

Land, Labour and Gendered Livelihoods in a "Peasant" and a "Settler" Economy

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Introduction

Africa historically has been land-abundant and labour-scarce. The situation in Africa contrasts with that in Asia, which has historically been labour-abundant and land-scarce. And it means that until relatively recently, land scarcity was not a major problem for African producers. In spite of this, we can surmise that access to land for women, or more crucially control over land, has been an issue for as long as patriarchy has existed. This is because labour applied to land creates capital; therefore land is a crucial source of power, whereas patriarchy is essentially the monopolisation of power by men.

Yet there exists a perception that women in West Africa have more secure land rights than do women in East and Southern Africa¹. This article seeks explanations for this perception, from a framework of the peasant-settler dichotomy in Africa. While there is a growing literature on women's land rights in Africa that makes no distinction between the former "peasant" and "settler" colonies, in African historiography generally, a major distinction has been drawn between them. We thus have separate literatures on "peasant" and "settler" economies of Africa that rarely speak to each other, and comparative African studies rarely cross the peasant-settler divide (Amanor-Wilks, 2006 and forthcoming). The main difference between "peasant" (or "peasant export")² and "settler" colonies is that in the former, land remained in the hands of African producers, who dominated local and export agricultural production. In the settler colonies by contrast, prime lands were expropriated to European settlers, who competed directly with Africans in both food and export production.

Alongside the question of differential gender access to land across the peasant-settler divide, this article considers two sets of questions on which there is division in the literature on land tenure and gender justice. Is customary law harmful to women's land rights or should it be codified

to protect women's land rights? Is access to land for women "negotiated", or are access and control products more of social conflict? The hypothesis of this article is that the assumption that access is negotiated works best in conditions of relative land abundance and that in conditions of scarcity, it is social conflict that produces change.

Negotiating access or inventing tradition in the fight for control?

Negotiation and conflict are not necessarily opposites. Sometimes they are part of the same process with negotiations following protracted conflicts, as in the case of the Lancaster House Agreement that ushered in Zimbabwean independence in 1980. Sometimes negotiations can pre-empt the outbreak of conflict, a classic example being the famous indaba held by Cecil John Rhodes with restive chiefs in the Matopos Hills in the early years of the colonisation of Southern Rhodesia (Thomas, 1996), though this, like the Lancaster House Agreement, did not bring lasting peace. On the other hand, one could argue over how to categorise the agency of the Gold Coast Aboriginal Rights Protection Society, which organised against the attempt to vest customary lands in the British Crown (NAG CPC1/2). Should the Society's success be attributed to negotiation or to the threat of colony-wide social conflict?

Against the weight of such history, Toulmin appears overly optimistic when she argues, following Berry (2002) and others, that access to land is "negotiated"³. For authors such as Amanor (2001, 2007) and Peters (2004), land access and control are not products of negotiation so much as struggle between competing interest groups. In contrast to Toulmin's view of customary law as "dynamic, equitable and flexible", Amanor argues that what goes as "customary law" in fact reflects an "alliance of rural power elites with the state" and that customary land relations are "rooted in structural power relations" (Amanor, 2007: 33–4). Peters (2004: 278) makes the interesting point that the "focus on demonstrating the fallacy of simple economic premises about the 'insecurity' of customary tenure has produced a new conventional wisdom among academic researchers which, in emphasising the negotiability, flexibility and ambiguity in relations governing access to land, is increasingly at odds with the proliferating evidence on competitive and conflictual relations over land". Indeed Whitehead and Tsikata (2003: 96) have noted that the "flexible and negotiable" claims to land use associated with customary African land tenure arrangements can be attributed to the "relative

land abundance that characterised much of sub-Saharan Africa in the past [...] linked to agricultural technology and practices”.

The following sections explore the ways in which tradition can be “invented” to enhance the claims of a particular interest group, often along gender lines, while blocking the prospects for negotiated access by excluded groups or individuals, especially women.

