

INTRODUCTION: LAND POLITICS IN AFRICA – CONSTITUTING AUTHORITY OVER TERRITORY, PROPERTY AND PERSONS

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Land issues are often not about land only. Rather, they invoke issues of property more broadly, implicating social and political relationships in the widest sense. Struggles over property may therefore be as much about the scope and structure of authority as about access to resources, with land claims being tightly wrapped in questions of authority, citizenship, and the politics of jurisdiction. This dynamic relationship between property and citizenship rights, on the one hand, and the authority to define and adjudicate these questions are – we believe – central to state formation (Boone 2003a, 2007; Lund 2008).¹

In a recent issue of this journal, land markets in Africa receive special attention. The editors, Colin and Woodhouse (2010), give special emphasis to the multiple processes of commoditization of land and how they are embedded in different social relations. That particular issue focuses on how a great variety of transactions and market dynamics generate commodity characteristics in land. It adds much-needed African historical and contextual nuance to Polanyi's *Great Transformation* (1944) as Colin and Woodhouse defy any assumption of markets as singular or uniform or even that they somehow exist *ex ante*. They demonstrate how markets come about, are structured and are reproduced. In some ways, the present collection complements this focus on market dynamics. We want to investigate the relationships between property and citizenship and political institutions, and how each of these plays a role in constituting the others. This seems especially relevant in the light of the many efforts at land tenure reform that tend to assume the separate and settled existence of property, of citizenship, and of the state. Such compartmentalized understandings of land politics will, no doubt, miss the point. We consider none of these socio-political features as separate or pre-established

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facts. Rather, land politics involves dynamic claims whose success and materialization depend upon *rappports de force* among actors, social groups and those wielding different forms of institutional authority over land, as well as on broader and more diffuse forms of social and political recognition.

Recognition of property, citizenship and authority are mutually constitutive processes. They may operate in dialectical relation to promote state formation. Often, processes of recognition become focal points of contestation among groups in society. They become sites of resistance to the processes by which those wielding state policy, law, coercion and resources seek to gather (and sometimes, to institutionalize) power and control over resources and populations within their jurisdictions.

The normative and institutional pluralism prevailing in many poor societies, including most African societies, means that people struggle and compete over access to land by referring to competing principles of tenure, such as ancestral or cultural entitlement, actual use, market acquisition or government allocation. Such principles may combine in various ways. Contestation over land and resources often involves struggles not only over land *per se*, but also over the legitimate authority to define and settle land issues. Politics surrounding land institutions and land issues can be viewed as part and parcel of the processes of gathering authority over persons and resources, or state formation. Authority can be reproduced, extended and solidified in these ways, but change is not necessarily unidirectional. Contestation can also circumvent, undermine or dissipate authority.

Our concern in presenting this collection of articles lies in examining how institutions and actors attempt to create and assert authority to determine access to land, and to exercise land control. A shared concern is to discern the stakes and trajectories that are visible in these processes. We examine the actors and political stakes that are involved, and show how (that is, by what means, under what circumstances, to what extent) national governments work with, through and against other actors to gather and institutionalize authority and resource control. The studies show that control over land and over political identity does not merely represent or reflect pre-existing authority. It produces it.

The emergence, reproduction and possible erosion of authority over land has implications for land rights, for how they are distributed across persons and social groups, and for a range of other political and social outcomes that are of great significance for the future of African societies.

With these stakes in mind, we look at how competing actors and institutions work to establish what are sometimes complementary and sometimes mutually exclusive registers of authority over land, focusing on the principles of tenure, citizenship practices and the jurisdictional reach over which authority is claimed and asserted.

