the extent that joint titling promotes family stability, it has been favored not only by progressive but also by conservative regimes otherwise enamored of neoliberal principles which privilege individuals.

Another mechanism which should facilitate women's increased ownership of land and security of tenure is the priority which some of the laws give, such as those of Colombia and Nicaragua, to female household heads. This is a pro-active mechanism of inclusion since it seeks to overcome the discrimination to which female household heads have been subject to in the past, and gives special protection to potentially the most vulnerable rural households. Another pro-active measure of inclusion is the priority given by Colombia's 1994 law to all rural women who find themselves in a state of "lack of protection" due to the violence ravaging that country. This law is the most inclusive of women, for unprotected women constitute a priority group for land distribution efforts whether or not they are also mothers. A few other countries have given special attention to women's land rights within certain groups, such as El Salvador's priority under the Peace Accords to the women ex-combatants in the civil war and female squatters in the zones of conflict. Under the Land Transference Program (PTT, Programa de Transferencia de Tierra), women's land rights were honored independent of their marital status, resulting in the adjudication of land plots on an individual basis to men and women who formed a couple.

As a result of these legal changes, in countries where land was still being redistributed by the state in the 1990s its distribution was becoming more gender equitable than in the past. In Colombia, Nicaragua, Costa Rica and El Salvador, women have been a much higher share of beneficiaries in recent land adjudications than they were in the agrarian reforms of past decades (Deere & León, 2001a, Table 10.1). For example, in Colombia, in the whole period of agrarian reform dating from 1961–91, women comprised only 11% of the beneficiaries. Once joint adjudication to couples was mandated (1988) and enforced (1995), and priority also given to the inclusion of female headed households and unprotected women, this share increased to 45% during 1995–98. In El Salvador the share of women beneficiaries rose from 11–12% under the agrarian reform (1980–91) to

one-third under the land transfer program associated with the Peace Accords.

Many more countries are currently engaged in land titling programs than in land redistribution. These programs target previous agrarian reform beneficiaries (particularly those where land previously had been adjudicated collectively, either to production cooperatives or peasant communities, and as a result of neoliberal legislation may now be parcelized); squatters on national land; and the large sector of traditional smallholders with insecurity of tenure. Countries that have adopted gender-progressive mechanisms of inclusion for these programs, such as Chile and Ecuador, have a much higher share of female beneficiaries of land titling efforts than those who have not, such as Honduras and Mexico (Deere & León, 2001a, 2001b).

7. THE MARKET

If the land market were gender neutral, one would expect poor rural women to face no more obstacles than those encountered by poor rural men. As buyers, poor peasants are constrained by limited financial resources and lack of access to credit on terms they can afford. In addition, poor rural men and women would be equally discouraged from participating in the land market by high transaction costs and relatively high land prices resulting from supply constraints in this market, such as a limited offer of land for sale. Moreover, if the land market were gender neutral we would expect men and women to be able to buy land of similar quality and amount at a similar price. As sellers, we would expect peasant landowners, whether male or female, to offer their land for sale for similar reasons and with the same outcome. For example, we would expect that one of the effects of land titling programs would be to increase the value of titled land relative to untitled land of similar quality. If motivations for participating in the land market were gender neutral, we would expect male and female landowners to offer their land for sale at a similar rate. If, on the other hand, men and women value ownership of land for different reasons or have different access to the other resources required to be productive and efficient farmers, participation as sellers might differ significantly by gender.

