



Rural History 2021

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The social construction of the market

Market land transfers in customary systems of Europe and developing countries, XVIIIth-XXIst centuries

June 22nd 2022, 15:00-17:00

Organisers: Eric Léonard (IRD, UMR SENS) & Jean Philippe Colin (IRD, UMR SENS)

The panel aims at giving an opportunity to bring together historiographical studies of the land markets in the old regimes of Europe and Latin America, and ethnographic work on the same issue in customary systems of developing countries – notably in sub-Saharan Africa. The privileged angle of attack is the social construction of the land markets and their forms of social embeddedness (in the complementary perspectives offered by Karl Polanyi and Mark Granovetter). More broadly, the panel aims at exploring the issue of the emergence and transformation of land markets as part of the broader dynamics of the integration of rural societies into market economies.

Proposals may examine in particular:

- the trajectories of emergence and transformation of market land transfers regulated by social networks or community organizations, in a perspective of institutional change and through an analysis of actors' agency regarding institutions (understood in the sense of 'rules of the game');
- the relationship between transfers of land within family groups and participation in land markets, in terms of inclusion and exclusion of family members regarding access to family land;
- the impact of the development of land markets on land-use et land ownership structures;
- the impact of the development of land markets on the 'commons' (dissolution, redefinition of the perimeters of social membership, redefinition of rules of use and administration, etc.);
- the trajectories of conflicts and the emergence of local devices securing market land transfers;
- the forms and processes of interaction between social actors and public authorities in the regulation of market land transactions, in particular from the point of view of the relationship between local practices and the legal / regulatory framework;
- etc...

The Emergence and Dynamics of Rural Land Transactions in West African Contexts

Jean-Philippe Colin, IRD/SENS

jean-pjilippe.colin@ird.fr

This communication sketches the conditions and processes of land commodification in West African contexts. Based on a literature review and on field research I conducted in Lower Côte d'Ivoire along these past four decades, it will shed light on four key issues.

The factors and processes of land commodification. Land commodification can be related to the increase of land pressure and to the economic valorization of land. The shift from customary transfers to market transactions is most often progressive, and land transfers often remain socio-politically embedded. The commodification of land usually takes place outside the formal legal framework. The divorces between land practices and the legal framework, and between land practices and customary norms, result in the development of informal transactions, and issues of land transfers security (cf infra).

The institutional arrangements organizing transactions. The range of types of transactions is very broad (sales, rentals, sharecropping, etc.), with high diversity within generic categories. This diversity bears witness to the institutional innovation capacity of local societies.

The actors. Land commoditization in West African contexts is closely related to the arrival of national or foreign 'outsiders' – as, until recently, natives in most regions had access to family or lineage land. On the supply side, besides individual owners, heirs of family land estates, and customary authorities, one category is attracting attention: landowners' young relatives. These actors, sometimes city dwellers, are mentioned in all contexts in 'hidden' sales, made with no legitimacy and without the knowledge of the family. On the demand side, two categories stand out: national or foreign non-native family farmers, who have long been identified as key actors in land transactions; and, more recently, national urban actors. The tensions and conflicts induced by land transactions. I'll focus here on 3 points. (i) When transactions develop on a large scale, tensions sometimes arise from young natives who find themselves marginalized. (ii) Tensions may come from contestation of sales by the assignor's relatives, when the land sold had been inherited as a family estate. (iii) Conflicts arise when the rights transferred through a 'sale' remain largely unspecified, opening the transaction to divergent interpretations.

Land market within family groups. Effects and functioning of a land market embedded in kinship relations in Madagascar Highlands.

Hadrien Di Roberto, Cirad/ART-Dev

hadrien.diroberto@outlook.fr

Increased competition for access to agricultural land in Africa has led to a renewed interest in land markets. While there is a growing literature on the economic effects of markets, equity of land markets in south Saharan Africa is still a controversial issue.

Based on a study conducted in the Malagasy Highlands, the presentation analyzes the characteristics of land markets, their institutional foundations, and how they contribute to the processes of land allocation. Family appears as a fundamental institution regarding land sales market. We underline how kinship ties and relations shape market transactions and enforce "priority rules". The presentation asks why do most land sales transactions take place within family groups and what are the effects on land allocation and inequality?

This communication is based on field research on land transactions in Madagascar in 2 rural communes of the Malagasy central highlands (Vakinankaratra region). We used mixed methods integrating qualitative and quantitative data. First, we used data from 300 rural households (SALIMA

Project from INRAE/CIRAD partnership). Then, between 2016 and 2017, we conducted around 200 qualitative interviews about access to land, as well as direct on-field observations.

First, the presentation analyses the effects on equity of land sales market. Particularly, we try to identify what is the effect of initial land inheritance on land market participation. As a first result, econometric analyses show a less pessimistic picture of land-sales market than we expected in a context of severe land scarcity. Indeed, land markets contribute to equalize the distribution of land in favor of households with less inheritance.

Then, the presentation shows that the mitigation of inequalities stemming from inheritance is partly explained by specific family rules that channel land sales offers to relatively less endowed households. It underlines that family and local norms about land transactions lead to market segmentation. Relevant information on land sales mainly circulates within family networks which enable a diversity of household to access land, and may reduce the risk of elite concentration.

