


RESEARCH ARTICLE

Housing and Patrimonial (Property) Violence against Women: The Reproduction of Gender Asset Inequalities in Brazil

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Abstract

Accessing and retaining adequate housing can be a major challenge for low-income city residents, particularly women trying to escape domestic abuse. Focusing on housing struggles amidst urban poverty, this article explores a specific kind of gender-based violence – violation of women’s property rights – recognised by Latin American legal systems as ‘patrimonial violence against women’. Drawing on qualitative research in Brazil, this article shows how women are likely to experience gendered evictions and dispossession, and why patrimonial violence against women remains largely misunderstood and underreported, despite legal progress. The discussion expands current understandings of the interplay between gender, violence (explicit or otherwise) and the reproduction of asset inequalities.

Keywords: housing; property; gender; domestic violence against women; patrimonial violence; Brazil

Why Do Housing and Property Matter to Women Experiencing Domestic Violence?

Access to adequate housing and protection against forced evictions can be a major challenge for the residents of urban, low-income settlements in Latin America, particularly women experiencing and trying to escape domestic and family violence. The lack of housing alternatives can prevent women from leaving abusive relationships, while leaving abuse can increase poverty and drive women into inadequate and insecure housing arrangements, and even homelessness.¹

More than just an immediate need, housing is often one of the most expensive items of low-income families’ asset portfolios, and a crucial process through which

¹Montserrat Sagot, *Ruta crítica de las mujeres afectadas por la violencia intrafamiliar en América Latina: estudios de caso de diez países* (Washington DC: Organización Panamericana de la Salud, 2000); United Nations Office of the High Commissioner on Human Rights (UN-OHCHR), *Women and the Right to Adequate Housing* (New York and Geneva: UN-OHCHR, 2012).



individuals accumulate wealth – or ‘build a patrimony’ – and gain power within and beyond households.² What therefore is the role of housing and immovable property in abusive relationships, and under what circumstances are women likely to keep or lose their rightful share of a marital home or an inherited property in family disputes? How does being evicted or dispossessed affect women’s immediate housing needs and long-term economic sustainability and wellbeing?

This article examines the intersections between housing and asset-building challenges amidst urban poverty and domestic and family violence against women through a focus on patrimonial violence against women, which consists of a gendered process that hinders or prevents women from exercising their property rights, such as using, managing and disposing of their own or family property. Patrimonial violence against women has been recognised in the legislation of several Latin American countries as a specific form of gender-based violence since the 1990s,³ alongside physical, sexual and psychological abuse. In Brazil, for instance, the 2006 Domestic Violence Law⁴ defines patrimonial violence as ‘any action or omission that provokes partial or total retention, illegal withholding or destruction of women’s personal belongings, tools of the trade, personal documents, assets, valuables and rights or economic resources, including those that serve basic needs’. From a legal perspective, the gender-based behaviour by an intimate partner, relative or household member that violates or undermines a woman’s property rights constitutes patrimonial violence against women, even if no other form of abuse is reported.

The evolution of Latin American laws to incorporate the notion of patrimonial violence against women addresses a crucial concern of feminist researchers and advocates emphasising that gender inequalities in the distribution of resources contribute to women’s subordination to men.⁵ In other words, women’s economic dependence on men is the material basis for gender oppression and, therefore, a key element of patriarchy. Such a broad conceptualisation of gender violence, beyond physical or sexual violence, for example, helps to unveil not only the role of economic factors when multiple forms of violence are exercised concomitantly, but, more importantly, to ensure that, when patrimonial violence is exercised in an isolated and seemingly non-violent manner, it is seen not as harmless but as instrumental to the reproduction of gender hierarchies.

In practice, however, despite legal and conceptual progress, it can still be difficult to identify patrimonial violence against women, especially when it involves not physical violence by an intimate partner, but less tangible and often normalised but abusive behaviour by relatives or household members managing or dealing

²Peter M. Ward, ‘“A Patrimony for the Children”: Low-Income Homeownership and Housing (Im)Mobility in Latin American Cities’, *Annals of the Association of American Geographers*, 102: 6 (2012), pp. 1489–1510; Carmen Diana Deere and Magdalena León, *Empowering Women: Land and Property Rights in Latin America* (Pittsburgh, PA: University of Pittsburgh Press, 2001).

³Carmen Diana Deere and Magdalena León, ‘Consensual Unions, Property Rights, and Patrimonial Violence against Women in Latin America’, *Social Politics*, 29: 2 (2022), pp. 608–33.

⁴Federal Law No. 11.340/2006 (known as the ‘Lei Maria da Penha’).

⁵Bina Agarwal, *A Field of One’s Own: Gender and Land Rights in South Asia* (Cambridge: Cambridge University Press, 1994); Carmen Diana Deere and Cheryl R. Doss, ‘The Gender Asset Gap: What Do We Know and Why Does It Matter?’, *Feminist Economics*, 12: 1–2 (2006), pp. 1–50.

with property. Patrimonial violence against women also remains underexplored in research, partly because data has only recently begun to be collected. While only a few country surveys in the region try to capture and measure patrimonial and other forms of economic violence against women, pioneering studies in Ecuador, Colombia and Mexico have explored factors that contribute to violations of women's property rights, such as families' gendered perceptions of property rights, women's lack of legal literacy in terms of property rights and couples' informal marital status.⁶

In Brazil, however, despite the growing body of literature in Latin America, patrimonial violence against women remains largely understudied: the topic has been mentioned vaguely in domestic violence research but is neglected in the housing literature. In the few studies in which patrimonial violence is analysed in depth, the focus tends to be on the destruction, retention and illegal withholding of money, objects and documents.⁷ Limited attention has been paid to conflicts over immovable property, such as the marital or family home, and to what happens when property rights are undocumented and clouded as a result of informal housing processes.⁸

This article addresses this gap in the literature on patrimonial violence against women related to housing and immovable property by drawing on findings from a broader qualitative study that examined the housing challenges experienced by women before, during and after domestic violence, in urban, low-income areas of Recife, Brazil,⁹ where patrimonial violence against women has been recognised in legal codes for over 15 years. The insights from low-income women's housing trajectories help us understand the mechanisms through which women are likely to experience gendered evictions and dispossession and how patrimonial violence against women is being perceived by survivors and addressed by specialised police and courts.

I argue that, despite the legal recognition of patrimonial violence against women, and affirmative measures in the law and government policies, women's ability to

⁶Carmen Diana Deere, Jacqueline Contreras and Jennifer Twyman, 'Patrimonial Violence: A Study of Women's Property Rights in Ecuador', *Latin American Perspectives*, 41: 1 (2014), pp. 143–65; Deere and León, 'Consensual Unions'; Ann Varley, 'Gender and Property Formalization: Conventional and Alternative Approaches', *World Development*, 35: 10 (2007), pp. 1739–53 and 'Modest Expectations: Gender and Property Rights in Urban Mexico', *Law & Society Review*, 44: 1 (2010), pp. 67–100; Ann Varley and Maribel Blasco, 'Gender and Property in Mexico's *Colonias Populares*', paper presented at the XXX International Congress of the Latin American Studies Association, Miami, FL, 16–18 March 2000; Greta Friedemann-Sanchez, 'Legal Literacy and Immovable Property: Laws, Norms and Practices in Colombia', *Development and Change*, 43: 6 (2012), pp. 1361–84.

⁷Aline Arêdes de Oliveira, 'Violência doméstica patrimonial: a revitimização da mulher', unpubl. Undergrad. diss., Universidade de Brasília, 2013; Rita de Cássia Bhering Ramos Pereira *et al.*, 'O fenômeno da violência patrimonial contra a mulher: percepções das vítimas', *Oikos: Revista Brasileira de Economia Doméstica*, 24: 1 (2013), pp. 207–36; Marielly Clemente Silva Alves, 'Violência patrimonial contra a mulher na constância de relações socioafetivas', unpubl. Undergrad diss., Universidade Evangélica de Goiás, 2019.

⁸With respect to immovable property, a 'cloud' on a title is an error or ambiguity in the record of ownership or possession.

⁹Raquel Ludermir Bernardino, 'Housing for Survival: Insecurity of Tenure, Property Loss and Domestic Violence against Women in Recife', unpubl. PhD diss., Universidade Federal de Pernambuco, 2021.

exercise their rights to housing, property and freedom from violence are undermined by persistent gaps between law and practice, which contribute to the reproduction of gender asset and power hierarchy inequalities throughout women's lives and across generations. A better understanding of this social process contributes to the housing literature by emphasising the role of gender and intra-household conflicts in women's housing struggles and contributes to the domestic violence literature by showing how housing and property dilemmas are intertwined with women's experiences of and responses to abuse. The discussion also contributes to the literature on economic violence against women through a specific focus on housing dynamics in urban, low-income settlements in Latin America, in which popular perceptions of property rights are not always aligned with legislation.

