

INHERITANCE AND SUCCESSION IN INFORMAL SETTLEMENTS OF LATIN AMERICAN CITIES

A Mexican Case Study

Erika D. Grajeda

University of Texas at Austin

Peter M. Ward

University of Texas at Austin

Abstract: Latin American urban areas often comprise large low-income former shantytown areas that originated as illegal land captures and that have been consolidated through self-build over thirty years or more. Today most of the original households still live in their homes, often alongside adult children (and grandchildren). As part of the Latin American Housing Network study (www.lahn.utexas.org), this article reports on survey research for Mexico and describes the stability and nature of these shared arrangements and the considerable asset value now represented by these properties. Although these properties are often considered patrimonio para los hijos, many consolidator pioneers are aging, so that the issue of property inheritance has become salient, especially for second-generation adult children and their families. However, fewer than 10 percent of owners have wills, and most will die intestate, often having made verbal inheritance arrangements regarding their "estate." This augurs the rise of a new round of informality of property holding that bears little relation to the national and state legal provisions that actually govern inheritance succession, whether through wills or via intestacy provisions. The article describes the various legal codes that prevail in Mexico relating to marriage and acquisition and assigning of property upon death, and it offers several case scenarios of interfamilial and intragenerational conflict, especially insofar as these relate to gender and social constructions of inheritance rights among the poor.

INTRODUCTION: PROPERTY AND INHERITANCE AMONG THE POOR

At first glance the idea of housing inheritance among poor urban squatters in Latin America might be construed as an oxymoron. Indeed, until relatively recently in Mexico and elsewhere in Latin America it was largely a nonissue, at least among urban households. Today, however, many low-income families own property that they acquired illegally through squatting or informal land subdivision and that through their own self-help efforts they have consolidated over a period of thirty or more years. Government intervention to provide services and legal title—"regularization," as it is commonly known—combined with the self-help and mutual-aid activities of the residents themselves have created consolidated working-class settlements that today form part of the intermediate ring of the city surrounded by the suburban periphery of more recent irregular settlements. These homes represent significant assets to be sold or bequeathed to the heirs

Latin American Research Review, Vol. 47, Special Issue. © 2012 by the Latin American Studies Association.

of the low-income people who were first-generation squatters and home builders. Moreover, the transfer of title is also important, both for the security of the stakeholder heirs themselves and for the smooth operation of the housing market. Thus, for low-income property owners, inheritance and succession have begun to take on considerable relevance, especially for their children and grandchildren.

A further and frequently unrecognized feature of this property market is that family members who expect to inherit often already occupy these homes. Thirty years ago low-income workers wishing to enter the housing market as owners had little option other than squatting on land or buying into a low-cost, unserviced subdivision. For them, the first generation of informal self-builders, there were two primary motives for squatting and self-build: to create a home in which to raise their family and to get a foothold in the property market and have something to leave to their kids, or as they frequently described it to us in interviews, "tener un patrimonio para los hijos" (Ward 2012). As we demonstrate in this article, many adults of the second and (even) third generation are already *de facto* enjoying that patrimony, even before their parents have passed away. Yet little is known about how lot and dwelling sharing and the use of residential space shape the expectations of adult children (stakeholders) in the parental home. Nor do we know much about how succession and inheritance of these properties at the lower end of the housing market are managed and adjudicated, either informally by family agreement or formally under the law.

The contemporary emergence of such a sizable low-income property market throughout Latin America and the clearly expressed intention of owners to be able to leave something to their children are the point of departure of this article, which has two main aims. First, we wish to provide insight into the nature of asset building embedded in the first generation of self-help consolidation that started in the 1960s and 1970s, and the subsequent emergence of living arrangements and future expectations of the second and third generations, who spent large parts of their lives on those lots. For subsequent generations the parental home often forms part of their residential calculus for home ownership (Ward 2012) and constitutes an important economic asset in the housing market if the property is sold. Second, we explore in detail the processes and patterns of property inheritance and succession as these are unfolding in low-income housing markets in Mexico today. In particular, we explore actual and potential intrafamily conflicts that may emerge as members of the second and third generations assert their inheritance rights. Whether through a will or through intestacy laws, major impediments to formal resolution of property inheritance arise, and this article explores how such constraints may be expected to shape living arrangements and home ownership for the second and third generations in the future.

THE BACKDROP TO HOME OWNERSHIP CREATION IN IRREGULAR SETTLEMENTS IN LATIN AMERICA

In Latin America, as in many other less developed regions of the world, since the early 1960s rapid urbanization has been marked by the growth of low-income irregular settlements, be they squatter invasions or illegally developed subdivi-

sions (Gilbert and Ward 1985). By the 1980s self-build settlements accounted for between 10 percent and 60 percent of the built-up area in most Latin American cities (Gilbert 1996, 74).

In the early years of this expansion, government policy largely ignored irregular settlements and adopted a laissez-faire policy, but as research began to demonstrate the positive potential of self-building for the production of the built environment, as well as the social capital embedded in these communities, policy interventions increasingly sought to support the illegally established settlements (Ward 2005). Usually, this has involved two main policies. First is the gradual provision of essential infrastructure (e.g., water, electricity, drainage, paved streets, and schools) in an attempt to upgrade the communities' physical status and ensure that they are more fully integrated into the city as working-class neighborhoods. Second is to transfer property titles to de facto owners who had either squatted on land or had purchased it illegally, unserviced, and therefore at low cost. By the late 1980s these two sets of regularization policies had become the norm and were widely promoted by multilateral agencies and governments.

Today these older (now regularized) settlements invariably form part of the intermediate ring of Latin American metropolitan areas and house large populations living in high-density owner and rental accommodations. Many of these poorer households contain the adult children and grandchildren of the "successful" consolidator self-help pioneer families of the 1970s. For them, the demand

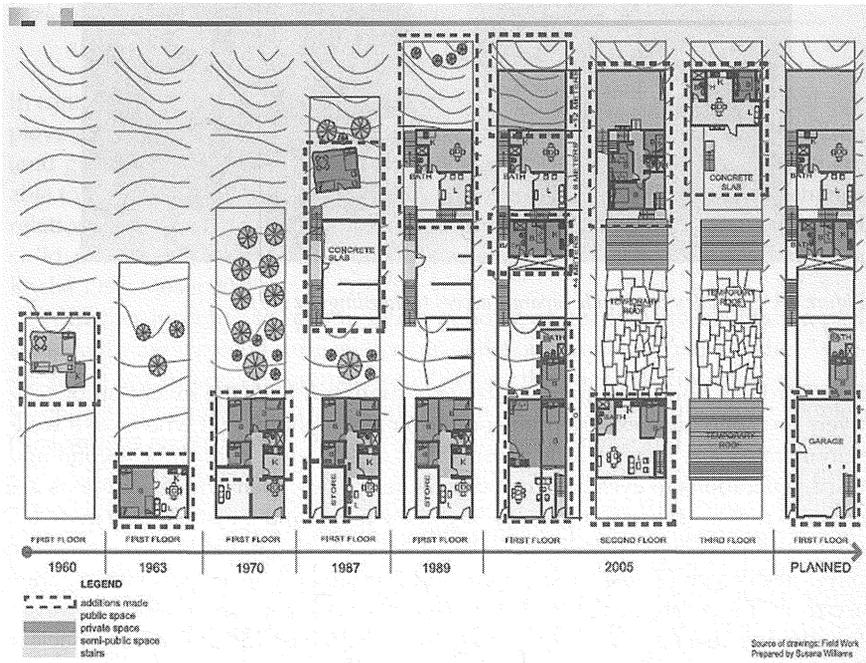


Figure 1 Plan of lot development and subdivision.

