

IS INDIGENOUS TENURE A DEVELOPMENT CONSTRAINT?¹

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Most small farmers in Africa--the vast majority of farmers--cultivate their holdings under indigenous tenure systems. These systems have changed somewhat under the impact of market forces and other influences during the colonial and post-colonial periods, often in the direction of greater individual control of the holding and alienability, but they remain altered indigenous systems. Because so many African food producers cultivate under indigenous tenure systems, the crisis in food production in Africa has directed new attention toward the question of whether indigenous land tenure arrangements constrain farmer innovation and investment in enhanced agricultural production.

Some studies answer this question in formal, almost ideological terms: indigenous systems can only obstruct development, framed as they were to meet the needs of subsistence economies. This position overlooks tenure evolution which has already taken place and will certainly continue. Sometimes a critique of indigenous tenure systems aggregates negative features of diverse tenure systems in diverse circumstances and thereby exaggerates the problems of indigenous tenures. On the other hand, idealized notions of communal tenure persist.

It is important to note at the outset of this discussion that there are some problems implicit in the tools of economic analysis brought to the task of evaluating these tenure systems, tools developed in the examination of mature Western market economies. African economies bear only a limited if growing resemblance to such economies. Rather than the managerial and social autonomy of the "farm firm" and relative impersonality of economic relations, one finds non-cash economic exchanges and understandings embedded deeply in the social and political fabric. Utilizing concepts such as "externalities" and "transaction costs," stereotypes of indigenous tenure systems are judged "imperfect" by comparison to property institutions which are argued to be conducive to efficiency in market economies. But the facts which create "transaction costs" are not merely isolated, inconvenient tenurial facts which hamper the efficient functioning of an emerging system; they are necessary cogs in another, older system which continues to perform important functions. Elements of one functioning system are being evaluated in terms of another. Economics has traditionally found it difficult to do justice to these transitional situations, as do other disciplines.²

It is not suggested that discussion of indigenous tenure systems in terms of Western property economics concepts is entirely unprofitable. After all, many economies in Africa are evolving in the direction of market economies. On the other hand, those concepts can be misleading if not used very cautiously, both because they generally assume incorrectly that (1) African tenure is "communal," participating in many of the characteristics of a commons, and (2) the farmer is operating in a larger economic environment quite different from that which actually surrounds him. The indigenous tenure system meshes with many relatively stable elements in that reality, which perform important social and economic functions for the African farmer. The

fact is that his reality is changing, and he often stands with one foot in each system. His well-being and productivity (indeed his survival) can be adversely affected by focusing too exclusively upon either of them. We often fail to ask, as Maine long ago suggested, what functions indigenous tenure systems and the particular elements of those systems perform for farmers and their families.

This section attempts to review the concerns about indigenous tenure systems and to identify situations in which these may in fact be serious. Where there does seem reason for concern, it notes countervailing benefits derived by the farmer from existing arrangements. Tenure arrangements do not, of course, have problems and benefits in general, but only in terms of specific subsistence or development strategies. For the purposes of this discussion, a development strategy is assumed which in very general terms relies on farmers utilizing privately held land to innovate and invest in the interest of increased production for consumption and the market.

1. Land Use and Conservation

Shifting cultivation has often in the past been denigrated, and with it, the land tenure systems that accommodate it. That this is wrong is increasingly recognized. Shifting cultivation is a function of an abundance of land, the fact that prolonged cultivation exhausts soil, and the absence of an agricultural technology which can counteract that exhaustion. Until that technology is available and affordable, shifting cultivation and tenure systems consistent with shifting cultivation are appropriate.³

Serious problems arise, however, when in the absence of such a technology population densities are reached which can no longer accommodate shifting cultivation. A prime historical example is provided by the "native" reserves established in the settler colonies of Eastern and Southern Africa. These

often rapidly created crowding and rendered previous land use practices unsuitable. Continuation of these practices resulted in serious land degradation. In other parts of Africa natural population growth over the last fifty years has now created very real pressure on the land resource. Cultivation stabilizes, going over to a rotation system with declining fallow periods, and farmers are increasingly unable to maintain fertility.

This problem is sometimes characterized as the inevitable outcome under a tenure system which, framed for shifting cultivation, gives farmers no long-term interest in the land and thus encourages them to exhaust rather than conserve it. In economic terms, the stabilizing cultivator is said to lack incentives to carefully husband the holding; he does not have property rights which internalize the costs and benefits of conserving or failing to conserve the land.⁴ It is not clear that this is invariably, or even frequently the case. Shifting cultivation systems are not "commons" situations, but usually involve some social control over new land clearing. They allow different degrees of control over bush fallow, which often involves some less intensive use of the fallow. Even where this is not the case, indigenous tenure systems have when the necessity arose readily recognized long-term exclusive rights for farmers or households in more limited land for rotation. The test is whether farmers are able to retain fallow.

No matter how flexible indigenous tenure rules may be, however, population pressure may simply outdistance available technologies for maintenance of fertility. This is not primarily a land tenure problem but a land use problem, which can be solved only with new inputs and techniques. Agroforestry seems to offer the best hope in this respect for many African farmers today (the transition was eased and even precipitated in advance of population pressure in parts of West Africa by the advent of commercial tree

crops). If the problem is not primarily a tenure problem, however, it is also true that tenure change is a necessary element in conservation of resources as land use changes under increased population pressure. The establishment of a stabilized and productive agriculture will need to be both facilitated and reinforced by new tenure rules, and these must enhance the farmers' rights in the land.

It is important, however, not to imagine that such tenure change offers a panacea for destructive land use. Enhanced individual tenure offers the freedom of action and economic incentive to conserve the resources. Nonetheless, farmers may need to maximize short-term production despite long-term resource costs. Where land use technology cannot maintain fertility under the use required for subsistence or survival of the farm firm, individual tenure will accomplish little. And if the freedom conferred by ownership is coupled with ignorance of proper land use practices, it provides only the freedom to degrade the resource. Witness the American Dust Bowl experience of the 1930s.

2. Security of Tenure and Investment in the Holding

A farmer will not make long-term investments in his holding unless he is secure in his expectation of reaping the benefits of his investments. Insecurity of tenure in African tenure systems is generally attributed either to rights having short duration and terminating automatically on cessation of cultivation or farmers being subject to ouster by chiefs or other community land administrators. Indigenous land tenure systems in Africa have frequently been judged inadequate in meeting this need for security, with lesser or greater justification depending upon the rules of the particular tenure system and the stage of development in the area concerned.

