INHERITANCE AND GENDER IDENTITY AMONG
BRAZILIAN FAMILY FARMERS

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Introduction

To deal with the issue of inheritance in peasant societies demands the acknowledgment of two related processes: The choice of the successor – the person who guarantees the continuity of the agricultural enterprise and the maintenance of the family group – and the division of the estate, directly related to the first process. Although they are closely related, we will deal here specifically with the second process. We seek to understand the logic of different forms of transmitting inheritances and their relationship with the social reproduction of farming families in two different regions: in southern Brazil (state of Rio Grande do Sul), among descendants of Italian colonists, and in the mountainous region of the state of Rio de Janeiro (Nova Friburgo), among descendants of Swiss and German colonists.

In order to understand the rules by which the family patrimony is transmitted among family farmers1, taking into account gender differences, it is necessary to identify the distinct roles of men and women in the dynamics of social reproduction.

It is important to bear in mind that the forms of transmitting estates change according to historical, economic, geographical and institutional contexts, among others. Distinct practices are supported by their own reproductive logics and therefore cannot be understood from a merely formal point of view. The many possible solutions depend not only on different traditions but, above all, on different systems of cultural, social and economic reproduction. In this sense, there are no rigid rules, nor is there diversity without a context. The transmission of rights over family patrimony from one generation to the other is the object of multiple strategies that vary according to the specific conditions of each family, or, in other words, according to the available instruments of negotiation or compensation.

However, this process is not experienced without contradictions or tensions. Family estates may either be fragmented as a result of an inheritance process unsuccessful in terms of the maintenance of the productive unit, or be supported by employment opportunities outside of agriculture. In any situation, it is important to take into account both the individual costs of obeying family decisions and the losses or frustrations generated by individual projects. So we must be aware that situations such as the division of the estate, choosing a successor, or choosing a husband or wife also hide individual dramas and

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1 We use the term family farmers to refer to family units of production in the broadest sense, to encompass social, kinship and cultural aspects.
feelings that cannot be reduced to the logic of the system and that affect the structure of the affective ties among family members.²

Several studies have focused on the relationship between models of the division of inheritance and matrimonial strategies, as attempts to effect, with the least possible amount of stress, the transmission of family patrimony from one generation to the next, without abandoning or excessively threatening the interests of the group (Bourdieu, 1980; Lamaison & Claverie, 1982; Salitot, 1988). As a component of the symbolic order, land has meanings that go beyond its economic value. Thus, estate transmission and the other rules that control access to land reflect family hierarchy and consolidate unequal relationships among individuals, both inside families and in society in general. More to the point, they reinforce different gender positions.

The Brazilian Civil Code provides for all children to have the same rights to family inheritance, but cultural rules (or customary practice) modify the law according to the “interests” of a collective actor – the family – which prevails over individual interests. This becomes reality when the conservation of the integrity of the estate is at stake – as a condition for the functioning of the production unit and for the reproduction of a social identity based on land and on agricultural work. This phenomenon occurs among farmers who are descendants of Italian colonists, in southern Brazil, which I studied but it is not unique to this region or Brazil.³

Supported by “family value”, these rules gain their legitimacy (with various degree of conflict) among those involved in the transaction. The family, whose unity and collective interests must be preserved, asserts itself as a supra-juridical entity, with specific internal rules (that belong to the universe of the private, of the “home”). Therefore, these rules should not be submitted to the alien and impersonal interference (from the outside) of official justice. What happens inside the limits of the family must be respected and accepted by all those who recognize themselves (and are recognized) as members of the group.

The father, responsible for the maintenance of the family group, normally receives an estate. His property rights over this estate, in certain situations, are not considered an individual matter. As the owner he is charged with the care of this collective patrimony, and with its transmission to the following generations. This property, linked to the head of the family, is the symbol of unity and of the identity of the family and it should be reproduced through time, following the patrilineality and unequal partitioning. It is important to emphasize here that, although based on the notion of shared blood, customary rules do not recognize the same rights for all children. It is precisely these differences that we will deal with in this article, particularly in respect to those differences derived from gender identity.

In other situations, such as the mountain region of the state of Rio de Janeiro, what prevails is the generalized partitioning of the estate, including the rights of women to land leading to substantial changes in the conditions of production and reproduction of farming

³ From the extensive bibliography in inheritance, Michelle Salitot, Georges Augustins, Rolande Bonnain, Pierre Lamaison and Elzabeth Claverie are the most relevant in terms of the logic of inheritance practices among family farmers in Europe.
families. Of course, the understanding of these distinct logics requires the investigation of the different meanings that the landed itself, in this case, territorial patrimony, has in each social and cultural context.

**Unequal partitioning: the “heirs” and the “excluded”**

My study of the practices related to the transmission of inheritance in families descended from Italian colonists in southern Brazil began with the genealogy of one family, from the date of their ancestors arrival in Brazil, in 1885. This allowed me to observe the influence of time on customary practices, and to identify changes in the forms of partitioning assets caused by the need to adapt to new social and economic contexts.

In an agrarian society, the most important asset to be transmitted is land. Land is divided between the core family agricultural enterprise (homestead) and other plots of land, tilled or untilled, acquired during the development of the family cycle. The homestead was the place where the social relations of production and reproduction were structured, shaping the trajectories of each member of the domestic group.

In the first two generations of the families of colonists\(^4\), succession and inheritance usually privileged fell upon the eldest son.\(^5\) The choice of the successor was legitimized and publicized before the community on the occasion of his marriage. The pattern of the extended family, sometimes bringing together up to four generations, was coherent with the system of social reproduction based exclusively on agricultural work with only a small degree of mechanization. Known as the “stem family”, this type of family organization is characterized by patrilocal residence of one of the sons and by the neolocal residence of all others, and in the European tradition it is associated with indivisible inheritance. In the southern colonies of Brazil, the rule was to maintain the integrity of the agricultural family enterprise, to be transmitted to the successor. The other sons went to live in newly acquired properties or joined the clergy. In order for these rules to be respected, normally the inheritance was transmitted in the form of a donation before the death of the father (Seyferth, 1985; Woortmann, 1998).