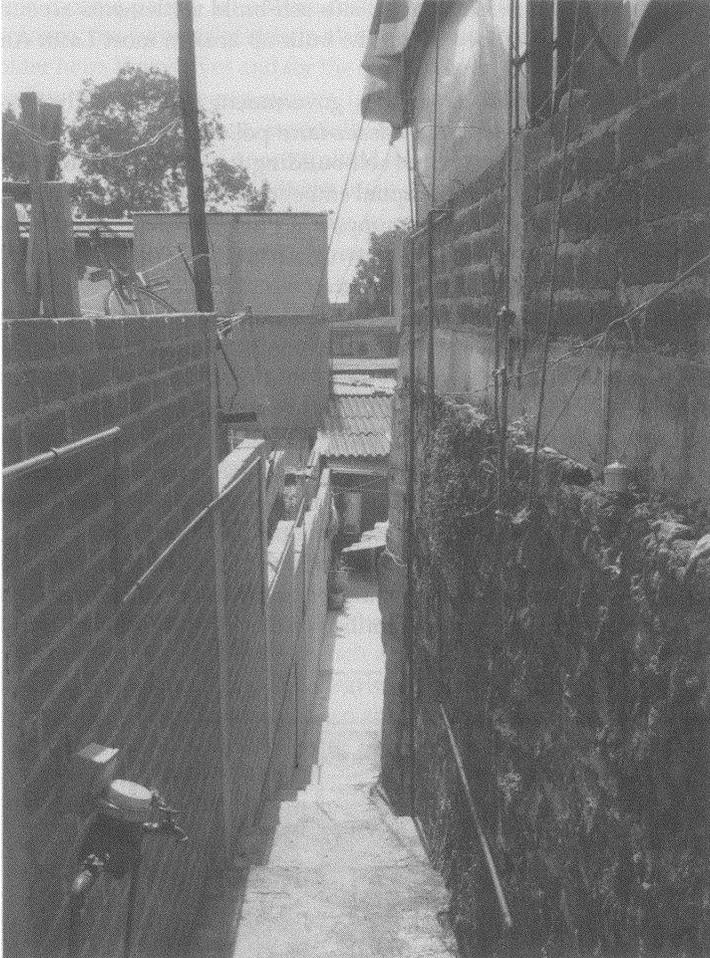


Figure 2A Side alley to provide separate access to dwellings in the lot.

for affordable housing remains extremely high, but with the exception of relatively few who have experienced socioeconomic mobility and who have a well-remunerated job, there is little prospect for most members of these second and third generations to ever become homeowners. Thus, their effective options are either to rent nearby or to remain living in the house and lot where they grew up, often with their own young family (Ward 2012; see also figure 1). Sometimes the physical division of space is clear-cut and formal: an upper floor with separate access or a separate section of the lot (see figures 2A–C). More often, however, families live in a largely ad hoc arrangement, with individuals or young nuclear families living out of a single room, with limited privacy and shared facilities. Despite these real constraints and social costs of living in poor housing conditions,



Figure 2B 2008. Staircase access to second story dwelling. Note two dwellings on ground level. Shared space is the front patio. Guadalajara.

in contemporary Latin American labor markets with limited access to formal employment (Portes and Hoffman 2003), there are real advantages for adult children (and grandchildren) to engage in such shared housing arrangements. They are able to mobilize the so-called resources of poverty: through reciprocal exchange relationships, through household extension, and by sharing living expenses and child minding with kin living on the same lot (Lomnitz 1976; González de la Rocha 1994; Moser 2009).

A further incentive to remain living at home or nearby is to maintain a part share in the anticipated future ownership of the home once the parents die. As inheritance and succession begin to unfold among the poor in Latin America, it will be important to understand how culture, gender, and informality shape people's expectations and behaviors regarding property inheritance and use (Varley 2000, 2010; Varley and Blasco 2000, 2001). Specifically, how do low-income people view and understand formal estate-planning processes such as will making or informal bequeathing practices? Are there different social and gender constructions surrounding family patrimony and property, and to what extent do these shape inheritance preferences and distribution of housing assets in low-income settlements? These are important considerations, as others have noted that there is a social embeddedness of housing property rights that may ultimately render some household members more vulnerable than others depending on gender, age, gen-



Figure 2C 2007. Isidro Fabela. Lots divided (between two kin-related families [note double electricity meters]; and part of next door's lot has been sold off as a separate dwelling (garage door with rooms above)).

eration, and/or other characteristics (Varley 1994, 2010). Thus, inheritance of the family patrimony needs to be understood given the much deeper complexity of property relations surrounding the home.

ASSET BUILDING, PROPERTY OWNERSHIP, AND SHARING IN THE MIDST OF POVERTY

This article forms part of the multicity Latin American Housing Network study, which examines housing structure and policies for consolidated working-class (former) suburbs some thirty or more years after their establishment.¹ During an earlier phase of the broader project, the authors conducted a pilot survey in Bogotá and Mexico City to pretest several hypotheses related to level of mobility, lot sharing among kin, and asset values of the home. This was done through an oversampling survey of lots in which owner households were originally inter-

1. The multicity comparative study of eleven cities in Argentina, Brazil, Chile, Colombia, Guatemala, Dominican Republic, Mexico, Peru, and Uruguay explores contemporary social and housing dynamics in the first generation of irregular settlements that formed, for the most part, from the 1960s to the early 1980s. The study (comprising different research groups and principal investigators) is coordinated by Peter M. Ward at the University of Texas at Austin (see <http://www.lahn.utexas.org>).

viewed as part of a major three-city housing study in the late 1970s (Gilbert and Ward 1985).² The follow-up study sought to track down some 400 owner households from the original study and eventually managed interviews with some 250 households across eight settlements (see table 1).³ A brief questionnaire was given to the owners now living on those sites to gauge the level of population turnover and land-use changes, household dwelling arrangements, lot titles and patterns of ownership, current property values, and so on. It was in the process of this initial phase of research that the cross-generational nature of sharing and the stakeholder expectations of adult children and grandchildren became apparent, thus fueling our interest and questions in later surveys (Grajeda 2008; Ward 2008). We first present data for 2007 for both cities and offer a comparison of irregular settlement arrangements; we then turn to a detailed analysis of inheritance and succession in Mexico.

As part of the 2009–2011 Latin American Housing Network project, we extended our research framework to a total of eleven cities in nine countries, gathering data about housing conditions, household composition and arrangements, lot demographics, property titles, and mobility patterns. In addition, in several cities we conducted intensive case studies of a small number of “interesting” household cases from the surveys, from which we hoped to gain more detailed insights about the physical structure of the dwelling and how this related to household expansion over time and across generations, as well as current on-lot household arrangements of family and nonfamily (renter) members, the life histories and family tree of the owner(s), the entry and exit of household members, housing problems associated with deterioration and intensive use over many years, priorities for home improvement and reorganization, and expectations about future inheritance. Any one of these criteria could have been the primary reason a case was selected as interesting (for a full discussion of this methodology, see the project website at <http://www.lahn.utexas.org>; Ward and Jiménez 2011). These case studies involved a team of four to six people spending several hours working intensively with the family, often over several visits, and they are the basis for several of the specific family inheritance scenarios discussed herein.

This article presents data primarily for three Mexican cities in which we have worked (Mexico City, Guadalajara, and Monterrey) with some comparisons to the 2007 Bogotá survey. Not all the 2007 data for Bogotá and Mexico City are directly comparable with the 2009–2011 study, but where appropriate we have included them in tables 1, 2, and 4. Our first major finding pertains to our hypothesis that there was an almost total lack of mobility among owners. In the 2007 survey for

2. Until recently, it was quite rare for researchers to return to settlements and households many years later, instead taking either a longitudinal or a cross-sectional approach (but see Moser 2009; Perlman 2010; Gilbert 1999; Varley 1993). Bryan Roberts (1973, 2010), a member of the Latin American Housing Network’s research cluster, has also returned to his fieldwork sites of the 1960s in Guatemala City.

