



**AgEcon** SEARCH  
RESEARCH IN AGRICULTURAL & APPLIED ECONOMICS

*The World's Largest Open Access Agricultural & Applied Economics Digital Library*

**This document is discoverable and free to researchers across the globe due to the work of AgEcon Search.**

**Help ensure our sustainability.**

Give to AgEcon Search

AgEcon Search

<http://ageconsearch.umn.edu>

[aesearch@umn.edu](mailto:aesearch@umn.edu)

*Papers downloaded from **AgEcon Search** may be used for non-commercial purposes and personal study only. No other use, including posting to another Internet site, is permitted without permission from the copyright owner (not AgEcon Search), or as allowed under the provisions of Fair Use, U.S. Copyright Act, Title 17 U.S.C.*

*No endorsement of AgEcon Search or its fundraising activities by the author(s) of the following work or their employer(s) is intended or implied.*

AGENCY FOR INTERNATIONAL DEVELOPMENT  
WASHINGTON, D. C. 20523  
**BIBLIOGRAPHIC INPUT SHEET**

FOR AID USE ONLY

1. SUBJECT CLASSIFICATION	A. PRIMARY Agriculture	AE10-0000-G214
	B. SECONDARY Agricultural economics--Nigeria	

2. TITLE AND SUBTITLE  
Traditional institutions and land tenure as related to agricultural development among the Ibo of eastern Nigeria

3. AUTHOR(S)  
Huth, W.P.

4. DOCUMENT DATE 1969	5. NUMBER OF PAGES 169p.	6. ARC NUMBER ARC NI333,32,H979
--------------------------	-----------------------------	------------------------------------

7. REFERENCE ORGANIZATION NAME AND ADDRESS  
USDA/ERS

8. SUPPLEMENTARY NOTES (Sponsoring Organization, Publishers, Availability)  
(In Land Tenure Center. Research paper no.36)

9. ABSTRACT

10. CONTROL NUMBER PN-RAA-499	11. PRICE OF DOCUMENT
12. DESCRIPTORS Ibo Land tenure Nigeria Rural sociology	13. PROJECT NUMBER
	14. CONTRACT NUMBER PASA RA-2-00 Res.
	15. TYPE OF DOCUMENT

NI  
333.32  
H979

PASA-2-00

August 1969

RP No. 36

TRADITIONAL INSTITUTIONS AND LAND TENURE  
AS RELATED TO AGRICULTURAL DEVELOPMENT  
AMONG THE IBO OF EASTERN NIGERIA

by  
William P. Huth

**A Research Paper**

**LAND TENURE CENTER**

University of Wisconsin, Madison, Wisconsin 53706

This paper is essentially an abbreviated version of the author's Ph.D. thesis of the same title. This report and the thesis are based on work done for the Economic Research Service in connection with a United States Agency for International Development sponsored agricultural productivity study. The Land Tenure Center, while it provided no support for this study, issues this report because of its interest to those concerned with agrarian reform.

July 1969

RP No. 36

TRADITIONAL INSTITUTIONS AND  
LAND TENURE AS RELATED TO  
AGRICULTURAL DEVELOPMENT AMONG THE  
IBO OF EASTERN NIGERIA

By

William P. Huth \*

\* The author is an agricultural economist with the Economic Research Service of the United States Department of Agriculture.

All views, interpretations, recommendations and conclusions expressed in this paper are those of the author and not necessarily those of the supporting or cooperating organizations.



## ACKNOWLEDGMENTS

Although many individuals and organizations have contributed in one way or another to the ultimate preparation of this report; the author would like to single out specifically Kenneth H. Parsons, professor of agricultural economics at the University of Wisconsin. He was particularly helpful with regard to the use of John R. Commons' conceptual ideas and the analysis and significance of tenure questions in an African context. His contributions are deeply appreciated.

At the same time, any inadequacies on these or other matters considered in this report are the sole property of the author.

## TABLE OF CONTENTS

		<u>Page</u>
Section I.	INTRODUCTION . . . . .	1
	The Intended Study . . . . .	1
	The Actual Study . . . . .	2
	The Report: A Thumbnail Sketch . . . . .	3
	Nigeria's People . . . . .	3
	The Physical Environment . . . . .	4
	Historical Development of Agriculture . . . . .	6
	An Anatomy of Present Day Nigerian Farms . . . . .	8
	Peasant Smallholder and Commercial Production . . . . .	11
	Three Important Observations . . . . .	14
	Future Agricultural Development . . . . .	14
Section II.	TRADITIONAL INSTITUTIONS AND AGRICULTURAL DEVELOPMENT .	17
	Two Paths to Agricultural Development . . . . .	18
	Institutional Analysis Defined . . . . .	20
	Selection of Ibo Land Tenure for Analysis . . . . .	22
Section III.	ANALYTICAL PROCEDURE . . . . .	25
	Basic Assumptions . . . . .	25
	Definitions of Concepts . . . . .	26
	The Study Universe . . . . .	31
Section IV.	IBO AGRICULTURE . . . . .	37
	Cropping Patterns . . . . .	38
	Producing and Marketing Farm Crops . . . . .	41
	Development Needs . . . . .	43
	Note on Nutrition . . . . .	48
	Closing Comment . . . . .	48
Section V.	IBO LAND TENURE . . . . .	50
	Cardinal Tenure Principles . . . . .	51
	Indigenous Village Structure . . . . .	52
	Historical Development . . . . .	54
	Inheriting Land . . . . .	57
	Showing Land . . . . .	60
	Pledging Land . . . . .	61
	Selling Land . . . . .	63
	Rights in Trees . . . . .	64
	Women's Rights . . . . .	66
	Summary . . . . .	67

Section VI.	TRADITIONAL IBO SOCIETY . . . . .	70
	The Supernatural Sphere . . . . .	70
	The Natural Sphere . . . . .	71
	Vertical Elements . . . . .	73
	Horizontal Elements . . . . .	76
	Village Government . . . . .	78
	Economic Burdens and Incentives . . . . .	80
Section VII.	THE MODERN WORLD AND TRADITIONAL SOCIETY . . . . .	82
	Missionaries and Traders . . . . .	82
	The Colonial Administration . . . . .	83
	The Educated Elite . . . . .	85
	Village Response to Economic Development . . . . .	87
	Resilience of Traditional Village Society . . . . .	89
	Colonial Policy and Land Tenure . . . . .	92
	Native Courts and Warrant Chiefs . . . . .	94
Section VIII.	THE INDIVIDUAL AND TENURE; PAST, PRESENT AND FUTURE AS RELATED TO AGRICULTURAL DEVELOPMENT . . . . .	99
	The Individual and Tenure in Traditional Ibo Society	102
	From the Traditional to the Present Tenure Situation	112
	The Desired Future Tenure System . . . . .	131
Section IX.	CONCLUSIONS AND RECOMMENDATIONS . . . . .	142
	Migration . . . . .	142
	Other Specific Potential Modifications . . . . .	144
	The Role of the Village Council . . . . .	148
	The Village Tenure Center . . . . .	150
	Implementation . . . . .	153
	LIST OF CITED MATERIALS . . . . .	155

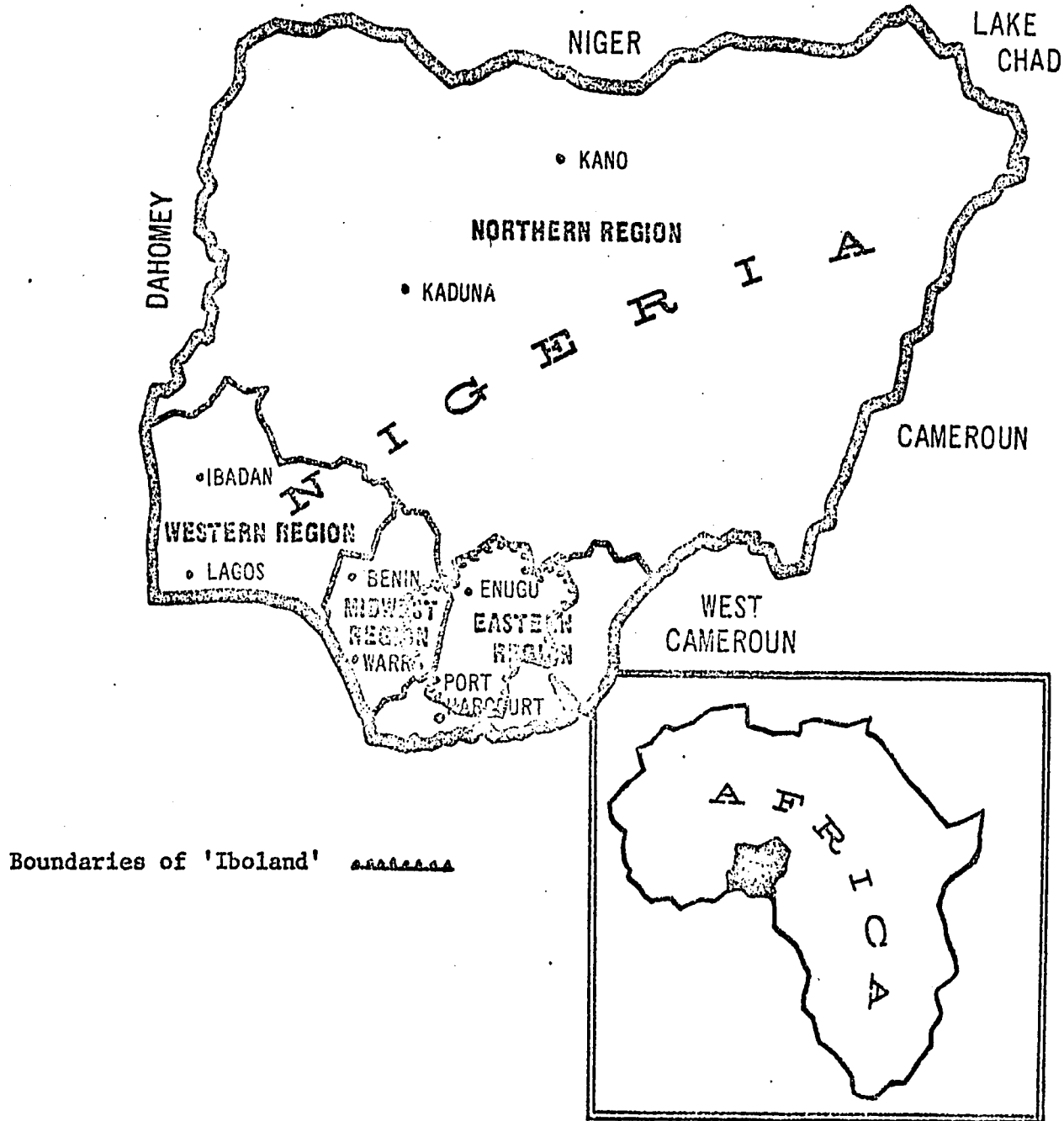
LIST OF TABLES AND FIGURES

	<u>Page</u>
Table 1. Nigerian Farmers Growing the Crop as Percentage of Total Farmers In the Region, 1963/64 . . . . .	9
Table 2. Nigerian Households Having Livestock as Percentage of Total Rural Households In the Regions, June 1963 . . . . .	10
Table 3. Regional Percentage Distribution of Number of Farmers and Area Farmed by Farm Size In 1963 . . . . .	12
Table 4. Areas of Major Export Crops: Total (un-improved peasant plus improved) and Under Improved Conditions, by Regions, 1961/62 . . . . .	13
Table 5. Cropping Patterns In Four Ibo Villages . . . . .	39
Table 6. Dual Classification of Ibo Social and Political Structure . . . . .	53

