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A COLLOQUIUM ON ISSUES
IN AFRICAN LAND TENURE

LTC Paper No. 124

The Land Tenure Center
University of Wisconsin-Madison

May 1985

Introduction

The several papers gathered here were with one exception presented at a colloquium on issues in African land tenure sponsored by the Land Tenure Center, University of Wisconsin-Madison, during the 1982/83 academic year. A schedule of the sessions is attached as an annex. Professor Andrew Rude's contribution is the exception, having been presented to an LTC-sponsored seminar of the Ministry of Local Government and Lands in Gaborone, Botswana, in April 1983. We were anxious to give it broader distribution and so have included it here.

The Center is grateful to those who presented papers and the discussants, as well as all those who attended and participated. Several LTC Staff made this effort possible. Special thanks are due to Steven Lawry, who first suggested, then organized the seminar. We are also grateful for the editorial improvements by Dr. Jane Knowles, and to Ms. Jane Dennis-Collins, who typed the manuscript.

I hope that readers find this collection as rewarding as we found our participation in the colloquium.

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THE "TRAGEDY OF THE COMMONS"
AND RESOURCE MANAGEMENT IN BOTSWANA

Carlisle Ford Runge*

Introduction

The subject of this paper is the "tragedy of the commons," a thesis first popularized in its modern version in Garrett Hardin's now famous Science article of 1968.¹ Since then, it has in many ways become the dominant paradigm of resource overexploitation resulting from common ownership. As an explanation, it has formed the basis of numerous public policies devoted to "privatizing" natural resources--from current policies in the United States to many efforts to end common ownership of resources in the developing world. It is directly relevant to Botswana's experience with range management. The influence which the tragedy of the commons thesis has had on policy in Botswana can be seen directly in the 1975 Tribal Grazing Land Policy White Paper, and the Chambers and Feldman consultants' report which preceded and formed the basis for it.²

Here I would like to investigate the soundness of this thesis as a basis for policy. First, I will examine its logical properties, looking carefully at its major premises and conclusions. I will argue that it is an erroneous and inaccurate description of many problems of common resource use, which leads to a limited view of policy options and a restricted sense of the institutions capable of successfully managing natural resources. Second, I will propose what I believe to be a more empirically accurate description of overuse of

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1. Garrett Hardin, "The Tragedy of the Commons," Science, 162 (1968), pp. 1243-48.

2. Government of Botswana, "National Policy on Tribal Grazing Land," Government Paper, no. 2 of 1975 (Gaborone, Botswana: 1975); R. Chambers and D. Feldman, "Report on Rural Development" (Gaborone, Botswana: 1973).

commonly held resources. This I will call the assurance problem.³ This description redefines problems of common ownership as resulting from uncertainty over the expected actions of others. Institutions of all types, notably property institutions, respond to and reduce this uncertainty by setting the "rules of the game." These rules are not always the same, and depend on the problem, the time, and the place. In many cases, common property may successfully perform this coordination function.

Third and finally, I want to suggest some of the policy implications of looking at overgrazing in Botswana as an assurance problem. Two implications are of particular relevance. The first is the importance of promoting greater certainty in the face of institutional change by not moving too quickly to eliminate or destroy existing common property institutions. This has implications for policies of enforced land allocations through the system of Land Boards and district government set up by recent policy. A related implication is the importance of local-level institutions, whose support government needs if it hopes to succeed in programs of resource management. Traditional common property institutions are not always obstacles, and can be aids, to the development of new alternatives in resource management. Not to rely on these institutions, I submit, will lead to failed policy, at great expense to the already overburdened economy of Botswana.

The Tragedy of the Commons

What is the tragedy of the commons thesis? Its major premise is that in cases of common grazing and "public goods" generally, each individual will always have a strict incentive to "free ride" at the expense of others. In cattle grazing, to free ride is to overstock, since the costs of overstocking are borne by everyone while the benefits are reaped by the free rider alone. According to the tragedy of the commons thesis, free rider behavior will inevitably occur in the absence of enforcement, regardless of what others are expected to do. Expectations of others' behavior are, strictly speaking, irrelevant. Uncertainty over others' behavior is thus not a problem. The conclusion following from this premise is that overgrazing is inevitable. Without some sort of rule imposed from above, no one will have an incentive to do anything but overgraze. Furthermore, even if an agreement is struck to reduce stocking, no one has an incentive to keep it and it will always break down, leading to the overgrazing tragedy.

The strictly individualistic incentives underlying this argument make only one institutional prescription possible. This is private individual property. The argument makes no distinction between common property, based on the

3. The problem is developed in more detail in C.F. Runge, "Common Property Externalities: Isolation, Assurance and Resource Depletion in a Tradition 1 Grazing Context," American Journal of Agricultural Economics 63 (1981): 595-606. It was originally proposed by A.K. Sen. See "Isolation, Assurance, and the Social Rate of Discount," Quarterly Journal of Economics 81 (1967): 172-224, and "A Game Theoretic Analysis of Theories of Collectivism in Allocation," in Growth and Choice, ed. Tapas Majumdar (Oxford: 1969).

individual right to be included in a resource, and open access, in which no rights to the resource are defined.⁴ Common property, it asserts, is no one's property, and therefore no different from an open access situation in which no one has an incentive to maintain and manage resources. Only private property, based on the individual right to exclude others, can prevent over-exploitation.⁵ Since there is no middle ground allowing common property rights to be recognized as legitimate, they must be overruled. Where common property is the status quo ante, as in Botswana, new regimes of private property must therefore be imposed. Top-down enforcement of new and essentially alien property institutions is a necessary condition for effective resource management.

Yet, such top-down imposition is inconsistent with individual liberty--the supposed virtue of private property. This is a major flaw in the argument of those who maintain that the tragedy of the commons thesis is consistent with libertarianism. Ironically, the tragedy of the commons leads to policies imposed from the top-down, based on the faith that private property is best. The thesis concludes that private property rights should therefore be imposed if efficient resource management is to occur. As one scholar put it, the choice is either "Leviathan or oblivion."⁶

In summary, four main features of the tragedy of the commons thesis can be identified.

1. The thesis supposes that individual incentives are always to over-graze, no matter what is expected of others, so that uncertainty about what others are likely to do is not a problem.
2. The thesis is thus that overexploitation of common grazing lands will always result from each individual's incentive to free ride.
3. As a result, it is necessary to enforce private property rights, since without them, overgrazing will inevitably result from the incentives describes in #1 and #2.
4. Private exclusive property is the only institutional alternative, since the incentive to free ride makes mutual agreement based on any form of common property institutions impossible.

4. See S.V. Civiacy-Wantrup and R.C. Bishop, "Common Property as a Concept in Natural Resource Policy," Natural Resources Journal 15 (1975): 713-27.

5. This argument was first put forward in the resource management literature by H. Scott Gordon, "The Economic Theory of a Common Property Resource: The Fishery," Journal of Political Economy 62 (1954): 124-42.

6. William Ophuls, "Leviathan or Oblivion," in Toward a Steady State Economy, ed. Herman Daly (San Francisco: W.H. Freeman, 1973). See also Michael Taylor, Anarchy and Cooperation (New York: John Wiley and Sons, 1976).

Consider point one above. Does it seem reasonable that people decide whether or not to graze more cattle regardless of what they expect of others? As an empirical matter, it seems more reasonable that individual decisions are not so easily separated. A choice to graze more cattle is based, at least in part, on what each person expects of others in the group or community to which they belong. Hence, a central problem is uncertainty about other peoples' actions. This uncertainty results from a lack of information to which agreements or rules respond. Thus, the first premise of the tragedy seems not only unreasonable but generally false. People do not formulate their judgments independently of the expected decisions of others.⁷

Consider now the second main feature of the thesis. If we observe over-grazing, is it always due to strict incentives to free ride, or are there other reasons? In an environment of mutual interdependence, in which expectations of others' behavior count, a variety of expectations-based decisions become worth examining in more detail. For example, if each person expects others to graze as many cattle as possible, he or she may also decide to "get while the getting is good." By dropping the premise of strictly individualistic decisions, we realize just how important expectations and the problem of uncertainty really are to the farmer or grazier. If individuals were assured by rule or custom that others would not free ride, they might not either.

Thus, in terms of the third main feature of the thesis, enforcement from above may be far less important than agreements developed within a village or community through a process of mutual accommodation and consent. In this setting, enforcement may arise from the "bottom-up" in the form of reputation and other pressures resulting from informal or local rules and customs.

Finally, with respect to the argument's fourth main feature, expectations of others' actions may be made with more confidence if a rule of behavior allows these actions to be accurately predicted. This prediction can be accomplished by a wide variety of institutions which provide assurance and reduce uncertainty respecting the actions of others in different biophysical and cultural environments. Private property is only one such institution. Where natural environmental factors and human traditions and customs emphasize not only the right to exclude, but also the right to be included, institutions which emphasize such inclusionary rights may provide assurance and a form of bottom-up enforcement.⁸

In fact, it is possible to identify a rather wide continuum of common property institutions operating in the real world. These institutions are composed of a mixture of rights to exclude and be included. At one end are

7. This is equivalent to stating that common property "externalities" are not separable in costs. As William J. Baumol notes, "It takes two to Tango, or Sin 'Separable Externalities' Uburhaupt Moglich," Journal of Political Economy 84 (1976): 381-87.

8. This view is discussed for Botswana in Paul Devitt, "The Management of Communal Grazing in Botswana," Pastoral Network Paper, no. 14d (Overseas Development Institute, August 1982).

cases in which each individual has a full right to exclude others from everything he or she owns--pure private property. At the other end are cases of purely communal property, in which each has a right to be included in particular resources. In reality, we seldom see property rights defined over resources which do not have some blend of these exclusionary and inclusionary characteristics. How can we generalize about such complexity?

An Alternative Approach: The Assurance Problem

The "assurance problem" is an alternative description of the problems of common property resource management. Unlike the tragedy of the commons thesis, it does not predict dominant free rider behavior and inevitable overexploitation of common lands, nor does it lead solely to prescriptions of private property imposed from above. The key differences between it and the tragedy of the commons thesis are summarized in the table below.

TABLE 1.1

Comparative Predictions of and Prescriptions for Resource Overexploitation

| Tragedy of the Commons Thesis | Assurance Problem Hypothesis |
|---|--|
| 1. Strict individual incentive by each to overgraze no matter what is expected of others. Uncertainty is not a problem, since "free riding" dominates all other strategies. | 1. Overgrazing depends on expectations. Expected overgrazing by others may lead to overgrazing; expected conservation may lead to similar behavior. No single strategy dominates. |
| 2. In cases of common grazing, overexploitation will always result, since each has an incentive to free ride. | 2. Overexploitation results from expectations which are not coordinated by the existing "rules of the game" or in which these rules promote overgrazing, leading each to "get while the getting is good." |
| 3. Enforcement from above is necessary. Without it, all agreements and rules will break down due to the incentive to free ride. | 3. Enforcement from above is sufficient, but not always necessary. Necessary solutions involve rules and agreements which are maintained in the interest of coordination. |
| 4. The only successful institutional prescription is private property, based on the right to exclude. No other alternative is compatible with the strict individual incentive to free ride. | 4. Institutional prescriptions will vary, depending on the history, traditions, and biophysical resources of the group involved. Assurance is possible under a wide variety of institutional alternatives. |

To recapitulate table 1.1, note that in the assurance problem, whether or not overgrazing occurs depends on expectations. If I expect overgrazing by others, I will be inclined to overgraze too. But if I expect resource conservation, I may also have incentives to conserve. Overgrazing or free riding is not a dominant strategy for each and every individual, and expectations formed by various types of property rules matter. Hence, in cases of common grazing, overexploitation may be traced to expectations which are not coordinated by the existing rules of the game or which are coordinated by rules which lead individuals to expect overgrazing by others, leading each to "get while the getting is good." Thus, while enforcement from above may be sufficient to prevent overexploitation, it is not necessarily the most efficient or equitable approach. What is necessary is to establish a basis for mutual accommodation and consent based on a set of rules. Even where the old rules do not provide a complete basis for natural resource management due to technical change, population growth, and other factors, there may still be elements of these rules worth preserving, including many traditional rights to be included. New rules should therefore seek to incorporate and depend on the strengths of the old. Finally, institutional prescriptions will vary depending on the history, traditions, and biophysical resources of the group involved. Assurance is possible under a wide variety of institutional arrangements.

In this approach, a variety of institutional forms, among them those which depend on rights to be included, can successfully coordinate expectations. The problem of policy is to find the appropriate institution for particular times, places, and environments. Private property, which may be highly appropriate in societies in which the right to exclude is a part of history and tradition, may not be appropriate for societies which emphasize the right to be included. In these societies, a conservative attachment to precedent indicates that common property may have an important role in natural resource management. Private property institutions may provide far less assurance, or may actually foster the notion that one should "get while the getting is good," exacerbating problems of overexploitation. The tragedy of the commons may become a tragedy of privatization if this is the case.

Conclusion: Some Observations on Policy

If the alternative hypothesis provided by the assurance problem is judged a better diagnosis of observed reality than the tragedy of the commons thesis, its prescriptions have some important implications for policy. Among them:

1. If overgrazing is primarily a problem of expectations and uncertainty, an important need exists for better information yielding greater assurance regarding land tenure decisions. Especially germane is information on the technical management of range and water quality. This information is a foundation for allocative decisions concerning which lands to zone commercial and which lands to retain in communal land tenure. Technical information must be complemented by knowledge of the existing structure of local institutions and their comparative capacity to regulate grazing behavior by consent and mutual accommodation at the village level. To attempt a pure "top-down" approach is to throw away valuable information contained in local-level rules. Therefore, reliance on technical data alone is insufficient; knowledge of traditional land

tenure systems and patterns is crucial. The best sources of this information are the people themselves, with whom consultation can provide an understanding of the institutions most compatible with technically efficient resource management.

This implies a dual role for the Land Boards in Botswana. First, they must approach issues of resource management with sufficient technical expertise to assure those affected that their information is sound. Second, they must approach allocative and distributional issues with sufficient attention to local definitions of fairness so that they gain a village-based constituency. Where technical and allocation questions are interdependent, as in the determination of the threshold of cattle required to provide draft for arable lands, both technical and institutional information is crucial.⁹

2. A second policy prescription follows from the first. Both technical and especially institutional innovations require consultation not only with local people but with guidance from existing local institutions. As Dolf Noppen has recently written, successful district planning respecting Land Board allocations should depend to a much greater degree on both the kgotla and Village Development Committee, where a large amount of valuable information is stored. A supportive constituency composed of village leaders can greatly reduce the costs of administering district-level policies at a central level. It should be noted in passing that assurance conveyed by traditional rules, while involving consultation, does not necessarily imply an equal voice for all. Assurance is possible under unequal as well as equal distributions of power, again depending on history and tradition.¹⁰

3. Finally, it is very important to recognize that local institutions in Botswana and throughout the developing world continue to rely on rights to be included implicit in common property. Such institutions are arguably central to traditional rural life, in which a low level of subsistence and carry-over from season to season makes the right to exclude less important than the assurance generated by more inclusive arrangements. Where weather and natural calamity dominate the pattern of life, the assurance that misfortune will not lead to certain death is provided by social institutions which spread risks by means of the right to be included. New solutions to problems of resource management can gain both insight and strength by carefully examining the structure of these beliefs. This will be possible, however, only if the erroneous idea that common property institutions are inherently dysfunctional is discarded.

9. See Steven W. Lawry, "Land Tenure, Land Policy, and Smallholder Livestock Development in Botswana," LTC Research Paper, no. 78 (Madison: Land Tenure Center, University of Wisconsin, March 1983).

10. Dolf Noppen, "Consultation and Non-Commitment: Planning with the People in Botswana," Research Report, no. 13 (Leiden, the Netherlands: African Studies Centre, 1982). See also Louise Fortmann, "Preliminary Draft Report on Strengthening the Role of Local Institutions in Rural Development" (Gaborone, Botswana: Applied Research Unit, Ministry of Local Government and Lands, November 1982).

"FEUDAL" LAND TENURE AND AGRARIAN REFORM IN AFRICA

John W. Bruce*

The Feudal Paradigm in Africa

The application or misapplication of the term "feudal" to certain African traditional societies or to particular institutions within those societies exercised historians and social anthropologists in the 1960s. This discussion died down in academe by the early 1970s, but has been pursued vigorously in some country contexts; in Ethiopia in particular, on both the political and academic levels. The importance of the issue of the applicability of the feudal paradigm is obvious from a historical perspective, but the question which is posed here is, rather, whether the use of the paradigm reveals or obscures matters of concern to the planner concerned with land tenure and development strategies. This question must be asked because the paradigm is alive and well in the strategy and project documentation prepared by donors in many African countries. This paper attempts to review the discussion to date and then focus on what has been thought to be the best case for application of the paradigm in Africa, the Abyssinian Empire.

Many of the differences in point of view which emerged in the 1960s literature concerning the usefulness of the feudal paradigm were rooted less in different perceptions of African realities than in the participants' different definitions of feudalism itself. The term is, after all, a characterization applied retrospectively to a substantial period of European history. It refers to a readily discernible and critical trend, but the feudal structure varied in important particulars in different parts of Europe. Feudalism is a complex of associated elements, which have been enumerated somewhat differently by different students of European feudalism. The list of characteristics of a feudal system which has served most widely as basis for discussion is that of Bloch (1961), who considers the important elements to be:

- 1) the feud or fief;
- 2) the personal bond of dependence;
- 3) dispersal of authority;
- 4) a specialized military class; and
- 5) the survival of the idea of the centralized state.

