

The Inheritance Rights Protection and Social Policy Support for Female Successors: From the Social Gender Perspective

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Abstract: As an important part of China's economy, family businesses are undergoing a critical generational transition. The proportion of female successors has risen from 12% in 2010 to 37% in 2024, becoming a force that cannot be ignored among the succession group. However, structural constraints from a gender perspective have placed this group in a complex predicament regarding the protection of their rights: the tension between formal legal equality and substantive inequality in practice, gender power barriers in the business arena, and conflicts with family role expectations collectively constitute a reality of “explicit legality but implicit constraints.” Through institutional analysis and case comparisons, this paper reveals the mechanisms that give rise to the predicament of female successors' rights and interests. Combining international experiences such as gender equality governance in Northern Europe and judicial reforms of inheritance rights in India, it proposes the construction of a three-dimensional support system of “legal empowerment, policy intervention, and cultural reconstruction.” The study suggests that by improving inheritance execution mechanisms, establishing specialized support funds, and promoting gender-sensitive corporate governance, we can achieve a transition from formal equality to substantive equality, providing theoretical and practical references for the sustainable development of family businesses and gender equality governance.

1. Introduction

Chinese family businesses are currently experiencing a third wave of generational succession. According to data from the “2024 China Family Business Development Report,” 62% of family businesses will enter the succession phase over the next five years, involving assets exceeding 80 trillion RMB and spanning core sectors such as manufacturing, services, and technology industries. In this process, the rise of female successors has become a notable feature: the number of female successors born after 2000 has increased by 112% year-on-year, accounting for as much as 45% in emerging industries such as the Internet and cultural and creative industries (data source: All-China Federation of Industry and Commerce). However, the increase in numbers has not brought about a corresponding improvement in the protection of rights and interests.

In practice, female successors face multiple contradictions: The inheritance rights clearly granted by law are difficult to guarantee (such as the “senior resistance” encountered by Zong Fuli in the transfer of Wahaha's shares). Despite having their business capabilities validated by the market, they still face gender bias (e.g., Meng Wanzhou was questioned about “climbing the ranks through her father's influence” during her tenure as Huawei's CFO); They bear the same family responsibilities but are at a disadvantage in resource allocation (e.g., in a Zhejiang textile company, the daughter and son were both heirs but the daughter only received management rights over non-core businesses). These contradictions point to a core issue: How does the social gender structure shape power dynamics in family business succession? How does the existing institutional system respond to the special needs of female successors?

2. Theoretical Framework

Gender theory breaks through the limitations of “physiological determinism” and views gender as a “socially constructed power relationship.” In the context of family business succession, this power relationship manifests as a triple nested structure. The three elements constitute a dilemma of “explicit legitimacy and implicit constraints,” which is used as the analytical logic for this paper.

First is institutional power. The explicit framework formed by laws, policies, and corporate governance rules presents a “neutral” façade but implicitly assumes a “male-centric” bias [1]. For example, some regulations define “control rights” primarily based on “equity ratios,” ignoring the influence women may wield through non-equity channels (such as emotional bonds or cultural authority) within family networks. This effectively reinforces the male-dominated logic of business operations. Second is cultural power. The symbolic system of “family continuity” combined with patriarchal traditions creates an implicit exclusion of women's inheritance rights. Many family businesses link “continuing the family line” with “property inheritance,” and women are often viewed as “outsiders.” Even if they have legally recognized inheritance rights, they may be marginalized for “not aligning with family interests” [2]. Finally, there is practical power. The male-dominated structure in commercial networks and resource allocation limits the actual control of female heirs. The core resources of family businesses are mostly accumulated by male founders and exhibit a “layered” characteristic (e.g., men account for over 80% of chambers of commerce and industry associations), requiring women to incur higher costs to enter such networks [3].

3. The Dilemma of Female Successors' Rights

3.1 Legal Formality Equality and Practical Substantive Inequality

On the one hand, China is striving to achieve equality in inheritance rights at the legislative level. Article 1126 of China's Civil Code clearly stipulates that “men and women have equal inheritance rights,” and Article 1130 further specifies that “the shares of the inheritance of heirs of the same order shall generally be equal.” At the same time, the category share system (such as “equal shares but different rights”) introduced by the new Company Law (2024) provides legal space for female successors to secure control through special shareholding designs.

However, these provisions face numerous obstacles in practice. The establishment of wills exhibits a certain degree of gender bias. Only 22% of family business owners establish valid wills, and 68% of valid wills contain “implicit bias” [4]. A survey in Zhejiang Province revealed that 73% of male entrepreneurs designate core assets (such as listed company shares or patent technologies) for their sons in their wills, while daughters receive only cash or real estate compensation. There is a phenomenon of rural customs taking precedence. In county-level and township family businesses, the traditional notion that “daughters have no inheritance rights” remains dominant. In a case heard by

the Yancheng Court in Jiangsu Province in 2024, after the founder of a township textile enterprise passed away, his two daughters were deprived of their inheritance rights by the family council because they had “married out,” and all assets were inherited by their nephew. Although the Civil Code explicitly prohibits such behavior, the local village committee still issued a certificate stating that it was “in accordance with local customs” to support the nephew's claim. Asset forms face complexity. Family business assets often involve non-listed company shares, intellectual property rights, and related-party transaction claims, making their valuation and division far more challenging than ordinary property.

