Debating the Land Question in Africa

SARA BERRY

Johns Hopkins University

In February 2000, twenty years after their victories brought Rhodesia's ruling white regime to the conference table, veterans of Zimbabwe's war of liberation began to occupy some of the large privately owned commercial farms that controlled Zimbabwe's most valuable land. During the next few weeks, thousands of people followed suit: by May, nearly a third of the country's large-scale commercial farms had been seized (*New York Times*, 27 May 2000; Moyo 1998). Armed with a court order, landowners demanded that the "squatters" be evicted, but the police demurred, and President Mugabe refused to order them to carry out the court's instructions. A few weeks earlier, voters had rejected a proposed constitutional amendment that would have strengthened the President's powers to seize white-owned land, without compensation, for redistribution to land-hungry blacks. Angry over the deteriorating economy, rising levels of corruption, and Zimbabwe's costly involvement in Congo's civil war, a majority of those who voted were unwilling to increase the President's powers, even if they supported the cause of land reform. When the veterans took matters into their own hands, Mugabe lost no time in associating with their cause. He, in turn, was accused by Western governments, the opposition Movement for Democratic Change, and the international press, of sacrificing the rule of law in order to save his own political skin.

While the land occupations in Zimbabwe attracted a great deal of attention in the international media, they were only the tip of the iceberg. Provoked by European appropriation and African resentment from the beginning of colonial rule, conflict over land has not abated since its end. Across the continent, competition over land intensified in the late twentieth century, leading to rising land values, increasingly commercialized patterns of land acquisition, concentration of land holdings, prolonged litigation and, as the recent conflicts in Zimbabwe attest, sometimes to assault and even murder. Evidence of growing land pressure and increasing conflict has prompted some observers to argue that land re-

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form, once considered a low priority on a continent with plenty of land to go around, is now a matter of urgency.

Rather than debate the case for or against land reform per se, this essay explores two themes that place the land question in the context of broader debates over economic and political transformations in contemporary Africa, and that might serve as background for discussions of specific policies. One is the complexity of the land question itself; the second, the diversity of Africa and of the struggles over land that have taken place in different parts of the continent. In most countries, the causes of increasing competition and contestation over land have been similar. Rapid population growth, environmental degradation, and slow rates of economic development that leave many people dependent on small-scale farming, livestock raising and foraging have transformed Africa from a continent of land abundance in the first half of the twentieth century to one of increasing land scarcity by its end. Effective demand for land varies widely, of course, from one locality to another: urban land is more costly than rural land; high potential farmland and mineral deposits are sought after more urgently than poor soils and drought-prone areas. In many rural areas, low levels of productivity and widespread poverty have kept land values low even in the face of scarcity (Andersson 1999). But conflict has not been limited to regions of acute land scarcity. Environmental, epidemiological and political crises, together with volatile world markets, ill-judged policies and in some cases open warfare, have combined to render life on the continent profoundly insecure, both physically and economically. Under such conditions, land appears to be a source of relative stability in a volatile and threatening world. By the late twentieth century, many Africans evidently shared the views of the Kenyan farmer who told her foreign interlocutor that "a piece of land never shrinks" (Mackenzie 1993).

If the major causes of increased land scarcity were demographic, ecological and economic, its effects were not limited to the ecosphere or the marketplace. Competition over land has followed myriad social fault lines, pitting national and local elites against ordinary citizens, neighbor against neighbor, kinsman against kinsman, and husbands against wives. Much of the violence on Zimbabwe's large commercial farms was directed not against white land-owners, but at black farm workers and tenants—a pattern repeated, with variations, on black-owned land. Elsewhere, racial tensions were not at issue, yet conflicts were acute. In the context of post-independence struggles over nation-building and governance, competition over land has not only driven up prices and sharpened real and perceived inequalities of income and wealth, but has also intensified public debate over the legitimacy of governing institutions and the accountability of public officials to the citizenry at large. Under the plural legal systems that African states inherited from their colonial predecessors, citizens and politicians have argued not only over who should get access to land, and on what terms, but also over who should decide, on what basis. Struggles over

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land in postcolonial Africa have been as much about power and the legitimacy of competing claims to authority, as about control of property per se.

That these debates often turn on narratives of colonial oppression or supposedly timeless "tradition" does not make them any less relevant to current struggles over power and resources. Indeed, the links between past and present are not only of academic interest. From southern Africa, where demands for restitution of land seized by white settlers in the past have provoked intense debate over who were the original owners, to a country such as Ghana, where stories of origin and ancient conquest are brought to court to challenge recent sales of urban real estate, competing claims to land often turn on debates over historical precedents and their relevance to relations of property and power in the present. The significance of land conflicts for contemporary processes of governance and development in Africa lies not only in the way they have been shaped by past events, but also in their salience as arenas for the production of history.

Because they often involved multifaceted debates over power, precedence and entitlement, struggles over land have also varied in intensity and outcome, depending on the particular social, economic, and political contexts in which they occurred. By drawing attention to the ubiquity of land conflicts in Africa in recent years, and to commonalities in the causes of land scarcity and the debates it engenders, I am not attempting to reduce the land question to a single story, but rather to emphasize the importance of situating land struggles in specific historical contexts, taking account of the way multiple interests and categories of people come into play, and impinge on one another, as people seek to acquire, defend, and exercise claims on land.

Accordingly, the following discussion is divided into two parts. It begins with a review of broad historical changes that shaped the political and economic conditions under which Africans made and exercised claims on land during the long twentieth century of colonial and postcolonial rule. This discussion is followed by several examples of recent land transactions or conflicts that illustrate the way land claims have been asserted, and historical precedents debated, in specific local contexts. The cases have been selected to illustrate differences in land scarcity, in sources and intensities of land conflicts, and the manner in which they have or have not been resolved. Together, they serve to illustrate both the complexity of contemporary land conflicts in Africa, and their importance as sites of debate over the social meaning of property, and the place of the past in contemporary struggles over governance and the distribution of resources.

LAND IN HISTORICAL PERSPECTIVE

Land was a point of contention in colonial Africa, not only in areas where Europeans appropriated land outright, but also in regions where the commercialization of agricultural, pastoral, and forest products reshaped relations of production and exchange among Africans, leading to new demands for access to

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and control of land. For both colonial regimes and their African subjects, control over land was a means of controlling labor as well as asserting authority. Like European officials and settlers, African chiefs, elders, and family heads extended cultivation or foraging rights to immigrants or subordinate members of their own households and communities in exchange for tribute, allegiance, and/or labor. As new economic opportunities and pressures led to increased migration and changing patterns of production and trade, colonizers and colonized both struggled to position themselves advantageously with respect to the allocation and use of land and land-based resources. Whether colonial regimes appropriated land outright, or sought to control it indirectly through "traditional" authorities, their efforts linked the exercise of power to the control of territory in new ways, and encouraged the concentration of both wealth and power in the hands of colonially sanctioned elites.

Colonial economic development was not simply a matter of concentrating control over territory and people in the hands of European and African elites. Even as they carved up the map of Africa, seeking to fix its people within arbitrarily drawn territorial jurisdictions, colonial regimes were also actively engaged in moving Africans across the landscape. Whether their immediate aim was to appropriate land, mobilize labor, control disease, protect the environment, or consolidate their own political and administrative control, colonial officials resorted, time and again, to removing people from one location and settling them in another. Displaced, sometimes repeatedly, from the lands, livelihoods, and social networks they had known in the past, Africans pursued new economic opportunities, or sought to evade colonial exactions, under conditions of chronic instability—conditions that persisted, for a variety of reasons, long after the end of formal colonial rule. The intensity of contemporary land struggles in Africa reflects not only a long twentieth century of growing land scarcity and concentration, but also a dual dynamic of hegemony and displacement that, together, have done as much to destabilize as to fix social boundaries and invented traditions.[1]

Conquering "Vacant Land," 1890–1930

The military and administrative officers who fanned out across Africa in the 1890s and early 1900s, using force or the threat of force to impose European rule, claimed far-reaching authority over the land of their newly acquired domains. Specific legislative instruments varied from one colony to another, but they conveyed a common message. From Senegal to Malawi, French and British authorities claimed that "by right of conquest," all "vacant and owner-

[1] The meaning of Terence Ranger's justly celebrated phrase has been debated by historians of colonial Africa, who variously depict contemporary accounts of tradition as instruments of colonial oppression or expressions of Africa's living oral heritage. Ranger himself has acknowledged that "tradition" was subject to on-going negotiation under colonial rule and afterwards. Compare Ranger 1983 and 1995; also Vail 1987.