THREE DIMENSIONS OF LAND CONTROL

In societies characterized by institutional pluralism, different aspects of land authority may be lodged in different institutions. Competition for land may hinge on the interpretation and significance of social relations that are forged around land use, or upon who has the political power to impose one interpretation at the

expense of others. For example, if land is transacted from one party to another, and some form of payment is exchanged, the significance of the transaction may be far from clear-cut. The different actors involved generally invest great energy in having particular interpretations of the meaning of the transaction recognized. Whether it is an outright sale of a commodity (*pace*, Polanyi 1944), the payment of rent or merely a token of appreciation of the landowner's goodwill to let the land user access the land, are often questions that remain open and may be disputed long after the transaction takes place. The interpretation that prevails will have implications not only for the multiple parties involved, but also the shoring up or erosion of the existing institutional arrangements that structure land tenure relations. If land is contested, say, for planning purposes, some protagonists may view it as territorial space controlled by the central state, others as a tract of property, and yet others as an endowment attached to customary institutions that are 'guaranteed' by neo-customary entitlements for use by members of a local community. The interpretation that prevails will have implications not only for the immediate protagonists but also for stability and change in the institutional arrangements. Most significantly, policy changes, administrative reforms or change of the persons involved in land allocation and dispute adjudication (chiefs, local administrators, extension officers, elected politicians or even a Minister of Land) can destabilize prevailing interpretations and power balances, opening the door to disputes over land and the institutions governing landholding and use.

The politics that generates modifications and change in such interpretations can shape authority relations and the distribution of control over resources in enduring ways. There are consequences not only for the institutionalization of authority but also for economic development, constitution and recognition of social groups, and class formation. Teleological narratives of the rise of markets, political development, class formation, categories of land and space, of tenure and transaction, and of people and groups engaged in land use are often not of great use in understanding these processes, grounding conceptual distinctions or anticipating trajectories of change. Social and political outcomes over land are often temporary and contingent outcomes of competition, which may take place both over authority and through its exercise.²

In the following we discuss briefly three dimensions of land control: these can be mechanisms for establishing and maintaining authority, and also focal points of competition and contestation over resources, persons and the making of

²The power to define and control the terminology is vital and contentious, and not an innocent scholarly task of 'getting it right'. Some sorts of transactions and tenure principles, which are being endorsed and promoted, seem very familiar, old and tested. This is sometimes because they emulate categories and distinctions worked out and reproduced in other contexts. Private/public/common, sale/mortgage/rent/loan, and insider/outsider are all 'familiar' distinctions. However, even when categories are labelled after something that appears familiar, they may involve contrasting rationales, meanings and social relations. Their actual implications may have to be worked out concretely (see, for example, Mitchell 2002: 54–79). Some distinctions will be ephemeral and short-lived, be undermined and rapidly rendered irrelevant—at least for the moment. Others, however, will be reproduced effectively, hardened and institutionalized, and be propped up by law, regulation, force and other practices. They may become habitual and sometimes even essential to all involved (Tilly 1998: 11). Such distinctions will be more durable when their reproduction aligns with powerful interests in society.

political authority, including state authority. We give examples of how such competition may unfold. Although these aspects of property relations are inter-related and affect one another, we find it useful to investigate them schematically in terms of jurisdictions of land control, forms of tenure and transactions, and the categorization of people and groups engaged in asserting or extending access rights or authority over land.

Jurisdictions of land control

In the abstract, jurisdiction over land may be thought of in terms of a tripartite distinction between territorial jurisdiction, functional jurisdiction and jurisdiction over persons. *Territorial jurisdictions* can vary in terms of how unambiguously they are delimited, how they nest into administrative hierarchies of neo-traditional and national government, and the extent to which they are recognized by key actors as setting the boundaries of (enclosing) legitimate and rightful territorial domains and social groupings. Many African governments recognize customary authorities and customary land rights within ethnic homelands that correspond to politico-administrative units like districts, wards or electoral constituencies. Where the boundaries of the territorial jurisdictions in which land authority is exercised are not clear or are contested, rights holders in super-ordinate, neighbouring or nested territorial jurisdictions (different chieftaincies, for example) can hold competing rights to the same piece of land, endorsed by competing public authorities.

Meanwhile, a single territorial jurisdiction can comprise *functional jurisdictions* exercised by different authorities. These functional divisions can be well specified, or ambiguously delineated, and contested. Lund (2008) tackles such situations in showing that, in parts of northern Ghana, rival land claimants can appeal to competing authorities, each of whom claims functional jurisdiction over land allocation (that is, a land chief/priest versus an administrative chief). Similarly, central actors and local actors may claim competing functional jurisdictions. For example, does the central government have jurisdiction over land-rights allocation in a given locality? At times this has been the question in south-western Côte d'Ivoire, as Babo describes in this issue.