The third generation experienced changes in this succession pattern. The need to buy land to guarantee the maintenance of all male children extended the period of subordination of all children to paternal authority to beyond their marriages. All were forced to work under the command of the father until new plots of land were bought, so that the other heirs could install themselves there with their families, forming new families and production units. There was a trend towards favoring the rights of the last child to be born, as the oldest children married first, while the youngest assumed responsibility for the parents as they grew older. This amounts to a mechanism that preserves the integrity of the production unit and extends the family patrimony. The father could therefore count on the work force of all his sons and with the entire income of everybody’s agricultural efforts, accumulate funds that were to be employed in setting up all male children who remained in the colony, and in the endowments of the female children.

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4 The first Italian colonists arrived in region under study in 1876.

5 This rule is not always respected. The father has the moral authority to “make his successor”, choosing among his sons the one best adapted to the role (Cf. Bourdieu, 1972; Lamaison el al, 1982; Salitot, 1989).
This mechanism also assured that the authority of the father as head of the family was prolonged. Subordination of the sons and daughters-in-law to paternal authority lasted while they lived under the same roof as the father. This became a source of inter-generational conflict, as society was "modernized" and created more spaces for the expression of individual interests and of conflict within the same family structure.

The land transmitted to each son on the occasion of his wedding was understood as an advance on his eventual inheritance (it was called "adiantamento da legítima") and was legalized only during the definitive division of the family patrimony, which occurred normally when the father was around 60 years of age. In some cases, the son assumed, together with the land, part of the debt that corresponded to his land value, to be paid off with the output of his farm. The successor normally received the title of the property as a permission to use it while the parents are alive. Until today his portion of the patrimony is larger than those of his brothers, because he was in charge of supporting the parents. In most acts of transmission of inheritance, there is still a clause revoking the right to the land if the son did not honor this commitment. Also common was for women to formally waive their right to inherit land, although on equal inheritance share was guaranteed by the 1916 Civil Code.

According to custom, women received “their part” in money and in the form of household goods such as bedding, linen, towels, utensils and, sometimes, sewing machines. The amount of money and goods depended on available resources. Priority was given to whomever was socially charged with the responsibility of maintaining the family. As explained by one informant:

*In those times land was not given to them [daughters] because they married well. Their husbands had land, they had the foundation, so they [the parents] gave daughters a sum of money. (farmer, 70 years old)*

Women therefore had three options: Marriage, a religious career or civil spinsterhood.

Upon marriage, the woman entered the husband’s family. In accordance with the rule of patri-or virilocal residence, she would take up residence with her in-laws, in case she married the successor, thus coming under their authority until the end of their lives. Other married women initially moved into their in-laws’ house, until their husbands received their plots of land and built houses on them for their families. Marriage meant, in this manner, the extinction of the rights of women over land and their seclusion in the domestic world, according to the logic of symbiosis between women and family that defines the supremacy of the roles of mother and wife above all other roles.

The basic principle of this system of inheritance was that land belonged to those who worked it. However, this was supported by an exclusionary logic in terms of whose work was valued and this excluded the work of wives, daughters and absent sons. Woortmann (1998) in her study of inheritance among colonists of German ancestry also demonstrates that the inheritance is “earned” by working on land. Different from urban German-Brazilians (and other Brazilians), for whom the right to inheritance is defined by
birth, it is a “natural right”, among these colonists of German and Italian origin the amount of inheritance that comes in the legal form of “adiantamento da legitima”, distributed at the time of marriage, was defined according to the contribution of each to the joint family work force. As Woortmann reminds us, “rights and duties are not defined by descent; descent opens logical possibilities of access to goods and family status, but it is not an acquired right for the individual and his siblings” (1998: 6).

The wife was triply excluded from the inheritance of land. First, because she was not a descendent of the owner (the husband). Second, because her work in agriculture was seen only in a supportive role as an extension of her role as a wife. Third, because she was not considered socially capable of exercising the role of head of the productive unit. Therefore, land goes directly from the husband to his male children. After the husband's death, the wife becomes dependent on his son. This puts her in direct competition with her daughter-in-law and this situation becomes a source of conflicts. The wife does not exercise, therefore, her right of ownership of her half of the common property of the couple as determined by the Civil Code. When the land is partitioned among the children, she signs over her rights to her sons.

As a daughter, when she got married, she lost the right to inherit land because she left the paternal house and therefore could not contribute with her work to expansion of family income. This income is converted, if at all possible, into more land. Besides, as a part of the effort to maintain the integrity of the family estate, it would make no sense to give parcels of land to a married woman, because they would end up increasing the estate of the other family – the husband’s. Thus, it is socially expected that daughters waive their share of the inheritance, signing an official document to be filed in the office of a notary public, when the definitive partitioning is decided upon, avoiding future conflicts or threats to the property of her brothers. Alternatively, women sell their rightful share to the succeeding brother. The sale can be material, or it can also be only symbolic, a mere formal transaction in which no money is exchanged. The sale of land between brothers is a mechanism that favors the integrity of the family patrimony by the brother designated as the successor, aiding in the preservation of the total estate. However, this practice of the woman selling land to brothers is not very common among Italian colonists, because it is only in exceptional situations – when they remain single - that women have right to the property of land. As noted by Moura (1978), these preferential transactions among brothers are at below market prices. In the community studied by Moura in southern Minas Gerais, the woman inherits a parcel of land but hardly ever will she develop agricultural activities on it, because she will live with her husband on his land after she gets married. According to Moura:

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6 This invisibility of female participation in the productive sphere is characteristic of family-based production units, and it still prevails in Brazilian rural areas in which there is private property and the right to own land is conditioned by the amount of work invested in the property.