<u>Figure</u>	<u>Page</u>
1. The Basic Model . . . . .	33
2. Visual Presentation of Traditional Ibo Village Structure . . . . .	72
3. Model Diagram 2: Tenure Situation In Pre-Colonial Times . . . . .	113
4. Model Diagram 3: Tenure Situation at Present . . . . .	130
5. Model Diagram 4: Desired Future Tenure Situation . . . . .	141

Map 1

NIGERIA: FORMER REGIONAL BOUNDARIES AND 'IBOLAND'

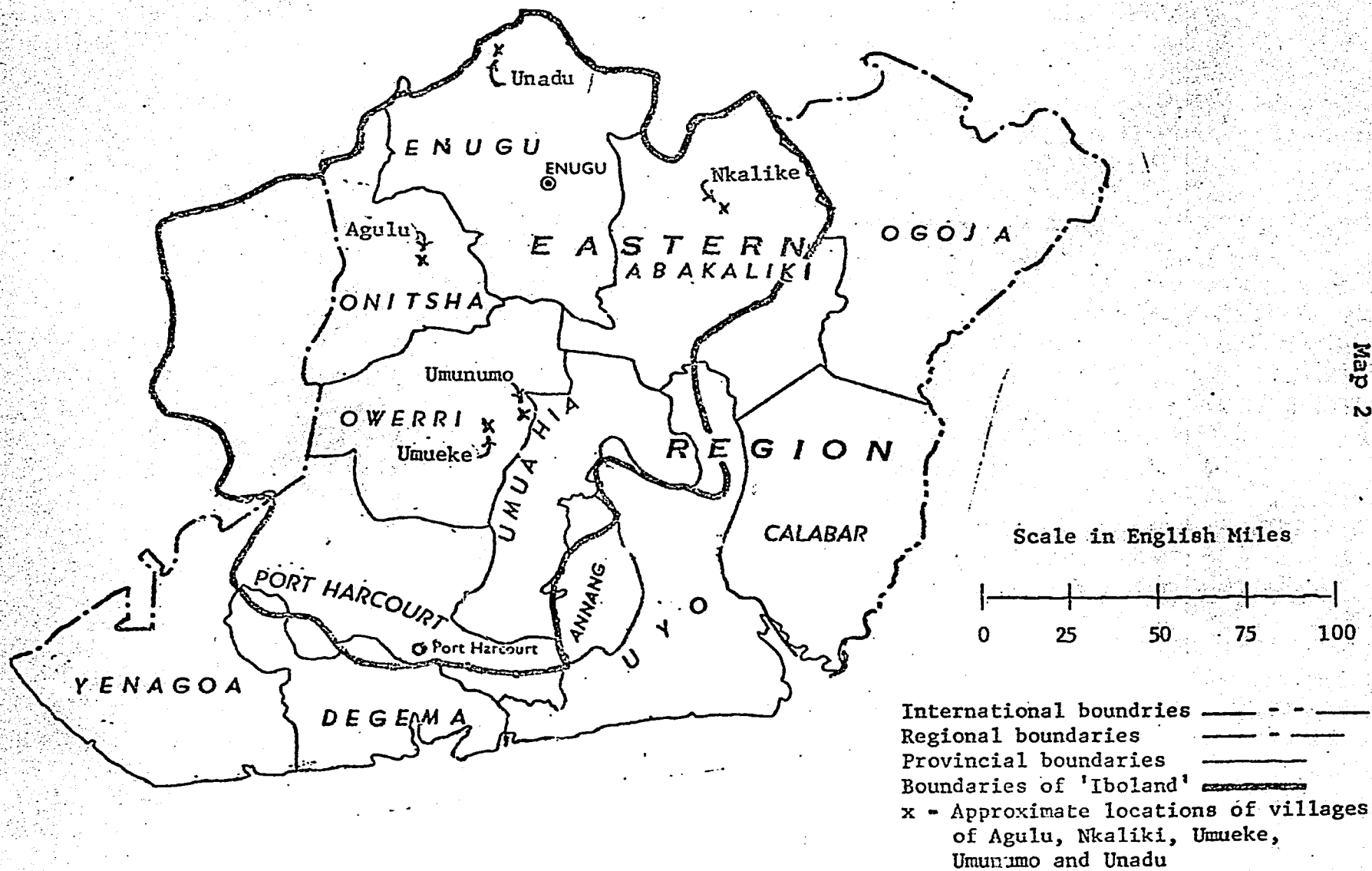


Boundaries of 'Iboland' -----

SOURCES: Nigeria, A Situation Report of Agricultural Credit in Nigeria, Bauman, Connolly, and Whitney for the Agricultural Finance Center, Ohio State University, June, 1966.

'Iboland,' Uchendu, The Igbo.

FORMER EASTERN REGION AND THAT PORTION OF IBOLAND CONTAINED IN THE FORMER MIDWESTERN REGION



SOURCES: Eastern Nigeria, Nigeria Administrative Divisions, October, 1962, printed by United States Government. 'Iboland', page IV of Uchendu, The Igbo.

## I. INTRODUCTION

The best-laid schemes o' Mice an' Men  
Gang aft a-gley  
Robert Burns--"To a Mouse"--on  
turning her up in her nest with the  
plough, November, 1785

### The Intended Study

To provide better knowledge for planning and implementing country development programs in the less-developed countries, the Agency for International Development asked the Economic Research Service of the U.S. Department of Agriculture to conduct research on a project entitled "Factors Associated With Differences and Changes in Agricultural Production in Underdeveloped Countries."

The author, a United States Department of Agriculture economist, was in Nigeria from October 1965 until August 1967 as co-project leader of the Nigerian Agricultural Productivity Study, a part of the above mentioned project. The central core of the Nigerian study was to consist of analysis of statistical data and institutional information collected in a survey of peasant farmers in selected villages throughout Nigeria.

On May 30, 1967, while the author was temporarily in Washington, D.C., the Eastern Region seceded and proclaimed itself the Independent Republic of Biafra. The actual tabulation of the field survey data was nearing completion at the Economic Development Institute in Enugu, the capital city of the former Eastern Region, when the civil war broke out. With the subsequent fighting in Enugu, followed by its capture by Federal troops, all contacts with those responsible for tabulating the data were severed. At present (summer of 1969), because of the continued hostilities,

there is no information regarding the whereabouts--indeed the very existence--of the study data.

### The Actual Study

Under the circumstances, the only reasonable assumption is to consider the data permanently lost until such time as a definite determination becomes possible. Consequently, a decision was made to prepare a report based on the author's personal experiences as well as on secondary data. It was determined to direct the analysis towards important institutional aspects of Nigerian agricultural development. Land tenure was chosen as the focal point for the research since it is conceded to be a serious limiting factor, potentially if not actually, to agricultural development throughout Africa.

Since most of the author's time in Nigeria was spent in Ibo areas, this is the group with whom he is most familiar and this fact accounts for its selection for study.

The author wishes to state explicitly and emphatically that political factors played no role whatsoever in the choice of the Ibos for intensive study as opposed to any other tribal group. Similarly, the use of currently outdated political and administrative internal boundaries is solely a matter of convenience and necessity and implies no political connotations whatsoever.

Nigeria became independent in 1960 after sixty years as a British Colony. Disturbances within the country have marked its development from the beginning and consequently internal boundaries have changed from time to time. For this report it will be most convenient to refer to the former Northern, Western and/or Mid-western and Eastern Regions because almost all available information refers to these political sub-divisions.



### The Report: A Thumbnail Sketch

After a very brief overview of Nigeria and its agricultural economy, attention is directed more specifically to the role of traditional institutions in development. The agriculture of the former Eastern Region is then considered in greater detail to provide the necessary background information and setting for the analysis of the Ibo tenure system.

The heart of the report attempts to relate the Ibo land tenure system to the traditional institutions of Ibo society, and to indicate the effects of the modern world--via colonialism and concomitant factors--on this relationship, particularly on the incentives of the individual farmers. Based on this analysis, some suggestions are made regarding the roles traditional institutions or appropriate new ones, as well as the government, might play in bringing the tenure system in line with the technological and economic requirements of modern agriculture.<sup>1</sup>

The report is based on the premise that appropriate changes, however rapid or extensive, will be effected by essentially evolutionary methods carried out with the cooperation of the villagers rather than by revolutionary methods imposed from above.

### Nigeria's Peoples

There is considerable controversy over the validity of Nigerian census figures; however, according to the most recent census taken in 1963 the population of Nigeria was 55.67 million people [7617].<sup>2</sup> While nine major

---

<sup>1</sup> Attempting to analyze an African tenure system functioning under normal circumstances is a quite heroic enough undertaking for this author. Consequently, the analysis assumes away the existence of the current civil war and its potential effects on tenure questions and hence, on reform recommendations. Needless to say, this option will not be open to anyone wishing to implement tenure reform measures after the war.

<sup>2</sup> Numbers in brackets refer to cited materials listed at the end of the paper.

tribes made up 74.9 percent of the native population (composed of several hundred tribes in 1952/53), the three major groups are the Hausa-Fulani, Yoruba, and Ibo concentrated in the Northern, Western, and Eastern Regions respectively. Together, they made up 62.8 percent of the native population in 1952/53 [61]7. Most of the political turmoil in Nigeria today revolves around the interrelationships of these three groups. The Hausa-Fulani are predominately Moslem, the Ibos Christian and the Yorubas are well represented in both religious groups.