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Different analysts have assigned these individual elements or institutions very different weights. Marxists readily home in on what their ideology defines as the critical, generative element distinguishing feudalism from other pre-capitalist modes of production: the control of the means of production, land, by an aristocracy utilizing a system of fiefs to exact and distribute surplus production. Other approaches vary considerably. Some analysts seem ready to characterize a non-European society as feudal even if it is simply hierarchical; others require the presence of most but not all of the elements listed by Bloch; while yet others focus on one element as particularly critical, usually the fief or the personal bond of dependence.

The differences of approach are reflected in the African material. Nadel had characterized the Nupe of Northern Nigeria as feudal (1942), but the 1960s' discussion was primed by Maquet's description of Rwandan traditional society as feudal (1961, 1971). Lombard was at about the same time using the term for the Bariba of Dahomey (1957). Maquet's position is the best elaborated and his more recent statements focus on one element, the personal bond of dependence as "the feudal institution." Briefly, he sees systems based on such personal bonds of dependence divided into two types, clientship and feudalism, with the latter distinguished from the former only by a much higher degree of formalization. He suggests that dependence institutionalized in feudalities is relatively rare in Africa because it tended to develop only out of caste stratification, as between Tutsi lords and Hutu subjects. He notes that the role which cattle play in this dependence relationship presents an "interesting parallel" to the fief but he chooses not to emphasize the economic dimension.

Goody (1963, 1969) and Beattie (1964) have critiqued the application of the term feudal to African societies by Maquet and others, arguing that there are significant differences between European feudalism and the apparently similar, hierarchical systems of Africa. First, European feudalism originates in a regression from the state, in the bottoming out of a process of disintegration following the collapse of the Roman Empire. Coulbourne (1956) has characterized it as "a mode of revival of a society whose polity has gone into extreme disintegration." In Africa, the "feudal" system more usually represents an advancement along the spectrum from segmentary to centralized societies, a positive step in the process of state formation. In part because of this circumstance, African "feudalities" commonly exhibit alternative, sometimes competing organizational principles, and a careful analysis of the centripetal and centrifugal forces in the society, such as that of Beattie with regard to the Bunyoro, produces many insights which are not particularly reminiscent of feudalism (1964). Also revealing is Lacoste's analysis of medieval North African society in terms of the feudal paradigm. He notes that the survival of strong tribal solidarity resulted in a hierarchical system superimposed on tribal structures within which tribesmen stood as free men, in stark contrast to the European serf.

Further, there are important differences in the location of the bonds of dependence within the feudal structure. In many African societies these bind members of the ruling and subject class to one another, whereas in European society the classic feudal bond bound together members of the ruling class, providing the glue for their system of administration and property. The quality of relationships between the lower level of that system and the serf

population was quite different. Moreover, while in the European feudal model each participant owed his feudal duty primarily to those with whom he stood directly in this relationship of personal dependence, those immediately above and below him in the hierarchy, in tribal societies in Africa there will usually be great direct loyalty by the tribesmen to the person of the chief or king. Beattie has noted this with respect to the Bunyoro (1964).

In addition, the feud is difficult to establish in Africa. Marxists and many other analysts consider it a critical feature of European feudalism that the feudal nobility had direct control over the means of production, the land. The most broadly accepted model for African tenure systems is instead that of a hierarchy of estates of administration upon a farmer's estate of use. Goody has suggested that the property arrangements of medieval Europe have their roots in the concept of full ownership developed by Roman law, which under feudalism came to be vested in the monarch, and from which the monarch delegated derivative estates. He further suggests that lacking such a concept of landownership, a system of fiefs which closely follows the European model is difficult to establish (1963).

Finally, there are problems with the element of the professional military class, though this seems to have struck most commentators as a less critical concern.

Given the above, Beattie and Goody conclude that while the comparison of particular elements in African societies with particular European feudal institutions is constructive, it is not useful to characterize societies as "feudal." That approach, they consider, is dangerous in that it obscures important differences. The academic discussion on the African level of generalization ended on this note, but a debate has continued on both the theoretical and the political level in several African countries. Often that discussion has been from a Marxist perspective, and too often based on a simplistic interpretation of Marx, assuming a unilinear progression through a fixed sequence of modes of production. Working from that viewpoint there is limited basis for dialogue, with social scientists attempting to build up models of African societies empirically from observed facts. Increasingly, however, prospects for such dialogue improve. Some of the present generation of French Marxist anthropologists, such as Meillassoux (1964) and Terray (1972), are open to the notion of previously undefined pre-capitalist modes of production. Meillassoux in his studies of the Gouro of the Ivory Coast has applied the tools of historical materialism to illuminate the formative effect of labor needs, created by patterns of work dictated by existing technology, upon kinship in this segmentary society. Coquery-Vidrovitch (1977) has attempted to define an "African mode of production" based on long-distance trade, to do justice to the particularities of the savanna kingdoms of West Africa. This work, though very much informed by the principles of historical materialism, is empirical and greatly enhances the possibilities for dialogue between Marxists and non-Marxists on modes of production in Africa. One suspects it will not be long before the feudal mode appears on the agenda for the dialogue.

If that is the case, one would hope that, as Goody and Beattie have suggested, the exchange could proceed in terms of particular elements within the system, such as land tenure. There are practical as well as theoretical

reasons for this. Decidedly hierarchical traditional systems do not have a promising future in post-independence Africa. They excite concern on the part of new nation-states and new national elites. Many are already gone, some merely "topped," others subjected to more systematic reorganization. Scholars will be examining these institutions in the future not as elements of a going concern, but as parts of systems which have been reformed, or have disintegrated, or are being transformed by market forces. Let us then focus on the element that particularly concerns us here, land tenure, and ask whether an analysis of certain African tenure systems as "feudal" promises useful insights to planners. I propose to use the Ethiopian case as a test case, primarily because the Abyssinian Empire has achieved the widest acceptance as an African feudal system, with a feudal system of land tenure. ("Abyssinian" here refers to the Amharic- and Tigrinya-speaking highland provinces at the core of the empire, after the fall of the Axumite Empire in the ninth century, A.D., but before the creation of modern Ethiopia at the turn of this century.)

Abyssinian Feudalism

Interestingly, Abyssinian feudalism played a marginal role in the 1960s' discussions of the feudal paradigm in Africa. This seems to be due to an unstated consensus that Abyssinia is an exotic, too significant an exception to patterns familiar in Subsaharan Africa to make for useful comparison. Indeed, Jack Goody, who forcefully criticizes application of the feudal paradigm to African societies, offhandedly concedes Ethiopia as feudal.

Donald Crummey has reported that, "for an Ethiopianist, reading Bloch can be seductive and hallucinatory" (1980); the case for an Abyssinian feudalism looks very good as one reviews Bloch's criteria:

- 1) There was a species of feud, the gult, which permitted extraction of a surplus from peasant cultivators to support the feudal structures.
- 2) There was a nobility, and relations within the hierarchy were formalized relations of personal dependence.
- 3) Over substantial periods, eras really, power was significantly fragmented.
- 4) The nobility played the leadership role in raising and leading armies in battle, and can be described as a military class.
- 5) There is a parallel to the origins of European feudalism in the ever-present legacy of the ancient empire of Axum, with periodic striving to obtain a more centralized state.

Moreover, the highland peasant does not face his social superior as the member of another caste or tribe. He is ethnically one with his superiors. He is not part of a strong lineage or other kin group which insulates him from those superiors, because the descent system is bilateral. Each peasant belongs to many lineages and the sense of corporateness within lineages is thus very weak. Many of the objections to an African "feudalism" are foreclosed.

Nonetheless, the applicability of the feudal paradigm to Abyssinia and to the Ethiopia of this century has been debated with some vigor during the 1970s, and in particular since the 1974 revolution. In the mid-1970s, John Cohen wrote suggesting the intellectual productivity of "trying on" the feudal paradigm in detail (1974a, 1974b). This was something which, for all the description of Ethiopia as feudal, Ethiopianists had seemed reluctant to undertake. A reaction generated Gene Ellis's "The Feudal Paradigm as a Hindrance to Understanding Ethiopia" (1976), which in turn drew fire from Ethiopian Marxists such as Legesse Lemma (1978). The latest (and most careful) contribution to the discussion is Donald Crummey's "Abyssinian Feudalism" (1980).

Land tenure has emerged as a major focus in this debate. Given the 1975 nationalization of land in Ethiopia and Ethiopia's present ideological orientation, this debate is heavy with political implications, and these seriously distort discussions. It is also genuinely difficult to generalize accurately about the more than a millennium for which we have fragmentary information on Ethiopian land tenure. But even if one focuses on a period which best fits the paradigm, say the Abyssinian highlands early in the eighteenth century, under the Gondarine emperors, a serious problem exists. The land tenure system on close examination cannot be fitted within the feudal paradigm without doing a good deal of violence to some of its more striking characteristics.

The problem is that the traditional Ethiopian peasant was himself the alodial owner of most of the land he farmed. This form of property, *rist*, is often described as a communal tenure. It is the product of a few, relatively simple rules. Original title was established by "first settlement," usually many generations in the past. Land was not willed, nor sold, but inherited by all biological children, male or female, in equal shares. There was no time limit on share claims by any descendant of the first settler. The interaction of these rules in the densely populated and mountainous highlands produced far too many claimants chasing far too little land, and the dynamics of acquiring and holding land were as complex as the rules which give rise to them were simple. But the internal dynamics of *rist* are not our concern here. Rather, the point is the alodial nature of this tenure, and its relationship to the "feud," *gult*.

The *gult* right is a right to govern and tax. As in medieval Europe, a nobility administered a fragmented policy through a system of grants of feuds from the emperor, and there are patterns of subinfeudation reminiscent of those in Europe. But the feud conveyed was a share in taxation, not the land itself. The financial underpinning of the empire was not rent, but tribute. The Abyssinian peasant is thus no serf, but a *gebbar*, a "rate-payer." His *rist* right to land is in no sense derived from the *gult* right. The first settler, the *akni*, may well have been permitted or sent by a certain emperor or lord to settle in the region, but the title is not seen as derived from a title of a feudal superior; it is earned by clearing and cultivation.

Is the distinction important? In the traditional model, it is not drawn. No distinction was drawn between a tax right and a tenure. The state's right to tribute produced by the land was seen as an interest in the land. It was delegated to the *gult*-holder and described as a tenure. "To the nobleman his *gult*, to the peasant his *rist*," goes the saying. *Rist* is an alodial

tenure, but this is still an African tenure system and there is no incongruity to the traditional mind in one piece of land being subject to two tenures, neither derived from the other, each serving its legitimate function.

From our standpoint, however, dealing with contrasting types of tributary and feudal systems, it is indeed an important distinction. The Abyssinian peasant has controlled the means of production, his land and his oxen. In the Marxist sense, this can hardly be the feudal mode of production. The key element distinguishing the feudal mode from the Asiatic mode is the ruling class's direct control of the means of production. By any tenure-oriented, economic test it cannot be considered feudal.

Conclusion

What can be salvaged from such a profoundly ill fit between the tenure realities and the feudal paradigm? There are other tenure systems in Africa which may be more truly feudal, even though their societies are not generally so reminiscent of the feudal paradigm as Abyssinia. But caution is indicated. The problem is not merely that of the tribute/rent distinction, which is perhaps too formal a distinction to be entirely trustworthy. It is the perhaps related and misleading suggestion of the paradigm that the peasant should be a serf, when he is very definitely a small proprietor, with all the conservatism of the peasant small proprietor. The paradigm would seriously misdirect planners' expectations as to how the peasant would behave in certain circumstances or react to certain initiatives. Fallers has discussed African farmers as peasants (1961), but we lack, so far as I am aware, a cogent analysis of them as serfs. One suspects Maquet may be right when he suggests that such a status is found in Africa only where one tribe has subjugated another and now rules it, with noble and commoner castes.

This is not to suggest that the layered tenure systems of hierarchical African societies have no potential as the raw material of agrarian reform planning. On the contrary, such planning can profit greatly by viewing each layer as a complex of possibilities to be exploited. The group represented by each layer is a potential assignee of new rights and, as each layer has its own geographical scale, there are alternatives of scale for either farming operations or land administration. Institutions of traditional land administration at the various levels may be considered for roles in improved land administration, and norms and values which legitimated the rights at each level can be reviewed for opportunities for legitimation of new patterns.

These, however, are advantages which might be derived from the creative use of layered tenure systems generally, not only those which correspond to a feudal model. And in the end, reference to the feudal model seems more likely to impede than to enhance the perception of such opportunities.

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LAND TENURE POLICY IN AFRICAN LIVESTOCK DEVELOPMENT

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An Overview

With very few exceptions, livestock development in Sub-Saharan Africa has had two broad policy objectives: increased animal output for market, and range conservation. Land tenure reform in some guise has often been seen as instrumental to the pursuit of these objectives. On the simplest (but most widely accepted) level, it is communal land tenure that has been pointed to as a major constraint. Thus, it is not surprising that many programs and projects have tried to introduce tenure reforms which involve, in one way or another, a reduction of multiple claims to and uses of specific grazing areas.

This tendency towards "individualization" is especially apparent in projects which emphasize range conservation. The rationale for establishment of individual rights to discrete grazing territories is often provided by (and attributed to) the "tragedy of the commons" paradigm popularized by Hardin (1968) whose rather simplified parable of what are in fact highly complex processes has frequently been taken much too literally by project planners.¹ This criticism especially applies to an uncritical adoption of Hardin's policy solution. Only under individualized tenure, Hardin argues, would the individual herder be assured that self-restraint in balancing herd size with range carrying capacity will not be exploited by the actions of other range users.

The "tragedy of the commons" paradigm found its way into African land tenure policy in remarkably explicit ways. Seretse Khama, the late President of Botswana, used the following variant of the "tragedy of the commons" in introducing the Tribal Grazing Land Policy to Botswana's parliament in 1975:

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1. Hardin recognized the danger, and his subsequent work edited with Borden (1977) more fully elaborates the multitude of intervening variables.

Under our communal grazing system it is no one individual's interest to limit the number of his animals. If one man takes his cattle off, someone else moves his own cattle in. Unless livestock numbers are somehow tied to specific grazing areas no one has an incentive to control grazing . . . (Khama 1975).

Individual land rights have been held to promote conservation for other reasons.² Since a first principle of managing animal production on natural range is the establishment of appropriate herd size, some analysts see limiting the available grazing territory as an essential preliminary step to limiting animal numbers. Only then will the herder be able to comprehend the implications of running excessive numbers on what would presumably be that person's only possible range. Under open access, not only is the responsibility for range abuse shared, and thereby diluted among the community of herders, but the individual herder does not suffer in a proportionate or unique way from his or her contribution to range degradation. Also, under individual tenure, it is held, herders will become disabused of the notion that there are available pastures elsewhere when the local range is depleted.³

Assignment of leasehold rights to individuals or small groups is the more common approach to tenure reform. A leasehold agreement is often seen as an appropriate instrument for specifying legally binding stock limitations, usually under the rubric of the "good husbandry" conditions typical to leases for state-owned agricultural land. Stock limitations specified in leases are almost never enforced nor are they, for that matter, practicably enforceable. Reluctance or inability to invoke penalties against violations of lease agreements is attributable to the same sorts of political realities that militate against implementation of more general statutory prohibitions against resource abuse.

Individualized tenure has also been advanced as a reform that will accommodate growth policies. Two arguments are typically offered. First, circumstances that favor conservation will also favor growth, as sustained development and growth in market offtake depend in part upon the steady introduction of improved production techniques and, perhaps most importantly, a stable production environment. Both of these conditions are facilitated, it is argued, by the increased control that individual producers will have over grazing land. Second, individual rights will provide greater assurance to investors that landholders are in sufficient control of ranching assets to warrant confident extension of greater loan financing. Even though repossession of leased state land is usually not an option available to private loan institutions, a legally recognized exclusive land right by the ranching enterprise is a signal to banks

2. We use the terms individual, private, and exclusive rights more or less interchangeably.

3. This issue has recently been applied to the Botswana case by Paul Devitt (Carl Bro 1982). That there are in fact "greener" pastures elsewhere has been the basis of traditional range use strategy. Loss of land to competing users, demographic growth, etc., have made such solutions to range degradation increasingly unviable.

and other lending agencies that the rancher has made certain entrepreneurial management commitments to commercial production.

While individualization of tenure rights has been seen as the solution for most effectively handling large herd owners in Botswana, for example, governments and projects have recognized that it is inapplicable to many livestock management situations elsewhere on the continent, and for smallholders in Botswana. There has been a growing tendency for tenure reform to specify the exclusive rights of a particular group to a definite grazing territory. The best known examples of this approach are the group ranches of Kenya and Tanzania, but the principle in one form or another is found in most Sahelian and East African project designs (see for example, Riddell 1982; Bennett 1983).