The next section provides an overview of the literature linking housing struggles, gender inequalities and domestic violence against women in Latin American low-income urban settings. It is followed by the legal framework in Brazil related to women's rights to housing, property and freedom from violence, and by the research methodology designed to capture potential gaps between the law and practice. The following empirical discussion is organised into three subsections. The first focuses on disputes over the marital home involving intimate partners and spouses, and the second examines disputes over inheritance between relatives and household members. The third empirical subsection focuses on the legal and public policy arenas, highlighting what remains underreported and why, and the implementation challenges to address the situations that reach the police and courts. A concluding section connects the misunderstandings around patrimonial violence against women related to housing and immovable property with the reproduction of gender asset inequalities and power hierarchies that must be addressed by further research, public policy and practice.

Housing, Gender and Domestic Violence amidst Urban Poverty in Latin America

Housing is a crucial element of one's standard of living, that can have both use and exchange value, and be converted into symbolic value. At a practical level, it is what people rely on for shelter, a place where they can eat, sleep and enjoy themselves; but housing can also be a source of income and a process of accumulation and transmission of wealth across generations that reflects power and dominant roles within families and one's status in societies.¹⁰ The notion of housing as a process is useful in this research to reveal how individuals and families access, keep and share, but also lose, resources.

Among the low-income residents of Latin American cities, housing tends to be a highly constrained process: while some manage to earn enough money to rent or buy property, others resort to squatting, self-building, subdividing and sharing

¹⁰Caroline Moser (ed.), *Gender, Asset Accumulation and Just Cities: Pathways to Transformation* (Abingdon: Routledge, 2016); Deere and Doss, 'The Gender Asset Gap'; Nestor Gandelman, 'Female-Headed Households and Homeownership in Latin America', *Housing Studies*, 24: 4 (2008), pp. 525–49; Peter Marcuse, 'Wealth Accumulation through Home Ownership', *City*, 24: 1–2 (2020), pp. 130–6.

their homes with family and kin to make the best use of the resources available.¹¹ Complex family and household arrangements can serve the needs of younger families to access housing, and the need of elders to ensure they will be cared for in old age.¹²

Informality in property ownership and possession is a frequent element in such low-income contexts. For multiple reasons, including constraints on accessing formal markets and registering property acquisition and transactions, families may live for generations on plots that are not formally owned by them or not properly documented in their names, while scattered and incremental home improvements by different household or family members make property rights increasingly clouded. Such housing processes can entail a web of overlapping or conflicting entitlements and claims to property rights: who owns what and, more importantly, who is perceived to own what part of the property? In practice, one's relationship to property can be shaped by 'soft' aspects such as how, when and by whom a plot has been acquired and a dwelling has been built and improved, whose names appear in property documents and proof of residence, as well as factors beyond the control of households, such as government response to informal land occupation and levels of settlement servicing.¹³ The family disputes over property focused on in this article are not necessarily aligned with the law or with formal property rights, but rather embedded in popular perceptions of property rights stemming from the often informal housing processes observed in low-income settings.

The disadvantages faced by women in such low-income housing processes have gained increasing attention in Latin American literature, which has shone light on gender biases in access to property, as well as in home improvements, tenure documentation and perceptions of property rights.¹⁴ Despite gender equality in the law, women can find it challenging to access and build housing assets and to defend and

¹¹Alan Gilbert and Peter M. Ward, *Housing, the State and the Poor: Policy and Practice in Three Latin American Cities* (Cambridge: Cambridge University Press, 1985); John F. C. Turner, 'Housing as a Verb', in John F. C. Turner and Robert Fichter (eds.), *Freedom to Build: Dweller Control of the Housing Process* (New York: Macmillan, 1972), pp. 148–75; Alan Gilbert, *In Search of a Home: Rental and Shared Housing in Latin America* (London: UCL Press, 1993); Ermínia Maricato, *O impasse da política urbana no Brasil* (Petrópolis: Vozes, 2012).

¹²Erika D. Grajeda and Peter M. Ward, 'Inheritance and Succession in Informal Settlements of Latin American Cities: A Mexican Case Study', *Latin American Research Review*, 47 (2012), pp. 139–62.

¹³William Doebele, 'The Evolution of Concepts of Urban Land Tenure in Developing Countries', *Habitat International*, 11: 1 (1987), pp. 7–22; Flávio de Souza, 'Perceived Security of Land Tenure and Low-Income Housing Markets in Recife, Brazil', unpubl. PhD diss., Oxford Brookes University, 1998; Peter M. Ward, 'Land Regularization in Latin America: Lessons in the Social Construction of Public Policy', in Gareth A. Jones (ed.), *Urban Land Markets in Transition* (Cambridge, MA: Lincoln Institute of Land Policy, 2003), Ch. 13; James Holston, 'The Misrule of Law: Land and Usurpation in Brazil', *Comparative Studies in Society and History*, 33: 4 (1991), pp. 695–725; Raquel Rolnik, *A cidade e a lei: legislação, política urbana e territórios na cidade de São Paulo* (São Paulo: Studio Nobel, 1997).

¹⁴Ann Varley, 'Gender and Housing: The Provision of Accommodation for Young Adults in Three Mexican Cities', *Habitat International*, 17: 4 (1993), pp. 13–30; Caroline Moser, 'Gender Planning in the Third World: Meeting Practical and Strategic Gender Needs', *World Development*, 17: 11 (1989), pp. 1799–1825; Moser (ed.), *Gender, Asset Accumulation and Just Cities*; Sylvia Chant, 'Household Labour and Self-Help Housing in Querétaro, Mexico', *Boletín de Estudios Latinoamericanos y del Caribe*, 37 (1984), pp. 45–68 and *Gender, Urban Development and Housing* (New York: United Nations Development Programme, 1996).

claim the ownership of a home not only as a result of material inequalities between women and men but also due to gendered views of property rights and differences in how women and men construe their relationship to property, which often conflicts with legal frameworks.¹⁵ Housing and gender studies in Mexico and Colombia, for instance, have explored the disadvantages faced by women in keeping their rightful share of property in family disputes and men's violent behaviour towards women connected to property disputes, stemming from gendered understandings of property rights.¹⁶

Feminist economics research in Latin American and other Global South settings, such as India, have explored the linkages between command over property and domestic violence, showing that women's property ownership can increase their power within relationships and consequently minimise risks of domestic abuse.¹⁷ A better understanding of the linkages between gender, economic inequalities and women's experiences of domestic violence has helped to broaden the notion of violence beyond physical and sexual abuse and raise awareness that economic and/or patrimonial violence against women is one of the means by which men exercise control over women.

Increasing attention to patrimonial violence in Latin America came along with the legal reforms that designated economic and/or patrimonial violence as a specific form of gender-based violence against women.¹⁸ The conceptualisation of such violence has evolved over time and may vary from country to country: economic and patrimonial violence are sometimes referred to as synonyms and other times treated separately. They encompass behaviour that controls or limits a woman's income, such as the scrutiny by men of women's spending, men's squandering of money intended for household survival, non-payment of child support or spousal maintenance support, gender wage gaps, the prohibition on women working outside the home and the failure to value women's domestic work, as well as the illegal withdrawal of objects, personal documents, tools of the trade, assets and property rights.

The risk of treating patrimonial and economic violence against women as synonyms is to lack a specific focus on immovable property, usually the most expensive item of low-income families' asset portfolios, and frequently a marker of power and dominance. Although the ground-breaking studies on patrimonial violence against women in Mexico, Ecuador and Colombia mentioned above address housing and immovable property, the topic still deserves further and specific attention. This article seeks to contribute to this body of literature through a housing approach to patrimonial violence, focusing on how property inequalities accumulate over

¹⁵Deere *et al.*, 'Patrimonial Violence'; Cheryl Doss and Ruth Meinzen-Dick, 'Land Tenure Security for Women: A Conceptual Framework', *Land Use Policy*, 99 (2020), article 105080.

¹⁶Varley, 'Modest Expectations'; 'Gender and Property Formalization'; Friedemann-Sanchez, 'Legal Literacy and Immovable Property'.

