

Figuring out fairness: The social construction of inheritance entitlements in close relationships

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journals.sagepub.com/home/sor**Rhian Powell**

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Abstract

This article explores the social significance of writing a will and argues that how will-makers think about inheritance is tied to shifting understandings of kin, closeness and fairness. Will-writing is an overlooked and under-researched area of the social world but is a socially potent area of research, capable of revealing how people construct their moral landscapes. Drawing on the accounts shared by 22 elderly people considering what to do with their money when they die, this article illuminates how will-makers make appeals to different principles of fairness to relationally organise their social relationships, and to make these categorisations visible to others. Whilst fairness can act as a helpful normative framework for will-makers to draw upon in the legitimisation of their decisions, it is fundamentally a fluid concept that must be negotiated and explored in each context.

Keywords

fairness, family, inheritance, justice, legacy

Introduction

This article explores the decision-making processes of elderly people thinking about what should happen to their wealth after they die, with a particular focus on how understandings of ‘fairness’ shape inheritance decisions. In doing so, it contributes to a growing body of literature that argues inheritance decisions should not be considered in solely economic terms but are morally and socially loaded decisions capable of both *revealing* and *constituting* social relationships (Finch & Mason, 2000). In Wales and England, the legal system of ‘testamentary freedom’ means will-makers are not restricted in their

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inheritance decisions and can decide exactly 'who gets what and how much'. This can be contrasted with many other Western countries (e.g. France, Italy, Switzerland) where legislation stipulates that a portion of inheritance must be left to spouses and children, codifying notions of fairness concerning inheritance in national law. Exploring what people decide to do with their inheritance allows us to observe how will-makers evaluate and organise their affinities' entitlements and how these perceived entitlements are made explicit through acts of giving and not giving. Despite the socially revelatory nature of the topic and the significance of inheritance decisions for intergenerational justice, inheritance is under-researched (Goodnow & Lawrence, 2010; Holmes, 2019). This is likely a result of the complexities involved in researching wealth (Sherman, 2017) and death (Gorer, 1965; Solomon et al., 2015), subjects which, in many cultures, remain taboo. Social unease surrounding inheritance might help to explain the high numbers of people in Wales and England who die without having made a will (Humphrey et al., 2010).

This article reinforces the existence of an 'ethics of inheritance' (Lafaye, 2008, p. 25) and contributes to understandings of inheritance as a social practice, by exploring the underlying social processes that result in a will-maker's decisions. Expanding on the seminal work of Finch and Mason (2000) this article explicitly examines how the concepts of fairness and justice feature in participants' narratives, and how their understandings of these concepts underpin their decision-making. This article shows that whilst understandings of fairness and justice can provide a helpful normative framework for will-makers to appeal to, understandings of what constitutes fairness in relation to inheritance are not absolute. Fairness is a dynamic and fluid concept which is continuously negotiated and renegotiated as it is rooted in individual contexts and experiences. This article draws on Lerner's (1981) typology of entitlements in relationships to explore how inheritance entitlements are revealing of how people classify and categorise their social relationships; and how judgements about *familial* and *emotional* closeness guide this decision-making. In doing so, this article offers important insights into the differences between how people with and without children make their inheritance decisions and the decision-making processes that lead to people including non-kin (e.g. friends, charities) or more distant kin (e.g. cousins, nieces/nephews) in their wills.

The terms *familial* and *emotional* closeness are used throughout this article to describe two important factors in participants' evaluations of the entitlements of their affinities. Familial closeness refers to the people that participants perceived as being their closest kin/biological relationships. Emotional closeness refers to the people that participants perceived as being their most intimate relationships. As will be shown, these categories often overlap but where they do not (e.g. where there is familial closeness but no emotional closeness) has interesting outcomes for inheritance decision-making.

This article begins by exploring what is known about inheritance patterns, practices and kinship and reveals the 'gaps' which remain in our understandings (Goodnow & Lawrence, 2010, p. 73). Lerner's typology of entitlements in relationships will be introduced with an explanation of how this typology can help further understandings of inheritance practices. The research methodology will then be introduced, followed by a discussion of interview data that explores how will-makers relationally organise their social relationships by drawing on understandings of fairness to evaluate their affinities' entitlements, and how these evaluations shape their decisions to give or not give.

Inheritance and kinship

Research into inheritance practices in England and Wales has demonstrated the overwhelming commitment to familial relationships, with family shown to be the largest beneficiaries of inheritance transfers (Rowlingson & McKay, 2006; Sousa et al., 2010). In their landmark study, Finch and Mason (2000) analysed 800 probated wills and found that 92% of people name at least one family member in their will, compared with 17% who name a non-relative, and just 9% who name a charity or organisation. In addition to this, the authors found 'family' to be conceptualised narrowly. Spouses are most frequently named, followed by children. Grandchildren and nieces/nephews were found to inherit occasionally but far less than other biologically closer familial ties (Finch & Mason, 2000). However, even in cases where there is no spouse or children to inherit, family ties are still pervasive (Angel, 1979; Halliday, 2018). This finding is reinforced by subsequent research (Douglas et al., 2011; Rowlingson & McKay, 2006) which suggests the desire to leave wealth to family is an enduring social norm that is very rarely rejected by will-makers.