3. The following University of Texas graduate research assistants participated in the fieldwork: Lisette Aliaga, Maria García, Erika Grajeda, and Alejandra Ramírez Cuesta. Edith Jiménez, director of the Guadalajara study, and Cristina Saborío, of the Universidad de Guadalajara, also collaborated with fieldwork in Mexico City. Erika Grajeda (2008) subsequently extended the Mexico City analysis as part of her master’s thesis.

Table 1 Household structures, lot densities, housing characteristics, and property values in consolidated self-help settlements, Mexico City and Bogotá (2007 survey data)

Dimension of analysis	Mexico City, 5 colonias (<i>N</i> of cases in parentheses = 253)	Bogotá, 3 barrios (<i>N</i> of cases in parentheses = 148)
Original family still living on lot in 2007	(253)	(148)
Confirmed, still the original family	81.8% (125)	80.6% (83)
Lot land use change since 1978		
No change, owner residential	89.4% (160)	76.5% (78)
Residential but now rental residence	7.3% (13)	19.6% (20)
Name change on title since regularization		
Title change	10.8% (12)	28% (21)
No title change	83.8% (93)	70.3% (52)
In process of changing the title	2.7% (3)	1.4% (1)
Don't know how to make a change in title	2.7% (3)	0
Age of owner		
Trimmed mean	67.7 (209)	68.1 (119)
Older than 60 (%)	77	71.4
Older than 70 (%)	39.2	46.2
Households on lot		
Average no. of households on lot (1978)	1.44 (145)	1.51 (142)
No. of separate households (2007)	2.4 (134)	2.11 (92)
Number of separate households on lot		
1 family	35% (47)	28% (26)
2 families	25% (33)	25% (35)
3 families	15% (20)	24% (22)
4 or more families	25% (34)	10% (9)
Densities on lot (people)		
No. of people on each lot ^a	8.91 (112)	8.62 (71)
Median no. of people per lot	7.5	8
No. of persons in home ^a	3.56 (112)	4.12 (71)
Me and my spouse	4.0% (4)	4.5% (3)
Me and my siblings (or in-laws)	15.2% (15)	8
A mix of parents, in-laws, and siblings (children of the parents)	60.6% (60)	22.7% (15)
Parents and other kin	15.2% (15)	4.5% (3)
A mixture of nephews and nieces	0	3.0% (2)
A mixture of parents, children, and (unrelated) renters	3.0% (3)	27.2% (18)
Mixture of family members and renters	0	22.7% (15)
Others (unclassified)	2.0% (2)	3.0% (2)
2007 property values		
Self-assessed ^a	\$101,800 (32)	\$26,600 (45)
Tax assessment (average), all settlements ^a	\$66,670	\$20,730 (132)

Source: Survey fieldwork by the authors. Data for 1978 are from Gilbert and Ward 1985.

Note: Boldface figures draw attention to the principal differences observed between the two cities.

^a“Trimmed”—the trimmed mean is the average once the top and bottom five percent of outliers are removed.

Mexico and Bogotá, we found that for low-income pioneer self-builders of the 1960s and 1970s, “a home is forever,” as expressed in the title of Alan Gilbert’s (1999) article (see also Ward 2012). Specifically, a large proportion—more than 80 percent in Bogotá and Mexico City—of the original householders were found to be living on their lots some thirty years later, even when the original parent(s) had since died (see table 1). Few lots had been turned over to nonresidential use (see table 1), although in Bogotá a small proportion were exclusively rental (either rooming tenements or small apartments). The 2009 surveys in Guadalajara and Monterrey confirmed this stability among owner households, many of whom reported living on their lots for more than twenty-five years (see table 2).

A second finding is that in most cities lot population densities have increased as a result of sons and daughters continuing to live with their parents, albeit often in independent households on the same lot and with their own young children. The average number of families living on each lot in Mexico City and Bogotá was 2.4 and 2.11, respectively, with an average of 8.91 and 8.62 persons on the lot in each city (see table 1). This was almost double that of thirty years ago, when most people living on the lots were young nuclear families. These densities were found to be especially high in Bogotá, given the smaller lot sizes there and the need to build upward to create additional living space. In Mexico City subdivision of lots and construction of second and third stories were common: 40 percent of lots had three or more families living on the lot (see table 1),⁴ and only around one-third of all lots recorded single-family residence (35 percent in Mexico City and 28 percent in Bogotá). The two cities differ somewhat in the nature of this on-lot mixing. In Mexico City the scenario of close kin-related households is the norm, whereas in Bogotá the scenario comprised a mix of kin sharers and renter households (some 50 percent of lots contained both renters and kin sharers; table 1). Thus, sharing with parents over the long term or permanently appears to be quite normal in both cities, despite some income earned from renters in Bogotá (see also Varley 1993, 1994). In 2009, when we began to compare these data with those for several other cities in Mexico and Latin America, it became clear that Mexico City and Bogotá are somewhat different, with considerably higher densities of households and persons living on a single lot than the other cities in the LAHN study, and a much greater degree of lot sharing than elsewhere. But as table 2 demonstrates, even in these other cities sharing is an important feature in 25 to 40 percent of cases, with on average five or more people living on the lot.

The third major finding relates to the issue of clean title and whether the person deemed to be the owner was also the named titleholder. During the course of the settlement’s integration into the city fabric, regularization policies sought to provide clean lot titles to *de facto* owners. Our survey showed that most titles remained in the name of the original owner, dating to regularization in the 1980s. In

4. These are probably underestimates: our 2011 detailed case studies from fieldwork in Mexico City suggest a considerable underestimation of the number of separate households sharing a lot, as well as total numbers of residents, densities, levels of overcrowding, and so on. For a more in-depth discussion of shared housing arrangements (i.e., two or more separate households occupying a plot owned by one household) and the important distinction between extended and shared households in self-help settlements in Mexico, see Varley 1993.

Table 2 Household structures, lot densities, housing characteristics, and property values in consolidated self-help settlements, Guadalajara and Monterrey (2009 survey data)

Dimension of Analysis	Guadalajara, 3 colonias (N of cases in parentheses)	Monterrey, 2 colonias (N of cases in parentheses)
Lot details		
Median year of occupancy of lot	1985	1977
Years living on lot (trimmed mean)	25.2 (240)	29.8 (123)
Year of title regularization (median)	1989 (150)	1988 (42)
Unchanged title since regularization (%)	95 (171)	89.5 (85)
Couple married or lived together when acquired home (%)	79.3 (134)	81.7 (94)
Title in name of one or both spouses (%)		
One spouse	74.5 (181)	47.3 (61)
Both spouses	19.8 (48)	40.3 (52)
Don't know	5 (13)	7 (8)
Age of owner		
Trimmed mean	58.2 (232)	51.9 (124)
Older than age 60 (%)	46.4	55.2
Older than age 70 (%)	18.3	26.7
Households on lot		
No. of separate households (trimmed mean)	1.46 (242)	1.32 (126)
1 family	67.8%	73.8%
2 families	21.5%	20.6%
3 families	8.3%	5.6%
4 or more families	2.5%	0
Household structure		
Nuclear household	68.3% (166)	64% (80)
Extended	31.4% (76)	33% (41)
Single (nonfamily)		2.4% (3)
Densities on lot (people)		
No. of people on each lot ^a	5.56 (242)	4.81 (126)
Median no. people per lot	5	5
No. of persons in home ^a	4.7	3.92
Average number of rooms and people per bedroom		
Rooms in first house unit (mean)	4.98 (240)	4.77 (124)
Rooms in second house unit (mean)	3.2 (49)	3.0 (28)
People per bedroom, first house	1.76 (242)	1.59 (123)
People per bedroom, second house	2.37 (56)	2.51 (26)
2009 property values		
Self-assessment	\$47,100 (153)	\$24,990 (55)
Tax assessment (average), all settlements	\$39,800 (58)	\$16,750 (23)

Source: Guadalajara and Monterrey data are drawn from the Latin American Housing Network (LAHN www.lahn.utexas.org) with permission from Dr. Edith Jiménez to use the Guadalajara data.