Government and project planners have cast group rights in terms that provide a legal context for corporate range investment. The data, however, indicate that many herders welcome group ranches in countries like Kenya, not because they are anxious to limit stock numbers or curtail traditional strategies, but rather because the new legal machinery gives them a less ambiguous route to follow in protecting their range from invasion by cultivators (Galaty 1980).

In point of fact, experience has shown that tenure reform has often not been an effective instrument in the pursuit of either growth or conservation policy objectives. It can be argued that the tenure reforms offered have not taken adequate account of the broad economic and ecological environment of pastoral systems or of the nature of the changes that are under way in the organization of livestock production. Some of the more salient structural aspects of pastoral production and their implications to policy are examined below, but for purposes of the present discussion of conventional tenure policy, the following observations are offered.

While tenure policies have tended to emphasize assignment of exclusive rights to discrete land areas, the circumstances of livestock production for the vast majority of cattle producers require maintenance of some form of communal tenure. In fact, in most pastoral economies, livestock production and use of grazing commons are still inseparable for two main reasons, the first of which is related to problems of herd size. The great majority of livestock holdings in Africa are small, fewer than 100 head of cattle (FAO 1975). No single production unit could capitalize a ranching operation, including water supply, with such small holdings, especially given the non-commercial orientation of many producers. Of course, the group ranch concept offers the economies of scale necessary to finance ranch development, but in most cases critical issues of asset management and herd disposition have not been successfully resolved.

Second are ecological reasons that militate against imposition of systems of individual land rights to replace communal tenure. Livestock production in semiarid savanna areas is a land-extensive enterprise, typically requiring quick response to highly variable rainfall patterns. Land tenure must take into account the variable environmental base. Hence, we should not be surprised that transience of resource use is a near universal condition as specific landed resources can normally be expected to have use value only for

limited amounts of time each season. The timing of this use will depend on type of animal, seasonal variation, and so forth, which in the Sahel, for example, results in different groups utilizing the same resource base at different times during the year. See Gallais and Boudet (1980) for a project design that explicitly tries to deal with this factor. Transiency will remain de facto an essential component of most tenure systems, if not de jure.

The transiency component means that intensity of use on any given landed resource will vary by time, space, and social group. Planning will have to come to grips with the time-thing-person relationships that make life possible in these arid rangelands. Individual tenure is not easily made compatible with regular, transhumant movements between seasonally available water supplies, especially where dry season pasture conditions are not predictable. Exclusive tenure requires, in most cases, a technical infrastructure that is not economically feasible given present and foreseeable market conditions.

The conclusion is that while the number of options for making production more efficient are severely limited, existing circumstances virtually dictate that some form of communal tenure will have to continue at the present time regardless of the tenure reforms proposed. But, we hasten to add that the existing situation, characterized by a virtual absence of grazing controls, widespread land degradation, growing impoverishment and inequality among producers, does not provide the elements of a long-term communal tenure model of great inherent promise. Furthermore, the changes affecting African pastoralism are not well dealt with by the institutional resources of traditional society. In fact, the decline of traditional management rules is but another symptom of the changes that are overtaking the pastoral sector. Thus new models of communal tenure must be designed to meet emergent circumstances of pastoral production and resource use. In the following section, several relevant aspects of the changing pastoral environment in relation to tenure policy are examined.

Transitional Economies and Tenure Policy

The economic organization of livestock production and resource management practices are changing in response to a general reorientation of household economic interests away from subsistence production and local exchange toward increasing market-oriented production and engagement with more cosmopolitan economic institutions. This process has two important implications for pastoral production.

First, resource management tends to become abusive. Especially today, herders have even less incentive to maintain or initiate agreements pertaining to resource allocation and control. The local-level institutions that traditionally have performed that function have yielded to supralocal market institutions as an important new factor in gauging production decisions. This dissolution of local-level controls is further accommodated by other phenomena that accompany rapid economic change, such as population growth, income diversification, technological changes, and, of course, development projects. The latter, including those that aim solely to reestablish ecologically sound management practices, are cast with reference to the emergent, market-oriented economic institutions.

The second key aspect of economic change is the emergence of entrepreneurship, a term used in the broadest possible sense. Simply stated, as herd ownership becomes less constrained by collective economic and managerial controls, private rather than collective benefits are maximized. Or, put another way, the economic interests of the household or herd ownership unit are pursued with increasing reference to external market institutions and commensurately less so to local social obligations. This process of increasingly autonomous decision-making reinforces the breakdown of local-level management controls.

There are three major attributes of the economic change process that are relevant to the development of tenure policy. First, the process of adjustment to the new economic reality has been a tremendously uneven one, not only among pastoral groups, but within groups as well. In fact, the highly differential character of producer adaptation and response to economic change is perhaps the single most important attribute of the change process from the tenure reform viewpoint. Greater decision-making autonomy coupled with a wider choice of technologies and product outlets has given rise to what we choose to call differential production orientations and management styles (Bennett 1982). On the most general level, "production orientation" divides along the lines of market and nonmarket production, but the actual situation is one of a broad continuum between these two extremes. "Management style" refers to the kinds of herd management and enterprise investment practices typically characteristic of each production orientation. For example, a "commercial" production orientation would normally indicate a management style characterized by relatively high capital investment in water supply and ranch infrastructure, hired labor, and fairly large herd size. A small subsistence producer, on the other hand, would probably act to minimize expenditure on the herd, given that household cash requirements might be more efficiently secured by applying limited assets and labor to other activities, perhaps involving labor migration. These distinctions are important for tenure policy because production orientation and management style indicate general tenure models appropriate to the prevalent production systems.

A second major attribute of the process of economic and structural change is its implications for local-level resource control practices, including formal and informal regulatory institutions. Recent research has led to an approach that has many appealing implications to institutional development for range conservation, buttressing traditional institutional controls over the range use practices of local herders (Horowitz 1979; Gulbrandsen 1980). Traditional institutions hold promise as broad organizational frameworks for extension and planning programs, but it is doubtful that they alone retain the essential attributes and authority necessary for achieving conservation objectives for several reasons. First, the authority of traditional institutions (as vested in chiefs, ward heads, and lineage heads) is mainly derived from the exercise of political and economic functions that have atrophied as institutions external to the traditional order have gained ascendancy. As stated above, household production and labor allocation decisions are increasingly less confined by local conventions. Market conditions, external employment opportunities, and new technologies have all resulted in a fundamental reorientation of economic interest and herd management almost everywhere on the continent.

In some parts of Sub-Saharan Africa, such as Botswana, the process of change from traditional subsistence-oriented production toward more commercialization is well advanced, while in others, such as among the Dinka and the Nuer in the southern Sudan, it has barely begun. The Maasai and the Fulani are probably at an intermediate stage in the process. The decline of traditional authority has often been promoted by modern political elites as part of the program for nation-building, and often as a means of consolidating their own positions. Reinvesting traditional authorities with control over important land matters would be considered a step backward by most modern political leaders as well as by many herders. Finally, there has even been a tendency by some analysts to exaggerate the extent of controls formerly exercised by traditional authorities over community resource use. Those controls that were in place were tailored to the requirements and circumstances of relative resource abundance, and were largely concerned with assuring equitable access to resources by group members.

Range use has truly become a chaotic situation in many areas, and the prospects for local institutions alone maintaining control of the situation are not very good. This is happening because the processes of structural change described above imply that the relevant economic institutions affecting the production and resource use decisions of pastoralists are increasingly situated beyond the level of local exchange and redistribution networks. To be effective, resource control institutions must somehow be scaled to these new influence "jurisdictions." Typically, some measure of state-level control is necessary for the effective regulation of economic activity integrated by national markets. This is not to deny, in the least, a role for local-level institutions in the management of resources, but it does suggest that the power and authority of such bodies will probably have to be supported by, and integrated into, higher levels of state authority.

Institutions, only part of the equation, must be seen as arbiters of what is currently absent in most communal tenure situations today: a body of consistent and accepted common property law that defines the terms, conditions, and rights of access to common resources.

Arriving at effective common property law is a matter of interpreting customs and practice, combined with considerations of desirable public policy toward economic development and land use. In effect, taking into consideration both national and individual goals, common property law must be restated at the level of the nation, taking cognizance of local variations in custom and practice. The evolution and formal restatement of common property law will in most cases be a long-term process.

A third major attribute of the changes affecting pastoral production is the transitional character of the new economic and ecological relationships facing the producer at any given time, which makes for an inherently unstable policy-making environment. Producers assume fundamentally new economic and social attitudes while simultaneously attempting to retain old ones. Official institutional resources are weak and poorly defined. Rules of behavior and definitions of rights tend to be vague and uncertain. Projects themselves push objectives, production and conservation, that appear contradictory to the producer. Signals are mixed, detracting from the already weak credibility producers grant modern sector authorities.

Such problems are endemic to situations of rapid economic and social change. But the implications of inherent institutional weakness and widespread public uncertainty over resource rights regarding the efficacy of proposed tenure reforms are rarely considered. Economic change is a dynamic process, putting severe limits on the ability of usually static legal rules to maintain relevancy. This is a problem not easily dealt with under any circumstances, especially by policy planners who are faced with a multitude of trade-offs.

A Model of Tenure Policy for Pastoral Systems

The changes presently under way are characterized by divergent responses of animal producers to a changing economic environment, especially in the area of commercialization of the herd and by increasing individualization of decisions about resource use, accommodated in part by a decline in the efficacy of local-level range use controls. For reasons discussed above, grazing land is still primarily communal, as necessitated by the intrinsic requirements of smallholder animal management on low productivity range of seasonally variable carrying capacity. These characteristics of production with respect to land use require that communal tenure be retained, in one form or another, as an essential feature of most pastoral production systems. Once the necessity of communal tenure is accepted, the key policy issues center upon the design of communal tenure rules and institutions appropriate to the needs and potentialities of producers of varying production orientations and management capabilities.

A policy model which holds promise for Subsaharan Africa is summarized in figure 3.1. It should be emphasized that as a general model it is meant to be illustrative of the principles that underlie the policy relationships that are discussed below. That is, we attempt a theoretical framework for approaching the specific details of any number of tenure policy problems. The model appears to assume a large measure of spatial separation between large commercial holdings and smaller noncommercial enterprises. This, of course, is typically not the case, and a key question in most tenure reform programs will be how to tailor specific reforms for specific groups utilizing shared range. This will be difficult under the best of circumstances, and the evolution of greater spatial separation may in the long run be necessary. Also, the model applies to semiarid and arid production environments.

Tenure is treated in the model essentially as a dependent policy variable. Tenure rules and institutions normally should be scaled to the circumstances of livestock production, as indicated by the role of livestock in the household economy, and the production orientations and management styles of the producing units. The first measure is the role of livestock in contributing to the overall income requirements of the producing unit. This provides an indirect measure of the relative economic interest of the household in livestock, and the willingness (and ability) of the household to make available labor and other productive assets necessary for the adoption of certain types of tenure-dependent management practices.

"Production orientation" refers to attitude of the livestock enterprise to the market. Most herders produce both for subsistence consumption and for

FIGURE 3.1
A General Model of Tenure Policy Variables for African Pastoral Systems

| ROLE OF LIVESTOCK IN HOUSEHOLD ECONOMY | PRODUCTION ORIENTATION | MANAGEMENT STYLE | TENURE | TYPE OF INSTITUTIONAL CONTROLS |
|---|---|---|--|---|
| 1. Large Holdings | | | | |
| High reliance upon livestock sales to meet large cash needs. | Commercial production for market. | Fairly high investment in ranching operations. | Exclusive: ranging from private property rights to some form of leasehold. | State issues specific right via legal instrument (freehold, leasehold, etc.). |
| 2. Small to Medium Holdings | | | | |
| High dependence upon cattle for cash and subsistence needs; and as input into other aspects of farming enterprise. | Broad continuum from essentially traditional to mainly commercial; typically cattle still important for subsistence, but small levels of planned commercial offtake achieved. | Ranges from "traditional" strategy of minimizing expenses to "commercial" willingness to undertake investments. | Modified communal, formal allotment to extensive group including management provisos; also indirect control over land exercised via private water rights. Group ranch model. | Supralocal board or authority allots grazing to local grazing committee, group ranch, etc. Negotiation, not strict regulation, of range use preferable. |
| 3. Small to Very Small Holdings | | | | |
| Low reliance upon cattle as source of current income; used as form of investment and savings, but generally aspire to build up herds. | Marginal "itinerant" production; only occasional, and then unplanned cattle sales possible. | Minimal expenditure on farm operation; asset and labor short. | Communal use of public water supplies; cattle keeping in mixed farming areas. | Local-level agreements; extent of overgrazing limited by water availability and perhaps by land use zoning. |

the market, so it is the proportional mix that is really important. A potentially useful measure for classifying mixed production units as either predominantly subsistence-oriented or predominantly commercial-oriented is whether sales are undertaken on a regular and planned basis. This would not, of course, be fail-safe, but it exemplifies the qualitative considerations that are involved in assessing changes in production orientation.

"Production orientation" is important to tenure policy for two reasons. First, the degree of production for sales indicates the general potential for undertaking private investments in water development and other range improvements. Second, production orientation provides an indirect measure of producer integration in national economic (and public) institutions, including marketing networks. These institutions provide a structure, or medium, for the conveyance of production and resource management incentives. In the absence of a reasonably high measure of producer integration, in terms of overall political and economic interdependency, it is unlikely that the supralocal land authorities necessary for the negotiation and administration of tenure rules will be effective. "Management style" is derivative of "production orientation," and is used here as a measure of the willingness and ability of producers to undertake expenditures on herding operations. It is a supplementary measure of producer reliance upon livestock and susceptibility to public incentives.

Implications for Land Tenure Policy

The large-scale commercial operations described in the first row of the model may often warrant granting of exclusive leasehold rights to qualified producers, although implementation of such a radical tenure reform should be approached with great caution as competing rights must be thoroughly adjudicated. Rights of stock movement should normally be preserved. Planning for the Tribal Grazing Land Program (TGLP) in Botswana incorporated an overestimation of the commercial orientation and management capabilities of many large holders originally believed qualified for the special rights and privileges involved in leasehold agreements. Instead of assuring a production environment conducive to the investment and improved management practices characteristic of commercial ranches, the program instead provided an opportunity for wealthy and influential large holders to claim exclusive rights to land without being obliged to make the improvements appropriate to commercial enterprise. Granting of exclusive rights to individual stockholders should be undertaken only when there is reasonable expectation that the benefits that will accrue to society, in terms of increased output, income, and improved resource guardianship, outweigh the loss of societal welfare involved in the displacement of other producers utilizing the land.

Most livestock producers fall within the category of small to medium-sized herders. Communal tenure is an essential aspect of this sector's production environment. Policy development must accept communal tenure as a given, and undertake to develop rules and promote institutions capable of making livestock production on common range work in the interests of producer welfare and environmental conservation. Policy emphases to date have not given sufficient direct attention to the problems of communal tenure.

Two elements have been suggested in the preceding section as essential elements of a workable communal tenure. First is a specific body of law governing rights and limits of access to communal resources, while second is an institutional framework for allotting land rights and policing land use. What is needed is the creation of institutions at both local and supralocal levels, the first under the control of influence of stockholders, the latter responsible for implementing range use standards and assuring equitable participation. Communal range policies would evolve out of a process of negotiation, compromise, and regulation which in the long term may lead to the reasonable satisfaction of most interests. The group ranch model is illustrative of a local-level organization broadly representative of herder interests. Though it has typically, and appropriately, been promoted by planners for its advantages as a production unit, greater attention should be given to its potential as an organization for engaging regulatory institutions in negotiations over range use standards. Supralocal bodies must be backed up by suitable administrative resources, regulatory authority, and, of course, political commitment. To be effective, any supralocal institution must enjoy a wider political legitimacy, achievable only from a general public appreciation of the need for a formal institutional role in regulating resource use. This latter requirement has probably not been adequately met anywhere in Subsaharan Africa. Establishing institutional legitimacy on matters involving the regulation of resources is perhaps the single most difficult resource development constraint.

The third group in the model presents very different policy problems. These small to very small holders typically secure only a small portion of total household income from cattle in the form of milk, blood, and only very occasional cash sale. For them, the small family herd may be an important input to other aspects of the farming enterprise and may also serve as the household's only significant form of savings.

It is just because the smallholder is so often unable to provide either the labor or the capital to manage effectively the few animals owned that special difficulties are presented. Often the very animals that cause the greatest damage and are unattended or only casually cared for belong to this category of owner. Yet at the same time, the owner is frequently incapable of providing more animal supervision. In addition, these small holdings are the only secure form of "wealth" possessed by this lower stratum of the pastoral community. In the aggregate, the number of animals on the African range belonging to this category is substantial, and unless we address the property rights involved, there is little hope of effective management. The land rights of smallholders are probably best provided in the framework of relatively sedentary mixed farming areas. These areas need to be identified and secured for smallholders as a first step in any tenure reform program.

Conclusions

In most pastoral production areas of Subsaharan Africa, communal tenure makes economic and ecological sense. Though communal tenure systems throughout the continent are undergoing severe stress in the face of rapid economic and institutional change, individualization of rangeland will only in the rarest cases solve the problems characteristic of communal tenure systems today.

