Women in a Legal World

Inheritance and values: how succession rules reflect the identity of societies

by jennifer mayo*

The way societies regulate inheritance reveals far more than just legal procedure-it offers a window into their deepest values, family structures, and historical priorities. Across centuries and continents, the transmission of family wealth has mirrored the prevailing social, political, and economic order, shaping and reflecting how communities understand legacy, continuity, and fairness.

Historically, two main models of wealth transmission have prevailed. From one side the undivided transfer of assets-whether by single heir or as collective indivision and, from the other side, the fragmented distribution of the estate. Family structure has played a key role in shaping these models, which differ depending on their historical and geographical context.

Looking back: succession as a mirror of social values

To understand how social values have been historically encoded in succession law,

it is useful to examine two representative models: the Catalan hereu and the Germanic equal partition. Each reflects a distinct understanding of family, property, and the social role of inheritance.

The hereu —the Catalan variant of European primogeniture—was much more than a distribution rule: it reflected a cohesive, hierarchical vision of rural family life. From the Middle Ages, it allowed the appointment of a single heir, typically the eldest son, to preserve the agricultural estate and the family home (casa pairal) undivided. This practice promoted economic stability, family identity, and intergenerational continuity, often with several generations living together under one roof. The unity of the extended family ensured agricultural cohesion, clearly overriding equality among family members.
The hereu was founded on family agreements that reflected these values. Its decline in the 19th century, driven by industrialization and the rise of the nuclear family, marks the transition to more liberal and urban values.

The Germanic model, by contrast, followed a principle of equality within the male descendants. In early medieval Germanic societies, family property was considered a collective good belonging to the kinship group. Upon the patriarch's death, assets were divided equally among sons, while daughters and illegitimate descendants were excluded to preserve the political and military function of the lineage.

This model reflected a kind of consanguine solidarity—between male descendants—focused more on mutual obligations than on individual autonomy.

Current trends: individualisation and family responses
Today, in both common law and civil law systems, freedom of disposition prevails—subject to the constraints of forced heirship in civilian jurisdictions. Equality among heirs, diverse family forms, and the global mobility of wealth have weakened traditional models of unity. Inheritance is now seen less as a collective project and more as a personal choice.
However, family businesses remain a key economic engine in most countries. Building once more on the principle of freedom of contract, many families adopt tools such as family protocols, holding companies, or transnational fiduciary structures (trusts, foundations, etc.) to preserve cohesion and prevent disputes.
Avoiding the intergenerational fragmentation of family wealth remains the exception, typically achieved only by those families that unite legal precision with a strong sense of shared purpose and legacy.

Looking ahead: new challenges and intergenerational values
Wealth transmission now faces unprecedented challenges: digital assets, smart contracts, cross-border estates, etc. Globalisation and digitalisation demand legal solutions that balance flexibility with continuity. The future will require legal frameworks capable of adapting family values to changing environments without imposing rigidity. Ultimately, the way we inherit and preserve our wealth reflects our values of belonging, autonomy, respect between generations and social prosperity.

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