This concern with security of tenure is the most pervasive objection to indigenous tenure systems in the literature, and it is worthwhile reviewing briefly its economic basis. Capital formation is essential to development and in agriculture this process is largely accretionary. It takes place over a long period of time through incremental investments in the holding of labor, cash surplus, and credit. Typical investments are in clearing, leveling, destumping, terracing, drainage, ditching, farm road-building, well-digging, irrigation works, tree-planting, and fencing, as well as construction of farm buildings. The role of the land tenure system is seen to be the maximization of that accretionary formation of capital by creating incentives for investment, as opposed to consumption. Security of tenure encourages investment because the farmer can afford to balance the alternatives of a higher rate of return over time from a slow maturing investment in the farm against possibly lower-yielding but quick-turnover investments, and balance appreciation in value of his capital assets against immediate income. This represents sound and durable reasoning in a market economy with broad farmer autonomy over land use and management decisions. These conditions are not always present in Africa, but seem to exist or to be emerging to an extent which justifies cautious use of this model. The scenario of investment is usually only realized, it should be noted, in a situation of rising real incomes. Otherwise, farmer decisions will tend to favor consumption and short-term payoffs, and labor will seek opportunities outside agriculture.⁵ There will, of course, be some situations in which precious few alternatives are open to farmers.

For the moment, however, let us assume farmer autonomy of decision making, a good market for production and an economy which in general offers reasonable returns to investment in agriculture. Do indigenous tenure systems

offer the security of tenure necessary for farmers to invest? Here it is important to distinguish between situations involving shifting and stabilized cultivation. Under a regime of shifting cultivation, indigenous rules have been said to provide only "farm tenure," not land tenure. This should not be taken to imply an inadequacy in the system.⁶ In most such systems tenure rules provide security in use of the land not only for a crop but for as long as the farmer cares to cultivate it. He may lose his rights when he moves on to farm other land, but he has as much security as he needs or wants. When cultivation stabilizes, the issue of investment becomes more relevant. There are some indigenous tenure systems which clearly have created substantial insecurity--as where farmland regularly cultivated was periodically, say every dozen years, redivided and reallocated to farmers by lottery. This is obviously not consistent with individual farmer investment in the land. Fortunately such arrangements are very rare. If one judges security of tenure by the frequency of termination of use of land which a farmer wishes to continue to use, the record of indigenous systems is on the whole admirable.⁷

Most indigenous tenure systems provided adequate security in the past. That security was adequate in a particular context: a largely subsistence agriculture in which land was relatively plentiful. But what happens when pressure on the land increases? In some societies, chiefs or elders take land from existing holdings to create holdings for new households. This reflects a steadfastness in the principle of most indigenous tenure systems that any member of the group has a right to land. In other societies, land distribution comes to be governed exclusively by inheritance (and transactions, if these are allowed). It is not readily apparent why reallocations take place in some societies and not others. Often no

"official" action is necessary for a reallocation. A new household head wanting land will go to relatives with relatively large holdings and they will give him land out of a sense of family obligation. The impact on investment in the land is clearly potentially negative, but not certain, because local rules may require that an unimproved part of the holding be reallocated.⁸

Growing population pressure is not the only change which may create insecurity of tenure. Granted that indigenous tenure systems have in the past provided adequate security, can one rely on those same rules and institutions to provide security as commercial agriculture develops and particular pieces of land come to have widely different values, either as a result of investment or advantageous location? In some situations the experience with investment under indigenous tenures has been quite positive, as in the case of the introduction of commercial tree crops in West Africa. Other experiences have been less satisfactory. In conversation with emergent farmers one often finds felt insecurity. There may be concern over inability to gain secure title to a farm of adequate size and develop it gradually. Under most indigenous systems, a farmer can have as much land as he or she can use, so long as land is available. But jealousies and conflicts may soon develop. When neighbors perceive that profitable commercial cultivation is feasible, they may place the lands around the developed holding under cultivation and prevent expansion. The chief or headman himself may do so, even reducing the area which he originally approved for eventual cultivation. If permanent improvements have been made in the holding, long-dormant claims to the land may be raised by the powerful. Even without the developed land simply being taken, the emergent farmer's position may become untenable. The emergent farmer may be seen as too wealthy, as a new focus of power and influence in competition with traditional leaders. He may be badgered, for instance, to

use his tractor to plow the chief's land or community land, and may refuse when such requests become too burdensome. He may become at the same time the focus of antagonism from the chief and jealousy from the community. He may be accused of witchcraft and involved in numerous and endless disputes, and may in the end be forced to move elsewhere. This is a greater danger if the farmer is not originally from the tribal area and is viewed as cultivating by permission.⁹

The causes of insecurity of tenure are diverse, and it should be emphasized that while some originate in the interaction between changing circumstances and existing tenure rules, others unrelated to those substantive rules are at least as important. Tenure may be rendered insecure by abuse of power by traditional land administrators in hierarchical systems, or by the ineffectiveness of traditional land administrators in enforcing rules in political or economic circumstances which have undermined their authority. Competition between ethnic groups, land-grabbing by new elites, and arbitrary government action, such as taking without compensation or granting concessions inconsistent with existing rights, are emerging sources of insecurity of tenure which may prove in the long run more serious than any deficiencies in the substantive rules of indigenous systems.

How insecure must tenure be, before this insecurity constitutes a serious problem? (There is, of course, no absolute security, only degrees of security and insecurity.) The answer is not obvious, and probably not generalizable. Insecurity is on the one hand an objective fact, a probability of disturbance of a holding which can be determined by research.¹⁰ But it is also a state of mind: it is the sense of insecurity which affects investment decisions. It will be heightened when tenure becomes less secure, in violation of expectations; but it may be muted in a situation of increasing security, even

if in absolute terms that security is not very great. The sense of insecurity may also be heightened and made more determinative of behavior by factors external to the individual's situation. In some parts of Africa widespread knowledge of Western property institutions may contribute to the sense of insecurity under indigenous tenure. Here there are important interactions between urban and rural tenure evolution, and between westernized and indigenous tenure sectors of dual tenure systems.¹¹ A flat assertion that tenure is "insecure" without indications concerning causation and degree, is not very helpful.