At the same time, establishment of communal tenure systems that accommodate growth, conservation, and equity objectives presents formidable challenges. In any given situation, analysts must be prepared to assess rigorously the environment of livestock production and producer decision-making in terms of what it implies for land tenure, producer cooperation, and forms of administrative regulation. Though traditional institutions may in some circumstances retain sufficient legitimacy to play a role in range management, the economic and political bases for traditional authority are becoming increasingly tenuous across Africa. The contemporary production environment presents several unique problems unfamiliar to traditional institutional experience.

The continuing importance of communal land use to pastoral production indicates that, over the long run, increasing attention should be given to the development of policies in the areas of common property law (including the relationship between individual and corporate rights and responsibilities as well as arrangements such as group ranching) and regulatory and community management institutions for communal land usage. These two institutional realms will provide the working rules for communal tenure. The latter area, regulatory and community management institutions, has some implications for technical assistance, for it suggests greater emphasis on approaches to resource management similar to the tradition of public lands management as known and practiced in North America (Calef 1960). This tradition, with its predominant emphasis upon the negotiation, assignment, and regulation of grazing rights to common pastures, has been remarkably absent in providing even the most general background to pasture management in Africa.

Achieving efficient administration of public, communal range will be a long and difficult undertaking. Land management agencies will become factors to be reckoned with at a rate roughly commensurate with two important developments in Africa's political economy: the economic integration of pastoralists and their livestock production into the national economies; and the public recognition of the state's legitimate interest in matters affecting the use of natural resources. The former is proceeding rapidly; the latter will be granted only grudgingly.

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29

LAND TENURE CONVERSION IN AFRICA:
BRIGI G REFORMATION TO REFORM

John W. Harbeson*

Changing patterns of land tenure have been central elements in the colonial and post-independence experience of nearly every African nation since World War II. Socioeconomic change in rural Africa has almost universally introduced the possibility of commercial transactions in land, out of keeping in many instances with preexisting traditions concerning the use and distribution of access to land.

The importance of land tenure rules in Africa has in no way been diminished by perceptible reductions in the percentage of the workforce deriving a livelihood from agriculture and in agriculture's share of gross domestic product during the last twenty years. While agriculture contributed nearly 35 percent less to GDP in 1980 than in 1960, the percentage of the population dependent on income from agriculture has diminished only about 12 percent.¹ Given population growth rates of 2.5 percent or more during this same period, the absolute number of people engaged in agriculture for a living has substantially increased.

Over and above the clear economic significance of agriculture in Africa, there is little reason to suppose that the psychic, cultural, and political importance of land to Africans has in any way diminished. Land continues to appear to represent status, power, and security to political elites, putting them in frequent and often unhealthy competition with the rural poor for control of an invaluable resource. Clearly, if scarcely quantifiable, intimate and complex relationships to the land are integral to the definition of African nationhood as well as to personal well-being for African elites and masses alike. This is especially the case in eastern and southern Africa where empire meant the alienation of control over land and the introduction of European settlement. Independence, therefore, meant in large part return of this treasure to its rightful owners. The forms in which these truths are expressed may have changed conspicuously over time, but their importance and significance have not.

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1. World Bank, World Development Report (1980).

The central question is whether the substance has changed: granted important albeit perhaps changing relationships to the land, what is the actual meaning of land to African peoples? To what uses is it to be put? In what proportions does access to land mean survival as distinct from a vehicle for economic improvement, status as opposed to a resource for increasing standards of living, power for elites as opposed to a means for the empowerment of the dispossessed? To the extent that land represents a principal resource for development, who defines how land is to be utilized for that purpose, not to mention who establishes the definitions of development themselves? In the enormous academic literature on land tenure and agrarian reform, relatively little follows Paul Bohannon's initiative nearly twenty years ago in addressing African conceptions of the meaning of land as distinct from how access to land is in fact achieved.²

The use of unfamiliar terminology may be valuable in giving new emphasis to important but somewhat sidelined questions. There are at least two important ambiguities in the use of the conventional terms "land reform" and "agrarian reform." First, while it is generally acknowledged that changing land tenure rules cannot bring beneficial results except as part of a more comprehensive program for improving standards of living, definitions of land reform do not always reflect this perception. The World Bank, for example, explains that "Land reform is concerned with changing the institutional structure governing man's relationship with the land."³ "Agrarian reform" may, therefore, be the preferable term, defined as it was by Marion Brown in the U.S. background papers for the 1979 World Conference on Agrarian Reform and Rural Development to mean "modifying structures and institutions in the rural sector to provide more equitable and more secure access to land, water, and other productive resources and services including agricultural inputs, new technology, extension, credit, processing, storage, marketing, transportation, and mechanical equipment."⁴ Agrarian reform, thus conceived, represents progress in productivity, equity, and implicitly standards of living for those of limited means in rural areas.

Second, as Moris has noted, however, reform does not always produce such desirable results.⁵ Landowners and political elites may preempt the processes of agrarian reform. As Huntington was critical of modernization theory for failing to come to terms with decay as well with development, possibly our uses of the term "land reform" and "agrarian reform" may similarly serve to

2. Paul Bohannon, "'Land,' 'Tenure,' and 'Land Tenure,'" in African Agrarian Systems, ed. D. Biebuyck (London: Oxford University Press, 1963).

3. World Bank, "Land Reform Sector Policy Paper" (May 1975), p. 5.

4. Background Papers for the United States Delegation (Washington: Working Group on WCARRD, U.S. Agency for International Development, July 1979), p. 22.

5. J. Moris, Managing Induced Rural Development (Bloomington: International Development Institute, Indiana University, 1981), p. 68.

blind us to circumstances where reform processes retrogress, prove transitory, or are preempted by those who do not share the objectives of the reforms.⁶

In addition to these ambiguities, differences of emphasis concerning the importance of land reform in relationship to agrarian reform occur, partly because of differences in how broadly the former term is implicitly defined. Montgomery in 1970, for example, considered land reform to comprise at least initiating changes in ownership and tenancy rights, issuing titles and enforcing contracts, compensating landlords as well as collecting payments from purchasers and tenants, and adjudicating disputes over boundaries and rights.⁷ This represents a somewhat narrower definition than the World Bank's, both of which are compatible with the views of Warriner who, while equating land reform and agrarian reform, advocated eschewing a definition so broad that it "blurs the real issue."⁸ Perhaps such subtle but important differences in breadth of definition explain why the Agency for International Development's conference on Rural Development in the 1980s emphasized the use of land resources almost to the exclusion of land reform, even though sponsored by the AID office that has for many years supported the work of the University of Wisconsin's Land Tenure Center!⁹ Even Uma Lele, in her seminal work on rural development, assigns only limited importance to land reform, centering only on cases where great inequality in the distribution of land rights has obtained, e.g., in Ethiopia and Kenya.¹⁰ Perhaps implicit narrow technical definitions explain exclusion of land tenure from such discussions.

The term "land tenure conversion" may also be susceptible to implicit definitions of varying breadth. The term can be restricted to a narrow, legalistic idea of changing land "rights" from one form to another without necessarily improving the distribution or quality of those rights. An alternative definition might lead to new emphasis on broader, more philosophic dimensions of land tenure. Land tenure "conversion" suggests not only changing people's

6. Samuel Huntington, Political Order in Changing Societies (New Haven, CT: Yale University Press, 1968).

7. John Montgomery, "Allocation of Authority in Land Reform Programs: A Comparative Study in Administrative Processes and Outputs," Administrative Science Quarterly 17:1 (March 1972): 62-80.

8. D. Warriner, Land Reform in Principle and Practice (Oxford: Clarendon Press, 1969). Land reform and agrarian reform are treated as equivalent and refer to changing the institutional framework of agriculture, including distribution of ownership, forms of agricultural employment, the forms of land tenure, and organizations where membership is obligatory if one is to hold land.

9. Office of Rural Development and Development Administration, Rural Development in the 1980s (Washington: U.S. Agency for International Development, November 1979).

10. Uma Lele, The Design of Rural Development: Lessons from Africa (Baltimore: Johns Hopkins University Press, for the World Bank, 1975), p. 179.

relationship to the land but changing beliefs about the meaning of land, with particular application to the contexts of development efforts. Attention to beliefs about the meaning and uses of land links the issues of land tenure changes and participation in rural development. We have learned the importance of local participation in many aspects of development, from the location of water points in Botswana to the conduct of agricultural research in Central America.¹¹ We have learned that small producers are often more rational users of scarce resources than those operating on a larger scale, and we know that development projects which do not take account of the attitudes of the intended beneficiaries run a high risk of failure. Yet at least in Subsaharan Africa, these lessons may have been overlooked in the conduct of land reform. Paradoxically, however, in undertakings which perhaps more than any other signify promoting development with equity by and for the poor, some essential contributions of the poor to their own empowerment may have been forgotten. A review of some of the more dramatic post-independence land reform programs in Subsaharan Africa reveals not only that real progress may have been limited and ephemeral but that fundamental differences of views have persisted between the planners and the participants in these land reforms.

The thesis of this paper is that land reform itself must be reformed, at least in Subsaharan Africa. An essential ingredient in any land reform is understanding how rural producers themselves view the land, how they define their interests in land, what they view as essential to making the most of their principal economic asset. Where these perceptions differ from those of policy-makers imbued with a concept of national development and the place of rural smallholders in development, processes of dialogue, persuasion, compromise, and reconciliation must ensue. Only in this fashion is it likely that investing rural producers with new rights and access to land will result in their "empowerment" and, in turn, the kind of development at the national level that planners envisage. To give far more than the customary lip service to such a process of actively engaging the poor in the institution of new, more effective, and more equitable patterns of land tenure may indeed suggest an analogy to the Reformation in Europe. For the "priesthood of all believers" substitute the less ringing but perhaps equally important "planning of agrarian reform by all those who are to participate in it."

In the sections that follow, the appropriateness of such a reformation of land reform will be considered in the context of major land reform efforts in four countries illustrating several different models of land tenure conversion. The elements of each model include:

- 1) The subjects of the reform: are they individuals; individual households; families; or groups based on residence, ethnicity, and/or shared economic circumstances?

11. See the enormous literature published by the Rural Development Committee at Cornell University on participation in rural development. A benchmark study for the series is John Cohen and Norman Uphoff, Rural Development Participation: Concepts and Measures for Project Design, Implementation and Evaluation (Ithaca, NY: Rural Development Committee, Center for International Studies, Cornell University, 1977).

- 2) The benefits of the reform: empowerment to sell, exchange, inherit, use, and/or encumber the land.
- 3) The obligations incurred in terms of land use, payments, and/or political or social obligations at the time of the transaction and/or subsequently.
- 4) The agency of reform: relative importance of national governments, local authorities, donor organizations, or private groups in initiating and carrying out the reforms.
- 5) The governance of reform: adjudication of disputes, assignment of beneficiaries, determination of obligations, guaranteeing of "rights" and the integrity of the reform as a whole, and initiating and carrying out extensions or modifications of the reforms.
- 6) The purposes and interests served by the reform. Each model involves not only changes in land tenure per se but beliefs on the part of planners and participants concerning the purposes to be served by these changes.

Model #1

Official Confirmation of Evolved, Broadly Based, Freehold Tenure. Kenya's land consolidation program confirmed that evolution of traditional usufructuary tenure had evolved toward individual "ownership" by the institution of freehold tenure.

Denied their ultimate objective of political preeminence early in the colonial era, Kenya's European settlers set about, with considerable success, to demonstrate to colonial authorities their indispensability to the economic development of the colony.¹² Not until the declaration of the Emergency in 1952 did colonial authorities and moderate settlers take seriously long-standing recommendations of agriculturists to stabilize land tenure in the areas then reserved to African cultivation.¹³ At that time the colonial administration took advantage of nationalist leaders' preoccupation with the insurgency to introduce land consolidation in the Kikuyu districts.¹⁴

Traditional Kikuyu land tenure rules led to individuals inheriting a number of often widely separated fragments, none of which was individually viable as a smallholding.¹⁵ Through land consolidation farmers exchanged

12. See, for example, E.A. Brett, Colonialism and Underdevelopment in Africa: The Politics of Economic Change 1919-39 (Nairobi: Heinemann, 1973).

13. John W. Harbeson, Nation-Building in Kenya: The Role of Land Reform (Evanston, IL: Northwestern University Press, 1973).

14. M.P.K. Sorrenson, Land Reform in the Kikuyu Country (London: Oxford University Press, 1968).

15. A standard work is John Middleton, The Kikuyu and Kamba of Kenya, Ethnographic Survey of Africa: East Central Africa, Pt 5 (London: International African Institute, 1953).

fragments of comparable size and quality so that each could hold in one place land of the size and value of the separated fragments. The process was carried out through elaborate and prolonged consultation with individuals and communities concerning the nature, location, and value of lands held. When the fragments had been consolidated, the farmers were offered freehold title to their new holdings.¹⁶ The new legislation limited the subdivision of land, undertook to promote security and regulate rents, established boards to review sales of newly consolidated holdings in the interests of the poorer farmers, and established decentralized procedures to regulate and adjudicate land matters.¹⁷

A fundamental premise of the consolidation movement was that traditional Kikuyu land tenure rules had evolved to the point where traditional rights in land were very similar to those embodied in the English system of freehold. Care was taken not to force on the Kikuyu a set of land tenure rules that was alien.¹⁸ Even with such caution, one of the three principal districts had to be re-zoned in 1961.

Participation in the land consolidation program was open to everyone in the Kikuyu districts, the expectation being that without the presence of nationalist politicians, people would not resist engaging in the reform process. Cohen gives a somewhat misleading impression in suggesting that only "loyal tribesmen" were permitted to participate.¹⁹ The freehold titles did not restrict sale, though some effort was made to restrict subdivision of consolidated plots through inheritance.

Individuals were free to use the land as they chose. They were encouraged to grow cash crops and to participate in cooperatives but were not required to. Some have argued that it was the lifting of restrictions on Africans' growing coffee, not consolidation per se, which resulted in the increased production. They have argued that freehold tenure was less something that the Kikuyu sought than something the colonial administration wished to impose as part of its overall political strategy: to create a conservative African smallholder class supportive of a multiracial alternative to independence on the basis of majority rule.²⁰ African farmers were encouraged to follow prescribed land use rules in the interests of production and soil conservation, but were not specifically threatened with loss of title for failing to do so. Implicit in the

16. J.T. Flaning, "Tenurial Reform as a Prerequisite to the Green Revolution," World Development (1975), pp. 47-58.

17. *Ibid.* One argument is that the titles were imposed on the Kikuyu as the price of their gaining encouragement to produce cash crops. Colin Leys, Underdevelopment in Kenya (London: Heinemann, 1975).

18. See, for example, F.D. Homan, "Consolidation, Enclosure, and Registration of Title in Kenya," Journal of Local Administration Overseas, no. 1 (1962), pp. 4-14; and Sorrenson, Land Reform in the Kikuyu Country.

19. John Cohen, "Land Tenure and Rural Development," in Agricultural Development in Africa, ed. R.C. Bates and M.F. Lofchie (New York: Praeger, 1980), p. 364.

20. Leys, Underdevelopment in Kenya.

program was the concept of enfranchising these titled smallholders as a way of isolating the nationalist politicians, but there were no specific political obligations attached to the award of freehold tenure.

More than is true for any of the other models considered, land consolidation in Kenya was initially carried out in close, patient, local-level consultation with the peoples affected by the program. Even at the time, however, there were unreconciled divergences of purpose between planners and participants. These divergences of purpose have widened with time and help to explain why the initial economic success of the program has been increasingly tarnished. Initially government did just what ministry agriculturists had long recommended and what "chiefs" in the area had begun to do on their own. But one of the causes of the Emergency had been the willingness of appointed chiefs to consolidate private landholdings at the expense of those who had enjoyed fairly secure tenancy under traditional rules. While provision was made for establishing holdings in the name of those absent from an area, many who were participating in the insurgency or who had emigrated to Tanzania did not receive land. The same pressures of growing landlessness which helped to spark the Emergency made the subsequent resettlement of the European areas with African smallholders a political necessity.

The land tenure rules themselves have enjoyed only limited effectiveness and legitimacy.²¹ They presumed that Kikuyu were more prepared to accept bureaucratic control over conveyancing and resulting distinctions between landed and landless than has proven to be the case. Indications are that successions to holdings are seldom recorded and that sales often are not.²² The Kikuyu prefer to leave titles in the name of the deceased original holder and subdivide the land in smaller parcels than the statutes countenance which did, after all, characterize the traditional Kikuyu system.²³ The Kikuyu may find the resultant limitations on security and freedom of disposition to be an acceptable price for freedom from bureaucratic regulation and, perhaps, for accommodating more people on the land. Unrecorded successions and sales open the way for multiple sales of the same piece of land, increased difficulty in implementing land conservation and development measures, and concentration of holdings by the politically powerful. Indications are that all of these have occurred. Individual titleholders have also experienced difficulty in protecting their title deeds from being tampered with on behalf of those with political influence.²⁴ Once excluded, therefore, from the titling process by colonial administrators, the country's political elite has been able to turn

21. H.W. Okoth-Ogendo, private correspondence. See also his article, "African Land Tenure Reform," in Agricultural Development in Kenya: An Economic Assessment, ed. J. Heyer, J.K. Maitha, and W.M. Senga (London: Oxford University Press, 1976), pp. 152-87. Also F. Coldham, "Land Tenure Reform in Kenya: The Limits of Law," Journal of Modern African Studies 17 (1979): 615-29.