There are some research studies that begin to shed light on the social norm of leaving money to family; however, as inheritance is largely an under-researched subject within the social sciences (Holmes, 2019), the research which does exist is 'scattered' and 'marked by gaps' (Goodnow & Lawrence, 2010, p. 73). The existing research focuses on the motivations of inheritance decisions and has offered different suggestions for explaining the pervasiveness of the family, such as: familial solidarity, reciprocity (Bernsheim et al., 1986) and altruism (Kohli & Kunemund, 2003). However, generally there is an understanding that inheritance decisions are complex, messy and oftentimes contradictory involving several different competing norms and understandings that pull in different directions (Douglas et al., 2011; Goodnow & Lawrence, 2010).

Sociological research exploring inheritance recognises it as a social practice that, like other forms of gift-giving, 'construct[s], maintain[s] or change[s] relationships and ties of various kinds' (Goodnow & Lawrence, 2013, p. 3). There is a recognition that inheritance decisions are greater than an economic decision and instead involve an interlacing of 'material, moral and symbolic dimensions' (Finch & Mason, 2000, p. 117). Most notably, the research of Finch and Mason argued that inheritance is a 'relational' and 'active' process, which is 'made and remade over time' (2000, p. 1). For Finch and Mason, people choose to leave their inheritance to their kinship ties because not only are they reflecting the relationship which already exists between giver and receiver, but because in deciding 'who counts' they are engaging in a 'process that constitutes family, not simply reflects them' (2000, p. 2). Existing research shows a clear 'ethics of inheritance' (Lafaye, 2008, p. 25) which has resulted in an entrenched social norm of people leaving money to their closest kin relations.

Justice in intimate relationships

Lerner's justice-motive theory (Lerner, 1981; Desmaris & Lerner, 1994; Mikula & Lerner, 1994) provides a typology for exploring how 'issues of entitlement enter into and shape the dynamics of close relationships' (Mikula & Lerner, 1994, p. 2). Lerner argues

that through an examination of the ‘principles, criteria and rules’ which underlie evaluations of justice, three ‘types of relations’ (Lerner, 1981, p. 28) emerge (‘identity’, ‘unit’ and ‘non-unit’). These relations are ‘revealed indirectly in the person’s reactions to a given event’ (p. 13) and are not fixed to any particular relations (e.g. friends, family). Instead, they are fluid categories which are situationally and contextually dependent.

According to Lerner (1981), *identity* relationships are those where actors consider themselves as being ‘the same’ and entitlements are understood through a sense of obligation, shared outcomes and shared resources. In these relationships resources held by one person are considered to be also held by the others, with no expectation of reciprocity (‘what’s mine is yours’). *Unit* relationships are those in which collaboration and equality are emphasised. Unlike ‘identity’ relationships, the entitlements of ‘unit’ relationships are understood through expectations of reciprocity, cooperation and contribution (‘you get out what you put in’). *Non-unit* relationships are those where competition and difference are emphasised and consequently these relations are not perceived as having any entitlements. Feelings of injustice occur, according to Lerner, when a person does not receive that to which they believe they are entitled to.

This article will use Lerner’s typology as a frame to examine how fairness is understood in the context of inheritance, to provide further understandings into the role that entitlements play in people’s decisions to give or not give.

Methodology

The data explored in this article are based on semi-structured interviews with 22 people (aged between 54 and 90), living in South Wales (UK) undertaken in 2019. These interviews were conducted as part of a three-year project exploring how older people balance their obligations to the family, state and civil society when writing their will (Powell, 2021). Participants were recruited through community organisations (U3A groups, lunch clubs and other community groups) and using the snowballing technique. I attended these groups, gave a short talk on my research, answered questions, and handed out information sheets providing my contact details. I purposely sought people aged 50+ to ensure they had previously thought about their inheritance. Most of those who agreed to speak with me were middle class, retired from professional jobs and owned their own homes. Consequently, most participants expected to leave inheritances of more than £300,000 – with around a third of participants believing they would leave more than £750,000. In addition, all the participants were white and those who were in relationships were in heterosexual relationships at the time of interview. The sample did include people who were single, married, widowed or divorced, and those with and without children and grandchildren. Many of the interviews were joint interviews, in which married couples were interviewed together, providing me with a ‘window into the couple’s world of shared experience and meaning’ (Taylor & De Vocht, 2011, p. 1584).

During the interviews, participants were asked about what they planned to do with their money after they died, with questions designed to focus the discussion on their obligations to their families, the state and civil society. Questions about the family asked participants to talk about the people that were most important to them, who they wanted to leave money to, how much different beneficiaries would receive and their reasons for

making their decisions. Questions were designed to encourage participants to critically reflect on their decisions and to elicit their views on possible alternative decisions. The interviews were detailed and many of the interviews, particularly joint-couple interviews, lasted for around two to three hours. All but three of the interviews took place in the participants' homes, with the other three interviews taking place in public spaces. The data were analysed using thematic analysis and family tree maps were produced to enable better visualisation of the data and who counted as 'in' and 'out' of the family for their inheritance purposes (Powell, 2021).