Finally, we need to recognize that the security with which we have been concerned, security in a given piece of land, is not the only security important to African farmers, and perhaps not the most important to many. To place concerns about insecurity of tenure in perspective it must be remembered that there is a broader concept of security, which traditional societies found more relevant and which retains much relevance today: security of access to an economic opportunity. By virtue of membership in a group, a farmer had a right of access to a productive asset, land. This is no small thing. Developing economies have violent ups and downs. Poor men and women will be absorbed into commercial agriculture or the mines or the burgeoning service sectors of African cities, and spit out again when times are hard. It is a good thing if they can go home, and claim a right to the opportunity to subsist.

It may well be that this sort of security cannot be preserved indefinitely. The whole tenure reform issue can in one sense be seen in terms of trade-offs between these two concepts of security. They are not easy to reconcile, though opportunities should be sought to do so. In the meantime, there is an argument that the balance between the two sorts of security should

shift gradually, as other conditions change. Security of tenure in a particular piece of land is only one element in a larger strategy for increases in productivity and commercialization. If other necessary elements are not present--appropriate technology, input supply, credit, extension services, markets--then who would want to give up the older concept of security?

3. Exclusivity of Tenure and Farm Management

In many discussions of security of tenure one finds a secondary theme, lamenting the African farmer's lack of full freedom to make management decisions concerning his farm. Commonly this is characterized as a necessary concomitant of "communal" tenure, under which producer incentives for sound farm management are overwhelmed by "externalities."¹² It has already been suggested that indigenous tenures are seriously misconceived as "commons" problems, because African farmers operating under these systems usually have very substantial and durable rights in their farms. There are, however, some limited and rather specific ways in which indigenous tenure systems do limit a farmer's use of his land, and they are common enough to deserve mention. These limitations are a function of the tenure system in that they are rooted in community (residential or descent group) rights in the land. The community, by virtue of membership in which the farmer holds his land, has reserved certain rights over the land to itself.

These limitations appear in two forms. First, there may be a community-sanctioned land use practice which requires, or at least works best, with participation of all landholders. An example is the turning of the community's livestock onto the fields after harvest, to graze stubble and other residues. A chief or elders may set dates each year when livestock may be brought onto, and must be removed from the harvested fields. Because a

farmer's livestock are free to range with all the others, it may be considered unfair for him to use his land in a manner which excludes it from such grazing. A farmer may be enjoined not to adopt a new crop which places him out of synch with the rest of the farmers, or at least not to erect a fence to protect it from the livestock.¹³

Similar arrangements for serial use of land are sometimes made by communities of cultivators with groups of pastoralists, or between groups of pastoralists. These relationships may be peaceful and symbiotic, but tend to be fraught with tension and conflict in periods of change. In the Sahel, for example, these arrangements come under pressure as land use intensifies and new accommodations must be sought between ethnic groups.¹⁴

Such overlapping or multiple use systems are not at all uncommon but the rules and the rigor of enforcement differ greatly from case to case. This makes any generalization as to the seriousness of the concern difficult. It must be remembered that such arrangements, while sometimes constraining the individual innovators, can be broadly beneficial to the group. The limitations may be compared to use restrictions under zoning legislation in our own society. As in that case, the appropriate balance between control and freedom will be a matter of divided opinion.

Second, there are certain indigenous tenure systems under which any permanent or long-term improvements may be discouraged. Tenure systems have been mentioned which involve periodic redistribution of all land, or more selective reallocation of land from large holdings to create holdings for new households. These systems are relatively rare, but where they do exist the principle of reallocation may discourage permanent improvements on land. This has been treated as a problem of risk, discouraging investment. It may result, however, in a rather different type of problem, posed by active

community control of land use. The potential difficulty of reallocating land once such improvements have been made may be appreciated, and so the community prohibits such improvements. The acts of planting trees or fencing land, for instance, may be seen as an attempt by the holder to arrogate to himself rights inconsistent with those of the community. Attempts may thus be made to prohibit these activities.¹⁵

Where these or similar restrictions exist they may constrain innovation. The extent to which they do so is a matter for investigation in a particular case, because it appears that the durability of such restrictions in the face of real incentives varies considerably. In any case, such restrictions are not so common that they should be considered as broadly characteristic of indigenous tenure systems.

4. Efficiency in Resource Allocation

Indigenous tenure systems are often faulted for their reluctance to recognize sales. They are characterized as imposing unacceptable "transaction costs," i.e., risks of loss of the land transferred because of uncertainty as to whether the sale will receive legal recognition.¹⁶ Allocation by an indigenous land administration system, by inheritance or by some combination of these is argued to be inefficient. It is suggested that land would be more productively distributed (i.e., in more efficient factor combinations) if it were a marketable commodity. The market, it is assumed, would transfer land to those with the capital and skills to utilize it most effectively. A "market" in this context is usually conceived of as relatively impersonal and permitting permanent, rather than simply temporary transfers of ownership and lesser rights in land. In addition to arguments of allocative efficiency, it has been suggested that investment in land is discouraged if that investment is locked into the land and cannot be converted to liquid assets.¹⁷

The matter is more complicated than might at first appear. First, it needs to be emphasized that land under indigenous tenure, while often not "marketable" in the sense described above, is hardly frozen in idle hands. Under shifting cultivation, abandoned land can usually be reallocated. Even in some situations of settled cultivation, non-use can theoretically result in loss of a holding, though in practice, family or friends will usually farm the land if the "owner" cannot. Where there are temporary imbalances in factors, such as a household short of labor because of illness, there are usually indigenous arrangements to balance them. Land can be "loaned" to another farmer and sharecropping or other forms of compensation for land use are not unusual in indigenous tenure systems. These are in fact land markets.¹⁸

It is not clear that transfers of rights less than full ownership for substantial but limited periods of time are necessarily less satisfactory than perpetual sales of ownership in terms of producing efficient resource combinations. Transfers of a temporary nature pose little difficulty to indigenous tenure systems, and there is nothing inherently impossible in a free market in such land rights, with minimal transaction costs. We perhaps assume more necessary connections between "marketability" and "ownership" of land than in fact exist.¹⁹

Second, all markets are imperfect and new land markets in Africa are more imperfect than most. We tend to assume that capital and entrepreneurship go together and that if agricultural acumen does not, it will be hired. In Africa these assumptions do not always hold true. Most people with capital to invest fall into one of two groups. There is a trade-oriented mercantile class, often of foreign extraction. Sometimes they cannot as non-citizens legally own land. More important, they may not want to own land and are not often interested in agriculture. They do very well out of the rapid turnover

of inventories, and often prefer to keep their investments relatively liquid, partly out of a sense of insecurity. There are others whose wealth comes from education and consequent employment in government or the modern private sector. They have privileged access to credit, insider knowledge of opportunities, and the ability to use networks of colleagues to move quickly through bureaucratic mazes which daunt others. These are, however, commonly men and women who have turned their backs on the land and have little serious interest in farming. Moreover, they usually have access to investment opportunities which offer rates of return superior to farming. If they do purchase land, it is often for speculative or prestige purposes. Their holdings tend to be poorly managed and less productive than smaller farms around them. There are, of course, exceptions and there would presumably be more if agriculture were more profitable.²⁰

Third and finally, liquidity of assets is and will in all likelihood continue for some time to be a matter of limited interest to most African farmers. They lack opportunities to invest outside agriculture and so liquidity means little to them. The argument is more relevant as regards investment in agriculture of private capital originating outside the agricultural sector.

