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LAND TENURE IN THE COLONIES

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FOREWORD

In all societies the relation between the people and the land they occupy and exploit is a matter of the greatest interest and moment. This is especially so among primitive peoples. They have not developed foreign trade to the point where they rely to any extent on food or raw materials produced elsewhere. Even internal trade is not large. There is no division of labour to the extent that any considerable proportion of the people obtain their livelihood otherwise than by direct exploitation of the land. The food they eat, the clothes they wear, the fuel they burn, the shelter they erect, the household furniture, the bags, baskets, gourds and other utensils which they use, are all obtained by the labour of their hands from the ground they till or which their animals graze, and the wild produce of the land to which they have access. Land to them is the means of life in a far more complete sense than in more specialized communities.

Infiltration of European ideas is proceeding apace. The land now provides not only the necessary means of subsistence but a surplus which can be exchanged for blankets, cotton goods, bicycles, bus and train fares, and the gewgaws of civilization which their souls love, not to speak of the wherewithal to pay taxes.

Little imagination is needed therefore to appreciate the importance in the eyes of primitive people of their land, or to understand the extreme touchiness they display at the mere suspicion of any attempt to interfere with their rights over it.

The forms of land tenure are closely related to, and in fact form one aspect of social institutions in general. A close correlation will be found everywhere between contemporary social and political institutions and land tenures. Feudal society, democracy, aristocracy and modern authoritarianism each stamp their impress upon the forms of tenure. A new political structure was imposed on colonial territories at a stroke when they were enveloped in the tentacles of European control, and European

influence is creating not only a new economic environment but also a new population⁽¹⁾. Primitive society is being acted upon by the ferment of new economic forces, new ideas, new wants, and the new wine cannot be contained in the old bottles.

In one sense the forces bearing down on colonial populations to-day are not new forces. They are the same forces as have influenced European society in the past. It is only that their impact is more sudden. In Europe the change from the feudal society of the middle ages to modern democratic institutions was spread over centuries. The still more recent trend towards authoritarianism has not yet radically altered the mechanism of society, and it remains to be seen whether it will produce more than minor or ephemeral modifications. The stages of evolution in the past can be discerned and their effects observed. The same forces may be expected to produce in native territories in the twentieth century much the same effects as those they produced in Europe in the preceding eight centuries. The same path is being trod, the intrusion of a money economy, the change from subsistence to commercial farming, the rise of economic freedom and economic opportunism, the progress from custom to contract as a basis of economic relations.

Colonial territories, by which is here meant those peopled by indigenous, more or less primitive peoples, are at present in a stage of tutelage under the guidance of one or other of the European powers. The tutelary power is naturally in a position to exercise a powerful influence on the course of evolution, even though native temperament and character must largely determine the form which civilization must take⁽²⁾.

The forms of land tenure must bear a close relation to the kind of society it is proposed to establish⁽²⁾. In applying means to desired ends, however, it is essential to have some measure of the probable effects of the means it is proposed to employ. In regard to the tenure of agricultural land we cannot know too much about the various forms which do exist and have existed, the circumstances in which they have operated and the effects they have

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produced. Comparative study is more than merely desirable, it is absolutely necessary if the danger of producing results widely different from those intended is to be reduced to a minimum.

Considerable local influence on the development of land tenure is exerted by administrative and technical officers, most of whom have not had the opportunity of making a comparative study of the subject. The same might be said of many who are in a position to influence general policy. Too often conclusions are based solely on a more or less intimate knowledge of a particular tribe, perhaps modified by preconceived notions imported from the mother country of the officer concerned. The purpose of this work is to give a general conspectus of the forms of agricultural land tenure in various parts of the world, to appraise their practical effects and to give some indications of their bearing on colonial policy. No attempt is made to produce a work of erudition. If quotations are freely inserted it is in order to marshal the evidence of accepted authorities, which may be presumed to carry more weight than the personal views of an obscure writer.

The subject is of staggering importance. It is not too much to say that colonial territories will be made or marred for generations by the actions of the tutelary powers within the next decade or two. The current of rural life cannot be made to stand still. It might be allowed to flow unchecked into the shifting sands of chaos, peopled by moneylenders, engrossers, landlords, dividers and subdividers, comminuters and inefficient. It might be diverted into the valley of the shadow of chiefs and great landlords who sit like ogres at the shallows. It might be canalized into a great irrigation channel with feeder channels, field channels, sluices and trim tight banks, the benefits of which are seen in every little field. Perhaps it should also be added that it might be canalized into a mighty channel whose sluices are opened only to those who bring acceptable offerings to the controllers of the floodgates.

No further observation is needed as an excuse for this work, inadequate though it may be.