Between the heavy population centers of these three groups lies a vast middle belt sparsely populated by relatively backward minor tribes who have preserved their native religions and customs. Until recently they lived only in isolated groups in inaccessible terrain, probably as a protection against slave raids. This area has vast agricultural potential but at present is infested with the tsetse fly.

#### The Physical Environment

The following analysis draws largely from Buchanan and Pugh [7]7.

Nigeria covers 356,669 square miles of tropical West Africa located between 4° and 14° North latitude and borders on the Gulf of Guinea in the South.<sup>3</sup> The vast Niger-Benue river system cuts the country roughly into Northern and Southern halves and then separates the Eastern Region from the West and Midwest while flowing down to the Atlantic Ocean. Roughly, about one-half of the land area, principally along the coast and the great river valleys, is less than 1,000 feet in elevation. Most of the rest lies between 1,000 and 2,000 feet, while the Jos plateau in the center of the Northern region and the Eastern Border areas associated with the Cameroon mountains lie between 2,000 and 4,000 feet for the most part.

---

<sup>3</sup> Texas has an area of 267,339 square miles and France 212,736. Approximate latitudes: Miami, Florida 26° N., Panama Canal, 9° N.

Climatically, the year may be broadly divided into a rainy season lasting from approximately April until November and a dry season from November through March. The rainy season in a typical year is two-peaked in the South with a relative diminution of rainfall in August, and single-peaked in the North with the peak rainfall occurring in August. During the dry season the dry, dust-laden Harmattan wind blows across Nigeria from the Northeast bringing overcast days and cooler temperatures. Its effects progressively diminish from North to South.

Mean rainfall for the approximately seven month rainy season varies from over 140 to between 20 and 40 inches, as one moves from South to North. In the five month dry season it varies from more than 20 to zero inches respectively. It is important to note that roughly the top one-third of the country has four to five months with no rainfall at all.

Temperatures and humidity vary as one would expect, with the coastal areas having a hot, humid climate with less variation than the North, which has both higher and lower temperatures and lower humidity. Annual mean relative humidity varies South to North from over 90 to under 30. Highest and lowest monthly mean temperatures vary from about 90° and 70° Fahrenheit in the extreme South to over 105° and under 55° in the extreme North.

Vegetation varies in step with the climate and may be divided into three major zones: the swamp forests of the coastal-belt, the high forests of the humid South and the savannah of the subhumid Middle Belt and North. Much of the natural vegetation in the high forest zone has been replaced by derived savannah, and in particular a large part of the rain forest of Iboland has been replaced by oil-palm. This change results from traditional bush fallow agricultural practices associated with population pressure and the development of oil-palm as a cash crop.

### Historical Development of Agriculture

Much of the following description comes from Fiskvik [24]7.

The historical development of both the domestic and export sectors of Nigeria's agricultural economy has been conditioned to a large extent by the variations in the natural environment. The consequences have been fortunate in terms of diversification of the export crop base and unfortunate in terms of nutrition in the South. The Southern subsistence economy exists in tsetse fly infested areas and is based on root as opposed to cereal crops. This situation results in poorer diets, especially as regards animal and vegetable protein content.

As early as the seventeenth century trade with Western Europe and across the Sahara desert was established by the native peoples of Nigeria. Even prior to the colonial period, spices, ivory, and palm-oil were carried by Portuguese and English merchant ships to Western Europe from Nigeria.

In the eighteenth century, however, slaves became the most important item of export until the slave trade was finally declared illegal by Great Britain in 1807. After that, the patrols of the Royal Navy made the slave trade increasingly less profitable and trade in palm-oil became far more important.

Palm-oil exports grew rapidly in the first half of the nineteenth century and palm-oil was still the most important export in 1900, when it accounted for 82 percent of total exports. Rubber was of great importance in the latter years of the 19th century, reaching a peak in 1895 after which it declined rapidly in importance because of tapping damage to the trees. Thus the nineteenth century export trade was dominated by oil palm and rubber products obtained from wild trees.

Not until after 1914, when good railway connections from the coast to the Northern Region were completed, did the region make a substantial contribution to the export trade. Then groundnuts, and to a lesser extent hides and skins, became important exports from the North. Cocoa exports became important about 1920 when cocoa began to replace cotton production in Western Nigeria because it was more profitable. Cotton production shifted to the North.

Thus the first half of the twentieth century saw some major changes in the agricultural export economy take place, with the North entering the picture with groundnuts, hides and skins, and then cotton. In the meantime, the West switched from cotton to cocoa and the Midwestern region was again becoming important in rubber. The East remained the center for oil-palm production and exports.

By the eve of World War II, palm produce, cocoa, and groundnuts dominated Nigerian exports, accounting for a little over 69 percent of total value of exports for the years 1937 and 1938 combined. The rest of the exports were other agricultural products and mineral raw materials such as coal and tin. In the 1960's the relative importance of agricultural exports in Nigerian trade has begun to decline rapidly because of the increasing petroleum production for export.

At the same time, farmers throughout Nigeria were growing most of the food for their own consumption in a subsistence agriculture which existed side by side with the developing cash economy for export crops. Here again specialization occurred on a regional basis in line with natural conditions, with the South growing primarily tuber and root crops while the North raised cereal grains and cattle. The Fulani are the traditional cattle raisers and herders of the North who supply most of the beef eaten in the Southern urban areas.

This circumstance has resulted in an agricultural economy which Buchanan and Pugh [7] describe as follows: a basic subsistence economy exists everywhere, being most important in the inaccessible parts of the Middle Belt and least important in the cocoa-growing areas of Yorubaland in the West. An internal exchange economy is based on the contrasting environments of North and South. The North contributes basic food stuffs such as guinea corn, groundnuts (peanuts), and cattle; yams are produced in the Middle Belt; and palm-oil, as well as specialized crops such as rice and sugar, come from the South. Finally, a peasant export economy based on annual crops such as groundnuts and cotton in the North and tree crops such as cocoa, rubber, and oil palm in the South exists along side the domestic food economy.

#### An Anatomy of Present Day Nigerian Farms

As indicated, the composition of Nigerian agriculture changes as one moves north. Southern Nigeria produces yams, cocoyams, cassava, maize, melons, beans, rice, some groundnuts, and palm oil for domestic consumption. Major export crops are oil palm products, rubber, and cocoa with production concentrated in the Eastern, Midwestern, and Western Regions respectively. In the North, cereals tend to replace tubers in domestic consumption and principal crops are guinea corn, maize, millet, rice, and groundnuts. Groundnuts, cotton, and hides are important exports from the North. Household goats, sheep, and chickens are common in rural areas of both the North and the South, while most of Nigeria's cattle are herded by the nomadic Fulani of the North. Donkeys and riding horses are also common in the North. Tables 1 and 2 summarize these regional relationships for the major food items of domestic consumption except for palm oil. Most of the palm oil produced comes from wild trees, and it is a very important

constituent of the local diet in the South.

Table 1. Nigerian Farmers Growing Each Crop as Percentage of Total Farmers in the Region, 1963/64.

Crop	North	East	West <sup>a</sup>
Guinea Corn	71.2	--	3.7
Millet	55.1	--	0.1
Groundnut	27.2	6.7	2.3
Yams	20.5	83.6	53.6
Maize	5.0	56.3	51.0
Cassava	18.5	73.6	54.9
Beans	48.1	4.0	5.8
Cocoyam	--	50.4	10.6
Melon	2.3	16.1	6.9

<sup>a</sup> Includes Midwest.

Source: Rural Economic Survey, Federal Office of Statistics, Lagos 1963-7.

Table 2. Nigerian Households Having Livestock as Percentage of Total Rural Households in the Regions, June 1963.

Kind of Livestock	North	East	West <sup>a</sup>
Any kind	35.8	77.8	74.8
Poultry	69.0	66.7	63.7
Goats	57.4	48.9	39.4
Sheep	25.7	12.7	18.6
Cattle	14.8 <sup>b</sup>	2.7	1.3
Pigs	1.7	1.2	3.3
Horses	6.2	--	--
Donkeys	21.9	--	--
Camels	0.3	--	--

<sup>a</sup> Includes Midwest.

<sup>b</sup> Does not include cattle of the nomadic Fulani cattle herders. Thus the preponderance of the Northern Region in cattle is grossly understated in the table. Buchanan and Pugh state that 90% of Nigeria's cattle are found in the North and that 95% of these probably belong to nomadic Fulani [7, p. 121].

Source: Rural Economic Survey, Federal Office of Statistics, Lagos [63].

The size of farms is substantially larger for the North than for the other regions, as shown by the figures in the last row of Table 3. One basic explanation for this is generally higher population density in the South, resulting in more pressure on the land. Another important factor is the much greater difficulty in clearing the land for "bush fallow" agriculture in the South. This is associated with interplanting of several



crops in the same field as opposed to the more extensive monoculture pattern prevalent in some parts of the North.

#### Peasant Smallholder and Commercial Production

Commercialized agriculture occurs on a considerable number of larger farms in the North producing guinea corn, maize, millet, rice, groundnuts, or cotton. In the South there are some oil palm, rubber, and cocoa plantations.

By far the largest part of Nigerian agricultural production comes from so-called "peasant," as opposed to commercial, farming operations.<sup>4</sup> This can be seen by inspection of Table 4, where any acreage listed as under improved planting conditions is arbitrarily considered to be non-peasant. Of course, virtually all the other crops produced primarily for domestic consumption are produced by peasant farmers.

Table 4 shows the preponderance of each region in the production of each major crop to which the FAO devoted a full chapter in their comprehensive development report.<sup>5</sup>

---

<sup>4</sup> For purposes of this report, "peasant" simply indicates a way of life based on traditional farming practices as opposed to agriculture conducted as part of a government farm settlement or modern plantation.

<sup>5</sup> Food and Agricultural Organization of the United Nations, Agricultural Development in Nigeria, 1965-1980 (Rome: 1966) / 267. Figures and discussions of overall Nigerian agricultural development in the following chapters are based on this report unless otherwise noted. It contains over 500 eight by eleven inch pages of fine print text and tables. Regarding Nigerian agriculture, it is almost encyclopedic in terms of scope and coverage while understandably lacking in depth on any particular aspect of the subject.

Table 3. Regional Percentage Distribution of Number of Farmers and Area Farmed, by Farm Size in 1963.