Participants were not asked to disclose financial information, although some chose to do this. Pseudonyms have been used to anonymise the participants in all research outputs. Although the research asked participants to share information on a potentially sensitive topic, during the interviews it became quickly apparent participants were eager to discuss this topic with me with many saying it was a good opportunity to discuss a topic that was often difficult to raise, both within the couple and with wider family members. The project received ethical approval from Cardiff University School of Social Sciences Research Ethics Committee on 8 February 2017.

'Identity' relationships: Inheritance claims of the closest kind

From the outset of the data collection, there was a clear sense the interviewees perceived particular people as holding an entitlement to their inheritance, and that some people had greater entitlements than others. Relationships perceived by the participants as having both familial and emotional closeness, such as partners and children, were presented as having a type of special status that elevated their claim above others. Clear boundaries were drawn around these relationships and they were marked as differing from all other relationship types – they were spoken about differently, but they were also the relationships that received the most (and often all) of the inheritance. This entitlement was largely underpinned by a strong sense of responsibility and concern for the wellbeing of the people perceived as being 'identity' relationships, stemming from understandings about the shared obligations that kin relationships have to one another and a want to ensure that their loved ones were 'looked after'.

The entitlements of these relationships were often assumed and rarely explained unless prompted. There was a 'taken-for-grantedness' that close kin relationships had an automatic right to inheritance, which does not require any further explanation. This is shown in the excerpt below, from the interview of Mr and Mrs Roberts responding to a question about who they planned to include in their will:

Mr Roberts: We've both written a will and all of it goes to the children. Just absolutely straightforward.

Mrs Roberts: No, it goes to each other first.

Mr Roberts: Oh, well yeah. Whoever predeceased the estate goes to the other half and then to the children. So, it's absolutely bog standard.

(Mr Roberts, 74, Mrs Roberts, 74, married, 3 children)

There was also a consciousness in many of the interviews that there is a natural order to how inheritances should be passed on, stemming from beliefs about the responsibilities and obligations (Douglas et al., 2011) associated with the social roles of partner or parent (Schaeffer, 2014). Normative assumptions about the expected role of the parent in 'looking after' and 'taking responsibility' for children meant ideas about leaving money to children, and other dependants was 'the right thing to do'. This belief even extended to adult children who were self-sufficient, demonstrating that ideas about the parental role extend beyond childhood (Blieszner & Mancini, 1987). Ms Wright, like several interviewees, believed she had a financial responsibility to her adult children as part of her social role as 'mother'. She viewed herself as a family matriarch and spent her interview discussing her family and how she supports them:

We never had much, but we shared what we had. It was tough, but I always saved. It's my compulsion. The more I can leave them, if I can give them a good start in life, then I've done my job, and it salvaged my conscience. I'm not doing it to be a martyr, I'm doing it to feel good about myself. I went to a conference, and we were asked what our primary role was; the others said carer, but I said my primary role was being a mother and that's how I define myself. I've always wanted children. I dreamed about it since I was a little girl. I owed it to my children because why should they pay for my mistake in choosing the wrong marriage partner? That's still how I feel now, anything I can give them, anything that can be used for their long-term wellbeing, I will give.

(Ms Wright, 78, divorced, 3 children, 7 grandchildren, interviewed alone)

Whilst children and spouses were the most common relationships to be presented as 'identity' relationships, there were examples of siblings and non-biological kin that had been assigned 'family status' also being included in this category. The expansion of this category to include those other than partners and children had a gendered dimension as women interviewees had a more expansive definition of these relationships than the male participants (Jallinoja, 2008). Mr and Mrs Lewis planned to leave their money in equal shares to their three sons and their 'honorary son'. Through the act of co-residency and enacting family practices typical of parent-child relationships they considered him as being their fourth son. Explaining their decision, Mr Lewis said:

We wouldn't call him our honorary son if we weren't particularly partial to him. We've known him for fourteen years. He was a lodger for two years, maybe three and we just clicked. At that stage in time, all the children had left home by then. We just got on very well. We got very fond of him, and he got very fond of us. We've been in touch ever since and we went to his wedding, went to his graduation, went his master's graduation etc.

(Mr Lewis, 72, married, 3 children and an 'honorary son', interviewed alone)

Whilst there was a clear sense that interviewees, both with and without children, believed children have a clear entitlement to their parent's inheritance, questions remained concerning how much they should receive and how this should be divided. Equity was the most commonly applied principle when parents considered the division of assets to their children. Equity is a common principle of fairness applied by parents in their treatment

of their children, and so the continuation of this principle into inheritance decisions is not surprising. For many of the participants, the symbolic dimensions of the inheritance (Douglas et al., 2011; Finch & Mason, 2000) meant unequal distribution implied favouritism and this is what they were worried would cause disruption. The belief that social relationships of the same 'status' should receive the same or similar amounts was shown in a conversation between Mr and Mrs Phillips when discussing the importance of equal distribution:

Mrs Phillips: I think that leaving the others anything would complicate matters. We get on well with the three children that we have got.