¹⁷Bina Agarwal and Pradeep Panda, 'Toward Freedom from Domestic Violence: The Neglected Obvious', *Journal of Human Development and Capabilities*, 8: 3 (2007), pp. 359–88; Shelly Grabe, Rose Grace Grose and Anjali Dutt, 'Women's Land Ownership and Relationship Power: A Mixed Methods Approach to Understanding Structural Inequities and Violence against Women', *Psychology of Women Quarterly*, 39: 1 (2015), pp. 7–19.

¹⁸See Deere and León, 'Consensual Unions'.

the life course of women and across generations in settings where property rights are often clouded and undocumented, such as in Latin American low-income settlements.

The article also seeks to contribute to the literature that connects housing and domestic violence against women. In Brazil, for instance, the research focus tends to be on the consequences of domestic violence, driving women to housing instability and inadequacy, or on survival strategies such as joining social housing movements or matrilocal residential arrangements.¹⁹ In this article, I draw attention to the housing and property scenarios and trajectories that precede domestic violence and to how and why women lose their homes. I also shed light on property disputes over inheritance that sometimes leads to family violence against women that is perpetrated not by a husband/partner but by other relatives, such as siblings, children and in-laws.²⁰ This discussion brings gender and intra-household perspectives to bear on expanding current understandings of housing processes in urban, low-income contexts, where domestic violence against women may overlap with chronic housing challenges.

Women's Rights to Housing, Property and Freedom from Violence in Brazil

The Brazilian legal and policy framework to be summarised in this section currently provides for strong housing and property rights for women (i) as dwellers in low-income and informal settlements, (ii) as wives/partners during and after marriage or consensual union, (iii) as heirs (daughters and widows) in inheritance settlements, and (iv) as victims/survivors of domestic violence.

Regarding housing rights of low-income dwellers, a person who informally occupies a dwelling (known colloquially as a 'squatter') for over five years is entitled to claim property ownership or housing use rights. In private individual claims, such as adverse possession (*usucapião* in Portuguese), property titles can be issued either in the name of women or men or both (joint title). But since 2005 property titles issued through any government programme should be preferentially in women's names (both single and partnered/married women).²¹

In theory, this affirmative measure is often linked to the potential of empowering married/partnered women within relationships, preventing women from becoming homeless when relationships end, and meeting the housing needs of single female household-heads. In practice, however, there is little evidence as to whether this formal requirement of giving preference to women is being respected and what the effects of such affirmative measures are, in either the short or the long term.

¹⁹Isadora Machado, Leticia Lessa and Maiara Lima, 'Lei Maria da Penha e *advocacy* feminista: uma discussão acerca da efetividade dos aluguéis sociais', XIII Mundos de Mulheres and XI Fazendo Gênero, 2017: http://www.en.wwc2017.eventos.dype.com.br/resources/anais/1498221478_ARQUIVO_LEIMARIA_DAPENHAEADVOCACYFEMINISTA.pdf (URLs last accessed 3 Oct. 2023); Maiara Lima, 'Direito à moradia para as mulheres sob a ótica da autonomia: trajetória das políticas públicas desde a CF/88', unpubl. MA diss., Universidade de Brasília, 2018; Diana Helene, 'Gênero e direito à cidade a partir da luta dos movimentos de moradia', *Cadernos Metrópole*, 21: 46 (2019), pp. 951–74.

²⁰In this article the suffix 'in-law' is used to refer to any relative by marriage, whether legal, consensual, informal or de facto.

²¹Federal Law No. 11.124/2005 (Law on Social Housing).

Women's property rights in marriage and consensual union are defined by default by the Partial Community Property Regime, valid both for officially married couples and for those partnered in consensual union (formal and *de facto*).²² This regime determines that women are entitled to half of the property acquired or built during the relationship even if they did not contribute financially to their acquisition; while property acquired before the relationship or through inheritance and gifts (such as government allocation of property) remains the individual property of each partner/spouse.

Technically, this regime could attenuate gender disparities by recognising that women's disproportionate dedication to unpaid reproductive labour compromises their ability to contribute directly to asset-building strategies. In practice, however, it might be difficult to determine whether the marital home was acquired before or during a relationship when couples are not formally married/partnered and therefore do not have a specific date when the partnership started, and when the property is built or improved informally and incrementally and the date of acquisition is also unclear. The rightful share of property of each partner can be clouded and subject to contestation upon separation, especially in informal negotiations.

Inheritance laws determine that all children, regardless of their sex and order of birth, and including extramarital children, are 'forced heirs' (*herdeiros necessários*), entitled to an equal share of the inheritance. Widows too are forced heirs, in the same line of succession as children, meaning that in addition to their half of the marital property widows are entitled to a share of the estate equal to what children are entitled to. Moreover, widows have the legal right to remain in the marital home, regardless of property ownership, if the marital home is the only asset to be shared between the heirs (*direito real de habitação*).²³ There is limited testamentary freedom, and disinheriting a forced heir is highly complex. In any case, the writing of wills is still a stigmatised, expensive and unpopular process.

Legally, widows and daughters have strong inheritance rights. In practice, however, the application of the law may be limited in contexts where the family home is the main or only asset to be shared between multiple heirs and where inheritance is shared and distributed informally both in anticipation of inheritance and transactions following death. The question is whether and how these dynamics contribute to or disadvantage women's ability to keep and accumulate property over time and across generations.

Regarding women's rights to freedom from gender violence, the 2006 Domestic Violence Law (see [note 4](#) above) recognises five types of gender violence against women perpetrated by intimate partners, family or household members: physical, sexual, psychological, moral and patrimonial. Patrimonial crimes are actually defined in the 1940 Criminal Code, and include theft, robbery, usurpation, damage, abandonment, misappropriation, fraud and inducing speculation.²⁴ What the 2006 Domestic Violence Law specifies is that if a patrimonial crime is perpetrated against

²²The Partial Community Property Regime is governed by Federal Law No. 10.406/2022 (Civil Code), art. 1.658. The property rights of women in marriage and in consensual unions are similar (Federal Laws Nos. 8.971/1994 and 9.278/1996); the terms 'marital' and 'consensual' are therefore used interchangeably in this article.

²³Federal Law No. 10.406/2022 (Civil Code), art. 1.831.

²⁴Federal Decree-Law No. 2.848/1940 (Criminal Code).

a woman, based on gender, in a domestic, family or intimate relationship context, this constitutes a specific kind of domestic violence, known as patrimonial violence against women.

However, the sanctions against patrimonial violence against women clash with Article 181 of the Criminal Code, which gives criminal impunity to patrimonial crimes exercised against spouses/partners, progenitors and descendants. In other words, if patrimonial violence against women is exercised by a husband/partner, parent or child, it is dealt with not in domestic violence courts (criminal), as are other forms of domestic/family abuse, but in family courts (civil), where less attention is paid to gender violence. Domestic violence survivors are entitled to request restraining orders to exclude perpetrators from the family property. But continuing to live at the same address can expose women to risks of retaliation.

The following section presents how the research methodology was designed to capture potential gaps between law and practice shaping women's lived experiences.

Research Methodology

This article is empirically based on 84 in-depth interviews. The first set of interviews was conducted with 56 low-income women about their housing trajectories. Participants were initially recruited in a domestic violence court, but these interviews provided only the perspective of self-reported domestic violence survivors who had been able to reach the courts to prosecute perpetrators. Since domestic violence remains largely underreported, participants were also recruited in selected low-income settlements, in an attempt to reach women who may not have been able to officially report domestic violence.

Three low-income settlements were selected where there were no external threats of forced displacement (see [Figures 1–2](#)), to ensure that participants would focus on potential threats of eviction and dispossession coming from within their families and households. These areas also illustrate different processes by which low-income residents access housing in Recife, and different forms of government intervention in housing. In Morro da Conceição ([Figure 3](#)), where most residents accessed housing informally and government programmes provided settlement upgrading and property titles either in the name of men or women, or both, women were likely to resort to family strategies to meet their housing needs, and less likely than men to own property. On the other hand, the two areas where government programmes allocated housing units or plots to women (Vila Santa Luzia and Passarinho; see [Figures 4–5](#)) provided examples of women who were less dependent on their families to access and retain property. The choice of this geographical research area helped to situate women's accounts into broader housing contexts, and to discuss the potential disadvantages faced by women in family disputes over property.