These considerations are mentioned by way of caution, to suggest that the benefits of freer marketability of land may in the short and intermediate run be less impressive than is sometimes suggested. In addition, marketability has sometimes been argued to have negative impacts. Will it not lead to an increasing concentration of land in the hands a few people, depriving others of even a subsistence opportunity? There are few land markets in Africa functioning on a scale that generates data helpful in answering this question. Historically, major land concentrations have not been

market-created but have originated in state action. In the Kenyan case, perhaps the single vital national land market in black Africa, the trend has been for the market to break up the large estates in former white settler areas through a process of subdivision and sale. The market is probably producing a more equitable distribution pattern, at least on a national level. The situation is somewhat different if one focuses on the former customary tenure areas, where some land concentration appears to be taking place, though on a fairly modest scale, and where significant landlessness is being created by economic desperation sales.²¹

The real need, it is suggested, is to provide sufficient land to more efficient farmers attempting to move from subsistence to commercial production. Access to additional land through a market of some sort may be an important element in meeting this need, although Hoben has suggested that some indigenous systems may do a very creditable job of getting land to the best farmers, and the best farmers to available land, perhaps a better job than would be done by the market in such circumstances.²²

But it is equally important to minimize consequent landlessness. Unfortunately, this is a large order, and it is not at all clear that direct state control over land allocation is the solution. It remains to be seen whether in Africa the greater potential for skewed distribution and landlessness lies with the market or in the manipulation of state control over access to land by political elites. The issue must be treated as a matter of utmost seriousness under either system.²³

Concerns about increasingly skewed land distribution, and landlessness in particular, should not be treated lightly. It is essential that tenure change in Africa avoid replicating the intractable and politically explosive maldistribution of resources which has plagued Latin America and parts of

Asia. In addition, recent analysis of the relationship between landholding patterns and agricultural development has emphasized the advantages of unimodal patterns of small holdings. Economies of scale are no longer an effective argument for skewed distribution patterns. The suggestion that increasing landlessness and a related population flow out of a developing agriculture is "normal" misses an important point: there is already a massive exodus from the rural sector taking place in Africa, and it has nothing to do with increased efficiency in agriculture. It has rather to do with agricultural stagnation, the deterioration of even subsistence opportunities, educational systems which denigrate work in agriculture, and real or imagined superior opportunities outside agriculture (the "streets paved with gold" syndrome).²⁴

5. Land-Secured Credit

Discussions of the adequacy of customary land tenure frequently focus upon a different type of security--the pledging or mortgaging of land as security for a loan. This question arises where substantial loans to emergent or commercial farmers for major improvement in the holding are at issue, as credit for traditional farmers can usually be handled as seasonal loans against crops. Where the need for property-secured credit does arise, it is important to understand the relationship between this security and security of tenure. A banker will not loan to a farmer who is not secure in his holding, i.e., who does not have a secure expectation of continuing in possession to reap the returns on his investments. If the farmer does not reap those returns the bank is unlikely to have its loan repaid. However, this security of tenure is only one of the necessary conditions for land to be used as security for a loan. Land offered by a borrower as security may have to be taken by the lender to satisfy the debt, and as banks do not wish to become

farmers, there is a further requirement which must be satisfied: the land must be readily transferable to someone who does want to use it, for a consideration which will satisfy the debt.

The position concerning sales of land under indigenous tenure has already been discussed. When land assumes value by virtue of productive improvements upon it or has value conferred upon it by location near developing centers of services and facilities, indigenous law comes gradually to recognize sales of land. At first, sales may be sanctioned only among members of the group, later to outsiders with approval of the group or its head, still later without such consent. The degree of resistance to the idea of sale varies from society to society. (We do not understand at all well the differences in degree or the mechanics of the transition.) As sales are accepted, so do mortgages gain acceptance. The process has been well documented in a number of traditional tenure systems.²⁵

The need for new avenues to credit is real enough. Traditional security arrangements tend to place the land in the hands of the creditor until repayment of the loan, and so are not well suited to finance agricultural investment.²⁶ However, demands for tenure changes to facilitate land security for credit are sometimes premature. It was said earlier that a precondition for the use of land as security for loans was that the land be readily transferable for a consideration which will satisfy the debt secured. This requires not only ready transferability and mortgageability of land at law, but the existence of a market and the reliable, effective demand upon which a market is based. Legislative reforms to permit mortgaging far in advance of the development of a land market will have little effect and may disappoint expectations.

There is a second reason why mortgageability may have less impact than expected. Tenure is hardly the only reason why commercial banks hesitate to loan to small and emergent farmers. The farmer must be "credit-worthy." To determine this, banks ask: does the borrower have an account with the bank, a good savings record; does he have a record of repaying previous loans; does he have some income from a source less variable than farming, a monthly remittance from a child with a good job in the city, for instance? Banks will often prefer lending against a reliable income source to lending against an asset for which the market is uncertain. Beyond this, commercial banks look for larger opportunities than those the small farmer can provide, opportunities in which administrative costs of making the loan are low in proportion to the size of the loan, and repayment schedules are feasible which would be too short to permit recovery of the cost of capital investments in a farm.²⁷

Mortgageability may be a valid long-term objective, but caution is indicated. In the hands of unscrupulous or irresponsible lenders, mortgages can become the means of depriving commercially naive peasants of their land. And tenure change to create mortgageability will not have the positive effects anticipated unless the other conditions which will enable farmers to take advantage of it are satisfied. These include the existence or potential for a rural land market; willing lenders on terms farmers find attractive; the support services which can help ensure success in agricultural innovation; a political situation which permits foreclosure if necessary; and prices for produce which permit recovery of costs of an investment. In the absence of these opportunities money borrowed against rural land will be diverted from investment in agriculture toward other opportunities, such as urban real estate and building projects.²⁸

6. Fragmentation and Subdivision of Holdings

Some indigenous inheritance patterns are also said by critics to result in extensive subdivision and fragmentation of holdings, destroying possibilities for achievement of economies of scale based on new technologies. It is best to first establish what this paper means by the terms "subdivision" and "fragmentation," since they are often used very loosely. "Subdivision" refers to a historical process whereby parcels are divided, while "fragmentation" refers to the broken-up, non-contiguous state of a farmer's holding.