It is sometimes posited that women landowners may be more likely to sell land than

men for they are less likely to be successful farmers, given the discrimination which women farmers face in access to credit, technical assistance, etc. (Deere & León, 2001a, pp. 327–328). The scant evidence available is mixed, and refers primarily to participation in land rental markets by recent beneficiaries of the land titling projects of the 1990s. A case study of farmers in four *ejidos* in a commercially vibrant region of northern Mexico found that 70% of them were renting out their lands in 1999, many as a prelude to selling their parcels.²⁴ Female *ejidatarias* were more likely (87%) to rent out their land than their male counterparts (62%), with this difference being statistically significant at the 95% confidence level (Lewis, 2002). Our analysis of the survey of land titling beneficiaries in Chile found that few men or women had rented, sold or ceded their land once it was titled (only 2.7% of the total) and there was no statistically significant difference by gender; moreover, there was no statistically significant difference by gender with respect to those who planned to sell, rent or cede their land to others in the near future (5.6% of the total). Even if the prospects for women to become successful commercial farmers are more constrained than for men, women also value land ownership for other reasons: the security it offers them in terms of covering their family's minimum food requirements; the general value of owning an asset which they can rent or sharecrop when need be; and the bargaining power it gives them within the household, family and community.

The data on the forms of acquisition of property by gender presented in Table 3 suggest that men are more likely than women to participate successfully in the land market as buyers. One reason that the market may be a less important source of land acquisition for women, suggested by case studies, is outright discrimination against women. Deere (1990, pp. 199–201) found that in hacienda land sales in the 1950s and 1960s in the northern Peruvian highlands women tended to buy smaller parcels of land and paid higher prices than men for land of similar size and quality. This reflects women's lower bargaining power, a product of gender stereotypes and roles, illustrated by their greater degree of subservience to landlords and fostered by their desperation to buy land when it was made available for sale. Whether women were able to participate as buyers at all, however, depended on the predilection of those offering land for sale, with some landlords refusing to sell land to women, illus-

trating some of the ways the land market is not gender neutral.

Among the other factors that explain unequal participation in the land market by gender are relative incomes (particularly the ability to generate savings) and/or access to credit, which are in turn conditioned by the income-generating opportunities available to men and women. That is, failures in the labor and credit market may produce gender-biased failures in the land market as well. The abundant literature on rural labor markets in Latin America has demonstrated the persistent differences in men's and women's agricultural labor market participation, with men having much greater access to permanent employment opportunities than women. Even in cases where female labor is preferred for certain tasks or crops, female employment is overwhelmingly concentrated in seasonal or temporary tasks. Moreover, when men and women are employed for similar activities, women tend to be paid less than men.²⁵ Given the low wages characterizing agricultural work and the pattern of women's employment, few rural women generate sufficient savings to participate in the land market as buyers.

With respect to the availability of credit for land purchases, until recently few Latin American state agricultural credit programs provided loans for the purchase of land, and mortgage activities within the private financial system were generally undeveloped. If a rural mortgage market existed at all, it was usually geared toward large commercial farmers. Over the last couple of decades there has been growing interest among international agencies, governments and NGOs in experimenting with land credit programs oriented to the rural poor. The limited evidence from these programs suggest that women have not fared very well. In one of the oldest and most successful of these programs, FEPP (Fondo Ecuatoriano Poblamiento Progreso) in highland Ecuador, geared to household heads, women were 14% of the direct beneficiaries during 1990–95 (Navarro, Vallejo, & Villaverde, 1996, p. 168), a relatively low share if compared with the relative importance of land purchases by women in Ecuador (Table 3). Data on another private sector program, run by the Penny Foundation in Guatemala and supported by the US Agency for International Development, are even more dismal: women made up only 1% of the direct beneficiaries of this program (Fundación & Viva, 1993, pp. 130–136).