The first set of interviews focused on the key steps of participants' housing trajectories before, during and after domestic and family violence, with emphasis on property disputes upon separation and inheritance settlements, when the tensions around immovable property were more evident. For ethical reasons, given the sensitivity of the topic, the interviews were conducted in two parts. The first part, conducted with all participants, focused on housing trajectories

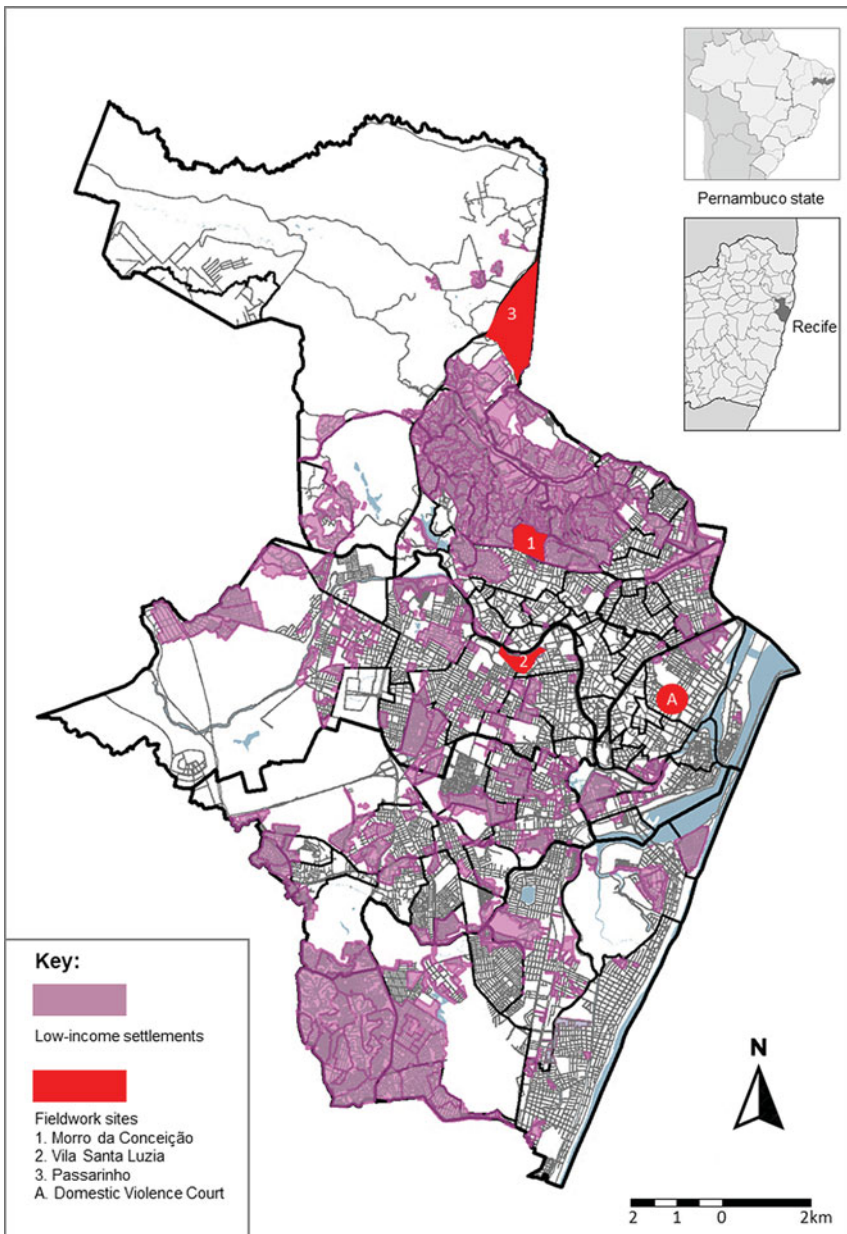


Figure 1. Location of fieldwork sites in Recife

Source: Author's elaboration from E-SIG, Prefeitura do Recife (Electronic Geographical Information System, Recife Prefecture)

and residential mobility more generally; this revealed whether at any point the participants had been evicted by an abusive partner or relative, for example, or whether they had been denied inheritance rights. The second part of the interview was



Fieldwork Site 1: Morro da Conceição



Fieldwork Site 2: Vila Santa Luzia



Fieldwork Site 3: Passarinho

Figure 2. Aerial views of the fieldwork sites showing the boundaries of the selected areas

Source: Author's elaboration from Google Earth and Google Maps

conducted only with participants who disclosed domestic violence experiences more explicitly, or property disputes that sounded abusive, and who agreed to continue the interview to discuss these issues.

Following international standards for research on domestic violence, I used behaviourally specific, rather than subjective, questions. For example, I asked



Figure 3. Street view of fieldwork site 1, Morro da Conceição, where government programmes provided property titles and infrastructure

Source: Raquel Ludermir

participants whether they had been forced to leave their homes due to tension or conflict with a family member, rather than whether they had experienced patrimonial violence. This seemed appropriate since violence survivors may often fail to understand their daily experiences as violence, especially when it comes to less explicit forms of abuse; others may still be in a denial phase; and others simply will not disclose sensitive experiences through very direct questions and to a



Figure 4. Street view of fieldwork site 2, Vila Santa Luzia, where government programmes allocated housing units to women
Source: Google Maps



Figure 5. Street view of fieldwork site 3, Passarinho, where government programmes allocated plots to women
Source: Raquel Ludermir

stranger (researcher). Indeed, several participants did not use the term ‘domestic violence’, but disclosed abusive experiences, and I echoed how participants themselves referred to those experiences. My main interest during the interviews was not to label participants as survivors or otherwise but to understand their narratives from their own point of view, to the greatest extent possible.

Additional data came from interviews conducted with 28 key informants, including officials of domestic violence courts and referral centres, housing agency

officers, researchers and representatives of non-governmental organisations (NGOs), social movements and community-based organisations. Interview data were complemented with a review of documents focusing on laws and policies and assessments of their implementation and outcomes. This allowed for triangulation and provided insights on the disjuncture between legal and policy frameworks and women's lived experiences.

The interviews were conducted between 2018 and 2019; names of participants were anonymised to protect their identities. Ethical approval was obtained from the Universidade Federal de Pernambuco.

'We Must Leave Our Rings Behind to Keep Our Fingers': Gendered Eviction and Dispossession through Separation

This section examines how and under what circumstances patrimonial violence against women is likely to occur when it comes to disputes over the marital home, which are usually more evident around the time of separation. Who is better able to keep the marital home upon divorce or dissolution of a consensual union, the woman or the man? How do women engage in such property disputes and under what circumstances are they likely to keep the marital home? Before addressing these questions, it is important to consider the gendered housing trajectories that preceded and shaped the residential scenarios where patrimonial violence took place.

Gendered Housing Choices before Patrimonial Violence

The first observation about women's housing trajectories before experiencing domestic violence as adults came from the narratives of participants who were forced to leave their childhood homes at a very young age to escape family abuse (such as girls sexually abused by their fathers, stepfathers or other relatives) and/or to escape severe poverty (such as girls 'sent away' to work). In these circumstances, working in exchange for food and shelter was a common path, marked by several forms of insecurity and deprivation. Workplace violence was also reported by one participant, who explained how being raped by her boss's son left her with no alternative but to return to her childhood home and face her stepfather, who had also tried to rape her.

Pregnancy was a frequent turning point in the housing trajectories of participants. A clear pattern among participants consisted of young women moving into the property of their partners or parents-in-law, as reported below:

I met the father of my children while I was working as a maid. When I found out that I was pregnant, I kept working, but there came a time when I was too heavy and tired, so I had no choice but to quit my job. I moved into a shack in my father-in-law's backyard and stayed at home taking care of our children while he [partner] went out to work and provide for our family.

Another example of gender bias in housing choices was reported by a participant who coincidentally became pregnant around the same time as her sister-in-law, in

fairly similar circumstances: both were unmarried, and neither had planned the pregnancy. While her father helped her brother to build a shack on the family plot to house his partner, she was compelled to leave and move in with her boyfriend. She recalled that her father justified his efforts to ensure that her brother would become a 'breadwinner', and expected the same from her boyfriend and his family, because 'it is a man's responsibility to provide for the family'.

This virilocal and patrivilocal residence pattern (women moving into the home of their partners and parents-in-law) observed in Recife is not the norm in Brazil. National statistics and ethnographic research show that, when new couples are unable to move into new households, they are as likely to live with the woman's as with the man's parents, with a tendency to rely on the woman's supportive networks.²⁵ Meanwhile, local statistics show that patrivilocality is indeed twice as common as matrilocality among couples unable to form a new household in Recife.²⁶ Without attempting to provide generalisations based on non-statistically representative interview data, what my ethnographic work suggests is the need to further explore the linkages between gendered housing choices and patrimonial violence against women.

