

Gender discrimination in housing?

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Abstract

Despite greater legal and political equality between men and women, gender discrimination in housing continues today. Even though the majority of homeless people are still men, women continue to face more difficulty than men in occupying healthy and comfortable housing. This discrimination is primarily based on inequality in matters of salary and employment opportunity, notably full-time employment. It also stems from enduring traditions and long-standing legal distinctions in which representations of femininity and masculinity have had an impact on housing availability and conditions for women and men. For example, during the nineteenth and twentieth centuries, inhabitants were rarely thought of as being women, as though only men, whether single or as the head of a family, could purchase or rent their housing. Despite what one may think, these representations have not disappeared from public housing policies or among private landlords.

Article

Gender inequality in housing persists in the early twenty-first century. For a long time, its causes were linked to the inferior legal status of women and are first and foremost of an economic nature: since women quite often still earn less income than men, they experience more difficulties finding housing. Yet these inequalities are also the legacy of traditions and long-standing legal distinctions in which representations of femininity and masculinity imposed differences between male and female occupants.

Over the course of the nineteenth century, when housing gradually became a political issue, discourses and national legislation saw housing occupants as families occupying premises rather than as individuals bearing responsibility for those premises. Yet across Europe, aside from widows, the legal status of women—especially of married women—was similar to that of minors, preventing them from owning their own property or taking legal action. For instance, in the establishment of property titles, the signing of leases, and trials between owners and renters—in other words the various transactions necessary for occupying or remaining in housing—the negotiating partners were thought of as men. The first changes took place in the United States, where over the course of the century certain states, such as Arkansas or Wisconsin, gradually authorized married women to own property, but without having the right to manage it. Similarly, between 1897 and 1907 in Europe, and especially France and Belgium, they could act as witnesses in notarial acts and enjoy their own salary, a right that Italian women obtained only in 1919. This enabled women to legally sign a deed of sale or lease in order to occupy an apartment. However in most countries, the tradition remained to only deal with men, who were referred to as the head of the family: *cabeza de familia* in Spanish, *head of household* in English, *Familienvorstand* in German, and *capofamiglia* in Italian. In France, the expression “residing in housing as a good father,” which was used to describe how an occupant should discharge his duties as the holder of housing, disappeared from law only in 2014.

Yet in practice, a housing occupant can also be female, whether single or widowed, married or living conjugally, with or without children. While the landlord and the tenant are referred to in the masculine

gender, many women live off their rental income or are leaseholders. Still, in the absence of accurate historical studies, it is difficult to gauge their number. This gap between regulations and practice is present if we look closely. For example in 1905, the rules of the first congress of l'Union de la propriété bâtie de France, an association created in 1893 to defend owners' interests, specified that women could be members. While no women attended the meeting, this provision shows that the authors of the rules were aware of their existence. The same was true of the first promoters of social housing. During the first decade of the nineteenth century, a low-cost housing corporation from the Paris area exceptionally allowed isolated rooms to be rented to women on their own, albeit at the instigation of its only female property manager.

In this respect, wars contributed to making female occupants more visible. In 1914, a number of belligerents including France, Great Britain, and Romania declared a moratorium on rent in favour of low-income renters who heeded the call to the flag. The submission of wives to the authority of their husbands had to be circumvented in order to apply this measure: it was up to the soldier to request the rent exemption, but due to difficulty in communication between the fighting front and the rear, women could make the declaration on their own. This distortion was also present when signing leases, in both times of war and peace. While wives were dependent on their spouses for financial transactions, opening a personal bank account, or establishing an employment contract, was it possible for them to sign a lease without their husband's authorization? While the answer remained vague in regulatory texts, it was positive in reality. For lessors, and especially regarding the management of social housing, thinking that women could themselves be the head of the family was no doubt easier for widows (civil or war) and prisoners' wives than for women on their own, some of whom had been abandoned by a husband who had left the marital household. For all that, could they ignore the condition of women and children when "family support" disappeared due to behaviour considered to be immoral (alcoholism, unemployment believed to be caused by laziness, infidelity)? Although the terms and conditions of renting were based on the act of inhabiting the premises in a bourgeois manner—as a good father—mothers whose morality was beyond any suspicion were accepted as replacements for delinquent men. The criterion of "good civic and moral conduct" for the attribution of public sector housing for both men and women was also used until the 1960s by certain countries such as Portugal.

Changes began to appear in the mid-twentieth century, and were measured by the International Statistics Committee in its report on European housing published in Geneva in 1939. This organization, which was linked to the League of Nations and the International Labour Office, provided a definition of housing based on four criteria: the number of inhabitable rooms, their hygienic condition, the composition of the household, and the character of the occupants. For the latter, experts decided to count each natural person regardless of age and gender, not just solely the head of the family.

There was also change in the Communist bloc, even though the household remained the measuring unit in the Soviet Union for the allocation of communal apartments or apartment exchanges. For instance, as part of a law protecting mothers and children, the GDR gave housing priority to women who worked and raised children without being legally married. However, as always and in all places, laws did not prevent male heads of household from being given predominance. In France, the barrier was broken in 1965 with the reform of marital status, and then in 1970 when paternal authority was replaced by parental authority: both spouses now jointly saw to "the moral and material management of the family," and hence of housing. In Spain, the *permiso marital*, which required married women to have the consent of their spouse for practically all forms of economic activity, including employment and owning property, was abolished in 1975 after Franco's death.

The evolution of legislation in the twenty-first century led to an attenuation of legal discrimination

between male and female housing occupants. There remains the question of income, where the gender pay gap continues to contribute to greater insecurity for women. This matter is heightened by the disaffection toward marriage, which ensured a certain protection against separation in the form of alimony payments. The result can be seen in the increasing number of women, especially single or divorced mothers, who have joined the groups of men living in the street.

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