Subdivision describes the process by which a single parcel of land is divided progressively, and by which landholdings may over time be reduced to parcels of awkwardly small size. The legal processes through which this is accomplished vary and may be complex, but economically, excessive subdivision is just a matter of too many farmers trying to eke out a living on too little land. Fragmentation, by contrast, describes the situation in which a farmer's holding consists of several parcels. Again, the legal processes by which this arises may vary. The economic objection to fragmentation is clear enough, however. If the number of fragments in a holding is large and distances between fragments great, it can impose serious labor costs and other inefficiencies on the farmer. These may, however, be outweighed by the importance to the farmer's risk management strategy of having access to several different soils and, particularly in mountainous areas, slightly different ecological niches.²⁹

Subdivision is generated by indigenous inheritance systems which create rights in several descendants of the deceased to shares in his land. This is an aspect of the very broad access to land in most indigenous societies. Where there are few opportunities outside agriculture, it is hardly surprising

that rules of inheritance provide broad access to land. In this circumstance, changing inheritance law in an attempt to restrict the number of heirs without creating new opportunities will in all probability have little impact. There is on the other hand evidence that once the point is reached where inheritance rules would result in creation of holdings too small even for subsistence purposes, the rules are bent to reduce the rate of subdivision. The result may not be for further subdivision, but undivided ownership in common by a large number of heirs, only a few of whom are cultivating the holding--a situation which has its own problems. The real problem is population pressure on a limited resource, not rules, and land tenure reform alone is not a very effective tool in this context--it cannot create land.

Turning to fragmentation of holdings, this phenomenon may be caused by inheritance, but it may also be induced by certain advantages which it confers. It is connected with inheritance, where parcels have been subdivided until they are so small that a holding must include several parcels to be viable. But there are other reasons for fragmentation, such as access to different soils or, in mountainous areas, even different ecological niches. It is often a critical part of farmers' risk management strategies, intentional and purposeful. Its benefits may significantly outweigh any inefficiencies in resource use associated with it.³⁰

Where fragmentation serves no such useful purpose, what is a "serious" degree of fragmentation? It depends on a number of factors, in particular the distance between parcels and the residence. Concern should increase, however, if labor is in short supply or a scarce and costly capital item--such as plow oxen or tractors--can be shown to be inefficiently used as a result. Finally, it should be appreciated that a given degree of fragmentation affects different households differently. Labor-poor households with only difficult

access to draft animals will be affected more adversely by a given degree of fragmentation than better-endowed households.³¹

If fragmentation is a serious problem, and there are instances of serious fragmentation in Africa, then the solution may lie in some combination of land consolidation, inheritance reform, land markets, labor-absorbing intensification of production, and, most important in the long run, the creation of new opportunities outside agriculture.

7. Man/Land Ratios, Population Mobility and Citizenship

Indigenous tenure systems are generally based in kinship and ethnicity. Some critiques of indigenous tenure suggest that this prevents movement of people from areas experiencing heavy population pressure to areas with low man/land ratios. Uchendu argues for the breaking down of tenure barriers to inter-rural migration, arguing that "if interests in land are restricted between agricultural areas, it will be difficult to deal with the problems of 'uneven' development which might threaten national unity."³²

Individuals and their families have in the past crossed ethnic boundaries regularly, in at least some parts of Africa. They have sometimes been absorbed into landowning groups under legal fictions, because their need for land has often been matched by the receiving group's need for new members or their assets. As pressure on land has increased, such movement has become more difficult. In West Africa, "stranger farmers"--or in the Gambia, "strange farmers"--have played a major role in agricultural innovation.³³ Where pressure has become intense, "strangers" not yet fully absorbed into the landowning group have been expelled. Such movement is likely to be increasingly constrained in the future.³⁴

How serious is this problem of relative man/land ratios, in terms of broad demographic patterns? Probably not very serious. Areas of relative

land plenty will be fully utilized in a generation even failing immigration. Often the absorptive potential of such areas is overestimated. There are often good reasons for their present sparse population, not readily apparent to planners. This may be presumed to be the case when an area remains apparently underpopulated, in close proximity to densely populated areas. Shifting large numbers of people is very costly, and existing differences in regional distributions are of an order that will be evened out by population growth, movement into urban areas and movement toward other opportunities in the space of a generation. Moving people about, or worrying about their inability to move, is often an excuse for not coming to grips with the problems they face where they are. Confronting those problems can only be delayed slightly by resettlement programs.

Finally, the issue of access to land held by ethnic groups by citizens belonging to other ethnic groups has major political implications. There are countries in Africa where politics are dominated by one or two ethnic groups and this power may be used to expand dominant group access to land. In such circumstances, pleas for demographic balance may well be demands for tribal expansion and economic hegemony.

If such movement is increasingly constrained, it is possible that the most serious impact will be a retarding of technology transfer from advanced to more backward agricultural areas.

8. Equity and Redistributive Reform

This paper focuses upon tenure reform rather than classical, redistributive land reform because serious maldistribution of land is not characteristic of African tenure situations. While there is never perfect equality in distribution and the economically undifferentiated and egalitarian village society is a myth, in the vast majority of cases inequalities in

landholding are relatively slight and--so far at least--not cumulative. Where large holdings are acquired in one generation, they tend to be dispersed through inheritance. Under heavy population pressure on land, indigenous systems sometimes develop mechanisms for redistribution. Tenure systems of highland Ethiopia in which elders can reallocate land are an example.³⁵ Moreover, where notable inequalities in holdings do exist, the presence of vacant land elsewhere often gives the impression (not always sustainable under close examination) that resettlement can solve the problem. All this having been said, serious maldistribution of land has existed in some parts of Africa and where this has been the case, it has had the same explosive potential as in Asia and Latin America.

