

Land Holding and Social Organization

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As many writers have pointed out, the field of investigations covered by the analysis of African systems of land holding is very wide. Again and again it has been stressed that, in order to obtain a clear picture of these complex patterns, it is necessary to take into account various aspects of social organization, population density, agricultural methods and the broader economic field. Various other factors, such as religion and value systems, particular ways of thinking about geography and history of the groups involved, are also highly relevant. Many years ago, B. Malinowski in his writings on the Trobriand Islanders and M. Mauss in his *Manuel d'Ethnographie*¹ indicated the variety and complexity of factors involved.

The interplay of these factors has had widely different effects, since in many societies one or more of them are stressed. Thus in some West African and Congo societies the religious aspect is emphasized, whereas in the southern and eastern parts of the continent the political aspect seems often to predominate. And again among some Ghanaian peoples the economic aspect of land holding is clearly discernible, whereas among the Kongo principles of land holding have to be discussed with continual reference to the history of fluctuations in the segregation of lineage groupings and the expansion of Kongo on Teke lands. It is therefore no wonder that the subject of land holding has been treated in studies of African peoples under such diverse chapters as social and political organization, economic systems, agriculture, law, or as a separate category, and that the discussion of land rights tended to be inadequate where it has not been confused.

In this paper we will be essentially concerned with "analysing the cluster of rights of social personalities and groups in types of land used

¹ Mauss, M., 1947, pp. 144-147; Malinowski, B., 1938, I, pp. 328-330.

for specific purposes.”² To show why the content and nature of these rights take particular forms, we have to relate them to other factors in the total cultural setting. We should also make clear that the concept “land holding” is somewhat misleading when applied to African practice. This is because rights do not necessarily relate to land as such, but more often to the use of it for specific purposes, to its products and resources, and to various other of its attributes, such as those that are religious or political. The rights to be discussed, then, are not always rights to land *per se*, but also rights of access to land, rights of ritual or political control over land, rights of allocating or distributing land, and rights of settling disputes over land.

It is quite clear from the studies which have been made that many of our current conceptions of the nature of land holding, and our ways of thinking about such matters as land resources and the incorporation of labor into the land, or about land ownership, transfer and alienability of land, or its meaning and value in the economic sphere, cannot be applied to the analysis of African land holding systems without considerable reinterpretation. It is too simple to reduce the variety and complexity of African systems of land tenure by approaching them in terms of Euro-american legal codes, or to translate the many shades of meaning contained in African conceptual categories which relate to the land and to the peculiar types of relationships between individuals and groups with regard to the land, into restrictive statements such as ownership, possession, usufruct, ultimate title, residuary right, sale, mortgage, loan, *chef de terre*, and the like. This is why the kinds of title held by individuals and groups with regard to the land, and the types of control they exercise over its resources, are extremely difficult to describe in precise terms.

The many reasons for this deserve our full attention, and will provide the basis for our discussion. Some of the rights ascribed to groups or individuals are essentially theoretical. Thus the Nsaw of the Cameroons Highlands hold, in theory, that parcels of land should be regularly re-allocated by the heads of patrilineal kin-groupings, but in practice the land remains in the hands of families and their descendants.³ Furthermore, some of these heads assume political functions at the local level, either as local chiefs or village headmen, and control larger areas of land than the ordinary heads of kin-groupings. Finally, the paramount chief has the right to resume rights in land already held by these heads, but in practice he rarely does it.⁴ This situation leads to various apparently contradictory statements on rights in land existing within the same

² Gluckman, M., 1944, p. 18.

⁴ *Ibid.*, 1950, pp. 313-316.

³ Kaberry, P., 1952, pp. 46-48.

society that can be given by students concerned with this problem, so that "ownership" of the land may be simultaneously attributed to ancestors and chiefs, to local chiefs and village headmen, to heads of larger kin-groupings and families. It becomes apparent that to hold a particular title in land is often merely a question of prestige or of ritual privilege, and has little or nothing to do with its allocation or actual usage.