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less" land belonged to the colonial state. Vast tracts of land were often judged "vacant and ownerless" on the basis of cursory inspection or none at all, and then sold to European buyers, or awarded to private concessionaires who promised to "develop" the land by exploiting its mineral and forest resources (Suret-Canale 1971; Coquery-Vidrovitch 1972; Hailey 1956). In colonies where resources were scarce and buyers few, land usually remained under de facto African control. As colonial states consolidated their power and elaborated the legal and administrative apparatus of their rule, however, officials took steps to formalize conditions of tenure on lands set aside or left for African use—usually according to what they understood to be "native law and custom."[2] The results were racialized systems of property rights, under which non-Africans owned land as private property, while Africans held theirs collectively, as members of customary communities, or "tribes."[3]

In practice, colonial efforts to formalize land laws and stabilize social and territorial boundaries were complicated both by the exigencies of economic exploitation and by the problems of documenting "native law and custom" (Mann and Roberts 1991; Roberts 1990; Berry 1992, 1993). To profit from their colonial domains, it was not enough for Europeans to claim exclusive ownership of land and natural resources: they also needed to mobilize African labor to work them. If they secured control of output by excluding Africans from land, Europeans risked alienating the labor that they needed to make the land productive. In short, European settlers and colonial regimes had a vested interest both in bringing African land and labor together, and in keeping them apart. In struggling to "cope with the [resulting] contradictions" (Lonsdale and Berman 1992; Cooper 1994; Berry 1993), colonial regimes pursued land and labor policies that were both oppressive and unstable. The resulting tensions and evasions threatened to disrupt social order, and complicated the already formidable task of governing vast territories inhabited by scattered and unfamiliar peoples (Cooper 1996; Harries 1993; Berry 1993; Isaacman 1996).

Expected to pay their own way and function with a handful of European staff, most colonial regimes in Africa were chronically short of resources to carry out their daily tasks of tax collection, road clearing, disease control, and keeping order. To keep down costs and extend their authority, colonial officials turned to their subjects—employing Africans as clerks, messengers, policemen, and common laborers and, as far as practicable, incorporating "traditional" rules and authorities into the apparatus of the colonial state. In the process, they found themselves engaged in an on-going quest for knowledge which proved frustratingly

[2] "Native reserves" were set aside for African use only. In colonies without significant numbers of European settlers, land was allocated according to customary law, under the supervision of the colonial state.

[3] Asians and "Arabs" could own land privately, for example, in Tanganyika and Kenya. The private estates awarded to members of the Baganda elite who cooperated in the establishment of British colonial rule in Uganda were an exception. Van Zwanenberg with King 1975.

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elusive—partly because Africans gave conflicting accounts of "custom," but also because African societies were themselves undergoing change. Far from the timeless web of accepted practice that colonial officials imagined (or hoped for), "custom" proved in practice to be a shifting kaleidoscope of stories and interests that eluded codification. Officials' efforts to get the customs right—by inventing them, if necessary—were often as destabilizing as they were oppressive.

In playing out the contradictions of their economic and political agendas, colonial regimes reshaped Africans' relations to the land in at least three ways: through physical displacement, demarcation of territorial and social boundaries, and the invention or reinterpretation of rules governing land access, transfer and use. Displacement was commonplace. Africans were moved not only to clear land for European settlement, relieve overcrowding in "native reserves," and supply labor for private employers and the colonial state, but also to serve a variety of administrative purposes, from social control to public health. In the early years of colonial conquest, officials routinely deported African leaders who might threaten the authority or security of the colonial state, exiling them to remote islands far removed from their erstwhile lands and subjects. Less prominent troublemakers were dealt with in similar fashion, though closer to home. Unsuccessful contenders for traditional office, religious leaders whose charismatic appeal threatened to rally the disaffected, or "malcontents" who could not be charged with a definite crime were banished from their home areas by officials hoping to nip a disruptive influence in the bud. Colonial officials also waged long, often unsuccessful struggles to ban "shifting cultivation," limit movements of livestock and nomadic pastoralists, and concentrate scattered, mobile rural populations into permanent villages and towns—measures designed to strengthen colonial governance as well as to protect the environment against "primitive" African methods of farming and foraging (Moore and Vaughan 1994; Berry 1993; Hodgson 2001). Africans were also moved for "sanitary reasons"—to clean up urban waste, prevent the spread of disease, or remove them from suspected sources of infection. To their beleaguered subjects, colonial campaigns to prevent the spread of disease often looked suspiciously like maneuvers to take away their land—and sometimes had pretty much that effect.[4]

In addition to moving people physically from one place to another, colonial officials sought to demarcate boundaries between "native" as well as colonial jurisdictions, hoping to strengthen their own control by grouping subject populations into clearly delineated spaces under well-defined hierarchies of "traditional" and colonial authority (See, e.g., Harley 1988; Wood 1992; Worby 1994). Assuming that customary rights in land "were derived from the political authority" (Chanock 1991:64), officials set out to map chiefly jurisdictions,

[4] Colonial efforts to control a single disease—sleeping sickness—were responsible for massive, repeated population removals across British East and Central Africa throughout the colonial period. See Hoppe 1997; Lyons 1992; White 1995; Alexander and McGregor 2000.

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both to clarify territorial spheres of chiefly authority, and to distinguish "natives" (assumed to hold automatic rights to local land) from "strangers," whose access to land was contingent on chiefly approval. In practice, however, social boundaries were apt to be fluid and, contrary to officials' expectations, bore no consistent relation to territorial divisions. Historical boundaries between chiefly jurisdictions or lands occupied or used by different groups of people were often vague or undefined; authority over land did not necessarily coincide with authority over people; and people were disconcertingly ready to vote with their feet against unpopular chiefs or headmen (Berry 2000; Roberts 1988; Moore and Vaughan 1994; Hoppe 1997). In the Yoruba states of western Nigeria, for example, where land was controlled by families rather than by chiefs, a "stranger" might be a member of a neighboring family, a person from another Yoruba kingdom, a non-Yoruba-speaking Nigerian, or someone from another colony. In Asante, where chiefs controlled land but did not necessarily have jurisdiction over the people living on it (and vice versa), officials concluded cumbersomely that a "stranger" was "a native who is living or working on land belonging to a division whose Head Chief he does not serve" (National Archives of Ghana, Kumase 1507, 10/15–18/24). Migrants to a new community might or might not be "strangers" on arrival, depending on their prior history of interaction with local residents, and their position could be renegotiated over time. On occasion, the same people claimed to be "natives" *and* "strangers," depending on whom they were speaking to, and officials resorted to an oxymoron (e.g., "native stranger") to describe the ambiguous hierarchies they had helped to create.[5] Colonial maps were not so much visual records of invented traditions, created and enforced by chiefs and headmen in collaboration with the colonial state, as foci of continuing struggle over land, power and the meaning of custom.[6]

More generally, colonial efforts to govern according to custom were complicated by contested understandings of African social realities—some of them inspired by colonial officials' own efforts to gather information. To acquire knowledge of native customs, officials enlisted Africans as informants and commissioned anthropologists to help sort out "authentic" customs from invented ones.[7] Anthropologists have agonized, with reason, over their predecessors' complicity in "the creation of tribalism," but ethnographic research was only one source of information that colonial officials relied on in making and im-

[5] Berry 2001, ch. 2. "Native strangers" were "native" (i.e. African) vis-à-vis colonial officials, "strangers" to their African hosts. Terminological slippages were not limited to official parlance. In the cocoa growing areas of western Nigeria, for example, Yoruba-speakers referred to "landlords" and "tenants" by the same term—*oloko* or "owner of the farm."