These private sector initiatives suggest that, unless given an explicit gender content, land market programs by themselves will do little to increase women's ownership of land. Many of the same factors—cultural, structural and institutional—that constituted mechanisms of exclusion of women in state agrarian reform programs are likely to bias their participation in these programs. Moreover, these factors may even be aggravated in private sector programs since these often must operate on near-commercial terms. To the extent that greater emphasis is placed on the need for beneficiaries to be credit-worthy and engage strictly in commercial activities to repay their mortgages, this will work against the participation of women since it is difficult for them to meet these requirements on the same terms as men.²⁶

One of the lessons of the Colombian experiment with market-assisted land transactions is that for women to be direct beneficiaries of such programs requires an explicit state policy favoring their participation. Among the required mechanisms of inclusion are provisions for the joint allocation and titling of land to couples and affirmative action measures such as those prioritizing female household heads, in addition to substantial state support. Because of these measures, during the relatively short-lived (1995–98) Colombian experiment with a market-assisted program, 68% of the subsidized purchases were made by couples, 20% by individual men, and 12% by individual women (Deere & León, 2001a, Table 6.2). While individual men benefited more than individual women, the priority placed on joint adjudication and titling meant that women constituted 48% of the total direct beneficiaries.

In contrast, in the experimental Land Bank program in Brazil, which had no specific measures of inclusion of women, they constituted only 12% of the beneficiaries during 1998–99, about the same share of beneficiaries as in the regular land reform program (Deere, 2003). In 2001 the Ministry of Agricultural Development created an Affirmative Action office and one of its aims was to revamp all criteria and norms to facilitate rural women's access to land and titles, training, technical assistance and social security benefits. Among its first actions was an administrative degree targeting 30% of the credit for land purchases in the expanded Land Bank program (Fundo do Terras e da Reforma Agrária) to women (Deere, 2003). This measure is innovative since it is the first time that a

quota system has been utilized as a mechanism of inclusion of women in a land distribution program.

Finally, there is ample evidence of rural women's interest in participating in the land market for all the benefits that ownership of land confers. Acquiring a parcel of one's own is widely recognized as one of the best forms of security for women and their children and as a means of obtaining some economic autonomy. Rural women often go to great lengths to attempt to purchase land, including saving from their meager earnings over many years while employed as domestic servants in urban areas (Fundación & Viva, 1993, pp. 72–73). Case studies in Mexico report that acquiring land of their own is sometimes even an aspiration of young, single women whose greater level of education has allowed them to obtain nonagricultural sector employment. They are aware of the potential increase in bargaining power within marriage that ownership of assets, particularly land, conveys (Castañeda, 2002).

8. THE GENDER GAP IN FARM SIZE

Irrespective of how land was acquired, gender inequality in the amount of land owned in Latin America is the norm, as has been noted crossculturally (Quisumbing, 1998, p. 263). As Table 5 shows for eight countries where data are available, male landowners always tend to own more land on average than do female landowners.²⁷ The problem in terms of drawing any firm conclusions regarding the gender gap in farm size is that these apparent gender differences are not always statistically significant. In Table 5, for the four countries where such could be tested, *t*-tests revealed that the gender gap was not statistically significant in three (Brazil, Paraguay and Peru). In Peru this is because households that own land as mixed or joint property own more land than those with either female or male individual titles alone. In Paraguay, where the opposite is the case, the difference in the amount of land owned by households with some female property rights *versus* those with none was statistically significant at only the 90% level of confidence.

Several factors, nonetheless, explain the general tendency toward gender inequality in farm size, among them, the average age of

Table 5. *Gender differences in the amount of land owned, 1990s (in ha)*

Country	Brazil ^a	Chile ^{b,**}	Colombia ^c	Ecuador ^d	Honduras ^e	Mexico ^f	Paraguay ^{g,*}	Peru ^h
Women	302.7	4.6	13.4	0.81	4.2	7.9	23.6	4.7
Men	310.8	6.0	17.7	1.15	5.4	9.0	34.4	5.5
Joint owners	NA	NA	14.5	1.21	NA	NA	20.9	6.8
<i>n</i>	22,865	683	13,200	12,416	110,162	1.4 m.	1,694	871

NA = Not asked in survey or not an option (Mexico). * *T*-test statistically significant at 90% level. ** *T*-test statistically significant at 95% level.

^a For farms larger than 50 ha, derived from Censo Comunitario Rural 2000, no statistically significant difference between male and female owners.