The exercise of rights in land always implies various duties and liabilities. We rarely find rights having an absolute or exclusive character. The king of the Rotse of Northern Rhodesia is *mung'a*, "owner" of all the land, but he must give every subject land for his house and to cultivate. He protects the rights of all his subjects, allows them freely to hunt, fish and gather food on unoccupied land. Moreover, when he allocates land to a particular individual, the right of the latter is conditioned by his position and presence in a village. Thus despite the theory of Rotse land holding, and its phrasing, the Rotse king makes no use of his acknowledged right to all land.⁵

2

African concepts referring to various types of control and rights over land, as symbolized in their linguistic expressions, have been found to be extremely complex. This is the more so, since a single term may be used for describing apparently widely different relationships. It can be assumed that many writers have been misled by the tendency to translate these words by reference to well-established Euroamerican legal categories, without paying enough attention not only to the particular social, but also the linguistic contexts in which these concepts occur. Although we encounter occasional references to this problem, and occasionally the native terms are given, one can point to no study of African land systems that has fully analysed modes of land holding, by taking them adequately into account. The Nyanga of the central eastern Congo describe the different categories of persons that may lay claim to land or farms, or crops, by the use of the single concept *mine*.⁶ Its primary meaning, as the people understand it, is "being with"; its full significance in a given instance becomes apparent only when it is combined with other words. Moreover, these various combinations can be applied only to well-defined categories of persons.

Thus, a woman, whether living in her father's or her husband's

⁵ Gluckman, M., 1959, pp. 743-745.

⁶ These notes are based upon field work among the Nyanga, carried out from 1954 to 1956 under the auspices of I.R.S.A.C.

village, is always *mine mereme* ("being with crops"); men who are descended from the local multilinear descent group are *mine ishwa* ("being with field," particularly with banana groves); men who simply come to join such a group, such as men who come to live with girls "married to spirits," or men who come to live with a mother's or wife's or sister's husband's group, can only claim the title of *mine mereme* ("being with crops"). The head of an extended family (*mutambo* of a *nkhumo*) is called *mine mutundu* ("being with hill such and so," or better, in Nyanga terms "being with children such and so of a mountain"). The senior of a local descent group (*mutambo* of a *rushu*) has claim to the title *mine butaka* or *mine ntata*, "being with unit of land" or "being with mountain." These usages obviate confusion, and underscore the fact that the content of the rights referred to is completely different.

The use of the plural, *bise*, is also possible. It refers, in the first instance, to husband and wife; in the second to a man and his brothers and sons; in the last two, to the effective members of the social groups involved. In some cases the content of *mine* is different according to whether it is used by oneself or in reference to someone else. No one in Nyanga country, not even the divine petty chiefs, can call themselves *mine cuo* ("being with the petty state"), but their subjects may refer to them in that way. There is no *mine oto* (soil as such), although it is often said that the ancestors are *bise oto*. Living individuals among the Nyanga can only establish *mine* relationships, firstly, with parcels or areas of land that "were subdivided by those who lived in ancient times," and in this case *bakare* ("those of old"), and not the word *bashumbu* ("ancestors"), is used. Secondly, they can establish *mine* relationships with land where labor has been or is being incorporated.

In African societies, groups of individuals do not always hold the same type of right with regard to a particular piece of land, nor is a particular parcel always controlled by the same group. This fact is linked to the incidence of migration and expansion, and to various forms of shifting cultivation and transfer of lands. It is also related to different economic activities. Among the Yumbe, who live in western Republic of the Congo, minor kinship groupings hold fairly exclusive rights in particular savannas and forests with respect to residence and agriculture, but rights in hunting, fishing and food gathering, as well as those in such sacred places as burial or initiation grounds, are vested in a larger local community, which will include several such kinship units. That is, in a particular society, several systems of land-holding may co-exist and overlap. Different sets of rules governing land-holding that are found in the same society can be the result of distinctions made between categories of economic activities or of mere ecological situations, such as

distinctions between very fertile and very arid lands, as among the Toucouleur of West Africa or the Tonga of Rhodesia, or between the ethnically heterogeneous elements in a society as among the West African Tallensi or the Mandari of the Sudan Republic, or in regions where hunting groups live in social symbiosis with agriculturalists, as among the Lese, Bira and Pygmies in the Congo.