22. Ibid.

23. Middleton, Kikuyu and Kamba of Kenya. See also Jomo Kenyatta, Facing Mount Kenya (New York: Vintage, 1962).

24. Okoth-Ogendo, private communication.

the reform to their advantage at the expense of many who were to have been the beneficiaries of the program. These problems have been exacerbated by Kenya's unbridled population growth and the attempt by the Kenyan government to apply the consolidation and titling process to other areas of the country where traditional rules were less in keeping with English concepts of freehold than were those of the Kikuyu.

A clear lesson from the Kenya experience with consolidation and titling is that initial efforts to build land reform from the ground up, though imperfect, have not been maintained--let alone improved upon in recent years. Without such dialogue, divergence of unreconciled purposes between planners and participants can grow to the point where the significance and durability of the reform itself come into question.

Model #2

Donor-Financed Support for Increased Tenant Security in a Limited Area and Official Sanction for Narrowly Based, Imposed Freehold Tenure. This model is represented by regional development in pre-revolutionary Ethiopia in which agricultural development was attempted without changing traditional tenure rules, wherein the interests of the government and the participants differed sharply. An "essentially unregulated" freehold tenure system was enjoyed by a limited number of landowners whose position symbolized and consolidated the Addis Ababa government's conquest of the area around the turn of the century.²⁵ The Ethiopian government, therefore, sought development without tenure change while large numbers of tenants sought increased security of tenure as a basis for engaging in real agricultural development. Tenants and small landholders in the system sought security of tenure.

Chilalo district in Ethiopia was brought into the empire by the conquests of Menelik II before the turn of the century. The political settlement of this and other similar conquests involved transformation of an essentially corporately managed usufructuary tenure system into concentrated private landholdings allocated to the "victors" and local people who collaborated with them. Much of the remainder of the population was obliged to seek tenancies under these landlords on extremely unfavorable terms.

In the 1960s the Swedish International Development Authority (SIDA) was encouraged to promote comprehensive agricultural development of this district, in part because of its agronomic potential. It established the Chilalo Agricultural Development Unit (CADU). Among the purposes of the project was to help farmers in the lower income brackets, specifically those who were tenants. At the time Haile Selassie's government appeared to be considering legislation to afford increased security of tenure to tenants.²⁶ The proposed

25. John Cohen, "Land Tenure and Rural Development in Africa" (Cambridge, MA: Harvard Institute for International Development, 1979), p. 27.

26. John Cohen, "Effects of Green Revolution Strategies on Tenants and Small Scale Landowners in the Chilalo Region of Ethiopia," Journal of Developing Areas 9 (April 1975): 335-58.

legislation was never promulgated. SIDA undertook the project on the understanding that such legislation would be forthcoming, but did not follow through on its threat to withdraw when this condition was not fulfilled. Apparently SIDA considered that the benefits still outweighed the costs or that, as Cohen states, "CADU's activities had few harmful consequences by themselves: seed germinated, fertilizer worked well, improved livestock survived, and profits did accrue to those who participated in the various programs."²⁷

While the subjects of the program were the tenant farmers, the program was less successful than intended in reaching the poorest of these people. Those whom the program did reach profited economically but did not gain land tenure security to protect these improvements. The principal obligations of the participants were the repayment of loans which occurred at a remarkably high level.²⁸ While SIDA was the principal executing agency, it was unable to act independently of the imperial government, which had other interests to protect principally those of the landlords. Perhaps as many as 20 percent to 40 percent of the farmers reached by the project were evicted by landlords who, in classic fashion, sought to preempt the benefits of CADU for themselves.²⁹ Evictions were stimulated by tax credits for investments in equipment that only the landlords could afford. Local courts in the surrounding area, dominated also by the landed gentry, did little to help those evicted. Land prices escalated as did rents for those not evicted by their landlords.

CADU was a program where differences of purpose between planners and participants were not at the level of how to reform but of whether to reform. In the light of the history of the land tenure system that was to be modified and the subsequent history of the revolution, one may question whether any sort of land reform could bridge the deep and historic differences between the conquering governors and the conquered governed. Indeed, the comprehensive rural land reform introduced by the successor military regime represents an effort to bridge these deep and long-standing differences. It seeks to build enough legitimacy for itself that dialogue and reconciliation of divergent purposes between planners and participants in agrarian reform can be brokered and reconciled. Should that occur, it might then be possible to compromise differences between the imposed and traditional social systems as they are reflected in land, a process preempted by military adventure and endangered now by larger issues concerning the legitimacy of the military regime.

Model #3

Land Redistribution Creating Tenants of the State in Transition to Eventual Freehold. Such redistribution occurred in Kenya where former freedom fighters and the landless and unemployed were given plots on subdivisions of former European estates. The independent government of Kenya viewed the

27. Cohen, "Land Tenure."

28. Ibid.

29. Ibid.

schemes as engineered by departing European settlers in their own interests and as a diversion from the basic development course of land consolidation and supporting incentives for growth.³⁰ The new African settlers, on the other hand, viewed resettlement as an important realization of Kenyan nationhood representing both an end to rural land-based inequality and a broadened development opportunity.

The British government appeared to have surprised African and European parties alike with its sudden decision in 1960, just as the Emergency was nearing conclusion, to grant Kenya independence under majority rule within a space of three to four years. The decision came at a point when European parties were at their zenith in organization and influence, and African parties barely reorganized at the national level after the Emergency. The colonial secretary, Iain MacLeod, made clear his belief that cooperation of moderate European parties was essential to a smooth political transfer of power.³¹ The moderate Europeans used their influence to obtain a resettlement program as one price for their acquiescence in the transfer. The conservative European parties expressed their views through European farmers on whom the rural economy still depended. They threatened to abandon their farms immediately unless more comprehensive resettlement schemes were enacted.³² Over African objections the schemes were initiated prior to the transfer of power while the colonial administration still held sway. The government used its power to deny leadership roles in the transition to individuals like Oginga Odinga who did not accept the terms of the transfer, e.g., individual tenure and especially payment by settlers for the land itself as well as for the wherewithal to develop it. The effect of all this was to make resettlement a European issue to be accomplished on European terms and conditions, thereby preempting a historic *raison d'être* of Kenyan African nationalism.³³

The subjects of the land reform were for the most part to be landless and unemployed Africans. In fact, however, many were not. Former laborers on European farms were to get priority along with those who had been freedom fighters. As a practical matter many of the former group were dispossessed and had become squatters on the lands now given to members of the latter group.³⁴ Some 30,000 families received small plots designed to yield net cash incomes of under US\$100, in addition to subsistence. While the prospect of eventual freehold tenure was held out to the new settlers, in fact nearly all have remained in effect tenants of the state. They have gained access to the land on the basis of letters of allotment which make tenure conditional on repayment of loans, observance of recommended farming procedures, and other regulations

30. Harbeson, Nation-Building in Kenya.

31. Iain MacLeod, "Blundell's Kenya," Kenya Weekly News, 27 March 1964.

32. Harbeson, Nation-Building in Kenya. A contrary view is expressed by Gary Wasseman in his The Politics of Decolonization: Kenya, Europeans and the Land Issue (London: Cambridge University Press, 1976). My rejoinder appears in the American Political Science Review (June 1978).

33. Harbeson, *ibid.*

34. Harbeson, Nation-Building in Kenya.

the government might propose. The plots could not be subdivided, transferred, or encumbered without the consent of the ministry. Settlers were required to maintain their domiciles on the plots. Settlers of limited means experienced difficulty in meeting the repayment conditions which took only limited account of natural disasters, payment delays for crops, excessive charges for plowing, and participation through cooperatives in purchasing capital equipment left behind by the Europeans. Settlers enjoyed only limited "due process" in adjudication of any disputes concerning observance of the terms of tenure.

Cooperatives were established to give a semblance of local self-government to the settlers, but membership became compulsory rather than voluntary. Cooperatives were obliged to purchase capital equipment left behind by the Europeans over the objections of the Department of Cooperative Development, and the cooperatives were given little room for maneuver under increasingly strict central legislation. The reasons for this strong central management were two. One was a desire to complete the country's liberation from colonial rule by repaying as fast as possible the loans for the schemes provided by the British government, the Commonwealth Development Corporation, and the World Bank. Another was the prevalence of "corruption" which was defined broadly enough to include not only criminal misbehavior, but protest against the terms of tenure and the inability of the settlers to give weight to other development priorities such as schools and clinics.

As the settlement schemes have matured, divergences of purpose and concept between planners and participants have broadened and deepened. The same unauthorized transactions that occurred in the land consolidation program (Model #1) have reappeared on the settlement schemes. While additional resettlement occurred to relieve concentrated unemployment in particular areas, many plots have found their way into the hands of political elites, sometimes facilitated in classic fashion by settler indebtedness. Current total indebtedness of the settlers after five years of resettlement had reached over 3 million shillings,³⁵ reflecting not only malfeasance but unreconciled difference in priorities between government and settlers.

The Kenyan government seems to have viewed the schemes as something of an albatross, a bitter parting gift of departing settlers and colonial administrators rather than the realization of the goals of nationalism and independence. For the settlers, however, there is evidence that they did quite well given the resources available, perhaps as well as those on larger "low-density" plots. Many of those who did do well were not in fact landless or unemployed at the time they entered the schemes; they and not official support must be credited for the success they enjoyed.³⁶ Settlers who achieved higher incomes appeared more willing to repay the loans.

The conclusion is quite clear that the settlers and the government entertained quite different perceptions of the elements and priorities of agrarian

35. William Barber, "Land Reform and Economic Change among African Farmers in Kenya," Economic Development and Cultural Change 19:1 (1970/71): 6-24.

36. Harbeson, Nation-Building in Kenya.

reform. Neither succeeded, or perhaps even recognized the importance of both parties converting to a common belief system concerning how post-independence agrarian society in Kenya should be constructed. Few processes of dialogue were, or apparently are, available for reconciling the strongly held but unbrokered differences in belief systems between the parties.

Model #4

Land Redistribution Creating Tenants of the State in Transition to Usufruct within Organized Rural Communities. Land reform along such lines is in progress in Zimbabwe where former European estates, many of them abandoned, are being subdivided and redistributed to over 160,000 rural families. The Government of Zimbabwe has made clear its commitment to some form of socialism and views the settlement schemes as means to that end. The precise definition of that socialism is yet to be established, and the government has indicated that it will not institute such socialism until the rural peoples are ready for it.³⁷ It is not clear, however, that the new settlers are ready for one likely manifestation of Zimbabwe socialism: villagization.

The differences between the Zimbabwe and Kenya resettlement schemes are the more interesting because of the similarities in the nature and circumstances of the two programs. The element of surprise in Kenya's propulsion to independence was missing in the case of Zimbabwe, which achieved independence on the basis of protracted negotiations in London. As in the case of Kenya, settlement schemes were a price for European acquiescence in the transition to majority rule. Whereas the Kenya African parties were weak at the time, those in Zimbabwe--if only barely in alliance with one another--had become seasoned and sinewy after long years of struggle for independence. No moderate European party existed on which to hinge a reconciliation in agrarian development and politics between Europeans and Africans before independence as has been the case in Kenya. Many Europeans had already abandoned farms as a consequence of the war well before independence occurred, but no resettlement effort took place before the Mugabe government came to power.

More than in the Kenya case, therefore, resettlement of Africans on the former European estates has taken place on African terms and conditions. Of special importance is the fact the African settlers have not been obliged to pay for the land. Prices for land were not set on the basis of a particularly good year for European farmers as they were in the Kenya case (1959), but at 1976 levels when the war had already begun to depress farm values.

Plots have been created on the basis of what is required to enable the holders to earn the minimum wage, well above that sought for the Kenya farmers, even allowing for inflation. The settlers are to be served by schools, clinics, roads, and water points, paid for from funding for the schemes, thus

37. Mugabe has made this point several times, most recently in an exclusive interview for Africa Report, September-October 1982, and in Harare Herald, 6 February 1982.

eliminating many of the concerns felt at the time by the settlers in Kenya. Cooperatives are to be formed on each of the schemes, but unlike Kenya there is little or no pressure on them to acquire any capital equipment the European farmers may have left behind.

Initially planned for 18,000 families on approximately 1.1 million hectares, the program has been expanded to accommodate nearly nine times the original number of families. It is thus far larger than the Kenya effort. Where Kenya followed the Million Acre Scheme with subsequent piecemeal quick resettlement efforts, Zimbabwe has planned for a large program from the outset. Where resettlement quickly became anomalous in Kenya's post-independence development plans, the schemes in Zimbabwe appear likely to remain at the heart of the country's rural development effort for the foreseeable future. Where Kenya's newly independent government came to share with the relevant international development community (CDC, IBRD, and expatriate planners in key ministries) the view that resettlement was a costly political necessity for the transfer of power but inappropriate for a post-independence development strategy, the Mugabe government appears to have resisted a similar view put forward by at least one prominent external donor.³⁸

The subjects of the reform were chosen from surrounding, overcrowded, communal areas (the Tribal Trust Lands, or "reserves" established by European administrations). While settlers were not required to be landless or unemployed at the time of settlement, they have been expected to surrender any assets in land they may enjoy in the communal areas. The first schemes have been heavily concentrated in the eastern portion of the country, including most of the Shona communities, partly because of the pressure of landless former freedom fighters surging across the border from their former exile in Mozambique. Another reason for the eastern bias of the schemes is the refusal of people in the western portion of the country, many of them Matabele, to participate in the program, presumably at the behest of Joshua Nkomo's party which has lost much of its influence in the national government.

The settlers are themselves in effect tenants of the state as in the case of Kenya. Settlers have been granted permits to reside on the schemes, cultivate, and graze livestock. These permits oblige the settlers to abide by any regulations the government may impose, on pain of summary dismissal from the scheme without any recourse. The schemes provide no security of tenure, therefore, but settlers remain liable for payment of taxes, adherence to destocking orders, and other costs of participating in the program. It may be the case that women do not have rights to acquire tenancies in their own name on the schemes.³⁹ The settlers have no guaranteed authority to sell or encumber the land or bequeath it to their offspring. Even the dimensions of the plots may be changed without settlers' consent if in the government's judgment this becomes necessary.

38. Zimbabwe Country Development Strategy Statement (Washington: U.S. Agency for International Development, 1982).

39. E. Berry, private communication.

The immediate governance of the schemes, as in the Kenya case, rests with settlement officers on the schemes. The settlers have elected committees from their ranks on each of the schemes to serve as an advisory body for the settlement officer, more democracy than was ever proposed or enacted for the Kenya schemes. Real authority, of course, rests with the ministry which to date relies upon pre-independence legislation vesting control of land in the state. For this reason lands "purchased" by the government in fact are not transferred to the government but revert to it. While working control over land allocation and dispute adjudication at the local level has been transferred from the "chiefs" to the elected councils dominated by the political parties, the basic institutional framework for rural development has yet been unchanged from what it was before independence. The Mugabe government has only just recently embarked on a major restructuring of its legislation and governing institutions which, if it occurs, will mark a further departure from the Kenya model.

The underlying conceptual differences between the Kenya and Zimbabwe re-settlement efforts lie not only in the terms of tenure and importance assigned the effort but in the ultimate objective of the rural development in and outside the schemes. The Mugabe government has made clear its intention to institute some form of socialism, the specific outlines of which have yet to emerge. One manifestation on the settlement schemes is the insistence that settlers live in villages, for administrative convenience and economies in service delivery, to be sure, but also to establish a sense of rural community consistent with socialist ideals. Kenya, too, proclaimed a form of African socialism, but from the first there were few empirical manifestations in the structure of the rural economy.

The Mugabe government's pledge to establish socialism only in forms and at a rate that people have come to accept or want is a distinctive application of the principle that underlying belief systems and conceptions of agrarian reform and development must in fact, not just in principle, be shared by planners and participants alike. It is still too early to tell how profoundly the Mugabe government means to abide by this pledge. Initial indications are that there are a number of important questions reflecting underlying concepts of agrarian structure that will need to be brokered if the settlers discover that the government is serious about dialogue. The terms of tenure is one such area. Another is the villagization requirement, which does not appear to be welcomed, at least by some of the first settlers.⁴⁰ The whole relationship of the settlements to the surrounding communities, a problem also in the Kenya schemes, needs to be addressed. At what point and on what terms are the settlers to be reintegrated with the surrounding communities? There may be problems of the government attempts to reduce the initial size of holdings already occupied because of population pressures. The difficulties of establishing promised services and agricultural inputs is already an issue.