Finally, within a given territorial jurisdiction, *jurisdiction over persons* can be fractured between and within different authorities. In British India the East India Company represented the Crown. In civil cases, courts in a given territorial jurisdiction were to apply Islamic and Hindu laws to Muslims and Hindus, respectively. For criminal cases, jurisdictions configured differently. This 'jumble' animated disputes over jurisdictions (both in terms of legal subjects and subject matter). Competing principles of what was considered British, Muslim and Hindu law were instrumentalized, and forum shopping was widespread (Benton 2002: 129–40). Such matters of jurisdiction over persons have long and deep histories in colonial and post-colonial Africa (Chanock 1998; Mamdani 1996; Cohen and Odhiambo 1992). The issue also applies in more contemporary forms. In South Africa, the recently proposed Traditional Courts Bill was thus intended to institute such distinctions (Claassens 2012). These three sorts of jurisdictional dispute are not mutually exclusive: they can be compounding.

Jurisdiction over land is lodged in institutions, but perhaps not in a single set of institutions. Central governments may claim overall control and legislate on

property rules, as was the case when many newly independent governments nationalized land and formally extinguished all other competing rights and jurisdictions by law. This often formally undermined and thus weakened existing forms of authority over land, but in most places it did not make them disappear altogether.

Indirect rule – adopted formally or *de facto* by most colonial powers and continued by most independent governments in various forms – operates with an administrative hierarchy wherein villages make up the lowest unit answerable to statutory administrative units at higher levels. This form of nested territorial authority has taken a variety of forms, from chiefs being formal auxiliaries of the administration (as in Niger and Kenya), to secular village administrations (in much of Tanzania), to the nominally independent Bantustans of apartheid-era South Africa. In practice, central governments generally have been unable or unwilling to fully secularize and bureaucratize, or administratively oversee, the activities of the lower levels. The actually prevailing local principles of land allocation, use and transaction often differ significantly from what is the national law – and often with the tacit endorsement and support of agents of the central state. Historically, this form of ‘legal dualism’ has been part of a quite deliberate strategy of creation of customary law and authority (Chanock 1998; Mann and Roberts 1991; Moore 1986). The creation, or reification, of customary law and authority has often devolved or assigned functional jurisdiction over local land matters to the customary legal realm. This has also often been the case for matters of marriage, inheritance and other civil affairs.

Thus, rather than a neatly nested system of jurisdictions, we are sometimes dealing with a structure that is partly hierarchical, and partly divided into separate functional jurisdictions. Land politics may involve simultaneous efforts to settle a land matter, settle the question of the appropriate ‘level’ or scale of authority to invoke and implicate, and decide which jurisdictional realm is at issue. The framing that is emphasized, and what will actually prevail, sometimes seems overdetermined by the weight of prevailing institutional arrangements, or the relative political power and status of the actors. Often, however, outcomes are not so easy to predict. High-level statutory government institutions may sometimes prefer to claim that land and property issues belong in a hierarchical structure where they, ultimately, have authority, as an analyst who assumes that national rulers seek to expand state power would predict. Often, however, it may be convenient for the central government to shed responsibility and declare a contentious issue to be a ‘customary’ law matter, and to relegate it to an entirely different legal realm. Such divisions of functional jurisdiction may even be a part of a power-sharing deal with local actors (Boone 2003a, 2003b). For their part, actors drawing their authority from ‘customary institutions’ may endeavour to define an issue as ‘customary’ and thus situated well within their own jurisdiction, conveniently removed from any authority of the central government or the formal judiciary.

Few land issues in Africa are unambiguously situated with particular institutions, at least when land struggles are viewed over time, and many of them appear in multiple institutional realms at any particular moment in time. Situating a land issue in a particular jurisdiction may therefore be a significant point of struggle. On paper, an issue may be a matter for government or the courts, but in a local context, access to such institutions is often limited and difficult for ordinary people, and customary institutions may exercise authority.

