

# Seeds of Unity: Examining the Link Between Joint Land Titles and Women's Status in Western Uganda

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## Abstract

Improving women's rights and access to property is a central objective of policies aimed at promoting gender equality in Africa. A recent initiative in Uganda made strides toward this goal by offering subsidized formal land titles to households and encouraging men to include their wives on the titles. In this qualitative study, embedded within an impact evaluation, we investigate two key aspects of the initiative: firstly, the meaning and significance of newly-acquired joint titles and, secondly, the implications of these titles for marriage dynamics and women's status and well-being. Whereas household bargaining models predict that joint titling increases a woman's decision-making power by increasing her control over household resources, our findings reveal that couples with joint titles did not commonly perceive these titles as conferring new rights or control to women within the marriage. Even before obtaining titles, women held a good deal of influence in the management of marital property. Joint titles do exert an influence on household dynamics, however, by symbolizing a husband's commitment to the conjugal unit. Women's sense of land tenure security is enhanced mainly through an improvement in their sense of marital security. As symbols of commitment, joint titles possess the potential to foster spousal cooperation and elevate the quality of marital relationships. Our findings demonstrate how the impact of joint land titling on women's status is shaped by both the broader social context and the pre-existing dynamics of the marital relationship.

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## Introduction

Increasing women's control over land—the basic factor of production and primary source of livelihood security in agricultural communities—is an important contribution to reducing gender inequality (Agarwal 1994; Deere and Doss 2006). Recent studies from across the globe have found associations between women's land ownership and various indicators of women's greater status, including more decision-making authority within households and communities (Goldman et al. 2016; Mishra and Sam 2016; Swaminathan et al. 2012), lower risk of gender-based violence (Grabe et al 2015), and greater participation in economic activities outside the home (Peterman 2011; Selhausen 2015). Women's land ownership in Nepal, for instance, was found to be associated with significantly greater final say over household decisions, and with better health outcomes for children (Allendorf 2007). In evidence from India, Panda and Agarwal (2005) found that women who owned immovable property (land or a house) faced a significantly lower risk of marital violence, compared to women who did not. Strengthening women's land rights has therefore become a focus of policy efforts (Meinzen-Dick et al. 2019).

One of the primary policy tools favored to strengthen women's land rights in low-income countries is the joint titling of marital property as part of land formalization efforts. Most rural land in sub-Saharan Africa is held under customary tenure and is not formally titled (Doss et al. 2015). The formalization of land rights means the documentation and official registration of land holdings within the formal legal and administrative system of the state. Initial attempts at formalization in the post-colonial period were criticized for collapsing a complex set of ownership and user rights into one formal individual title, thereby bestowing all authority over a parcel of land to the titleholder, usually a male household head, and excluding women from those rights (Ali et al. 2014; Daley and Englert 2010; Lastarria-Cornhiel 1997; Whitehead and Tsikata 2003). In response, the joint titling of marital property—where both spouses are included on the title—has been advocated by policymakers and researchers as an important step for the promotion of women's land rights and equality within marriage (Meinzen-Dick and Mwangi 2008).

Joint land titling is hypothesized to increase women's control over a crucial asset, thereby increasing women's household bargaining power. Joint titling of co-owned land is distinct from individual titling of property owned independently by women. Few contemporary studies in low and middle-income countries have examined the effects of joint titling specifically; the few that have generally find a positive correlation between women's bargaining power and joint ownership, though results vary by context, and the association is not as strong as it is for women's individually owned land. In Mali, Malawi, and Tanzania, Doss et al. (2014) find that women's joint ownership of land is associated with greater participation in household decision-making related to agricultural production, although average levels of participation are higher for women who individually own land. In India they find no association between individual or joint land ownership and women's participation in decision-making. In Malawi, Behrman (2017) finds that the relationship between joint land ownership and women's status depends upon the domain: joint ownership is correlated with women's greater participation in financial decisions but lower participation in decisions about reproductive health. Vietnamese women's individual land use rights were found to be associated with improvements in children's human capital whereas, for the most part, jointly held land rights were not, leading the authors to conclude that, unlike women's individually owned property, the benefits for women and children of jointly held land assets depend on intrahousehold dynamics (Menon et al. 2014). These studies suggest that the effects of joint land titles on women's status depends on social and relational contexts (Razavi 2003). Relatedly, Jackson (2003) argues that for

women's overall welfare, the benefits of greater control offered by individual land ownership may be outweighed by the social costs to women in their households and communities that may be incurred when they seek individual property ownership outside of their marital relationship. Few studies have empirically examined the social dynamics of joint titling in action.

The current study aims to contribute to this growing body of research by examining how policies and programs that promote joint land titling improve both women's land rights and their status within households. We embed a qualitative study within a larger experimental, land titling program that recently took place in southwestern Uganda. Our research is guided by two key questions: (1) For the women and men in these agricultural communities, what is the significance of land and land titles? and (2) How does the acquisition of a joint land title alter women's status and welfare in their households, if at all? We further explore what factors lead couples to choose or not choose a joint title, thereby offering insights into the take-up decision in the first place. To address these questions, our investigation uses one-on-one, conversational, immersive interviews with husbands and wives from 34 couples, as well as with 10 local leaders.

The participants in the qualitative study were part of an impact evaluation in the context of a World Bank funded land registration program, in partnership with the Government of Uganda's Ministry of Lands. The experiment aimed to improve women's land rights by investigating which approaches work best to encourage joint titling. In Uganda, the acquisition of formal land titles is prohibitively expensive and lengthy. Households included in the experiment received an offer for a fully subsidized, state-endorsed title for one parcel of land. Some male heads of households were nudged with 'information' to co-title with their wives (through a video with actors emphasizing the value of including women on titles), others with a 'condition,' where the subsidy for the title was offered only if both spouses were included. The experiment further randomized a requirement that both spouses be present during discussions with land titling agents. Participating households' willingness to jointly title was high. Of the husbands who were individually offered a title without an informational nudge or condition, 49% chose joint titles. Simply requiring the presence of both spouses for discussion of the land title increased joint titling to 68% of households. Of those nudged with information or condition, the percentages co-titling was 73 and 89%, respectively (Cherchi et al. 2022). These take-up results were higher than we had anticipated, based on prior formative research including focus group discussions and other forms of fieldwork, as well as policy documents suggesting that women are shut out from owning land in Uganda (USAID 2016).