Redeemable sales: from customary practices to their re-framing under state law. An ethno-historical perspective

Jean-Pierre Jacob, IHEID & Eric Léonard, IRD/SENS
jacob9002000-site@yahoo.fr, eric.leonard@ird.fr

The sale with an option of repurchase, or redeemable sale, is a widespread institution, that can be traced in many customary systems, both across space and time. It can be described as an arrangement by which the owner of real estate, a plot of land or a building, transfers his possession in exchange for a loan, while retaining the possibility, for him and his close relatives, of recovering the full ownership thereof by restitution (without interest) of the received amount from to the buyer or to his heirs. We find historiographical and ethnographic evidences of such arrangements in contexts as varied as the Mesopotamian city of Emar, in the 14th century BC (Westbrook, 2001), in the classical Hellenic area (Vatin, 1962) and in the Roman Empire (Ourliac, 1937; Zwilve, 2004), in medieval European (Bart, 1962; Raggio, 1990), Islamic (Meron, 1984) and Chinese (McAlevy, 1958) legal practices, but also in African customary systems, like those of the Kabyles of Algeria (Ageron, 1968), the Kikuyu of Kenya (Mackenzie, 1996) or the Winye of Burkina Faso (Jacob, 2007).

In its “customary” local expressions, redeemable sales are typically part of the relationship between the right to property and the right to existence, as the buyer helps the seller to live (or provides him with extraordinary means which allow him to maintain his status) by purchasing his land, but also by renewing his right to property, as soon as his economic situation improves. Redeemable sales have developed as legitimate arrangements in wide contexts where lending money while perceiving interests suffers from moral (and legal) prohibition. The transfer of possession while maintaining the option of redemption allows both the moneylender to secure his capital (and perceive an interest through the direct use of the transferred property, or its rental), and the borrower, or his kin, to recover the property when their economic situation will have improved. In traditional contexts, the redeem faculty, in fact, is perpetual and can be transmitted from generation to generation. These arrangements may have rested upon the production of written documents, an act of retrocession being joined to that of the initial sale, in order to be countersigned by the buyer when the loan is settled (Bart, 1962), but they were mainly based on conventional cognitive frameworks, widely shared within local societies.

This paper aims at exploring the contents and meanings of these practices in reference to two empirical situations, in 19th Century Mexico and contemporary Burkina Faso. It will then examine the essential question of the re-framing of the redeem faculty in the contexts of institutional change, linked to legal transformations of customary property rights and its registration by non-local authorities. Some works, such as those of E. Léonard, in Mexico (2008 and 2020), or S. Huard, in Burma (2014), indeed show how the transformations induced by reforms in the content of property rights and in the system of authorities who ensure the regulation of these rights are likely to cause

major changes in the meaning of redeemable sales, and to create fields of opportunity for capitalized players, such as agricultural entrepreneurs, merchants, officials, or other villagers, to restrain the right of redemption of the sellers and his kin, and permanently appropriate rights that were transferred only on a temporary basis. The analysis of such processes and of the controversies they can cause makes it possible to decipher the mechanisms of social dis-embeddedness of land practices and land markets.

Between fantasy and reality. Indigenous participation in the land sales market within settled areas in Algeria (1877-1960)

Didier Guignard, CNRS
guignard@mmsch.univ-aix.fr

Were Algerians able to threaten French sovereignty by way of purchasing land before the war of independence? From the 19th century, their efforts in acquiring land within settled areas did periodically cause trouble for colonial authorities. Until the 1900s, the extent of cropland appropriated by the Europeans was facilitated by a settlement policy, a tailor-made legislation and economic power. But already before and further after this period, such a land hold was difficult to be retained by Europeans only.

Gradually, some opportunities were offered to certain categories of indigenous buyers, depending on land location and market conditions. However, due to the protected and expensive nature of this land market, it remained inaccessible to most Algerians. I shall start my presentation by assessing the available statistical data concerning land sales between Europeans and Algerians between 1877 and 1960. This data shows periods during which indigenous purchases surpassed European ones in expanse and/or value. These are the following: around 1890, at the beginning of the 1900s, at the end of World War I, in the 1920s and finally from the 1940s onwards. A viewing of the cartographic evidence pertaining to the above-listed periods allows us not only to specify the regions most concerned, but also to finally focus on local players engaged in these transactions. What were their financial resources, mentality, economic and possibly political motivations? Who were involved (ex. brokers, family and/or business partners)? Bank records, notarial archives, oral or written testimonies are available from both sides of the Mediterranean to answer these questions.

A study of the documentation at hand at different scales and from various viewpoints should allow us to examine the reasons behind the apprehensions evinced by the colonial authorities, whether these apprehensions were well-founded or rather stemmed from irrational fears. Further research may also bring to light a better understanding of the main features and mechanisms of this restricted market, as well as the different circumstances (period, location, players involved) dictating the degree of this market's accessibility. Although most Algerians could not participate in these transactions, investigating buyer profiles is an important factor in obtaining a wider, more nuanced and dynamic view of the indigenous society than that previously portrayed by nationalist and anti-colonialist historiography. Although its obvious political dimension, we need to explore the Algerian participation in this land market from a spatial, economic, social and cultural perspective in order to extract new knowledge.