While the statutory/customary distinction may be the most obvious incarnation of the partly hierarchical, partly complementary and partly competitive structure of jurisdictions, the dynamics of multiple and divided loci of authority over land can sometimes be identified among government institutions, customary institutions and elsewhere. Different ministries, regional branches and government agencies often struggle over turf and jurisdiction over particular issues, either to claim them (for power, rent, prestige, et cetera) or to disown them (to avoid blame, liability, et cetera) (see Badiéy, this issue). Moreover, customary institutions may compete among themselves, while non-governmental agencies such as NGOs and international development organizations may enter, willy-nilly, to become players in competitions over jurisdiction (Evers *et al.* 2005; Camara, this issue).

Jurisdictional competition between institutions also relates to how property can legitimately be acquired, held and transacted. And by whom.

The forms of tenure and transactions

Land embodies power, wealth and meaning (Shipton and Goheen 1992). Acquisition, tenure and transactions depend on a combination of institutional recognition and protection, money and labour, and legitimacy and propriety. Obviously, the combination varies from context to context, but it would appear that four basic sets of principles could be distilled from the literature on African land, each of which has been furthered by different policies (Boone 2007; Lund 1998).

Customary or communal rights. Much of the land worked by smallholders in Africa is acquired, held and transacted on the basis of (neo-)customary or communal rights. By this we do not mean ‘common property’ but rather land inhabited by a community in which people can have individual or family estates, and oftentimes ‘commons’ areas of joint use. Membership in such a community may not guarantee rights, but it provides the entitlement to claim them. Attributes such as ethnicity, caste, age and gender influence the terms of tenure. Often membership is flexible: it can be extended through marriage or adoption or by other agreements offering ‘conditional’ land use. In many places, the institutional locus of such rights is neo-customary institutions such as chieftaincy. Exercising the authority to define and enforce customary rights, such chiefs and other holders of neo-customary authority have often worked against the alienability of land, promoting a notion that land ultimately belongs to the ‘community’ of which they are the stewards. These rationales may generate personal benefits for the authority holders themselves, as Berry stresses in this issue.

Communal or customary tenure was often actively promoted by colonial governments, who saw in chiefs a useful – if not authentic – institution for securing social control, although at other times ‘communal’ landholding or land use has been portrayed as an obstacle to agricultural modernization. Historical evidence amply shows that land control based on colonial and post-colonial customary law does not resemble an ‘original state’, and is far from complete. There are places in which the trading of land for money, and to ‘outsiders’, pre-dates the colonial period.

Use rights. A partly competing principle of tenure is to recognize rights that accrue to the actual user of the land. Here, membership or ‘belonging’ as such does not entitle, or is insufficient to entitle, landholders to rights. The person who is recognized as investing labour in the property earns a use right. Such rights may be temporary and forfeited when actual use stops, or if the user engages third parties to work the land. This principle of rights through use may be partly compatible with the customary or communal principle, in the sense that land rights can be acquired through membership and maintained through use. Key points of contention arise if land use is disputed – when issues arise such as whether fallow is sufficiently active use to maintain rights, or whether rights to pasture can be claimed through use – or if the user attempts to transfer the land to heirs.

In recognizing and thus attempting to confer legitimacy upon principles of landholding, state authorities in particular African countries have moved back and forth over time. At any given point in time, most governments recognize different principles of tenure in different sub-national territorial jurisdictions. They may back principles of communal rights by recognizing chiefs as legitimate controllers of property in some areas of the country, and back principles of user rights in other areas, thus annihilating so-called customary claims in those zones.

Market-based rights. A third set of principles for acquisition, tenure and transactions could be termed market-based – when land rights are being traded as commodities. There is a significant literature on such commodification and monetization of transactions (for example, Platteau 1996; Chimhowu and Woodhouse 2006; Colin and Woodhouse 2010). Although increasing commodification of land is sometimes presented as a shift from non-market to market-based exchange, much of the literature on Africa resists this image of unidirectional evolution towards market forms by showing how market principles may coexist and combine with both (neo-) customary and use-based principles of rights. For example, land is sometimes bought and sold within a group, while selling to ‘outsiders’ is prohibited. As Chauveau and Colin demonstrate for Côte d’Ivoire, ‘[a]ccess to land may become commoditized without extinguishing the socio-political dimension of land transactions’ (2010: 103). This is precisely the point developed in this issue by Babo, who studies land conflicts in south-western Côte d’Ivoire, Berry, who provides examples from Ghana, and Goodwin in relation to Zimbabwe.