Using an array of qualitative information at the household, community, and institutional levels, we investigate these results by inquiring into the meaning that husbands and wives assign to their newly acquired, joint titles, to develop a grounded explanation of the implications of titling on marriage dynamics and women's status. Our findings indicate that the joint title is highly valuable for women and men, but not necessarily in the ways expected by the program. Based on prior research from Uganda and the region, we anticipated that the joint title would enhance women's land rights by expanding the breadth of their rights from user rights to ownership rights, and that this would boost women's participation in management of the land and other important household decisions. Instead, we find that men and women in participating communities do not generally interpret the joint titles as assigning new rights to women in their marriage. Even without land titles, legal frameworks and social expectations dictate that spouses both participate in important land management decisions, especially regarding the sale of land. The joint titles did, however, serve as a symbol of a husband's public commitment to the marriage, which deepened the bond between the spouses. While joint titles may improve women's bargaining power within their

households, they also influence marital dynamics and lead to increases in women's status through enhanced marital security.

## **Background**

### *Land rights are embedded in social relationships*

Having a legal right to a parcel of land may not guarantee control if those legal rights are not socially recognized, if enforcement of legal agreements is weak, or if landholders do not have the resources needed to secure enforcement of their rights (Place et al. 1994:20). The extent of a person's *de facto* rights to a parcel of land is dependent upon legal frameworks and economic exchange, but also, importantly, on their social relationships—property is best understood as “relations between persons with respect to valued goods” (Pradhan et al. 2019; p. 26). A person's claim to property can have implications for their relationships with others, and their relationships with others affects their ability to use, control, or own property. How embedded property rights are in social relationships is most evident in the case of marital property (see also Doss and Meinzen-Dick 2020).

Under the customary land tenure systems where the traditional descent of inheritance follows the patriline (the most common form of descent in Africa), women's primary means of access to land is through the marriage (Fafchamps and Quisumbing 2002; Kafumbe 2009; Moore 1998). In practice, women living in patrilineal, agrarian communities negotiate land access in ways both subtle and overt, and these negotiations have implications for marital relationships (Kandiyoti 1988). For instance, if women seek independent control over land outside of the access they are granted through marriage, they may risk destabilizing their marital relationship by signaling a lower commitment to the union (Jackson 2003; van de Berg 1997).<sup>1</sup> Thus, marital relationships create and define some land rights for women, and women's efforts to secure land rights can have implications for their marital relationships.

### *Land titling and women's rights*

While African governments have recognized the benefits and values of customary systems of land tenure in rural areas, offering some legitimacy and protection (Arko-Adjel et al. 2010; Chimhowu 2019; Fitzpatrick 2005; Freudenberger et al. 2013), they also have a long history of pursuit of land registration and titling as means of promoting economic growth. At times these land titling efforts are advanced as pro-women, and some evidence supports the notion that formalization of joint ownership has positive impacts on women's land rights (see African Union 2009; Boone 2018). In Rwanda, for instance, a series of laws implemented in the early 2000s increased women's rights to property by making “community of property” regimes the

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<sup>1</sup> The centrality of marriage and, more generally, gender differences in access to land, can and do change in response to changing environments. Where land is valuable and pressures have mounted due to increasing scarcity, gender inequality in access to and control over land has grown as men assert dominance in response. By the 1950s, Tanzania, for example, was experiencing a rising shortage of livestock and land, leading senior men to exert greater control over the means of production and limit how much and how often they would transfer land to women (Yngstrom, 2002, p. 30). During this time marriage therefore became centrally important for women's access to land, and Tanzanian men were required to give their wives land to cultivate. Institutions can and do adapt to ecological conditions. In a study of fishing communities near ocean reefs, BenYishay et al. (2017) found that matrilineal inheritance is higher in places where reef density is higher, in Southeast Asia and the Pacific islands, a finding attributable to the fact that in these areas there is more fishing (by men) and a related, lower value of land. Women therefore may have more land if land is not as valuable or needed. Thus, the degree to which matriliney (and patriliney) is entrenched in a community depends upon environmental and economic circumstances.

default framework for the management of marital property, and by mandating equal land inheritance for male and female children. These legal changes, and the iterative process of building the bureaucratic institutions to support the reforms, led to meaningful changes in women's land ownership, even if implementation was imperfect and did not benefit all women equally (Ali et al. 2014; Daley et al. 2010). In 2000, Ethiopia implemented a broad set of changes to its Family Code, including granting equal rights to spouses within marriage, equal division of assets upon divorce, and certification of land holdings jointly to husbands and wives. Following these changes, survey respondents in a study perceived an increase in property rights for women (Holden et al. 2011; Kumar and Quisumbing 2015). Similarly, in Benin, land demarcation (which clarifies the boundaries of land holdings and is a prerequisite to the issuance of formal certificates or titles) was found to have changed investment patterns in ways that are consistent with an increase in tenure security, including for female-headed households (Goldstein et al. 2018).

Collectively these studies provide evidence of a broad link between the inclusion of women's names on land titles and improvements in women's land rights. Yet they are unable to show the inner workings of specifically when and how joint land titles improve women's status. The consequences of the inclusion of women's names on formal land titles depends on how land rights are governed, and what those documents signify and whether they are enforced within existing social, legal, and economic systems.

#### *Land rights and women's status*

The theoretical link between an enhancement of women's land rights and an improvement in women's status within their households comes primarily from household bargaining models. In bargaining models, a spouse's degree of influence on key decisions is determined, in part, by their relative contribution of economic resources to the household (Lundberg and Pollak 2008). Marital partners may have different preferences, as well as unequal capacities, or inequitable power, to enact those preferences (Manser and Brown 1980; Quisumbing and Maluccio 2003). A spouse who can reasonably leave their marriage has greater power to mobilize their preferences; the extent of their power is further influenced by how desirable a life outside of the union is imagined to be (Fafchamps and Quisumbing 2002). Women's bargaining power may be limited by institutional context—such as restrictive laws or norms about divorce (hindering their exit options)—as well as by relational context, including the share of household resources at their disposal (Agarwal 1997). Since studies have found women's land ownership to be positively associated with improved outcomes, theoretically, then, the effects of joint titling on women's bargaining power within marriage depend upon whether the joint title has any real significance in practice. Does a joint title confer joint ownership and greater control over resources to women? In other words, does a joint title grant women greater control over decisions about their land, and enable stronger claims to the land in the case of marital dissolution (Deere and Doss 2006; Doss 2006; Menon et al. 2017)?