[6] Territorial boundaries—between nations, districts and landed properties—were as contentious at the end of the century, forty years after the end of colonial rule, as they were at the height of colonial map-making. Asiwaju 1984; Asiwaju and Adeniyi, eds. 1989; Chalfin forthcoming; Flynn 1997.

[7] Critiques of anthropology as a 'colonial science' are legion. Key works include Said 1978; Asad, ed. 1998; Chanock 1985; Kuklick 1991; Stocking, ed. 1991.

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plementing administrative policies. Officials acquired and processed information about "native laws and customs" through their daily interactions with chiefs and commoners, litigants and judges, witnesses and petitioners, laborers and vagrants, taxpayers and defaulters. Whether or not they subscribed officially to the principles of Indirect Rule, most colonial officials were to some degree dependent on the people whom they sought to govern to tell them how to do it. To ascertain the rules of customary tenure, or sort out who did or did not belong to a land-holding family, community or "tribe," officials had to ask—and Africans gave conflicting answers, especially when the subject of inquiry was itself a point of contention, such as claims to land or chiefly office. If, as frequently happened, administrators sought to bypass confusion and reinforce traditional authority by limiting their enquiries to a few chiefs and elders, they were more than likely to hear complaints not only from rival chiefs, but also from the "youngmen,"[8] women, "strangers," and others who had not been consulted. Officials might dismiss individual complaints as based on jealousy or ignorance, but accumulated protests were harder to ignore. No sooner were authorities, boundaries, and customs established than they had to be revised (Berry 1992; Gocking 1994; Crook 1986; Ranger 1999). Traditions were "invented," by many inventors, and were reworked, discarded, or simply accumulated as colonial rulers and subjects debated their validity, or their relevance to the dilemmas of the present.

In short, while colonial officials worked hard both to demarcate social and territorial boundaries and to line them up, the resulting divisions did not fit neatly into a one-size-fits-all category of ethnic territories (cf., Mamdani 1996). In their on-going struggle to get the customs right, colonial rulers produced knowledge that was hegemonic in intent, but unstable in practice. Indirect rule was based on a premise of timeless custom, but the chiefs, elders and others who were presumed to "know custom" often told conflicting stories. "Custom" itself was imagined, simultaneously, as an enduring body of constitutional principles and an on-going practice of historical interpretation and debate. Dogmatic assertions of the inalienability of "native" land both sidestepped and reinforced debate over *which* "natives" were indissolubly linked to which parcels of land (Crook 1986). If indirect rule lent colonial authority to chiefly rent-seeking, it also galvanized debate over chiefs' accountability for the rents they collected. As boundaries were imposed, transgressed, debated and redrawn, the debates became as much a part of the colonial legacy as the boundaries themselves.

From Managed Development to Decolonization, 1945–1960

In the 1940s and 1950s, colonial economic policies shifted from setting the terms for European and African resource extraction, towards regulating direct-

[8] In Ghana, the term "youngmen" is not a descriptor of age, but refers to anyone who is not a traditional office holder. In practice, this includes most of the adult male population.

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ly the way Africans used the resources at their disposal. In an important reinterpretation of the history of late colonialism in Africa, Fred Cooper has argued that official attitudes toward African workers underwent a profound change after 1945 (Cooper 1996). Beginning with a major strike on the Zambian Copperbelt in 1935, a series of labor protests in mining, transportation and industry slowly taught colonial officials to see African wage earners as workers rather than "tribesmen." Striking African workers, they discovered, wanted the same things as striking workers in Europe: higher wages, better working conditions, pensions, family allowances, decent housing, health care, and education. Confronted by the protesters' unexpected discipline and persistence, officials gradually relinquished their fear that "detribalized" Africans would create social chaos, and began to envision the possibility that a stable African working class could serve as an important step towards modernization. The prospect was inviting, but also alarming. As officials absorbed the idea that what worked for Europeans would also work for Africans, Cooper argues, they were obliged to confront its corollary—that welfare programs should not be limited to workers in the formal labor market, but extended to colonial society as a whole. Rather than take on such a daunting task, they backed away from the entire imperial project. Turning over to their African "successors the task of [transforming] a continent they themselves could not control," colonial officials opted for "the more possible task of sitting in judgment over Africans' striving to make their way in a changing world" (Cooper 1996:472).

If colonial administrators had decided, by the 1950s, that African workers were indistinguishable from workers in Europe, the analogy did not necessarily extend to African institutions. Higher wages, family allowances, trade unions, and, in French West Africa, enactment of the Code du Travail, would promote progress, they argued, by "separat[ing] African workers and their families from their cultural origins" (Cooper 1996:385). Progress itself was still defined as a transition from tribal to modern society: what had changed was Europeans' ideas about African workers' ability to make the change.

By the 1930s, a similarly uneven process of re-imagining was underway in the countryside. Rather than organized labor protests, colonial administrators confronted increasing evidence of soil erosion, overgrazing, and deforestation, and began to question the wisdom of leaving Africans to manage their land as they pleased. Signs of environmental degradation, they decided, showed that "primitive" methods of farming, herding, and foraging could not withstand the pressures of an expanding commercial economy. If left to cope with modernity on their own, African farmers and herders might well destroy the environmental heritage that constituted the wealth of the empire (Throup 1988). To arrest environmental degradation and upgrade African methods of farming and livestock management, colonial administrators began to advocate direct state involvement in conservation and development. Implementation of these ideas was limited by shortages of revenue and staff during the depression and the sec-

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ond world war, but after 1945, administrators began to act. From compulsory cattle dipping and forced terracing of arable hillsides, to resettlement schemes and mechanized cultivation, officials launched an array of state-directed efforts to transform the way Africans managed land and resource-based production.

Intensified official efforts to modernize African agriculture promoted contradictory images of Africans as social beings. On one hand, officials began to reimagine African cultivators as "economic men"—industrious, forward-looking individuals who, with a little encouragement, would rapidly evolve into modern commercial farmers. Agricultural officers organized technical demonstrations, small loans for the purchase of ploughs and stock carts, and prizes for exceptional vegetables or livestock, and lobbied for better incentives such as higher prices for better quality produce. Officials also began to rethink the question of "native lands." Instead of simply relegating Africans to tribal reserves, colonial regimes began to experiment with schemes in which specific plots of land were assigned to individual farmers, usually male household heads. Resettlement schemes, created to relieve overcrowding or open new areas for European settlement, became sites for the regulation of African farming and livestock management. In Kenya, land-hungry Kikuyu farmers relocated to areas newly opened for African settlement faced a barrage of regulations requiring them to plant, harvest, and tend their stock according to officials' instructions, and limiting their right to accumulate wealth. Under Southern Rhodesia's Native Lands Husbandry Act of 1951, Africans evicted to make way for demobilized British soldiers were assigned ten acre plots in some portions of the Tribal Trust Lands, and ordered to farm according to official instructions. Even more far-reaching in its long-term effects, Kenya's Swynnerton Plan set out to prevent a recurrence of the Mau Mau rebellion by creating a class of landholding peasants in the former Kikuyu Reserve—registering individuals' holdings, issuing titles, and encouraging them to use ploughs and hired labor. As officials moved to modernize African farming and herding, the old racialized distinction between "non-natives," who could own land privately if they could afford it, and "natives," whose access to land was predicated on membership in a "tribe," began to give way to a new division between "progressive" and "traditional" African farmers. For the former, agricultural improvement was to be anchored in private property (Sorrenson 1967; Haugerud 1989; Phimister 1988, 1993; Machingaidze 1991).

Even as they experimented with new images of African farmers as economic men and future property-owning citizens, however, colonial regimes continued to work with older ideas of African societies as "closed, corporate, consensual communities" (Ranger 1983:249), whose internal cohesiveness and shared traditions automatically fostered collective endeavor. Rural development and rural governance entailed a dual strategy of modernization and control. Technical demonstrations and improved economic incentives for "progressive farmers" went hand-in-hand with increased state regulation of rural economic life. From compulsory terracing as a guard against soil erosion, to

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forced de-stocking as a cure for overgrazing, colonial regimes placed onerous new demands on African labor and capital in the name of conservation and development. When Africans protested, they were scolded for forgetting their traditions (Hodgson 2001; Berry 1993). In effect, Africans were being asked to act like economic men and tribesmen at the same time: to build a modern, commercial agrarian order on the foundations of tribal solidarity.