The gendered housing choices observed in Recife were linked to factors such as gendered division of labour, male preference in inheritance and greater access to resources within and beyond households. This residence pattern undermined women's de facto and perceived property rights. First, it made participants' tenure security dependent on their relationship with the partner or in-laws from very early in the relationship and determined that couples started to accumulate joint wealth (according to the Partial Community Property Regime) on plots that did not belong to women. It also placed women in a secondary relationship to their natal family property compared to their brothers, who were more likely to receive a piece of the family property from their parents to start their housing trajectories. This is not only a matter of inheritance: not having a natal family property to go to should a marriage or relationship ends – what feminist economics research call a weak 'fall-back position'²⁷ – can undermine women's power within marital relationships. This sets the scene for the multiple challenges faced by women in accumulating assets during relationships.

During marriage and consensual unions, gender inequalities in terms of income, time and construction skills, also linked to gender roles and divisions of labour, hindered women's ability to invest directly in home improvements. Most women who participated in the study were disproportionately responsible for unpaid domestic work, including those who became economically dependent on men while taking care of the children and therefore had no or very limited time and

²⁵Klaas Woortmann, 'Casa e família operária', *Anuário Antropológico*, 5: 1 (1981), pp. 119–50; Cecilia McCallum and Vania Bustamante, 'Parentesco, gênero e individualização no cotidiano da casa em um bairro popular de Salvador da Bahia', *Etnográfica*, 16: 2 (2012), pp. 221–46; Márcio Mitsuo Minamiguchi, 'Monoparentalidade feminina no Brasil: dinâmica das trajetórias familiares', unpubl. PhD diss., Universidade Federal de Minas Gerais, 2017.

²⁶Raquel de Aquino Silva *et al.*, 'Enfrentamento da violência infligida pelo parceiro íntimo por mulheres em área urbana da região Nordeste do Brasil', *Revista Saúde Pública*, 46: 6 (2012), pp. 1014–22.

²⁷Bina Agarwal, 'Gender and Command over Property: A Critical Gap in Economic Analysis and Policy in South Asia', *World Development*, 22: 10 (1994), pp. 1455–78, here p. 1466.

income to invest in home improvements. Participants who managed to earn an income were investing their savings in someone else's plot. In summary, the houses in which participants lived were usually built by men and their support networks, or by construction workers hired and supervised by men, on plots owned by men or their families. This weakened women's de facto and perceived relationship to marital property.

Property documents were often non-existent or legally weak and in men's names. Except for the beneficiaries of housing programmes, women who participated in the study usually lacked any proof of home ownership or possession, or any proof of residence such as utility bills, a common requirement to claim de facto property rights in Brazil. Informality and documentation issues were also noted in marital and consensual partnerships, given that most participants were living in unregistered de facto consensual unions. This made it difficult to identify whether the marital property was acquired before or during a partnership and, therefore, who was rightfully entitled to property rights.

In these circumstances, even though the Partial Community Property Regime established that couples jointly owned all property acquired during consensual union, women were not perceived by themselves and by others as entitled to joint property rights. Some participants were not fully aware of their property rights, while others were clearly deceived or misinformed by their partners or relatives.

My interview data revealed three predominant misunderstandings around 'main home ownership' and property rights invoked by participants' partners, relatives and household members to highlight men's and undermine women's contribution to families' housing strategies. The first was the idea that 'the owner is whoever pays for something', used to undervalue the entitlement of women who were not able to invest money in property acquisition or improvements in men's plots or to strengthen the entitlement of men who built or expanded the marital home sitting on plots owned by women. In these cases, perceptions of main home ownership revolved around housing improvements. The second misconception was that 'the owner of the plot also owns the house', invoked to undermine the contribution of women who invested in home improvements in their partners' or in-laws' plots. Perceptions of main home ownership were linked to land ownership. The third was that 'in a marriage or consensual union all property is owned by the couple', or 'what is yours is mine', frequently heard when couples lived in property owned individually by women, such as that acquired through inheritance or government programmes, wrongly perceived as joint property. Perceptions of property ownership in these cases were linked to the status of marital/consensual relationships and gave rise to the risk of husbands/male partners trying to take possession of women's property.

To sum up, the gendered housing processes that preceded patrimonial violence in Recife resulted in women frequently not owning land, being unable to invest in property acquisition, construction and improvements, or being able to invest only in someone else's plot (meaning the investment was likely to be lost in case of separation/estrangement). In addition, women were often unable to fully understand, claim and prove their property rights, especially over jointly owned property. Therefore, despite the law ensuring formal equality between women and men in property rights and joint ownership of property acquired

during marriage/consensual union, the gender disparities observed in the housing trajectories of participants left women in a secondary relationship to property compared to their partners and relatives and, thus, more likely to lose their rightful share of property even before property disputes occurred. The following sections discuss how women engaged in property disputes in these circumstances.

Gender Violence Eviction

The most evident episodes of patrimonial violence against women were reported when men used physical violence as a tool to force women to leave the marital home, a process that I term 'gender violence evictions'.²⁸ One participant, for example, lived with her partner in her mother's backyard, in a dwelling built by her natal family and, after experiencing various forms of partner violence, had to leave her family property in order to physically survive. The abuser had no right to the marital home but refused to leave and became more violent every time the participant tried to make him do so. It was only a near-death experience that made her renounce her property rights:

He kicked me so hard that my sisters had to take me to hospital, and there the doctor told me that if he had kicked me one more time I would have died ... That was when I decided to leave. It's like people say, 'We must leave our rings behind to keep our fingers.'

Two other participants reported having experienced death threats and attempted murder by their partners and in-laws, showing how a violent backlash can be triggered when women attempt to end a relationship and exercise their rights over jointly owned property located on a man's plot. In both cases, the participants were fully aware of their joint property rights gained after investing in home improvements made during the relationship, and at first refused to leave. But their partners did not have the money to buy them off or the possibility of or interest in selling the property and sharing the proceeds, especially when the marital home was located on a family plot where other relatives had inheritance rights. Both participants mentioned that protecting their children's inheritance rights and lacking housing alternatives were the main reasons why they tolerated domestic abuse. But fear of dying eventually made them step back and renounce their rightful share of property, as illustrated below.

My former partner and father-in-law tried everything to make me leave the house. They told me loud and clear that if I tried to keep the house, it would cost me my life. They cut off my electricity, flooded the house with water and damaged all my furniture and appliances, threatened to set the house on fire ... But I couldn't leave, I had nowhere else to go and was trying to protect my kids' inheritance. Until the day a friend of mine overheard that they were hiring someone to kill me. That is when I knew they were serious, and I decided to run away.

²⁸Ludermir Bernardino, 'Housing for Survival'.

The occasions during which these two participants insisted on keeping the marital home revealed other gendered interactions beyond the couple, with the men's relatives taking part in the dispute. In one case, when the plot belonged to the participant's father-in-law, he participated directly in the death threats and attempted murder. In the other case, when the marital home was sitting on a plot that belonged to the participant's partner, he prepared a fake document transferring the property to his brother's name, to weaken the participant's possibilities of claiming property ownership. These cases provide clear examples of male relatives working together to maintain control over property.

A similar, yet reverse case, in which a woman owned the plot where the marital home was built by a couple, showed how the misunderstandings around property rights, mentioned earlier, are flexible enough to overestimate men's and undermine women's property rights. The woman acquired a plot through a government programme but did not have sufficient income to build the house, so resorted to her partner. She therefore owned the plot individually, in addition to owning half of the dwelling built during consensual union, according to the Partial Community Property Regime. In this case, instead of land ownership being the key factor to determine perceptions of 'main home ownership' – as in the previous two cases – the man invoked the misunderstanding that 'the owner is whoever pays' for the construction in order to claim paramount rights (ownership rights unencumbered by any other claim) over his partner. He refused to leave upon separation, and when other forms of violence became unbearable, she left to avoid further conflict. This case of dispossession also illustrates how a property allocated through a government housing programme targeted at women may end up under men's control, through patrimonial violence.

Among participants who left a marital home they partially owned, two had property documents in their names. After leaving their homes several times to escape episodes of severe violence, they left for good 'to avoid the worst', as one participant said. Unfortunately, having property documented in their names did not prevent women from being evicted through gender violence.

These examples of patrimonial violence against women show that even when women own a marital home, partially or entirely, are fully aware of their property rights, and have property documents in their names, they may be unable to exclude an abusive partner from the marital home and keep their rightful share of property upon separation. Patrimonial violence is not just a matter of women's property ownership or awareness of property rights but rather a matter of the effectiveness of property rights,²⁹ in which power asymmetries and multiple forms of violence can play an important role. The term 'gender violence evictions' calls attention to the fact that women's property rights can be jeopardised when men exercise violence to obtain and secure control over property – in other words, when men use domestic violence as a tool for eviction and dispossession.

