

# Land Titling as Women's Empowerment: Critical Observations from Recife Brazil

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*Development literature overwhelmingly argues in favor of formal property ownership (titling) as a practical intervention for poor women's empowerment and to address urban poverty. In this body of literature empowerment is equated with financial, social and political gains but it lacks a rigorous definition. Luke's three-dimensional power framework provides a methodology for critical assessment of empowerment. The chapter structures Luke's analysis around a case study from a center city slum in Recife, Brazil. Ultimately the chapter demonstrates how a critical definition of empowerment can move thinking and practice towards re-engineering titling process for gender equity in urban land markets.*

## **I. The growth and feminization of urban slums**

Slum dwelling is increasingly a characteristic of the urban experience. Around the world urban slums are growing faster than urban areas (Human Development Report 2007, p 25). This phenomenon transforms cityscapes into landscapes of inequality. Slums sit shoulder to shoulder with gated high-rises and encircle the city. Over a billion people, nearly one in every 7, live in slums around the world (United Nations Development Programme 2008 and United Nations Children's Fund 2007).

A gender perspective reveals that slums are highly feminized spaces within the city. Seventy percent of the people living in slums are women (Center on Housing Rights and Evictions 2011). Slums are therefore the evidence that land markets are gendered institutions that have failed to supply housing to a growing population that is overwhelmingly female. Interventions in slums such as evictions, demolition, relocation, upgrading and titling are, as a matter of consequence, interventions into the gender politics of a particular place. Gender analysis is therefore critical.

This chapter hones in on one of the most widely championed interventions to (the feminization of) urban poverty: securing tenure through legal titles. A case study from a current titling project in a center city slum in Recife, Brazil grounds this chapter's analysis. The work here is part of a much larger and on-going ethnographic project regarding women's mobilization around land tenure and titling. This chapter narrowly focuses on determining the challenges, promises and shortcomings of titling for poor women's empowerment. Application of Luke's power paradigm deconstructs the panacea of titling into distinct dimensions of power that must be hard fought and won. Ultimately the chapter concludes that the preoccupation with legal empowerment, titling, ignores the cultural and institutional barriers that are the next frontier to be tackled for women's empowerment.

The chapter is divided into six sections. The second section of the chapter introduces Luke's three-dimensional concept of power. The third section moves from theory to practice and describes a case study, in Recife, Brazil where a strong women's movement is pushing gender onto the center stage of a titling process. In the fourth section, the chapter revisits the current debates on titling and women's empowerment. The fifth section finds the current discussions around empowerment incomplete and offers Luke's framework to bridge the gaps in understanding. The chapter concludes by calling for a re-commitment to the meaning of empowerment for the sake of producing critical thought and practice around women's empowerment and urban poverty.

## **II. Luke's three dimensions of power**

Luke's three-dimensional power concept frames the chapter's analysis and is introduced here. In essence, Luke defines power as both coercive and non-coercive methods of constraining action. He identifies three dimensions of power, which are summarized here as individual, interpersonal and institutional dimensions. The individual dimension focuses on observable behavior. The interpersonal dimension focuses on covert control of the norms, discussion or agenda in ways that limit behavior. Luke asserts there is a third and latent dimension to power, what is called here the institutional dimension or the power. It is the ability for A to shape B's preferences and ideas without B's knowledge. In turn, B acts in accordance with A's preferences without A's influence over a particular behavior (Luke 1974). Empowerment is therefore is to

gain control over all three dimensions. Short of this, the capacity to behave according one's own will remains constrained.

Application of Luke's power paradigm deconstructs the panacea of titling into spaces of opportunity that must be hard fought and won. For example, many countries changed land laws preventing women's ownership of land to make men and women equal under the law. In some cases, women's ability to actualize the right to own property continued to be restricted by other community members who used social norms, threats, social isolation, and violence against the women. From a legal standpoint, women won rights to ownership. They were not, however, empowered to realize this right. According to Luke's framework, women individually gained legal rights and altered their relationship with legal institutions but their interpersonal relationships continued to be governed by social norms that prohibited women's ownership. Luke's framework demands that discussions and practice around titling move beyond equating gains with empowerment. Instead, the framework demands both critical inspections of power politics within gender relations as well as a new level of accountability for those doing the work and study of empowerment.