Mr Phillips: Not only that but once you go beyond that, there might be twenty people of roughly the same status. I did think about it but there's too many.

(Mr Phillips, 75, Mrs Phillips, 71, married, 3 children)

Although the concept of equal distribution might seem straightforward at first, there were several examples in the data of interviewees encountering dilemmas when attempting to divide their assets equally. When circumstances occurred which were perceived to be 'out of the norm', will-makers often found themselves confronted with what they wanted to do and what they thought they ought to do. Mr and Mrs Phillips, continuing their conversation about equal distribution, discussed how they might define an 'exceptional need', necessitating the differential treatment of children:

Mr Phillips: If one had polio and was in hospital or something then I guess you'd have to consider those special circumstances and decide whether to give one more money or less money because as it is, all three of them are single and doing moderately well.

Mrs Phillips: We all get on well, I can't see any reason to do anything other than what we have done.

Mr Phillips: If something happened to one of them then we would think about it and change it but as things are, no one's annoyed us particularly. As it stands all three of them are of equal financial standing. They are roughly the same ages, there doesn't seem a particularly good reason to discriminate between them and it may cause more bother than it's worth if we do.

(Mr Phillips, 75, Mrs Phillips, 71, married, 3 children)

The dilemma stemming from equal distribution, however, was most clear in the narratives of Mr and Mrs Wood. They have three daughters and when one of their daughters became pregnant, they bought her a house. They saw an 'exceptional need' to this gift because she was a 'single mother, on low-income, living in a rented property'. The value of the property increased significantly after the purchase which they, and their other daughters, believed resulted in their daughter benefiting 'unfairly' from their gift. To balance this perceived unfairness, Mr and Mrs Wood decided to leave their daughter less money in their will to account for the additional money she would receive from the house

price increase. The house price increase, however, was so extreme it was not possible to completely resolve this issue using their inheritance:

Well, when we die, the estate is passed on to the children, who are the only beneficiaries and then [Daughter] will get less. The amount less she got would be inflated by the value of properties in the interim, whether that will work. . . Basically, the other children feel slightly aggrieved that [Daughter] got this money and was able to buy a house. We did give them deposits to buy houses but not as much and [they] think she has benefited because of the money we gave her. The money we gave her was put into property in London fifteen years ago. It's gone up hugely. So, we can't afford to give them, the other two, the same as we gave her. [Daughter] was very strapped for cash and couldn't afford a house unless we coughed up.

(Mr Wood, 71, married, 3 children, joint interview)

There were also examples in the data of interviewees having circumstances which were felt by others to be exceptional, who still planned to leave their money in equal shares to their children demonstrating the weight of equality as a social norm and the guiding principle of fairness in 'identity' relationships.

'Unit' relationships: Inheritance claims of alternative affections

A second category of beneficiaries emerged from the data, which were those will-makers planned to include because of their emotional closeness with the participant. Whilst familial closeness also emerged as a factor in these decisions, it was not uncommon for will-makers to include non-kin in this category. What differentiates 'unit' relationships is their entitlements were far more fluid and flexible than identity relationships, with fewer social norms ordering the claims and how much they would receive. Generally, these claims received lesser amounts than 'identity' relationships, and there were no expectations of equal distribution amongst these claims. To determine the entitlements of these relationships, will-makers drew on their personal histories and experiences with the individual to determine their 'merit' and 'deservingness' in inheriting. Generally, friends and more distant kin relationships were included in this category.

Ms Driscoll is single and does not have any children; because of this, she perceived herself as being unbounded in her inheritance decisions. In explaining how she planned to distribute her inheritance, she said:

[My will] changes as people in the family change. I'm going to be one of those elderly people who is always changing their will because somebody in the family has upset them [laughter]. I've always been aware of this, and I think now I'm getting to that position myself. Circumstances change in families. . . but I will dish it out like smarties as I choose.

. . . Well, I just base it on whether I like them or not, what they've added to my life, purely on personal relationships. Not on any blood ties and I think, I don't know, but if I had children, I always said that I probably wouldn't be speaking to them by now anyway [laughs]. I think I'd feel pretty much the same. No, I wouldn't really, because if you have children, then you have a responsibility if you brought them into the world.

(Ms Driscoll, 80, single, no children, interviewed alone)

This feeling of unboundedness was reflected in the accounts of many of the interviewees who did not have children. Without the restrictive norms associated with more traditional forms of family, these interviewees possessed greater flexibility with their definitions and decisions. This finding is consistent with Ketokivi's argument that 'being coupled often means demarcating family from all other intimates, while those living without a partner often maintain a wider pool of intimates' (2012, p. 474). Despite this, however, familial relations were still more likely to be included as beneficiaries than friends, charities or other affinities. Even distant family members have some level of entitlement to a person's inheritance. Mr Johnson is widowed and has no children. He currently lives with his new partner. He originally wrote his will with his late wife and although he has amended his will to include provision for his new partner, it was important to him to maintain original decisions made with his late wife – which included his late wife's cousins. Explaining why he had kept his late wife's cousins in the will, Mr Johnson said:

They were good at the time and they've been good since. They have kept in more contact than my own lot. . . Family should get something. I mean, if you're in contact with people, then you are linked. If you do meet up with them, you talk to them; they drop in and have a coffee with you. We thought, yes, give them some because there should be some. . . So, it's through her family side and we didn't want to chuck it all away. We didn't think that was right.