40. John W. Harbeson, "Land Policy and Politics in Zimbabwe," Current History (March 1982), pp. 121ff.

Model #5

Relocation of Smallholders from Homestead to Collectivized Villages without Changing Usufructuary Tenure Patterns. Villagization was the rural embodiment of Julius Nyerere's concept of ujamaa. The government abolished freehold tenure for the few who enjoyed it shortly after independence, confirming the previous colonial administrations's policy of preventing the evolution of private freehold tenure.⁴¹ To foster ujamaa, Nyerere sought to move dispersed households into villages where "traditional" patterns of cooperation could flourish, as he believed they had in pre-colonial Tanzania, and rural class stratification could be prevented. Villagization also introduced economies of scale in the use of scarce skilled personnel and the cost of administering social services. In fact there appeared to be a fundamental conflict at the local level between pursuing the self-reliance Nyerere postulated as the essence of African socialism and being required to accept bureaucratic directives telling local communities what they should do to help themselves and how they should do it.⁴²

While villagization was attempted throughout the rural areas, there were important regional variations in rates of acceptance, the poorer areas responding with more enthusiasm.⁴³ The villagization took place in phases: first, movement to the villages after which settlers were permitted private cultivation; second, the creation of collective production within the framework of cooperatives. Phase two proved to be time consuming and difficult to administer, in part because of settler reluctance, so that by the early 1970s, five years or so after the Arusha Declaration, only about 10 percent of the villages and 15 percent of the Tanzanian rural areas were collectivized.⁴⁴ Cohen notes that those who previously acquired land on an individual basis were to be won over and not dragooned into the new system.⁴⁵ Nyerere, like Mugabe, pledged not to achieve socialism by compulsion, but compulsion did occur.⁴⁶

It is not clear that in instituting villagization and collectivization, the Tanzania government placed as much weight as appropriate on the risks to farmers of limited means entering upon the new system--though many of the poorest did venture into the program--or that sufficient effort was made to sort out at the local level the costs and benefits to the participants or to

41. K.M. Maini, Land Law in East Africa (Nairobi: Oxford University Press, 1967), among many possible sources.

42. Cohen, "Land Tenure."

43. L. Fortmann, Decentralization and Development in Tanzania (Ithaca, NY: Rural Development Committee, Cornell University, 1976).

44. Dean E. McHenry, "The Ujamaa Village in Tanzania: A Comparison with Chinese, Soviet, and Mexican Experience with Collectivization," Comparative Studies with Society and History 3 (1976): 347-70.

45. Cohen, "Land Tenure."

46. Fortmann, Decentralization and Development.

anticipate and modify likely problems.⁴⁷ The program may also have been hampered by the competition between party and bureaucracy in its management. It is not clear that either institution possessed the resources to do the job with the attention to detail and the concerns of individual communities that was required. In any event, one of the underlying problems of villagization with collectivization is that the self-reliance proclaimed as a key element of ideology at the national level appears not to have been realized at the local level. Local peasants appear in a true sense to have been forced to be free.

Model #6

Abolition of Private Ownership Enjoyed by the Few and the Institution of Usufructuary Tenure for All Managed Locally by Peasant Associations Without Much Relocation. Public ownership of land has been central to the Ethiopian revolution, in progress since 1974. The Mengistu government sought by this reform to empower the peasantry and, partly through such means, to acquire the political legitimacy it needed to carry out the revolution and prepare the way for a new political order.⁴⁸ Especially in many regions of the south, tenancy on unfavorable terms symbolized creation of an "internal empire" by Haile Selassie's predecessor, Menelik II. The warm welcome for land reform did not automatically produce legitimacy for the regime, willingness to participate in government-supported marketing schemes, or agreement on the suitability of scientific socialism as a new basis for defining Ethiopian nationhood.

Land tenure patterns in pre-revolutionary Ethiopia were enormously complex and varied. Roughly, however, there were four broad categories of landholding: kinship tenure, village tenure, private tenure, and government tenure. The implications of private tenure in the southern portions of the country were explored briefly in the discussion of Model #2 tenure systems. Kinship tenure in Ethiopia is known as rist and is characteristic of much of the northeastern quadrant of the country, which constituted the country before its vast expansion at the hands of Menelik's armies. The rist areas are divided into many geographical units, each originally established by a founding father. The Amhara ambilineal descent system enabled persons to claim access to land through both the maternal and paternal families.⁴⁹ The welter of complex and competing claims to land were resolved by well established local political processes which measured both the strength of the claim and the status of the claimants. Generally ristegna (rist-holders) enjoyed usufructuary claims to the land. In principle, the lands were not to be sold. Superimposed on the ristegna, however, were gult-holders, those given

47. Ibid.

48. John W. Harbeson, "Socialist Politics in Revolutionary Ethiopia," in Socialism in Sub-Saharan Africa: A New Assessment, ed. Carl Rosberg and Thomas Callaghy (Berkeley: Institute for International Studies, University of California, 1979), pp. 345-74.

49. Allan Hoben, Land Tenure Among the Amhara of Ethiopia (Chicago: University of Chicago Press, 1973).

sometimes hereditary grants by the crown to receive tribute due the state from rist lands.

Village tenure, characteristic of parts of Tigre and Eritrea, is based on residence rather than kinship. Land is periodically redistributed by village leaders to take account of new residents and the departure of others. Holders of village tenure enjoyed usufruct and did not have the authority to sell or bequeath their holdings. Private tenure, as we have seen in Model #2, was established through the conquest of the southern regions by Menelik. Lands not so allocated were retained as government land. Pastoral communities roam much of this land. Where it was awarded to individuals, typically soldiers or government employees, in lieu of salary, the government retained the residual right to dispose of the land.

On the eve of the revolution, Ethiopian land tenure systems were characterized by concentration of holdings, absentee landholders, insecure tenancies, fragmentation of holdings, and great inequalities of status and power based on land. Over much of the realm land tenure systems reflected the alienation of traditional patrimonies as a result of imperial conquest.

One of the principal revolutionary objectives in Ethiopia has been rural land reform. Proclamation 31 of 1975 abolished all private ownership without compensation.⁵⁰ Peasant associations were to be created having the responsibility to distribute land on a usufructuary basis to typically a hundred or so families within the jurisdiction of each. No plots were to exceed 10 ha, and no one except the old and the infirm were to be permitted to hire labor. The proclamation established priorities for redistribution of land. Curiously, former landlords, once dispossessed of their previous estates, were to share first priority along with their former tenants, but the tenants that such landlords may have evicted came after their malefactors! Organizations such as the church were authorized to receive land, but received the last priority. All payments to former landlords were to cease immediately and landlords were to parcel out their oxen to their former tenants.

Peasant associations assumed large responsibilities under the reform. In addition to allocating the use of land, they were obligated to help establish cooperative societies for development purposes and to adjudicate most land disputes. Subsequent proclamations endowed the associations with legal personality and invested them with ever increasing degrees of responsibility for such activities as provision of educational resources and the defense of their local communities. Ministry of Land Reform officials were to assist local peasant associations in their adjudication work as well as other areas, but the land reform clearly implied that local knowledge would be the basis for adjudication in such matters as boundaries. After confirming the legal status of associations, the military regime acted to qualify the delegation of responsibilities to the peasant associations. Through hierarchies of district and provincial-level organizations, the peasant associations were obliged to recruit militia

50. "Proclamation #31 of 1975," Public Ownership of Rural Lands, Art 3, Sect 1 (Govt of Ethiopia, 1975).

for the 1976 and 1977 Eritrean campaigns as well as for the Ogaden war. Through cooperative societies, peasant associations have been given a great deal of responsibility for promoting local participation in officially sponsored development campaigns.⁵¹

The rist areas of the north were treated somewhat differently than other areas under the proclamation. Peasant associations in these areas were to perform the same functions as those elsewhere, except that they were not required to redistribute land. Implicitly the Amhara rist system was allowed to continue to function as it had in the past, whether because it appears relatively egalitarian or because the military regime was not prepared to challenge existing systems in these areas.⁵² In effect the derg created for the former empire as a whole a land tenure system not unlike that which had obtained in the north, except for the ambilineal descent system and the superimposed gult. The other exceptions to the sweep of the proclamations were the Ethiopian Orthodox Church whose control over land was not directly challenged, pastoralists on government land whose security of tenure the proclamation purported to strengthen, and very large commercial agricultural estates which were to be nationalized and run as state farms.⁵³

The military regime relied on the Zemecha students and teachers to help administer this quite radical and thoroughgoing program. These were high school and university students and teachers lifted out of the classroom and distributed around the country to explain and mobilize support for revolutionary tasks such as the land reform. Many of the students wished to expropriate landlords, eliminate local bureaucratic supporters of the old order, and establish collective farms far more rapidly than the military regime was prepared to countenance. The result was the alienation of the most vocal and energetic constituency in the country favoring a socialist course for the revolution.

Throughout the Mengistu government's struggle to consolidate power and snuff out insurgencies in Eritrea and the Ogaden, opposition has come as much or more from the left as from the right, from those favoring an end to imperialism, internal as well as external, the elimination of privilege perpetuated by the old order, and the quest for scientific socialist answers to the country's development problems. The violence that has characterized certain periods during the military government's eight-year tenure and the large numbers of Ethiopians in exile have been caused in large part by the refusal of civilian proponents of revolution to accept the legitimacy of military leadership on this course. The Mengistu government for its part has resisted democracy or civilianization of the government out of an apparent belief that many

51. A good summary of the proclamation is John Cohen and Peter Koehn, "Rural and Urban Land Reform in Ethiopia," African Law Studies, no. 14 (1977).

52. The efforts of Haile Selassie to modify even slightly the land tenure customs in these regions met stiff armed resistance, recounted in Hoben, Land Tenure Among the Amhara.

53. Article 3, Sect 1 allows organizations the care of land; Art 16 makes special provision for large-scale estates; and Art 19-27 treat communal and pastoral areas specially.

civilian cadres had been coopted by the ancien régime and could not be trusted with leadership until the revolution had moved further along its course.

The insurgencies in the Ogaden and Eritrea, on the other hand, appear to have been based on the premise that Ethiopia itself as an entity is contradictory to scientific socialism because it was created in its present form by imperialism. The more the Mengistu government has devoted resources to denying these claims, the more it has been placed in the position of defending an imperial creation, thus undermining its apparent commitment to scientific socialism, or even to liberal democracy from the perspective of others. Perhaps right-wing opposition to the military regime would have permitted the military regime to appear somewhat more moderate and progressive to its critics from the left. The rural land reform, in particular, by undermining a foundation for the consolidation of the empire, may have seemed to invite the dismemberment of the country.

Not least among the Mengistu regime's problems of constituency-building have been the very rural families who benefited from a reform that more than any other single act symbolized the coming of the revolution. Having been empowered by the reforms, the new peasants and their associations appear to have been reluctant to embrace attempts of the Addis Ababa regime to mobilize them for collective farming in place of their peasant association-sanctioned private usufruct. Moreover, the regime appears to have had difficulty persuading the newly established peasant farmers to increase marketed production. The reform has given the rural poor a basis for insisting on favorable internal terms of trade and provision of consumer goods in return for marketing their output through centrally sponsored channels. In effect, therefore, this revolutionary reform which was so much in the interests of the beneficiaries, has empowered them to insist on "negotiations" with the government on matters of economic organization. There is little provision for such brokering in the regime's conceptions of scientific socialism. While necessary, such brokering may be outside the capabilities of a regime not certain enough of its own legitimacy to risk departures from its own blueprints in order to increase that legitimacy.

Conclusions

The conclusion indicated by the foregoing review of Subsaharan African models of land tenure is that continuous brokering of the interests of national elites and local producers is essential even in matters of land reform clearly undertaken in the interests of the producers. In differing ways all the models of land reform have appeared at certain points to connect planners' and participants' interests. However, the interests of neither party are necessarily static over time and deeper problems may surface when more immediate ones appear to be resolved. Applied research on participation in rural development has centered on the dynamics of local involvement but has recognized the indispensability of adequate central support for such work. This paper goes beyond that point to suggest that central government policy-makers must themselves evolve mechanisms for brokering changing and differing conceptions of a just and prosperous rural order if land reforms as well as other programs instituted to help the rural poor are to succeed in the long run. Land reform itself must be reformed to include articulation and resolution of differences of belief concerning the ultimate goals of such land reform.

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THE REFORM OF CUSTOMARY TENURE IN THE
ECONOMIC TRANSFORMATION OF TRADITIONAL AGRICULTURE

Kenneth H. Parsons*

Introduction

My recent consideration of the reform of the customary tenure system of Africa is part of a more comprehensive study of the contributions of economic analysis to the formulation of national agricultural development policies, currently entitled, "Transforming the Economic Order in Agricultural Development." I do not propose to say much about issues in this wider context, but a few remarks seem essential.

In this larger study I am simply trying to think my way through a complex set of issues, which to me are as yet unresolved. Since I am in the middle of this effort, my comments today are destined to end up in something of a vague zone which I have not yet thought through. I would note, however, that I am attempting to understand the processes of policy formulation. Since public or social policies are by their very nature intended to change things, and must therefore be evaluated on the basis of the changes they make, our thinking here cannot lead to very definite conclusions. It is much easier to study the "effects" of policies than to make warrantable judgments about the prospective content and design of such policies. But this is where we are at professionally in dealing with rural development policies for tropical Africa.

As I have observed and thought about agricultural development programs in the LDCs, and particularly in tropical Africa and Latin America, I concluded that more helpful insights were needed from economists and economic analysis. We need to formulate economic analysis in a way which recognizes that the structures of economic systems can be an economic problem--not just their operations. As one reflects on this point, I think one can see that the great creative moments in economic analysis have always come at times of crisis in national situations. Thus, the creative cutting edges of theoretical formulations in economics have come in the economically advanced countries, where the larger numbers of economists and other professionals have their careers--especially in the great universities. Inasmuch as it is only 200 years since the landmark formulation of Adam Smith's Wealth of Nations, not only have the creative frontiers of economic analysis since then been in Europe and America,

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but the types of problems now encountered in the so-called Third World were not of deep concern to the profession. In fact, until quite recently many of these folks lived in a colonial status; thus the types of problems now being confronted in national agricultural development programs have never been a central concern of most economists working at the puzzles and problems of their own countries. Economists have tried to surmount this set of problems by a faith that the technical analysis of economics has universal application. Although this is a valid assumption, within limits, it is not valid, in my judgment, for guidance in the formulation of agricultural development policies.

At any rate, I have come to the conclusion that agricultural development and particularly agricultural development policy should be better served by economic analysis than is now the case. As a part of this general effort, I am making a serious attempt to better understand the relevance of the writings of John R. Commons for the formulation of agricultural development policies.

It now seems to me that the relevance of conventional formulations of economics--referred to in academic circles as micro- and macroeconomics--are deficient as the basis for the formulation of agricultural development policies--and I would emphasize policy formulation--in the LDCs for a number of major reasons.

First, the great advances in economic analysis of the past 50 or 60 years have been achieved within a postulate that national systems of economy can be understood as mechanisms for the transformation of resources into commodities. This is in line with and descended from the achievement of Ricardo in formulating economic analysis on the basis of the Newtonian paradigm. Among the implications of this formulation is the assumption that the institutional structure--what Hicks called the social framework--can be taken as given. This in turn carries over to the view, so often expressed, of the government as an intruder, an interferer in the national system of economy--the common phrase is "government interference." Keynes, of course, broke through this barrier, by persuading the profession that fiscal and monetary policy could be used to achieve economic stabilization, an idea which was later extended to the possibilities of stimulating national economic development. This has had the consequence in the United States and, I think, Europe of overloading the tax system to care for the aged, the handicapped, and the unemployed--hence today's "supply-side" economics in the United States.

A second limitation imposed upon economic analysis is the assumption fastened upon the profession by John Locke and Adam Smith that the social order within which economic systems function is one of harmony, without fundamental conflicts of interest. Among the consequences of this is the inability to acknowledge, much less deal with, the problems of economic power and the nature of property relations.

A third limitation inherent in the formulation of conventional economics is that it has always been assumed by economists that everyone could be, and even would be, included in the modern sector of the economy--provided entrepreneurs had enough leeway. There has been much discussion over the past two centuries as to whether this could be achieved--the issue being originally

posed as to whether the introduction of labor-saving machinery would lead to unemployment. Although this issue is again becoming a "hot" one, with robotic production processes being installed, I am not interested in this issue at this point, but rather the corollary which must have seemed so obvious as to need no comment at the time of Adam Smith: namely, that if people were not drawn into the capitalist sector, to use Arthur Lewis' characterization, then they could continue to survive as before in the "subsistence" sector.

It is this habitual assumption of economists, I would now argue, that is getting us into much trouble all over the Third World. We would modernize agriculture according to the "best" thought in economics in ways which not only displace labor and make people redundant, but actually destroy the traditional society and system of economy, the great merit of which was originally, and to a great extent still is, that the system provided security of expectations regarding survival opportunities. This in my judgment is one of the major roots of the present crisis in African agricultural production.

Not only are the traditional subsistence-survival economies running down through population growth and the deterioration of soil and vegetation, national agricultural development programs are destroying the traditional survival opportunities in economies of agriculture without creating alternative employments. This is a very complex process, made worse by the rapid increases in population, the drought in grazing country, and the general deterioration of soil and vegetation through overuse.

Agricultural development programs devised by Marxians attribute all the distress resulting from the poverty which is spurred by the deterioration of the system of survival opportunities to the capitalistic record of colonialism, to exploitation by the advanced countries, and to the greed of multinational corporations. But agricultural development programs devised by Marxians are also destructive of the traditional survival economies of agriculture in ways quite similar to programs based upon the best ideas in the neoclassical formulation of agricultural economics. Essentially, in both views, the design of development programs is based upon the assumption and expectation that agriculture can be developed through increasing man's control over physical nature--through the application of science and technology, investment in physical capital, and in neoclassical economics by the achievement of a market orientation. There is no question that the latter approach can produce increased output, especially of export crops, as the recent history of Nicaragua attests. But this same process uprooted and dispossessed a vast number of people in Nicaragua, who tried to survive by drifting into the subsistence sector but were eventually led to revolution and to the current chaos.