### **III. An empirical look at titling: a case study from Recife, Brazil**

#### *The Recife Context*

This section moves from global to local and from theory to practice to Brazil's northeastern city, Recife, home to the highest percentage of slum dwellers in the country. The landscape of Recife is one of inequity and informality. Irregularity is more the rule than the exception and is arguably the dominant mode by which the cities' residents are housed. Recife is home to the highest proportion of informal residents in Brazil. Estimates of the percentage of Recife's 3.7 million residents living in informal settlements range from 40% (World Bank 2003) to as high as 62% (Cohen 1996 and Sobreira de Moura 1987). In terms of raw numbers, Recife is only surpassed by Brazil's two megacities, São Paulo and Rio de Janeiro, in the number of residents living in slums (World Bank 2003). The chapter explores Recife's titling mechanism and its accompanying participatory planning process for upgrading slums. This process is known as and hereto referred to as, Prezeis (Plano de Regularização e urbanização das Zonas Especiais de Interesse Social or Plan for the Regularization and urbanization of Special Zones of

Social Interest). The intersection of vast slums and progressive planning provides a case study that is pregnant with possibility.

Inequity and informality often occur along gendered lines. Historically women were excluded from owning property in the formal sector through discriminatory laws in place until 2003. Today discriminatory practices within a larger culture that celebrates *machismo* continues to make property ownership hard for women. A patriarchal model of a male head of household predominates Brazilian society. Historically, women accessed property through their husbands or their fathers willed it to them. In the informal sector poor women are denied formal lines of credit needed to purchase property because of unstable employment in the informal sector or in jobs with few workers' rights. Forced to rent in the informal rental market, women are often susceptible to coerced sex or rape by landlords for non or late payment. The link between secure tenure and women's security is therefore a strong one.

The inflexibility of Recife's land markets and its land laws are in large part responsible for the magnitude of the informalization of urban residential life for many city residents. Waves of economic refugees migrated to the city after economic restructuring led to mechanized agriculture and simultaneous urbanization. Environmental refugees of drought from the Brazilian interior compounded the growth of the informal settlements. The city ignored the slums for many years. Slum residents were unable to afford the city's high rents or to process the necessary documentation to traverse the city's complicated bureaucratic structures. Eventually, rapid urban expansion over the last half century has caused tension over land. From 1930-1970, the city responded with forced evictions and violent slum clearance initiatives (Fernandes 2001).

#### *Confronting urban poverty through new land policy*

Vast inequity and insecurity led to decades of oppositional movements by community leaders, representatives of the public, religious figures and NGOs. (Recife is notable for its impressive abundance of populist movements that use the city as a backdrop on which to stage their protest.) Eventually the public found slum clearance socially unpalatable and financially burdensome, and the political tides changed. The collage of activism led to a proposal: the city would formally recognize, regularize and title properties in slum communities through a collaborative process with the residents. In 1983, Recife's populist government

approved Prezeis in the municipality's land use plan and it became known as Prezeis (Fernandes 2001). Their implementation represented a transition in Recife's approach to the development and governance of slums. The goals of Prezeis are threefold:

1. To improve the quality of life in the Zeis (zonas especial de interesse social or zones of special social interest).
2. To promote legalization of land occupation and development in Zeis areas.
3. To promote slum integration into the urban context of the city (Maia 1995).

The process of how these goals are realized is unique to each community.