Size of farm in acres (upper limits excluded) <sup>a</sup>	North	East	West <sup>b</sup>	North	East	West <sup>b</sup>
	Percentage Total Farmers			Percentage Total Area Farmed		
Under .25	1.0	21.4	6.2	--	2.4	1.5
.25 to .50	3.1	20.9	13.9	.3	6.1	5.0
.50 to 1.00	8.7	20.8	24.6	1.5	12.0	12.5
1.00 to 2.5	28.1	24.5	33.3	11.3	31.7	29.3
2.50 to 5.00	27.9	8.1	16.9	22.3	21.9	29.2
5.00 to 10.00	21.9	3.8	4.4	35.7	20.5	16.2
10.00 and over	9.3	0.5	0.7	28.8	5.4	6.2
Under 2.50	40.9	87.6	78.0	13.1	52.2	48.3

<sup>a</sup> Size of farm refers to the total land area actually under cultivation.

<sup>b</sup> Includes Midwest.

Source: Compiled from Tables 2-3, 2-4, and 2-5, in Economic Indicators Vol. 2, No. 11 (Lagos: Federal Office of Statistics, November 1965) / 62 /

Table 4. Areas of Major Export Crops: Total (un-improved peasant plus Improved) and Under Improved Conditions, by Regions, 1961/62. (Thousands of Acres)

Region	Cocoa		Oil-palm		Rubber		Cotton		Groundnut <sup>a</sup>	
	Im-	Total	Im-	Total	Im-	Total	Im-	Total	Im-	Total
North							970	17	2,908	0
East	37	3	2,808	8	34	13				
West	1,415	7	1,811	11	18	15				
Midwest	39	0	514	14	413	13				
Total	1,491	10	5,133	33	465	41	970	17	2,908	0

<sup>a</sup> 1962/63. Also, a small amount of groundnut production occurs in the Southern Regions. FAO estimates this at about 2.2% of total production for 1962--see FAO source below, p. 161.

Source: Food and Agricultural Organization of the United Nations, Agricultural Development in Nigeria 1965-1980 (Rome: 1966) / 267 - compiled from various tables in Part D, appendices and table annexes. All figures rounded to nearest thousand.

Of the total of 10,967,000 acres planted to the five crops in 1961/62, less than one percent was planted under improved conditions. For the three tree crops, with a total of 7,189,000 acres, the improved planting percentage is just over one. Even with a rapid increase in the absolute total acreage under improved conditions, the traditional peasant production will clearly predominate for a long time to come even in the export sector.

### Three Important Observations

Three important observations on Nigerian agriculture as a whole can be made. First, Nigeria's agricultural base is well diversified and therefore not overly dependent on the world market situation, disease control, or other factors which might affect a given export crop in a given year. Thus, the overall stability of the economy is much greater than in a country largely dependent on one export crop. Secondly, the entire agricultural economy is based on indigenous African peasant producers both for domestic and export production. This has resulted partly from British colonial land policy which stressed development of agriculture by the native population, and probably also from the generally inhospitable climate which prevented penetration and establishment by expatriate immigrant farmers.

Thirdly there is consequently no expatriate farmer problem to consider, and the very fact of an agricultural system based on peasant production forces the policy maker to give major attention to the problems and needs of these peasant producers.

While there are significant variations in all aspects of the environment throughout Nigeria, the basic facts of rapid population growth, high dependence on agriculture for a living, and generally low incomes are common to all parts. The effects of agricultural development on the lives of every individual will be very important, either directly or indirectly.

### Future Agricultural Development

The FAO's overall agricultural development strategy for Nigeria [26], as interpreted by this author, might be summarized as follows: at present there exist concentrated nuclei of population, farming by traditional methods and producing primarily but not exclusively crops for their own subsistence.

Population pressure is constantly reducing fallow periods, resulting in destruction of the soil and reduced yields in the face of an ever-growing number of mouths to be fed and hands to be employed. The existence of vast, free, potentially highly productive areas, especially in the so-called "middle belt," provides a natural and appropriate solution to a situation that cannot continue if present standards of living are to be maintained, let alone improved.

Viewed thus--with good dry land plentiful, capital scarce, and unemployment a very serious problem--the roles of irrigation and heavy mechanized equipment which are capital intensive are played down. Instead, emphasis falls on measures such as hand tools, fertilizers, new varieties, etc. which will allow greater numbers of people to be employed.

These new inputs are to be introduced in a way that will provide the farmers with motivations and skills within an improved institutional framework, so that they are able to increase their productivity, incomes, and employment of new and more expensive technology in the future. In other words, the base for a fully modernized commercial agricultural system of the future is to be laid simultaneously while the more immediate and specific goals of the development plans are being met.

One might describe the relationships and interdependence of three major obstacles to success in the following way: 1) Elimination of the tsetse fly, which inhabits most of the country, is necessary to have even the possibility of success. Even if once eliminated, it will return unless the cleared areas are occupied. 2) In order for the settlement of the new areas and rehabilitation of old ones to take place successfully in the context of long run economic development, the present mixed cropping system under bush fallow must be replaced by permanent systems of

agriculture based primarily on monocultural practices. 3) This change-over to a system of permanent cultivation farming cannot be successful unless appropriate changes in the traditional institutional environment, especially land tenure, are incorporated. These changes must provide the cultivator more permanent rights in, and therefore incentives to improve, the land he cultivates as well as making the use of improved technology economically rational by elimination of fragmented holdings and other limitations to its use.

All three obstacles must be overcome if the basic conditions for an ongoing modern agricultural sector are to be successfully established.

## II. TRADITIONAL INSTITUTIONS AND AGRICULTURAL DEVELOPMENT

The less-developed world is clearly losing the capacity to feed itself; stated otherwise, a growing share of the increase in population is being sustained by food shipments from the developed regions, largely from the United States under the Food for Peace program [6, p. 47].

Most of the world's less-developed countries can sufficiently increase their food and fiber production within the next 10 or 20 years to satisfy their increases in demand, and still have enough surplus to contribute substantially--through trade and nonfarm employment--to their general economic development [80, p. 1187]

These two quotations, both published by the United States Department of Agriculture (USDA) in 1965, seem on the surface almost contradictory. Yet the contradiction is more apparent than real. The quotations represent a grim paradox rather than a contradiction--the paradoxical and tragic gap between potential and actual performance of the agricultural sectors of the economies of the developing world. Part of the reason for this gap may well be another gap in development programs for agriculture.

In the words of Arthur Niehoff, a social scientist recently returned from Eastern Nigeria:

The advanced industrial nations have become involved in vast efforts to assist the less fortunate nations to speed up the process of change in their own countries. Basically, they have tried to do this in two ways: economically and technically. The economic approach has been to analyze the means of production, distribution, and consumption of wealth in the receiving nations and attempt to improve these systems by transferring considerable amounts of money or goods to develop those sectors that are deemed essential for sparking economic growth. . . . The other approach has been to try to transfer technical know-how, on the reasonable assumption that technical knowledge has made the industrial nations rich and that other nations are not rich because they lack such expertise. . . . It is our belief that there is a third component which has too often been neglected, but which is equally necessary to induce change in the nonindustrial nations. This is the socio-cultural component, which means simply that technical know-how and economic patterns are imbedded in cultural systems, elaborate patterns of customs and beliefs which can either act as sanctions or barriers to technical or economic change. (Italics added) [60, p. 37].

### Two Paths to Agricultural Development

Speaking hypothetically and in the broadest terms, there are two opposed courses of action that can be attempted to solve the problem of increasing agricultural output as well as to mitigate the related migration problem. First, one can ignore the existing agricultural system entirely and replace it with a completely new one. Second, one can attempt to use the existing system as the base on which to build an improved system.

Nigeria has attempted on a small scale to ignore the traditional system by way of farm settlement schemes. These have been unsuccessful from both social and economic standpoints. [25]

In summarizing the Nigerian experience FAO concludes:

The capital outlay per settler on the present Farm Settlement Schemes, renders it impossible for them to make any contribution to the employment problem in a country where the population is growing at the rate of some 1.1 to 1.4 million per annum. So far, there has been little to learn by adjacent farmers from the existing settlements and results from another major aim of the Schemes--the creation of a prosperous and enlightened class of farmers from primary school-leavers--have been negative and expensive. In the meantime, the improvement of standards on the very large numbers of existing smallholdings has been largely neglected [26, p. 347].

This lack of success is not peculiar to Nigeria, according to a recent comprehensive study of tropical African agriculture:

It is noteworthy that the many large schemes launched by governments have not in the aggregate made a very significant contribution to development. These schemes have ranged from settlement projects, with or without irrigation, to large-scale state or quasi-cooperative farming and have usually entailed heavy investment and management costs. Many have proved failures, and others, with relatively few exceptions, have enjoyed but limited success. By and large it has been the individual farmers working within a gradually changing traditional environment who have accounted for most of whatever progress has been achieved [15, p. 221].

It seems that for Nigeria to achieve its social and economic objectives regarding agriculture, the most appropriate place to concentrate efforts is on the existing base consisting of traditional peasant agricultural smallholdings.



The two routes to agricultural development indicated above might be characterized as the "farm settlement scheme route" and the "improving existing peasant agriculture route." Past efforts along either route have stressed the technological and conventional economic aspects of the development process at the expense of the socio-cultural components of the existing agricultural system and its indigenous institutional framework. The first approach obviates the necessity of dealing with these aspects of the problem, while the second, by design or default, tries to ignore them. No doubt in Africa this exclusion occurs to a large extent because of the backgrounds of the personnel, both foreign and indigenous, who run the programs, and the general institutional framework within which they work. The personnel are trained in Western universities and work in an institutional and administrative framework originally designed by Westerners for colonial purposes. Thus a group of institutions and people trained to operate within these institutions, all based on the long evolutionary experience of one culture, is superimposed on a vastly different culture.

The colonial governments could adopt either of the above routes and avoid or ignore the traditional systems because of their limited aims regarding the development of the colony. They could pursue the "farm settlement" route as they did in parts of East Africa because they imported the farmers from Western Europe and hence imported the corresponding skills, attitudes, and cultural values along with them. Or, as in West Africa, they could concern themselves only with the final links in the marketing chain of indigenous middlemen since they were primarily concerned with export crops [39\_7].

The governments of the newly independent nations of Africa are in no position to follow either course. Their goals and aspirations for



one hand, economic analysis of land tenure as an institution may be limited almost solely to questions concerned with efficiency of production. As such, analysis is confined primarily to questions of farm size, fragmentation, and other physical manifestations of tenure, especially as they influence the economic feasibility of the transfer of technology. The producer is considered out of context as an individual "economic man," and his motivations are considered adequately accounted for by a narrow consideration of costs and returns pertaining to the particular measure or input under consideration.