The best known cases are those of the settler colonies, in which relatively few white settlers were allocated large amounts of the best agricultural land. In Kenya, Zambia and Zimbabwe, independence movements stirred their people with demands for land. Independence has been accompanied by major land reforms. As important as the outcomes of these reform efforts are to the countries concerned, they are slighted in this paper because they affect a limited number of countries and will not recur.³⁶

There are also, however, a few cases of serious maldistribution of land which have nothing to do with the experience of European colonialism, and these deserve closer attention. The cause of such maldistribution is usually the conquest, often in pre-colonial times, of one ethnic group by another. In some instances the original landowners will have been expelled from the land. In others, and these are the potentially more explosive cases, those subjugated remain on the land in a servile status. The relationship between the new and former landholders may involve personal status classifications based on family or ethnicity which prevent social and economic mobility. It

may be closer to serfdom or some variety of clientship, despite a superficial relationship to tenancy. Attempts to apply analytical models which assume more or less arms-length bargaining between the parties are likely to be profoundly misleading.

In a few cases this maldistribution has led to redistributive land reform, and Ethiopia is the primary case in point. The origins of exploitative landlord/tenant relationships in southern Ethiopia as a result of imperial expansion have been noted earlier in this section. The revolution which brought the Dergue to power in 1974 had complex roots, but land reform was one of the Dergue's central aspirations. Implementation of the land reform established the Dergue's credibility in the minds of rural people in Southern Ethiopia as nothing else could have done, and energized a reorganization of rural society into peasant associations to accomplish that end.³⁷

Under new economic and other pressures, even tenure systems which have been quite egalitarian may begin to exhibit increasingly skewed land distribution. There are a number of features of indigenous tenure systems which render them vulnerable in this regard. First, there is in most indigenous land tenure systems no traditional notion of "too large" a holding. In situations of relative land plenty a household was allowed to put under cultivation as much land as it could use; the limited variation in labor availability as among households usually limited the range of variation in size of holding. The commercial farmer seeking to expand cultivation has often met no serious obstacle so long as land has been available (or has been still thought of as readily available). Placing land under cultivation commonly confers rights.

Second, all members of the community, a community most commonly defined by descent, are considered entitled to land. This will often be the case whether or not they are residents, and whether or not they are farmers. Especially when a village is not too far from town and town-residing "sons of the village," civil servants, merchants and others, press for holdings. Often larger-than-average allocations are sought, for prestige or speculative purposes, or for installment of sharecroppers. These claimants are hard to refuse. It is to these influential "sons of the village" that the villagers must turn to when they want a road or a school for the village; when they owe money to a merchant for a plow, and need a little grace; or when an official is abusing them. It might be argued that indigenous tenure systems in which access to land is based on descent must eventually develop a residence requirement for access to land, in order to protect existing landholders. In light of other pressing needs which non-resident members of the group help rural people satisfy, it will not be easy for them to do so.³⁸

On the other hand, because the tenure system bases access to land upon membership in a community, it tends to limit land-grabbing to members of that community. This means that if customary rules are enforced, many powerful and wealthy outside interests are excluded from access to land. These rules are vulnerable to corruption of traditional land administrators or other dispute-settling authorities. They have been criticized on two grounds: that they embody a discrimination between ethnic groups and so offend against the spirit of nationhood, and that they may retard the spread of new technologies by restricting movement of innovators into new areas.³⁹

Third, in many indigenous tenure systems a traditional leader who administers community land is viewed as holding a tenure in that land. This is best described as an estate of administration, held in trust, but where the

land is unoccupied and rights to land are becoming increasingly individualized, the traditional leader is sometimes able to convert the administrative estate to a personal right.

Fourth and finally, at least some indigenous tenure systems permit the "pledging" of land, under which a borrower gives his land to a lender to hold and use until the loan is repaid. Repayment may never happen. The borrower falls more and more deeply in debt, and eventually abandons the land. Indebtedness can thus lead to increasing concentration of land in the hands of local merchants who make loans to farmers.⁴⁰ Ultimately, of course, pressures on the tenure system may lead to the growth of land transactions. These transactions may be sales, but to deal with this issue adequately in the African context we must learn to handle more informal, less impersonal land markets than those of western economists. These markets involve a variety of land transactions of more limited duration than sales, such as land borrowing, share-cropping, and possessory mortgages.

This is not to suggest that the major threat to equity in land distribution in Africa necessarily lies in either the customary rules of indigenous tenure systems or the ways in which they are evolving. That danger is probably greater in "reformed" tenure systems, either through the operation of the land market or where land has been nationalized, through abuse of state power. It is a legitimate concern whatever the source. Platitudes about an outflow of labor for a developing agriculture being only natural miss the point that such an outflow should be generated by increased efficiency of labor in agriculture and not simply loss of land.

9. Conclusion

Though they are often exaggerated, there is a kernel of substance within each of these concerns about indigenous tenure systems. Each concern will be

justified in some cases, though sometimes only a few cases. These concerns deserve to be taken seriously but examined rigorously by those planning agricultural development projects and strategies. In conclusion, this paper attempts to set out a series of questions which it is hoped will in a particular case lead to a fuller evaluation of a tenure constraint and its implications for tenure policy.

Hypotheses must of course be developed which relate norms to actual behavior, and which once tested may reveal a constraint. In the process, "common knowledge" about the tenure system needs to be reexamined carefully. It is important not to rely on dated information. While it is difficult to draw a line, anything over ten years old should provisionally be considered dated. The relevant norms of the tenure system must be confirmed through field research.

Then, instead of simply asking if there is a constraint, ask: "Who is constrained?" Are all farmers constrained, or only certain groups of farmers (e.g., tree growers, lowland farmers, women farmers, "emergent" farmers)? The seriousness of the constraint and the appropriateness of strategies for dealing with it will depend on the answer to this question.

If the existence of a tenure constraint on some farmers seems to be confirmed by the research, it obviously needs to be quantified, but there are several other questions which are important. The most important is:

What was (and perhaps still is) the purpose or purposes served by this feature of the tenure system? If in one context it is a constraint, is it enabling in other ways? Or does it constitute an important component in risk-avoidance strategies? What are the trade-offs involved in a tenure change to remove the constraint?

How static is the constraint? Is it unlikely to resolve itself in an evolutionary manner in the reasonable future, or is there change already under way in customary rules and practices which may obviate the need for government-initiated reform?

Is this constraint a "bottleneck" whose elimination will lead to a change in behavior? Or are there other constraints which are more immediate, stronger and less maleable, so that tenure change alone will have little impact? If so, then the costs and benefits of tenure change can only be adequately considered as part of larger packages of development initiatives.

Is there a non-tenurial solution to the constraint problem? What is referred to as a constraint is often a mismatch between a tenure characteristic and a project or policy initiative. The gears belong to different machines, and don't mesh. In such a situation it is sometimes possible (and far simpler) to develop strategies which accommodate the tenure system, redefining the initiative to achieve the same objective in a somewhat different manner.