7 The Brazilian Civil Code recognizes three modes of sharing assets under marriage. In the one called “full common property” of goods, all the assets of each member of the couple, acquired before and after the marriage, considered the property of the couple, each one having a right to half of the joint estate. In the model of “partial common property” only those goods acquired after the marriage compose the common property of the couple. The third model is called “separation of goods”, in which each member of the couple is the sole owner of his or her current and future assets.
Female children never receive parcels of land from their fathers, because the fathers supply them with all means of ‘support’, as they live under the same roof of their parents (the ‘casa de morada’). Also, they do not receive a residence on their fathers’ lands when they marry, because it is up to their husbands (and in-laws) to provide this. Virilocality results in this case from the specific position of women in relation to production and to the property of land (women do not work the land, and therefore cannot be the head of an agricultural enterprise). Thus, it is not justified that women be owners of parcels of land (Moura, 1978-54).

One way of compensating women for waiving of their share of the inheritance of land is by means of the dowry that she receives when she gets married. Under the pretext that she will be economically protected by the husband after she marries, the value of the dowry is always inferior to the value of land received by male children as inheritance. Besides, as women usually receive only household goods and in some cases cash, they are immediately incorporated to the estate of the new family units, under the administration of the husbands.

**Celibacy and inheritance**

Bourdieu (1962), in a text which has become a classic in the study of peasant social reproduction, notes that male celibacy is one of the mechanisms that peasant families use to protect the integrity of their landed estates. In southern Brazil, especially among colonists of Italian origin who have a strong Catholic tradition, lay and religious celibacy of one of the male children was still widely practiced by the majority of the families in the 1980s.

As a way of pressures on the family estate, especially in the case of families with large numbers of male children, it was common to have at least one of them follow a religious career. When he entered the seminary, the young man lost his right to inherit land, for two reasons: Because he received his inheritance share in the form of education and because he ceased to work the land. This rationale is still valid today for those that choose to study or to prepare themselves for an occupation outside the realm of agriculture. In customary practice, this meant that whomever chose to study waived their rights to participate in the definitive sharing of the estate after the death of the father, as seen in the following testimonies:

No (I did not inherit land), because I left (the colony); I would say that I traded my inheritance for the opportunity to study. So I received part of this lot in Caxias do Sul (in the city). I received a paid education until I graduated from college. So, that was the ‘land’ that I received from my family. If all twelve (brothers) of us had stayed behind, dividing the land into parcels for each ... there would be little for each of us. So, I said: “You pay for my education, you put me through college, and then I do not need land ... (lawyer, son of a colonist).

You know, I renounced my inheritance, I did not want anything, because we were ten brothers and I left home to study when I was very young... When the time came to sign the documents (for transmission of the land), when they distributed the
inheritance, my parents asked me” ’Do you want anything, like the others?’ I said: ‘No’. I refused not because I thought I was stealing from my brothers, but because I never worked (the land). (retired teacher).

Until the 1950s, religious training, despite being highly valued by the colonists, was the only alternative for professional training available to young colonists in Southern Brazil. Religious schools located in the region, which are considered to be of the best quality, negotiated the acceptance of youths into seminaries and convents,

Sending daughters to nunneries also had the goal of avoiding the excessive fragmentation of family patrimony, or because of the obligation to partition the estate, be it because of the dowry that women were entitled to when they married. On the one hand, large numbers of children were desirable because they provided labor for agricultural and domestic tasks, but on the other hand, they threatened the integrity of the estate and generated a potential crises of social reproduction.

Entering a nunnery also required a dowry that served as a symbolic distinction within peasant communities, because dowries varied according to the fortune of the family and the status of the nunnery (Grossi, 1995). The poorest families paid for the religious training of their children with the donation of a part of their production and with the work contributes by the son or daughter in the seminary or convent. However, if the “option” for religious careers had an economic motivation, it would be very narrow to limit the significance of this choice to the sphere of economics. As suggested by Grossi, we must also consider the existence of a social imaginary that was strongly favorable to this “option”, the understanding of which requires deeper investigation.

Another frequent occurrence among the colonists of Italian origin that we studied was female spinsterhood. If in past generations it was almost the rule for a priest or a nun to be found in every family, currently, as emphasized in the literature and demonstrated by our data, practically all families of colonists have one daughter who did not marry. Their individual stories differ, but they have a common element: Hope for marriage, among the younger women, or a certain resentment against the fact of not having found a husband, among the older ones.

The situation of these women is extremely difficult, bearing some resemblance to the conditions of the French peasant who practiced celibacy, described by Bourdieu (1962). All of these woman had or have a fundamental role in the administration of the household.

8 Grossi (1995) notices a coincidence between the exhaustion of colonial plots used for the social reproduction of the second and third generations of colonists (1920-1940) and the growth of the number of nunneries and textile industries in the region of Itajaí, in the state of Santa Catarina. Plots, nunneries and factories absorbed excess labor of peasant families.

9 In a study about the strategies of peasant reproduction in the state of Paraíba, Garcia points to the paradox represented by the positive evaluation of large numbers of children, specially males, as a condition for the increase of production and accumulation of resources, on the one hand, and the possibility of dispersal of this patrimony through inheritance in the following generation on the other (Garcia, 1990). The same paradox has been observed by other authors in other regions of Brazil. See, among others, Moura (1978) about Minas Gerais, and Grossi (1995) about Santa Catarina.