Although useful for articulating hypotheses about how household members are affected by the distribution of household resources, for our purposes, the bargaining model has two limitations. First, because its basic assumption rests on a conflict model, it leaves unacknowledged where and when couples hold shared interests, and where and when couples cooperate to achieve those interests (Whitehead and Kabeer 2001; Doss and Meinzen-Dick 2015). Second, the bargaining model overlooks the *complexity* of intimacy among couples. Marital relations are always subject to negotiation, interpretation, and emotion, and the conjugal bond is misunderstood if reduced to a

mere transactional exchange. Research on economic exchange within intimate relationships has documented its pivotal role in establishing, sustaining, even deepening a bond and commitment between partners (Poulin 2007; Zelizer 2011; 2005). Husbands and wives may be emotionally invested in their union, and the degree to which they feel attached to an imagined future together may build or diminish over time. A long marital history may serve as a bedrock for a couple to continue to orient toward one another in their life project. In this research we therefore employ both the insights of the household bargaining model and a sociological lens to better understand decision-making around land titling and the nuanced effects of land titles on marital dynamics.

### *Ugandan Context*

Uganda is a land-locked country in eastern Africa with a population of 44.2 million people, a large majority (75.6 percent) of whom live in rural areas and most earning income from subsistence farming supplemented by small-scale self-employment activities (World Bank, 2019). Over the last three decades, the percentage of Ugandans living below the poverty line has been greatly reduced: in 2019, the percentage was at 21.4, down from 52.2 % in 1992 (World Bank, 2019). Recently, however, per capita real GDP growth decelerated to 1.3% in the five years prior to the COVID-19 crisis, as population growth climbed to 3.7% per year.

Marriage and parenthood tend to be central to Ugandan men's and women's identities, and, without much formal employment or advanced educational opportunities, people often marry young (Wyrod 2008; Parikh 2015). According to the most recent Uganda Demographic and Health Survey (DHS), the median age at first marriage for women is 18.7 years, and is 23.3 years among men. Most marry at least once in their lives: by ages 45-49, only 2% of women and 1% of men have never been married (Uganda Bureau of Statistics and ICF 2018). Divorce is moderately high; in 2011 the percentage of all first unions that had dissolved was 37.5% and the percentage that had divorced was 30.3% (Clark and Brauner-Otto 2015).

In terms of land, like much of sub-Saharan Africa, in Uganda an estimated 70 to 80 percent of the rural land is held under customary tenure, a system traditionally regulated by customary rules administered by clan elders, which includes both individual and communal land ownership. Land held under customary tenure is not generally registered or titled (FAO 2020). In recent decades women's rights advocates pushed for reforms in land laws, which resulted in the Land Act of 1998, and the subsequent Land Amendment Act of 2004 (Ahikire 2003; Tamale 1999). These laws granted women increased protections for their rights to land, such as the requirement of the consent of both spouses for any transaction involving marital property. The laws were designed to prevent husbands from selling land without their wives' consent (or vice versa). Although they were created to guarantee women's rights to access, live on, use, and give or withhold consent for transfers, they did not explicitly provide for women's rights to ownership (Ahikire 2011; Tripp 2003).<sup>2</sup> Yet in surveys, Ugandan women report relatively high levels of land 'ownership,' in

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<sup>2</sup> Tripp (2000) argues that in Uganda these systems have been eroding since colonialism, morphing in ways that are disadvantageous to women. Whereas women were once generally protected by the clan system, the recent devolution of clan authority, and increasing emphasis on individual rights, has meant that women now face greater challenges, particularly as they rely on conjugal co-ownership of land, often upheld only as long as the couple remains married. At the same time, Uganda has a history of a strong women's activist movement. This has roots in pre- and postcolonial mobilization, so much so that women in Uganda had a slight advantage over women in neighboring countries, which was strengthened under Museveni (even if for purposes of political legitimacy and support). This is one reason women were able to generate strong political mobilization. A second is attributable to a change in the "gender regime" in the 1990s within the context of a post-conflict environment; the third is the influence of the international community (e.g.,

comparison to other countries in sub-Saharan Africa. Doss et al. (2015), for instance, calculate that 39 percent of Ugandan women own land solely or jointly and 14 percent own land solely (without any other owners); this compares with 60 percent of men who own land solely or jointly and 46 percent who own land solely.

### *Joint Titling Experiment*

In an attempt to improve women's land rights, the World Bank, in collaboration with the Government of Uganda's Ministry of Lands, Housing, and Urban Development, conducted a land titling impact evaluation (an intervention with an experimental design) that encouraged the joint titling of marital property. In 2017, the intervention targeted 1,090 households, from 253 villages, across four districts in the western region of country. Within each village, an average of four eligible households were randomly selected. Those households with a married (or cohabitating) couple owning at least one unregistered parcel of land were deemed eligible. The core intervention offered fully-subsidized freehold land titles to these randomly-selected, rural households. The experiment consisted of different treatment arms; one was an information nudge (a demonstrative video with actors emphasizing the value of including women on land titles), and another was a condition, where men had to agree to co-title with their wives to qualify for the title subsidy. Furthermore, the team cross-randomized whether both spouses were required to be present during discussions of the title offer. At 92%, the overall demand for titling, jointly or not, was high. Of the husbands who were individually offered a title without an informational nudge or condition, 49% chose joint titles. Simply requiring the presence of both spouses for discussion of the land title increased joint titling to 68% of households. Of those nudged with information or condition, the percentages co-titling was 73 and 89%, respectively (Cherchi et al. 2022). The titles were delivered in 2018 and 2019. Analyses of the household survey data do not reveal any socio-demographic or economic characteristics associated with joint titling.

### **Methods**

The first author conducted formative research for this study on two occasions prior to the intervention, in 2014 and in 2016. The goals were to understand the relatedness of land, gender, and power dynamics within marriage, as well as the institutional context—particularly the political environment—within which the experiment was to take place. During this formative phase, the fieldwork activities included the following: (a) participant observation of meetings with key government officials in the land and gender ministries; of local- and village-level meetings around land and land titling; of local and rural land offices; (b) interviews with land officers in western and eastern Uganda and in Kampala; (c) focus group discussions with key community members eligible for selection into the experiment; (d) formal and informal conversations with key NGO staff, faculty, researchers, and practitioners; and (e) content analyses of relevant scholarly publications, articles in Ugandan newspapers, and policy documents pertaining to land and land titling.