3

No simple correlation can be established between types of social and political organization and particular systems of land-holding. Let us borrow a few examples from societies with centralized political systems. In some societies of southeast Africa, land rights can be conveniently viewed in terms of what Gluckman has called "an hierarchy of estates of holding."⁷ That is, chiefs assign their land and delegate their powers more or less permanently to territorial chiefs, who in turn confer them upon village headmen and family heads. Elsewhere, as among the Ashanti of Ghana, the role of descent groups in matters concerning the use and holding of land is predominant, though there an elaborate theory has developed as to the rights of ancestors, and the ritual powers of the chief.⁸ Still elsewhere, as among the Lunda of the Congo, neither the paramount chief nor the many categories of territorial chiefs deal with matters of allocation and distribution of land, nor with land disputes. They are said to "look after the people" and to influence the well-being of the group as well as the fertility of the land. They do not, however, hold title to any particular piece of land, but live with their people on land attached to specific village titles.⁹ Among the Ruanda or Shi of the Congo almost all land is "owned" and distributed by the king; various kinds of persons hold it under an elaborate system of tenancy. In still other African societies the land is held by villages which got it by way of first settlement; there is no theory whatever that the king or chief would have distributed it.¹⁰

Few generalizations would be valid about the nature and content of rights exercised by such social categories as women or village headmen. Consider, for example, two groups in Northern Rhodesia, the Bemba and Tonga. Among the Bemba, village headmen organize collective hunting and fishing, initiate the new agricultural cycle and settle disputes over land; but they do not allocate it.¹¹ Among the Tonga, on the other hand, a village headman has practically no other rights than

⁷ Gluckman, M., 1945, p. 5.

⁸ Busia, K., 1951, pp. 44-45, 56.

⁹ Personal information received from Fernand Crine, Anthropologist of I.R.S.A.C.

¹⁰ White, C. M., 1958, pp. 124-130.

¹¹ Richards, A., 1948, pp. 103-104.

those to the few fields he has personally acquired; he cannot allocate land, since he holds no more than the other members of his community.¹² Elsewhere, as among the Tswana of South Africa or the Mambwe of Northern Rhodesia, headmen and chiefs in general exercise a more thorough control on the allocation and distribution of the land and its resources, although they are not allowed to sell the land of their people or to give it away.¹³ In some societies, as among the Nsaw of the Cameroons or the Tonga of Rhodesia or the Tswana of South Africa, women have clearly defined land rights in their kinship groups; in others, as among the Afikpo-Ibo or Tiv of Nigeria, women acquire rights to land essentially by virtue of marriage.¹⁴ Most commonly women work land, rights in which are held by men.

How people work the land is part of their system of social relations. Lineages or other kinship groupings, villages or wards, chiefs or headmen, seniors of local kinship groups or ritual leaders exercise a good deal of control over land. Individuals have access to land essentially by virtue of their membership in lineages or villages. Kinship and residence rules determine the kind of people that live together and work the land together; kinship links determine where individuals cultivate.

However, land-holding is not merely a dimension of social organization. African peoples have developed theories about the land itself and its resources, and about the ways in which land can be acquired and should be preserved. They have concepts which enable them to refer to geographical and legal subdivisions of the land, and these concepts may be quite different from those relating to distinctions in their social structure. They have ideas about the particular geography of their country, about boundaries and limits, parts of land and types of land, savannas and forests, hills and valleys. They attach a series of values to it, both as resource and as patrimony; they have surrounded it with religious thinking.

It is in these terms that we may differentiate some of the general characteristics of African landholding that have been distinguished. In the first place, the general abundance of land allowed for various forms of extensive exploitation of the natural environment, and for the ready acquisition by all members of a given community of the right of access to land. Initial settlement and clearing of virgin land were held to be an important, if not the most essential, means for establishing secure title. A great many groups in Africa still hold land today by virtue of initial

¹² White, C. M., 1958, pp. 124-130.

¹³ Schapera, I., 1955, p. 196; Watson, W., 1958, pp. 94-106.