10 Unfortunately, the data that we collected about this matter are still insufficient for a more detailed analysis of religious celibacy among the children of colonists.
Coming from families with large numbers of children, these women help (or even substitute) mothers in domestic chores and also participate in productive tasks, side by side with the father and brothers. If marriage, as we argued earlier, is a form of excluding women from the world of labor and production, it offers compensation by awarding women a position of relative power in the domestic unit and by the recognition of their social status. Lay celibacy allows acknowledgement and visibility of women’s productive efforts, but at the same time it is a position excluded from any participation in the power sphere of the household, and this amounts to single women having a much inferior social status in the family hierarchy, not too distant from that of a domestic maid. Therefore, the “single woman” is void of social recognition.

After the death of the parents, “old maid” sisters commonly continued to play the same ancillary functions in the new domestic unit formed by the brother-successor. This usually generated conflicts with the sister-in-law, sometimes leading to a situation in which the “old maid” was evicted from the house where her parents had lived and placed in other houses, usually those of recently married cousins or nephews. More recently, migration to cities is another option for “old maids” who can then enter the job market according to her level of schooling.

However, as the right to own land is conferred to those who work on it, it is considered fair that spinsters receive a small portion of land, on account of their participation in family production and in domestic chores. This gives them a small amount of security to face the future after the death of the parents. As the right to exercise the command of the productive unit is not recognized in the case of women, they end up receiving what is always the smallest and worse portion of land as indicated in the following testimony.

*With the partition I got that plot of land in Nova Pádua (the county seat)... But my father kept this house with grape orchards, with almost two hectares; my plot has a little bit over three hectares. Because my brother got a lot of land, of good, flat land, my father said that after he and my mother died, half of this land will become mine, while the other half will remain with my brother.... But this is only if I don’t get married. If I get married, things change. But this was only discussed at home. You know, I actually received more than my sisters... (woman, single, 45 years old).*

The process of transmitting patrimony is always traumatic and constitutes a moment at which patriarchal authority can be questioned. Given this, it is a subject that is supposed to be dealt with carefully, even in the interior of the family group. Those who are not satisfied are expected not to express their feelings, as can be noticed in the testimony above. When there are recorded conflicts, they are usually publicized by “outside” members of the family, as in the exceptional cases when daughters-in-law exceptionally request equal treatment for their children, based on the Civil Code. Such events are considered shameful to the family, and internal negotiations are initiated, in order to avoid recourse to the courts. However, some of the depositions collected by us show that this is changing.
Appealing to the prevailing logic – the right to tillable land is given to those who are socially apt to become the head of a productive unit – a young widow might claim the right to inherit productive lands belonging to the father of her deceased husband. This claim, apparently absurd in the context of local practices, can be upheld on the following terms. First, she maintained the house of her father-in-law, engaging in domestic activities and participating in family production, as if she were a “celibatarian”. Second, she is the legal representative of her husband’s inheritors – two male children. Besides, she would need means of production to support herself and her two sons after the death of her father-in-law. Facing veiled reactions from her brothers-in-law and sisters-in-law, and from the father-in-law himself, she wins her claim: She receives a good parcel of land and, most controversially, she continues to reside with her sons and her new husband in the house that previously belonged to the family of her father-in-law. To avoid a tense situation and new conflicts, the father-in-law and his successor with his wife moved to a new house, newly built, in front of the old one. This exceptional situation was recorded in our fieldwork, and it may reveal possible changes that are occurring in gender identities on account of recent transformations in the positions occupied by females in this society. I will return to this matter.

New alternatives to agriculture and changes in inheritance patterns

As stated earlier, the inheritance system changes. The strategies described above were mostly successful during the three first generations, although some of the younger children of the second generation were already forced to resort to other alternatives. The scarcity of land in the region made them migrate to the state of Santa Catarina, or to join the urban labor market. Industrial development in Caxias do Sul, in the 1950s and 1960s, reinforced the migratory tendency of children excluded from the inheritance, as most domestic units still had many children, but only one or, at the most, two sons remained dedicated to agricultural activities.

The agricultural frontier shrunk, while agricultural mechanization was initiated in the 1960s, reducing labor requirements in family production units. At the same time, the attraction of urban values lured the young to take up salaried work, thus breaking the identity between the family unit and the productive unit. This new reality introduced changes in the succession pattern. Now we see the older sons leaving home to study and to try to obtain a position in the urban labor market, while the youngest son took over the responsibility of continuing the family project centered around the conservation of the integrity of the family estate and the continuation of agricultural pursuits.

The family stimulated - thus generating strong pressures - the excess labor of the non-successor children to leave the colony. However, despite the difficulties experienced in the cities the children of the colonists did not understand this pressure to leave the paternal house as an “exclusion” from the inheritance process. When the first young sons started to migrate to the cities, leaving the paternal house was seen as something natural, as a duty stemming from the submission of individuals to the interests of the family. Now a days, depending on the economic conditions of the family farm, to remain in the colony could represent a factor of social exclusion.
Migration to urban centers is associated with a positive evaluation of educational opportunities and of the attraction exerted by cultural and material values supported by the industrial growth of the city of Caxias do Sul. Education starts to represent an investment in the future, a way to lead a life different from that of agriculturists as follows:

I am 41 years old and left home when I was 11, and if I tell you something about why I did it, the only thing I can tell you is that there were people from my family living here, there were two uncles who had already left. I left because my family invited me to, it was not my decision. That was because at that time I did not have an opinion yet on the matter, being 11 or 12 ... We left in order to seek education, even our parents, our family influenced us very much for us to leave in order to study, so that we would have an education, some sort of preparation. We did not think of leaving the land, but of getting an education. Of course, however, with my age and my experience ... all of us who left never returned, because the city offers you much more, it offers you leisure ... (...) Not today! Today, if I had some land to return to, with the conditions that I pulled together, I would even think about returning (Small businessman)

Only a generation later (in the 1970-80) did women join this migratory movement. When they moved to the city in order to get an education, they lost their right to inherit land, even if they did not marry. More recently, on account of values that affirm the rights of women in urban society, the fathers, depending on their economic situations, purchase urban lots or apartments in the city for their daughters live.