If, as Cooper has suggested, officials' new understanding of African workers as economic men paved the way for the end of colonial rule, their continued fascination with "traditional" African society cast an equally long shadow over the future. In withdrawing from the empire, colonial regimes left behind a series of hastily built governing structures, and an improbable vision of Africans as selfless modernizers, drawing on a communitarian past to create new economies and societies that would combine the benefits of European commerce and technology with the virtues of traditional self-help. Embodied in sometimes startling institutional inventions—such as bicameral legislatures in which delegates elected by universal suffrage were supposed to share power with traditional chiefs—the legacies of colonial rule were problematic not because their architects failed to take account of some essential antithesis between individual autonomy and collective good, but because they ignored the profoundly destabilizing effects of colonial rule itself on social boundaries and the meaning of social personhood. Africa's departing colonial rulers left behind not only a congeries of invented traditions and "artificial" boundaries, but also on-going debates over their meaning, which complicated both the political relationship between popularity and legitimacy for newly independent African regimes, and the practical meanings of property and citizenship in the daily lives of their constituents.

Great Expectations: Managed Development and Invented Traditions, 1960–1980

The early years of independence were a time of heady experimentation. African leaders coined novel ideologies, experimented with new social and political institutions, and outlined ambitious agendas of economic development and nation building. Contemporary economic thinking favored vigorous state action to propel underdeveloped economies into sustained expansion by mobilizing resources for a "big push" in production and investment—doctrines that dovetailed neatly with popular expectations. Encouraged by foreign donors, development experts, and their own constituents, Africa's new rulers repudiated the legacy of colonial domination, but they enthusiastically embraced the late-colonial project of managed development.[9] Ambitious programs of state regulation

[9] Twenty years after the inauguration of structural adjustment in Africa, it is worth remembering that the development plans of the 1960s were written by the same international institutions and experts who since 1980 have insisted that excessive state intervention is the primary cause of Africa's economic failures.

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and investment were approved by contemporary economic doctrine, and politically advantageous to their implementers. State expenditure on roads, schools, clinics, electric power supplies, telecommunications, and directly productive agricultural and industrial projects provided tangible evidence that politicians were addressing the needs of their constituents, and opportunities to reward individual clients and supporters with jobs, subsidies and contracts (Bates 1981; Sandbrook 1986).

Popular euphoria over the prospects of development and independence could not, however, disguise the shifting alliances and divisive struggles that rapidly emerged as Africans began to sort out who their supporters and rivals would be in a world without colonial officials. Searching for slogans that would buttress their legitimacy and prolong their time in office, African leaders sought to cast themselves both as modernizers and as protectors of traditional values and institutions. Specific platforms varied, of course, according to local circumstance. Shaken by the early electoral successes of the Asante-based National Liberation Movement, Nkrumah began his tenure as Ghana's first President by stripping "traditional authorities" of their administrative and judicial authority and deposing those who voiced opposition to his regime (Rathbone 2000). Elsewhere, "traditional" rulers bid openly for national power, sometimes with considerable success. From Nigeria, where emirs of the Sokoto Caliphate controlled the largest of the country's three regions under the First Republic, to the Swazi monarchy, which was still in place four decades after independence, some traditional rulers survived decolonization with undiminished influence, parlaying customary prerogatives into profitable collaboration with modern political leaders and business elites.

Other modernizing leaders articulated distinctive visions of "African socialism," proposing to combine the benefits of modern science and technology with traditional values of communal solidarity and sacrifice. "We in Africa," declared Tanzanian President Julius Nyerere, "have no more need of being 'converted' to socialism than we have of being 'taught' democracy. Both are rooted in our own past—in the traditional society which produced us. . . . 'Ujamaa,' . . . or 'Familyhood,' describes our socialism" (Nyerere 1968:12). Other heads of state, such as Mobutu Sese Seko in Zaire, or Jean Bedel Bokassa of the Central African Republic, played shamelessly on popular anti-colonial sentiments, casting themselves as "traditional" leaders on a national scale (Mbaya 1993; Schatzberg 1988). Far from disappearing with the end of colonial rule, invented traditions proliferated as Africans struggled to come to terms with their history, and sort out its place in the postcolonial present.

However their visions might appeal to popular audiences, African leaders faced major obstacles to putting them into practice. Competition for political power in newly independent states was intense: those elected to office on the eve of independence had their work cut out for them to stay there. During the first decade of the postcolonial era, many of the parliamentary regimes that

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came to power at the time of independence were overthrown in military coups, or replaced by one-party states. Governments that succeeded in hanging on to power relied on increasingly authoritarian methods to do so. Others experienced repeated changes of regime or suffered the ravages of civil war. Whether threatened or comfortably in control, however, few African regimes sought to scale back their economic plans or their budgets. On the contrary, political conflict tended to accelerate the growth of state expenditure, as incumbent regimes armed to repel their rivals, or distributed state largesse to quiet their critics and forestall potential coups. Pressures to expand state expenditure and economic regulation transcended official ideology. Whether a country's leaders openly equated independence with the freedom to get rich through lucrative deals with foreign suppliers,[10] or denounced personal aggrandizement and advocated a collective sharing of the nation's wealth, they responded to mounting pressures at home and abroad by enlarging the scope of state intervention. To cite just one example: in Tanzania, Nyerere's dream of an African socialism built on an imagined past of "familyhood" mutated—under the combined pressures of drought, OPEC, and a burgeoning national debt—into a nationwide program of compulsory villagization in which over half the population were forcibly relocated, and agricultural production declined (Nyerere 1968; Hyden 1980).

If Africa's first generation of national leaders were drawn, by idealism, ambition, or greed towards a penchant for social engineering that James Scott (1998) has called "seeing like a state," their eyes were often bigger than their stomachs. As state expenditures outran resources, African governments incurred rising levels of foreign and domestic debt. Many regimes lacked the manpower and experience to manage state enterprises or operate far-reaching programs of market regulation and control even under favorable conditions, let alone against the prolonged droughts and volatile world markets of the 1970s. Prices of staple export crops such as coffee, cocoa, and sisal oscillated sharply or suffered steep declines, and OPEC's successful effort to quadruple the world price of crude oil placed crushing burdens on poor countries that depended entirely on imports for such basic commodities as fertilizer and fuel. Even oil exporters experienced economic dislocations. The wave of "petronaira" that washed over Nigeria in the 1970s led to spiraling imports, rapid inflation, and the consolidation of power in the hands of an increasingly corrupt and authoritarian military state.[11]

By the early 1980s, most African economies were in crisis. With popular support waning as economic conditions deteriorated, state resources stretched thin,

[10] Richard Sandbrook 1985. Nkrumah's Finance Minister, Krobo Edusei, who gained international notoriety for his personal extravagance, was one of the most popular politicians in Ghana in the late 1950s and early 1960s.

[11] On the history of "Dutch disease" and political conflict in this period, see Watts 1989; Forrest 1993.

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and their own positions under perennial threat from ambitious rivals, politicians, military officers, and civil servants became increasingly inclined to put personal interests ahead of national ones, engaging in "the politics of the belly," whether they liked the idea or not (Bayart 1993:235ff.). As aggregate levels of output, income, and investment began to stagnate or decline, however, state largesse became increasingly scarce. While a few grew fabulously wealthy at public expense, for most state employees corruption was becoming less a short-cut to prosperity than a strategy for making ends meet. As managed development became increasingly unmanageable, even official bellies began to feel the pinch.