One of the reasons why purely market-based property has often been unsuccessful, despite national legislation to endorse it in some countries, is, no doubt, that the actual institutional backing for such principles is weak. The institutions and actors with significant presence at the local level have often had interests in the reproduction of other principles. Meanwhile, national governments have been very ambivalent about surrendering direct political/administrative controls over land, as well as wary of the possible social tensions and dislocations that could be fuelled by more active and legally backed land markets. Policies of titling and commodification of land inspired by de Soto (2000), for example, tend to work from the somewhat bold assumptions that (1) a market exists where banks and others will accept the ‘property’ of the poor; (2) that land users will embrace and consent to market rules; and (3) that a state exists that

is willing and able to guarantee private property and enforce market rules in society (cf. von Benda-Beckmann 2003; Kingwill *et al.* 2006; Mitchell 2005; Shipton 2009). However, these should more appropriately be pursued as empirical questions.

Government allocation. Both colonial and post-colonial governments have granted land to settlers who had no prior claim to land on the basis of ancestry, use, established occupation of the land or sweat equity, or market principles. Political allocations of land by governments take many diverse forms. Land grants to white settlers in places like Kenya, Tanzania, Belgian Congo and South Africa are canonical examples, yet government grants to African largeholders and smallholders can rest on the same or similar legitimating principles and legal grounds. Examples abound. Land grants to members of the political élite are prominent in the land politics in most African countries – Zimbabwe, Kenya, Côte d'Ivoire, Tanzania and Ghana are cases in point. In Tanzania, village or national-level authorities allocated lands assigned under the *ujamaa* land reform and villagization programmes. Smallholder settlement schemes, such as those in Kenya, Rwanda, DRC, Mali and Côte d'Ivoire, are also sites of state allocation of land rights. States – colonial and post-colonial alike – have often taken full advantage of their constitutional prerogative and political power to appropriate land held under various customary arrangements. Customary or neo-customary rights or entitlements have often been expunged for putatively higher purposes of resettlement, irrigation, conservation, development or 'public interest' (see Lund in this issue).

The ideal typical sets of tenure principles we have discussed above combine in various ways. The same piece of land can be acquired, held and transacted according to different – partly compatible and partly competing – principles. While elements of these principles may be presented as rules, customs and laws by different authorities, people's actions may challenge and transgress them. While the law may hold that land is accessible to all citizens throughout the sovereign jurisdiction of the national state, local practice may exclude 'strangers' or 'women' as landholders in given localities, and the government may tacitly or actively back such practices. While it may be conventional wisdom that land in a given territory may not be sold according to law or custom, sales may indeed take place. And land held in trust for a community may be sold by a chief, thereby transforming public or communal property to private property by the *legerde-main* of sale. A key question for us in the present issue is to investigate the authoritative power to define and enforce particular combinations of tenure rules in concrete settings. The questions are therefore not merely whether land is held as communal property, through use rights, or as a commodity, but also what institutional rules or configurations authorize and guarantee such claims, and how successful they are.

Defining and organizing persons and groups engaged in land tenure and transactions.

The question of who can acquire, hold and transact land involves the issues of citizenship, political status and political identity or subjectivity. Categories such as insiders/outsideers, noble/commoner, men/women, citizen/foreigner, true