^b For parcels larger than 5,000 m², derived from survey of land titling program, Censo Comunitario Rural 1992–96.

^c For agrarian reform programs, 1996–98, compiled from data provided by INCORA, Bogotá, July 2000.

^d PRONADER land titling program in 12 zones, 1992–96, compiled from data provided by Consejo Nacional de las Mujeres, Quito, August 1997.

^e Land titling program in nonreform sector, 1995–2000, negligible number of joint owners reported; compiled from data provided by Instituto Nacional Agrario, Tegucigalpa, January 2001.

^f Land titling program of ejido sector, 1993–99 (Robles *et al.*, 2000, p. 23).

^g Derived from LSMS, MECOVI survey, 2000–01, no statistically significant difference between male, female, mixed and joint owners, but difference between households with and without female land rights significant at 90% level.

^h Derived from LSMS, ENNVI 2000 survey, no statistically significant difference between male, female, mixed and joint owners or households with or without female land rights.

landowners combined with how women tend to acquire ownership of land. In almost all cases, female farmers tend to be older on average than male farmers, reflecting the relatively large share of women who become landowners only once they are widowed. For example, among the *ejidatarios* titled land in Mexico, 68% of the women were over 50 years of age compared with only 54% of the men (Robles *et al.*, 2000, p. 21). In the Chilean survey of land titling beneficiaries 56% of the women landowners were over 50 years of age as compared with 51% of the men and this difference was statistically significant at the 99% confidence level.²⁸

Another factor is that women often tend to inherit land as a result of partible inheritance practices, either inheriting land as widows along with their children, or as daughters in cases where all the children have inherited some land. In either case, the average amount of land inherited would be smaller than when land is bequeathed to only one heir. When only one heir is chosen, as noted previously, this is much more likely to be a son than a daughter. Moreover, there is ample anecdotal evidence that when both sons and daughters inherit land, sons always inherit not only more but land of better quality (Deere & León, 2001a, Chap. 8). Similar reasons to those which exclude

women from land inheritance rights govern the gender inequality in the relative amount and quality of land inherited by children. Gender socialization and the expectation that sons rather than daughters will be farmers, combined with the logic of peasant household reproduction, have been powerful factors concentrating land in the male line even in regions characterized by bilateral inheritance practices. The tendency toward inequality in size of land holdings in inheritance is also related to the expectation that daughters only need land to meet minimum or complementary food requirements since their husbands will provide their households with access to land or sufficient income to meet the household's basic needs.

This same logic has permeated the distribution of land by the state. As Rocha (1998, p. 40) argues in the case of the Nicaraguan agrarian reform, the unequal amount of land titled men and women was the result of "unconscious discrimination" regarding the gender division of labor: "It is assumed that women do not need greater amounts of land than what is necessary to produce for household food security." A similar gender bias can operate in the land market with landlords assuming that women need smaller amounts of land than men, coupled with women's relatively more

limited resources to purchase land when it is offered for sale. All of these factors, taken together, help explain the tendency toward relative inequality in the amount of land owned by male and female farmers.

9. CONCLUSION

Gender inequality in the distribution of assets in rural Latin America is substantial. Land, the most important asset of the peasantry, is usually owned by men and, moreover, when both men and women own land, men tend to own larger and better quality parcels. We have argued that gender inequality in the ownership of land is due to male preference in inheritance, male privilege in marriage, and gender bias in community and state programs of land distribution. There is also evidence of gender bias in the land market, which when combined with failures in the labor and credit market, lead to women being relatively less successful as buyers in the land market compared to men. In this concluding section, we first summarize recent trends in Latin America favoring gender equity in the distribution of land and then discuss the research agenda derived from this review.