Women and the invention of tradition in Ghana

Polly Hill’s studies of pioneering Gold Coast migrant cocoa farmers showed that the land-buying “companies” that established Ghana’s cocoa industry did not include women. However, the local Akyem farmers who sold the land to these migrants had smaller farms, almost half of them owned by women (Hill, 1959 – cited in Amanor, 2007: 99; Hill, 1963). Earlier, Meek’s 1946 survey of the Gold Coast found that women made up 40 per cent of cocoa farmers. This evidence suggests that women in peasant economies have relatively strong land rights. Yet, although many of the women surveyed by Hill had more plots than men, their plots tended to be smaller: 40 per cent of men’s plots, but only 17 per cent of women’s plots, were over five acres⁴.

More recently, Okali (1983) found that in matrilineal areas, widowed women were dispossessed of their husbands’ cocoa farms on which they had worked, while Amanor’s studies (2001, 2007) of property relations in three largely matrilineal communities of Akyem Abuakwa, a once-thriving cocoa-growing area of Ghana, suggest that there is now no clear pattern of gender entitlement to land in Ghana. At Kofi Pare in New Suhum, where cocoa is still the dominant crop, women had little access to and control over land, which was originally owned by large wealthy pioneer farmers, who put different family members in charge of various plots of land and who also relied heavily on sharecropping arrangements.

There, Amanor (2001: 22) described a “mosaic of social relations based on social differentiation, large holdings surrounded by small holdings and various forms of labourers, labour tenants and tenant farmers”. Women described themselves as “wives” rather than “farmers”, though they grew food on their husbands’ cocoa plantations. Though landowners allocated some land to female relatives, this was largely for the benefit of their male children, and women were not involved in negotiating labour relationships. As cocoa farms matured, the area available for women’s food farms diminished and their roles as farmers became more marginalised. Rather, their role was “placing men in

matrilineages and maintaining the consumption and reproductive units of the men” (ibid: 23). Though most cocoa land at Kofi Pare was acquired at the end of the nineteenth century, Amanor reported continuing evidence of active land markets associated with demand for cocoa lands, though residents insisted that the land was family land. He concluded that land sales were related to distress and discreetly contracted to keep land prices high and thereby prevent sharecroppers from becoming landowners or dependent youth from usurping parental authority.

By contrast, in two adjacent communities at Atewa Range, where plantain had replaced cocoa as the dominant cash crop, the creation of a forest reserve by the colonial government had resulted in land shortage. Yet there was less evidence of land sales. Social differentiation in terms of landholding was less pronounced in these areas. It occurred across generations rather than across gender lines and the youth suffered most from land shortage.

Most interesting was the gender dimension of land relations and disputes. As men passed land to sons at the expense of daughters, women were redefining matrilineal inheritance to exclude male heirs:

“Many women are concerned that men are attempting to pass on land to their own sons at the expense of their daughters. Women are defining their rights in land according to a new interpretation of matrilineal inheritance which attempts to exclude men such as brothers, nephews and uncles from matrilineal land. They argue that if land is passed on to male heirs the men will give portions of the matrilineal land to their wives and children, thus diminishing the land the matrilineage has at its disposal. In contrast, if the land goes to the women of the lineage, their husbands will help them to develop the land, but it will be inherited by children who are of the matrilineages, thus consolidating matrilineal property. This ideology promotes the role of women as custodians of the matrilineage. [...] While this discourse is articulated to appeal to matrilineal sentiments and custom, it essentially subverts matrilineal authority by questioning the allegiance of the male head of the matrilineage to matrilineal principles. It takes advantage of attempts of males to shift the burden of their responsibility towards their sisters’ children and the rift between male elders and male youth, to redefine matrilineality according to matrifocal principles, based on the unity of three generations of female relatives.” (Amanor, 2001: 21–2; 90–4)

Elsewhere, Amanor (2007: 53) argues that the colonial framework “reinvented women as the wives of cocoa farmers”, rendering their land rights insecure and promoting marital conflicts and divorce. He thus joins a growing school on the “invention of tradition” (Hobsbawm and Ranger, 1983), arguing that customary land law is essentially “formulated from above” with origins in “colonial domination and the desire [...] to create ‘appropriate’ systems of land administration for people who had not evolved capitalist relations of production” (Amanor, 2007: 56). He draws attention to the point made by Mary Douglas (1969) that matrilineal systems tend to flourish in economic conditions associated with resource abundance and labour scarcity. This suggests that matrifocality⁵ could increase in significance if the reversal of Africa’s historical land-labour ratio impacts heavily on women.