The availability of urban employment and the positive evaluation of formal education as a means of social mobility have effects on the reevaluation of agricultural work and on inheritance patterns, that tend to make these more flexible. No longer is there one rule to be followed. He who has the “best aptitude” for agriculture or “the least calling for an education” is the one who stays home. If the ideal is still that the youngest is the one who is supposed to stay, this rule is ignored as a result of individual projects and personal abilities, opening the possibility of negotiation between parents and children. However, this flexibility has an obvious limit, given by the need to appoint a successor. In case the father becomes an invalid, or dies, or the same happens to the successor, it expected that there will always be a son who returns home to continue the family project of maintaining agricultural activity.

Since the 1970s, as ties with the city became stronger, several changes could be noticed in the interior of the family. Families that congregated three or four generations were replaced by nuclear families, despite the fact that until today a son is chosen to care for the parents when they get old. However, today we can see a trend toward of neolocality of young succeeding couples, a phenomenon that can be understood as a consequence of changes in values that shape gender identities. Women, being able to participate in the job market as elementary school teachers, salesgirls, or municipal employees, have gained a larger individuated space, both in the public and in the domestic spheres. As a consequence, daughters-in-law are less likely to accept the authority of their mothers-in-law. The recent trend toward of neo-locality solves the conflict inherent to the situation of
various distinct generations living in the same house. Therefore, even the sons who are the successors build their own houses separated from the houses of their parents, keeping their independence in matters of domestic administration, while also allowing the daughter-in-law to have autonomy in relation to the mother-in-law.\footnote{This same practice was recorded among farming families of the French Alps (Carneiro, 1998)}

Currently, it is the older couple who “lives” in the house of their sons, and they must help their sons who, aided by mechanization, quickly take control over the operation of the productive unit. The destruction of the older houses and their substitution by more modern and smaller ones, in accordance with urban architectural patterns, is an action marked by dense symbolic meanings that reinforce this change in the pattern of behavior and in the family structure.

As an explanatory hypothesis, we sustain that highly hierarchical family relations, marked by strong female submission, are coherent with a pattern of social reproduction based on the primacy of family interests – continuity of agricultural production and the family patrimony, in short – over individual interests, as a consequence of the needs imposed by the conditions of production of family agriculture in the past. This situation would seem to be changing, with consequences for the social construction of gender.

\textbf{Modernization, inheritance and gender conditions: changes and continuities}

The greater approximation between urban and rural life styles, and the growth of non-agricultural activities in rural areas, has caused a transformation in the reference system of the rural world. The role of the family as a special instance of mediation between the individual and society is diminished, and competing and even antagonistic strategies emerge to shape the relations between individuals and families. This of course changes the social relations of gender and the position of women in rural society. The weakening of patriarchal authority, caused by the very crises of the reproduction system and by the closer ties between rural and urban areas, opens new possibilities of female socialization. No longer do women see marriage or religious activity as their only means of social insertion. More and more women seek qualified professional training for the urban job market. In the previous generation, such training did not go beyond the level of high school, as the market for female job opportunities was restricted to occupations such as office or commercial clerks. Some of these women took up positions as domestic maids in houses of the urban middle class in order to pay for their own education.\footnote{Research conducted in the western part of the state of Santa Catarina revealed a process of “masculization” of the rural social scene on account of the masculine bias of the succession processes, associated with the modernization of the farming family as a specific cause of female out-migration (Abramovay et al, 1998).} In my research on students of a high school in the region of the Italian colonies, it was found that a larger number of female children of agriculturists intended to go to college and thus leave their place of birth. From a sample of 28 young daughters of farmers, only 32 percent stated that they intended to stay in the colony. 85 percent of all females revealed their intention to attend college, against only 60 percent of the males. The succession crises was also noticed: Only 46 percent of the sons of agriculturists expected to continue working on farms, while only 7 percent of the daughters accepted the notion of remaining in the colony, which means marrying a farmer.
These data, even though coming from a small universe, point towards the same trend observed by other researchers projects in others regions of Brazil and in Europe.\textsuperscript{13} Life on the farm becomes less and less attractive to females if their perspective is the reproduction of the traditional role of farm wives. In this sense, in order to find a wife the young farmer must take into account the changes in the roles played by women in the family structure, and this implies changing the system of production itself, incorporating alternative economic activities under the responsibility of women.\textsuperscript{14} The question that remains to be answered is to what degree the new dynamics of social relations of gender can be maintained under the aegis of the organizational patterns of family agriculture.

However, these changes have not been totally concluded. Values based on family identity and on ethnicity offer some resistance to the process of individuation in the realm of the family and to the consequent transformation of the social relations of gender inside the domestic group. This ambiguous and contradictory process has at the same time a modern side, with emphasis on the construction of individual rights, and a conservative side, by which the values that reinforce the feeling of belonging to a family and to a locality prevail. In this sense, we can see that the intention (or desire) of remaining in the region of origin (the colony), in the majority of cases, is associated with a personal professionalization project, outside the realm of agriculture. This shows up in the high incidence of women who are preparing to pursue a degree in dentistry. Liberal professions such as this allow the combination of an individualistic project with the guarantees and protection given by the family group.

However, the more diversified use of the land, stimulated by a process of diversification of the market for agricultural products and the positive valorization of nature, has opened new professional perspectives for women. The installation of tourist lodges on farms, catering to leisure-seeking members of the urban middle classes, or of cottage shops for production of farm goods (cheese, jellies, fruit preserves, home-made pasta, etc.) aid in the construction of a female identity that is no longer based on the symbiosis between the woman and the wife of the farmer. This new reality has obvious effects for the inheritance process, as land is no longer associated exclusively to agricultural activity. Besides, there is a larger space of individualization inside the family nucleus.

This process is particularly visible among women who remained single precisely as a consequence of the demands of the traditional family structure. The new alternatives in terms of work, independent of marriage, and new values associated with gender roles create a stronger feeling towards inheritance rights, stimulating single women to claim their shares of family estates.