Note: Boldface figures draw attention to the principal differences observed between the two cities.

^a "Trimmed"—the trimmed mean is the average once the top and bottom five percent of outliers are removed.

a modest number of cases title had changed, but this was almost always because of buyouts (*traspasos*) from the original pioneer occupiers who had created the settlement, but even in most of these cases the buyouts had occurred many years earlier (see tables 1 and 2).

Where the same family had lived on the lot for many years and the title was in the name of a deceased or permanently absent spouse (usually the father), it was unlikely that the name on the title had been changed. This is probably because the property ultimately would go to the children, some of whom already lived on site, and the living parent was viewed as the owner even if his or her name was not on the title. In a small number of cases in which both parents had passed away, we did find some interest among family members to adjust the title to accommodate the arrangement of shared ownership, but few had proceeded in this way, either because they did not know how to do so or because there seemed to be no need (and doing otherwise could create difficulties for the children), or a combination of those reasons. To the extent that housing market policies require clear and clean titles that are kept up to date, these findings point to the need for a new round of retitling or regularization of titles at some point in the future (Ward 2008; Ward et al. 2011).

A fourth important finding relates to the relatively high value of these properties, especially considering that they are owned by poor people. Tables 1 and 2 show the “trimmed” average (i.e., with 5 percent of outliers removed) of self-assessed property values provided by household respondents. Care should be exercised with some of these data given the modest cell size in certain cases, as many respondents were unable or unwilling to say what they thought their property was worth. Therefore, we also used the property-value tax-assessment data to triangulate the reported values, and although property values are less than the self-assessments, the numbers are still quite close to the self-assessed values. In Bogotá the trimmed mean value in 2007 was US\$26,600;⁵ in 2009 in the Mexican cities of Monterrey and Guadalajara it was \$25,000 and \$47,100, respectively, and it was much higher in Mexico City (\$101,800; see table 1). Further evidence from these and other cities in Latin America clearly demonstrates that over thirty years, the first generation of owners in irregular settlements has successfully created a significant asset from their self-help housing endeavors (see also Moser 2009).⁶ These data underscore the significant property wealth among the poor, although the question remains how these assets are being managed across generations, which is of particular interest to us. In the following sections we explore both the theory and the practice of how these assets fare through inheritance and succession among low-income homeowners in Mexico today.

SUCCESSION AND INHERITANCE IN MEXICO TODAY: THEORY AND PRACTICE

We now return to how the empirical reality of owner households in consolidated low-income settlements intersects with the understanding of inheritance

5. All values reported here were converted to US 2007 dollars (Bogotá) or US 2009 dollars (Mexico).

6. Data available at http://www.lahn.utexas.org/data/08072011_Matrix.xlsx.

Table 3 Current marital property regimes in Mexico

Default Regime	States
<i>Sociedad legal</i>	Aguascalientes, Jalisco, Oaxaca, Puebla, Sonora, Tamaulipas
<i>Sociedad conyugal</i>	Baja California Norte, Baja California Sur, Chiapas, Chihuahua, Colima, Distrito Federal, Durango, Michoacán, Morelos, Nayarit, Nuevo León, Querétaro, Quintana Roo, Sinaloa, Tabasco, Veracruz
<i>Separación de bienes</i>	Campeche, Coahuila, Guanajuato, Guerrero, Hidalgo, México, San Luis Potosí, Tlaxcala, Yucatán, Zacatecas

Source: Prepared by authors on the basis of the state (and federal district) civil codes and family codes, where applicable.

and succession among household members and stakeholders. In particular, we highlight the extent to which testate versus intestate succession apply in low-income property relations and transfers in the three Mexican cities (Mexico City, Monterrey, and Guadalajara). For cases in which intestacy applies (or will apply in the future), we explore some scenarios involving what people are doing in practice, especially when there are ongoing conflicts and disagreements. These scenarios discussed here come from the intensive case studies that we conducted subsequently.⁷ Although these cases are intended to be more illustrative than typical, they serve to exemplify some of the key problems associated with testamentary (with wills) and intestate inheritance, which we suspect represent only the tip of the iceberg of title succession experiences and future downstream inheritance challenges among low-income homeowners as their assets pass from one generation to the next.

Table 3 shows that Mexico's thirty-one states and the Distrito Federal (which corresponds to approximately half of the Mexico City metropolitan area) all have their own legislation with respect to marital property and inheritance. In general, marital property regimes tend to follow three main patterns: (1) full community property, in which all assets acquired before and during marriage are pooled; (2) partial community property, which excludes from the joint property individual assets acquired before marriage and any subsequent inheritances (or the product of these) during marriage; and (3) separation of property, which allows spouses to retain individual ownership of all individual assets acquired before or during marriage. In Mexico the most common default marital property regime (i.e., when spouses do not explicitly choose one at marriage) is that of partial community property, which has two variants: *sociedad conyugal*, or conjugal partner-

7. Project team members carried out follow-up interviews: Grajeda in Mexico City in 2007 and 2011; Ward, Jiménez, and Ubaldo in Monterrey; and Jiménez and Ubaldo in Guadalajara (see also Ward et al. 2011).

ship, and *sociedad legal*, which is more like a participation-in-profits scheme (Deere and León 2005; Varley 2010). Under partial community property any proceeds and products that derive from individually and jointly held properties (excluding inheritances, donations, and the products of these), as well as any goods acquired by either or both spouses during the marriage, are placed in a joint marital fund. Under this system, each spouse has a property right to half of the marital property in the event that the marriage or recognized consensual union dissolves as a result of separation, divorce, or widowhood. Although the default regime in most states is that of partial community property (whether *sociedad conyugal* or *sociedad legal*), about one-quarter of states (i.e., Campeche, Coahuila, Guanajuato, Guerrero, Hidalgo, Estado de México, San Luis Potosí, Tlaxcala, Yucatán, and Zacatecas) establish separate property as the default option (*separación de bienes*, or separation of property, in table 3).

Marital and Inheritance Provisions in Three Mexican Cities

In the case of the Distrito Federal and the state of Nuevo León (Monterrey), the civil codes allow couples to choose either *sociedad conyugal* or separation of property, with a possible third option of a mixed property regime by way of marriage settlement (*capitulaciones*) or prenuptial agreement. In the state of Jalisco (Guadalajara) couples also have three formal options in terms of marital property regimes, mainly *sociedad conyugal* (referred to in the state as *sociedad voluntaria*), *sociedad legal*, and separation of property.⁸ When spouses do not explicitly declare a preference, the default regime is *sociedad legal*. In any case spouses must declare who is to administer the common property.⁹ In all three cities, unless otherwise stated in the *capitulaciones*, upon marital dissolution spouses who had married under partial community property, whether *sociedad conyugal* or *sociedad legal*, are entitled to half of the jointly held assets.