Amanor’s findings are supported by Toulmin’s conclusion (2007: 98) drawn from ten West African case studies, that land access in West Africa is not based on any single set of rules. Toulmin points out that gender equality of access to land is demonstrably good for economic growth and development, and notes that access to land is especially critical to the livelihood security of poorer groups including migrants, women and pastoralists (ibid: 97). But contrary to the current push by donors and free marketeers for private land titling, Toulmin is one of a growing group of scholars who argue that private titling could damage secondary rights to land, thereby hurting less powerful groups including women (ibid: 112). In contrast to the settler economies, less than five per cent of land in West Africa is estimated to be under formal title, much of it in cities and project sites (ibid: 96).

Amanor’s story of struggle and invention is borne out in case studies from other parts of West Africa, where land shortage is particularly acute. For instance in The Gambia, a drought-prone and ‘land-short’ territory, the creation of a new irrigation project led men to wrest control from women by reclassifying their fields, in the name of custom, as “household” land, thereby ensuring their dominance of the project (Carney, 1988 – cited in Whitehead and Tsikata, 2003: 79). It can be seen from this case study that land scarcity led to the “invention of tradition” to dispossess women of their land, resulting in dominance of a lucrative new venture by men.

Such findings confirm the chief assumption of this article that women’s land rights suffer disproportionately as land becomes scarce. Notwithstanding Amanor’s finding that youths (both female and male) suffer most from land shortage, the fact that women were willing to risk undermining the loyalty of

men to age-old matrilineal systems to ensure that daughters directly inherited land suggests an understanding that the ground was shifting, that land relations were changing and that daughters were likely to lose their rights of access under customary systems. They also suggest that the “invention of tradition” works not only in the absorption of patriarchal attitudes to deny women rights in the name of African “culture”, but that women may themselves also invent tradition to advance their interests as an inter-generational group. Afraid that growing land shortage would impact worse on women than men, women developed new matrifocal traditions that would guarantee direct access to land for their daughters and granddaughters⁶.

Land shortage and insecurity are growing phenomena in Ghana, where chiefs compensate for their loss of revenue when land is allocated to citizens of an area, who have free user rights under customary law, by selling large tracts of land to “strangers” (Amanor, 2007: 37), who may be Ghanaian migrants or non-Ghanaians. These trends appear to be increasing with the deregulation introduced by structural adjustment in the early 1980s. The impact of these trends on women is likely to increase with the search for biofuels by European companies, which has already seen significant stretches of land taken out of food production in the oil palm-growing areas of the Western Region⁷ and in the Northern Region of Ghana, where a large swathe of land between Tamale and Yendi has been converted to the cultivation of jatropha for agrofuel production by Norwegian company Biofuel Africa, allegedly displacing families in farming villages⁸. In forest areas, the conversion of oil palm plantations to biofuels production could conceivably lead to palm oil being priced out of the local market, affecting the livelihoods of women, who traditionally process and market palm oil, a key ingredient in the diet of Ghanaians.

Beyond the rich forest areas of southern and south-central Ghana, gender discrimination in land allocation practices can be acute in the savannah areas of northern Ghana⁹. Patterns differ across the three regions of the north. In the Northern Region, a land crisis is producing “deagrarianisation” and intensification of women’s non-farming activities (Brycesson, 1997), notably in the processing of shea butter which has become a major industry dominated by women, as well as groundnut oil processing and rice husking (Yaro and Zackaria, 2008: 61). In the Upper East Region, with its smaller land surface than the Upper West Region, the rules of land transfer have become less clear, producing greater levels of insecurity as land rules are manipulated by elders and chiefs, according to Yaro and Zackaria (2008), and widows are sometimes

forced into sexual relations with landowners to maintain land rights. In the Upper West where land is more plentiful, albeit more degraded than in the Upper East, and supports a smaller population, there are however reportedly fewer cases of land being taken back (ibid: 58–9).