Building on the information gathered from this fieldwork, we designed and carried out a systematic, qualitative study between September 2019 and February 2020. The data collection consisted of immersive, in-depth interviews with women and men selected from households in Mbarara District, in southwestern Uganda. Mbarara city, a five-hour drive from the capital city of Kampala (238 kilometers), is the second-largest metropolitan area in the country and continues

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the 1986 Danish International Development Agency (DANIDA); the 1985 UN Conference on Women in Nairobi, etc.; Tripp, 2015).

to grow.<sup>3</sup> Households in the study were interspersed throughout the rural areas of the district. All interviews were conducted by local research assistants experienced in qualitative research and in the local language spoken in Mbarara, Runyankole.

A total of 34 households, with 34 husbands and 34 wives, were included in the qualitative sample. The households were randomly sampled from six groups of participants in the experiment, each group belonging to a distinct combination of (a) treatment arm and (b) response to the title offer. At the time of our sampling, we did not have information about whether the presence of both spouses was required during discussions of the title offer. Table 1 displays the number of households interviewed by sample group.<sup>4</sup>

**Table 1. Number of households (HHs) interviewed by sample group.**

Sample Group	No of HHs, both spouses
1=refused initial offer w/gender info (a nudge)	2
2=refused initial offer w/o nudges or conditions	2
3=accepted; received solo title	10
4=accepted; received joint title; conditional	5
5=accepted; received joint title; unconditional	10
6=accepted initial offer but dropped out	5
Total	34

The interview style was conversational, in-depth. Informed consent was received prior to the start of each interview, and respondents could (and two households did) decline. Wives and their husbands were interviewed simultaneously in separate locations, husbands by the male research assistant, wives by the female research assistant. The interviews were audio-recorded and lasted between 50-150 minutes, with an average of approximately 1.5 hours in length. Summary statistics of background characteristics of the couple-respondents are presented below, in Table 2.

Each interview was translated and transcribed by the research assistants who conducted them. The completed transcripts were immediately read and analyzed by the authors. The

<sup>3</sup> Mbarara was also selected for practical and economic reasons. Because of long delays in the delivery of titles to households in the impact evaluation, our qualitative study selected Mbarara because titles had been delivered to most households that were to receive them.

<sup>4</sup> The initial goal was to collect 35 completed households. During the data collection process, however, two of the men were interviewed but not their spouses: one wife had died, sadly, and a second wife refused, stating that she was not involved in the “program” by her husband “from the beginning.” Thus, the total number of men interviewed is 36, and the total number of women interviewed is 34, and we kept the completed 34 households for this research. Also to note: Of the 36 men interviewed, 28 were from the primary sample, and the remaining 8 were selected from a replacement sample. (The replacement sample list was also randomly drawn from the eligible households within the larger quantitative impact evaluation study sample.) The eight men not included in the primary sample were due to a combination of (1) refusals to participate in the qualitative interview; (2) being away from home during the data collection period, and (3) that the research team decided, mid-data-collection, to replace three polygamous households with monogamous ones. Of the 34 completed interviews for women, 9 were drawn from the replacement sample, for the exact same reasons as the men. In total two households refused to participate in the qualitative interviews. A husband of one of these households told the research assistant that he was too old to make decisions without his sons’ counsel, and could not participate, as his sons live in Kampala. In the second refusal household, the wife did not want to participate in the interview, and influenced her husband not to do so as well.



interview guide was modified in response to the narratives told by respondents to inquire further about emerging themes, processes, or mechanisms. The entirety of the data collection process was intentionally iterative, and the authors of this study spent ample time revising the interview guide in order to capture the description of social and economic life as it was being told by the women and men in the study, following a modified version of “sequential interviewing,” as described by Small (2009).

**Table 2. Background Characteristics, Qualitative Sample of Households.**

	Wives		Husbands	
	Mean	SD	Mean	SD
Age	48.5	11.5	49.8	2.2
<i>Education</i>				
Less than primary	34.5	0.5	33.3	13.2
Completed primary	44.8	0.5	46.7	0.5
Standard 4 or more	20.7	0.4	20.0	0.5
No. of children	6.2	3.0	6.3	0.4
No. of people in HH	7.1	2.4	7.1	2.6
No. of years living in village	38.4	15.8	39.8	16.6
<b>Total</b>	<b>34</b>		<b>36</b>	

*Key Informant Interviews (KIIs) with LC Members*

Starting in January 2020, a second set of interviews were conducted with 10 key informants, who are each members of a village or community’s local governing body – known as the Local Council, or LC. The 10 LC members were selected through two key factors, an openness displayed during the mobilization phase of the household-level interviews, and because they resided in communities relatively easy to access, yet also large in size, thereby representing distinct communities in Mbarara. The KIIs were conducted to provide an understanding of how local governance operates around matters concerning gender, land, marriage, and divorce. The topics included the content of disputes that arise, responses to such disputes, and specifics around resolutions sought to repair disputes. The KIIs also explored perceptions of whether the relationship between gender and land has changed in recent years. Because the qualitative research team was particularly interested in the views of the men in these leadership positions, 8 LC men were interviewed, and 2 women. All 10 agreed to use their full names, as local authorities and key informants.

*Analysis*

After data collection was complete, the analysis continued, where transcripts were analyzed and cross-analyzed to identify patterns and examine reliability of emerging themes, in Dedoose, an application for analyzing qualitative and mixed methods research, and in a separate Excel document. Dedoose allows teams of researchers to work collaboratively. Both authors applied thematic codes to the interview transcripts separately and then cross-checked each other’s work. Some of the codes indicated topics of discussion, such as titling decisions. Other codes were more analytic—we applied the code for “meaning of joint titles” to all text that we deemed useful for understanding the significance or value of joint titles. Once the

interviews had been coded, we extracted interview text from all households attached to a particular code, allowing us to read relevant data from across cases. We used Excel to conduct a case-based analysis of the data. In Excel, each row summarized information from one respondent. We created columns for key themes that emerged in our initial analysis, and included a direct quote or summary of relevant information for each respondent in the corresponding cell. This facilitated the examination of relationships among themes within each case, such as whether descriptions of land titling decisions related to descriptions of marital quality.