As with marital property regimes, laws of testation (wills) are enacted at the state level, but there is little variation across the different states. In general terms, inheritance rights are secured through two legal channels: intestate (unwilled legal) succession and testate (willed) succession. Today, the principle of testamentary freedom holds in all of Mexico's thirty-one states and the Distrito Federal of Mexico City, granting individuals complete freedom to bequeath their property as they desire. Testamentary freedom, as opposed to forced heirship, which is common in much of Latin America, is the norm in Mexico and allows individuals to will their estate freely without having to leave their spouse and/or children a portion of their assets upon death. In theory, however, this principle is subject to some restrictions, such as providing a pension for a spouse (when destitute or lacking assets) and/or child support for minors. Yet despite the fact that the freedom to create a will is enshrined in the Mexican Federal Civil Code, eight out

8. Civil Code for the Federal District (CCDF) of 1928 (reform published May 25, 2000), art. 178; Civil Code for the State of Nuevo León (CCNL), arts. 178–179 (reform published December 29, 1982); Civil Code for the State of Jalisco of 1936 (CCJ), art. 282.

9. CCJ, art. 296.

of ten Mexicans die intestate.¹⁰ This observation is consistent with our own findings about will making in Guadalajara and Monterrey, where 12.8 percent and 7 percent of respondents, respectively, reported having a will (see table 4).¹¹

When individuals die intestate, compulsory provisions and intestate succession laws are designed to approximate people's intentions regarding the disposition of their property at death (Sussman, Cates, and Smith 1970). In such cases the civil code of each state stipulates the legal heirs, the order in which they inherit, and the share to which they are entitled. In Mexico the succession line is as follows: descendants, spouses, ascendants, collateral kin (up to fourth degree), and cohabiting partners,¹² where those who assume the highest positions in the order of succession sequence exclude all others and those of the same degree inherit in equal shares. Thus, descendants, including extramarital children, are first in the line of intestate succession and inherit equally irrespective of gender. Surviving spouses and ascendants share the second order of inheritance; here the widowed spouse shares half of the estate with the parents of the deceased if the couple did not have children. Thus, although second in the succession line, the widowed spouse is entitled only to the share of the decedent's estate (equivalent to a child's inheritance share) if he or she lacks assets altogether or if the sum of those assets is less than what a child is entitled to according to the laws of intestacy. For example, if a couple married under the partial community property regime and one of them dies, the surviving spouse is entitled to half of the community property in the marital partnership and thus may not be eligible for an additional (inheritance) share if that half surpasses what a child is entitled to through laws of intestacy. Some scholars (e.g., Varley 2010) have argued that Mexican law on family property with respect to inheritance and marriage is quite flexible, as people can bequeath their property as they desire and couples can marry under the established marital property systems or establish their own through a marital arrangement or prenuptial agreement. Only in the absence of express choice does the state define the default marital property regime and the default succession arrangement.

The Mexican federal and state governments have made considerable efforts in the past few years to encourage will making and to promote estate planning, al-

10. A 2010 survey conducted by Consulta Mitofsky ("La cultura del testamento," <http://consulta.mx/web/index.php/estudios/mexico-opina/362-la-cultura-del-testamento>) revealed that only 13 percent of Mexicans know about will making and estate planning, mainly those residing in urban areas, in and around central Mexico, and of higher socioeconomic status. Only 7 percent of those interviewed reported having executed a will (12 percent of those of higher economic means) and 15 percent of adults older than fifty. Of all respondents, 11 percent reported having been beneficiaries of an inheritance (which doubled for higher-income respondents, men, and those older than age fifty). Moreover, 40 percent of beneficiaries reported having received their inheritance through testamentary succession; 51 percent through other means; and only 8 percent through a formal probate process.

11. These percentages are slightly higher than the national average, probably due to the higher average age of homeowners in consolidated settlements (as people age they tend to think more about disposal of their property). Also, several years of intense government promotion have encouraged will making at low cost (Ward et al. 2011).

12. Cohabiting couples have some inheritance rights. In most states, couples must have lived together for a period of two to five years, or fewer if they have children, and prove that they are not legally tied to other people, either through marriage or cohabitation.

though intestate succession remains widespread.¹³ Today, much of the debate surrounding inheritance concerns the high costs associated with intestate succession, the length of the intestate succession process, and the potential for family conflict. In terms of costs, Carlota Botey, then director of the Distrito Federal's Land Regularization Agency (Dirección de Regularización Territorial del Distrito Federal), reported that in failing to execute a will, families can pay up to 25 percent of the total value of their property in trying to resolve succession by way of intestacy (Grajeda 2006). If individuals choose the testate route, taking out a will at the discounted price costs roughly US\$100, and approximately US\$898 (MXN\$12,000) to settle the testamentary succession process in the Distrito Federal (Liceaga 2006).¹⁴

Intestate succession takes much longer than testamentary succession because it often has to be presented before a family court judge, and it may take several years to locate all legal heirs, to make an inventory of the estate, to go through the appraisal process, and so on. If all heirs are in agreement, testamentary succession is likely to be much more expeditious, often lasting only a few months. Unless otherwise challenged, a public notary can adjudicate apportionment of the estate in a more direct process. Botey (in Grajeda 2006) also indicated that people often feel that a will might lead to them being deprived of their estate or kicked out of their homes prematurely, and that they do not realize that a will takes effect only after death. She also mentioned that intestacy can be much more problematic for families, as heirs, regardless of their contribution to the estate or their sentimental ties with parents, inherit in equal shares. Laws of intestacy, in other words, are based on the principle of equality, not on the specific preferences of the testator, who can reward (and punish) household members as they wish. Other researchers emphasize that many people, particularly low-income individuals, are often not aware of the freedom of testation and believe that they have to leave their estate to their children and/or spouse (Liceaga 2006).

Although it may be too early to tell which of the two succession regimes is more favorable or advantageous for low-income populations in Mexico given the scarcity of will making, we do know that the national-level norm is intestacy. And although it may be true that, until recently, most lower-income urban residents were unlikely to have property at marriage or when they move in together (Varley 2010), it is important to consider just how the empirical reality of consolidated settlements and asset creation during marriage intersects with the popular understanding of marital property and inheritance among household members and stakeholders.

In the following section, we discuss five cases from Mexico City that bring into relief the intersection of inheritance law and our findings on home ownership in older

13. These efforts include halving the cost of will making. The average cost of will making nationwide in 2011, for instance, was US\$191.58 (MXN\$2,558), but during certain months such as September, the cost is reduced in half to roughly US\$100 depending on the locality; and in some case reducing it even more, such as for low-income or elderly testators (see the website of the Procuraduría Federal del Consumidor, at http://www.profeco.gob.mx/encuesta/brujula/bruj_2011/bol194_nacer.asp).

14. The total costs ultimately depend on the value of the hereditary mass and can vary from 5 percent to 10 percent of the entire estate. The exchange rate used to calculate costs was based on the average exchange rate in 2011.

Table 4 *Inheritance plans for consolidated self-help settlements in Guadalajara and Monterrey (2009 survey data)*

Dimension of analysis	Guadalajara, 3 colonias (N = 243)	Monterrey, 2 colonias (N = 129)
Testamentary succession		
Owners with a will	13.8% (31)	8% (9)
Households with “informal arrangement”	44% (84)	35% (35)
Reasons people don’t make a will		
Don’t know how	2% (4)	8.2% (7)
Cultural reasons	61.8% (123)	68.2% (58)
<i>Desidia</i>		
Poverty, don’t have much	10.1% (20)	3.5% (3)
Causes conflict among family members	18.6% (37)	17.6% (15)
Vulnerability in old age	7.5% (15)	2.4% (2)

Source: Guadalajara and Monterrey data are drawn from the Latin American Housing Network project (<http://www.lahn.utexas.org>), with permission to use the Guadalajara data from Dr. Edith Jiménez.

consolidated informal settlements or *colonias*. In the following five cases we highlight the extent to which testate versus intestate succession applies in low-income property relations and transfers in Mexico; and where intestacy applies (or is likely to apply), we explore some scenarios pertaining to how it unfolds, especially when there are ongoing conflicts and disagreements (see also Ward et al. 2011).