### *Espaço Feminista and the Spaces for Feminist Change*

In Recife, a strong women's movement across four slum communities is galvanizing local and international support for their campaign to emphasize gender within their own Prezeis process. For decades these women's communities, collectively known as Ponte de Maduro, had been slated for demolition. In 2008, a half a century of struggle to preserve the 100-year Ponte de Maduro region was reinvigorated by the feminist nongovernmental organization, Espaço Feminista (The Feminist Space). In 2010, they received a surprise announcement at the World Urban Forum in Rio de Janeiro. A representative from the office of Eduardo Campos, the Governor of the State of Pernambuco, relayed the message. Their homes would not be demolished. Instead they would undergo a Prezeis process. An estimated 10,000 families or 55,000 people in the Ponte de Maduro area would not be displaced. Above the applause, the women leaders representing the four communities embraced each other, sobbed loudly and praised God yelling "*Gracas a deus! Obrigada!*"

Espaço Feminista mobilized women leaders within the communities, leveraged relationships within the Governor's administration, with the UN and with global networks of grassroots women. The organization's ability to capitalize on spaces of opportunity led to a 'perfect storm' of converging interest. The Governor capitalized on the opportunity to fulfill his grandfather's promise during his campaign for re-election. The Governor's grandfather had been the former governor and had promised titles and upgrading for Ponte de Maduro. Shortly after the dictatorship occurred, he was exiled and aide to the community was cut off. Espaço Feminista leveraged financial and political capital from the UN and its national donors in order

to further incentivize the governor to start a Prezeis process. In exchange, the process would have to directly address gender inequity in the community.

Now began the hard work of co-authoring and implementing a Prezeis process that would deliver improved living conditions, titles and a process that improved the status of women. The project remains in its infancy. Looking ahead, there are three types of struggle that are emerging: the premise, process and product. Winning (or losing) these struggles will significantly impact gender relations in the Ponte de Maduro region.

The State and Espaço Feminista agree that titling will lead to women's empowerment but diverge on how titling works to do this. The state agencies view titles as important because they incorporate women into the city's political and financial structure. Women gain access to mainstream resources and their voices are legitimized through a formal relationship. Espaço Feminista views titles as disrupting the power dynamics between men and women. Women gain control over a shared resource. Many of the women are optimistic that titles will provide the security they need to kick out abusive and drunk husbands and that with a legal address they will be able to access more forms of credit and be eligible for city services. The agreement to include a gender component in Prezeis lacks concrete definition. Espaço Feminista is capitalizing on this ambiguity by offering a way forward backed by its UN partners. Though gender is a consideration in many Prezeis processes, in this case, through the insistence of so many actors it is taking a leading role.

The Prezeis process is designed to ensure that the community is able to participate in designing and implementing its own upgrading and titling. Participation in the design, implementation and monitoring of the process opens space for women's voices and new ideas with the potential to shape the Prezeis outcomes. In all of the communities, the women are training to be community mediators to sort through conflicts as they arise over titling. Espaço Feminista is providing the training for the women so they understand the legal and bureaucratic processes necessary to obtain titles to help other women in the community. Additionally, these women are participating in Espaço Feminista's "know-your-rights" campaigns to help women be familiar with their legal rights to property, services and safety. A community of women is forming around a shared struggle for titles and better lives.

However, participation is a double-edged sword and can be burdensome. Many of the women in the community work long hours as domestic servants in other parts of the city, are the heads of their household and participate as leaders in various community associations. Performing the functions government and urban planners were unable to provide will prove to be an additional and formidable challenge. In the long run, whether the women experience this as a burden or a benefit will need to be monitored.

Participation can also silence. This process shifts responsibility from the city to the community members to provide adequate shelter and basic services. Residents are given the same tools (agencies and resources) that were used by the city and expected to produce a different outcome. Navigating the complexly layered Brazilian bureaucracy will be a challenge. If the residents are unsuccessful in improving life in Ponte de Maduro, they now share in the responsibility for the failure and may not feel able to voice discontentment.

Finally, the women of Ponte de Maduro want the outcomes of the Prezeis process to improve the quality of life in the community and their experience as women within it. To date, Prezeis processes encompass a majority of the slum settlements in Recife. In the three decades since the program started, only one community has been fully legalized. Roughly half of the program areas had access to partial drainage and paved streets, a little over a third had sewage systems, and another third were partially legalized (Fernandes 2001). These numbers raise concerns about the ineffectiveness and/or slow nature of the Prezeis process. Fulfillment of the project as well as the gender equity objectives will require continued effort over a long period of time. Espaço Feminista is currently establishing an on-site office in the community that is operated by women leaders in the community. This sort of institution building also increases the potential that the women's movement will be lasting and their demands met.