According to Yaro and Zackaria (2008: 66), women in all three northern regions of Ghana are excluded from agrarian decision-making because they do not own land. Instead they “borrow” land, interest free, from men, paying a kind of negotiation fee by way of kola nuts, drinks or cash, although some resort to begging. Interestingly, recognition of the superior farming skills of women, notably their reputation for applying manure to fields, is improving their access to agricultural land, particularly in the Upper West. With this improved access, they claim that: “women with resources are able to purchase land and pursue their livelihoods under the same conditions as men” (ibid: 67). For most women, though, it appears that purchase is not an option and borrowing arrangements impose constraints. For instance, conditionalities attached to the loan of land mean it may be revoked where a user competes with the landowner’s wife in the harvesting of lucrative wild fruits such as shea nuts, or refuses to give daughters or sisters in marriage to the landowner or members of his family (ibid: 63–68).

Even in the Upper West, where land is reportedly easier to access than elsewhere in northern Ghana, patriarchal attitudes constrain women’s control over land and can keep them in a form of bondage, as reflected in the following quotation by Sonwotuu an 80-year-old male farmer from Chiana in the Upper West:

“Though they [women] play an important role in income generation, we don’t give them rights over land because we the men own them as well. How can there be an ownership within an ownership?” (Yaro and Zackaria, 2008: 67).

This attitude reinforces the lesson of Nieboer’s (1971) hypothesis that slavery exists because labour is scarce in relation to land. In such conditions, polygamy can provide labour solutions. The authors note that Sonwotuu gave degraded lands to his three wives for the cultivation of groundnuts, a soil replenishing crop, reclaiming the land later for his own cultivation of millet. In an apparent reversal of the pattern in southern Ghana, here women grow the cash crop, groundnuts, while the patriarch cultivates millet, which is primarily a food crop.

Traditionally a labour reserve for the south of Ghana, the northern

farmlands must compete in the development of environmentally challenged lands with pull factors that encourage southward migration. The evidence from northern Ghana suggests a close link between the commoditisation of women and that of land. This point will be explored below in a Zimbabwean context.

Women and the invention of tradition in Zimbabwe

In Zimbabwe's history, the "invention of tradition" too often served the needs of the settler economy to secure black labour for white-owned mines and commercial farms. Schmidt (1992) shows that colonial administrators colluded with African patriarchs to control the sexuality of African women. Pass documents were introduced for women in the context of the colonial government's perception that it was losing control:

"Under our administration tribal and parental control has been broken down and is practically non-existent. A native female, married or single, can wander where she wishes. No restrictions are placed on her movements and the lure of the town and compounds attract her."

(Schmidt, 1992 – quoted in Amanor-Wilks, 1996)

In its quest for domination then, the settler state targeted both the movement of labour, including women's labour, and the use of land. Women were excluded from the formal colonial economy, which extracted male labour from neighbouring countries through the oscillating migratory labour system. While Zimbabwe (then Southern Rhodesia) was both a labour-sending and receiving country, South Africa was the main recipient of male labour for mines and commercial farms from Zimbabwe, Malawi, Mozambique, Zambia, Lesotho, Swaziland and Botswana (Amanor-Wilks and Moyo, 1996). In Zimbabwe, where agriculture proved more viable than mining for European settlers, male farm workers were paid sub-subsistence wages, enabling commercial farmers to expropriate huge surpluses. To maintain this system, women were confined to rural areas, the "reserves", where they subsidised the colonial economy through their farming and income-generating activities and raised the next generation of workers.

In relation to land, the term "usufruct" was a colonial invention. Under precolonial tenure, land rights were defined on the basis of evolving traditions and custom and the notion of ownership was well established. The customary rules of inheritance allowed subdivision and family rights to be transferred to succeeding generations. If formal interpretation of customary laws, the

so-called “tradition”, remained rigid, informal institutions by contrast adapted to changing conditions (Rukuni Commission, 1994 – discussed in Amanor-Wilks, 2006 and forthcoming).

Applying an “abundant land, scarce labour” analysis, one could moreover argue that in a context of abundant land, the concept of “well established ownership” is almost irrelevant. Where land is abundant, ownership is easy to establish and social conflict stems from reasons other than land shortage. Under conditions of land scarcity and shortage created by settler colonialism, however, the picture is very different. In the late nineteenth century, Rhodes’ men established a tradition of 3,000 acres for each white, male pioneer (NAZ CT1/20/1–3, Cory 1975), which has had particular repercussions for African women today.