INHERITANCE AND THE FAMILY: ATTITUDES ABOUT WILL MAKING AND INTESTACY

Wills and Testamentary Succession

Our study confirms the low prevalence of will making and estate planning in Mexico. The data for Monterrey and Guadalajara, for instance, demonstrate that only 8 percent and 13.8 percent, respectively, of all owners have taken out a will (table 4). When asked why many people shun formal estate-planning arrangements such as will making, most respondents said it was for cultural reasons (e.g., tempting fate, death is “unimaginable”) or indecisiveness or *desidia* (see table 4). The idea of tempting fate is particularly telling, as most respondents indicate that in creating a will, they could be inviting their demise. Related to this is the idea that estate planning (and death) is the exclusive domain of people in later stages of life: answers such as “We are young; we do not want to speak of death” were common. Another common concern was the potential for family squabbles over housing inheritance, particularly among adult children. One respondent argued that will making was too problematic for families and that, “later, [the children would] be killing each other” over the inheritance. Not being able to discuss such matters with family, or not coming to a consensus about who should get what, is thus a source of friction for many families. One respondent in Mexico City, for

instance, mentioned that all his children “feel entitled to [his] house” and fight over the future of his estate.

A considerable number of respondents also mentioned the idea that will making leaves them (particularly the elderly) in a vulnerable situation. Men, for instance, seem to be particularly concerned about being treated poorly or kicked out of their homes or about being considered a nuisance. Such concerns are consistent with other findings from urban Mexico (Varley 2000, 2010; Varley and Blasco 2000). Other respondents, however, gave different reasons for not leaving a will, from laziness to having no need to do so because they had little property to bequeath. A woman from Guadalajara, for instance, mentioned in an interview that her husband was unwilling to leave a will mainly because he was afraid that she will “bring another man to his house” when he dies. Another woman in Mexico City mentioned that there were simply too many families on the property and that she would not know how to “divide things up” fairly. The range and depth of answers in regard to distributive preferences and will-making perceptions suggest that housing inheritance and expectations among different household members and stakeholders is a subject of much discussion (and a source of friction) in many low-income households.

Scenario 1: The Molina Family and the Importance of Passing On Wealth / Although our results on will making in Mexico highlight the low prevalence of wills, the following scenario may overstate the case, as many more people ultimately believe that a will is very important and necessary, even if they don’t follow through with leaving one (see table 4).¹⁵ The first scenario, therefore, illustrates how beliefs about the importance of estate planning can translate into actual will making in low-income settlements. An elderly couple, the Molinas, have lived in the colonia Isidro Fabela in Mexico City for more than thirty years. They have seven children, but none of the children lives on the lot today. Three of the children reside in the United States, and the other four children (three daughters and one son) left home shortly after getting married.¹⁶

Today the Molinas continue to live in their home (although the wife explained that they had recently separated and were “peleados”) and share the property with two grandchildren, each of whom has a spouse and children. The Molinas both decided more than ten years ago that they needed to execute a will for their corresponding shares of the marital property and individual assets. They had also agreed that their children living in the United States would inherit, as they had financed the construction and maintenance of the home through regular remittances. According to Sr. Molina, “Those who had contributed to the [costs of] construction had rights to the family home, and those who did not would have no

15. Ann Varley brought this point to our attention (personal communication, August 10, 2011).

16. In his work on rural and indigenous populations in Mexico, Robichaux (1997, 2002) describes patrilocal residence as a defining aspect of a Mesoamerican family system in which newlywed couples live with the husband’s parents until they are able to establish their separate household, on lot or elsewhere. As Varley (1993) notes in her surveys in Mexico City, Guadalajara, and Puebla, patrilocality is not uncommon in shared housing arrangements in urban settings, as multigenerational households form, and when young, newlywed couples move in with their parents, typically the husband’s family.

rights." His response, therefore, illustrated his belief that, even though his (adult) grandchildren lived on the property with their families, they had no rights to the family home because they had not contributed financially to its construction and/or maintenance.

When we asked the Molinas about their motivations for executing a will that named their children in the United States as heirs, the couple also mentioned that because those children are not legal US residents, they may need (or wish) to return to Mexico City in the future. Moreover, Sr. Molina believes that because both have created a will, the current living arrangements with grandchildren will obviate any false expectations among other household members. The Molinas are reserving the places of three of their children in the house.

Scenario 2: The López Family and the Prevalence of Mixed Succession / The second case depicts how popular understandings and cultural stereotypes about gender and property relations coexist with the legal principle of equality in intestacy. It involves a modest dwelling also in the colonia of Isidro Fabela. The original owners, the Lópezes, had died many years before, leaving five surviving adult children. Title remains in the late Sra. López's name, although she died fourteen years earlier. Sra. López left a will, naming her five surviving children as heirs of her estate (half of the joint marital property); each child thus is entitled to one-fifth of her assets. Her husband, however, did not create a will; as a result, the children had to go through a mixed inheritance process, as the mother's will accounts for only the mother's share (50 percent of the joint property), the other half had to be resolved via laws of intestacy.

This became a problem when soon after Sr. López passed away, Juan, his son from an extramarital affair, claimed that he was also entitled to a share of his father's estate. And although Juan said he did not want anything to do with Sra. López's estate, he firmly believed that the family home belonged exclusively to his father. Such assertions reflect popular beliefs that male heads of household are the "real" owners of the family home, despite state marital laws that establish community property as the default regime. (Varley [2010, 90], in her study on gender and property rights in Guadalajara, also found that there is an "intimate connection between popular understandings of property rights and gender and kinship ideologies.") However, the couple's child Elena still lives on the lot, and her sisters, who are co-owners, though not coresidents as they live elsewhere, believe that she should be entitled to the family home because she cared for their parents in old age. The sisters also claim that this is morally the correct thing to do, as Elena is unmarried and has few housing prospects. As such, they are willing to relinquish their inheritance rights so that Elena will be the sole beneficiary of their parents' entire estate, which is essentially the family home.

Clearly, there are several issues here. First is Juan's (erroneous) assertion that as the only male heir, he has a paramount claim over his sisters. As this example illustrates, it is not uncommon for respondents to view housing and property ownership as an exclusively male domain in which men are responsible for housing their family and women are relegated to a secondary position with respect to property. Juan, for instance, threatened to evict his half-sister from the family

home on claims that he is the rightful owner and “protector” of the family patrimony. As Varley (2010, 92) has observed, “Men’s obligation to provide for their family (morally as well as materially) legitimates their assumption of ownership, and the resulting sense of entitlement can override their responsibilities to others.” In this case, Juan spent more than US\$2,000 in legal fees to fight not only for his legal share of his father’s estate but also for the entire house. Second, although Juan cannot claim the entirety of his father’s estate, he is legally entitled to a portion of it—in this case, one-sixth of the estate, because he has to share it with his other siblings (or, absent other siblings, with any grandchildren of the Lópezes according to the representation principle). Third is Elena’s fear of losing the family home altogether given the multiple and competing claims to the López estate. Although her sisters perceive her as the rightful owner of their parents’ estate, the Mexican civil code clearly states that under intestacy all descendants inherit in equal shares, even if this does not conform to the wishes of the other heirs. If the legal heirs cannot reach an agreement over who gets to keep the family home, they can decide to sell it and take their respective share. However, Elena’s wish to continue living on the lot is likely to stall any such agreement. As this case shows, unless both spouses execute a will, a mixed probate process involving both intestate and testate succession will ensue.