(Mr Johnson, 68, widowed, lives with new partner, no children, interviewed alone)

Unlike the inheritance gifts left to children and partners, when discussing their gifts to beneficiaries without familial closeness, interviewees always provided justifications for their decisions. This suggests the taken-for-grantedness inherent in 'identity' relationships was not present in the 'unit' relationships, where emotional closeness was their primary reason for wanting to give. It was implied through participants' accounts that inheritance under this second category required more effort on the beneficiaries' part; beneficiaries were required to perform certain acts of service to be perceived as having entitlements. Most commonly, in justifying their decisions, interviewees spoke about how the beneficiaries had supported them and cared for them or another 'identity' relationship (e.g. parents, spouse, children) members in some way, and they wanted to repay them by leaving them a gift in their will. Specific reasons given for how these beneficiaries had 'been good to them' or 'taken care of them' were regular telephone calls for a 'catch-up', the sending of cards and gifts on special occasions, visiting occasionally to 'keep in touch' and to 'make sure they were doing ok'.

As well as his late wife's cousins, Mr Johnson planned to leave a gift in his will to his neighbour and a lady who had worked as both his and his mother-in-law's cleaner. Mr Johnson wanted to repay them for the support they had provided to him and his family over the years. In speaking of this decision, he said:

The other two are basically people who were good to me. One was a neighbour and the other one is the lady who has cleaned the house for the last twenty years. She comes here now actually. In fairness, she also helped [late wife's] mother, she looked after her. It wasn't purely a monetary bit. As my mother-in-law got older and needed something from the shops or needed some painting done or something. She was very good to her. So, there's some money for her.

It's not the odd couple of thousand, it's a bit more than that. So, it's reasonable. There's certainly enough to play with.

(Mr Johnson, 68, widowed, lives with new partner, no children, interviewed alone)

Mrs Walker is widowed and has no children. Her brother has also passed away but is survived by his wife, Mrs Walker's sister-in-law. Whilst Mrs Walker planned to leave a large portion of her money to charities, she believed her sister-in-law should also receive something:

[My sister-in-law] would do any washing and ironing that needed to be done. So, it was a combined effort between my brother, his wife and me. I would like to recompense her for the kindness and generosity that she showed my parents. She was very, very good to them and they liked her very much.

(Mrs Walker, 80s, widowed, no children, interviewed alone)

The excerpts show the importance of reciprocation in participant's decision-making and how inheritances can be used to equalise relationships and show gratitude to particular people. They also highlight the expectation that non-kin need to perform actions (usually those which demonstrate care/compassion) to be considered a valid claim. Finch and Mason (2000), drawing on Morgan's (1996) work on family practices, argue that rather than thinking of 'the family' as a static institution we should instead recognise it as a series of social practices which need to be displayed. So, in the same way inheritance marks and makes visible the emotional and familial closeness of their connections, participants expected their beneficiaries to do the same in return.

The accounts also show indirect reciprocity was considered to be a valid reason to include a person in their will. Rather than presenting these 'repayments' as an economic transaction, however, the symbolic value of the inheritance was emphasised. This could be because money is a 'social and sacred "marker"' (Zelizer, 2017, p. 22) that carries multiple and sometimes contradictory meanings depending on the ways that people 'identify, classify, organise, use [and] segregate' it (Zelizer, 2017, p. 1), and gifting someone money can often assume the existence of a parent-child relationship (Schaeffer, 2014) or more specifically a dependent relationship. This implication of a dependent relationship means there are certain social relationships where the gift of an inheritance is more appropriate than others. Leaving money to children and grandchildren (vertically-downwards giving) was seen to be more socially acceptable because of the social norm that older generations are responsible for looking after the young (Brennan, 2006). By making sense of the gift as a 'thank you' rather than, as in the case of 'identity' relationships, a way of 'looking after' their beneficiaries this made more claims available to them as potential beneficiaries. Due to the gendered nature of care (Allen & Crow, 1989), men may not have the same expectations placed upon them as women beneficiaries, which could either mean that they are more likely to inherit 'without strings', or as in the examples above, they are less likely to receive an inheritance as a 'unit' beneficiary.

The principles of fairness that were seen as being appropriate in this context, were often those used to justify bequests to charities. Whilst a full discussion of this falls outside the scope of this article, gifts to charities were often justified on the grounds

of reciprocity and therefore subject to the same conditions of fairness as other ‘unit’ relationships. This provides insight into why charities often receive lesser amounts than that given to kin relationships (Powell, 2021).