¹⁴ Kaberry, P., 1952, p. 48; Schapera, I., 1955, p. 206; Ottenberg, P., 1959, p. 208. For Tonga and Tiv, cf. communications presented by Colson, E. and Bohannan, P., at Second International African Seminar (Leopoldville 1960).

occupancy; individuals and families hold specific rights in parcels of land within a larger area, controlled by their lineage or village, because they or their forebears were the first to clear the land. These were by no means, however, the only ways in which land could be acquired. Gradual expansion on land previously occupied, or conquest, or pacific infiltration, or transhumance, conferred rights, though in many instances this led to ritual and political arrangements which counter-balanced the exclusiveness of the rights.

Generally the first settlers continued to have at least some claims under supernatural sanction, because of their mystical association with the soil. Partition of land between segmenting groups and various, often conditional, transfers of land between related or unrelated groups, through ritual exchange, symbolic sale, loan or mortgage were also current; but outright sale was exceptional.¹⁵ In a great many instances, rights in land, either in well-defined areas or in vaguely separate tracts, were vested in villages, lineages or other descent groups, represented by their headmen, seniors or counsels. In some societies with centralized political institutions, such as among the Ganda of Uganda or the Shi of the Congo, the rights of these groups had been entirely or partially suppressed in favor of chiefs, princes, officials or courtesans.

Individuals had access to the use—even the permanent and hereditary use—of land through various channels. In all societies they could obtain this right in various ways, one of which seemed to be the most important and to offer the greatest security.¹⁶ Usually, the essential mode was through membership in lineages, villages or other types of descent groups; in a few societies, through clientship and tenantry. But in the same societies, marriage, affinity, friendship, co-residence, ritual ties and various forms of "contract" could also lead to the acquisition of rights in land, which were conferred upon individuals and families in a more or less formal way, ranging from allocation to self-aid, and in a more or less permanent manner, that was valid as long as the land was actually under cultivation or even while it lay fallow. Where final say concerning allocation was vested in lineages or villages, various degrees of control were maintained by these groups over the parcels of land provided. Thus a lineage could retain "residual" rights over individual tenures, in the sense that it set limitations to the free transfer of such tenures to strangers. Its control could be greater where there were annual allocations of land, or where the seniors of the groups had a claim to some part of the harvest or of the game killed there. At the

¹⁵ Cf. for example, Fortes, M., 1948, p. 249; Wagner, G., 1956, p. 98; Köbben, A. 1954, pp. 314-316.

¹⁶ Cf. for example, Nadel, S., 1951, p. 181; Wagner, G., *op. cit.*, p. 77.

other extreme, the rights of the larger groups could be merely theoretical and in actuality individuals and immediate families had full control over the use of the land held by them.

Land was thus a most important part of the patrimony of the various social and political groups in African societies, not only because it provided subsistence, but also because in most instances it set the essential condition for the maintenance of sovereignty and their continuation as autonomous units. This was reinforced by the fact that, in the view of many African peoples, land was a sacred heritage that had come from the ancestors; it was where ancestors had lived and its integrity had therefore to be preserved.

4

In general, at least theoretically, all members of a given community had the right of access to land used for hunting, fishing, food gathering, cultivation and residence. Except perhaps in the case of a few states, organized along lines comparable to feudalism, there were no landless people, in the sense that all individuals could without difficulty acquire the right to live on the land and work it, although the sources and nature of their possession might take on various forms in different societies. That is, while it was not difficult for individuals to obtain use of the land, they could rarely obtain definite and full title to it or, in some cases, to enjoy full security. Generally, continued residence, continued use, incorporation of labor and acceptance of the local code made for sufficient individual security. Even if the rights were temporary, or were withdrawn as regards a particular piece of land, a person still had economic security, since he could always obtain other land.

Rights of women, though well recognized, were in general determined by those of their husbands, lovers, fathers, brothers or sons. This arose from the fact that the task of clearing land was most commonly done by men; and under the systems of shifting cultivation that were prevalent, this had to be done every few years. In many societies, women had either partial or total rights to a garden and its produce, acquiring these rights through kinship, marriage and residence. Husbands had to give their wives gardens; if they did not, there was ground for divorce.¹⁷ In some societies, however, such as Nsaw, Tonga or some Ghanaian cocoa-farming peoples, women's rights were more extensive. Within their own kinship groupings, they had the same rights as men. They could have exclusive ownership of the produce of their gardens. Thus among the

¹⁷ Gluckman, M., 1959, p. 746.