Seemingly 'Non-Violent' but Unfair Asset Sharing

Patrimonial violence is exercised not only through explicit abuse. In several cases, women who participated in this study were not fully aware of their property rights

²⁹ Agarwal, *A Field of One's Own*; Deere and León, *Empowering Women*; Doss and Meinzen-Dick, 'Land Tenure Security for Women'.

and were deceived or manipulated by their partners, based on the gendered misunderstandings of property rights mentioned earlier. 'My former partner kept saying that I didn't own anything in the house because he was the one who had paid for everything. He convinced me that trying to claim my property rights was pointless, and I would end up with nothing', recalled a participant of how her partner denied her property rights and undermined her confidence in law enforcement.

Gender stereotypes were used to undermine women's willingness to claim property rights, such as men and their families suggesting that women were greedy or vindictive, or that they had married/partnered for economic interests and not for love. This influenced women's sense of entitlement over property: 'I didn't want anything that belonged to him', said a participant referring to a house owned by the couple, abdicating her own property rights. Another participant articulated that property settlement should be a secondary concern compared to the emotional pain of ending a partnership and breaking a family apart. Patrimonial violence in these cases revolved around social constructs of who morally 'deserves' to keep the marital property (usually not a woman who failed self and social expectations of keeping a family together), pushing women to fail to claim their rights or even to renounce them.

Participants who kept a jointly owned marital home for a while, either after being abandoned – which in itself can be a form of economic violence – or when the partner agreed to leave joint property to the children, revealed that women's control over property can be subject to judgements of their behaviour. When these women moved on with their lives and started new relationships, their former partners acted to take the marital home away from them. In a specific case, a former partner informally sold the house where the participant lived, kept the money for himself; the buyer took over the house and the participant and her children were left homeless. This transaction was possible only due to widespread informality in property markets in the area. Even after leaving the marital home, men can continue to exercise control over the property and women's autonomy.

The location of the property was another important aspect that influenced the outcome of asset sharing upon separation, particularly among women living with or near their in-laws. As mentioned by a woman who directly invested in home improvements on her in-laws' plot: 'I knew that house was also mine, but I would never sleep peacefully again near his family; I would rather leave.' Claiming property rights to jointly owned property sitting on their in-laws' plot was a highly constrained path among participants, who lacked any proof of ownership, possession or length of residence, when not even utility bills were in their names.

Disputes over marital property were often connected to inheritance issues, the subject of the following section.

Gendered Inheritance Practices

The practice whereby families subdivide and share property over time and across generations is an important means to overcome poverty, but it can also raise questions in terms of who receives and who allocates which family assets, when and how. The purpose of this section is to show how complex disputes over family

property can involve competing/overlapping claims and entitlements, and how informal negotiations and agreements, based on gender norms and practices, can violate or undermine women's property rights. My focus is firstly on property disputes and tensions among first-degree relatives, and then on tensions among in-laws and stepfamilies.

First-Degree Relatives

Anticipation of inheritance is a common practice among the urban poor as a response to young families' needs and challenges to accessing housing elsewhere, and to parents' attempts to sustain authority over children, ensure care when they get older, and avoid conflict between children after their death.³⁰ But despite gender equality in inheritance laws, male preference in anticipation of inheritance – parents' favouring sons over daughters when transferring family assets to children – was an important pattern found in the urban, low-income settlements of Recife.

The clearest example of male preference in inheritance was reported above: a participant became pregnant and was compelled to move in with her boyfriend while her father and brother were expanding the family home to house her pregnant sister-in-law. This gender bias is linked to the naturalisation of gender roles, the idea that a pregnancy out of a formal relationship damages the reputation of a family, as well men's attempt to control women's sexuality and property. While the participant left, her brother strengthened his perceived and actual claims over the family property, considering length of residence, some income and labour investment in home improvements, and the father's desire and actual efforts for him to stay in the property.

Gender bias in anticipation of inheritance disregards equality in inheritance rights and therefore constitutes patrimonial violence against women, as a 'soft' kind of dispossession led by family members. It weakens daughters' relationships to family property in comparison to those of their brothers, often preventing them from saving money to climb the property ladder by paying rent instead of sharing property with parents. As discussed earlier, it also determines that these daughters will be likely to accumulate jointly owned wealth in plots that belong to their partners or parents-in-law, which makes their tenure security dependent on the marital/consensual relationship status.

Father–daughter tensions were also reported by another participant, who was compelled to leave her family home when she became pregnant. After living with her parents-in-law for a few years, she separated and returned to live with her parents, but her father was reluctant to provide shelter for her former partner's child, telling her several times to leave and to find somewhere else to live. The participant's mother was aware of this tension and tried to prepare her daughter to claim and keep the house in case of a property dispute if she (the mother) passed on before her husband:

My mother has already shown me where she keeps the property documents and explained what I would have to do if she passes away and my father

³⁰Ward, 'A Patrimony for the Children'.

tries to kick me out of the house. Everything is in her name after the plot regularisation [government-led tenure titling programme], and I know all about my rights. But ... you know how it is when someone dies ... there is always a 'smart arse' who tries to take over everything. I think he would marry again the next day and kick me out as soon as possible [if he could].

A closer look at this case reveals not only a father threatening to deprive his daughter of her future inheritance rights but also a man (husband/partner) trying to exercise control over a property that was documented in a woman's name after the tenure regularisation programme targeted at women. This case shows how inheritance practices can be biased not only in terms of who receives property but also who is better able to allocate it to children – whether a patriarch or a matriarch.

Upon the death of parents, participants reported their brothers trying to keep family property to themselves and offering no compensation, especially when participants had been expelled from the family property, or had left to escape a patriarch's excessive authority. Aspects that strengthened the perceived and de facto claims of brothers who remained in the family property included length of residence (while their sisters lived away), investment in family property (facilitated by the fact that living with parents enabled greater savings capacity), control over property documents (gained when the original property owners were getting older and died) and proof of residence (such as utility bills, used as proof of residence required in property disputes or legalisation of title). 'When I separated from my former partner and tried to return to my childhood home, my brother didn't allow me to stay, claiming that I had been away for too long while he had invested in the house, plus that our late father wanted *him* to have the house, not me', recalled a participant.

Another kind of brother–sister tension was noted when brothers who had left the family property tried to take the lead in deciding how it should be managed or divided between heirs. In one case, the participant's brother wanted to build extra rooms in the family property to rent out as a source of income, but he was the only sibling who had the money to make the improvements, a situation that could make him act or be perceived as the main owner of the family property. The participant who reported this situation was a single mother, who did not want to share residential space with tenants and had other priorities for her limited income. Another frequent situation was that of brothers wanting to sell the property and evict their sisters, a situation that can be particularly harmful for single mothers who lack alternative housing and are unable to buy out their brothers' share of the inheritance.

Turning to situations in which elderly women may be disadvantaged in property disputes, a number of cases showed children (both sons and daughters) trying to deprive their widowed mothers of full control over the family property. This includes a situation in which a woman was forbidden to sell her individual property by her own children, and another in which children did not allow their mother to marry again, convinced that the husband-to-be was interested only in the family property. This shows how relatives' assessment of a woman's behaviour, particularly her desire and readiness to start a new relationship, can undermine her control over property.

In another quite serious case, a participant reported that her son had tried to evict her from the house to take full control over the family property, reproducing his late father's abusive behaviour towards her. This case highlights how disputes over inheritance can trigger other forms of violence, and the intergenerational transmission of violence, such as sons learning abusive behaviour from their fathers.

The risks of older women being deprived of their property rights by their own children have been documented in other Latin American countries such as Mexico.³¹ In the case of Brazil, this practice seems to be linked to the centuries-old practice of women being considered legally incapable and subordinate to men. In addition, since women are likely to live longer than their husbands/partners and become widows, the practice of distributing family assets in anticipation of inheritance (often linked to male decision-making) constitutes a subtle form of patrimonial violence by diminishing older women's control over family property and authority over children in widowhood.³² This may also affect older women's economic independence, for instance, among those willing to rent residential space in the family property as a source of income, a common 'widows' business'.³³

In-Laws and Stepfamilies

Disputes over inheritance between in-laws also exposed women to risks of dispossession. Among matriarchs there was often a fear that an 'outsider' (son- or daughter-in-law) could try to keep the property that they had worked so hard to build to leave to their children. But between mothers- and daughters-in-law there was often an extra layer of tension, emerging from older women reproducing gender norms and power relations across generations which shaped traumatic residence experiences for younger women, similar to what has been observed in other Latin American countries.³⁴ In Recife, this included older women refusing to give proof of residence to their daughters-in-law, even to those who invested in home improvements, as a tactic to protect the 'patrimony', as well as taking the side of abusive men in the household who increased levels of violence in order to force daughters-in-law to leave the family property.