In the climate of heightened disillusionment and insecurity brought on by economic decline and political repression or instability, Africans at all socioeconomic levels became increasingly preoccupied with questions of economic security and/or survival. Facing volatile markets and an uncertain future, people intensified their search for occupations and assets that might offer a modicum of stability in a turbulent world. At once physically immobile and economically flexible, land could serve as a source of income, a store of value, and a base from which to build or reaffirm social connections. Even if people lacked the means to put their land to productive use, few were ready to give it up (Mackenzie 1992, 1993). As the promises of postcolonial development became increasingly problematic, Africans turned to land as a potential source of future security if not immediate income. State officials, merchants, and their kin and clients used their wealth and influence to "grab" land, often in direct defiance of statutory guarantees of national or community land ownership (Downs and Reyna 1988; Bassett and Crummey 1993; Levin 1997; Amanor 1998; Peters forthcoming).

Land accumulation from above added to the anxieties of ordinary people who were struggling to cope with economic instability and decline, prompting them to redouble their efforts to secure claims to land—by purchase if possible or, if not, by invoking or strengthening their ties to land-holding patrons, kin groups or communities (Ross 1989; Swindell and Mamman 1990; Mbagwu 1978). Even poor women and men fought to retain, at least in principle, the possibility of gaining access to land through social ties of one sort or another. If husbands failed to observe conjugal obligations to provide their wives with land to cultivate, women turned to their own kin, sometimes challenging established rules of inheritance that excluded them from their fathers' estates, or cultivating ties with other women to organize alternative channels of access to land (Gengenbach 1999; Davison 1988; Manuh et al. 1993; B. Cooper 1997). The landless were not silent either: from northern Nigeria to Zimbabwe to southern Mozambique, farmers evicted to make way for commercial buyers or state development schemes echoed the words of Kenyan "squatters" who announced, as they invaded a state sisal plantation slated for privatization in 1996: "We have been told to be patient like our grandfathers and fathers were . . . This we refuse

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to do . . . " (quoted in Kanyinga 1998:117; compare Beckman 1989; Gengenbach 1999; Moyo 1995; Tshuma 1997).

Imperialism without Government? Market Liberalization and Land "Grabbing" after 1980

As African debts mounted in the early 1980s, international creditors took matters into their own hands. Led by the International Monetary Fund and the World Bank, international banks and donor governments launched a concerted campaign to bring African governments' debts under control, stabilize their economies, and lay the groundwork for long-term economic growth. Across the continent, states were pressured to devalue their currencies, dismantle price and trade controls, cut state budgets and payrolls, privatize public assets and services, and open their doors to international investors. To ensure compliance, debt rescheduling and further loans were made conditional on African governments' willingness to adopt structural adjustment policy packages, and teams of professional advisors were dispatched to African capitals to explain the new policies and monitor their execution.

With mounting external debts and declining output and incomes at home, African leaders had little choice but to comply. Some, like Rawlings in Ghana and Museveni in Uganda, did so promptly; others, like Nyerere, held out, refusing to be dictated to by foreign banks and advisors, but they were soon replaced by leaders more receptive to the dominant ideology of market liberalization (Lofchie 1993). Devaluation and budget cutting led to sharp declines in income and employment, especially in the cities. Between 1980 and 1984, for example, the average income of urban wage earners fell by 40 percent in Ghana, and 50 percent in Tanzania (World Bank 1986). Inflation, imports, and budget deficits declined, at least temporarily, but the long term effects of structural adjustment remain open to debate. Disappointed by Africa's "failure to industrialize" in the 1990s, some economists argued that market liberalization had not gone far enough (Collier and Gunning 1999). Others blamed private investors who reaped profits from extractive industries, such as mining and timber, for ignoring their role in degrading the environment and financing armed conflict. During the 1990s, the numbers of Africans living in poverty continued to rise, and foreign debts—the original target of the whole structural adjustment enterprise—resumed their upward climb (World Bank 2000; Elbadawi et al. 1997).[12]

To explain why structural adjustment has not done more to promote sustainable growth, some economists continue to emphasize the shortcomings of African governments. "Today, the chief problem is those policies which are ostensibly domestically-oriented, notably poor delivery of public services. These

[12] Staffed by thousands of professionals from around the world, the World Bank houses much internal debate over the effects of its recommended policies and the merits of alternative approaches, but has generally used the power of its financial resources to pressure African governments to promote fiscal austerity and market liberalization.

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problems are much more difficult to correct than exchange rate and trade policies, and so the policy reform effort needs to be intensified" (Collier and Gunning 1999:20). African economists point out that donors are also to blame: having favored foreign investors and directed state policy, they have undermined state capacity rather than rebuilt it. By one estimate, "about 100,000 expatriate technical-assistance staff work[ed] in Africa" in the early 1990s (Mkandawire and Soludo 1999:37), and even the President of the World Bank acknowledged, in 1993, "that there are more expatriate advisers in Africa today than there were at the end of the colonial period" (quoted in Mkandawire and Soludo 1999:35). Unlike their colonial predecessors, however, the international experts who inundated African ministries in the 1980s came to advise rather than to govern. Financial institutions and donor governments used their power as creditors to set new policy agendas for African economies, then left it to Africa's "sovereign" states to implement the required reforms and account to their constituents for the consequences.

Implementing structural adjustment has proved a demanding task. Arguing that privatization was the key to sustainable reform, international creditors demanded that African states not only dismantle market controls, but also retrofit the legal and institutional foundations of their economies. "Markets cannot allocate resources unless property rights are clear, complete, enforced and transferable"—conditions that the World Bank insisted could only be met through comprehensive programs of land registration and titling (World Bank 1996). The same logic has been applied to programs for promoting sustainable development. When people resisted being displaced from "protected areas," planners concluded that conservation schemes would work only if local "stakeholders" gained "ownership" of them. Titles should be given to communities as well as to individuals, and recalcitrant citizens should be re-educated. "[O]nly by allowing the beneficiaries to internalize the logic that underlies projects through a process of informed participation [will] these projects . . . be sustainable" (World Bank 1996:18). Governments were also urged to lay off workers, charge fees for public services such as health care and education, and contract-out basic government functions such as customs inspection or security to private firms. By the 1990s, building public capacity had become synonymous with privatizing the state.[13]

PROPERTY IN MOTION: STRUGGLES OVER LAND, AUTHORITY, AND HISTORY IN THE LATE TWENTIETH CENTURY

In urging African governments to privatize land, international agencies have often preached to the converted. Evidence of "land grabbing" by government officials and their wealthy clients is widespread, and the quest for secure access

[13] This thesis has been developed at length in several recent studies of African states. See, e.g., Reno 1998; Bayart, et al. 1998; Olukoshi and Laakso, eds. 1995; Villalon and Huxtable, eds. 1998.

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to land has not been limited to the rich and powerful (e.g., Kanyinga 1998b; Levin 1997; Nyambara 1999; Peters forthcoming). In the 1990s, as increasing numbers of Africans faced growing threats to their physical as well as their economic security from rising rates of violent crime, war, and the HIV/AIDS epidemic, people redoubled efforts to protect themselves. Much has been made of the rise of fundamentalist religious movements and witchcraft accusations as Africans struggle with the turmoil of "modernity,"[14] but the search for spiritual protection has not precluded people's pursuit of material security—by fortifying their homes, emigrating, and intensifying their drive to acquire land. Competition over land occurs at all socio-economic levels. Local officials, village councils and traditional authorities vie with one another to sell land to anyone who will pay for it; neighbors and kinsmen encroach on one another's fields, or argue fiercely over inheritance and the claims of absentees; and customary rules long honored in the breach are revived and reinterpreted to exclude descendants of "strangers" from land they have occupied for many years. No longer the exclusive purview of state officials and foreign investors, "land-grabbing" has become everybody's business.

Since the publication of Terence Ranger's influential essay in 1983, "the invention of tradition" has become almost synonymous with the oppressive legacies of colonial rule in Africa. Denounced by scholars as a set of pseudo-historical narratives, used by colonial regimes and their postcolonial successors to legitimate or mask monopolies of wealth and power, invented tradition has been blamed for everything from authoritarianism to ethnic conflict (Vail 1987; Mamdani 1996; Levin 1997; Amanor 1998). To advocates of market liberalization, traditional land claims pose an obstacle to effective resource management; to their critics, traditional claims have become an excuse for land-grabbing by foreign investors and domestic elites. At the same time, both supporters and opponents of privatization express support for indigenous land rights and endorse, at least in principle, the restitution of land alienated under colonial rule to the descendants of its "original" owners.