Kuba, women have their gardens in the savanna country and men in the forest; women are exclusive owners of whatever their gardens produce; men have to share the produce of their gardens with their wives.¹⁸ Among the Lozi, man and wife are a kind of "joint owners" of the produce cultivated by the wife in the garden given her by the husband; if, however, the husband resides in his wife's village he has no right to her produce.¹⁹

The amount of land actually used for residence or cultivation was generally small; various magical, technological and economic reasons may account for this. Differences in rank were not necessarily expressed in size of holdings, but might as well be expressed in the acquisition of less remote gardens or more fertile areas.²⁰ The question of the ownership of vacant lands—or even of the very existence of such kind of lands—was generally not raised. Lineages or villages did not have to make full or continual use of all their lands in order to maintain full claims to them. In some regions, however, no-man's-lands existed. These vacant regions functioned as a zone of protection between hostile societies; they were also thought of as possible areas for expansion, as among the Logoli of Kenya.²¹

Alienation of land was by no means common, though several forms of transfer of rights were known, and there was great flexibility in the rights of use. Among the Tallensi of Northern Ghana, even the "rights of tillage" in lands situated in the neighborhood of settlements could only be alienated, under circumstances of extreme necessity, to kinsmen, or members of the local community, or members of the clan. The same regulations applied to a less extent to bush farms.²² Generally speaking, in Africa, transfers of land and of rights in land could only be achieved under certain circumstances and with certain restrictions, and the categories of people, the kinds of valuables used and the procedures involved in the process were strictly circumscribed. Moreover it is often extremely difficult to assess what is the exact implication of such a transfer; whether it can be considered as loan, or mortgage, or sale, or gift, or whether it is transfer of land as such or simply of the rights to use the land.

In general, those who leave the land, or abandon it (even when forced to do so), or transfer it, retain some kind of right or claim to it. This may be expressed in various ways. Those who grant land may continue to live on it, or they may retain certain ritual rights, or they may be permitted to carry on certain economic activities on it, or they may be

¹⁸ Personal information received from J. Vansina.

¹⁹ Gluckman, M., 1945, pp. 8–11.

²¹ Wagner, G., 1940, pp. 227–228.

²⁰ Kaberry, P., 1952, p. 48.

²² Fortes, Meyer, 1948, p. 249.

entitled to tribute, or they may be enabled to take it back. Outright sales of land were, and still are, rare; the very idea of alienation of land was, and still is, very often absent.²³ Among the Kgatla of South Africa, land could never be sold, although transfer of land for cultivation from one man to another—say between relatives or friends—was common.²⁴ Among the Nupe of Nigeria strangers had to be adopted into the household, when they made a request for land on which to settle.²⁵ Among the Tallensi of Ghana alienation of land was possible only in favor of clansfolk, kinsfolk, or co-members of the same local community.²⁶ Among the Lega of the Congo, all property except land could be used as stakes in gambling.

The distinction between "owner of the farm" and "owner of the soil,"²⁷ between first settler and newcomer, between first "owner" and grantee is widely found. It would seem that, even in those societies where the principle of alienation of land was accepted, transfers occurred only when there was great need, as, for example, in paying debts, collecting initiation fees, or discharging urgent ritual and political obligations.²⁸ Moreover, some lands were always non-transferable; among the Nyakyusa of Tanganyika and Nyasaland the very scarce and valuable ground in the bottom of old volcanic craters could not be alienated;²⁹ among the Kongo and Yumbe of the Congo, burial and initiation grounds could not be transferred. When land was transferred, the agreement of all the members of the local "owning" group was necessary; as among the Kgatla of South Africa, they had to agree, not only upon the transfer itself, but also upon the acceptability of the particular grantee.³⁰ Among the matrilineal Yumbe of the Congo the transfer of land to sons or grandsons was accompanied by an elaborate ceremonial in which fetishes linked to the earth were handed over by their fathers; the transfer of land to non-kinsfolk implied the payment of a few slaves.³¹ Many factors—the wide importance attached to first occupancy, often involving mythical relationships with the soil, or assigned to the preservation of the integrity of the patrimony of the group, or the desire to attract many people on one's own land, or the

²³ The very concept of alienation of land would have to be redefined, since it can hardly be applied to situations where adoption and integration in the local kinship group, or political allegiance and residence, or friendship, or various ritual arrangements, are prerequisite to the use of land by "strangers."