A little over a decade after formal independence in Zimbabwe, land tenure commissioners found a situation of near anarchy in Communal Areas, where the breakdown of administrative structures had resulted in an escalation of land conflicts, leaving widows and divorcees particularly vulnerable. Such were the findings of the Land Tenure Commission appointed by the government in 1993 to review the appropriateness of Zimbabwe’s four land tenure systems (communal, resettlement permit, leasehold, and freehold title), and chaired by Professor Mandivamba Rukuni. In its October 1994 report, the Commission noted that land pressures had reached “crisis proportions” and that the most serious land conflicts occurred in Communal Areas, where the interpretation of land laws was far from uniform, leading to clashes between local government officials and traditional leaders. The Commission found that most inhabitants of communal areas preferred to refer land matters to traditional leaders, whom they saw as the true experts on customary law and less rigid in their interpretation of land law than the employees of local government Village Development Councils and Rural Development Councils. In spite of such conflicts, the Commission reported that the notion of “ownership” was well established in so-called traditional systems. Families felt that they “owned” land even when government officials classified their rights as “usufruct” (Rukuni Commission, 1994).

The Rukuni Commission report acknowledged, in keeping with Boserup’s thesis¹⁰, that increasing land pressure could be a prime mover for change in a self-evolving tenure system, but noted that the debate on tenure had focused narrowly on maximising productivity, with little regard for equity of access. This, it said, meant that the agricultural system inherited at independence

was “efficient” but concentrated in a few hands. It concluded that communal tenure was appropriate in conditions of high population density and limited resources, but required an effective and credible administrative system. Leasehold and permit systems, on the other hand, allowed easier access to land, but short leases and permits were unlikely to facilitate private investment. It concluded that freehold tenure is most effective where private investment is facilitated by public sector investment in infrastructure. But the Commission recognised that land under freehold tenure “may be underutilised and depending on the land market, could lead to skewed distribution of land”. It highlighted security of tenure as the most important ingredient in each tenure system (*ibid*).

Zimbabwe’s post-independence resettlement programme is often claimed to have been a failure. Yet, research by Bill Kinsey demonstrated that it was a huge success in terms of increased welfare for families who moved into resettlement areas, and most pertinently, more secure tenure for widowed and divorced women (Kinsey, 1999; 2004). In Zimbabwe’s communal areas, where 60 per cent of people live, women are more vulnerable to patriarchal denial of land access than in resettlement areas where empirical evidence by Kinsey and others shows greater tolerance of the rights of widows and divorcees by resettlement officials.

Women’s groups in Zimbabwe have called for a repeal of Section 23 of the constitution that places customary law before principles of gender equality in family and inheritance matters and are lobbying for joint registration in resettlement areas. Currently, married women cannot be given resettlement land in their own right, unlike widows, divorcees and single women (Derman and Hellum, 2007). Recent research in three villages over three years by Derman and Hellum showed that widowed women had to vacate their homesteads on the death of their husbands. These authors argued that women’s bargaining power had been eroded under the fast-track land reform programme initiated in 2000, due to the violent and abusive dominance of war veterans in newly resettled areas. Women-headed households constituted 18 per cent of beneficiaries under Model A1 resettlement scheme and 12 per cent under the Model A2 scheme (Derman and Hellum, 2007: 172).

Quoting constitutional commissioners who participated in a country-wide consultation process in 1999, Derman and Hellum claimed that “there was no outcry for land among the peasants in the communal lands”. These authors claimed instead that “small-scale farmers expressed a strong need for better

roads, access to markets, affordable and accessible credit systems – in short, inputs that could help them farm the land they had much more effectively” (ibid: 168)¹¹.