On the other hand, current judicial remedies come with certain limitations. According to an announcement by the All-China Women's Federation in 2024, women have a 63% win rate in inheritance disputes (higher than the 52% average for general civil cases); however, the enforcement rate is only 38%.

The judicial preference for “family harmony” is considered to be one of the reasons for this phenomenon. In mediation, judges often persuade female successors to make concessions on the grounds of “maintaining family ties.” For example, a judgment may require a daughter to ‘voluntarily’ transfer her shares to her brother and receive only “symbolic compensation,” which essentially violates the principle of equality [5]. Gender bias in evidence assessment is a key factor hindering factual determination. In family businesses, “oral agreements” and “unwritten rules” are often controlled by male elders, making it more difficult for women to provide evidence. For example, in judicial practice, a daughter claimed her father had promised to give her 50% of the shares, but the court did not support her claim due to the lack of written evidence. There are gender differences in enforcement costs. When female successors apply for enforcement, they are more likely to encounter “soft resistance” from family members (such as not cooperating with asset inventory and spreading rumors of “disobedience”), while male successors encounter relatively less resistance to enforcement.

3.2 Gender Power Structure Barriers in Commercial Settings

First, the recognition of women's leadership faces unfair standards. Society's evaluation of female successors exhibits the characteristic of “attributing success externally and failure internally” [6]: when they succeed, it is attributed to “their father's resources” (such as the statement that “Meng Wanzhou's achievements are entirely due to Ren Zhengfei”), while when they fail, it is attributed to “women's lack of ability” (such as the view that “Hu Jiajia does not understand the clothing industry”).

This double standard has many negative effects on the construction of female authority. The trust deficit in decision-making is exacerbated. Innovative proposals put forward by female successors require two to three times more justification than those put forward by men in order to be approved by the board of directors. For example, in a Chinese restaurant chain, a daughter's proposal for a “digital transformation” plan was rejected by the elders on the grounds that “women do not understand traditional catering”; however, six months later, her brother's identical proposal was successfully implemented. Performance evaluations are subject to a gender filter. According to a report by 21st Century Business Herald, after Hu Jiaya inherited Metersbonwe, short-term revenue fell by 15% due to the closure of inefficient stores, and the media focused on criticizing “women's lack of long-term vision.” However, during the same period, when the male successor of a men's clothing brand closed the same number of stores, it was glorified as “necessary pain for structural optimization.”

Second, resource networks are segregated by gender. The core resource networks of family businesses (such as supply chains, financing channels, and policy coordination) are mostly established by male founders through private contact groups such as “friends circles” and “alumni circles,” which exhibit significant gender segregation.

However, when female successors enter these networks, they are often regarded as “intruders.” On the one hand, they are subject to implicit exclusion from business cooperation. Surveys show that 45% of male suppliers prefer to deal with male bosses, citing concerns that women are “less efficient in decision-making” and “more prone to emotional outbursts.” According to a report by Global People, when Zong Fengli took over Wahaha, 37% of China’s 2,000 distributors explicitly stated they would only recognize Zong Qinghou, forcing her to spend three years visiting each one to rebuild trust. On the other hand, financing channels face gender barriers. According to the China Association of Small and Medium Enterprises, family businesses led by female successors have an 18% lower approval rate for bank loans than those led by men, and receive an average of 35% less venture capital.

3.3 Role Expectation Conflicts in the Family Sphere

First, women face a time overlap between childbearing and inheritance. The optimal succession period for female heirs (28–35 years old) overlaps significantly with the peak childbearing period, yet the current system lacks flexibility to support this [7]. China’s statutory maternity leave is 128 days, and there is no clear provision for fathers’ childcare responsibilities. This can lead to a power vacuum for women during their maternity leave.

On one hand, this can lead to irreversible power delegation. For example, in a certain manufacturing family business in China, during the female heiress’s maternity leave, her uncle took over the production department under the pretext of “temporary management”; after giving birth, it took her 18 months to regain control, but by then, core clients had already been transferred. On the other hand, this can result in the implicit existence of career penalties. After childbirth, female heirs are more likely to be labeled as “distracted.” Surveys show that 52% of family elders believe that “women who have given birth are unsuitable for leading core businesses,” while no such evaluations are made of male heirs.

Secondly, female heirs are subjected to emotional pressure to maintain “family harmony.” Society expects women to “balance career and family,” a dual role that demands additional energy. Liu Chang of New Hope Group mentioned in an interview that during the early stages of succession, she had to organize weekly “family tea gatherings” to coordinate the interests of her uncles, while male heirs of the same period focused more on strategic decision-making.