In totality, these tensions underscore that titling is not a panacea. It is as fraught with contradiction and complexity as it is with opportunity. Before using Luke's concept of power to analyze the case of Ponte de Maduro, the following section looks at what conclusions the existing literature would arrive at.

#### **IV. Tracing the titling and empowerment debates**

This section reviews the literature on titling and women's empowerment and traces its claims as they relate to Ponte de Maduro. The section asserts that the literature would conclude

that titling in Ponte de Maduro is an empowering process for women. Empowerment is not defined in this body of literature, however it appears to equate empowerment with access to more resources or change in gender relations. While there are diverse and divergent arguments about why titling women is an important undertaking, they center around two key themes—economic incorporation as empowerment and altering gender relations as women’s empowerment (not mutually exclusive arguments).

The economic incorporation argument, popularized by economist Bina Agarwal, argued that land and housing provide security through access to a broader array of resources in ways that income alone do not (Agarwal 1994). This argument essentially follows that land titling can be the economic “bootstraps” that individual women can use to then pull themselves up by. Land and housing serve productive and reproductive functions. As productive resources property generates income; food grown can be sold, vacant rooms can be rented, small enterprises can use the space to sell goods. As reproductive resources they provide security for family life. Because women are typically responsible for dependent children and elders, having adequate shelter with safe living conditions is directly related to additional workload of women. In some cases property ownership allows women to combine their productive and reproductive responsibilities. Several women in Recife, Brazil operated small snack bars or sold clothing in the front rooms of their homes while watching their kids. Thus, ownership functions to give women greater control over their lives and their ability to care for their families.

Towards a different aim, others argue that property is the mechanism through which women are empowered to challenge a bevy of oppressors: the state, developers, landlords, husbands and relatives (Baruah 2007). This argument asserts that property ownership can alter asymmetrical power relationships between women and the individuals and institutions they interact with. Inequity in these relationships leaves room for a host of violence: rape, beatings, unpaid or underpaid labor extraction, manipulation and silencing. Relationships then become the site of intervention and property ownership becomes the tool around which to restructure power relations. The outcomes are context specific but have the potential to be empowering (Agarwal 1994, Agarwal 2002 and Baruah 2007). Thus property ownership for women is intended to legitimize women’s relationship to the state through a legal relationship, to the market through capital control and to their families through control over the shared residence.



Both arguments lead to the same conclusion about the Ponte de Maduro Project: women will be empowered. Economically, women will have control over a new set of resources and have new economic opportunities that they did not have before—a position held by the city. To the other aim, property will change women's relative positionality to others without titles to the degree that women control the use and access of their property—a position held by Espaço Feminista.

These arguments are not without criticism; titling women can also be disempowering and legal gender equity does not necessitate broader gender equity. While legal titling is clearly important, the fetishization of the law as a tool for empowerment ignores other arenas in which women fight for power. Families and communities prevent women from obtaining titles even after they are available for women. By not receiving titles they avoid scrutiny, social isolation and violence for countering cultural norms (Tripp 2004). Jenifer Casolo wrote that “the right to land gave women the right to ‘have a say’ and vice versa, but rights alone did not necessarily alter the power relations in the home or community” (Casolo 2007). Barriers in the State and market remain laden with obstacles for women. Ambert offers a great discussion on how formalization requires credit, identification, payment of fees and taxes, literacy and dealing with sometimes-unhelpful bureaucrats. Each of these barriers is fraught with its own complexities regarding gender relations. Namely, women are less likely to be literate and to have access to disposable income, be in possession of formal documentation such as birth, death and marriage certificates, and have the spare time to navigate each of these barriers. Ambert furthers that for the poorest, titling may simply not be affordable (Ambert 1999). Titles give women legal rights to enforce their right. Titles do not guarantee that their rights are not violated or that they are protected.

These debates mirror the tensions in the Prezeis process in Ponte de Maduro that were enumerated on in the previous section. Titling women is rife with complexities and contradictions. Less clear is how to evaluate the cost and benefits and what this means for empowerment. The next section offers Luke's framework as that critical point of intervention.