In relation to the land rights of widows and divorced women, Derman and Hellum concluded that: “What they need is to retain land rights where they are and not to have to search for new ones in the former commercial farms” (ibid: 173). Yet, this suggestion is unrealistic and ignores the historical process by which the majority of Zimbabweans came to be crowded onto marginal and unviable lands, far from the rail line and from markets, while half of Zimbabwe’s land, including most of its prime arable land, was converted into a few thousand large-scale commercial farms by white settlers and absentee landlords. Indeed, the authors devote a mere few lines to explaining the historical background to Zimbabwe’s land crisis, sweeping away a hundred years of history¹² on land alienation and racialised violence with the now familiar claim that Zanu-PF’s interest in land reform is politically motivated, as though that should be strange in a Zimbabwean context. Moreover, the authors do not explain where the political space is for women to negotiate retention of land rights “where they are”, or for how long the 1990s average landholding of 2.2 hectares in Zimbabwe’s communal lands can be subdivided to make space for future generations of widows and divorced women. If no land is to be found for resettlement outside the communal areas, the ultimate implications of their conclusions could be taken to mean that land should be redistributed from land-hungry men to landless women, whereas the point should be to create the conditions under which women and men can enjoy equal land rights on holdings that are economically viable and environmentally sustainable.

It is also not clear why Derman and Hellum’s findings should be at such variance from those of the Rukuni Commission. One can note, however, that the polarisation in Zimbabwean politics, following the controversial land reforms of the early 2000s, has spilled over into academic research. While the dominant voice on Zimbabwe holds to a position that the violent redistribution of land since 2000 is a human rights disaster that has benefited a small political clique only, a strengthening alternative voice suggests that land reform has in fact benefited ordinary Zimbabweans, and that women’s access to land is improving.

In relation to women, Derman and Hellum’s claim is challenged by emerging evidence that illegal land markets are developing in land-hungry communal

areas and that this is benefiting women. Paradza (forthcoming) makes the argument that single women in Zimbabwe have more bargaining power than has been thought. In a wide range of case studies developed over 18 months and selected from a village household inventory, she found that women developed a range of mechanisms to increase their access to land for residence and livelihoods, including agricultural purposes, after the land invasions of the early 2000s. Paradza found that women were able to access land in their own right, rather than as secondary users, while some women evicted from commercial farms during the land invasions had been able to buy land in their natal villages, though the terms were not always clear or secure. Paradza cites numerous instances where women or other vulnerable groups were able to increase their access to land through strategies including marriage, betrothal, remarriage or alternatively resistance to widow inheritance, their relocation and that of children. As with the evidence from northern Ghana, however, it would be worth probing whether these successes resulted from effective “negotiation”, or from survival strategies consistent with Scott’s *Weapons of the Weak* (1985)¹³. The one strategy that does appear to speak from a position of strength, political activism, is associated by Paradza as a weapon of the youth, rather than of women (Paradza, forthcoming).

Zimbabwe’s current land reform experiment has sparked international outrage. Until recently, few scholars have been willing to support the case made by Zimbabwean land experts Moyo and Yeros (2005) that land reform is resulting in structural and rural transformation. However, recent research by Ian Scoones has exploded a number of myths created by Mugabe-focused researchers and commentators, and this has opened up a more honest debate on the Zimbabwean experiment. Such is the political sensitivity surrounding Zimbabwe’s land reform programme that Scoones ended his biographical note with the disclaimer: “All views presented in this article are personal ones”, as though to save his publisher and associates from ostracism. Yet the views expressed by Scoones appear to be less “personal” than backed by statistics and feedback from small-scale farmers gathered under his “Livelihoods after Land Reform in Southern Africa” programme. Mamdani’s (2008) reference to the Scoones research along with earlier research by Moyo to explain why Mugabe’s land policies are popular in some quarters prompted a debate in the *London Review of Books* and occasioned a letter of protest signed by 35 academics calling themselves “Concerned Africa Scholars” (Scarnecchia, Alexander *et al.*, 2009).

These authors subscribe to the dominant critique of Zimbabwe's land reforms since 2000, which has employed human rights-centred arguments about the "rule of law" to marshal support against the Zimbabwean experiment. Though dominant, this perspective misses the point made by Berry (2002: 663 – quoted in Amanor-Wilks, 2006) that laws are human constructs, "neither better nor more durable than the political processes that make and enforce them". Berry cited various contemporary land conflicts including that of Zimbabwe, to illuminate the conditions that transformed Africa from a continent of land abundance in the early part of the 20th century to one of growing land scarcity by its end. The complexity of land conflicts examined by Berry suggested that contemporary struggles over governance and the distribution of resources need to be placed in a historical context in which the imagining of timeless custom, the "invention of tradition", and debates about the "social meaning of property" (ibid: 640) are as much a part of the colonial legacy as the lands and boundaries being disputed.