Over the course of the 20th century the legal framework has gradually expanded the property rights of married women and those in consensual unions. The recent adoption of the legal figure of the dual-headed household has strengthened the possibility that assets acquired during marriage will actually be jointly owned and managed. This change strengthens women's fall-back position, since it increases the likelihood that if separated, divorced or widowed, they will be able to secure the half of the common property to which they are entitled under most marital regimes. Second, with growing literacy rates among both rural men and women, there has been growing legal literacy, with women, in particular, becoming more aware of their inheritance rights as daughters and widows. Nonetheless, the gender gap in illiteracy persists (Valdés & Gomáriz, 1995, p. 100) and rural women often have difficulty in claiming their legal rights due to their lack of legal documentation.²⁹

While much also remains to be done in terms of strengthening the legal inheritance rights of widows,³⁰ there is evidence for certain countries that land inheritance practices may be

beginning to favor them over their children. This trend is associated with the growing gender gap in lifespans, on the one hand, and the decline of familial and community networks which once provided social security to the elderly, on the other, combined with the lack of formal social security rights in rural areas in most countries. A trend toward increased land inheritance by widows is important not only in terms of increasing the absolute amount of land owned and controlled by women and their economic autonomy, but also for what it promises in terms of supporting a culture of equality in the practices of land inheritance by children.

Growing gender equity in land inheritance by children has been associated with a move toward partible inheritance, itself linked to smaller family size. In addition, growing inheritance by daughters is found in regions where migration is more sex-balanced, with whom inherits land increasingly associated with a willingness to remain on the farm, caring for parents in their old age. It is also associated with regions where peasant agriculture is in decline (either because of acute land shortage and/or unfavorable state policies), no longer capable of sustaining livelihoods on the basis of agricultural production alone. In these contexts, land is not only of declining economic value, but also less a source of political power within rural communities, undermining the previous logic of peasant household reproduction which concentrated land on one son. But these propositions require further testing.

Access to land via state allocation and titling has also become more gender equitable over the past decade due to the adoption by a number of countries of specific mechanisms of inclusion of women in these programs, such as mandatory joint titling of land to couples and pro-active measures such as priority to female household heads or quotas for women. Nonetheless, there continues to be a substantial disjuncture between women's legal land rights and their actual ownership of land, a gap unlikely to close via state action because in most countries agrarian reform programs have now come to a close. The current priority of most governments is to enliven land markets, largely by land titling programs to guarantee security of tenure. In those countries that have adopted mechanisms of inclusion of women in land titling programs, they are emerging as a larger share of the beneficiaries than in countries where it is

assumed that such programs are gender-blind. Nonetheless, in principle, land titling programs only benefit those who are currently land owners and do not address the fundamental inequities in Latin American's current distribution of land or class and gender inequities in how land is acquired.

Land markets rarely favor the rural poor (Carter & Barham, 1996; Carter & Salgado, 2001); as we have shown, neither are they gender neutral. Thus, particularly worrisome is the fact that in a number of countries the land market is becoming the primary means through which land may be acquired. If land banks—with substantial state subsidies for the purchase of land—become the primary means through which poor peasant men and women can aspire to acquire land, pro-active measures will be necessary to assure equality of outcomes for men and women. The fundamental problem is that land continues to be as unequally distributed in Latin America as it has ever been, and recent tendencies suggest that under the prevailing neoliberal model land is becoming even more concentrated (David, Morales, & Rodríguez, 2001). Thus recent advances in gender equity in the distribution of land among the peasantry are taking place in a most socially regressive context, one that does not bode well for either the future of the peasantry or sustained advances toward gender equity.

A major problem in furthering the study of gender and land rights is that the agricultural censuses and most major data sets now collected in Latin America give little or no attention to the ownership of assets by gender or how these are acquired. As we have stressed, the critical question is who within the household legally owns the different land parcels of which the family farm is constituted. It cannot just be assumed that the owner of an owner-operated farm is the household head; it is important to take into account that land may be owned jointly by husband and wife or by several family members. Moreover, countries are governed by differing marital regimes with different rules regarding the ownership of property acquired before and after marriage. All these factors must be taken into account in any rigorous study of the distribution of property ownership by gender.

