11.6. Institutional encounters: European property rights in colonial contexts. Part II: Africa

Panel organiser: Serrao, Jose Vicente, ISCTE-IUL Lisbon University Institute, Portugal

Part of the European rural history has to be found elsewhere, in all those places around the world that became under the imperial and colonial rule of some European powers between the 15th and the 20th century. This European colonial venture was not, of course, a single process, involving a variety of countries, chronologies, motivations and opportunities. The societies, institutions, economies and natural environments the Europeans found overseas grew together. How the Americas to Australasia, were extremely scarce until. Yet all the European empires were forced to face, at some point and to some degree, the need to regulate property rights over land resources. Very often, that issue arose at first as a mere response to pressing situations, like the need to take possession and re-allocate native lands to in-coming settlers, or the urgency to replace structures of power and tax-collecting left empty by the transfer of sovereignty to the European authorities. However, the rule over land and the regulation of property rights soon became a permanent and powerful tool of political and social control, of sovereignty claiming, of economic policy, of fiscal extraction, etc. On the other hand, seen ‘from below’, the reception and re-appropriation of these policies by the social actors on site generated very dynamic and complex processes of negotiation and conflict, for the colonial societies actually encompassed multiple interests, among them the pre-existing indigenous communities, with their own cultures, systems of social organization, institutions and property rights. The aim of this panel is to discuss the diversity of solutions adopted in dealing with property rights and the institutions regulating and enforcing them across the European overseas empires. How and what for were they conceived and how were they received and eventually re-arranged by the social players? To what degree did the European institutions change when transposed to colonial contexts? How did they shape the agrarian economics and the rural societies submitted to colonial rule? How did they survive the collapse of the European empires and to what extent did those processes influence the post-colonial economies and societies of these counties? These are some examples of questions addressed by the papers included in this panel, which is particularly concerned with the interaction between European and native institutions across time and space. It is a double panel, geographically organized, Part I being devoted to Asia and Latin America, Part II to Africa.

Chair: Serrao, Jose Vicente, ISCTE-IUL Lisbon University Institute, Portugal

Thursdays, 22 August 2013 // 1430 – 1630 // Session 11 – Room A 022

11.6.1. Explaining the diversity of property rights regimes in the Tropics within the British Empire, 1850-1950

Byerlee, Derek, Independent scholar, Washington, USA

Property rights regimes governing the expansion of commercial agriculture in the tropics have varied widely between and within colonial empires. This presentation will illustrate the diversity within the British Empire from 1850 on. I will show a divergence from full recognition of indigenous customary rights in Ghana/Nigeria to full treadmill subdividing settlers in Kenya, with intermediate options such as medium term leasehold for plantations in Malaya combined with recognition of some indigenous rights. These differences in turn led to quite different agrarian structures and development outcomes. However, policies often evolved over time sometimes favoring customary tenure and sometimes alienating indigenous rights. The political economy underlying these changes will be explored.

11.6.2. Endogenous Colonial Institutions: lessons from fiscal capacity building in British and French Africa, 1880-1940

Frankema, Ewout, Utrecht University, Wageningen University, Netherlands

Taxes constitute the financial backbone of a state. In this paper we explore the role exogenously imposed metropolitan policies and endogenously shaped conditions in the process of colonial state formation in British and French Africa through the lens of colonial taxation. Using colonial government budget accounts we construct PPP-adjusted comparisons of per capita government revenue, analyze the source composition of taxes, and compare per capita tax pressure. We find that local geographies and indigenous responses to commercial opportunities were key in the design of local colonial tax systems and that typically “British” or “French” tax policy blueprints are hard to decipher. All colonial administrations in Africa shared a preference to tax international trade and only resorted to direct taxes (head, poll, cattle or hut taxes) when the potential for taxing trade and consumption was limited. Forced labor programs occurred where alternative revenue opportunities were limited, although once in place, the French tended to maintain the crown much longer than necessary.

11.6.3. How European concepts of marriage and land ownership excluded rural women in Kenya from accessing and owning property

Chabeda-Barthe, Jemaiyo, University of Geneva, Switzerland

The British colonial land policy began when Kenya became a crown colony in 1920 and all the land was assumed to belong to the crown. The acquisition of African lands took place through the Crown Land Ordinance of 1915 and the new English tenure of land. In 1932, the Kenya Land Commission was appointed and charged with the responsibility of appropriating land to Kenyans and British settlers in accordance with the British colonial laws. By 1954, the Kenyan guerilla freedom army Mau Mau demanded the land back and many were killed by the British. In 1963, Kenya attained independence but continued with the land policies left by the colonialists. This paper will concentrate on women’s property rights in Kenya within the context of British colonial institutions. The British overlaid indigenous customary tenure systems and applied western concepts on the institution of marriage and land reform. The two forms of property within the colonial context that this paper will address are Land ownership and Matrimonial property. The colonial policy of individualization transformed land from a shared form of property to individual ownership through registration. Land was registered in the man’s name. Also, the colonialists assumed that marriages are monogamous and imposed the Married Women’s Property Act of 1882 onto Kenyan courts as the only avenue for married women to access matrimonial property. Since the majority of rural marriages were polygamous the Act hindered many women from accessing and owning matrimonial property.

11.6.4. The „registro de inmuebles“ as a tool of colonization in the Spanish Protectorate of Northern Morocco (1912-1956)

Marchán, Jesús, Universitat Pompeu Fabra, Spain

The Spanish protectorate in northern Morocco was a very expensive colonial enterprise. The difficulties involved in the “pacification” of the small area occupied (about 20,000 km²) in comparison to the metropolitan territory (about 505,000 km²) were enormous. The main objectives of the Spanish authorities was to obtain economic benefits from the exploitation of Moroccan natural resources. One such activity was agricultural colonization. Therefore it was necessary to introduce a new system of property to develop it, in the context of a new and colonial judicial organization. The purpose was to modernize both the Moroccan justice, considered backward, savage and cruel, and the Moroccan property regime, criticized by the Spanish colonialists as delayed and insecure. Thus Spanish colonialism introduced a new legislation that aimed to promote the development of agricultural colonization. Thanks to this “legal colonization”, Spanish settlers could easily acquire land in northern Morocco. However, there existed various types of properties that were inalienable. With these reforms, adapted protectorate agreements were intended to promote the mobilization of Moroccan lands. In this paper we will discuss some points that led to the establishment of the Registro de Inmuebles a property registry in Spanish protectorate of northern Morocco, the legal basis for agricultural colonization, and the legal status that was granted to the different types of properties that existed in Morocco to encourage their mobilization to achieve the metropolitan agricultural purposes.

Participants

Byerlee, Derek

Derek Byerlee (Australian) is an independent scholar based in Washington, DC, USA. He is a Fellow of the American Association of Agricultural Economists and has published widely on the economics of agricultural development. More recently he has turned to agricultural economics with a particular focus on social and environmental outcomes of land expansion on the frontier during the first period of globalization, 1850-1930, both for settler and plantation agriculture.

Frankema, Ewout

Ewout Frankema obtained his PhD from the University of Groningen in 2008 and was awarded in 2010. Frankema was appointed as full professor and chair of the Rural Economics and Social History Group of Utrecht University. In 2012 Frankema was appointed as full professor and chair of the Rural Economics and Social History Group of Utrecht University. In 2012 Frankema was appointed as full professor and chair of the Rural Economics and Social History Group of Utrecht University.

Marchán, Jesús

Jesús Marchán is a PhD candidate whose research interest is on gender, ethnic conflicts and land reform in Kenya. He has a PhD in political development of land in Morocco and is currently working on a BSc project on historical land holdings in Africa.

Panels