In relation to the contemporary debates about Zimbabwe, given that women make up the bulk of food producers in Zimbabwe as elsewhere in Africa, more research is needed on the impact of the fast-track land reform on women to truly evaluate the success of land reform in reversing a colonial legacy that has perpetuated the marginalisation of African women in Zimbabwe. Beyond the question of access to land, though, access to labour is a key determinant in the successful control of land by women, in both peasant and settler economies. Without access to labour, women cannot cultivate much land. Where women can mobilise the labour of husbands, in addition to that of their children, new forms of access have developed, even within well established matrilineal systems.

Conclusions and pointers

Women's claims to land have stronger historical roots in "peasant" economies than in "settler" economies. However, while the evidence supporting this hypothesis appears to hold true for well-resourced areas of West Africa and extreme examples of settler economies, it may be open to challenge in resource-poor areas of West Africa and in settler economies that attracted relatively few settlers. Moreover the evidence is patchy yet dynamic, not static, and this makes it difficult to discern the patterns.

Colonial interpretations of customary law undermined women's land rights in both peasant and settler economies. In some matrilineal societies of

West Africa, however, women retained their land rights. In the case of Ghana, women in matrilineal systems appear to have greater scope to influence patterns of access and control than in patrilineal systems. But while it seems clear that women's land rights differ between matrilineal and patrilineal areas, the understanding of matrilineity itself differs across the peasant-settler divide. A starting point for comparative empirical gender research that can bridge this dichotomy would be to develop a nomenclature of terms that capture the landholding experience of women in all parts of the continent.

Despite the lack of clarity, population growth and a shift in land-labour ratios over the last century do nevertheless clearly signify that more people are competing for a finite quantity of land all over Africa. The competition appears to be most acute in the settler economies because of greater land concentration there. However, even in drought-prone areas of West Africa, competition appears to be intensifying. Women in savannah areas of Ghana and countries such as The Gambia appear to face similar constraints as do women in countries where settler colonialism had the most far-reaching effect, notably South Africa and Zimbabwe. The lack of comparative empirical evidence across the peasant-settler divide makes it unsafe to generalise conclusions about women's land rights. Nonetheless, some patterns do emerge.

In Zimbabwe, where European settler colonialism created artificial shortage in areas designated for Africans at a time when land was still abundant, lack of access to land is acute, but particularly so for women. Though independence brought legislation to remove gender discrimination, the legacy of settler colonialism continued to affect women's access and control. Recent findings suggest, however, that access to land is improving for single women. In this respect, the question whether customary law should be codified to protect women's land rights is becoming blurred by evidence that Zimbabwean women, including farm workers who lost employment after the land invasions of the early 2000s, are illegally accessing land markets in communal areas governed by customary law. Prior to the recent land reforms, evidence from Zimbabwe suggested that the institutions of central government, including statutory law, appeared remote and inflexible to rural communities, whereas the institutions of chieftaincy, including customary law, are familiar and navigable. Further research is required to understand how women relate to new land distribution institutions. In both peasant and settler economies, the research suggests that there is some space for women to invent or reinvent traditions that enhance their access to economic resources.

But whereas evidence is emerging that women's land rights may have improved since the land reforms of the 2000s in Zimbabwe, Ghanaian land studies suggest that there is now no clear pattern of gender entitlement to land in Ghana. Rules of access differ widely between patrilineal and matrilineal areas, and even within matrilineal systems the pattern of women's access varies from one place to another. The new trends appear to reflect a gradual shift towards land scarcity in West Africa. Increasing scarcity is reducing women's proportionate access to land, particularly in drought-prone savannah areas, such as in the north of Ghana or in The Gambia. Deregulation under structural adjustment appears to be increasing women's vulnerability. As the rules of access become more complex, women are reinventing tradition to preserve or create security of access.