The lack of appropriate data has greatly constrained the potential analysis of the relation between the gender gap in command over resources, and poverty, income distribution and

growth.³¹ It is fairly clear that access to land, even a very small plot, allows women to provide their families with at least a minimum portion of their subsistence requirements, perhaps keeping them from destitution, particularly when this plot is under their ownership and control. In addition, while ownership of at least some land is associated with more diverse income-generating strategies among the rural poor which should attenuate poverty (Agarwal, 1994; de Janvry *et al.*, 2001a, 2001b), it has yet to be established that land ownership *per se* keeps a rural family out of poverty and that the gender of the landowner makes a difference. We think it might, and this should be among the key items on the research agenda.

Increasing women's ownership of assets is important not only to establish real, rather than merely formal equality between men and women, but also because rural women's ownership of land is closely associated with their well-being and empowerment. Underlying our analysis has been the assumption that women's ownership of land is associated with their increased bargaining position within the household and community because ownership of assets enhances women's fall-back position (Agarwal, 1994). There is a growing body of case study evidence from Latin America demonstrating that if one compares peasant women landowners with those who are landless, women landowners have a much greater choice of marriage partners and strike a stronger marriage bargain. Within marriage women landowners play a greater role in both household and farm decision-making, including productive decisions and those governing the disposition of what is produced and how income so generated is used. Women's ownership of land has also been associated with lower rates of domestic violence, for women landowners are in a much better position to leave an abusive partner due to their stronger fall-back position; they also find it easier to attract another spouse. Women landowners derive a number of additional specific benefits from their ownership of assets in their old age, both because of their potential economic autonomy and because they are more likely to be able to command the assistance of their children (Deere & León, 2001a, pp. 28–30). Rigorous empirical testing of these propositions in the Latin American case, however, remains to be done. Moreover, particular attention needs to be given to the interaction of gender and class dynamics in analyzing such outcomes.