Another type of analysis involves the study of the aspects of tenure which have to do with motivations and interpersonal relationships among members of society--in other words, the analysis of those institutions of the society regarding land tenure that sanction the expansion or the limitation of economic opportunities for the individual producer.

Since the actual producer is the linchpin of the entire development effort, it seems logical that every effort be made to study all facets of his environment that have a reasonably direct bearing on his life and therefore on his incentives to work. Unfortunately, for whatever reasons, this type of research is generally not represented in development efforts. The producer is implicitly treated as an entity somehow divorced or extracted from his environmental surroundings.

Apparently no one is available whose expertise lies in the mutual adapting of the requirements of new technology and the ongoing traditional economy. Ideally perhaps, a team including a social anthropologist or a rural sociologist and an agricultural economist might provide the necessary expertise for this sort of research. Be that as it may, what follows is an attempt by the author to "fill the gap" regarding land tenure as it functions in Ibo society.

### Selection of Ibo Land Tenure for Analysis

Land tenure obviously is only one of the important institutional aspects of development which might be singled out for detailed analysis. It is, however, a uniquely fundamental cornerstone of traditional societies everywhere in the underdeveloped world and nowhere more so than in Africa. In a comment that perhaps comes closest to summing up the heart of the matter, Barraclough says:

. . . land ownership in traditional societies is practically synonymous with control of labor, wealth, social prestige, and political power in the classical Weberian sense of the ability to make others do one's will. As economic growth gets under way, pressures mount to change the distribution of power, status, wealth, and income legitimized by owning land. The institutions regulating land tenure, however, tend to be extremely rigid, . . . [3, p. 263]7.

In addition, there appears to be a particular need to study African tenure systems.

Discussions of land reform and tenure generally center on conditions in Asia and Latin America. The argument usually turns on conflicts of interest between landlords and tenants and on the disincentives that flow from these relationships and depress agricultural production. The equally urgent land tenure problems of sub-Saharan Africa are therefore bypassed since these conditions do not fit the African situation. . . . In Nigeria at least it would be a mistake to push other research and development of institutions very far without attention to the fundamental problem of land tenure. Conditions in Asia and Latin America have not revealed insights for solving this problem in Africa [33, pp. 101-103]7.

Land tenure is thus recognized as an important limitation on economic development in Nigeria. This recognition only states the obvious, since land is a major input in the production process of any agriculture and increasingly so the closer one approaches a condition of subsistence agriculture, where capital inputs are few and primitive and land and labor make up the bulk of the inputs in the production process. Furthermore, the closer one approaches traditional as opposed to modern society, the more intimate and inclusive become the relationships of land to the rest

of the society. "Land tenure, wrote Kenyatta, is 'the most important factor in the social, political, religious and economic life of the tribe'" [38, p. 141].

Thus innovations necessary for economic development, and especially measures affecting land tenure, go to the very heart of the entire traditional mode of life in all its aspects, a mode of life designed for survival of the group--not for the introduction of modern technology. It would indeed be too marvelous to be true if a tenure system designed for the former purpose, irrespective of technical considerations, presented no bottlenecks or needed only minor and simple revisions to adapt it to the requirements of modern agriculture. This system is further complicated in Africa by group ownership of the land. Parsons comments:

The problem of rewards for investment in land is especially complicated in areas where individualization of ownership has not occurred, as in Africa. . . . In principle, group ownership can no doubt serve as effectively as individual ownership as the matrix of investments in land improvement, but only if the implicit public purpose in group ownership is sufficiently broad to include development as well as the security of group survival [74, p. 14].

A study of traditional land tenure arrangements in Africa also helps establish guidelines for preventing the development of undue concentration of ownership as the traditional tenure arrangements break down under the impact of development. The urgency of this sort of "preventative medicine" is indicated by the following comment referring to Nigeria.

In their role as trustees of such village reserve land some chiefs appear to be scaling it off as their property, . . . . These signs of converting customary rights in land into negotiable property rights, if allowed to continue unrestricted, could lead [to] a few large landholders instead of many small ones. We would have an explosive situation similar to those in Asia and Latin America [33, p. 103].

The basic reason for selecting the Ibos rather than another group is simply that the author spent most of his two years among this group

and therefore knows it best. In addition, the complexity of the study problem in conjunction with the time available for the research indicate that concentration on one group will undoubtedly produce a better product.

Population pressure on the land is more acute in "Iboland"<sup>6</sup> than anywhere else in Nigeria, and perhaps as great as anywhere in the world (see Section IV). Accordingly, the need for tenure reform and other measures is most critical in terms of preventing further deterioration of the already overworked soil.

Because African societies vary greatly and importantly from one another, as described in Section V, selection of a particular but numerically important group is far more likely to produce directly useful results than would a general study, although the findings will also be relevant in varying degrees to other groups in West Africa if not beyond.

Finally, the analysis of a particular group, while reducing the scope of the study, provides a more concrete example by which to evaluate the problems of land tenure in the developing countries of West Africa. Hopefully, this case study will play some part in providing knowledge not only about the substance of West African tenure problems but also about the missing insights for solving them.

---

<sup>6</sup> Ethnic borders are not co-terminous with political ones. Ibos make up a large portion of the population of adjacent areas of Midwestern Nigeria and many had migrated from the East during normal times to other parts of the country, particularly to the large urban centers. Hence, "Iboland" refers to the geographic area occupied primarily by Ibos (see Map 1 in Section ) and the term will no longer be placed in quotation marks.

### III. ANALYTICAL PROCEDURE

The problem involves examination of the land tenure system to see if in fact it limits the opportunities for significant economic advancement in farming for an ambitious individual.

Fortunately, the field of economics includes a body of theory which will lend itself to analysis of the economic aspects of those facets of tenure sometimes considered outside the purview of standard economic analysis. This body of theory is generally referred to as institutional economics. The particular concepts used here are drawn from the ideas developed by John R. Commons in his formulation of institutional economics.<sup>7</sup>

#### Basic Assumptions

The analysis is based on the following assumptions: (1) the individual entrepreneur or farmer is assumed to be rational in his behavior, and specifically, to be economically motivated within the usual connotation of this concept. That is, he will not knowingly combine his resources in an inefficient manner, but within the limits set by his particular preference structure for leisure vs. income, he will attempt to maximize his economic well-being. Furthermore, his adoption or rejection of new technology will be based primarily on his judgement of its economic risks and feasibility rather than upon other considerations. (2) He is assumed to be powerless to effect immediate or substantial changes in the

---

<sup>7</sup> Commons' ideas are succinctly put by Kenneth H. Parsons in "John R. Commons' Point of View," Journal of Land and Public Utility Economics, Vol. XVIII, No. 3 (August, 1942), pp. 246-266, / 75 /.

An editorial postscript to the article reads as follows: "It is a magnificent analysis and summary . . . I feel Parsons has done very much indeed to clarify my arguments with which I have struggled back and forth these twenty years." --John R. Commons, after reading the above manuscript."

working rules of society. He must accept the current set of working rules as given and plan his farming activities accordingly. (3) It is assumed that truly arbitrary actions without regard to precedent or customs are impossible within the village environment either on the part of an individual or an organized group. All transactions and actions must basically conform to the existing working rules. The state, however, because of its greater power may act in a relatively more arbitrary manner than any particular village group. (4) Any changes in the working rules are marginal in nature. They generally modify rather than replace outright the existing working rules, or add new ones at the margin. This moderation is necessary in particular to provide for the security of future expectations on which individuals base present actions and transactions.

Ample evidence justifies the first assumption (see for example: (52), (25) and (37) ) and the other three follow automatically with the acceptance of the existing peasant agricultural base as a starting point. Certain of the terms used above and several others require definitions before proceeding further.

#### Definitions of Concepts

The purpose here is to pick and choose among or even to modify concepts to suit the author's needs. This stated purpose should explicitly exclude the possibility of any reader thinking the definitions listed and related discussion are intended in any way to represent a summary statement of Commons' complete "system." Moreover, no particular definition is intended to represent fully or precisely what Commons meant by the concept defined, although the debt of derivation is obvious.



"Our subject-matter is the transactions of human beings in producing, acquiring, and rationing wealth by cooperation, conflict, and the rules of the game." [10, p. 121]

Individual:

". . . a purposeful discretionary actor. . . each individual is to some degree a center of discretion and influence. . ." [75, pp. 250-251]

Action:

The process by which an individual or group attains or refrains from obtaining in part or in full the objective it wills to obtain.

Every action has three dimensions: performance, avoidance and forbearance. Performance is the positive act of doing something. Performance is limited by avoidance and forbearance. Avoidance is a choice between alternative possible actions; actions not chosen are avoided. In any action, the human will forbears from exercising the full potential of the physical and mental resources at its command except in an emergency situation.

Transaction:

". . . with its participants, is the smallest unit of institutional economics. . . . Transactions . . . are not the 'exchange of commodities,' in the physical sense of 'delivery' they are the alienation and acquisition, between individuals, of the rights of future ownership of physical things, as determined by the collective working rules of society. The transfer of these rights must therefore be negotiated between the parties concerned, according to the working rules of society, before labor can produce, or consumers can consume, or commodities be physically delivered to other persons." [10, p. 58]

Transactions may be classified into three types: bargaining, managerial, and rationing. Bargaining transactions are the volitional negotiations between individuals deemed legal equals over the terms of alienation of ownership of goods and services. Managerial transactions occur under a command-obedience relationship and pertain to the production of wealth. Rationing transactions are the rationing and interpersonal distribution of wealth as dictated to individuals by an authority superior to them in law.

Working Rules:

"The working rules . . . determine for individuals the limits of . . . correlative and reciprocal economic relationships . . . whatever their differences and different names, they [working rules] have this similarity, that they indicate what individuals can, must, or may, do or not do, enforced by Collective Sanctions." [10, pp. 70-71]

Institution:

"Collective action in restraint, liberation, and expansion of individual action." ∟10, p. 73∟

Collective Action:

"Collective action ranges all the way from unorganized Custom to the many organized Going Concerns . . . common to all of them is more or less control of individual action by collective action . . . Collective action is more than control of individual action--it is, by the very act of control . . . a liberation of individual action from coercion, duress, discrimination, or unfair competition, by means of restraints placed on other individuals." ∟10, pp. 70 and 73∟

Going Concern:

"In most general terms, a going concern is an organization of coordinated activity; it is collective behavior with a common purpose, and a collective will, governed by common working rules." ∟75, p. 254∟

". . . going concerns have two parts . . . We name the one a Going Plant, or the expected technological control over nature. The other is a Going Business, or the expected succession of transactions, applicable to conflict of interests, mutual dependence, and the working rules which bring order out of conflict." ∟10, p. 620∟

Sanctions:

"Sanctions are collective inducements applied to individuals by the concern which controls, liberates, and expands their individual actions, by controlling, liberating, and enforcing their persuasions, coercions, commands, obedience, arguments, and pleadings. . . sanctions are distinguishable as moral, economic, and legal or physical sanctions, depending upon the kind of concern which exercises control. The legal sanction is violence, or threatened violence, and the concern is the State. The other sanctions are 'extra-legal.' The moral or ethical sanction is mere opinion, enforced by such concerns as churches, social clubs, and ethical associations. . . a 'code of ethics' whose enforcement rests only on the collective opinion of the members, if not supported by economic or legal penalties or rewards.