Framed as an appeal to a virtuous past—a time when the "right" people were in power, or in possession of the land—"tradition" is inherently exclusionary. Carried on as a debate, however, in which both knowledge of past events and assessment of their relevance to social relations in the present are questioned and discussed, the interpretation of tradition may work in the opposite direction. In the following pages, I describe how competing claims to land have played out in specific local contexts, in order to illustrate the way contested claims to land both invoke historical precedents, and promote debate over their meaning. To the extent that such debates enable negotiation, their inconclu-

[14] As discussed, for example, in recent studies of the fear of witchcraft in modern times. See Geschiere 1997; Comaroff and Comaroff, eds. 1993; Ashforth 1996; Niehaus 1993; Ciekawy and Geschiere 1998, and articles by Ashforth, Niehaus, Geschiere and Nyamnjoh, Ciekawy, Birgit Meyer, Cyprian Fisiy, and Elias Bongmba in the same issue.

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siveness may be neither economically dysfunctional (as advocates of privatization are wont to argue), nor politically disabling, but a sign that the conversation continues.

The Farmer who "Refused to Win"[15]

In 1992, two farmers in Siin, a district in the heart of Senegal's peanut basin, quarreled over a plot of land. In 1937, the grandfather of one farmer had transferred the plot to a forebear of the other in exchange for a loan of fifty francs. Known as *taile* (or "pawn"), this type of contract developed in the 1920s and 1930s as a means whereby individual residents of rural Serer communities could exchange land for cash without abrogating others' "traditional" rights of ownership. Under a *taile* contract, the creditor acquired rights of usufruct rather than ownership of the land: when the debt was repaid, the land reverted to the debtor.[16] In 1964, however, "traditional" forms of land ownership were swept aside by Senegal's Law on the National Domain, which decreed that "anyone who farmed land for at least two years held official title to it" (Galvan 1997:27). In this case, when the debtor's grandson tried to redeem the *taile* for 50 francs, the local state tribunal lost no time in telling him he could not.

Perhaps anticipating this ruling, the debtor's grandson had not at first taken his case to the Rural Council—since the late 1960s, Senegal's "courts of first (and last) instance in land conflicts" (idem)—but to the elders in his village, who insisted that the original *taile* contract was still valid. Their verdict had no legal standing: under Senegalese law, the creditor's heir was clearly the owner. "[I]n the end," however, he "*refused to win*." Pressed by his family to relinquish the land rather than inflict lasting damage on their relations with the debtor's family, he agreed, and returned the field to the debtor. By invoking multiple rules and appealing to more than one local authority, villagers had created a space for negotiation in which the history of an old transaction provided a rubric for compromise. Had the rule of law, in a narrow sense, prevailed, the results might have been far more disruptive.

Negotiation is not necessarily an alternative to playing by the rules: in some cases, all parties to a local dispute may both invoke and bypass state authority in an effort to protect or extend their access to resources. In another rural community in Senegal, FuutankoBe pastoralists moved south from the middle Senegal River valley into the Ferlo region of eastern Senegal, seeking refuge from drought in their home area (Juul 2002). Using large innertubes and donkey carts, they invented a new method of transporting water which allowed them to

[15] Galvan 1997:28. The following account is based on Galvan's essay, a stimulating discussion of transformations in rural property rights in colonial Senegal and the "ambiguous legacy" of the "institutional syncretism " created by Siin farmers in response to agricultural commercialization and Islamicization.

[16] Pawning, in various forms, is common across West Africa, with a much longer history in some areas than Galvan describes in the case of Siin. See, e.g., Falola and Lovejoy, eds. 1996.

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keep their herds at a distance from established boreholes, thus avoiding conflict with local herders over pastures immediately surrounding the wells. In time, the immigrants' herds began to outnumber locals', and the latter retaliated by obtaining legal titles to the boreholes, giving them the authority to limit access to the water itself. Rather than block the immigrants altogether, however, they pursued an oscillating strategy: they demanded high fees for the right to move herds across locally controlled land, and even sabotaged pumps to force immigrants to draw water by hand, but they also sought immigrants out through trade and lending activities. The immigrants also employed multiple strategies to secure their own position in the local economy—paying taxes in order to "officialize" their status in the Ferlo, campaigning for village chieftaincies, even applying for permission to dig their own wells. By the mid-1990s, *they* were beginning to deny newcomers access to water and pasture, even when the recent arrivals were "their own relatives from the Fuuta" (Juul forthcoming).

Taken together, Juul's and Galvan's studies illustrate both the importance and the contingency of state power and social difference for shaping conditions of access to land. Decades of statutory regularization notwithstanding, people continue to seek land and influence through multiple channels, renegotiating relationships and identities in the process. Like links between state and community, the lines between locals and strangers are shifting and contingent, suggesting that lines of difference and exclusion are drawn in more complex ways than many state-centered analyses suggest, as people struggle with new economic pressures.[17]

Battles for the Afram Plains

Contests over land involve contests over authority as well as resources: they draw on and reshape relations of power as well as property. Where land is subject to multiple claims, based on contested historical precedents, protracted land disputes may serve as fora for on-going debate over the legitimacy of claims to public office. In the following case, a dispute over land acquired by the Ghanaian government for a game preserve illustrates the way debates over historical precedent both foster and curtail political participation, and help to reproduce overlapping arenas of formal and informal authority, even in areas where land is not scarce.

In 1971, the government of Ghana decided to establish two game and wildlife preserves in the Afram Plains, a broad swath of open savannah west of the Volta River (now Lake Volta) that stretches from near Tamale in northern Ghana to the coast at Accra.[18] Under Ghanaian law, land owners cannot prevent the state from acquiring land for public use, but they are entitled to compensation.

[17] For an exemplary analysis of the complexities of state-society relations in Senegal, see Leonardo A. Villalon 1995.

[18] For a longer account of this case, see Berry 2001, ch. 7.

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In this case, nine individuals filed claims for compensation, declaring themselves to be owners of portions of the land in question and citizens, respectively, of the "stools" of Kumawu, Kwaman, and Agogo.[19] Official action on the claims came to a halt in October 1975, when an official at the national Ministry of Lands pointed out that the land was under dispute among the three stools. On 15 December, the stools gave written notice that they had settled their dispute outside of court and on the following day, with what a High Court judge later described as "unprecedented promptitude and alacrity in the annals of the Civil Service of this country" (Ghana Law Reports 1980), the first installment of the compensation money was paid to a representative of the chief of Kumawu.

Ten days later, on 26 December, when the town was awash in holiday cheer, a number of Kumawu's sub-chiefs, elders and palace officials were asked to repair to a nearby sawmill in order to receive important news. Upon arrival, they were invited inside, one at a time, given sums of money ranging from ¢1000 to ¢4000 apiece, and sworn to silence. Despite this precaution, word soon leaked out, prompting complaints from those who found themselves on the low end of the payout scale, and widespread grumbling among the majority of their fellow citizens who received nothing at all. Dissatisfaction turned to outrage, however, in the following weeks as it emerged that the share-out on Boxing Day, which totaled about ¢100,000, was but a fraction of the full compensation package of ¢1.5 million! What had happened to the rest of the money?

When first private inquiries, then exposure in the press failed to produce a satisfactory answer, a group of Kumawu citizens filed suit before the High Court, claiming that the land was the property of the stool, rather than any individual "owners," and the compensation therefore belonged to the entire community. Following preliminary testimony, the Kumawuhene, "in his private capacity as William Kore," was added to the case as a co-defendant. Further evidence later convinced the court that Kore was in fact the primary author of the original claims, and that he had pocketed most of the compensation money. Overturned on appeal, the trial court's judgment was eventually restored by the Supreme Court, and the chief was ordered to repay the money. By this time, sixteen years had elapsed since the case first went to trial, the purchasing power of the compensation package had shrunk from ca $1.3 million to less than $4,000, and the chief readily complied with the court's order.