Finally, we tend to formulate reform responses to a tenure constraint according to models derived from the comparative experience with tenure reform. We also need to ask whether there are models of tenure change or normative change generally in this customary legal system which suggest reform strategies. Are there opportunities posed by the structure of the system and its institutions, of which policy-makers could take advantage in planning tenure change?

Applied research must learn to ask these questions as part of the research process rather than simply identifying constraints and allowing policy-makers to make the leap of faith to a reform model consistent with their ideology. Tenure reform decisions are dictated not just by the facts of

the case but politics (building constituencies and undermining opponents) and ideology (the policy-makers' vision of a "good" society). But we should at least be able to get the facts of a particular case straight and, to do so, we need to broaden the scope of our research to answer the questions posed above.

NOTES

1. This paper is drawn, with revisions, from John W. Bruce, Land Tenure Issues in Project Design and Strategies for Agricultural Development in Sub-Saharan Africa, LTC Paper, no. 128 (Madison: Land Tenure Center, University of Wisconsin, 1986).
2. See Kenneth H. Parsons, "The Role of Agrarian Reform in Rural Development Policies," draft, Land Tenure Center, 1982; and Philip M. Raup, "The Contribution of Land Reforms to Agricultural Development: An Analytical Framework," Economic Development and Cultural Change 12 (1963): 1-21.
3. See Ester Boserup, The Conditions of Agricultural Growth: The Economics of Agrarian Change Under Population Pressure (Chicago: Aldine, 1965).
4. David E. Ault and Gilbert L. Rutman, "The Development of Individual Rights to Property in Tribal Africa," Journal of Law and Economics 22 (1979): 163-82.
5. Raup, "The Contribution of Land Reforms to Agricultural Development." The point about rising real income is made on p. 11.
6. The term was not meant perjoratively by its originator, Paul Bohannan, "'Land,' 'Tenure,' and Land-Tenure," in African Agrarian Systems, ed. Daniel Biebuyck (London: Oxford University Press, 1963), pp. 101-15.
7. T. Verhelst, "Customary Land Tenure as a Constraint on Agricultural Development: A Re-Evaluation." Cultures et Développement 2 (1969/70).
8. Certainly this was the case with reallocations of chiguraf-gwoses land which I studied in Tigray. John W. Bruce, "Land Reform Planning and Indigenous Tenures: A Case Study of the Tenure Chiguraf-Gwoses in Tigray, Ethiopia," SJD dissertation (Law), University of Wisconsin-Madison, 1976, p. 255. There is a dearth of information on the point in similar systems.
9. See A.J.B. Hughes, Land Tenure, Land Rights and Land Communities on Swazi Nation Land in Swaziland. Durban: Institute for Social Research, University of Natal, 1972.
10. Suggested measures of security might be length of residence in the settlement, incidence of evictions, incidence of land disputes, security perceptions, and others. See Research Unit, Agriculture and Rural Development Department, World Bank, "Land Title Security and Farm Productivity; a Case Study in Thailand," 1983, p. 12.
11. In discussions with farmers in Zambia in 1981, I had a clear impression that those cultivating under indigenous tenure systems were more

conscious of insecurity of tenure because they were aware of the local alternative, long-term leasehold. John W. Bruce and Peter P. Dorner, Agricultural Land Tenure in Zambia: Perspectives, Problems and Opportunities, LTC Research Paper, no. 76 (Madison: Land Tenure Center, University of Wisconsin, 1982), p. 35.

12. Many of the concepts applied in this area are derived from Demsetz's work. See Harold Demsetz, "Some Aspects of Property Rights," Journal of Law and Economics 9 (1964): 61-80; and Harold Demsetz, "The Exchange and Enforcement of Property Rights," Journal of Law and Economics 11 (1964): 15-29.

13. See, for example, D.R. Phororo, Land Tenure in Lesotho, Soil Use and Conservation, Water Use and Irrigation (Maseru: Ministry of Agriculture, Cooperatives and Marketing, 1979), pp. 14-20; and Hamza Mohamed Nour el Zubeir, Fur Customary Land Law in Southern Darfur, Customary Law Monograph, no. 4 (Khartoum: Faculty of Law, University of Khartoum, n.d.), pp. 75-32.

14. James C. Riddell, Land Tenure Issues in West African Livestock and Range Development Projects, LTC Research Paper, no. 77 (Madison: Land Tenure Center, University of Wisconsin, 1982).

15. Where the traditional polity has succeeded to control of the state, such prohibitions may be legislated at the national level, e.g., the Swaziland Control of Tree Planting Act of 1972. See FAO, The Agricultural Economy of Swaziland (Rome: FAO, 1980), p. 15. For other cases in point, see pp. 26-32 of John W. Bruce and Raymond Noronha, "Land Tenure Issues in the Forestry and Agroforestry Contexts," Paper prepared for the International Workshop on Land Tenure Issues in Agroforestry (23-30 May 1985, Nairobi, Kenya).

16. Omotunde E.G. Johnson, "Economic Analysis, the Legal Framework and Land Tenure Systems," Journal of Law and Economics 15 (1972): 259-76.

17. See, for instance, Johnson, "Economic Analysis, the Legal Framework and Land Tenure Systems," p. 266; and Ault and Rutman, "The Development of Individual Rights to Property in Tribal Africa," p. 174.

18. John M. Cohen, "Land Tenure and Rural Development in Africa," in Agricultural Development in Africa, R.F. Bates and M.F. Lofchie (eds.) (New York: Praeger, 1980).

19. See David King, Land Reform and Participation of the Rural Poor in the Development Process of Africa, LTC Paper, no. 101 (Madison: Land Tenure Center, University of Wisconsin, 1974).

20. Evidence on the relative efficiency of different sizes of farms in Africa comes from Kenya and Sierra Leone. It is presented in John Levi and Michael Havinden, Economics of African Agriculture (Harlow, Essex: Longmans, 1982), p. 80. The evidence from Kenya is from settlement schemes, and that from Sierra Leone concerns shifting cultivation. If it comes from specialized circumstances, it is supported by considerable evidence from other continents. See Albert R. Berry and William F. Cline, Agrarian Structure and Productivity in Developing Countries (Baltimore: Johns Hopkins University Press, 1979); and Bruce F. Johnston and Peter Kilby, Agriculture and Structural Transformation:

Economic Strategies in Late-Developing Countries (New York: Oxford University Press, 1975).