The economic sanctions are enforced by such organizations as trade unions . . . cartels, through the sanctions of profit or loss, employment or unemployment, or other economic gain or deprivation, but without violence." ∟10, pp. 77 and 79∟

Sovereignty: ". . . collective action in control of violence. . . . Sovereignty is monopolization of violence. . . . [and] relates to the use of force toward legal inferiors by their superiors . . ." [12, p. 74]

"The principle of sovereignty relates to expected repetition in use of this force. It is the similarity of action in what the sheriff or other officials may do if the authoritative working rules are violated." [75, p. 250]

Customs: "Customs cannot be changed radically or suddenly, since they arise from the most elementary fact of living creatures, instinct and habit, which are the mere repetition of acts found by experience to be preservative of life, of enjoyment, and of survival. . . . This repetition goes from one generation to another in such a way that custom is analogous to heredity.

But custom is more than habit. It is the social habit which creates individual habit. We do not start as isolated individuals - we start in infancy with discipline and obedience, and we continue as members of concerns already going, so that conformity to repeated and duplicated practices . . . is the only way to obtain life, liberty, and property with ease, safety, and consent." [10, pp. 44-45]

Status, rights and security:

"To the extent that the state imposes duties on all other persons, we have rights. In terms of status, to the extent that other persons are under duties, I am in the status of security . . . commensurate with my rights. However, beyond these relationships there is the status relationship of liberty-exposure. To the extent that other persons are under no obligation or duty to respect my person or property I am exposed to their liberty." [75, pp. 254-255]

Property:

"The term 'property' cannot be defined except by defining all the activities which individuals and the community are at liberty or required to do or not to do, with reference to the object claimed as property." [10, p. 74]

Property Rights:

"Property is an object held for the owner's exclusive use, sale or disposal. But property rights are the social relations which the state vests in the owner of property. Again, these rights are created only by the imposition of duties upon other persons. Thus, property rights are literally social relationships stabilized according to law. When one buys property,

he really buys rights to property; and when he buys the rights to property he is buying the expectation that the state will use its powers to support the purchaser's claims to the property." [75, p. 255]

Land Tenure:

"There is actually an identity between income distribution and the institutional arrangements that provide individuals accessibility to the annual income stream. These institutional arrangements we call tenure factors--broadly defined. Access to the future stream of income in any society has two dimensions: (1) the initial access route, and (2) the continued security of such access." [73, p. 248]

Accordingly, land tenure may be broadly defined as the working rules of society as they determine the access to and the continued security of such access to the future stream of income derivable from the use of the land for economically productive purposes. For this study, the scope of economically productive purposes is restricted to agricultural production.

"If one word were to be taken as describing the nature of the economy, or society generally, in Commons' formulation, it would probably be organization . . . The essential point would be that, as organization, the social structure would be the resultant of and embodiment of the designs, purposes and activities of human beings who had lived and worked in it." [75, p. 247]

These concepts are set forth to establish an appropriate frame of reference within which to interpret the meaning and significance of the empirical evidence to be presented.

Commons developed these concepts partly in order to understand the ways in which society controls, by means of collective action, individual action in a modern industrial society.

However, his concepts cover functions which must be performed in any society. They can be readily related to a universe consisting of an Ibo village, in which the national state is viewed primarily as an external influence affecting the village environment. For example, the exercise of sovereignty--the control of violence by collective action--may not be as completely monopolized by the formal institutional apparatus of the

state in an African village as it is in a town in the United States. Nevertheless, anytime the limit of avoidance for action is enforced by the potential or actual exercise of the sanction of physical power (violence), the principle of sovereignty is being employed. This would be true even though the violation only involved breaking a long standing custom rather than a formalized legal ordinance. The key consideration is that the violence, potential or actual, is sanctioned by the working rules of the society (a going concern) rather than forbidden by them.

#### The Study Universe

The major components of this universe are: the nuclear family unit headed by the individual entrepreneur (farming family head), other institutions and individuals within the society, the society as a whole (the village), and the state. The components are related to each other, for purposes of this analysis, by means of transactions which take place within the working rules of the land tenure system. Land tenure is very broadly defined as the working rules of society as they determine the access to and security of a future stream of income derived from the use of the land. Collective action enforces these working rules by means of sanctions which define the limits of avoidance for individual action. Within these limits individuals act in order to obtain the objectives of their respective wills, that is, in order to make a living. This universe of relationships is illustrated in Figure 1, the basic modal diagram.

Circles are employed in the diagram to give an impression of the all-pervasiveness of the "seamless web" of society," as Parsons calls it [75, p. 248]. The relative sizes of the different circles in the diagram are not accidental; rather they represent different levels of power implied by the variation in kind and degree of power of the sanctions which

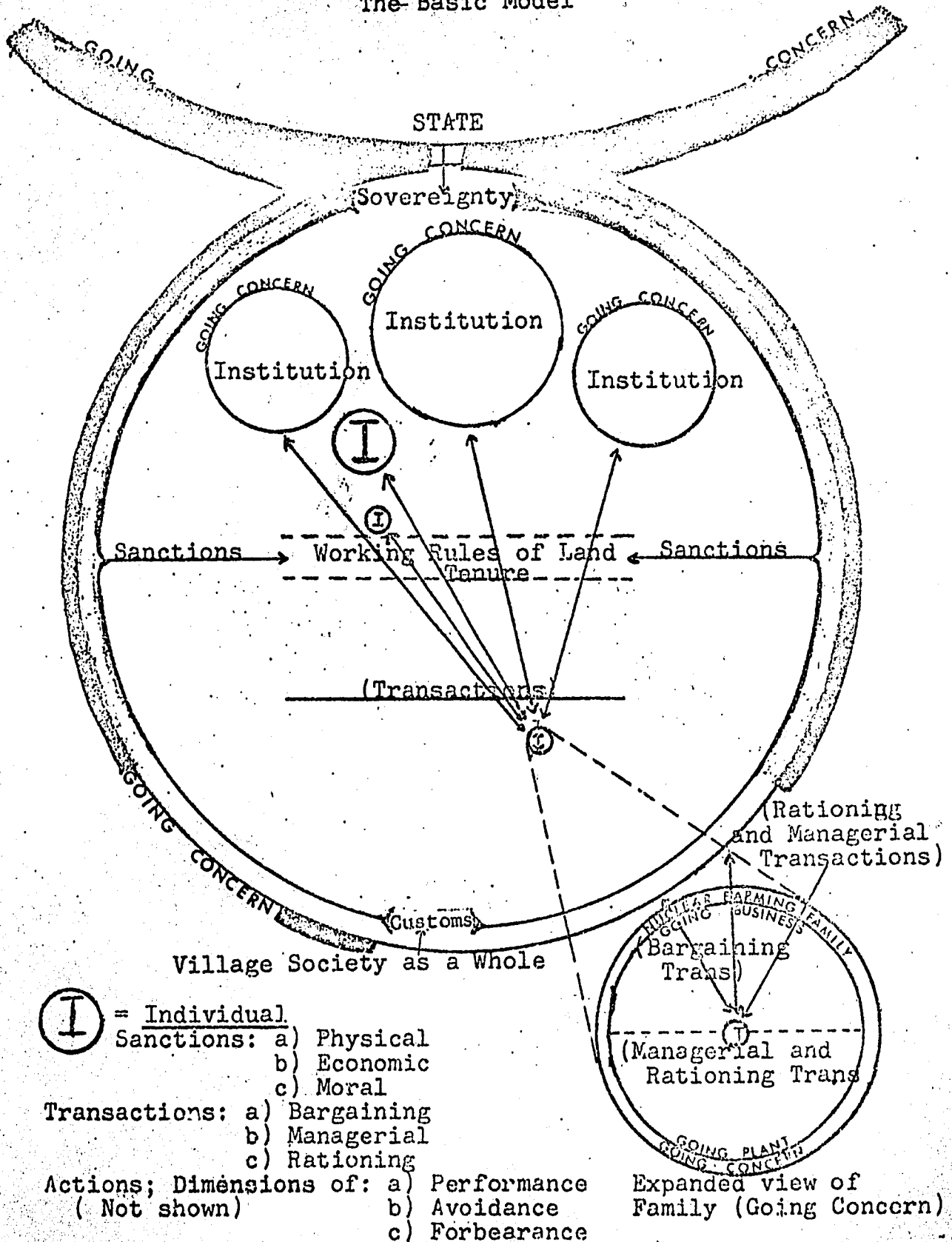
different entities can command. Thus, the individual (farmer) usually has less "power" than most organized groups he transacts with, although he may be able to exert a certain degree of economic coercion in addition to "moral suasion" when bargaining with another individual who is in a fortunate economic position.

Society as a whole, here represented by the village, conditions by its working rules the entire environment in which individuals and/or groups within its sphere of influence act and transact. The state is shown exerting its influence from outside the village through its sovereignty, by means of which it exercises the sanction of physical power (violence). Within the village, various going concerns (institutions or organizations) and individuals transact with each other in carrying on the everyday business of society. Through these transactions--bargaining, managerial and rationing--sanctioned by the working rules of society, wills--collective and individual--are harmonized. The working rules and related sanctions perform the vital functions, without which anarchy would reign, of stabilizing inter-personal relationships, resolving conflicts of interest, and providing for the security of future expectations. Every institution involved in this process, from the nuclear family unit up to the state itself, is a going concern with its own set of working rules and its own set of sanctions to back them up.

The results of these transactions are actions, again both collective and individual, to produce the goods and services of society and to distribute (allocate) them among its members. Here again, both collective and individual acting, i.e., performing, avoiding, and forbearing, takes place in accordance with the working rules of society.