**General partitioning: redistributing poverty**

In a contrast with the situation recorded among the colonists of Italian origin in southern Brazil, the rule that prevails in the transmission of estates in two rural districts of the mountainous regions of the state of Rio de Janeiro is of general and egalitarian partitioning. Two processes occur here. What is locally defined as *inheritance* is


\textsuperscript{14} French farmers who wished to avoid celibacy resorted to adopting pluri-activity on their farms (Cf. Carneiro, 1998).
something that materializes only after the death of the older family member or members (father or mother). And it is divided among all the children in a manner that is considered egalitarian, independently of gender. Although some accounts suggest distributions taking place according to the conditions and needs of each child, we did not record among our informants any complaints about possible unfair developments in the process of partitioning land. Associated with this mechanism, we find a second procedure for transmitting property: the sharecropping between parents and children, which occurs only in special conditions.

When they marry, all children that remain active in agriculture receive a parcel of the land, according to the size of the property, for productive use. The father informally stakes out this parcel. The recently married son must build a house on it and develop agriculture in order to support his budding family unit, paying one third of its output to the parents. This amounts to a partnership between sons and parents, in the manner of the relationship between an owner and a non-related tenant. According to the size of the family property, male children may receive a parcel of land even before they marry, so that they can start generate their own income, build their houses and put together a sum that will be used to start the part of the production that is assigned to them. However, in these cases the son who is single owes his father half of what he produces. In this manner, each property can host several smaller production units managed by the sons and their families, in addition to the major production unit managed by the father and the single sons who alternate between working on their individual production and on the familial ones. This partnership can also be understood as a manner of individualized payment for the work of son, something that obviously contributes to breaking down the identity between family and the unit of production.

Under these circumstances, the new couple will establish itself where there exist better conditions. In case the son has not inherited any land, he has the opportunity of installing himself in the property of his father-in-law. The paternal house usually falls to the last child to get married, independently of sex, given that he or she cared for the aging parents.

The ownership of the parcel received in usufruct for productive use is officialized after the death of the father, an occasion in which the right of the widow to half of the estate is confirmed. This parcel will be legally transmitted to the children only after his or her death, even in the cases when the wife lives longer than the husband.

It is interesting to note that, in this system of social reproduction, the practice of inheritance inventory respects the egalitarian rights of all heirs, as demanded by the Brazilian Civil Code. If necessary, there can be negotiations between brothers. Usually, the children who migrate do not claim their share of land, and agree to sell it, giving the first option to one of their brothers.

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15 In several regions of the country it is a common practice to allow an individual cultivation to be managed inside or outside the family property. This works as a source of individualized income, and does not jeopardize the family agricultural project, which is the priority in terms of allocation of efforts, and also as the place where the younger generation can be socialized for the future position of head of a productive unit (Cf. Heredia, 1977; Moura, 1978; Carneiro, 1976.)
We did not divide anything, we only made donations, for the time being the estate is all together. They farm pays us a third of the outcome, and they also work on other people’s lands, because our plot is not large enough to support so many people. (...) Then, we die, each one will have his share. (...) So, each one already knows which land is his, but while we live the land belongs to everybody, we all can use it productively, and later each one is awarded his own plot, so there will not be any problems. (...) Everybody receives plots of the same size, nobody is privileged. I have decided that this house will belong to the poorest of my sons. (woman farmer)

In contrast with what happens with the colonists in southern Brazil, we did not find strategies oriented toward the conservation of the integrity of the estate. The egalitarian inheritance system causes excessive fragmentation of the land, which generates a situation of structural threat to the social reproduction of family farms and the maintenance of agricultural activities. Under these circumstances, it is common for these to rent additional parcels of land from external parties, or to rent land for non-agricultural purposes. These two practices show that the peasants from this region are not able to support themselves exclusively through agriculture, given the current economic situation (Teixeira, 1998).

The system of partnerships between relatives, as described earlier, works only in a specific community in which there is a strong identity between the physical territory – the locality – and the families that live in it, influenced by an intricate network of kinship relations that are reinforced by matrimonial alliance. It is also supported by the practice of local endogamy, that allows women to remain on their fathers’ properties, a practice that is considered an exception to the rule (Schiavo, 1997; 1998). Therefore, kinship is a precondition for access to the land and for the regulation of the rights and obligations of each individual in relation to the provision labor and to the family. This system of partnerships preserves the control of a given family over the land and thus reinforces the symbolic ties between land and locality. This seems to be a response to the need to defend the community from outside threats, ever more present, than defending the integrity of the family estate. This attempt to preserve the ties of the children to the community, as described above, increases the number of people committed to the defense of the property and, consequently, of the locality. Even though the property may have been fragmented, the identity of the family name is conserved in the context of a symbolic system of reference that associates the name of the family to a given locality. Therefore, land transactions with people from the “outside” are discouraged.

The literature on the transmission of estates in European peasant societies has emphasized the efforts of the family to guarantee the social reproduction of their children without putting the family estate into jeopardy. Bourdieu, one of the authors who is most emphatic about this point, refers to partitioning as a “solution of despair”. The family puts all its possible energy into the task of influencing the values of the other members of the family to legitimize the notion of sole heir, to the exclusion of all others, as noticed among the German and Italian colonists in southern Brazil. However, this practice was not recorded among the farmers of the mountainous region of the state of Rio de Janeiro, although they are also of European origin (German and Swiss).