Commons, by contrast, added the other essential half of the generation of development by his implicit emphasis upon the productivity of freedom, security of expectations, and willing participation. Economists do not really reject this view that development rests upon the wills, energies, and decisions of the people as well as upon increased control over physical nature. They have no way of incorporating these potentials into their theoretical formulations because of the adoption of the postulate of a mechanical Newtonian paradigm.

With this background comment, I shall now try to formulate a few propositions initially in relation to traditional agriculture, which bear on issues in the formulation of agricultural development policies in tropical Africa as I now see them.

Some Characterizations of Traditional Agriculture

1. The primary, the truly fundamental, or first task of national development policies is to establish an institutional order with sufficient strength to resolve conflicts and stand the stresses and strains of the exercise of economic power, in short, to create a national system of state and economy. Social order is the base upon which everything else is built. Ideally, this order should provide enough equality of opportunity to assure sufficient security of expectations for the people to enlist their willing participation in economic affairs.

2. Tropical Africa is the largest area in the world where the people now, after a century of colonialism, face the task of creating national economic and political orders. These must be built by transformation out of tribal societies and subsistence-survival economies, as modified by something like a century of colonial administration (with the task varying partly according to the former colonial policies, especially land and settlement policies).

There is no alternative to transformation, if economic development and agricultural growth are to be achieved. To do otherwise is to destroy the social fabric and even the people's integrity. Agricultural development can be achieved only by the efforts and wills of people in agriculture; this requires people of integrated character and personality.

3. The basic social and economic framework of these traditional societies has been the sets of working rules for the use, occupancy, and descent of land --this because the use of land has been their principal resource. Thus, if there is to be development by transformation, tenure policy, or better, land policy, must be at the center of it.

4. There are deep similarities over all of tropical Africa in the kind of traditional societies and economies the people devised; these similarities include arrangements for the use, occupancy, and descent of land among grazing peoples, and tenure arrangements among people who survive by cultivation--but with fundamental differences everywhere between the organization of grazing economies and the organization of the subsistence-survival economies of cultivating peoples.

5. The processes by which a people achieved social order were everywhere much the same. A people made a territory theirs by conquest and the subsequent defense against all others. Upon this elemental fact is based what we may call the sovereign interest in land. In tribal societies this interest was made effective and turned to the support of shared opportunities through the authoritative allocation by the heads of tribes or other landholding groups of the

privilege of using the land. These allocations were literally survival opportunities through the use and occupancy of land.

6. It is within this context--this social or sovereign order--that the basic differences between the tenure systems for grazing lands and cultivated or settled residence lands in Africa are to be understood.

For cultivable land, the authoritative allocation of land use opportunities is to individuals as heads of families. Historically, this was done by allotting to a young man (usually) at or about the time of marriage, a tract of raw land on the condition that he put the land to use according to community standards and keep it in such uses. For so long as this is achieved, the rights to the use and occupancy of land pass to his descendants. I would emphasize that, in my understanding of such arrangements, what the recipient of an allocation of land receives, initially by rationing or subsequently by inheritance, is only an opportunity to survive by his own efforts. This is the basis for individualized farming in Africa.

Thus the family holder of such an interest in land--of cultivable land, as well as homesites--has the exclusive right to the use of particular tracts of land, and such rights are created and assured by the duty of and the expectation that the local authority will support this claim to exclusive individual and family use. No such allocation of exclusive individual use rights to grazing land is possible, except for a few "big men."

7. For grazing land, that is, for land lacking sufficient water or fertility for cultivation, the authoritative heads of the group likewise allot opportunities to use the land, but these allotments go to groups. In principle, the grazing area may be rationed out to subordinate groups within the tribe, such as families. In practice, where herds and flocks must move with the season, as well as in response to the amount of rainfall, exclusive rights of use and occupancy become blurred and diffused in response to the needs of others to survive. Naturally when Europeans, having worked out their conception of rightful use and occupancy of land in a moist temperate climate, attempted to impose individualized conceptions of landownership upon grazing societies, great social disorganization followed.

8. Some implicit assumptions of the traditional African land and tenure practices should be noted. The use and occupancy of settled lands is very precious to Africans--and has long been so.

Out of their long past they have come to cherish a conception of land as a gift of God to the human family for its sustenance and survival. No one has ever stated the philosophy better, so far as I know, than the Nigerian chief quoted on the flyleaf of C.K. Meeks, Land Law and Custom in the Colonies: "I conceive that land belongs to a vast family of which many are dead, few are living, and countless members are still unborn."

Here one gets a sense of the deep attachment of Africans to their native lands. The spirits of their ancestors abide with them, an inheritable interest in such lands is a birthright. But as one tries to think about these matters

in terms of development policy, two points especially come to mind. One is that there is no provision in this conception of land for improvements in the quality of land through investment. Secondly, and closely related, there seems to be an implicit assumption in this traditional view of land that the descendants of the members of the landholding group would remain in the community. This premise has been invalidated by rapid urbanization. But traditionally a share in the village lands is viewed as a birthright by the descendants of the landholding family, regardless of where they live. In fact, this is the only social security system for the people of Africa except those few in "pensionable" jobs, and this right to return to the native community runs on for generations and is actually called upon by people in need. It is my understanding that the British made legal provision for the operation of a statute of limitation on such absentee claims in Kenya and even established a rule that the farms consolidated under the Swynnerton Plan could not be subdivided. But, as John Harbeson notes in his paper, the holdings are in fact divided among the heirs without changing the official public record. No one puts his brothers and sisters out to starve.

Toward Policies for Modernizing the Transformation of Agriculture

1. The fundamental problems in the formation of agricultural development policies relate to the way in which the powers of the state are used. If there is a state, which is functioning sufficiently well to be called a going concern, or even a social and economic order, then the heads of such states exercise considerable powers. We shall refer to these as the sovereign powers of the state. The exercise of such sovereign powers makes nation-states, excepting a few puny ones, the strongest of all social organizations. Also nation-states are given definite form, following Commons' ideas, in the same way as all other kinds of social organization: namely, through the establishment of working rules which are, or may be, sanctioned by whatever powers that the heads of the organization can command. In the heads of states there is vested a legal monopoly of violence.

In the formation of nation-states, in the African countries' experience, colonial administration was something of a half-way station; the tribes as social organizations were assimilated to the state. Ideally, the members of the tribe become citizens. The sovereign powers of tribes once exercised by chiefs were simply assumed by the heads of state, although the heads of the tribes may through forbearance or tolerance be allowed to exercise some powers.

2. It is within such a context of a social organization given stable order by the exercise of the sovereign powers of the state that national systems of economy are formed. Thus the fundamental function of the nation-state in the formation of the national system of economy might be called constitutional, in that the basic structure of the national economy consists of the working rules which those who exercise the powers of the state choose to sanction. All other powers of the state function within this context--for taxing, spending, regulation, and everything else.

Commons used to tell us that one of the truly important functions of an ideology in the formation of economic systems was in the provisions of the

working rules regarding whose will is to be made effective on what. It is upon this issue that the nature of the structure of the economy turns, for the structure of national economies is the working rules sanctioned by the sovereign powers of the state. In totalitarian systems of national economy--such as Marxian ideologists attempt to establish--the leading principle of the organizing working rules is to make the wills of those in command of the powers of the state operate from top to bottom. In such a system, if effective, there would be no open markets, no property relations, and no local discretion.

In the contrasting ideology which has served as the leading principle of organization in societies honoring freedom, as in the Anglo-American tradition, the working rules by which national economic systems are organized do not attempt to achieve economic performance by stipulating specific performances for individual participants; rather, what is specified is avoidances.

By this route there are created zones of discretion for individual actors, i.e., freedom and liberty. But this very discretion and freedom of choice also creates property rights and economic power, of which one correlative is that where there is development, there is also a cumulative inequality.

3. It is within such a context that the central policy issues in the transformation of customary tenure systems are to be understood. One of the points which took me back some years ago to a reexamination of Commons' ideas was the realization that the experience of England at the time of and subsequent to the Norman Conquest had many parallels with what I was seeing in the Middle East and Africa. And particularly, I began to wonder whether the common law method of rule-making might work in Africa, that is, achieving a common law out of the customary working rules of the people in the everyday affairs of life. I cannot delve very deeply into this point here, but I think it might be a key to the possible gradual transformation of traditional economies of agriculture, directed particularly to the customary working rules of land tenure for arable land.

It might be noted that nothing is more real, or important, to the villagers I know in the once-rain-forest area of Nigeria, than their rightful claims to the exclusive use of their land. "This is my land," or "This is the land of our family," they will say. As I have tried, now at some distance from these villagers, to understand the customary system of rules and practices regarding the use, occupancy, and descent of land, it seems to be that these people have what Commons called a common law form of property in land. These rights in principle are not salable, and pass from generation to generation by inheritance. They have usufructuary rights in land only.

I would like to see what kind of problems an African nation would encounter if it attempted an agricultural development policy which honored and attempted to build an agricultural modernization program upon the basis of recognizing that the cultivators already have common law property rights in their land. In fact, Nigeria, in the Land Use Decree of 1978, attempted something along this line. The whole effort was not built upon an attempt to honor what I here call common law property in land, though the Nigerians did appreciate the significance of what I call the sovereign interest in land. One of the assets for such an effort would be that the provision for the exclusive use

of particular tracts of land would provide security of expectations regarding rewards for investment in improvements to land, particularly if provisions were made for a time limitation on birthright claims to the family lands.

4. As I tried to point out above in the interpretation of the principles of customary tenure in tropical Africa, particularly for cultivated or arable land, there are really two supplementary principles basic to the organization of the customary system of tenure of arable land. One I have referred to as the principle of sovereign interest and control asserted by right of conquest, which serves as the foundation for exercise of authority in the creation of the social and economic order. The other governs the rules for the use, occupancy, and inheritance of land--usufructuary rights. These latter rights are vested in the person who "mixes his labor with the soil" and "appropriates from the state of nature," to borrow John Locke's phrasing. These two sets of rules supplement each other and function together and, if successful, create a secure social order with rightful claims to the exclusive use of individual tracts of land.

Any government, in principle, which occupies an area by conquest, as did the colonial powers, may choose to usurp the sovereign powers over land vested in the tribes. This Britain chose to do in Africa only where they wished to establish European settlements or exploit minerals, for example. Thus, in Nigeria, lacking a comfortable temperate climate attractive to Europeans, the native tenure systems were left intact in rural areas, at least in principle. Thus marriage law, inheritance, and use and occupancy of land were left to native law and customs, that is, the disputes were settled in customary courts.

Come independence, however, the nation-state not only assumes the sovereign powers over land, eventually the state must face the question of policies regarding the rightful individual use and occupancy of particular tracts of cultivated land, this due to the pressure from citizens. It is at this point where both the operative ideology of the heads of state and the systematic understanding of the nature of rightful claims to land become critical.

If those who control the sovereign powers of the state, as Nyerere did in Tanzania after independence, choose to recognize only the sovereign interests in land and assume them, we not only have an attempted nationalization of land, but the way is opened for the functioning of an ideology which would make the will of the officials and bureaucrats effective in agriculture through a collectivization program. This approach, I suppose, is supported by those people, of whom there are many among expatriate intellectuals, who consider that the traditional tenure systems of Africa are communal. This I doubt--outside of grazing economies.

If, however, the individual usufructuary claims to land are recognized to be basic, as happened at least in the rules devised in the Anglo-American common law tradition, then those usufructuary claims can become the basis of a system of private ownership of land in which the sovereign claims to interests in land can become converted into measures for protecting the public interest in privately owned land--in the United States, taxation, eminent domain, and police powers.

It would be very interesting to see what a nation-state might achieve in the developmental transformation of agriculture if the validity of individual claims to particular tracts of land were honored, and a policy adopted of expanding claims of usufructuary ownership into wider forms of private property with some degree of market transferability (perhaps among relatives or neighbors as in Northern Europe), and especially one which recognized that the traditional rightful claims which one acquires as a birthright could be extinguished by some sort of financial payment by the resident heir to people who migrate to cities. For land to be genuine property it does not need to be salable; the basic right of property ownership of land is the right of exclusive use, not of sale.

Also, if the present usufructuary property rights held by the millions of families in tropical Africa were given a more definite and permanent form and recognized to belong to these people, these holdings of land could be combined into any of a very large number of general agricultural economic systems. If there could be part-time nonfarm employment, or even adequate transportation for labor mobility, the Africans could continue to live in their villages and undertake what we call part-time farming, as have the farm people in all the presently industrialized countries. Or they could and might continue to cultivate their present holdings of land--as individuals and join in some sort of cooperative-type system of farming for the land in the village reserves, where some remain.

Above all else, the energies and abilities of the rural people are the greatest resource for agricultural development in Africa. It would seem that what is needed are imaginative programs for the security, the expansion, and the improved accessibility of opportunities so that abilities and opportunities can be joined into careers.

THE EFFECTS OF LAND TENURE CHANGE UPON WOMEN
IN EAST AFRICAN SMALLHOLDER AGRICULTURE

Christine Obbo*

Society is fundamentally constructed of the relations people form as they do and make things needed for survival. Work is the social process of shaping and transforming the material and social worlds, creating people as social beings as they create value. Activity defines who people are Class is its structure, production its consequence, capital its congealed form, and control its issue. (MacKinnon 1982:55)

Issues relating to land tenure, women, and smallholder agriculture are central to understanding the present state of African development and the future of the continent, particularly in relation to food production and economic growth. However, hitherto, foreign planners, economists, and local politicians "had written off 'the ignorant man and his wife with a hoe' as possible instruments for progress" (Wrigley 1976:516). The "progressive" farmer with a sizable landholding and possibly interested in mechanizing was identified with the future and modernity of agriculture in Africa. The smallholder or peasant had become unpopular because "he was considered a barrier to increased productivity on the land per capita" (Nabudere 1980:203). Among the Baganda of southern Uganda, for example, the introduction in 1900 of an individualized land tenure system created a situation whereby in 1927 it was deemed necessary to pass a law guaranteeing security of occupancy to the peasants. But the unforeseen consequences of this was a stalemate situation where most of the peasant holdings were too small to permit increased productivity and the landlord could not invest in the land occupied by peasants (ibid.). However, in general, the analysis and discussions of modernizing agriculture and increasing production omitted relating the peasants' apparent backwardness to the relative position of peasants to other groups in the social system. Recently, students of development have found explanatory value in examining the productive relationships that characterize the peasantry. Vincent has clearly restated Wolf's (1966:4-17) position of the three sets of productive relations as those between the producer and the land, those between the producer and the market, those between the producer and the state (1980:190, emphasis added). It is

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important to understand these relations if the realities of African agriculture are to be grasped. Every five years and every year, the development plans and the ministers of finance or budget planning, respectively, call upon the smallholder to work a bit harder, and to sacrifice a little more in order to assist in nation-building (over the years this has become an illusive concept). Accordingly, the smallholder agriculturists continue to produce cash crops which earn foreign exchange for their countries and incomes for them to pay taxes, send their children to school, pay medical bills, and purchase consumer goods. The most profitable way to examine the changes upon women which resulted from land tenure changes is to explore the dynamics that occurred in the household economy. The substantive question that needs addressing is--what really happened when advancing capitalism entered a working relationship with pre-capitalist societies.

Colonialism, or advancing capitalism, became necessary in order to create new markets for surplus goods and new homes for "surplus" people, and thus avoid the potential for domestic revolutions in Europe created by the industrial revolution crises (Vincent 1982:14-15). In some places like South Africa, Rhodesia, and Kenya, land was alienated for European settlement; in other places like Belgian Congo, European plantations were encouraged; and in still others the land was left to the natives, after rewarding the collaborating and sub-imperialist chiefs, and designating crown land.

At the advent of colonialism most societies regarded land as a free and unlimited good. But the establishment of the colonial order resulted in cash crop farming and individualized land tenure systems in some cases. Land became a commodity to be sold and bought. As time went on land became a scarce commodity, partly due to population pressure, partly due to people expanding their acreage, and partly due to large accumulations of land by a few individuals. The scarcity intensified individual claims over rights in holdings. In other words, with scarcity, issues of tenure became important. Gulliver (1958) found that in the 1950s court records showed that litigation, assaults, and witchcraft accusations over land dominated most of the business of the lower courts among the Nyakyusa of Tanzania. During my research between 1971 and 1974, villagers painted a similar picture for the Buganda region generally. Informants pointed out that from the 1920s onward people used sorcery to deplete the fertility of their neighbor's land; in other words, it was a zero sum situation in which the agricultural prosperity of one peasant was seen to be achieved at the expense of other, less successful neighbors. Yet most peasants aimed at being successful cash crop farmers--and accusations of witchcraft or sorcery did not seem to deter ambition. According to my informants, poisoning with local herbs, rat poison, or ground up glass became widespread. By the end of the 1940s disputes over boundaries or rights over land were being settled by homemade guns. Court records show that during the 1950s prosecutions over the illegal ownership and use of homemade guns were just as common as accusations of witchcraft.