Uncertain claims and shifting categorisations

Whilst the entitlements of children, spouses, cousins and friends were presented as mostly obvious and irrefutable, not all social relations incurred clear entitlements. The clearest example of this in the data concerned grandchildren. There was a sense that for most participants they did not count as an ‘identity’ relationship and there was no automatic entitlement to their grandparent’s wealth or any stipulations about how much they should receive. At the same time, they were rarely considered as ‘unit’ relationships either, subject to evaluations of merit. For most of the participants, grandchildren were not included, or when they were included, they would receive a small ‘acknowledgement’ rather than a meaningful sum of money. Here is an example from the data of Mrs Harris discussing her uncertainties about how grandchildren should be included in her will:

I think I was feeling very grandmotherly about my two and wanted to put them in the will. I want to mention them, I wouldn’t want to not mention them. I think grandparents should mention grandchildren in the will. I just feel from a sentimental point of view that they should be mentioned, be recognised. I would definitely mention them, but I don’t know in what context.

(Mrs Harris, 67, second marriage, 2(+2) daughters and 3(+2) grandchildren, joint interview)

For many of the interviewees, the belief children should be treated equally meant they would not consider leaving money to their grandchildren, fearing this would disrupt the equality between children. The focus, again, on the children demonstrates the privileged position of children to their parent’s inheritance and reinforces the idea that children have an ‘assumed’ right to inherit from their parents. In this view, grandchildren were seen as an extension of the parents, rather than individual family members in their own right. There was disagreement between Mr and Mrs Roberts concerning their grandchildren, with Mr Roberts thinking it would be unfair as one of their sons did not have children and this would mean ‘losing out’. He argued most of their money should be passed:

Generation by generation, that’s more straightforward, easier. I find it uncomfortable. I mean, all these grandparents that buy savings accounts for their grandchildren all that sort of stuff, I find it very uncomfortable. It makes me uncomfortable. It makes things complicated and makes me very uncomfortable. So, I’d rather not create a situation in which there is a possibility of inequality. Leave it to the parents. That really is my source of uncomfortableness, that you’re starting to introduce a lack of equity between children. So, you’d be giving proportionally more to a child that had more children and that doesn’t seem right to me. So, do nothing, leave it to the parents.

(Mr Roberts, 74, married, 3 children, 5 grandchildren, joint interview)

Additional complexities are introduced in cases where there has been a divorce or remarriage. Mr and Mrs Harris had both been married previously and each had two daughters from these previous marriages. Mr Harris expressed uncertainties about leaving money to Mrs Harris's two daughters because he believed one of them had previously misspent an inheritance. When asked whether they had any concerns about how the money would be spent by their daughters, they replied:

Mrs Harris: Not now they're older, no.

Mr Harris: I've got no worries about my two daughters. The one, obviously she was given money and she spent it unwisely.

Mrs Harris: Yes, but she's 32 now and a mother. She's a very responsible mother.
(Mr Harris and Mrs Harris, 60s, married, 2(+2) children, joint interview)

Whilst he acknowledged the value of the house would be split between the daughters, he made it clear the money in his private bank account was to go to his biological daughters only. During this interview, Mr and Mrs Harris frequently referred to their stepdaughters as 'your daughters' and occasionally as 'my daughters', highlighting their uncertainty about how to position their stepchildren.

'Non-unit' relationships: Disinheritance as fairness

So far, the discussion has focused on how will-makers attempted to be fair in their treatment of those they perceived as having an entitlement to their inheritance. This section, however, will discuss a final category of relationships, those who were perceived as not having any entitlements – usually where there was familial closeness but no emotional closeness (e.g. estranged children), or emotional closeness but no familial closeness (e.g. friends). In legitimising their decisions to 'not give' to certain people, interviewees often focused on how the values of these people did not align with their own. Lerner (1975) argues people will often justify the non-entitlements of others by focusing on their differences and 'otherness'. This emphasis on difference was common in the narratives of participants when explaining who they had left out of their wills and why they were 'fair' to have done so. These were often personal judgements which attacked a person's values and morals. A commonly attacked trait in these narratives was the spending habits of potential claims, and these spending habits were commonly framed as a generational concern, as shown in a discussion between Mr and Mrs Davies about whether they would like to leave their inheritance to Mrs Davies's nieces and nephews:

Mrs Davies: From my point of view, I wouldn't leave it equally. I would think about what they'd do with it and maybe what they've done already. I mean some of them, have put the money from [grandfather] towards buying a new house but others have blown it and not saved it. It's probably the biggest chunk they'll have in their whole lives, just given to them.

Mr Davies: They should make the most of it and thank [grandfather] for what he's done, for giving them a good start in life.

Mrs Davies: On the other hand, because they were young you don't want to be too harsh and judge them too much because they might have learnt their lesson in another ten years.