In general, the prevailing system in Rio de Janeiro is egalitarian partitioning, in which all men and women have the same rights. The logic of this egalitarian partitioning has generated incompatibility between the system of land transmission and social
reproduction. We must explain, therefore, its logic. Our data are limited to those gathered during field work, because so far we have not been able to carried out archival research on system of transmission.\[16\]

A similar system of egalitarian partitioning was reported by Seyferth (1985) among colonists of German origin in Santa Catarina, where property fragmentation among the heirs is associated with salaried labor, allowing the appearance of the social category of work-peasants. However, in contrast with what was observed among peasants of Nova Friburgo, in the state of Rio de Janeiro, in Santa Catarina the land is divided only among male heirs, and women continue to be excluded from the inheritance of land. When the partitioning takes place after the death of the father, the women are induced, by social obligation, to sell their shares to one of the brothers. These sales usually do not bring monetary gain to the women since no money exchanges hands. Rather, they are a mechanism to legalize the entitlement of land belonging to the brothers.

Seyferth cites the proximity of the urban job market and the scarcity of land as two of the factors that explain this practice. Despite the rule of shared partitioning, the subdivision of land among the heirs is unequal, skewed in favor of the son who is the successor to inherit the main production unit. The others only receive plots of land on which they may build their houses. “Inheritance arrangements depend, therefore, on the reproductive strategies of the peasantry, among them the placement of some children in the urban job market” (Seyferth, 1985: 20).

Therefore, under these circumstances of scarcity of land, egalitarian or shared inheritance is submitted to a more encompassing principle: the maintenance of at least one heir in the status of peasant. This implies the observation of two rules: exclusion of daughters as heirs and unequal distribution of land among the remaining male heirs. The family farm thus remains indivisible as a family production unit, under the administration of one the male heirs. Access to land by other male heirs is not sufficient for them to support themselves as agriculturists, but it is a necessary condition to assure to the excluded sons the identity of colonist/peasant, even if they really work in a factory.

In contexts where land tenure is an obstacle to the social reproduction of the peasantry, egalitarian partitioning is a practice associated with the availability of other mechanisms of social reproduction, such as salaried jobs, non-agricultural activities, or even a system of partnerships.

Returning to the situation studied in the mountainous region of the state of Rio de Janeiro, egalitarian partitioning is articulated to the system of sharecropping, be it among members of the same family (father/father-in-law and sons), be it between the family and “strangers”. In contrast with the system of shared inheritance described by Seyferth, the model adopted in Nova Friburgo includes women as heirs in equal standing with their brothers, at least in ideal terms. However, this equality, although not questioned by our informants, has some hidden peculiarities. In this context, the principle that rules over the right to land is also participation in family production, and female work in agriculture is recognized in equal terms with male work, men however are considered to be the heads of

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16 The lack of organization of local archives has not allowed much progress in this avenue of investigation, although we tried to record the process of transmission as it unfolded since the first generation.
the productive unit, even when women actually take over this role.\footnote{The opposite situation was observed among farmers of the French Alps, where the woman is formally the head of the productive unit, in order to qualify for social security benefits, while the man, as a laborer, is recognized by the woman as responsible for administrating production (Cf. Carneiro, 1996).} However women’s participation in agricultural tasks does not change her position in the family hierarchy. Even in situations in which she takes over productive activities almost completely, she remains in the position of helper to the man (Teixeira, 1996). In this context, inequality between genders is not anchored in the social invisibility of female work, nor on the participation in the productive process, but rather on ideological values that support a patriarchal society. Therefore, how do we explain women’s right to inherit land?

First, it is important to recognize that family estate sub-division obeys the principle of equality among heirs according to the importance of agriculture in social reproduction. Therefore, partitioning among all legally instituted heirs will vary as a function of the interest that the brothers have in working on the land. Despite the estate fragmentation resulting from the division of inheritance provided for the Brazilian Civil Code, it is common to find an exchange of land when there is a brother (or several) interested in working the land. In these cases, custom supports the privilege of the brother over the sister, who is induced to donate or sell her part of the land in the manner described earlier. However, in order to understand the logic of this system, we need to pay attention to some characteristics of this peasantry.

Data about the origin of this colony are precarious, but we know enough to state that only men were entitled to original colony plots. The poor qualities of the soil, the excessive fragmentation of the land, and the lack of transportation to ship out produce, among other factors, contributed to that the peasantry established in this location was threatened since its installation. For those who remained on the land, the strategy of exchanging original plots for better ones was always put into effect. This peasantry was therefore marked by a spatial mobility inside a restricted territory. This can be seen in individual biographies and in family life cycles, influencing the strategies for maintaining and transmitting family estates. Family estates in those cases lacked a clear territorial definition. Constant migrations, associated with multiple land transactions and by sharecrop system, worked as an inhibiting factor in the construction of a symbolic system that associates a given piece of land to the identity of a given family, as happened with the peasantry of Europe and of southern Brazil. Besides, we must pay attention to a cultural factor: several of these colonist families had no ties to agricultural activity before arriving in Brazil. The absence of a moral value given to the land (associated with the family as a value) is one of the elements that may explain the lack of strategies focused on the preservation of family estates. This may have contributed to the adoption of a system of partible inheritance and to the numerous commercial transactions among small land owners involving land. Selling land is a practice that is in contradiction to the interests of peasant reproduction, but here it was a survival mechanism. Several informants mentioned that their fathers lost their properties because they were induced to sell their land in order “to survive”.

The low value of the land as a commodity, together with the difficulties of guaranteeing family reproduction on the basis of agriculture and the absence of a moral valuation of land, are factors that are certainly associated with the inclusion of women as heirs. The absence of mechanisms geared towards the preservation of the family estate is
directly related to the use of land as a merchandise like any other and to the process of inheritance transmission in accordance with the stipulations of the Civil Code.

When land does not symbolize ancestry and loses its value as a means of production, preserving the property does not make sense and the matter becomes one to be solved by individuals, and not by the family. In this context, general partitioning can be understood: Women inherit a part of the land already void of economic value (because it is not viable for supporting agriculture) and of symbolic value (because it is not a component of social identity).