²⁴ Schapera, I., 1955, p. 203.

²⁵ Nadel, S., 1951, p. 182.

²⁶ Fortes, M., 1948, p. 249, n. 2.

²⁷ Fortes, M., 1945, p. 177.

²⁸ When, among the Nyanga of the Congo, a divine petty chief is consecrated, he has to give tracts of land held by his kinship grouping to various ritual leaders in the community and to his ritual wife.

²⁹ Wilson, M., 1951, p. 46.

³⁰ Schapera, I., 1955, p. 203.

³¹ Personal inquiries among the Yumbe.

economic advantages derived from possessing land that is plentiful, or the prestige values attached to holding land—all seemed to enter.

The religious background was also relevant. One of the reasons commonly given for the inalienability of the land by the rural people, but also by African writers and by anthropologists, refers to its sacred character, which is particularly important where land is considered to be closely tied up with the ancestors.³² Among the Bemba of northern Rhodesia the spirits of dead chiefs become tutelary deities of the land.³³ Among the Tallensi of Ghana, inherited farm-land belongs to the ancestors, it is their sacred trust; they represent the ritual sanction against its sale or pledging.³⁴ Among the Ashanti of Ghana, the chief cannot sell the land without the agreement of the lineage elders concerned, and without obtaining the ancestors' sanction through sacrifice.³⁵ This does not mean that African peoples are unable to distinguish between economic or utilitarian aspects of land and ritual relationships with it; neither does it mean that the mystical bonds with the land are everywhere recognized. Even in the same society, some groups or individuals may feel the sanction of a mystical relationship much more strongly than others. Among the Tallensi of Ghana the Tendaanditib clans are much more mystically linked to the soil than Namoo clans.³⁶ Among the Lunda of the Congo, heads of local descent groups are ritually much closer to the soil than local chiefs.

5

With the end of the colonial period, various new factors have increasingly entered to change African systems of land holding. Among the more important of them have been the application under the colonial regime of new legal systems and regulations relating to land holding, the introduction of new crops and the development of cash and export crops, the general demand for increased food production, the growing scarcity of land which in some parts of Africa has resulted from a greater demand for land, growing populations and persistence of rudimentary agricultural techniques, overstocking, impoverishment of the soils, and erosion, a higher degree of social mobility resulting in the presence on tribal lands of strangers, and the temporary or permanent absence of a good many members of the local land-controlling units, and the initiation of numerous schemes and programs of rural development. New situations have also arisen out of the policies of independent

³² Little, K., 1951, pp. 86-87.

³⁴ Fortes, M., 1945, p. 178.

³⁶ Fortes, M., 1945, p. 189.

³³ Richards, A., 1948, p. 97.

³⁵ Busia, K., 1951, p. 44-45; p. 56.

African states having to do with land holding. Indeed, it would seem that land tenure poses an extremely difficult problem to be dealt with by the new states, the more so since they must reconcile traditional practices concerning land with the many precedents set by colonial land laws, and yet think about original and typically African solutions which they stand for.

The effects which several combinations of these new factors can be expected to have on fundamental principles of land holding are extremely varied. Only a few trends can be noted here, some of which set a challenge to current ideas about eventual changes or orientations in African social and economic life and legal theory.

Greater scarcity of land has not generally led to more extensive individual holdings or individual ownership of land, nor to the position that land is a marketable or saleable entity. The psychological attitude toward land has often remained what it was when land was still plentiful, so that the feeling that all persons should have the right of access to land has continued to be prominent in African thinking and practice. This has led, as among some societies of southern and eastern Africa, to continual fragmentation and subdivision of the parcels of land,³⁷ and elsewhere to the restructuring of lineage controls on land where rights, at one time, seemed to have become largely individualized.³⁸ Absentees have not lost their claims; some have even had these completely maintained by leaving their wives and children on the land.