believer/infidel, ethnic-this/ethnic-that, or old/young have proved to be important for people's legitimation of land claims. Production, reproduction and erosion of such categories are therefore central political processes, with potent implications for the distribution of resource control and use as Pierce's case study of northern Nigeria demonstrates in this issue. They structure the ideologies through which claims to land can be put forward legitimately. Obviously, these categorizations are produced and operate through complex historical and social processes. Some developed in colonial times when governments established courts with jurisdictions over certain categories of people based on religion, ethnic designation or race (Benton 2002; Chanock 1991; Mamdani 1996). Current continuations of racialized jurisdictions are evident in South Africa (see Claassens 2012). Some categorizations pre-date colonization; others are recent. Not all distinctions have single or easily identifiable authors such as government (and distinct authorship may dim over time). As Tilly puts it, '[d]urable inequality among categories arises because people who control access to value-producing resources solve pressing organizational problems by means of categorical distinctions. Inadvertently, or otherwise, those people set up systems of social closure, exclusion and control. Multiple parties – not all of them powerful, some of them even victims of exploitation – then acquire stakes in those solutions' (1998: 7–8). Where access and control over land is contested, this often translates into serious competition over the creation and maintenance of the 'categorical distinctions' that govern entitlement, ownership, belonging, authority and propriety in much of Africa.

The fact that some rights and social relations appear to endure and remain stable should not be taken as a sign of 'naturalization', depoliticization or fixity of these social categories and boundaries. On the contrary, various actors, both individuals and institutions, actively reproduce these social relations and confirm distinctions, including those pertaining to property rights. Social categories and property regimes must be constituted through practice. Institutions are only as robust, solid and enduring as the power relations that underpin them, and the ongoing processes of reproduction or re-enactment that enable them to persist. This means that social boundary institutions and norms of citizenship and belonging are not haphazard constructs (Lund 2008). They generally reflect and are invoked to perpetuate (or contest) prevailing power relations.

Despite the historically blurred pedigree of many significant distinctions of people and groups, it is both possible and important to identify empirically the institutions that endorse and enforce, and thus reproduce, such categories. Some of the categorizations are often instrumentalized to align with and compound one another. Autochthony/allochthony can be produced to align with ethnicity and religion, each thus reaffirming the other, as the recent history of Côte d'Ivoire, Sudan and Nigeria demonstrates. In many countries, political leaders are active in various public spheres and in mobilizing mass media to promote combinations of connections between various markers such as origin, race, nationality, ethnicity or creed that serve the purposes of state or nation, or the narrower political (or electoral) purposes of particular politicians, parties or social constituencies. The key concern for us in the present issue is to examine how social boundary institutions and categories of identity are mobilized or imposed in attempts to regulate and structure land acquisition, tenure and transactions. These arrangements also create possibilities for those at risk of losing their land rights to mobilize and legitimate resistance to such processes.

CONCLUSION: STAKES AND CONSEQUENCES

The jurisdictions, authority relations, principles of tenure and categories of identity or subjectivity that regulate landholding and use are political. *De jure* claims reflecting an ideology of law interact with *de facto* power to determine the issues of political subjectivity and property. By attending closely to the production and reproduction of jurisdiction, principles of property, and subjects, we see the political dimensions of what, at first, may appear apolitical. This allows us to focus on the constitution of authority, and to discern institutional ramifications not only for the formation of national states, but also for the formation of markets.

Questions of land policy are thus not just about policy *per se*. Beyond issues about how government authority and resources are to be deployed, they are also about the institutional landscapes of local and national authority, and are fuelled by ongoing competition over resources, authority, delimiting jurisdictions and property distinctions, and the categorization of persons (as women, youth, newcomers, lesser lineages, smallholders, original inhabitants, pastoralists, refugees, or 'internally displaced people'). The politics of land in Africa are integral to the larger contest to produce legitimate forms of social order.

THE CONTRIBUTIONS

Contributions to this issue illustrate many of the dynamics discussed above. Part of the strength and originality of this collection derives from its interdisciplinarity: the contributors come from backgrounds in anthropology, sociology, development studies, economic history, political science and law – and bring different epistemological sensibilities to the subject matter at hand.

Lund explains that in northern Ghana, for example, earthpriests, chiefs and the Land Commission are competing to exercise some authority over land matters. Over time, contingent events favoured one or the other in their quest to become significant authorities. The article demonstrates how different repertoires of the 'past' provide justifications for competing claims to land. It shows how contemporary struggles over how to read the past and how to conceptualize space are at the heart of land control. Moreover, these are not mere semantic pastimes but have significant institutional and distributional implications.