The end of the compensation case was not the end of the story, however. As the extent of the chief's complicity in the compensation scandal became clear, the plaintiffs in that case petitioned the Regional House of Chiefs to remove him from office, arguing that his conduct rendered him unfit to occupy the stool. Several of the petitioners were businessmen and professionals who had been

[19] The stool is the symbol of chiefly office in Ghana. A stool's lands comprise the territory under the jurisdiction of the chief, and individuals who acknowledge allegiance to a stool are said to be its "citizens."

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instrumental in securing the chief's accession just a few years earlier. At the time, Kore was a relatively young man in his early thirties, who held a university degree and worked as a city planner in Accra. Among rival candidates for the Kumawu stool, Kore had the least experience in chieftaincy affairs,[20] but the town's most prominent citizens insisted that Kumawu needed a chief with a university education to represent its interests to the government and the nation as a whole, and their lobbying carried the day. When, barely three years later, the chief diverted the land compensation money into his own pocket, his sponsors felt betrayed—less by his misuse of office than by his not having taken any of them into his confidence. Their efforts to get him removed from office were less successful, however, than their earlier campaign to get him installed. Twenty years after the compensation scandal broke, the destoolment case was still pending before the House of Chiefs, and the Kumawuhene was still on the stool.

As the initial scheme to divert the compensation money foundered, Kumawu's agreement with Agogo and Kwaman to settle their land dispute unraveled as well. The dispute had a long history, dating, by some accounts, to the late seventeenth century, when Kumawu, Kwaman and Agogo joined forces to drive a rival leader, Ataala Firam, from the Afram Plains. Following their victory on the battlefield, the Asantes settled on the conquered land and remained there as owners of the land. On this the three stools agree. However, they disagree as to how the conquest of the plains was organized, and how the order of battle in the seventeenth century should order relations among them now. Kwaman and Agogo maintain that the three stools fought Ataala Firam and colonized the plains "as brothers"—equal partners in war and joint occupants of the conquered land. Kumawu claims that the military partnership was collaborative but not equal: Kwaman and Agogo provided support, but recognized Kumawu as their leader and thus the primary owner of the conquered land. Kwaman and Agogo counter that their historic claims are equal to Kumawu's; they also insist that the land has effectively been divided among the three stools for years, and that Kumawu can only claim ownership of the area inhabited by its own people.

Like the proverbial red thread in the sailor's rope, this debate over historical interpretation runs through a century or more of negotiation and contest among the three stools. At times, they have confronted one another directly; at others, stories of their battles with Ataala Firam have surfaced in disputes in which only one of the three was directly involved. In 1950, Kwaman brought suit against the stool of Beposo, charging some citizens of Beposo with trespassing on Kwaman land. Beposo denied the charge, arguing that Kwaman had no claim to the

[20] When a chiefly stool falls vacant, the selection of a successor from the pool of eligible candidates involves a lively process of both public lobbying and behind-the-scenes negotiation by the candidates and their supporters. As one Kumawu resident explained: "it's like George Bush: if people like what he's done, they vote for him; if not, they don't."

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land in question because "our boundary is with Kumawu." In submitting evidence, both Kwaman and Beposo cited a ruling by the Chief Commissioner of Ashanti, in 1919, which could be read as supporting Kwaman if the Commissioner's clerk had not made a typographical error, or Beposo if he had. Although Kumawu was not a party to this dispute, Beposo's claim to a common boundary with Kumawu meant that, however the case was decided, the outcome would bear directly on Kumawu's dispute with Kwaman and Agogo.[21] In 1994, the Chief Commissioner's clerk's typo was still being debated in the courts.

Such protracted litigation has paradoxical implications. It creates an almost chronic condition of uncertainty over land ownership and, at the same time, allows multiple contestants to press their claims to land and chiefly office. To the degree that contested claims turn on unresolved, and irresolvable, disputes over the past, the process of continued debate fosters a kind of participatory property, and may even slow down the process of environmental degradation by complicating the course of commercial exploitation.[22] It also ensures that contestants have ample opportunity to revise their strategies and to learn from experience. Having learned the hard way that a chief who alienates his local allies risks losing his stool, the Kumawuhene set out both to win over his opponents at home, and expand his base of support beyond the citizenry of Kumawu. The Afram Plains provided fertile ground for his endeavors. The chief encouraged affluent citizens of Kumawu to take out formal leaseholds on tracts of land in the plains for commercial farming—a tactic which helped to strengthen his position vis-à-vis the claims of rival stools, as well as reward prominent townsfolk for their loyalty to Kumawu. He also expanded his pool of political clients by welcoming "strangers" to the plains. As farmers from northern Ghana moved south in increasing numbers during the economic and environmental crises of the early 1980s, the Kumawuhene kept a close eye on their movements, offering them generous access to land in exchange for regular payments of tribute, and enlisting their leaders to act as local deputies for the stool. He even attempted to attract foreign capital to the plains, launching a partnership with a private firm from Yugoslavia and the Ghanaian Ministry of Agriculture to develop a mechanized farming scheme on the plains. The Europeans lost money and withdrew after a few years, but the government and the Kumawu Traditional Council continued to negotiate over various schemes for developing the site—hoping both to generate income and to strengthen their respective positions in the plains.

In addition to these maneuvers on the ground, the chief worked to build political connections beyond Kumawu, cultivating influential people within and outside the state, and keeping a close eye on the intricacies of chieftaincy pol-

[21] According to knowledgeable residents of Kumawu, their stool was directly involved in several cases "backed up behind this one" at the Stool Lands Boundaries Settlement Commission.

[22] I am indebted for this point to a participant in a seminar at the Institute of African Studies, University of Ghana, in January 2001.

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itics in Asante. When the office of Queenmother fell vacant, a successor was recruited from the large Ghanaian expatriate community in Toronto. In the mid-1990s, she was commuting between Kumawu and Canada, balancing family, business and community responsibilities on both sides of the Atlantic, and expanding Kumawu's links to the global economy. Recently, Kumawu has revived festivals that had fallen into abeyance, working to project its image as a home of cultural tradition as well as commercial potential. Like many of his colleagues throughout Asante, the Kumawuhene appears to have learned the value of history for the pursuit of property and power in the present.

"Stolen Property"

The lesson was not lost at the other end of the continent, where recent struggles over land and power also had deep roots in the past. Richard Levin's detailed account of the Swazi monarchy's adroit use of "tradition" to parlay political marginality into state wealth and power by creating a "national estate" dramatizes the power of invented tradition in the hands of a determined elite. A somewhat different scenario unfolded in Zimbabwe where, as we saw at the beginning of this essay, war veterans and land-hungry citizens seized control of large, privately owned commercial farms in early 2000. Framed by landowners, the courts, and the international media as a battle over "the rule of law," the crisis quickly expanded into a debate over the history of racial domination and the legitimacy of inherited laws and institutions. Land became a focus of contestation in the late nineteenth century, when agents of the British South African Company extracted "treaties" of submission from African leaders and began to sell off land to European settlers and firms. When Robert Mugabe came to power in 1980, following a protracted armed struggle against white minority rule, his government launched a land reform program, purchasing nearly three million hectares from owners who elected to sell, and resettling over 47,000 African families there within a few years. Resettlement virtually ceased after 1985, however, amid widespread rumors that politicians and senior officials had become more interested in acquiring land for themselves than in redistributing it to the poor. By the early 1990s, with the blessing of the World Bank, the government had shifted its attention from redistributing land to raising productivity.[23]

By the end of the millennium, nearly one-third of Zimbabwe's land remained in the hands of 4600 individuals and firms, much of it concentrated in areas with the highest potential for arable and livestock production, and the country's once-promising economy was deteriorating. GDP stagnated; 50 percent of the labor force was unemployed; external debt rose from under 4 percent of export

[23] Throughout this period, some Zimbabwean intellectuals made continuing efforts to keep the issue of land reform on the table. Sam Moyo, in particular, amassed considerable evidence to show that higher productivity on commercial farms was due to preferential access to markets and resources, not inherent managerial superiority. See Moyo 1995 and 1998.