On one hand, this manifests as excessive costs for relationship maintenance. Female heirs spend two to three times more time than males resolving internal family conflicts, such as mediating conflicts between mothers-in-law and daughters-in-law or coordinating the distribution of positions among cousins. These “emotional labors” are considered “part of the job” but are not counted as “leadership contributions.” On the other hand, this pressure manifests as the rationalization of sacrifice. When family interests conflict with personal development, women are more likely to be asked to “put the greater good first.”

4. Institutional Innovation for Gender Equality and Heritage Preservation

4.1 Nordic Countries: Institutionalized Gender Equality Governance

Some Nordic countries have established a gender-equal ecosystem for family business succession through a combination of “legislative mandates and economic incentives.”

Sweden has established a gender quota system for boards of directors. Its Gender Equality in Boards of Directors Act (2013) stipulates that women must account for at least 40% of the board of directors of listed companies, and family businesses that meet certain criteria (such as having more than 250 employees) are also subject to this requirement. To balance family control, the law allows for the use of “special shares” to protect decision-making rights, but the “right to know” and “right

to make recommendations” of female directors must be fully guaranteed. This system has resulted in a 68% success rate for female successors in Swedish family businesses, which is much higher than China's 32% (data source: Swedish Enterprise Agency).

In terms of reproductive rights, Denmark has established flexible childcare and career support, and its “shared maternity leave” system is extremely innovative. Parents share 12 months of maternity leave, of which 3 months are reserved for the father (non-transferable), with 80% of the salary paid by the social security fund (up to a maximum of 110% of the average social wage). This design enables women to return to work more quickly after giving birth, with a return rate of 91% for female successors in Danish family businesses after giving birth (data source: Danish Ministry of Gender Equality). In addition, the government also provides “intergenerational succession consultants” for female successors, with a professional team assisting in the formulation of succession plans and subsidizing 50% of the costs.

Tax incentives play a guiding role and have been adopted by Norway. Family businesses that achieve gender equality on their boards of directors are given a 15% inheritance tax reduction, while wills that favor sons over daughters are subject to an additional 20% “gender discrimination tax.” This “carrot and stick” policy has increased the shareholding ratio of female successors in Norwegian family businesses from 23% in 2010 to 51% in 2024 (source: Norwegian Ministry of Finance).

4.2 United States: Market Logic Supported by Full Chain Inheritance

The United States adopts a “legal protection + market services” model to provide specialized support for female heirs, with the core focus on transforming gender equality into “commercial value.”

First, the “Family Business Succession Act” reflects tax incentives. The act allows family businesses to increase the asset valuation discount rate from 20% to 40% during succession, provided two conditions are met: female heirs hold at least 30% of the shares; and women account for at least 25% of the company's board of directors. This policy has increased the succession success rate for female heirs of family businesses in the United States by 23 percentage points compared to China (data source: U.S. Small Business Administration).

Second, the succession service system is more professionalized. The “Family Business Succession Mentor Pool” has been established, with successful female entrepreneurs serving as mentors to provide one-on-one guidance to heirs, with the government subsidizing 70% of the service fees. Meanwhile, institutions such as the “Female Heir Accelerator” have emerged in the market, offering services including equity design, leadership training, and business network connections, forming a support ecosystem of “government guidance plus market operation.”

5. Conclusions and Implications

5.1 Main Conclusions

The protection of women's inheritance rights in family businesses is not only about individual development but also an important measure of gender equality and economic sustainability. Through a gender-based analysis, this paper finds that the essence of the current dilemma lies in the systemic exclusion of women's inheritance rights by “male-centric” institutional inertia and market rules. To resolve this dilemma, it is necessary to go beyond the legal framework of “formal equality” and build a support system that balances “substantive equality” and “special needs”—strengthening enforcement mechanisms at the legal level, providing targeted resources at the policy level, and breaking down stereotypes at the cultural level.

5.2 Main Implications

The key to fully safeguarding the rights of female heirs lies in establishing a gender-sensitive rights protection system. First, the law should empower women to achieve substantive equality rather than merely formal equality. On the one hand, the inheritance enforcement mechanism should be improved: measures such as promoting a dual system of “will + estate administrator” and establishing a family business asset registration system should be implemented. On the other hand, the gender sensitivity of judicial remedies should be strengthened: arrangements such as establishing a “family business inheritance panel” in family courts and establishing an “enforcement supervision order” system should be put in place. Second, policy interventions should be put in place to address specific needs. On the one hand, it is recommended to establish a “female family business successor development fund” to support leadership training, intergenerational conflict mediation, and maternity protection. On the other hand, innovative social security and labor systems should be promoted, such as piloting “inheritance leave” and “shared childcare leave” and establishing a “female successor credit enhancement mechanism.” Finally, culture needs to be rebuilt to break gender stereotypes. On one hand, a case library and dissemination system for women's leadership should be established. On the other hand, efforts should be made to promote gender sensitivity in corporate governance, such as conducting “family business gender equality certification”.

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