Berry describes forms of land tenure syncretism in central Ghana. The fusion of customary, state-leveraging, and market strategies of land access promote accumulation on the part of well-positioned actors, but appear to reproduce fluidity in the norms and terms of land access, rather than institutional closure. Focusing on urban occupation of rural space, she analyses patterns of accumulation and governance. The essay demonstrates how market liberalization, investments and economic growth do not signify that land and wealth are transacted and accumulated irrespective of social identity or political status: quite the contrary. Property is as recombinant as ever.

Badiy analyses how property and territory are instrumentalized in state-building efforts in Africa's youngest country, South Sudan. It is clear that even among different instances of formal government in Southern Sudan, the locus of authority over land is far from a settled fact. Struggles over questions of authority

conjoin issues of property and citizenship. People claim entitlements either based on historical residence (customary or ethnic claims) or based on being part of the political vanguard of the liberation movement (claims to national citizenship). Outcomes have implications for the future governing structures and the repertoire of legitimation available to them.

Camara shows how different land tenure rules structure different forms of competition over land access in and around the Office du Niger schemes in Mali. In these settings, 'democratic decentralization' empowers communities in ways that fit uneasily with the growing impact of economic liberalism, which often reinforces and supports individualism. New roles of NGOs in the resolution of land-related conflicts also point to the ways in which new configurations of power and authority may challenge the older local (bureaucratic and customary, respectively) authority structures without necessarily strengthening central government, opening the door to new configurations of rural civil society.

Babo accounts for how the assertion of land claims based on autochthony relates land ownership issues to larger political conflicts in post-Houphouët-Boigny Côte d'Ivoire. He charts the development of land rights in forest regions of the west and south-west, and the series of policy reforms that have linked land questions to immigration, citizenship and the state. While the politics of *ivoirité* putatively celebrates authenticity and custom, it also facilitates commoditization of customary land rights with owner-tenant relations structured along ethnic fault lines. This has been accompanied by expulsion and violence.

Askew, Odgaard and Maganga analyse recent court cases between pastoralist and farming communities in Tanzania. Whereas litigation in court has always left pastoralists with the short end of the stick, these recent cases may represent new developments. The courts ruled in favour of the pastoralists. However, court procedures are long-drawn and expensive, and wealthy land grabbers may eventually 'out-lawyer' pastoralists. Moreover, the sedentary farmers who are being evicted as a result of the rulings are rarely themselves of the wealthy group; rather, the evictees are poor immigrant farmers settled in the area by wealthy farmers as pioneers in order to colonize the pasture and create settled farms on the ground.

Pierce analyses effects on law and landed property of the British colonial conquest of northern Nigeria. The article demonstrates how the transfer of land control from local landlords to a colonial government also impinges on the substance of ownership. Colonial archives give a glimpse of the past – like a fly caught in amber – and we see how stakes in terms of ownership, political control, tribute and tax prefigure contemporary forms of institutionalization. The radical translation of terms central to political authority was overdetermined by intellectual and political discourses in Britain, and has consequences to this day.

Goodwin shows how in Zimbabwe's communal areas land rights are secured by *ad hoc* written agreements imitating formal contracts and by adaptation of customs. The article demonstrates how claims supported by writing are also bolstered and consolidated by claimants' investment in social ties and ostentatious rituals invoking tradition. The article shows how – technically illegal – land sales are accompanied by syncretistic processes recognizing the validity of the transactions. The contribution shows clearly how acquired land is not acquired once and for all, but requires constant maintenance of the social relations that guarantee property.

The concluding essay by Boone moves from the more processual interpretations that we have privileged in this introduction to a more institutional and structural reading of land politics. In putting the spotlight on processes of land accumulation, commodification, growing exclusivity of land rights, and redistribution of rights, she is interested in the power relations around land that are distilled in patterned institutional configurations, or land tenure regimes. She proposes a way of thinking schematically about how land tenure regimes vary across space, and suggests that these variations are often visible in the varied patterns of land-related conflict that emerge. The piece is a call for structured comparisons of land regimes and land politics, and for linking such studies to analyses of the state and national political trajectories in Africa.

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