21. H.W.O. Okoth-Ogendo, "African Land Tenure Reform," in Agricultural Development in Kenya: An Economic Assessment, ed. J. Hayer, J.K. Maitha, and W.M. Senga (Oxford: Oxford University Press, 1976), p. 179. For a thorough-going examination of the functioning of factor markets in Kenya, see Paul Collier, "Malfunctioning of African Rural Factor Markets: Theory and a Kenyan Example," Oxford Bulletin of Economics and Statistics 45 (1983): 141-172.

22. Allan Hoben, "Social Anthropology and Development Planning - A Case Study in Ethiopian Land Reform Policy," Journal of Modern African Studies 10 (1972): 561-83.

23. From a very long-term historical perspective, state action would seem to have produced most major concentrations, often though not invariably as the result of conquest and division of the spoils. See Elias H. Tuma, Twenty-six Centuries of Agrarian Reform, a Comparative Analysis (Berkeley: University of California Press, 1965), pp. 168-79.

24. See John R. Harris and Michael P. Todaro, "Migration, Unemployment and Development: A Two-Sector Analysis," American Economic Review 60 (1970): 126-42.

25. C.K. Meek, Land Law and Custom in the Colonies (London: Oxford University Press, 1949).

26. This is most common in countries of Africa in which Islamic legal influence is strong. The possessory mortgage does not pay "interest" as such, and so has usually been considered more consistent with Islamic law's prohibition of any interest as usury. The possessory mortgage also occurs in non-Islamic contexts and in circumstances as diverse as Botswana and highland Ethiopia. In neither case does it appear to be a recent innovation. See Isaac Schapera, Native Land Tenure in the Bechuanaland Protectorate (Lovedale, South Africa: Lovedale Press, 1943), p. 140. In highland Ethiopia, a possessory mortgage which is never repaid is sometimes the mechanism used to accomplish a surreptitious sale. See Bruce, "Land Reform Planning and Indigenous Tenures," pp. 233-35.

27. For a discussion of putting the cart before the horse (i.e., legal mortgagability before a land market) in the village context, see John W. Bruce, Observations on Land Tenure and Housing Development in the Major Villages of Botswana, LTC Research Paper, no. 75 (Madison: Land Tenure Center, University of Wisconsin, 1981).

28. Okoth-Ogendo, "African Land Tenure Reform," p. 139 and H.W.O. Okoth-Ogendo, "The Perils of Land 'Tenure' Reform," Paper presented at a Workshop on Land Policy on Agricultural Production in Eastern and Southern African Countries, 14-19 February 1982 (Gaborone, Botswana), p. 47.

29. On the economic impacts of fragmentation, see Omotunde E.G. Johnson, "A Note on the Economics of Fragmentation," Nigerian Journal of Economic and

Social Studies 12 (1970): 115-84; Russell King and Steve Burton, "Land Fragmentation: Notes on a Fundamental Rural Spatial Problem" in Progress in Human Geography 6 (1982): 475-95; M.U. Igbozurike, "Fragmentation in Tropical Agriculture: An Overrated Phenomenon," Professional Geographer 22 (1970): 321-25; and E.H. Jacoby and C.F. Jacoby, The Essential Revolution: Man and Land (New York: Knopf, 1971), pp. 264-74.

30. King and Burton, "Land Fragmentation."

31. Dan F. Bauer, "For Want of an Ox . . . : Land, Capital and Social Stratification in Tigre," in Proceedings of the First United States Conference on Ethiopian Studies, 1975, ed. Harold Marcus (East Lansing: Michigan State University Press, 1975), pp. 235-47.

32. Victor C. Uchendu, "The Conflict Between National Land Policies and Local Sovereignty over Land in Tropical Africa," Seminar on Problems of Land Tenure in African Development, Leiden, Netherlands, December 13-17, 1971 (Leiden: Afrika-Studiecentrum, 1971).

33. See, for example, Kenneth Swindell, The Strange Farmers of the Gambia (Norwich: Geo Books, 1981).

34. This was happening in 1981 in densely populated areas of Zambia's Southern District. It has also been reported in Ghana. James C. Riddell, "Dynamics of Land Tenure and Agrarian Systems in Africa: A Synthesis of Findings," discussion draft (Rome: FAO, 1984), pp. 26-29.

35. Bruce, "Land Reform Planning and Indigenous Tenures."

36. The major reform experiences are Kenya, Zambia, and Zimbabwe. For Kenya, see W.J. Barber, "Land Reform and Economic Change among African Farmers in Kenya," Economic Development and Cultural Change 19 (1970/71): 6-24; Russell King, "Kenya," in his Land Reform: A World Survey (Boulder, Colo.: Westview Press, 1977), pp. 335-55; and Christopher Leo, Land and Class in Kenya (Toronto: University of Toronto Press, 1984). For Zambia, see Bruce and Dorner, Agricultural Land Tenure in Zambia: Perspectives, Problems and Opportunities; and Robin Palmer, "Land in Zambia," in his Zambia Land and Labour Studies, vol. 1 (Lusaka: National Archives, 1973), pp. 56-55. And on Zimbabwe, see B.H. Kinsey, "Forever Gained: Resettlement and Land Policy in the Context of National Development in Zimbabwe," Africa 52 (1982): 92-113.

37. See Dessalegn Rahmato, Agrarian Reform in Ethiopia (Uppsala: Scandanavian Institute of African Studies, 1984); John M. Cohen and Peter D. Koehn, "Rural and Urban Land Reform in Ethiopia," African Law Studies 14 (1977): 3-26; Alula Abate and Tesfaye Teklu, "Land Reform and Peasant Associations in Ethiopia--Case Studies of Two Widely Differing Regions," Northeast African Studies 2 (1980): 1-51; and John M. Cohen, Agrarian Reform in Ethiopia: The Situation on the Eve of the Revolution's 10th Anniversary, HIID Development Discussion Paper, no. 164 (Cambridge: HIID, 1984).

38. See Kenneth H. Parsons, Customary Land Tenure and the Development of African Agriculture, LTC Research Paper, no. 77 (Madison: Land Tenure Center, University of Wisconsin, 1971), p. 33, for a discussion of the inability or at least the slowness, of most kinship-based indigenous systems of land tenure to cut off claims from those who are gainfully employed outside agriculture.

39. Uchendu, "The Conflict Between National Land Policies and Local Sovereignty over Land in Tropical Africa."

40. Bruce, "Land Reform Planning and Indigenous Tenures."