Given the prominence of intestacy in Mexico, it appears that most low-income households with property are likely to resort to informal inheritance mechanisms of property transfer, such as lot subdivision and *inter vivos* promises of ownership, and in some cases formal arrangements such as donations with lifetime usufruct rights. Table 4 clearly shows that a substantial minority of those surveyed in Guadalajara and Monterrey had made some sort of informal arrangement, even though such arrangements rarely comply with the norms of legal conveyance and title provision and can create major impediments to the sale or formal transfer to another titleholder.

Intestate Succession

Scenario 3: The Gutiérrez Family and Informal Arrangements in Conflict with Legal Inheritance Laws / This case also comes from the colonia Isidro Fabela. The original owner, Sr. Gutiérrez, died without a will after informally subdividing his property to create a dwelling structure to accommodate the needs of his growing family. Today, his two (second-generation) surviving children—in their late forties and early fifties—live on the lot with their own families and children (third generation). In total, there are four nuclear families and one extended family, and a total of twenty-three people reside on the lot. Sra. Gutiérrez has since died, and there was a consensus in the family that the property belonged equally to the adult children, particularly because only two of the four children were still alive, both of whom continued to live on the lot. Thus, no one bothered to transfer the title from Sr. Gutiérrez’s name to that of the two sibling beneficiaries given the *de facto* new living and ownership arrangements.

The problems began when Toño, one of Sr. Gutiérrez’s fourteen grandchildren, began to assert his claim to the share of his late father’s inheritance by way of

representation, or *representación sucesoria*.¹⁷ Although Paco (Toño's father) had reportedly "renounced" his claim *inter vivos*, there was nothing in writing to that effect; as noted earlier, the civil code protects the descendants' (in this case, the grandchildren's) succession rights by way of representation. However, Sr. Gutiérrez's surviving children believe that Toño's claim is unfounded and unfair. Toño, they argue, has lived in the family home on only a few occasions; he now lives in Cancún and visits at most once or twice a year. The real problem, they claim, is Toño's wife, as she is the one who is "instigating" and ultimately behind his decision to assert his claim to his father's inheritance share.

Several issues arise in this case. First, forgoing or relinquishing an inheritance must be expressed formally and in writing before a judge or public notary, even in cases of intestacy, as in Mexico a verbal relinquishment is not valid. The relinquishment also must take place after a death and not before, as individuals cannot dispose of assets that they do not legally possess. Second, although in the first case (of the Molinas) a second-generation adult child held the claim to a share of his father's estate, here the allegedly estranged, third-generation grandchild is asserting his rights to the family patrimony, including the family home, by way of legal representation of his father. As observed earlier, intestacy in Mexico is established in favor of the nearest relations of the decedent and then moves down the line in the order of statutory succession. Because only two children remain, Toño can legally represent his father Paco in the succession process and take his father's share of the inheritance. It is important to note, however, that Paco's inheritance must be split between all of his children (five in total), not just Toño. Not solving issues of intestacy thus becomes problematic with each passing generation, as the number of legal heirs increases.

Scenario 4: The Ortega-Cruz Family and Competing Family Interests / Sra. González Jiménez is the widow of the late Sr. Ortega Cruz and is one of the original owners of a multistory home in the colonia of Isidro Fabela. The couple had thirteen children, seven of whom still live on the lot with their own families. Today, four generations share the property, and seventeen people reside there. Although the late Sr. Ortega Cruz died intestate and figured as the sole owner on the property deed, he made it known to his children that the only person who could make any decisions with respect to the family home was his oldest (and single) daughter, María Elena. In other words, he wanted María Elena to figure as the executor (*albacea*) of his estate after he died. María Elena agreed, as none of her siblings contributed financially to the construction of the family home. Moreover, she had paid for the regularization of the lot.

Aside from the intergenerational nature of their housing arrangement, what is particularly striking about the Ortega-Cruz family's case is that, despite there not being an inheritance conflict *per se*, with one of the original owners still alive (Sra. González Jiménez), there are multiple and conflicting interests with respect to the family home: who is entitled to what, as well as the wishes of Sra. González Jiménez, who is still alive and who expressed frustration at having to live with so

17. CCDF, art. 1609.

many of her children, grandchildren, and even great-grandchildren, particularly because she is responsible for feeding and cooking for fifteen people on a daily basis. In her own words, "The grandmother always get screwed" ("a la abuelita siempre la joden"). Her view is that, given the competing interests of the different family members, it would be best to simply sell the property, allowing her to take her half and return to her pueblo in the state of Hidalgo.

María Elena, however, cannot conceive that the family home be sold after so many years of (her) hard work and savings invested in its construction. Her father, she argues, would never have wished that they dispose of the family patrimony. She believes that her siblings, particularly her brothers, are not as emotionally attached to the house as she is, and therefore they are not willing to go against their mother's wishes to sell the home. In María Elena's eyes, her brothers are not entitled to anything; as for her sisters, she believes that their husbands should provide them with housing, not the other way around. Moreover, both Sra. González and María Elena believe that they are the only ones who should decide the future of the family's patrimony, even if they disagree on whether to sell. Both stated that the rest of the family members, particularly the grandchildren, do not have a say, not least because they contributed nothing to the property. In the words of Sra. González, "Here everything is on loan," implying that the current living arrangements should not translate into expectations of eventual ownership. Nevertheless, notwithstanding the two women's wishes, Sr. Ortega Cruz's estate must be subject to an intestate succession process, as all of his descendants (not just María Elena) are entitled to an equal share of his (half of the) estate.

Scenario 5: The Bravo Family and Conflict-Free Intestate Succession / This final case is interesting because there are no apparent conflicts, and thus it exemplifies how intestate succession cases can be made to work (albeit very slowly) when the heirs are in agreement. The Bravo family lives in the colonia of Santo Domingo los Reyes in southern Mexico City. When Sr. Bravo passed away many years ago, his wife, with the assistance of her children, initiated the succession process to leave everything in order. A few years later, when the succession process was well under way, Sra. Fuentes Bravo also passed away, and her adult children had to restart the succession process for their parents' entire estate. Because they could not afford an attorney, the court assigned them an *abogado de oficio*, or court-appointed lawyer, to execute and finalize the probate process. However, this process is inefficient and can go on for years even in relatively simple cases. After three years, the legal process is still ongoing, even though the legal heirs have all agreed that only the children residing in the family home today should be the titleholders, with the others renouncing any claim to the estate.

Summary of Scenarios

The five scenarios discussed in the previous sections point out just a few of the many issues that we expect to become increasingly commonplace in the future, particularly because the original dwellers are approaching advanced age if still alive. These issues include the need to dispel popular stereotypes and poor un-

derstandings of the inheritance process; the resolution of conflicts among heirs, especially between those who have an equal and legitimate claim but do not wish to live on the property and prefer to sell or be bought out; and how to reconcile the different stakeholders' ownership expectations. Our data indicate that a sizable proportion of low-income Mexican owners residing in fully consolidated (self-help) settlements are well beyond the age of sixty (see table 1), and most will die intestate. Elsewhere we have outlined some of these policy challenges, as the urban poor have significant property assets to bequeath or pass on to their second and third generations (see Ward et al. 2011).