This situation, however, is changing quickly as land comes under exploitation for tourist purposes. The demand for parcels of land by urban people, who seek to build hostels or to build cabins, has caused a sharp increase in the value of these parcels of land, precisely those weakly suited for agriculture. This has favored both male and female heirs. The implications of this still recent process remain to be investigated, specially its effects on the social relations between genders and on the position of women in this society.

Final considerations

As we have tried to demonstrate, the patterns of transmitting family estates tend to follow the transformations of the economy which affect the models of social reproduction of farming families of the regions under study. Currently, we can see, especially in the mountainous region of Rio de Janeiro, the splitting of the strong tie between family and property. This is associated with the fact that land has lost its identity with agricultural activity, one of the deepest changes in the contemporary rural world.

In places where land has become more and more of a commodity, there is more property fragmentation, related to the intensification of the land market and to changes in the manner of using the land. This is a process detrimental to agriculturists. In the rural districts of Nova Friburgo where agriculture is in strong decline, general partitioning of land is a practice that has contributed to accelerate the fragmentation of family estates and to the abandonment of agricultural activity. Non-agricultural activities are a more attractive alternative to the young who no longer feel the moral commitment to follow their parents’ activities. Succession is no longer a problem, because the land is no longer valued as a good associated with the family memory and to social identity of the farmer. As a result of these changes, the social identity of farmer is devaluated because it is strongly linked to the low income that agriculture generates. As Abramovay states, “the profession of farmer looses the ‘moral’ character that it had in the past and becomes one possibility among others. The fusion between the fate of the productive unit and of the family itself no longer exists” (1998). Under these circumstances, women become inheritors of the land – a patrimony void of symbolic and economic value.

In Nova Pádua, in the estate of Rio Grande do Sul, a basically agricultural municipality, the situation is somewhat different, showing the limits of this process. The changes that we observed affect women outside the marital relationship: the “old maids”. Only under these circumstances is it possible for them to claim their right to inherit land, be it as a commodity that will be exchanged for cash to be invested for other purposes, be it as a good that can be used for something else besides agriculture.
However, the situation is different when women are inserted in a family structure that encompasses both kinship relations and productive relations. In this case, there is little potential to break with the identification of agricultural work and domestic work and the subordination of the wife to the husband. Supported by patriarchal ideology, female work in the context of family agriculture is subordinated to the rules of the marital contract. It is therefore understood as part of a system of reciprocal obligations established between husband and wife, something that impedes its formalization as a labor contract (Lagrave e Caniou, 1987).

In this sense, to be a female farmer is not an occupation, but a status of matrimonial. A married woman has several obligations to her husband, and in agriculture this implies participation in agricultural labor. On the other hand, we may interpret, as suggested by J. Caniou (1987) in relation to the French case, that the legislation prior to the Brazilian Constitution of 1988 stated that the power to be the head of a productive unit could not be attributed to wives, because this would run contrary to matrimonial rights that vested the husband as the head of the family and as the sole person responsible for administration of its common property and for the maintenance of the family. With the 1988 Constitution, rights and duties inside the marital society were considered to be exercised equally by husband and wife, and the changes went so far as to consider the stable union of a man and a woman, even if not legally formalized (a consensual union), as a family entity. Besides, women gained the right to be adjudicated land, independently of her marital status, in land reform areas. However, it remains to be seen how far these provisions will impose themselves over the practices based on a cultural tradition that are linked to forms of social and economic organization that are contrary to those laws.

We conclude that access of women to land, either by inheritance, or through land reform, depends on the specific position of women in the productive process as well as on the values that sustain this position. Legal rights are important for creating equality of conditions between genders, but they are not sufficient.

Salaried relations in the urban job market or in non-agricultural rural activities have contributed to the self-recognition by women as individuals within the sphere of the family, breaking down the symbiosis between family and woman characteristic of the position of wife in family agriculture. Even if she exercises autonomous income generating activities, her autonomy is neutralized by the impositions derived from her position as wife in a social unit that jointly reproduces production and kinship. In this structure, when she marries a woman loses the possibility of having her labor in the family farm duly recognized. This labor is seen as a “help” derived from the role of wife. In these circumstances, women do not have the legitimacy to make official claims based on their legal rights to own land. This can be seen both in reference to inheritance (by legal claim or even by request to the father) and in women taking the position of title-holder in land reform programs by INCRA, after separation from their husbands (Ferrante, 1998).

During land reform processes in Brazil, one may imagine that the ideal is to build a new society in which women are included as social actors. However, the presence and participation of women in this process are, in most cases, exceptions (Ferrante, 1998).

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18 This shows the title that guarantees access to land in land reform programs needs to be issued jointly, to the couple (Deere, 1999).
Based on the rationale of technological modernization, the process of defining the beneficiaries in land reform programs excludes women on account of values that guide the action of both public authorities and farmers, for whom women are not capable of making decisions about productive organization, and even of dealing with “modern” techniques. In this sense, it makes little difference that the law that regulates the selection of beneficiaries of land reform programs does not discriminated against women as holders of titles. Cultural discrimination that informs and at the same time is reinforced by gender relations lead, by themselves, to the exclusion of women. Women only surpass the several selective barriers as candidates for plots of land when they are widows, unwed mothers, or when their husbands are deemed ineligible. According the First Agrarian Reform (1998) only 12 percent of all titleholders are women.

However, if on the one hand we find the exclusion of women from decision making processes and from the status of title holder, on the other hand the presence of women is a highly valued criterion in the selection of male candidates, because the imposition of a model of family farming presupposes the existence of a family, and families are identified by the existence of a wife. Land reform programs reproduce, in this manner, the family organization based on the intimate tie between the sphere of kinship and the sphere of production. This, as we have seen, is responsible for the invisibility of the labor of women and for their exclusion from the status of head of the productive unit. In this context, the right to have access to land is denied, both as heir and as title holder in the process of land reform.
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