The going concern on which our analysis focuses is the nuclear family unit engaged in farming, as represented by the family head--an individual

The Basic Model



discretionary actor. The graphic presentation of this nuclear farming family unit has been enlarged in scale and projected to the side of the village in the model diagram in order to illustrate it in more detail. Like all institutions in Commons' formulation, it consists of a going plant and a going business which together make up the going concern. Within the going plant the resources of land, labor, and capital, are combined in productive actions. The rewards or products of these actions may be allocated among the family members for consumption directly or by means of exchange for purchasing power with which to obtain other goods and services. Otherwise, they are withheld from them so that they may be reinvested in the next production cycle either directly or by means of exchange for other inputs. For the sake of simplicity, let us ignore the fact that bargaining transactions, however, subtle, actually take place even among the family members and look upon the nuclear family unit as an organic whole controlled by the will of the head. Therefore most of the transactions in the production of wealth in the going plant take on a managerial nature, and most of the transactions regarding the use of this wealth are of a rationing nature.

The other half of our going concern, the going business, involves the transactions of our nuclear unit, usually as represented by the family head, with the rest of the "world." The limits of avoidance enforced by the sanctions of the various other going concerns with which our household head transacts, including the extended family, determine the outer dimensions of the "economic space" within which he is in a status of liberty-exposure. Within these limits of avoidance he transacts by bargaining with other parties, both individuals and organizations, regarding the part his family is to play in the production and consumption of wealth.



Although many of his transactions with outside society take on the nature of bargaining transactions, his will, and hence his actions, is also influenced by managerial and rationing transactions. A typical example of such a managerial transaction would be a village "ordinance" (custom) by which all farmers were required to burn their land in preparation for planting on the same day. An example of rationing transaction would be a head tax decreed by the village council or chief on all members. The particular individual farmer, as such, cannot bargain regarding the terms of these transactions and his actions in accordance with them may be forced against his will by the threat of appropriate sanctions enforced by collective action.

Even in a bargaining transaction, the amount of economic coercion that may be employed in obtaining a better deal is limited by standards of reasonableness in accordance with the customary rules of society. A "contract" or agreement gained in a bargaining transaction that favors one party "unreasonably" because of excessive coercion will not be enforced by collective action. Therefore, the party who gained the upper hand remains in a status of exposure rather than one of right vis-a-vis the other party who is at liberty not to act in accordance with the agreement. In fact, even collective action itself is bound by the customary conventions of society which can never be completely ignored, even in a totalitarian society, without destroying the society as a going concern.

In the model diagram, the individual is shown as transacting with other individuals and village institutions (organizations). This diagram is a simplification since he may at times transact directly with the village society as a whole, as represented by the village council, or even with the state through its representatives. In addition, the various other

Individuals and institutions transact with each other, often in ways that vitally affect every individual in the society.

The above discussion underlines the evolutionary as opposed to revolutionary nature of the process of development and change in the working rules of society. The very concept of evolution implies the passage of time accompanied by gradual change. From this implication it follows directly that the development of these working rules cannot be understood without recourse to the study of their historical development up to the present time. Such study is necessary not only to understand the process of change as it has taken place historically. Even more importantly, historical study is needed to allow use of this understanding as a basis on which to accelerate and steer future developments in the directions most conducive to achieving the maximum feasible rate of economic growth.

#### IV. IBO AGRICULTURE

According to the controversial 1963 census, the Ibo people make up over two-thirds of the Eastern Region's population of about 12.4 million people [76]. They live primarily in the Central and North-western part of the region made up of Enugu, Onitsha, Abakaliki, Owerri and Umuahia Provinces. They also make up a large part of the population of Port Harcourt Province, while the remaining provinces of the region are mainly populated by non-Ibo groups (see Map 2). Population densities per square mile, as given in the 1963 census, are as follows: Owerri, 1,071; Onitsha, 819; Umuahia, 484; Enugu, 475; Abakaliki, 351; and Port Harcourt, 350 [76]. These figures indicate the heavy population pressure in the area generally, although in Abakaliki Province towards Ogoja there are large areas of sparse population.

The Ibo area of Eastern Nigeria may be roughly characterized as hilly lowland with the exception of Abakaliki Province which becomes quite flat as one goes east towards Ogoja. Originally much of the area was in the tropical rain forest zone, but population pressure in conjunction with the system of shifting agriculture has replaced the original vegetation with oil-palm and increasingly derived savanna as one approaches the northern border.

Agriculture is the major economic activity in all of Eastern Nigeria. Over three-fourths of the population lives in villages and is employed directly in agriculture [76]. Palm produce is the region's major tree crop and over nine-tenths of the region's production comes from wild trees [76].

This area is part of the southern root economy of Nigeria (as contrasted to the northern grain economy) and is characterized by small scattered fields farmed by peasant farmers under a bush fallow system (shifting cultivation).

About one-half the farms are less than two and one-half acres in size and close to nine-tenths of the farmers cultivate less than that amount of land each year (see Table 3, Section I). The size of the area cultivated per farmer varies somewhat in line with the population density from area to area. However, the degree of variation in size is probably less than might be expected on a basis of comparative population densities alone, because of shorter fallow periods in heavily populated areas and limitations imposed by the exclusive use of hand labor. On the other hand, the fragmentation process has surely resulted in more scattered and smaller pieces of land in densely populated areas. This scattering necessitates a greater expenditure of time by the farmer in going from one field to another and so reduces still further the amount of land he can effectively cultivate. In the absence of any available detailed data, it can only be said that a person driving from heavily populated Owerri to sparsely populated Abakaliki would definitely be aware of an increase in the area of individual fields under cultivation.

#### Cropping Patterns

Table 5 shows some crop specialization based on natural conditions even within Iboland. Unadu in the North raises both cotton and groundnut (peanut), while Nkalike raises rice. Agulu and Umunumo are more important in palm produce since they lie more to the South. Even more interestingly, the influence of population pressure is clearly shown in the increasing prevalence of sole crops as the fallow period lengthens, probably because

Table 5. Cropping Patterns In Four Ibo Villages<sup>a</sup>.

Village	Nkallike						Unadu					Umunumo						Agulu					
	Abakaliki						Enugu					Owerri						Onitsha					
	1	2	3	4	5	6	1	2	3	4	5	1	2	3	4	5	6	1	2	3	4	5	
<b>Crop<sup>b</sup></b>																							
Yam	Y	Y					Y					Y	Y					Y	Y				
Cassava				Y			X	Y				X	X	Y	X	X	X	X	X			Y	
Maize	X						X	X	X	Y		X	X	X	X		X	X	X	X			
Okra	X						X	X				X						X	X				
Green vegetables (leaves)					X		X	X				X	X					X	X				
Beans							X	X										X	X	X			
Melons							X					X	X			X		X					
Cocoyam	X							Y				Y		X						Y			
Pumpkin	X											X	X							X			
Pepper					Y											Y						Y	
"Edu seeds"							X																
Cotton							X	X															
Groundnut				Y			X			Y						Y							
Soya-beans	X																						
Rice		Y																					
Length of fallow period <sup>c</sup>	Unlimited						Four years					One to three years						None					

<sup>a</sup> See Map 2 for locations.

<sup>b</sup> Y=Major or chief crop in group. X=Any other crop present in mixture; each crop group is read from top to bottom under the number. For example, Umunumo has six different crop groups of which group three is composed of cassava and maize.

<sup>c</sup> Length of fallow periods refers to the main farming areas; the "garden areas" within and near the compounds are farmed annually.

Source: D.C. Ugwu, "fieldnotes," in author's possession [79]7.

yields are generally much lower for crops grown in mixtures.<sup>8</sup> Cassava also tends to become more prevalent as population pressure increases. Curiously enough, it is shown as a sole crop only at Abakaliki where land is plentiful, no doubt to obtain higher yields, and at Agulu where there is no fallow period at all. The explanation for Agulu is probably related to soil fertility--when the soil is too exhausted for anything else, cassava will still grow. Everywhere in general, however, agriculture is carried on by time-tested primitive methods with few if any improved inputs, such as better varieties or commercial fertilizers.

Other crops not shown in Table 5 which are important in the local diet include tomatoes, onions, and pineapple, and among the tree crops oranges, bananas, plantain, mangos, and kola nut. Oil-palm is very important in the domestic diet both as cooking oil and wine and is the export crop. Rice, considered a superior food, is grown chiefly in Abakaliki Province, traditionally famous for its huge yams and more recently for rice.

The crop systems are carefully combined to be complementary where possible as regards timing of labor requirements, subsistence needs, and so forth. On the other hand, animal husbandry is conspicuous by its almost total absence and goats, sheep, and poultry forage for themselves. Only the most primitive means, such as tying crossed sticks around the neck, are employed in feeble attempts to keep goats out of fields surrounded by very porous lattice work fences of sticks and/or palm branches. Goats

---

<sup>8</sup> For 1963/64, yields in pounds per acre for the Eastern Region were given for crops grown sole or in mixtures respectively as follows: Yam 6,751 and 8,186; Maize 485 and 389; Old Cassava 9,157 and 5,630; Cocoyam 7,171 and 4,835. Why the yield for yam is shown as higher when cropped mixed rather than sole, I do not know. Mixed yields are given as lower in both the Western and Northern Regions. [63]

apparently are more resistant than sheep to internal parasites and survive better on a diet of 'whatever they can find'; goats might represent, along with poultry, a major possibility for improved meat and milk diets in Iboland [197].

#### Producing and Marketing Farm Crops

Allowing for local variations, a typical production process might be described as follows. First, the area to be planted in a season is cleared of bushes and other vegetation which has grown up since the area was last cultivated. Men, women, and children participate in this operation under a natural division of labor; the men performing the heavier work of cutting down the larger bushes with machetes while the women and children gather the debris into piles. Then it is allowed to dry and finally the fields are burned off, leaving the ash residue as fertilizer for the crops. These burning operations result every year in unintentional destruction because the dry grass fires get out of control. In modern times this results not only in ill feelings but also in litigation between individuals and villages.

When the first rains come in late March or early April the basic food crops are planted, either sole or in mixtures. Again there may be some division of labor along sex lines with the males performing the heavier work such as building yam mounds and the women sowing maize, beans, okra, and green vegetables. Crop mixtures needed for the subsistence diet are grown in and around the living quarters while yam and cassava, sole or mixed with maize or beans, will be planted in distant farms.

Weeding will be done once or twice or perhaps not at all, usually more intensively near the compound. Weeding is usually women's work although men may join in.