## **V. Luke's three-dimensional power concept to analyze the power shifts**

Reviewing the literature muddles the discussion about empowerment namely because it lacks a consistent definition of empowerment. What is missing is a nuanced analysis of what is

gained as well as what is not, and what is lost. Luke provides this. As outlined in the second chapter, Luke identifies three dimensions of power: individual, interpersonal and institutional. Empowerment requires transformation of power relations on all three levels. The following section uses Luke's concept to guide analysis of the Ponte de Maduro project.

As individuals, women stand to gain in a variety of ways. Namely, they will have a home of their own; a place to live even in the event of un(der)employment. With a formal address they will have access to more types of credit, be able to apply for services and employment in the formal sector and in jobs with greater benefits. Some challenges remain at this level. In reality, property owners will be responsible for paying taxes and utilities long before they see improvements made in an upgrading process. The Prezeis process is slow. Residents do not become legal residents until the Prezeis process enumerates titles to those who are eligible and often lose interest in the process without front loaded incentives.

Interpersonally, women who receive property will stand in contrast to other community members who do not. Women whose names are on titles alone or with their husbands will have more say in their homes and in the community. This may deter violence from husbands who are inclined to abuse. However, titles do not prevent all violence against women; a title may not shift power relations between couples. Beyond the home many people will not receive titles. Titles are awarded to one owner or one couple per unit. Currently, multiple families squat in units. Deciding which family will be titled will cause deep tension. The process of formalization that comes with Prezeis deeply disenfranchises this untitled class of residents. This tension stands to be widespread and have implications that are longer lasting for those who are excluded.

Institutional change will likely prove to be the most elusive. The community trades autonomy of governance for shared governance with the Prezeis committee and municipality in exchange for a promise of resources and legitimization through titling. Through this seat at the table, residents may be able to direct greater resources and services towards the community. However, decision making and implementation become limited to the degree to which this mixed actor committee can work within the current bureaucratic and political structure. In this case, the State actually gains power where it previously did not. Bruah argues that this framing of land and housing as an intervention to address these mega-issues is a way for governments to avoid addressing the controversial nature of gender inequity directly. In this way, the other ways in which gender inequity is manifested are ignored at the State level (Baruah 2007). Subsequently,


women continue to experience discrimination, gender violence and the other manifestations of gender inequity.

Ultimately, what Luke's three dimensional concept of power reveals is that individual women stand to gain, but as a group women will still face the same challenges as well as be faced with new ones when they try to assert their right to own property. Additionally, a collective problem, tenure insecurity as a result of failed land markets and governance becomes an interpersonal problem between men and women and between cohabitating families, as they will fight over a limited number of titles. This redirection of tension from institutional to community level should be eyed with caution. Far more latent is the minimal gains for women that stand to be made at the institutional level. Despite relative gains that the women of Ponte de Maduro stand to make economically, socially and politically, they are limited in their ability to change the institutional structures to be more gender responsive in bringing about gender equity. This would be much more difficult and profound change. Furthermore, it should be carefully considered in the case that individuals stand to gain but institutionally the communities stand to lose. Paying attention to these gains and losses that stand to be made in these new spaces that Prezeis presents should be the true feminist agenda.

## **VI. Concluding remarks**

It is clear that globally, women suffer from an inability to access land markets that in turn leave them vulnerable. Recife's Prezeis program offers promising opportunities for women. Titles are, however, not intrinsically empowering and can be disempowering. Luke's three tiered concept of power makes clear that while individual women stand to gain, women will face challenges at the community level that did not exist before. Institutionally they can incorporate into the system, but they do not gain power over the system. On the whole, Prezeis incorporates residents into the city governance process but it fails to address the institutional barriers in land markets that make property ownership nearly impossible for poor women in their absence. Intact institutional and cultural barriers continue to derail women's empowerment for women with or without titles. Titling cannot make all of these barriers surmountable. Campaigns to support titling women and eliminating the threats of violence and social isolation that women face are the next steps. Addressing the all of the dimensions of (dis)empowerment is critical to achieving women's empowerment and gender equity in urban land markets.

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