It would seem, then, that from the 1920s onward the important issues concerned the scarcity of land and maximization of tenure. The most dramatic occurrences were the conflicts that arose between men and women, and the sub-rosa "revolution" by the women in different societies not only to have access

and use rights in land, but to enjoy security of tenure as well. It is important to backtrack a bit and locate the causes of the conflicts and the "revolution." In pre-colonial times most of East African women had access to land by virtue of their membership in the household, i.e., as daughters, sisters, and wives. The only record of women enjoying rights of tenure was recorded among the Amhara of Ethiopia (Hoben 1973). Elsewhere men were seen as the stable elements of society with regard to control of land. This was true in patrilineal societies (where descent is traced through males), as well as matrilineal societies (where descent is traced through females). Production was carried out by family groups. This funneling of labor and skills to exploit the natural resources in order to obtain products and goods has been referred to as the family estate (Gray and Gulliver 1964:5). Current usage refers to this mode of labor organization for the exploitation of resources as the household economy. It is worthwhile to bear in mind that the decision-making and management of labor were assumed by either men or women, depending on their areas of expertise. For example, the women whose main job was to plan and manage the family food supply would ask for help in harvesting the grain before the rains or before the birds could consume it all, or they would suggest that additional land be cleared and prepared for such and such a crop. Yet

'in nearly all the documents concerned with the production of the small farmer, the assumption is that this small farmer . . . produce more food, is a man . . . the farmer, he' This is a false assumption since it is predominantly the women who produce the crops, harvest them and carry them to the market. (Economic Commission for Africa Study, n.d.)

In most areas the onset of colonialism can be identified by the introduction of cash crops. Different members of the family estate were affected differently. Cash cropping was integrated into the agricultural routine and became part of women's work. Thus a full working day for the women consisted of three parts--domestic labor and necessary productive labor (both to provide subsistence), and surplus labor (appropriated for the market). Thus cash crop production had two visible effects upon women. Firstly, it interfered with their ability adequately to feed their families as the acreage for cash crop production increased at the expense of the food acreage. Secondly, it increased women's work so that not only did they have to cultivate and weed more acreage but they had to look further for firewood or fodder for calves (ibid.) as the nearby forests and pasture came under cash cropping. Capitalist penetration affected the resources as well as relations of production--in particular the subordination of women was enhanced, and reproduced within the household. Below are some examples from Uganda from Kenya illustrating women's reactions to the new state of affairs within the colonial political economy.

The sexual division of labor that resulted from incorporating the Amba into the world capitalist economy was as follows: men and women contributed labor to produce the new cash crops (cotton and coffee), but the men controlled the product and kept the proceeds from the sales. The husband usually gave his wife a few shillings out of a hundred for her use as she sees fit. Of

course he buys her . . . cotton cloth, but these are presents from him rather than a share of the proceeds which are a woman's by right" (Winter 1955:15). Women resented contributing labor to crops which enriched their husbands at their expense. Bwamba society was characterized by a high divorce rate which meant that women were constantly having to change their place of cultivation. Everyone (men and women) had access to land as long as they cultivated it, but one suspects that women's access depended upon marriage. Consequently, women preferred working on food crops, whose products they controlled and could also sell (as in the case of rice) rather than working on perennial crops like coffee (ibid.).

Among the Baganda, cotton was introduced in 1904 and three or four years later the women were threatening to disrupt the family food supply if they did not get a fair share of the consumer goods, clothing, etc., which the men were enjoying (see Hattersley 1908). Agricultural reports show clearly that the women cultivated, harvested, and carried cotton to the trading posts where the men readily took charge of the cash from the sales (see Lamb 1910:7). By the 1920s women were demanding plots of land to grow cotton for their own use. Divorce became prevalent because women objected to working to enrich men without reward. It is common knowledge that an African man without a wife cannot prosper. In other words, Ganda women discovered earlier on what other African women were to discover later, that the power of "the employing class"--the males--could be disrupted if women refused to apply their muscle power to the hoes!

Ganda women began to own land unobtrusively until by the 1950s it had become an accepted social practice for women to own land and to bequeath it to their daughters or sisters if they so wished. Even fathers with only daughters began to leave the estate to them instead of passing it on to brothers. Today women regard land as the most valuable investment. Women work hard to save money for it, sometimes achieving the end by hook or by crook. The Ganda customary law had never categorically stated that women could or could not own land and women cleverly seized on the loophole.

The argument for not allowing women to own land has always rested on the fact that it would make them independent as a result of their ability to grow cash crops and use the money to repay bridewealth. Evidence from the Toro and Nyoro of western Uganda, and the Akamba and Kikuyu of central Kenya, shows that the male fears were realized despite lack of official recognition of women's rights to land tenure. The ultimate result of this subrosa revolution in these societies is the independent female householder. She owns land, owns her house, organizes her own family labor, and is jurally responsible like the men who enjoy the same rights.

The following case studies are important because they are instances where the ideology stated clearly that while women could have access and usufructuary rights in land as wives and mothers, they could not own the land they tilled because it belonged to the lineage. Among the Luo, the principle of economic gerontocracy, i.e., the principle whereby on the one hand it is the oldest men in the lineage who possess control over property and authority, and on the other it is the father who is preeminent with respect to property rights in the family, prevails.

When cotton was introduced as a cash export crop in 1908, failure resulted. Luo women preferred to concentrate on the food crops which they fully controlled. It is no accident that Luo women very early on came to dominate food trading in all the major urban areas of East Africa. The nontrading women did join the "egg circles" (cooperatives) started by the government between 1947 and 1949 to market ghee and eggs to the urban centers and to the army barracks. But these collapsed due to organizational misconception and mismanagement. Each cooperative had a male secretary who was in charge of marketing and paying the members. It did not take long for the cooperatives to collapse finally when in 1956 the women realized that they were being cheated by the secretaries who paid them less for their eggs which they had switched with the bad ones of their own, etc. (Fearn 1961:2111-12).

The experiences of the Luo women are further interesting from another aspect of capitalist penetration. The Luo area (Nyanza province) as well as most of western Kenya have been, especially since the 1940s, labor-exporting areas. Although the colonial policies generally created labor-reserve areas to serve the cash crop growing areas, the European farms and plantations, in the case of Nyanza high male migration was due to chronic land shortages. In this situation the work burden of Luo women increased because not only were some growing surplus food crops for sale but with the males migrating to the towns where they were underpaid, the women had to subsidize them by regularly providing food. As Jorgensen has argued, migrants are proletariats because

Migrant labour is semi-proletarianised labour in that the worker has not yet been 'freed' entirely from possession of land as a means of production and subsistence. Migrant labour is paid at a level below the subsistence level required for the maintenance and reproduction of labour power (the cost of raising a family and providing for old age) and hence remains tied to the soil to make up the difference between wages and the subsistence level (1981:109-110).

The underdevelopment of the Uganda "labor reserve" areas came to a head when in Ankole and Toro the taxes collected in 1926 could not cover the salaries of chiefs. In that year the colonial state officially ended its policy of discouraging cash crops in labor-producing areas (*ibid.*:110). But the expatriate commercial community even by 1937 still continued to press the colonial government to revert to the former policy (*ibid.*:111).

It is clear from many accounts that food production was threatened by the household labor reductions in the labor-exporting areas. This problem is illustrated by the numbers of adult males who migrated in 1952 alone--from West Nile, 28 percent; Kigezi, 46 percent; and Toro, 16 percent (*ibid.*:113). In most of East Africa the women abandoned the traditional time-consuming, but nutritious, crops like millet and adopted maize, cassava, and potatoes, which are less labor intensive. This adversely affected the health of those left behind in the villages.

But even in cash cropping areas the previously more diversified economies were destroyed, the peasants were deskilled, i.e., forced to perform compulsory labor for government public works, and even forcibly recruited for carrier

corps for the war. At the same time it was important to cultivate cash crops in order to pay taxes, etc. Vincent has documented for Teso, the emergence of a rural proletariat¹ between 1909 and 1920 (1982:212-31). The argument put forward is that the class emerged out of the labor process and not out of production and marketing processes (ibid.). This is true for most of Africa. The peasant maintained the colonially created chiefs by contributing labor and taxes. In Teso the alienation of labor apparently involved one sector of the population--males. Men over eighteen years were obliged to maintain compulsory cotton acreages, to perform compulsory labor services,² and many of them to serve out of the district in military drafts. Meanwhile the majority of the population--women and children--remained tied to small plots of land within a nonexpanding domestic economy (ibid.). The costs of reproduction within the capitalist economy were largely borne by these domestic households (ibid.). It is no secret that household production fostered by the circumstance of nascent capitalism was regarded as cheaper than settler or plantation production. The former would not disrupt the colonial order whereas the latter were costly because they depended in most cases on government subsidies, and were also regarded as politically awkward (Jorgensen 1981:64).

The household economy not only supplemented inadequate urban incomes but also absorbed the underemployed and unemployed people. The issue of female proletariats has never been discussed, but from my research experience I feel that they deserve attention. The oversight may be partly due to the way female and male labor were commoditized in the capitalist system. Men had to earn wages and ensure the production of cash crops; women, on the other hand, in their roles as wives and mothers, were in charge of subsistence production (and cash crop production is often delegated to them as well). Thus all the time women must ensure that people were fed despite the fact that less land and labor are available to them.

Colonial as well as present-day officials have never openly admitted the existence of a rural proletariat or a landless class. In 1953-55, the East African Royal Commission recommended, among other things, that as an incentive to economic progress holdings should be individualized and the titles registered in both rural and urban areas, that urban wages should be increased, and that rural incomes had to be increased so as to raise the standard of living and thereby curb some of the migration to the cities. In short, people from areas with land shortages would be encouraged to settle in the urban areas and those from other areas would be ensured security of tenure so that they could get on with the business of cash crop production. But usually it is not only

1. Proletariat--Lenin defined rural proletarianization as "Insignificant farming on a patch of land with the farm in a state of utter ruin, inability to exist without the sale of labor and an extremely low standard of living." Lenin, The Development of Capitalism in Russia, Collected Works, vol. 3 (Moscow: Progress Publishers, 1964), p. 177.

2. The compulsory services such as road maintenance were often in practice fulfilled by women as members of the household. This was particularly so if the men engaged in some wage-paying labor locally or in nearby townships.

the officials who refuse to face the reality of land shortages; most societies still idealize the pre-capitalist era and regard land as a free and plentiful good. Yet land was a central issue in colonial political crises and definitely important in domestic politics as women demanded the right to control the products of their labor. In sum, agrarian societies lead to increased economic differentiation within the population so that there is betterment for a few at the expense of many. Women fare even less well (Vincent 1982:162).

However, even in well planned and seemingly successful land usage projects, women do not seem to fare better. A few examples given by Chambers (1965:174) will suffice. In the Zambian Kariba project, women were expected to lose their cultivation rights in land. The success generated by the Gezira project in Sudan led to some women being veiled. This led to loss of the traditional sources of income, i.e., food sales--but men controlled the new source of income. In the Mwea Rice Scheme in Kenya, women did not know what their husbands received for the paddy, and bitter family quarrels have arisen from the husbands' monopoly over the new income. In the Nachingwea project in Tanzania, that old problem of division of labor between the sexes along modern and traditional methods and techniques reappeared. Although the tractors seemed to lessen the chores connected with ground-breaking for both sexes, the women found that they now had more ground to weed and the tractors had apparently done men's work. This increase resulted in domestic upheavals that caused otherwise successful tenants to leave the scheme.

Concluding Remarks

Issues relating to land are central to social change or what is currently referred to as development. A development plan for Uganda that is regarded as progressive even today was published in 1946. But the first officially sponsored intellectual appraisal of British colonial Africa in its last phase before independence was the 1953-55 East African Rural Commission (MacMillan 1976). It was commissioned at a time when it was apparently still possible to take a long-term view of development within the colonial framework. The recommendations dealt at length with issues concerning land tenure, security and tenure, and security of residence in the urban areas. Throughout the 1960s and 1970s, imported "experts" and World Bank reports did not go beyond the recommendations of the Royal Commission. In fact, even current discussions on East African socialism have not grappled with some of the Commission's recommendations.

It has become increasingly obvious that, given the periphery capitalism that dominates East Africa, modernization or development could not continue to be viewed as positive progressive emulation of Western development. Recent studies have shown how asymmetrical the development that took place between nations and regions was. However, the issue of women benefiting less than men from development is constantly being reduced to a mere footnote by national planners and politicians. Certainly, no government has confronted the issue of land, preferring to refer to the peasants or masses as if there were no division of labor by sex and competition for the basic resources on which depends the achievement of power, wealth, and prestige. If indeed development should

be concerned with solving societal problems, i.e., search for means and ends to better peoples' lives, then I think it is foolhardy not to pay attention to women's attitudes toward land. Although in many African societies women lack security of tenure, land is nevertheless regarded by the majority as something worth saving for and acquiring. I feel that the time, energy, and money usually spent on the acquisition of land would, if directed into proper channels acceptable to women, lead to phenomenal African progress. Most women and men nowadays acquire such small plots of land, between .5 and 2 acres, that one feels that governments must develop national land policies which will make people secure.

There is need to understand the household economy that evolved under capitalism as well as how men became the managers of labor (employers) while the women (workers) became invisible. Despite the fact that women's work increased as they met the market requirements of cash crop production, and subsidized the economy by feeding the urban migrants as well as the rural proletariats with the shrinking and unproductive rural resources, women were never regarded as central to development by planners. At the local level, however, the small-holder male farmers and the other family members were very much aware of the women's contributions. For example, although Mafeje and Richards (1973:183-84) contended that family labor does not seem to play a key role in cash cropping in Buganda (southern Uganda), evidence points to the contrary. They claimed that it was rare to find a husband and a wife receiving help from growing boys and girls as in most peasant societies. The reality of most Ganda household labor is that everyone is expected to contribute to the chores connected with coffee production. Children in boarding schools usually stay at school during the vacations because the chores connected with farming would interfere with their schoolwork. Children attending day schools do not look forward to Saturday farmwork and during the week try to reach home after dusk in order to avoid picking just one more basket of coffee before sunset! As women divorce or desert their husbands in order to avoid, among other things, backbreaking hoeing, their children are raised by stepmothers who expect the children to contribute more than their fair share of household labor.

In a study on the constraints of labor time availability in the Bukoba district of Tanzania, researchers found the major constraint to be time spent on activities related to morbidity and mortality, but the men perceived the constraints as due to the time women spent on domestic chores, particularly food preparation. In fact, women prepared food, fetched water, and collected firewood and breast-fed the children during the so-called "leisure" periods, i.e., while men rested and socialized (Kamuzora 1980:130-33). The issues raised by this case study are all important and point to the fact that women should receive high consideration in agrarian reform programs. If women are going to spend three hours a day preparing food, if women are going to grow on marginal land food that is less labor intensive and less nutritious, there will be less time for cash crop production, because not only will they be malnourished, but their families too will be. Consequently, time and energy will be taken up mostly by diseases (spending between six hours to several days to visit a medical practitioner), and deaths (in most places not only is the attendance at funerals mandatory if good relations between people are to be maintained, but agricultural work is usually suspended for a few days).

There is need, further, to examine the decision-making practices in the household economy. In a smallholder situation it is possible that men and women enjoy different spheres of activity management, and that women assume more management responsibilities when men migrate and leave them behind. But as has been well documented, women are denied access to agricultural information (Staudt 1978) as well as the primary resources in agricultural production --land and labor (Sachak 1980). In many ways the subrosa "revolution" conducted by women is supposed to achieve access and control over land and labor.

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A N N E X
COLLOQUIUM SCHEDULE

A Colloquium on Issues in African Land Tenure
sponsored by the Land Tenure Center

Wednesday, 13 October 1982

"'Feudal' Land Tenure and Agrarian Reform in Africa"
Dr. John W. Bruce

Discussants:

Dr. Herbert Lewis, Anthropology
Dr. Jan Vansina, Anthropology and History

Friday, 22 October 1982

"Land Tenure Policy in African Livestock Development"
Dr. John W. Bennett, Dr. James C. Riddell, and
Steven W. Lawry, Land Tenure Center Pastoralism
Research Project

Discussants:

The Meeting

Friday, 29 October 1982

"Models of Tenure Conversion"
Dr. John Harbeson, UW-Parkside and Land Tenure Center

Discussants:

Dr. Peter Dorner, Dean of International Studies and
Programs, Agricultural Economics, and Land Tenure Center
Dr. M. Crawford Young, Political Science

Friday, 5 November 1982

"The Reform of Customary Tenure in the Economic Transformation of Traditional Agriculture"

Dr. Kenneth Parsons, Professor Emeritus, Agricultural Economics and Land Tenure Center

Discussants:

Dr. Don Kanel, Agricultural Economics and Land Tenure Center
Dr. John Bruce, Land Tenure Center

Wednesday, 10 November 1982

"The Effects of Land Tenure Change upon Women in East African Smallholder Agriculture"

Dr. Christine Obbo

Discussants:

Dr. John Harbeson, UW-Madison and Land Tenure Center
Dr. James C. Riddell, UW-Oshkosh and Land Tenure Center