## **Findings**

The main findings are divided into five thematic sections: (a) Land and land titles are meaningful and significant; (b) It is socially acceptable for women to own land in southwestern Uganda; (c) Marital property is expected to be jointly owned for the duration of the marriage; (d) Women's claims to land upon marital dissolution are contingent; and (e) Joint titling symbolizes marital commitment.

### **(a) Land and land titles are meaningful and significant**

Study participants explained that formal land titles are highly desired, which is consistent with the high take-up rates observed in the impact evaluation (Cherchi et al. 2022). This is first and foremost because land ownership is central to people's social lives and is a prominent source of economic livelihoods. Moreover, there is a perception that titles offer greater security of tenure, above and beyond 'certificates of registration' and the more informal land agreements. Yet because land titles are very expensive, and require lengthy, cumbersome, bureaucratic steps to acquire, most Ugandans are unable to obtain one. In the words of one man in our study, "*The general feel of people and titles in the community is that they are expensive; therefore even those who would want to get them can't because of the money, which is anticipated to be in millions of shillings.*" Another male participant shared that even a Member of Parliament (MP) has been unable to formally title his land because the process is demanding and expensive. He explained, "*But generally, all people want to get titles in this village. The only problem is that most people know you need more than 2 million US\$ to get a title.*"<sup>5</sup>

This sentiment was echoed throughout the interviews. Land is a critical resource for livelihoods and is highly valued. Formal land titles offer greater land tenure security than other forms of ownership documentation, but they are so expensive that they are unobtainable for most people.

### **(b) It is socially acceptable for women to own land in southwestern Uganda**

All women and men in our sample stated that women can and do own land. Women generally obtain land through inheritance, purchase, or marriage.

The majority of study participants said that women typically inherit some land from their parents. This was explained concisely by 46-year old Charles in the following:

*I: Do some women in this village own land in this village? How did they acquire it?*

*R: Yes, they buy their own land or can be given by her parents.*

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<sup>5</sup> At the time of this interview, in September 2019, 2 million US\$ ~ \$540 U.S.

*I: What do you mean by given?*

*R: I mean inheritance from their parents.*

*I: I thought only boys inherit land from their parents?*

*R: No, that was the old way of thinking, but girls too inherit land these days.*

This inherited land offers security for women, and a fallback option, should their marriage fail, as described by 41 year-old Kellen:

*I: Let us say that you have land that you own and it is in your names, maybe you have received it from your father. What would this ownership mean to you?*

*R: I also see it as an important thing knowing that I have my land. These days life can go wrong, the man can go there, and you find him having another family there. This land can help me; for example, if [I have] a banana plantation, I can sell the bananas and educate my children. And, if I fail [to sell], I can sell part of this land and my child goes through school.*

Not all women inherit from their parents, and if they do, they tend to inherit a smaller share than their brothers; still, some fortunate ones will inherit equal shares, since, as one male respondent said, “Women are people, too.”

Inherited land tends not to be actively farmed by married women, and they may not be able to sell it until years later.<sup>6</sup> Given this, women’s access to and control over marital land is vital to her daily livelihood and family projects.

Women and men in the study communities hold a widely shared understanding that marital property is jointly managed by both spouses. Typically, a man receives his parcel or parcels from his parents when he marries, and his wife moves to his land, true to form in conventional patrilineal systems. The couple may also purchase or rent additional land for cultivation. If the marriage is ‘good,’ and trust has developed and deepened within the marriage over time, a husband (and his family, likely) may come to see the marital land, more and more, as hers, too. When asked how long a woman needs to have stayed with a man to deserve a share of the land, one male respondent specified, “Like 5 years of marriage and when you have like 2 children.” Thus, in such family scenarios, even within the patrilineal system, wives typically have a right to land. Both women and men stated that women own the marital land with their spouses, that the land is “for both of them.” As stated by 53-year-old Innocent:

*R: Women should own land because they also work as men. If they can afford to have their own land, it’s fine. And if they have been staying with the husband for long, they should share on the land because the time they stay with a man, they also contribute to the family and deserve a share.*

### **(c) Marital property is expected to be jointly owned for the duration of the marriage**

Importantly, as suggested by the preceding quote, in Mbarara, marital property is viewed as jointly owned, regardless of the type of ownership documentation. This has practical implications for land management. Women have a say over what happens with marital property, particularly when there

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<sup>6</sup> In the conversational interviews, women and men reported that a common way to access land is to purchase it; for couples, this is done jointly, with husband and wife, when agreed upon between the spouses. Renting land is also a common form of land acquisition.

is a transaction taking place. Section 40 of the Land Act of 1998 explicitly requires that men obtain spousal consent prior to any transaction of land from which they gain sustenance. The household interviews, as well as the interviews from the LC members, are replete with examples displaying the common, shared understanding that these laws are to be upheld. Ritah, for instance, a 39-year old mother of five, who does casual labor in other people's plantations as a main source of income, had this to say:

*I: Supposing your husband is going to sell land, does he need to consult with any one?*  
*R: Yes, [he can't] go and consult from other families, he has to come and consult me first.*  
*I: Let us say that the land is owned by the man and the woman has no signature on the ownership documents, does he still need to consult from the wife?*  
*R: Yes, you see now Museveni [President of Uganda] has given us freedom even my father can't sell anything without first talking to my mother. How will the man sell without asking me because he has to tell me what we are going to do after selling and I know what we are going to use the money for. If there is no reason even though the land is not mine, I can refuse. I can't allow.*

Here, the interviewer engages on this subject with a 61-year old man:

*I: ...In marriage, if a man wants to sell his family land, does he need approval from his wife? Does it matter the type of tenure he has?*  
*R: You must consult your wife and elder children. These days the laws don't allow you to sell your land without your wife's or children's approval, because they must sign on the sale agreements. **If your wife disagrees, you can't sell even if you have a title in your [own] name.***

And with a 51-year old woman:

*I: Let's say you want to sell land, is it your husband that decides or?*  
*R: We all sit down, with our children and decide together to sell off a small piece of land and the money we get from it we shall use it for this and that. We all come out as one in the family. And if the man wants to sell but the wife doesn't want, the buyer can never take such land and pay for it. **The wife has to agree. It does not matter if she has her name on a registered title.***

In the interviews, the LC leaders discussed these laws, and their roles in enforcing them. Fifty-year-old Jadress, an LC1 leader, explained that primary issues that community members bring to her for resolution are about land disputes. She says:

*These ones where the children want to fight for land or the man wants to sell land and the wife doesn't know about it, we enter these cases and handle them. These days, it has been better when the man wants to sell land, he does it with his wife in agreement. This is because when you come to me to buy land, the buyer will not allow to buy the land without having the chairman there. **And also me as the chairman, even if I come I will not allow to give you my stamp on your land without your wife present to agree to the selling. This has brought some peace here... This is how it has been changing because in the past times, you would find the women not knowing about their husband selling land, but now they have to know it.***

In sum, the current day expectation in Mbarara is that marital land is jointly managed and both spouses must consent to land transactions. These expectations of joint property management do not depend on whether or how the family's ownership is formalized and/or documented. Land held under customary tenure, as well as land with a formally registered title, is governed by these same rules. Moreover, a wife's consent is required for land transactions, regardless of whether her name is on the ownership documentation. Men and women we interviewed perceived that joint titling did not give women additional power or influence in the management of marital land. In other words, contrary to some expectations, including the wife's name on the land title was not perceived as an action that expanded the breadth of her rights from more limited user rights to more robust ownership rights. Both rural residents and LC members confirmed that even without their name on any official ownership documentation, women have decision-making authority regarding transactions of marital land.

#### **(d) Women's claims to land upon marital dissolution are contingent**

In contrast to the general finding that many married women have secure land rights, study participants report that men and women do not necessarily have the same rights upon dissolution of the marriage. The land laws of 1998 and 2004 stopped short of granting women outright ownership of marital property, placing women in a relatively insecure position should a marriage end. Social expectations regarding women's property rights differ between cases of widowhood versus divorce or separation.

Study participants explained that widows have rights to stay on the land after their husband passes. It is illegal to grab land from widows, and respondents said so. Older respondents noted that this was sometimes an issue in the past, but no longer is. Lauben, a 57-year old farmer said, *"It has changed a lot because of the government laws that protect the widows land from grabbing."* Land grabbing cases can be brought to the local council, and someone convicted may even "be arrested." Widow inheritance also appears to be a thing of the past, as widows are allowed to have "feelings" for any new spouse. Widows' rights to marital land are, however, dependent upon whether she remarries. Young widows may remarry, but if they are "too old, most of them prefer to stay alone." If young and remarried, she will relocate with her new spouse to his land and will lose her stake in the property owned with her deceased husband. Widows may end up in a very difficult situation, forced to choose between maintaining their property rights and remarrying. Widows remaining on marital property would need permission to make transactional decisions from spouse's kin, but our findings suggest that widows are not as vulnerable to tenure insecurity as presumed or in other settings, findings similar to another study in Uganda (Aslihan et al. 2011).

When considering what might happen to women's land rights in cases of divorce or separation, however, respondents replied very differently than they did when reflecting upon widowhood. Some women shared that marriage itself is insecure, that women are unable to rely upon men over the long-term. Prior to titling, what happens with marital land in cases of separation or divorce depends upon the conditions of the separation or the divorce— who is declared to be at fault, and who initiates the separation. A 57 year old male farmer explains:

*I: What about those who divorce or separate?*

*R: If a woman divorces or separates with the husband, she has no right on the land and must go elsewhere. But if you had children and later the man dies, she can come back and claim the land because of the children. Or the children themselves can bring her back after the man has died.*

*I: Why wouldn't she have a right when the man is still alive?*

*R: She has decided to separate with me why would she stay on my land? Its her fault maybe she's the reason for the separation.*

*I: Would she have a right if it was the man's fault that caused the separation or divorce?*

*R: In this case they can go to court and it decides.*

*I: But I would like to know your opinion if she has a right or not in this case?*

*R: If it's the man's fault, then she has the right and court can help her settle the matter.*

As illustrated in this quote, the default position of many will be to assign blame for a separation to the woman, unless she has sufficient evidence, motivation, and resources to prove in court that her husband is at fault. A common practice among separating couples is for a woman to leave her marital home and return to her natal family. In this case, she risks forfeiting her rights to the marital land.

As with the rules about joint ownership within marriage, perceptions of a woman's access to marital land following separation or divorce are not dictated by the type of ownership documentation. The qualitative data are inconclusive about whether a joint title would improve a woman's ability to claim an ownership stake in marital property upon divorce if she chose to fight for that right. Despite extensive probing, study participants generally would not, or could not, say what the title might mean in the case of divorce. They explained that they expected women to leave the marital home upon separation, and that deviation from this social custom required initiating formal legal proceedings. No study participant reported a clear understanding of the value of a joint land title in that type of legal process.

In sum, regardless of whether the household has a formal solo or joint land title, if a marriage has lasted several years, and includes children, many male spouses will consider marital land to be co-owned with wives. Women's primary source of tenure insecurity therefore is linked to any marital insecurity; women in Mbarara are not guaranteed property rights upon marital dissolution.

#### **(e) Joint titling symbolizes marital commitment.**

When the project implementation team offered the title and relevant information to eligible households, in some cases only the husband was present, while in others both husband and wife were present together. In either scenario, in almost all cases, men acted as decision-makers about who to place on the to-be-received title. In some households, their decision was made after conversations with their wife, while in others there was little discussion of the decision. In most cases, however, the husband ultimately determined the response to the offer.

This pattern was made even more apparent by one exception that differed remarkably. Annie had the fortune of receiving a good deal of economic and social support from her natal family, and she had supported her husband while he was recovering from a car accident. Annie explained that she negotiated with her husband to get her name on the title. This exception stands out because of Annie's level of influence on who was included on the land title.

This decision (made mostly by men) about whose names to include on their new title was viewed as a signal of men's level of commitment to the marital union. As agricultural land is the bedrock of people's economic and social lives in Uganda, it is meaningful when a man decides to jointly title with his wife and, conversely, it is meaningful if he decides to solo title and not add his wife. The link between marital commitment and joint titling is evident in responses to both personal questions

about why men did or did not choose a joint title, as well as general questions about why a man would or would not jointly title marital land.

