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Land Ownership: A Western Fiction

by Pierre Crétois

In the Volta region, there is no such thing as land ownership: Land is not traded but shared. Why, then, do our societies consider the right to appropriate land to be perfectly legitimate?

About: Danouta Liberski-Bagnoud, *La souveraineté de la terre. Une leçon africaine sur l'habiter*, Paris, Seuil, 2023, 464 p., 25 €.

Danouta Liberski-Bagnoud's anthropological work provides a general reflection on what is now referred to in the social sciences—whether in geography, general anthropology, or sociology—as "inhabiting," a notion that describes the ways in which societies engage with space and compose a world within it. This notion helps to avoid any overly precise characterization of the relationship between humans and the place where they live.

Early in the book, it becomes clear that the author's interest is to question the centrality and universality of private property and markets, both of which spread throughout the world from industrialized countries shaped by commercial forces. Although Liberski-Bagnoud draws on ethnographic data collected during her fieldwork in the Volta region of Ghana, she proposes a broad reflection on land ownership and, more generally, on human societies' relationship to the land.

The thesis presented in the book essentially challenges international institutions' efforts to impose the propertization of land in the name of the Western

concept of development, as well as attempts by some anthropologists to locate forms of ownership in human communities where this concept has, in reality, no meaning. Through a comparison of practices, the author invites us to reflect on our ethnocentric tendencies and to envision other types of relationship to the land than that of property.

A Destructive Market Order

According to Liberski-Bagnoud, the pursuit of economic development via the propertization and commodification of land—as promoted by international institutions such as the World Bank—has not led to the desired improvements, but rather to a "disinhabiting of the world":

> The forced introduction of private property in Africa (through colonization in the past, through land grabbing, agribusiness, and speculation today) carries with it all the violence of the deterritorialized relationship to the land that is enacted by the very concept of private property (p. 144).

The roots of the ideology that justifies these practices can be traced back to the modern period in Europe—in particular to John Locke's development of a new conception of property, the physiocrats' transformation of land into a source of wealth, and, finally, the emergence of the capitalist economy, which completed the conversion of land into a "mere commodity" (p. 49).

With this in mind, Liberski-Bagnoud devotes many pages to the thesis put forward by anthropologist Alain Testart. *Contra* Morgan and others who posited the existence of a state of original communism, Testart sought to demonstrate that most traditional societies experienced forms of private appropriation and land alienation. In contrast, Liberski-Bagnoud shows that the very concept of property is absent in the societies she studies, and that interpreting Voltaic populations' mode of "inhabiting" through the lens of private property is to betray and misrepresent the way in which they live and speak of their relationship to space and to the land. There is no doubt," she writes, "that a village community's relationship to the land [in this region] is based on the sharing (and giving) of land and the prohibition against selling it" (p. 189). Thus, in view of the "forceful introduction of the modern concept of private property" (p. 111), itself largely the result of a Western-centric approach, the author proposes to center the alternative voices of Voltaic societies.

The Conflict of Foundational Fictions

More generally, Liberski-Bagnoud criticizes the tendency of many anthropologists to project their own representations onto the societies they study. Think, for instance, of the notions of animism and perspectivism, which have been applied to non-western societies despite not being endogenous to them. Even anthropologists who discuss and relativize Western categories—such as the nature-culture opposition—continue to give them a structuring role when they seek to elucidate the alternative configurations of non-Western societies.

By contrast, a comparative approach that takes representations into account "brings us to the fine grain of words and gestures, to the details of ritual and ordinary practices," and can thus allow for an "epistemological decentering of Western metaphysics" (p. 94). Liberski-Bagnoud proposes to compare non-Western and Western modes of inhabiting without conflating them, so as to avoid skewing the analysis of non-Western societies through the use of concepts that are exogenous to them and that make us see in them foundational fictions that are not their own.

From this methodological perspective, Liberski-Bagnoud argues that the right to land ownership pertains to a specifically Western, foundational fiction that was imported into African countries with colonization. Yet, those who view land as a resource available for private appropriation are unaware "that this is a fiction, and a strange one at that, for a piece of land is clearly not a circulating object, but an immovable space" (p. 153). Thanks to this fiction, one can pretend that a piece of land can be separated from the whole and then circulated through market exchanges. However, as Liberski-Bagnoud observes, "the economic fiction of land as a commodity and source of financial profit and the legal fiction of land as an appropriable resource—with the second helping to reinforce and propagate the first—certainly seem strange outside the symbolic matrix that initially gave rise to them" (p. 260).