Mr Davies: Young people tend to be stupid. They mature when they get to around fifty but up until then there are degrees of maturity.
(Mr Davies, 72, Mrs Davies, 54, married, no children)

Judgements about what others would do for them were also used as a way of explaining why certain relationships such as siblings were rarely included as beneficiaries. Most of the interviewees explained their reasons for not wanting to leave anything to their siblings were because their siblings would not leave them anything:

Mr Roberts: Immediate family, it's very much our own issue. I mean my sister would certainly not, for example, include me in her will. She wouldn't do it. It wouldn't occur to either of us to do that.

Interviewer: and your nephew?

Mr Roberts: Well again, it wouldn't occur to me to do anything for them either. I mean, Mrs Roberts, probably feels slightly different about that but you know. . . I see a very, very strong connection between the parents and the children and that's it. . . not the wider family.
(Mr Roberts, 74, married, 3 children, 5 grandchildren, joint interview)

Whilst 'identity' relationships seemed to mostly avoid these types of judgements because of their assumed inheritance status, that does not mean there were no circumstances under which the disinheritance of children occurred. In my data there were suggestions that some participants might consider the act of disinheriting their children, and two of my interviewees had been disinherited by their own parents. There was a shared sense between the participants that to disinherit or to be disinherited was a reflection of the will-maker's feelings about the quality of the relationship which exists between the will-maker and the person who has been disinherited. Mr Davies and Mr Phillips had both been disinherited by their mothers after their fathers had passed away. Mr Davies's mother had written him out of her will in favour of her solicitor, accountant and a charity. Whilst Mr Phillips's mother had disinherited him to instead leave all her assets to his sister:

Mrs Phillips: There wasn't even a mention of anyone else in the will at all, nobody other than his sister.

Mr Phillips: I mean, I could see some sort of clause or letter tucked in with it saying basically most of it is gone, here's a hundred quid, take your wife out to dinner or something. I wasn't exactly expecting to trade the car in for a Rolls Royce or anything but to not get as much as a mention. It's not like we'd had a family rift and hadn't spoken for years. I mean, we saw her just before she died. It's all very odd. The solicitors said that if she chose to give it all to the Battersea Dog's Home because she hates you, then that's well within her rights.

Mrs Phillips: Before your dad died, he did say that he planned to leave you his watches and bits of jewellery, not that it was a lot, but he did say he hadn't given you anything in his will because he expected your mother to do it. So [Mr Phillips] had a reasonable expectation that he would get something. I think the worst thing is that he never got mentioned in the will at all.

Mr Phillips: The money's not really the point. I just wasn't expecting to not even get mentioned.

(Mr Phillips, 75, Mrs Phillips, 71, married, 3 children)

For many of the participants, the act of disinheriting a child would be a 'slap in the face' or a 'betrayal' and was consequently inconceivable. Mrs Davies (54, no children) when explaining how her mother-in-law had disinherited her husband from her will, said: 'what she did was freakish and unnatural', showing how entrenched the norm of leaving inheritances to close family ties is. By going against this social norm, the mother-in-law was disturbing the natural equilibrium of the family and was seen to have rejected her closest relationships.

Conclusions

From the outset, it was apparent that inheritance decisions are dynamic, nuanced and oftentimes paradoxical, which continuously ebb and flow as situations and relationships change. Whilst at first it appeared that people were often 'muddling through' (Lindblom, 1959) their decisions, there were clear patterns in the data on who was inheriting and who people believed were entitled to their inheritance. In making these decisions, participants are engaged in the practice of relationally organising their social relationships, using principles of fairness to help them distinguish between these different relationships. It was important for participants to be fair and for their actions to be understood as fair by others (Carr, 2017). This article uses Lerner's typology of close relationships as a helpful framework to expand on existing research concerning how relationships are organised for the purposes of inheritance and provides reflections on how inheritance decision-making is guided by judgements of *familial* and *emotional* closeness.

In relationships where there were perceived to be high degrees of both familial and emotional closeness present ('identity'), understandings about responsibility (from familial closeness) and love (from emotional closeness) meant there was a perceived right to inherit, with this group receiving the largest share of the money. In relationships where there was a high degree of emotional closeness and a lesser degree of familial closeness ('unit'), entitlements were based on a reciprocation of this closeness through particular acts of service. The entitlements of these relationships were more flexible with greater discretion provided to the will-maker to determine what counts as fair. In relationships where there was a high degree of familial closeness but no emotional closeness, or neither familial nor emotional closeness ('non-unit'), differences were emphasised and there were no perceived entitlements.

Recognising the roles that familial and emotional closeness play in the decision-making process, and the value that is placed on these judgements, expands existing understandings of inheritance and allows for greater reflection on: (1) how people evaluate the inheritance entitlements of their different relationships (including those of non-kin, e.g. friends and charities) and the dilemmas incurred through these deliberations; (2) why family remain the largest beneficiaries of inheritances; (3) the differences in how decisions are made between people with and without children.