In each interview we asked the male and female respondents why they thought other men would decide to *not* add their wives to the titles. Their answers typically revolved around a common narrative, hinging upon whether the marriage is considered stable. Some of the men would blame women (“what happens to some is that five years into the marriage the wife separates from him '80 times”), while some of the women reported that men would not want to not be with older wives as they age, preferring to “trade her in” for a younger woman, as Grace explains:

*I: Yes, Mama, you may not have seen a title or received with your husband but think about other people out there. What do you think makes the men out there want to or not want to do this?*

*R: Those who don't want to maybe have plans of marrying other women aside from the one they have at home at the moment.*

Although most husbands in the program jointly titled, a non-trivial number of husbands solo-titled. Our qualitative sample included six solo-title households. For the husbands who decided to solo title, the qualitative interviews revealed that these marriages had been rocky - five of these six husbands explained the decision to solo title by talking about how they did not trust their wives, which usually centered around perceptions of her not working hard.<sup>7</sup> Two of these couples had separated by the time of the quantitative impact evaluation follow up survey.

As an example, 35 year-old Moses, a farmer whose household possessions suggest he is middle-income, expressed concerns that his 24-year old wife, Rhoda, did not work in the fields enough, an issue that had been a thorny one for him in the marriage from the beginning. Moses thought perhaps after Rhoda had their first baby her work ethic would improve. To his dismay, it did not. The interviewer summarized Moses's perception of his wife:

*She was not cooperative and supportive in working, like joining her husband to farm. She would just sit at home, a thing that didn't change even after her giving birth, she would wait on the husband to provide everything, and this didn't make him happy at all.*

From Rhoda's perspective, she never wanted to be a farmer, instead having desired to pursue her dream to become a tailor. When her husband chose to solo title, this was the unequivocal signal that her planned life project, of building the family together on their land, was a dream dashed. Rhoda subsequently moved to a town, two hours from Mbarara, to work on her career as a tailor. Moreover, Rhoda blamed her mother-in-law for never supporting her, and for discouraging Moses, her son, from adding Rhoda to the title.

Men said they chose to solo title because of problems within the marriage and this decision, in turn, further divided the spouses, as the wife was insulted. Many men who opted not to co-title experienced a worsening of their relationship, because it signaled to the wife that the husband did not anticipate the long-term success of the relationship. When wives in the sample were asked about why men would not co-title (in general), they would typically respond that he was planning to get another wife in the future, perhaps a second wife, or a wife who is younger.

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<sup>7</sup> The sixth couple went as follows, an exception: a wife who was annoyed that the land titling agents did not include her in the discussions, and so, out of protest, declared that she did not want to be on the title.

We also asked the general question about why a man would solo or joint title to the 10 local council members. The responses across the board are consistent: the man will solo title if the marriage is not good. The husband may be thinking of finding another wife, or the spouses do not get along. In general, both rural residents and LC members expected that men would not jointly title marital property if their marriage was unstable.

On the flip side, men often said they put their wives on the title along with them because of notions of love and togetherness with their wife, of developing a home together. This is consistent with other research from Uganda that provides evidence of increasing notions of companionate marriage in addition to marriage as duty and obligation (Parikh, 2009). Forty-two-year-old Robert explains it this way:

*I: Ok, in your view, what make men want to include women on their titles?*

*R: It's love in the family. Sometimes you love your wife so much that you can do anything for her including putting her on the title or even a written agreement.*

The sense of togetherness and joint purpose can be related to the length of the marriage. Men report that as their wives have devoted time to the marriage, family, and the land, their contributions should be recognized and women have a right to authority on the land, too. Many men in our sample spoke with pride of having a good marriage, and mutual agreement, and a reciprocal work ethic and effort—for these marriages, such notions came to the fore in the conversations. When asked about what makes a ‘good’ marriage, wives and husbands stated agreement, discussion, love, and respect. Others made assertions about the fulfillment of distinct gender roles as constituting good marriages. Some men perceived their wives to be good caretakers of the land, adding an additional reason for co-titling: some said that upon a man’s (his death) his wife would not sell the land, as “women don’t like selling land.”<sup>8</sup>

Often, a man’s choice to jointly title leads to a further strengthening of the relationship: This can be a powerful symbol that the husband values the contribution of the wife, and he expects the marriage to endure over the long-term. Women find joy and encouragement in the marital commitment signaled by the man’s decision to jointly title. It is an expression, a renewal, of his commitment to her and to the marriage.

The most powerful example of a joint title signaling commitment came from 43 year-old Leonada, who was placed on the title by her husband, in an unconditional treatment arm. She mentioned repeatedly in her interview that “*now her marriage is secure.*” For several years, she explained, her husband had been with other women (a series of infidelities), and with one woman in particular, with whom he has children. Even though her husband ended the affair prior to the titling program, with Leonada’s name on the title, she stated that she “does not care so much” about this other woman, and she is “relaxed now.” In addition to the fact that they now own the land together, she reported a sense of having felt chosen by her husband, a declaration of his (re)commitment to her.

Women explained that joint land titles provide reassurance that they will continue to benefit from the property that they have been farming with their husband. The joint land title reduced their fears that other women, or children from their husband’s relationships with other women, would

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<sup>8</sup> It should also be noted that a few women seem to have a lot of say in the marriage, especially if they have somehow inherited a lot of land from their parents, but not always.



interfere with their land access. In other words, the joint title increased their sense of tenure security primarily by increasing their feelings of marital security.

In addition to consistent evidence that a joint title acts as a symbol of marital commitment, the data contain suggestive evidence that by signaling commitment, the joint title can encourage increased cooperation within the household. We asked all study participants whether joint titling would increase or decrease conflict within the household. The response was consistent that it would decrease conflict, at least within the households where the marriage was stable enough that the husband would opt for a joint title in the first place. According to Fred, a 37-year old father of five and a soldier, the joint title will decrease intrahousehold conflicts because the husband and wife will feel that they both have stake in the success of the marriage. Fred and his wife own seven plots of land, on which they (she, mostly, as he is a soldier) farm bananas and coffee. They also own, rear, and sell sheep. The interviewer asks, *“If women were able to jointly own land with their husbands, would this increase or decrease conflict within the marriage?”* And Fred answers, in reply, *“Of course, it decreases conflict within marriage, because both parties feel they have some things to lose in case of divorce or separation. Because of the joint title, also, the selling of land is limited which also decreases conflicts.”*

Another man went further and explained that a joint title would encourage a wife to increase her investment in the land because it will increase her perceived land tenure security:

*I: So, do you think that for example the joint title you have with your wife can increase conflicts in a home?*

*R: No, it doesn't increase conflicts in a home because when she knows you can't sell the land without her approval, she can plant crops she wants, now that she is also the owner and everything that you do on that land, you have to consult her first, [so] then there [aren't any] conflicts in the family.*

In sum, these findings suggest that joint titling within the marriage (a) typically happens when the husband is committed to the marriage. The interviews reveal much evidence, from both the wife and the husband in joint titling households, that the couple "agrees" and "supports each other" and "loves each other." Wives and husbands both report that "love," the longevity of the marriage, and "having been through a lot together" all matter. For these couples, the joint title supplies evidence of this bond. (b) At the same time, the *joint title enacts a deepening commitment*, or, in some cases, a *recommitment* to the marriage, as it spurs *marital security and collective action* between the husband and the wife. This is particularly true for those marriages where the wife feels some insecurity within the marriage. Thus, the title is a symbolic and meaningful indication of trust and communion in the marriage.