NOTES

1. See Deere and León (1982, 1987) on the general problem of the underestimation of the participation of women in the agricultural censuses in Latin America.
2. FAO (1997) has published data based on the agricultural censuses of the 1980s on what they term "landholders by sex" for seven Caribbean countries not included in our analysis. The share of women who are principal farmers is substantially higher than in Latin America, ranging from 18% in Guadeloupe, 34% in Grenada, to 40% in French Guiana.
3. This exercise was carried out by the Agricultural Development Unit of CEPAL and revealed that women were only 10.9% of the principal farmers in the 1997 LSMS for Panama and 12.8% in the 1998 LSMS for Nicaragua. They carried out a similar exercise for other nationally representative household data sets and found that women ranged from 3% of the principal farmers in Honduras (1994) and Costa Rica (1997) to a high of 14.7% in Bolivia (1997) and 24.8% in Mexico (1996). Personal communication from Maria Beatriz de Albuquerque David to the authors, March 2001.
4. A problem in the Peruvian survey is the large number of missing cases on property titles, affecting 26% of the total of 2,786 parcels. This largely reflects the ambiguous status of land rights in the officially recognized peasant communities. While parcels acquired through community membership are generally now regarded as private property, relatively few of these are officially titled and registered. Moreover, data by sex were not collected on parcels owned by other family or nonfamily members and these have also been excluded from the analysis.
5. There were important differences by gender in the form and amount of land titled. Women made up only 18% of the *ejidatarios*, those that previously had secure land rights on the *ejidos* and voice and vote in the community assemblies. They were a slightly larger share, 23%, of those who previously only had informal land rights (known as *poseionarios*) and as a result of the land-titling program, also became individual landowners. Women were a much larger share of those titled urban house plots on the *ejidos* (the *avecindados*), being almost one-third of this category of beneficiaries (Robles *et al.*, 2000, pp. 20–21).
6. The main exceptions in Latin America are Costa Rica, Honduras and Nicaragua, where the default marital regime is full separation of property, and El Salvador, where it is full common property (where assets acquired prior to marriage or inheritances after marriage are also pooled). At the time of marriage in most countries one can choose among two or three options, although most couples tend to marry by the default regime (Deere & León, 2001a, Chap. 2).
7. The Chilean data are from a sample survey of beneficiaries of that country's recent land titling program among smallholders. This data were not included in Table 2, since this survey was not a nationally representative sample of Chilean landowners. Moreover, since one of the objectives of the titling program was to give priority attention to female household heads, the survey may have overrepresented women. Women constituted 39.8% of those titled farms and 43.4% of those titled land plots (less than 5,000 m²), for a total of 42.8% of the beneficiaries. This latter figure is approximately twice the share of female agriculturalists reported in Table 1. See Deere and León (2001a, Chap. 9).
8. The 1999 LSMS for Ecuador elicited data on how land parcels were acquired but failed to ask whom in the household was the legal landowner. We have attributed ownership of land to the principal farmer (with women constituting 26% of these), but this is clearly an unsatisfactory assumption, as argued in the previous section. We include the Ecuador and Chile surveys in Table 3 only because data by gender on the form of acquisition of land are so difficult to come by.
9. It should be taken into account, however, that market purchases may not be independent of inheritance practices, such as when one sibling buys out the land inheritance shares of other siblings, or uses other inherited assets to purchase land.
10. On inheritance norms in South Asia see Agarwal (1994); on Africa, see Lastarria-Cornhiel (1997).
11. It has been suggested, for other regions of the world, that a gendered differentiation in the composition of inheritance could be favorable to women, such as when parents compensate for land inheritance by sons by investing in the education of daughters. See Estudillo, Quisumbing, and Otsuka (2001) on the Philippines and Quisumbing and Otsuka (2001) on Sumatra. This proposition has yet to be investigated in the Latin American case, perhaps because until recently schooling rates and hence investments in education have strongly favored sons over daughters.
12. The locale of postmarital residency is one of the strongest factors associated with different inheritance

systems crossculturally. For example, in Agarwal's (1994, pp. 140–144) exhaustive study of inheritance systems in South Asia, she found women's land inheritance rights in matrilineal and bilateral systems closely associated with women marrying and living within their natal villages.

13. In colonial Brazil the legal marital regime was that of full common property, with all property (including inheritances) being pooled and divided into equal halves upon the dissolution of the union. Since 1977 the default is participation in profits (Deere & León, 2001a).

14. See Deere and León (2001a, Chap. 2) on the process through which the dual-headed household became the norm in most Latin American countries in the last quarter of the 20th century.

15. See Deere and León (2003) on the changes introduced in women's property rights in the 19th century civil codes. Bolivia, Argentina and Venezuela were the first countries to give widows and widowers inheritance rights in the estate of their deceased spouse, although in the latter two countries widows/ers were excluded from inheriting a share of the *gananciales*. Peru, discussed below, adopted full inheritance rights for widows/ers in 1984.

16. In most Andean countries this took the form of a "marital share" (*porción conyugal*), which depended upon the relative value of the individual estates of husband and wife. If these were considerably unequal and the surviving spouse could prove economic necessity, the widow/er could inherit a share equal to that of one child, but usually never more than 25% of the estate. As we argue in Deere and León (2001a, 2001c), while the marital share afforded poor widows some protection, it was not designed to assure that they remain in control of the family farm or business or even of the familial home, that is, to provide them with economic autonomy.

17. Brazil partially followed this latter trend. In 1907 testamentary freedom was increased from one-third to 50% of an estate. Nazarrí (1995, p. 801) argues that the share that could be freely willed was raised in order to encourage the greater circulation and accumulation of capital, a factor also encouraging the establishment of full or near-testamentary freedom in other countries. On Mexico's adoption of full testamentary freedom, see Arrom (1985, pp. 313–315).