A frequent example of patrimonial violence towards older women consisted in widows being evicted from the marital home by their siblings-in-law and stepchildren, disregarding the fact that, according to the Civil Code, widows have the right to remain in the marital home regardless of property ownership if the

³¹Ann Varley, 'Women and the Home in Mexican Family Law', in Elizabeth Dore and Maxine Molyneux (eds.), *Hidden Histories of Gender and the State in Latin America* (Durham, NC: Duke University Press, 2000), pp. 238–61 and 'Gender and Housing'; Ann Varley and Maribel Blasco, 'Older Women's Living Arrangements and Family Relations in Urban Mexico', *Women's Studies International Forum*, 26: 6 (2003), pp. 525–39 and 'Gender and Property in Mexico's *Colonias Populares*'; Julia Pauli, 'A House of One's Own: Gender, Migration, and Residence in Rural Mexico', *American Ethnologist*, 35: 1 (2008), pp. 171–87.

³²Deere *et al.*, 'Patrimonial Violence'.

³³Alan Gilbert and Ann Varley, *Landlord and Tenant: Housing the Poor in Urban Mexico* (London: Routledge, 1991); Ann Varley, 'Neither Victims nor Heroines: Women, Land and Housing in Mexican cities', *Third World Planning Review*, 17: 2 (1995), pp. 169–82.

³⁴Varley and Blasco, 'Older Women's Living Arrangements'.

home is the only asset to be shared between heirs.³⁵ In these circumstances, widows who had lived in informal consensual unions were more vulnerable to dispossession than those who had been formally married.

From the stepchildren's perspective, one participant reported that her mother separated from her father and left the marital home she partially owned in order to avoid domestic conflict. After some time, her father partnered with another woman, and his new partner moved into the house. Seeing someone else using the property that partially belonged to her mother seemed unfair while she was struggling to make ends meet as a tenant. 'I told my father that he'd better find another place for his wife because I will kick her out as soon as he is gone so I can reclaim what belongs to my mother', she said. In this case, it would not be surprising if neither the participant nor her stepmother were able to keep the property since there were other male relatives (uncles and cousins) sharing the family property with competing inheritance rights and greater power within households compared to these two women.

Indeed, the behaviour of male heirs claiming family property can be quite different from that of female heirs. One participant explained how her brother claimed his inheritance rights, fighting relatives and returning after being away from the family property for several years. 'When my father passed away, my brother returned to my grandparents' plot, against our relatives' will, and started repairing my late father's house. I didn't have the money or the guts to do the same and hear those people badmouth me', she noted.

These cases help us to understand that, given the complex family and household arrangements adopted by low-income families to address housing needs, when women leave the marital home their children are likely to lose their place in the perceived and *de facto* line of succession to inheritance. This also sheds light on why participants were often so concerned with securing their children's inheritance rights even if this meant living with violence.

This section has highlighted how complex family disputes over property can take place in urban, low-income settings, when the inheritance interests of three, and sometimes four, generations are involved, and when property rights are clouded and undocumented. Not all, but many, of the property disputes examined here constitute patrimonial violence against women as they challenge women's ability to keep their rightful share of property. But the vast majority of these property disputes were dealt with and settled informally, outside judicial or administrative arenas, and were therefore not formally reported as patrimonial violence against women. The following section examines when and how patrimonial violence is reported to specialised domestic violence police and courts, and how these cases are addressed.

Legal and Policy Challenges to Address Patrimonial Violence

Domestic violence, in all its forms, is largely underreported in Recife, as a result of several factors such as women's fear of retaliation, lack of resources to reach government services or to survive afterwards, and difficulties in women understanding their lived experiences as domestic violence in settings where this behaviour is

³⁵Federal Law No. 10.406/2022 (Civil Code), art. 1.831.

normalised. But underreporting was even greater when it came to patrimonial violence, as survivors were often not fully aware of their property rights or tended not to recognise this specific kind of domestic violence. Participants were likely to experience patrimonial violence for many years without reporting it and to press charges only when other forms of violence occurred or escalated.

When survivors managed to break their silence, reached the police, and were taken seriously by police officers, police reports were likely to focus on the most recent or most severe episode of violence, and patrimonial violence was likely to receive secondary attention. If, however, concerns about the property were predominant in survivors' testimonials, domestic violence judges are mandated to request an assessment conducted by social workers to double-check whether the property dispute is really based on gender (a requirement to qualify as domestic violence, according to Brazilian law).

Following these assessments, patrimonial violence cases were usually rejected by domestic violence judges and assigned to family courts as 'mere property disputes' for two main reasons. First, in conflicts between women and their brothers and other relatives, often involving tensions related to inheritance, the gender dimensions of the conflict were not as evident as in so-called 'husband-and-wife' cases. The second reason why patrimonial violence complaints were rejected in domestic violence courts is that, according to the 1940 Criminal Code, property disputes between women and their partners/husbands, parents or children are not criminally punishable but rather are a matter to be dealt with in family courts. What is dealt with in domestic violence courts is the criminal punishment for physical or sexual abuse, psychological or moral harm, while family courts consider only the property aspects of the conflict, and the attention to gender violence fades away.

This fragmentation between criminal and civil courts entails practical challenges for survivors, who have to follow up two cases in parallel (and frequently lack the means and legal awareness to do so). A closer look at who reaches each court suggests that middle-income women with possessions and access to legal advice are likely to avoid the stigma of facing a criminal law-suit and to address patrimonial violence cases in family courts. The result of this fragmentation is a blind spot in official data generated at domestic violence courts that ignores patrimonial violence related to immovable property.

Another major concern in terms of public policy to address the linkages between housing and domestic violence against women is where and how women live after escaping abuse. In a country the size of Brazil, there are fewer than 80 domestic violence shelters, available only to women under imminent risk of death.³⁶ Housing provision is not seen as a preventive measure until the risk of femicide becomes tangible. Rent support can be provided in some states, but this happens only on exceptional occasions, and covers only a small part of the costs of housing

³⁶Secretaria de Políticas para as Mulheres, Presidência da República (SPM/PR), *Diretrizes nacionais para abrigo de mulheres em situação de risco e de violência* (Brasília: Secretaria Nacional de Enfrentamento à Violência contra as Mulheres, 2011); Agência IBGE, 'Mesmo com Lei Maria da Penha, somente 2,4% dos municípios oferecem casas-abrigo', 25 Sept. 2019: <https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/25518-mesmo-com-lei-maria-da-penha-somente-2-4-dos-municipios-oferecem-casas-abrigo>; Natália Cordeiro, 'Ação governamental e direitos das mulheres: abrigo para mulheres ameaçadas de morte no Brasil', *Revista Brasileira de Ciência Política*, 23 (2017), pp. 259–94.

and basic needs.³⁷ If a survivor asks for a restraining order, she can stay in the home, even if she is not the property owner. But living at an address known to the abuser can be extremely dangerous, especially considering the risk of retaliation for trying to keep the property.

The limitations of shelter services provided by the government, combined with all the other challenges to accessing housing, often forced survivors and their children to move into overcrowded and precarious housing conditions, or to face a rent burden which might lead to subsequent evictions. Non-material losses associated with moving away from support networks also affected women's economic independence, especially when they relied on neighbours to juggle between reproductive and productive work, such as leaving the children with a relative to go to work when public daycare was not available.

Leaving home to escape abuse also exposed the children of participants to the serious physical and psychological effects of housing instability and inadequacies, while specific resettlement arrangements contributed to risks of child neglect and abuse. Leaving their childhood home furthermore weakened these children's inheritance claims to the property. In other words, evictions through domestic violence affect women and their children across generations.

Another set of policy questions is linked to the preference given to women in government housing programmes. In practice, property titling efforts may be legitimising patrimonial violence in several circumstances. For instance, tenure regularisation programmes that overlook the background of households and issue property titles in the name of whoever is living in the house at the time of enumeration may benefit men who have evicted or dispossessed their partners, sisters and other relatives. Titling initiatives may exclude women who cannot pay and do not have utility bills in their name and therefore cannot prove length of residence. In addition, affirmative measures such as issuing property titles in women's names has led to masculinity crises, in which men prohibit their wives from speaking with government officials in order to prevent women's names being included in government records, or in which men publicly express their discontent with titles being issued in women's names, encourage other men to speak up and discourage women from claiming their rights.