The scarcity of land has very much stressed the desire to maintain the land and caused feelings of frustration to arise as soon as part of it is lost. Africans in the new setting have often been found to be less interested in increasing productivity or developing plantations than in protecting and reaffirming their existing rights, and this has led to a demand for some form of registration of customary title, and to greater stress on the notion of set boundaries. In regions where strangers are numerous, as among the Agni of the Ivory Coast or the Lulua of the Congo, growing hostility has been noted toward land holding by outsiders. The Lulua ousted most Luba strangers after the Congo gained its independence; as early as 1948, Agni chiefs decided to grant no more land to strangers; those who were already present at that time were allowed to stay on, but could not increase their area; new land could only be given them for cultivating food crops.³⁹ Scarcity has led elsewhere, as among the Yumbe of the Congo, to the consideration that

³⁷ These points were clearly stressed by Prof. Monica Wilson for Xhosa and Mr. Homan for Meru at the Second International Africa Seminar, Leopoldville 1960.

³⁸ Studies made on the Ghanaian cocoa-farmers by Dr. Polly Hill (1961) reveal this feature.

³⁹ Köbben, A., 1954, p. 316.

traditional rights to property in land have to be preserved by all means; the outright sale of it has simply become impossible.

Moreover, many rights of lineages and individuals who acquired parcels of land in the past through ritual arrangements or patrilineal ties have been questioned by the descendants of the first settlers and given rise to insoluble problems.⁴⁰ Among the Bete-Dida of the Ivory Coast and the Yumbe of the Congo, the combined effect of the growing importance of cash crops and the increasing population has been to bring about a considerable increase of litigation over land, not only between different kinship groupings, but even within these groupings between families and individuals.

Societies where descent is counted in the maternal line, in particular, have been faced by the complex problem of inheritance of rights in land and in plantations. Men who wish to see their plantations pass to their sons face the adverse reaction of their matrilineal kinship groups. This had led to much conflict between brothers, or between men and their nephews or cross-cousins, as customary law does not make provisions for this kind of situation, and sets limits as to the period during which kinsmen on the paternal side can stay on in the group. This is enhanced by the fact that in case of serious litigation, the courts have tended to favor the heirs who would succeed under customary law. New and intermediate solutions have had to be sought. Wills have been made, or fathers have given their farms to their sons during their lifetime, though even in such cases people did not accept a will as valid and the sons, on their part, could not obtain adequate protection from their father's maternal kinsfolk. In other cases, men gave their farms to their sons, but permitted houses, money and other valuables to pass to their brothers and nephews.

Most large-scale resettlement and consolidation schemes have either failed or have proved to be inefficient. Even though they had an adequate technical base, many of the schemes completely ignored the social organization of the people who were involved in them, or they misrepresented the relationships between the people and their land. Psychological attitudes were also powerful; people did not want to leave the ancestral land and to work new, though more fertile, land on which they had no customary claim; or, having left their land, they found it was better than that on which they had been settled. They felt that they had lost their security, or they did not like the districts where they had to live or their new neighborhoods.

Among the Mossi of Upper Volta who have been resettled at the *Office du Niger*, there seems to have been no major difficulty in adapting

⁴⁰ Personal information collected among the Yumbe in 1959-1960.

to the new natural environment, which was fairly similar to their original habitat in the Yatenga. Adjustment to some supernatural aspects of the new setting was somewhat more difficult; but through Bambara influence, they became somewhat superficial Moslems. Most difficult was to adjust to the social situation in which they found themselves. This they did not understand, since it derived from the reconstruction and maintenance by the French administration of a system of social organization that was incapable of being integrated with the economic and technological requirement of the Niger Scheme.⁴¹

In some regions the new factors at work led to the curtailment of women's rights; in others, to a considerable increase in the rights of chiefs and to a general confusion between political and ritual rights, on the one hand, and land rights, on the other hand; in still others, to the emergence of new categories of rich and poor in land, of tenants or hired laborers; still elsewhere, to landless individuals and even landless lineages or villages.

Generally speaking, the picture became more complex as the number of types and varieties of landholding increased. But there are almost no instances where spontaneous developments towards a Euroamerican type of land holding, or acceptance of Euroamerican legal theory, seem to have taken place.

⁴¹ Hammond, P. B., 1959, pp. 252-256.