18. The potential gender inequality in inheritance shares was compounded by the fact that in the civil codes of the 19th century parents of means where no longer legally required to provide their daughters with a

dowry, which was usually treated as an advance on their future inheritance. Moreover, over the course of that century the practice of dowry gradually disappeared. See Arrom (1985) and Nazarrí (1995).

19. Since the default heir is the wife or partner, failure to make out a will might also be a conscious decision favoring one's spouse, an option which saves the costs involved in making out a will and one which may reduce friction among the children.

20. Nonetheless, there are counterexamples of where land scarcity has provoked a change in the other direction, going from bilateral inheritance to its concentration on sons or only one son in order to prevent its sub-division. For example, it has been suggested that excessive land fragmentation on the Bolivian altiplano among the Aymara may have led to a change over the course of the 20th century from the traditional system of bilateral or parallel inheritance to one favoring either the oldest or youngest son (Arnold & Yapita, 1997).

21. See Deere and León (2001a, Chap. 7) for a detailed discussion of the struggle over individual and collective land rights and how traditional customs and practices may be prejudicial to indigenous women.

22. See Deere (1985), León, Prieto, and Salazar (1987), Galán (1998) and Deere and León (2001a, Chap. 3) for detailed examples of these points.

23. Deere and León (2001a, Chap. 5 & 6). Note that the Honduran legislation follows both modalities, vesting land ownership in natural and juridic persons while at the same time specifying explicitly that men or women may be beneficiaries independent of their marital status. Other countries which have not written new agrarian codes have sometimes established specific mechanisms of inclusion of women in special programs; these cases are discussed in the text below.

24. Privatization of *ejido* land involves two steps. The first consists of certification and titling by PROCEDE, which allows an *ejidatario* to rent his or her land or to sell it to another *ejidatario*. Such land remains part of the *ejido* regime. The second step, the conversion to full private property (*dominio pleno*) so that land may be sold to outsiders, requires a two-thirds majority vote of the *ejido* membership. This process involves a number of costs and the land can then be taxed which may explain why few *ejidos* have converted to full private property, and why land renting has been the more common outcome of the parcelization process in regions of commercial agriculture, such as northern Mexico.

25. For the evidence behind these propositions, see the articles in the collections by Deere and León (1987) and Lara Flores (1995).
26. Women may also be more risk averse than men, but little research has been done on this topic in Latin America.
27. In addition, agricultural census data for Peru and Paraguay demonstrate that women farmers either have less land absolutely or are overrepresented among those farmers with access to less than 10 ha of land (INEI, 1995; Paraguay, 1993). Only in the 1979 Guatemalan census were there no apparent gender differences among smallholders (Guatemala, 1985, Table 11).
28. The trend of female landowners being older than male landowners also holds up in the Peruvian case, with 58% of the former but only 44% of the latter being over 50 years of age, with this difference being statistically significant. Of the cases where the statistical significance of the age difference by gender could be tested, only in Paraguay was it not significant, with 61% of the female and 58% of the male landowners being over 50 years of age.
29. Legal documentation, such as a voter's registration card in Peru or an identity or income tax registration card in Brazil, is required to be a beneficiary of state land titling or land distribution programs, respectively. For this reason a number of rural women's associations have launched national campaigns to encourage rural women to obtain personal documents. On Brazil, see Deere (2003).
30. The main problem is that in a number of countries widows do not automatically inherit from their husband's estate unless they can prove economic necessity. These problems and potential reforms to favor widows are discussed in Deere and León (2001a, 2001c).
31. There is a growing body of evidence linking reductions in gender inequality in education to both growth and improved income distribution (World Bank, 2000, p. 56). Nevertheless, relatively little research has been carried out on the potential impact of reductions in gender inequality in the distribution of productive assets on poverty levels or income inequality. This lacunae is partly because of the scarcity of gender-disaggregated data on the distribution of assets such as land.

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