Against these developments, land subdivisions are reaching their limits in many parts of Africa. Yet despite pressure on land and natural resources, there is so far little sign of agricultural intensification. Women continue to rely on the hoe and have little access to labour-saving and productivity-enhancing technology. Lack of access to technology means that African women face a life of drudgery and a lack of options. Without greater options for off-farm employment therefore, problems of gender injustice will prevail and conflicts can only increase.

An increase in land-related conflicts would test the idea, found to be gaining currency in the literature, that access to land is "negotiated", though the definition of "negotiation" is somewhat open to interpretation. As an antonym to violent conflict, the idea that access to land can always be negotiated appears ahistorical, failing to take into account the effect of racist land laws in closing down the political space for negotiation in settler economies. In Zimbabwe's land history, access to and control over land appear more closely associated with conflict than with negotiation. Even in West Africa, it is as yet unclear how new demands on natural resources, such as the current search for biofuels in countries such as Ghana, will affect an already highly litigious land market. In the north of Ghana, even where access appeared to be "negotiated" by women, this was based on patriarchal rules that refused to recognise women as landowners.

Indeed, negotiation and conflict can be part of the same process. Land access can result from either strategy. But given the peculiarity of land as the finite factor of production, it seems unrealistic to believe that women are in a position to negotiate access to and control of land in a context of

underdeveloped, land-scarce patriarchal societies. It is precisely their lack of bargaining power that calls for state intervention to secure their interests, be it in terms of private title to land or greater security of communal and customary tenure, whichever is more relevant to their particular context.

On the other hand, “negotiation” often appears in the literature on gender access to land to signify a non-violent form of struggle used by individual women who rely on various forms of Scottian “weapons of the weak” in contrast to the violent forms of struggle associated most recently with the land invasions of the 2000s in Zimbabwe. This use of terminology should not mask the reality that access to land and its control remain a struggle for women in Africa. Nor should it divert attention from the fact that acquisition of land is just one factor in the struggle by women to create sustainable livelihoods, the other crucial ingredients being their access to labour and the power of technology.

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Endnotes

1. Although the perception is common, it has not gone unchallenged. For insight into a debate whether or not Ghanaian women face significant obstacles to land access, see Agbosu *et al.*, 2007: 36–40. Within ActionAid, this perception produced an interesting dilemma when a West African country programme opted out of a women's land rights campaign proposed by colleagues from East and Southern Africa on the grounds that women's access to land was not a major issue in that country.
2. See Hancock (1952). More recently Acemoglu *et al.* (2001) refer to them as "extractive" states.
3. Peters (2004: 278–9) believes that Berry's desire to fend off privatisation arguments, reinforced by the World Bank's former aversion to customary law, led her to overemphasise the channels for negotiation even as she drew a link between land scarcity, intensified competition and conflict. For an analysis of the World Bank's shift on land tenure, see Whitehead and Tsikata (2003: 80–85) and Peters (2004: 270–9).
4. See Amanor (2007: 52).
5. In West African matrifocal systems, property is passed down from women to women, e.g. from mothers to daughters and granddaughters (see Smith, 1996). This contrasts with matriliney, where property is inherited by males through the female line, e.g. a man's property may be inherited by his sister's sons. For discussions of differing matrilineal/matrifocal systems in a Southern African context, see Peters forthcoming; Peters and Kambewa (2007), and Colson. For a discussion of the impact of the introduction of male-dominated coffee growing on the rights of women to pass land to their daughters in a patrilineal society of Tanzania, see Tsikata (2003: 156).
6. For additional perspectives on matrilineal traditions in Ghana, see Tsikata (forthcoming).

7. As observed by this author in December 2007.
8. As observed by this author in September 2009. See further IRIN article of September 7, reporting that Biofuel Africa has acquired 23,700 hectares for jatropha production, forcing out inhabitants of seven farming villages around Tamale, capital of the Northern Region.
9. See Yaro and Zackaria (2008).
10. Boserup (1965) demonstrated a relationship between rising population density and agricultural intensification.
11. For a critique of this line of argument, see Agarwal (2003: 189).
12. See Arrighi (1970), Palmer (1968, 1977), Good (1976), Palmer and Parsons (1977), Mosley (1983), Ranger (1985), Moyo (1995), Amanor-Wilks (2006).
13. For some classic examples of James Scott's "weapons of the weak", see the article by Apusigah in this volume.