The existence of foundational legal fictions reflects the fact that in all societies "reality succumbs only to be reconstructed in a legal manner" (p. 142). Thus, "ritual action shapes reality and (re)constructs it in legal terms; in short, it institutes it" (p. 142). The world of ritual, like the world of law, acts "as if" reality were a faithful replica of the representation we have of it, when in fact it is merely the projected shadow of this representation. As Polanyi has shown, private ownership of land is a foundational fiction of market societies, but it is by no means universal. Societies of the Volta region have their own fictions for determining how to relate to the land. And

yet, as Liberski-Bagnoud points out, "most studies of land tenure have used models, theories, and concepts forged in the sedimented history of Western societies to analyze the 'practices' of the South, thereby detaching these practices from the systems of thought with which they are imbued" (p. 210).

The Sovereignty of a Land that Cannot Be Appropriated

Thus, Liberski-Bagnoud criticizes many of the anthropologists who worked in Africa for projecting Western representations onto the societies they studied, and she reproaches international institutions for imposing as a universal truth what is in fact a particular construct.

To counter these theoretical and political tendencies, Liberski-Bagnoud examines the figure of the "guardians of the Land," African dignitaries whose role is to demarcate and allocate land to families. Some anthropologists have sought to elucidate the source of their power through the framework of Eurocentric legal fictions, often describing them as modern sovereigns or prominent landowners similar to medieval lords. Liberski-Bagnoud shows on the contrary that the "guardians of the Land" are neither the owners nor the sovereigns of the Land: Their role is to ensure that no one appropriates it, and therefore to serve its sovereignty.

> In Voltaic societies [...], men do not exercise sovereignty *over* the Land, but are subject *to* the sovereignty that the Land exercises over them. The Land belongs to no one but itself: No superior body commands it, and its sovereignty is neither delegated nor entirely shared. This fiction, constructed by rites and myths, is the basis of the system for sharing the land. And this sharing is ephemeral: It is not inscribed in power struggles, which last a human lifetime. It thus responds to a principle of equity, preventing any attempt at accumulating portions of the land to the detriment of the rest of the community (p. 321).

However, one should be careful not to view the Land as a sovereign in the Western sense of a legal personality that can impose its will in the last instance on the grounds that it is not a person. The Land is neither a person nor a resource (p. 285). In Voltaic societies, it is the inexhaustible source of life in which all living beings find their place, and it is in this sense that it exercises power over humans. The Land appears as the authority that shapes the way humans relate to the spaces it contains. The village, the bush, sacred places, newly demarcated cultivation areas—these can only exist with the agreement of the Land. Thus, the role of the "guardians of the

Land" is to ensure harmony between the order of the Land and those who try to find their place in it. Here the Land cannot be a property: It "belongs only to itself," and the impossibility of appropriating it appears as "the condition of common inhabiting" (pp. 374-375).

This representation is far removed from the legal fiction of land as a commodity that can be separated from the whole to which it belongs. Rather, it depends on a "ritual fiction that constructs the land *as if* it were the figure of supreme authority, the upholder of the fundamental prohibitions that enable societies to hold together" (pp. 327-328). Thus, the Land conceived as an authority that supports, orders, and sustains the common body of society is distinct from the land conceived as a mere estate; the latter is included in, depends upon, and can only be understood through the former. This distinction allows us to think critically about our civilization, which neglected the concern for the land as it adopted fictions that instead favor a disinhabiting of the world.

Liberski-Bagnoud's comparative approach enables us to question our representations by showing that there can exist relationships to the land devoid of private property: Other modes of inhabiting produce ways of engaging with the land that are not appropriative and that are open to the common. The book's theoretical gesture thus allows for an anthropological reflection on the notion of legal fiction—already extensively studied in the field of law—by pointing to the artifices of our institutions that are at once factitious and productive of social reality. As such, it highlights what Castoriadis called the imaginary institution of society. The book, with its many evocative formulations, is highly relevant in this respect. It opens up the horizon of another relationship to the Land without suggesting that Voltaic societies are more authentic or closer to nature than our own. These societies simply have a different relationship to nature, one that does not reduce it to a set of useful, exploitable resources and that does not rest on the myth of domination over things and over the world. The great interest of the book lies in its speculative use of the close comparison between Westerners' relationship to an increasingly disinhabited land and Voltaic societies' mode of inhabitating the world. There is, of course, a danger of idealizing these societies, but on closing the book one cannot help but think that the speculative results are well worth the risk.

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