CONCLUSION

This article has shown that the large majority of low-income households that acquired land and self-built their homes in irregular settlements some thirty or more years ago are today sharing with and/or bequeathing those homes to adult children and grandchildren. Although not all children benefit or expect to benefit in this way, many do. As descendants are already living on those lots with their own young families, there is an urgent need to refurbish, renovate, and retrofit the dwelling structures to adjust to and accommodate the new multiple household arrangements described at the beginning of this article. However, there are likely limited incentives to undertake such physical improvements and subdivisions when stakeholders' claims remain uncertain. An important normative question for the future will be how second- and third-generation living arrangements will translate into future ownership, the routes that will be offered to enhance inheritance and succession, and the nature of shared property titles that are likely to become available in line with the findings outlined here. Specifically, in this regard, three major sets of legal policy issues will need to be addressed. First is the need to develop new titling arrangements to reflect shared ownership and to create simple and affordable methods of clearing title. Second is to find ways to encourage greater participation in testamentary and formal succession transfers of property among second- and third-generation low-income families. Third, independent of inheritance and succession, is how conferring the property title to a desired beneficiary in advance of one's death (with or without an *inter vivos* transfer) might successfully transfer property and circumvent conflict or time-consuming legal processes related to intestacy.¹⁸

This article has only begun to scratch the surface of what we fully expect to become an important arena of research into and understanding of household and property relations among lower-income families both in Mexico and other testa-

18. An anonymous reviewer and another scholar (in personal communication) argued that naming a beneficiary (as in insurance policy procedures) can obviate the need for will. Our understanding is that although a beneficiary may be named on a property title document at purchase, the final title (*escrituras*) makes no provision for this. Subsequent apportionment of the estate is exclusively by will or according to the civil code. Beneficiary arrangements (e.g., *llegado preferente*) may be named on new properties during purchase. Previously, the Agrarian Law allowed *ejidatarios* to name a usufruct beneficiary of their parcel in the event of their death (often effectively transferring the rights to their female spouse), but our research presented here relates to urban property.

mentary regimes, and in those that mandate forced heirship. Owning and disbursing informally held and built property brings an ever-increasing proportion of Latin American society into the inheritance process, usually as beneficiaries or as claimants. Thus, in Mexico and other countries that allow for willed inheritance, it will be important to create a deeper and broader testamentary culture. But in Mexico and elsewhere where intestacy and forced inheritance¹⁹ reign, it will be important to frame inheritance practices and discussion in terms that are practical given the backdrop of informal housing processes. This will require sensitivity in developing legal procedures to promote participation and trust in the legal system, as well as ensuring that greater participation does not create problems during probate and settlement by saddling beneficiaries with prohibitively high transaction and titling costs when they try to secure the future use of their inheritance. After thirty years of regularization programs in Mexico to provide clear title to first-generation self-builders, it is apparent that second- and third-generation children and grandchildren are invariably inheriting an interest without title in the parental home. They live in a new legal limbo that, as we have shown, frequently generates anxiety and frustration for the surviving elderly parent(s), who cannot sell or downsize, and frequently results in tension and conflict among those for whom the home was always intended as a *patrimonio*. Given the relatively advanced age of many owners and the complicated living arrangements that have evolved over time, further research will almost certainly reveal many additional and complex scenarios.

REFERENCES

- Deere, Carmen Diana, and Magdalena León
2005 "Liberalism and Married Women's Property Rights in Nineteenth-Century Latin America." *Hispanic American Historical Review* 85 (4): 627–678.
- Gilbert, Alan
1999 "A Home Is for Ever? Residential Mobility and Homeownership in Self-Help Settlements." *Environment and Planning A* 31:1073–1091.
- Gilbert, Alan, ed.
1996 *The Mega-City in Latin America*. New York: United Nations University Press.
- Gilbert, Alan, and Peter M. Ward
1985 *Housing, the State and the Poor: Policy and Practice in Three Latin American Cities*. Cambridge: Cambridge University Press. Reprinted in paperback, 2009.
- González de la Rocha, Mercedes
1994 *The Resources of Poverty: Women and Survival in a Mexican City*. Oxford, UK: Blackwell.
- Grajeda, Ella
2006 "Más caro: Promover un intestado que pagar \$2,500 por testamento." *El Gráfico* (Mexico City), September 9.
- Grajeda, Erika
2008 "Inheritance in Mexico: Current Testamentary and Property Regularization Policies." MA thesis, University of Texas at Austin.
- Liceaga, M. Sofia
2006 "Tranquilidad post mortem." *El Economista* (Mexico City), September 13.

19. Forced heirship or inheritance provisions refer to the restriction to the freedom to draft a will that gives the spouse, children, and/or other relatives fixed shares of the estate.

- Lomnitz, Larissa Adler de
 1976 *¿Como sobreviven los marginados?* Mexico City: Siglo Veintiuno.
- Moser, Caroline
 2009 *Ordinary Families, Extraordinary Lives: Assets and Poverty Reduction in Guayaquil, 1978–2004.* Washington, DC: Brookings Institution Press.
- Perlman, Janice
 2010 *Favela: Four Decades of Living on the Edge in Rio de Janeiro.* New York: Oxford University Press.
- Portes, Alejandro, and Kelly Hoffman
 2003 "Latin American Class Structures: Their Composition and Change during the Neoliberal Era." *Latin American Research Review* 38 (1): 41–82.
- Roberts, Bryan R.
 1973 *Organizing Strangers: Poor Families in Guatemala City.* Austin: University of Texas Press.
 2010 "Moving On and Moving Back: Rethinking Inequality and Migration in the Latin American City." *Journal of Latin American Studies* 42 (3): 587–614.
- Robichaux, David Luke
 1997 "Residence Rules and Ultimogeniture in Tlaxcala and Mesoamerica." *Ethnology* 36:149–171.
 2002 "El sistema familiar mesoamericano y sus consecuencias demográficas." *Papeles de Población* 32:60–95.
- Sussman, Marvin B., Judith N. Cates, and David T. Smith
 1970 *The Family and Inheritance.* New York: Russell Sage Foundation.
- Varley, Ann
 1993 "Gender and Housing: The Provision of Accommodation for Young Adults in Three Mexican Cities." *Habitat International* 17 (4): 13–30.
 1994 "Housing the Household, Holding the House." In *Methodology for Land and Housing Market Analysis*, edited by Gareth Jones and Peter M. Ward, 120–134. Cambridge, MA: Lincoln Institute of Land Policy.
 2000 "Women and the Home in Mexican Family Law." In *The Hidden Stories of Gender and the State in Latin America*, edited by E. Dore and M. Molyneux, 238–261. Durham, NC: Duke University Press.
 2010 "Modest Expectations: Gender and Property in Urban Mexico." *Law and Society Review* 44 (1): 67–99.
- Varley, Ann, and Maribel Blasco
 2000 "Intact or in Tatters? Family Care of Older Women and Men in Urban Mexico." *Gender and Development* 8 (2): 47–55.
 2001 "Exiled to the Home: Masculinity and Ageing in Urban Mexico." *European Journal of Development Research* 12 (2): 115–138.
- Ward, Peter M.
 2005 "The Lack of 'Cursive Thinking' with Social Theory and Public Policy: Four Decades of Marginality and Rationality in the So-Called 'Slum.'" In *Rethinking Development in Latin America*, edited by Charles H. Wood and Bryan R. Roberts, 271–296. University Park: Pennsylvania State University Press.
 2008 "Hacia una segunda etapa de la regularización de los títulos de propiedad en México." In *Irregularidad y suelo urbano: Memorias del II Congreso Nacional de Suelo Urbano*, edited by Alfonso Iracheta and Susana Medina, 123–139. Toluca, Mexico: Colegio Mexiquense.
 2012 "'A Patrimony for the Children': Low-Income Homeownership and Housing (Im)mobility in Latin American Cities." *Annals of the Association of American Geographers* 102 (6): 1489–1510.
- Ward, Peter M., Edith R. Jiménez Huerta, Erika Grajeda, and Claudia Ubaldo Velázquez
 2011 "'The House That Mum and Dad Built': Self-Help Housing Policies for Second Generation Inheritance and Succession." *Habitat International* 35:467–485.