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earnings in 1980 to over 20 percent in 1996; and formerly public services, such as health care and secondary and higher education, had been priced beyond the reach of all but a small minority of relatively affluent people (World Bank 1999). In 1997, the state announced that underutilized commercial farms would be acquired for further resettlement, but implementation quickly bogged down in legal wrangling over which farms should be designated for acquisition. When, two years later, Mugabe entered the war in Congo—draining the government's meager resources to protect his investments in Congo's vast mineral wealth—popular anger spilled over into political action. For the first time since independence, an opposition party began to make headway at the polls, and some observers suggested that the government's days were numbered.

If the land occupations of early 2000 saved Mugabe's career—ironically, by precipitating the kind of land redistribution his government had been trying to avoid—they did little to clarify the land question. The justice of the occupiers' cause was muddied by rumors that the leaders were collaborating with the regime to intimidate Mugabe's opponents, and the fact that many of their victims were not wealthy white landowners, but impoverished black tenants and laborers who had worked on the commercial farms for years and had arguably as much right to a share of the land as did ex-combatants and the urban poor. The indignation of the landowners, the courts and the international media over the lawlessness of the land occupations tended to gloss over the much more difficult questions of who should benefit from land redistribution, and how to build political consensus on a process for carrying it out.

Struggles over land have not been limited to the large farm sector. For the majority of Zimbabweans, their principal source of land lies in the Communal Areas—typically located in regions of low rainfall with marginal soils. In principle, land in the Communal Areas is subject to customary law, which does not recognize private ownership or the right of occupiers to alienate their land. In practice, there is now substantial evidence that access to land in the Communal Areas is routinely commercialized. D*e facto* holdings have become increasingly unequal over time, both among and within rural households, and many people find it increasingly difficult to eke out a livelihood from the land they occupy (Cousins et al. 1992; Nyambara 1999; Moyo 1995; Masst 1994). As in Senegal and Ghana, however, the commercialization of land claims and the concentration of holdings in Zimbabwe's Communal Areas have not simplified patterns of land ownership or led to a reduction of conflict. Repeated displacements of people and reversals of policy have multiplied the number of institutions and individuals who claim authority to allocate land in the Communal Areas, as well as the numbers of those seeking access to it. Gokwe, a rural district in northwestern Zimbabwe, is a case in point (Nyambara 1999). Remote from centers of agricultural commercialization and urban employment for much of the colonial period, Gokwe did not attract European settlers, and cash cropping did not get underway there until the early 1960s, when the Department of Agri-

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culture began to promote small-scale cotton production. Africans were already moving in to the area, however—notably people evicted from Rhodesdale in the late 1940s to make room for war veterans from Britain. Under the Native Lands Husbandry Act of 1951, they were allocated ten-hectare plots arranged in "lines." Known locally as *madheruka* (from the engine noise of the trucks that brought them from Rhodesdale), many of these settlers took up cotton growing in the 1960s and established themselves as moderately prosperous small-scale farmers.

As settlers poured into Gokwe, local chiefs and headmen sought to capitalize on their advent by asserting authority over land allocation, despite the government's prohibition (Moyo 1995; Nyambara 1999). In 1969, hoping to defuse growing rural discontent with white rule, the government formally restored chiefs' authority over land. As the guerrilla struggle intensified, however, some people fled the rural areas; others took advantage of the confusion to engage in "self-allocation." Following independence, newly established district councils were given statutory authority to allocate and administer land in the Communal Areas. Chiefs and headmen continued to allocate land, however—sometimes in collaboration with district councils, sometimes against their instructions—and others followed suit. As the national economy deteriorated in the 1990s and competition over land intensified, unauthorized land sales multiplied, neighbors encroached on one another's fields, and fathers refused to share their land with their sons. As Kanyinga (1998) has written of Kenya, Zimbabwe faced not one land question, but many.

If government officials and politicians are complicit in land grabbing by the rich and influential, it does not follow that the state controls land allocation. Like many other African countries, Zimbabwe has experienced a process of institutional proliferation since independence that has complicated the social terrain on which land struggles take place. Responsibility for land allocation and administration is spread across different state institutions, and claimed by informal agencies as well. In 1992, a study of one rural ward (population 6000) in eastern Zimbabwe found eleven state agencies, fifteen NGOs, and eight local councils—not to mention chiefs, headmen, spirit mediums, traditional healers, gardening groups, etc.—all claiming to play a role as "land management institutions."[24] Such institutional proliferation both extends the state's reach and limits its power (Compare Villalon 1995; Berry 2001).

Like the women and men of Siin and Ferlo in Senegal, or Ghana's Afram plains, occupiers of Zimbabwe's large farms and residents of its Communal Areas are keenly aware of the rising value of land, the contingencies of land access, and the historical roots of both. Relocations continued after independence in Zimbabwe and citizens, ordered to move in the name of environmental pro-

[24] Moyo 1995: 190ff. Moyo's picture is amply borne out by literature on other locations within Zimbabwe's Communal Areas. Nyambara 1999; Andersson 1999; Donald Moore 1995; Alexander and McGregor 2000.

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tection or efficient land use, did not hesitate to draw comparisons with the past (Ranger 1999, ch. 9; compare Worby 1994; Nyambara 1999; Moore 1999; and Hughes 1999, among others). Exasperated by the government's demand that they vacate their land to make room for a wildlife corridor along the Gwampa River, farmers in the northwestern district of Lupane bitterly recalled their sacrifices during the war of liberation: "Our sons didn't die for animals!"[25] The land occupations of 2000 also invited reflections on the past, and its implications for the legitimacy of power in the present. Responding to international pressure that land reform must proceed within the law, Zimbabwean activists and intellectuals replied that private ownership was an artifact of colonial rule, imposed on the people of Zimbabwe through the territorial predations of the British South Africa Company in the late nineteenth and early twentieth centuries. Today, they point out, it is illegal in Zimbabwe to possess stolen property. So who is subverting the rule of law? The answer depends, in part, on one's historical perspective.[26]

CONCLUSION

While anxious landowners and international investors invoked "the rule of law" to place their own claims to property beyond question, those who countered that Zimbabwe's commercial farms are stolen property remind us that laws are human artifacts, neither better nor more durable than the political processes that make and enforce them. If legal pluralism and institutional proliferation have confused contemporary claims to land access in Africa, they have also served to promote debate over how authority is acquired and exercised, and by whom. Such debates are a vital, if ambiguous part of contemporary politics—creating space for negotiation over competing claims to property and power, and the meaning of Africa's history for ordering its political economies in the present. "Negotiation" has been criticized, with reason, for blurring or even fostering inventions of tradition, or modernity, that legitimize expropriation, deter productive investment, and promote inequality and injustice. If ordinary people lack the means to take their cases to court, or gain the ear of the powerful, negotiations that exclude them are likely to reinforce established authority rather than challenge it.

But progress does not hinge on silencing debate. In societies where the balance of power is steeply tilted toward those with the means to buy the opinions of judges and the silence of competitors, as well as actual titles to land, unresolved debates that render titles ambiguous may temper exclusion and leave

[25] Moyo 1995 and 1998. By the 1990s, sons of both earlier and more recent immigrants were having difficulty getting access to land in Gokwe, adding intergenerational tensions to the already complex picture of multiple and competing claims to "communal" land. Nyambara 1999, esp. ch. 7.

[26] James Murombedzi, oral presentation given at a Conference on Human Rights and Development in Africa, sponsored by the Joint Berkeley-Stanford African Studies Center, Berkeley, California, 29 April 2000. Compare Jacqueline Klopp 2000:22.

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room for compromise. Conflicts over land are fraught with competing interpretations of history, which both reflect and enrich Africans' on-going struggles to engage productively with the past and the future. They may not prevent waste, or even bloodshed, but they cannot be written off as politically or economically dysfunctional, any more than reinventions of tradition can invariably be dismissed as reactionary. As an Ghanaian auto mechanic remarked to anthropologist Gracia Clark in 1996, as she was preparing to leave Kumase, she probably knew more about Asante than many indigenes who had emigrated from Ghana to live abroad. While "they would know only what we used to do when they left, years ago," after her recent year of fieldwork, Clark knew "'the very latest tradition'" (Clark 1999:82).

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