Unfortunately, the assumption that allocating property to women empowers them has not been fully supported by the empirical data from Recife. Although there were narratives of women gaining more power within relationships seemingly as a result of the acquisition of property documented in their names, there were also narratives of property ownership trapping women in abusive relationships, particularly the beneficiaries of government housing programmes, since leaving an abusive partner can mean leaving the home/property. Unexpected and unintended effects of similar affirmative measures have been noted in other Global South countries,³⁸

³⁷Machado *et al.*, 'Lei Maria da Penha e *advocacy* feminista'; Mayara Paixão, 'SP: apenas uma vítima de violência doméstica recebeu auxílio-aluguel no governo Doria', *Brasil de Fato*, 9 Aug. 2017: <https://www.brasildefato.com.br/2017/08/09/sp- apenas- uma- vitima- de- violencia- domestica- recebeu- auxilio- aluguel- no- governo- doria>.

³⁸For South Africa, Paula Meth, 'Rethinking the "Domus" in Domestic Violence: Homelessness, Space and Domestic Violence in South Africa', *Geoforum*, 34: 3 (2003), pp. 317–27 and 'The Gendered Contradictions in South Africa's State Housing: Accumulation alongside an Undermining of Assets

suggesting that further research is needed to better explain the gaps between rhetoric and reality and the long-term effects linking property allocation and women's empowerment. Redistribution of assets seems to be just one of the elements needed to tackle gender power asymmetries.

Gaps between Law and Practice and the Reproduction of Gender Asset Inequalities

Latin American studies provide extensive accounts of how disadvantaged families cooperate to overcome poverty and injustices, but this article focuses on the contradictions and conflicts over resources within families and how these may be linked to gender hierarchies. Patrimonial violence against women is a common practice and a powerful concept to highlight the interplay between housing struggles, gender inequalities and domestic and family violence against women amidst urban poverty. However, despite the legal progress towards incorporating the notion of patrimonial violence against women in legal codes, and towards providing strong rights to women in terms of housing, property and freedom from violence, women living in low-income settlements in Recife continue to face multiple, intersecting and cumulative disadvantages accessing and retaining their homes and rightful share of property in family disputes.

Through a focus on housing and immovable property, this article expands current understandings of the mechanisms through which patrimonial violence against women occurs and why it remains neglected and underreported. Gendered evictions and dispossession are more evident when they co-occur with other forms of domestic violence, such as men's use of physical violence against their wives, partners, mothers or sisters as a means to take or keep control of property. But patrimonial violence against women related to housing and immovable property can go unnoticed when gendered property settlements seem to be 'non-violent', such as when women are unable to claim their property rights as they lack the legal knowledge or the means to do so, or choose to renounce property rights to avoid conflict and retaliation from partners or other family and household members.

This article sheds light on the gender dimensions of what seems to be 'mere property disputes' between siblings, relatives and in-laws over inheritance, and between partners and spouses over marital property. It also emphasises the interplay between property disputes and more explicit forms of gender violence, and the normalisation of women's property loss – or asset erosion – as a means of escaping domestic abuse, captured in the popular expression that women should 'leave their rings behind to keep their fingers'. Patrimonial violence against women is not only a 'husband-and-wife' matter but a complex, and sometimes a slow and silent, social process that hinders or prevents women from exercising their property rights within intimate, family and household relationships. But, for the time being, patrimonial violence against women related to housing and

through Housing', in Moser (ed.), *Gender, Asset Accumulation and Just Cities*, pp. 100–16; for Costa Rica, see L. Blanco Rothe et al., 'Equidad de género y derechos de propiedad. Una investigación exploratoria sobre el impacto genérico de programas de titulación conjunta en Costa Rica: El caso de Guararí, Heredia', Fundación Arias para la Paz y el Progreso Humano, San José, 2002, quoted by Varley, 'Gender and Property Formalization', p. 1747.

immovable property remains a blind spot in official data and, therefore, in large-scale research and policy in Brazil, and possibly elsewhere in Latin America.

Further efforts are needed to improve the means to identify and measure patrimonial violence against women related to housing and immovable property and, more importantly, to address and prevent it through affirmative measures. Further research and evidence-based policy should consider less tangible factors, such as gendered views of property rights, women's limited legal literacy, informality both in property holdings and in marital partnerships, as well as the location of the property, that may challenge the application of civil law and women's ability to claim their rights.

Legal reforms are urgently needed to address the contradictions between the 2006 Domestic Violence Law, which recognises patrimonial violence against women, and the 1940 Criminal Code, which establishes criminal impunity for men who commit patrimonial crimes against their wives/partners, daughters and mothers. Patrimonial violence against women is not a harmless 'family matter', but a mechanism of gender oppression. Awareness raising is needed among women and men about inheritance and marital property rights and about patrimonial violence related to housing and immovable property, as well as among court officials and police officers about the gender bias in family disputes over property. This can help to improve how patrimonial violence is reported.

The consequences of patrimonial violence against women are another urgent concern. In settings where chronic housing challenges overlap with gender-based violence, and governments fail to provide emergency shelter and long-term housing to domestic violence survivors, women and their children are driven into overcrowded, precarious and unsafe housing arrangements. The perverse combination of private violence with government neglect suggests the notion of 'housing violence against women', that leads to devastating, cumulative and multidimensional consequences for survivors and their children, both in the short term and across generations. In terms of policy, reforms are needed to ensure the safety and effectiveness of women's property rights should they wish to remain in their homes, and to ensure the provision of emergency and permanent housing alternatives should they wish to leave the property to escape from abusive relationships.

There are pending questions about the relationship between virilocal and patrilocal residence patterns and patrimonial violence against women, as well as about the linkages between property ownership and women's empowerment. When does women's access to housing and property rights prevent violence, and when does it trap women in abusive relationships? How do other population groups, such as middle-income women, experience and respond to gender violence and claim and exercise their property rights? Addressing these questions can improve surveys and other efforts to capture, assess and address economic violence against women in Brazil and in Latin America.

The housing approach to patrimonial violence against women proposed in this article contributes to the housing and asset accumulation literature from a gender and intra-household perspective, showing how patrimonial and other forms of gender violence undermine women's ability to access, retain and improve their homes. It also contributes to the gender and domestic violence literature from a housing perspective by showing the role of housing constraints in women's response to violence and the perverse effects of evictions and dispossession on women and their

children across generations. This adds to extensive feminist efforts, in research and otherwise, at improving women's wellbeing and freedom from violence whilst allowing them to achieve gender equity and housing justice.

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Vivienda y violencia patrimonial contra las mujeres: la reproducción de las desigualdades económicas basadas en el género en Brasil

Acceder y retener una vivienda adecuada puede ser un gran reto para residentes de bajos ingresos en las ciudades, particularmente para mujeres enfrentando violencia doméstica. Centrándose en los desafíos relacionados a la vivienda en contextos de pobreza urbana, este artículo explora un tipo específico de violencia basada en género – la violación de los derechos de propiedad de las mujeres – reconocido por los sistemas legales latinoamericanos como 'violencia patrimonial contra las mujeres'. Con base en una investigación cualitativa en Brasil, el artículo muestra cómo las mujeres experimentan desalojos y desposesión basados en género, y por qué la violencia patrimonial contra las mujeres permanece en gran parte malentendida y subreportada, a pesar de los avances legales. La discusión amplía la comprensión actual sobre las relaciones entre desigualdades de género, las violencias (explícitas o silenciadas) y la reproducción de las desigualdades económicas.

Palabras clave: vivienda; propiedad; género; violencia doméstica contra las mujeres; violencia patrimonial; Brasil

Moradia e violência patrimonial contra as mulheres: a reprodução das desigualdades econômicas baseadas em gênero no Brasil

Acessar e permanecer em uma moradia adequada pode ser um grande desafio para pessoas de baixa renda, especialmente para mulheres enfrentando violência doméstica. Com foco nos desafios habitacionais em contextos de baixa renda, este artigo explora um tipo específico de violência baseada em gênero – a violação dos direitos de propriedade das mulheres – reconhecida nas legislações latino-americanas como 'violência patrimonial contra a mulher'. A partir de uma pesquisa qualitativa no Brasil, o artigo mostra como as mulheres tendem a sofrer despejos e despossessões baseadas em gênero, e discute os desafios para identificação, notificação e enfrentamento da violência patrimonial contra a mulher, apesar dos recentes avanços legais. A discussão expande a atual compreensão sobre as complexas relações entre desigualdades de gênero, violências (explícitas ou silenciadas) e a reprodução de desigualdades econômicas.

Palavras-chave: habitação; propriedade; gênero; violência doméstica contra mulheres; violência patrimonial; Brasil

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