This analysis indicates the importance of researching the ‘ethics of inheritance’ (Lafaye, 2008, p. 25) by better understanding the guiding principles (Finch & Mason, 2000) which will-makers rely on when deciding about their inheritance. More research is needed to explore the inheritance decisions of people without children, how inheritance decisions are made in complex families, and whether there is a difference based on characteristics such as class, ethnicity, race and sexuality. This article presented the concept of fairness, and how it is determined based on judgements of familial or emotional closeness, as a starting point to discussions to better understand ‘who gets what and how much’.

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References

- Allen, G., & Crow, G. (1989). *Home and family: Creating the domestic space*. Palgrave.
- Angel, J. L. (1979). *Inheritance in contemporary America*. Johns Hopkins University Press.
- Bernsheim, B. D., Shleifer, A., & Summer, L. H. (1986). The strategic bequest motive. *Journal of Labour Economics*, 4(3), 151–182.
- Blieszner, R., & Mancini, J. (1987). Enduring ties: Older adults’ parental role and responsibilities. *Family Relations*, 36(2), 176–180.
- Brennan, J. (2006). Cultures of intergenerational transmission in four-generation families. *The Sociological Review*, 54(1), 133–154.
- Carr, C. L. (2017). *On fairness*. Routledge.
- Desmaris, L., & Lerner, M. (1994). Entitlements in close relationships: A justice-motive analysis. In M. Lerner & G. Mikula (Eds.), *Entitlement and the affection bond: Justice in close relationships* (pp. 43–63). Springer.
- Douglas, G., Woodward, H., Humphrey, A., Mills, L., & Morrell, G. (2011). Enduring love? Attitudes to family and inheritance law in England and Wales. *Journal of Law and Sociology*, 38(2), 245–271.
- Finch, J., & Mason, J. (2000). *Passing on: Kinship and inheritance in England*. Routledge.

- Goodnow, J., & Lawrence, J. (2010). Inheritance norms for distributions of money, land and things in families. *Family Science, 1*(2), 73–83.
- Goodnow, J., & Lawrence, J. (2013). *Inheriting as people think it should be: From money to mementos*. Information Age Publishing.
- Gorer, G. (1965). *Death, grief and mourning in contemporary Britain*. Cresset.
- Halliday, D. (2018). *The inheritance of wealth: Justice, equality and the right to bequeath*. Oxford University Press.
- Holmes, H. (2019). Material affinities: ‘Doing’ family through the practices of passing on. *Sociology, 53*(1), 74–191.
- Humphrey, A., Mills, L., Morrell, G., Douglas, G., & Woodward, H. (2010). *Inheritance and the family: Attitudes to will-making and intestacy*. National Centre for Social Research.
- Jallinoja, R. (2008). Family togetherness and family together. In E. Widmee & R. Jallinoja (Eds.), *Beyond the nuclear family: Families in a configurational perspective* (pp. 97–118). Peter Lang.
- Ketokivi, K. (2012). The intimate couple, family and the relational organisation of close relationships. *Sociology, 46*(3), 473–489.
- Kohli, M., & Kunemund, H. (2003). Intergenerational transfer in the family: What motivates giving. In V. Bengston (Ed.), *Global aging and challenges to families* (pp. 123–142). Routledge.
- Lafaye, C. (2008). Ethics of inheritance. *Philosophy Today, 52*(1), 25–35.
- Lerner, M. (1975). The justice motive in social behaviour: Introduction. *Journal of Social Issues, 31*(3), 1–19.
- Lerner, M. (1981). The justice motive in human relations: Some thoughts on what we know and what we need to know about justice. In M. Lerner & S. Lerner (Eds.), *The justice motive in social behaviour: Adapting to times of scarcity and change* (pp. 11–35). Springer.
- Lindblom, C. L. (1959). The science of ‘muddling through’. *Public Administration Review, 27*, 79–88.
- Mikula, G., & Lerner, M. (1994). Justice in close relationships: An introduction. In M. Lerner & G. Mikula (Eds.), *Entitlement and the affectional bond: Justice in close relationships* (pp. 1–9). Springer.
- Morgan, D. (1996). *Family connections: An introduction to family studies*. Polity Press.
- Powell, R. (2021). *Leaving an inheritance: The dilemmas of bequest giving* [Doctoral Dissertation, Cardiff University].
- Rowlingson, K., & McKay, S. (2006). *Attitudes to inheritance in Britain*. Policy Press.
- Schaeffer, M. (2014). The social meaning of inherited financial assets: Moral ambivalences. *Forum: Qualitative Social Research, 15*(1).
- Sherman, R. (2017). *Uneasy street: The anxieties of affluence*. Princeton University Press.
- Solomon, S., Greenberg, J., & Pyszczynski, T. (2015). *The worm at the core: On the role of death in life*. Penguin.
- Sousa, L., Silva, A. R., Santos, L., & Patrão, M. (2010). The family inheritance process: Motivations and patterns of interaction. *European Journal of Aging, 7*(1), 5–15.
- Taylor, B., & De Vocht, H. (2011). Interviewing separately or as couples? Considerations of authenticity of method. *Qualitative Health Research, 21*(11), 1576–1587.
- Zelizer, V. (2017). *The social meaning of money: Pin money, paychecks, poor relief and other currencies*. Princeton University Press.