## **Discussion**

Our qualitative findings reveal that, in this context, where there are widely shared social agreements that women have a say over the management of marital property, the joint title did not increase the breadth of women's land rights within marriage. In the conversational interviews, wives and husbands did not proclaim that joint titling alters women's authority to make key decisions about land management. In other words, women already had a good deal of authority over marital property and joint titling does not expand the breadth of the land rights enjoyed by women within their marriage. Following decades of advocacy by women's rights activists in

Uganda, married men are expected to obtain their wife's approval for any transaction relating to marital property, regardless of ownership status. This expectation is confirmed by Local Council members who have bureaucratic authority and social legitimacy to oversee land transactions. Before the land titling intervention, women's rights to marital property for the duration of their marriage had already expanded well beyond user rights. According to study participants, this role for women in the management of marital property is new in the past few decades and represents change from historical precedent. The importance of this social change for women's status in their households and communities should not be overlooked.

On the other hand, this study finds that joint titling influences women's lives by serving as a profound symbol of their husband's commitment to the marriage. Marital instability is a primary source of land tenure insecurity for women in this region of Uganda. Joint titling powerfully signals a man's commitment, or re-commitment, to his marriage. Women whose names were added to the joint title by their husband expressed sentiments of gratitude, pride, permission to relax, and a heightened sense of security about the state of their marriage. These findings echo those from other contexts where, for example, the presence or lack of condom use within marriage symbolizes the level of trust and commitment in the relationship (e.g., Chimbiri, 2007; Smith, 2004). In true form dating to the classic of Mauss, and the body of work of the more contemporary work of Zelizer, the joint title appears to be a material item, an economic transaction instantiated as a legal document, that at once defines and also strengthens social, familial ties.

As a symbol of marital commitment, the joint land title increases women's land tenure security primarily by strengthening their conjugal bond. Place (1994) offered a foundational framework for examining tenure security. It is comprised of three dimensions: breadth, duration, and assurance. Doss and Meinzen-Dick (2020) add a fourth dimension to tenure security: jointness. They explain, "When rights are held collectively, a person's tenure security will be affected both by the security of the group's rights and by his or her position within the group" (5). This dimension is of paramount importance for women's land tenure security in this context where it is largely dependent on marital duration. The joint title increased women perceived tenure security by increasing their sense of security in their marriage.

These findings have additional implications for studies about intrahousehold relationships and bargaining power. Previous research has documented that women's land ownership is associated with household expenditure patterns more in line with women's preferences (Doss 2006). This is consistent with intrahousehold bargaining models that predict that women who control a greater portion of the household's assets will have greater influence over household decisions. Their bargaining position is improved when they can credibly threaten divorce or a retreat to non-cooperation within the household (separate spheres). The credibility of these threats is linked to women's anticipated ability to control resources and their quality of life outside of the marriage (exit options). There is plenty of evidence for this pattern at an aggregate level; on average, women who will command more resources upon marital dissolution, have greater power to control important decisions in their lives.

At the same time, this study finds evidence of an additional process operating at the level of interpersonal interactions. By signaling a husband's commitment to the marriage, in this context, joint titling may affect household dynamics not because of women's greater ability to threaten retreat from the marriage but because, quite the opposite, it instills a sense of security, encourages greater cooperation, and inspires greater investment in the marriage. Because

residents in these communities expect that men will not opt for joint titling if they think the marriage is insecure, when men do jointly title, women report a greater sense of common purpose, rather than a need or desire to leverage their resources for greater control. Indeed, some study participants mentioned that by increasing women's security in their marriage and thereby their land tenure security, joint titling could increase women's investments in the land and/or cooperation for household production. This suggests possible mechanisms for joint titling to affect agricultural productivity, which would be a fruitful avenue for future research.

The findings of this study also suggest that the meaning of joint titles is dependent upon both the broader social context and the marital relationship, and thus point to other important directions for additional research (see also Doss and Meinzen-Dick 2020). The first is an examination of the meaning of joint land titles in other places, particularly in contexts where women do not have *de facto* rights to decision-making over marital land transactions. Where women do not already have social legitimacy as managers of marital property within marriage, the shift in control over assets implied by joint titling could have different effects within households than what we observed in southwest Uganda. Second, the findings point to the need for careful research on land formalization programs that mandate joint titling of marital property, as opposed to this study that examined the meaning of (incentivized) voluntary joint titling. The women and men in these communities shared an understanding that men in 'insecure' marriages would not opt for a joint title. Women with the greatest tenure insecurity (because they are in insecure marriages), therefore, were among the least likely to benefit from the official documentation of their asset ownership. Additional research is needed to examine differences in the meaning of joint titles depending on the pre-existing dynamics of marital relationships, in both voluntary and mandatory joint titling programs.

Finally, future research can build on this study by examining the downstream and longer-term impacts of joint land titling, especially focusing on whether and how joint land titles affect women's claims to land upon divorce. As a cross-sectional study, we were unable to observe actual practices regarding the division of assets when marriages end in divorce. The reluctance of men to co-title if they were unsure about the stability of their marriage suggests that joint land titles could improve women's bargaining position in the case of divorce, although our data did not capture these social dynamics in action.

By closely examining the local meaning of joint titling in agricultural communities in southwestern Uganda, this research illustrates an understudied social dimension of the impact of joint land titling. In this voluntary program, the quality of the marital relationship affects decisions about who is included as an owner on the land title, and the titling decisions affect marital quality and feelings of commitment in the future. The co-title seems to have increased women's feelings of land tenure security by improving her sense of security in the marriage, rather than by increasing the breadth of her rights. These findings point to the importance of considering social context, and the complexities of intimacy and commitment within marital relationships, in studies of women's rights, women's property rights, and women's empowerment.

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