As the crops ripen some may be harvested a little at a time as the need for domestic consumption and "pin money" arises. The rest will be harvested for sale in the local markets, for sale to buyers who may even come to the farm to negotiate the terms, for sale to a local processing plant, or for storage for future use during the dry season. Large sales are particularly important for the major basic staples such as cassava, yams, maize, or rice.

Yams and cassava are particularly important in tiding the family over during the dry season. Yams are stored by tying them one after the other on long strings and hanging these strings in "barns" made of earth or a lattice of sticks. Cassava is stored in the ground where it grows. Thus, it functions as a "starvation reserve" against a poor harvest the following year.

Harvesting also involves a division of labor, with men performing the more prestigious tasks such as digging out the yams from the mounds while the women and children carry them away.

All labor is hand labor using the simplest of tools such as baskets, crude diggers, machetes, knives, and simple hoes. Short heavy headed hoes with curved handles have been developed for making the huge yam mounds in Abakaliki Province. Men do the physically more demanding and traditionally more prestigious work while women perform the lighter, and tedious, time-consuming tasks.

It would be hard to overestimate the importance of women in the Ibo agricultural system. They probably do more than their share of the actual labor throughout the year and a large part of the marketing. In addition, as regards the family economy, they are very important in gathering water and firewood and preparing food--all laborious and time-consuming tasks.



Thus, the economic value of a wife in farming (and trading) goes a long way towards explaining the prevalence of polygyny and bride prices, especially where excess land is present.

The typical Ibo week is four days long with every fourth day being market day in the rural areas. Adjoining villages will usually not have their market days coincide so that a villager can normally go to a market even on those days when his own market is closed. In the urban areas the markets are usually open every day except Sunday and carry a wider variety of goods.

The flavor of market day in a village market is conveyed by the following quote:

In general, regardless of whether the markets are located in city or countryside, they resemble a fair more than a market. They exhibit milling throngs of people, stacks of produce on the ground or in stalls, live animals for sale, headloading to and fro, bicycles, packing splitting and sub-division of commodity lots, lack of standards and grades, lack of proper sanitation, one day credit stakes, prolonged higgling and bargaining and the continuous coming and going of traffic [43, pp. 6-7].

Many of the traders and most of the customers are women. Produce to be sold is carried by head load, often literally for miles, to the market and purchases made are then carried home from the market the same way. The market place is also very important as a center for exchanging gossip and socializing in general.

#### Development Needs

In 1955 the International Bank for Reconstruction and Development (IBRD) pronounced Nigerian agriculture as "readily capable of expansion," but said that success would depend on overcoming the effects of limiting factors such as soil deficiencies, low-yielding varieties, plant and livestock diseases, and primitive cultivation methods [42].

On the technological side, some work has been done on improving varieties and using fertilizers, etc., at the experiment station level. Research on oil palm has been particularly effective with much good work done at the Nigerian Institute for Oil Palm Research (NIFOR) in the Mid-western Region, where yields up to 15,000 pounds per acre have been achieved [54]. The performance on domestic food crops has been much less impressive, particularly on the basic food staples, yams and cassava [26]. Work on food crops at the Umudike experiment station in Eastern Nigeria was just getting well underway when the war broke out. There is thus a great need for additional research in all the physical and biological agricultural sciences, adapting or developing new practices and inputs to the particular local environment of soil, moisture, daylight, disease and insect problems and so forth.

A very important part of this research involves combining various improved inputs with appropriate practices and adapting the "package" to the critical environmental factors [27, pp. 79-118]. The need for this research is especially important in eliminating the bush fallow system and preventing further soil erosion. Until population pressure became too heavy, the bush fallow system had much utility, both technologically and economically. Kimble says it "was probably the most satisfactory system that could have been devised by 'pre-mechanical' peoples living in a wet tropical environment," and that until land became scarce it provided a food supply with comparatively little labor, produced with the aid of fertilizer from burning the bush, allowed for periodic renewal of soil fertility, and carried its own insurance against soil erosion [50, pp. 133 and 136].

Unfortunately, the extremely high population densities in much of Iboland have led to dangerously short fallow periods. Consequently, the soil is subject to serious erosion during the rainy season. The erosion problem is strikingly illustrated by a locally famous erosion site (a veritable "Grand Canyon") situated about thirty miles east of Onitsha near Awka in Onitsha Province. It has proven much easier to point out the problems of the bush fallow system and the need for improvements than to suggest satisfactory field-tested substitute systems.

The above discussion emphasizes one of the two major weaknesses of agricultural research in Africa, that: 'quite simply . . . technological recommendations to farmers are often not tested in the practical environment in which they will be employed.' The other is: "failure to examine the economics of repercussions in the whole farm system of any technical improvements proposed. . . . It is almost impossible to describe the magnitude of the gap caused by the lack of economic research." [55, p. 83] Since no new technology will be adopted successfully unless it is profitable to the farmer, there is a clear need for increased emphasis on the economic aspects of such new technology, particularly at the producer level in the actual farming situation.

There is also a great need for developing a satisfactory institutional framework to support the research effort and transmit the technology to the producer.<sup>9</sup> Of crucial importance are increased emphasis on vocational training in the general educational system to prepare future agriculturalists, and strong efforts to provide greater relative rewards at all levels for careers in and related to agriculture. The idea that manual labor and

---

<sup>9</sup> Since this report concentrates on land tenure, the basic facts and problems of Ibo land tenure are reserved for the next section.

farming in particular are "inferior" occupations must be combatted whenever possible [see 19, pp. 196-202]. Extension services must be strengthened and the importance of the role of women both in production and consumption given far more attention [see 27, p. 67].

There are serious deficiencies in the present marketing and credit systems of Eastern Nigeria which must be rectified if sustained development is to take place. Johnson indicates that while indigenous markets may be inefficient, their more critical weakness is their inflexible institutional structure and poor physical facilities [43]. The traditional markets have inadequate facilities for storage of produce, and animal slaughtering is primitive and unsanitary. Standard weights and measures are not in general use and attempts to falsify the true content of a given local measure and to adulterate goods are common practices. Associated with these and other problems of the market place itself is some lack of communication between the producers and consumers via the markets. Although the local marketing system meets the usual theoretical assumptions of the free competition model fairly well, the price system does not function so as to fully reflect consumer's desires back to the producers in a timely manner. Prices may vary widely between two different local markets on the same day.

These markets and their methods would probably have to be modified greatly if they were to function satisfactorily as suppliers of production requisites--being able to supply them in good physical condition in the time, place, and quantities needed. Johnson does not think they can function in such a manner and suggests that modern marketing methods and institutions be developed alongside the traditional marketing system rather than within it [43].

Government credit programs in Nigeria have suffered from a lack of qualified personnel, failure to base loans on economic considerations, inadequate or inappropriate loan securities such as communal land which doesn't belong to the borrower, overly-complex forms, delays in making loans, and other problems [5]. Most Nigerians do not own their land and cannot therefore put up collateral to satisfy commercial banks. Some have suggested schemes whereby state-sponsored credit corporations can guarantee commercial bank loans directly to approved farmers, or to cooperative banks or societies specializing in small scale farm loans [69]. There is precedent in Iboland for local credit-cooperative types of organizations in the existing "esusu clubs" where each member contributes a small amount, usually each week, receives periodically on a rotating basis a lump sum representing approximately what he has contributed, and may borrow money from the fund at interest for specified purposes.

In addition, a typical need exists for better overall infrastructure by improving the basic educational system, transportation, and other amenities such as pure drinking water supplies and health facilities.

For Iboland in general, the transportation system is fairly good, with many of the main roads between major cities tarred and with generally passable roads prevalent in most parts of heavily populated areas. There is fairly frequent and relatively cheap, if slow and uncomfortable (indeed downright dangerous), transportation by lorry available between all important towns.

Water supplies are a problem in many areas, especially during the dry season, and one of the major difficulties of rural development in the sparsely populated areas of Abakaliki Province is the provision of drinking water and other amenities to the scattered inhabitants.

### Note on Nutrition

The needs for research, basic and applied, and its practical application through appropriate institutional arrangements to the production side of the peasant producer's family economy are matched by corresponding needs on the consumption side, especially as regards nutrition. The nutrition problem is especially serious in Iboland, particularly among children and pregnant or nursing women. "The improvement in growth with better nutrition is so striking that at four and a half years of age the well-reared Nigerian child has been found to be 6 inches taller and 9 pounds heavier than a poorly kept child in the rural areas." [14, p. 33]

There is a great need for educating people on the relationship of a particular individual's age and situation to his nutritional needs, as well as to the nutrient content of different food. Often, the head of the family comes first, then the women, and the children last with the quantity and quality of food consumed in that order [81].

The above reflects the need for trained extension workers informing rural people, especially the women, of the importance of nutrition, sanitation, storage, and other factors related to health and energy. Obviously, people who are undernourished and disease ridden are not so productive as they could otherwise be, and an important part of the problem is ignorance.

### Closing Comment

Obviously there is plenty of need for conventional physical science and economic research and extension work, as well as the "institutional economic type," if satisfactory progress is to be made in Nigerian agriculture development.

For Iboland, the problems are if anything even more acute than for most of the rest of the country. At the heart of the institutional changes needed to save the land from its two great enemies--soil exhaustion and soil erosion--and to improve its productivity and hence the standards of living and the quality of diets of the Ibo people, stands the traditional land tenure system. The next section outlines the main features and related problems of this tenure system before discussing Ibo society, its institutions, and how they might be used to advantage in improving the tenure situation.

## V. IBO LAND TENURE

In Nigeria in general, land ownership is vested in the community-- the family, village, or "tribe"--with the peasant usually having free rein regarding the use of his allotted land with the sole stipulation that he cannot alienate it from the community [37].

Because most of the following discussion refers specifically to the Ibos, a caveat to the reader is respectfully inserted at this point.

It must be emphasized that in Africa the degree of socio-cultural differentiation is very great, . . . It should not be thought that differences are merely of the order of the well-known regional differences of North America or even of the national differences in Europe. They are, in Africa, more numerous, affect smaller groups of people, and are much more radical . . . commonly some or all of the neighbors of a tribe have a decisively different social system and mutual comprehension and co-operation are extremely difficult. [32, p. 67].

Furthermore, even within a given tribe there may be significant variations. The Ibos of Eastern Nigeria have been classified by two well-known experts into four major sub-cultural groups, each of which can be further sub-divided on cultural grounds; these are the Northern (Onitsha); Northeastern (Ogu-Usu); Eastern (Cross River) and Southern (Owerri). There is also a fifth division (Western) consisting of the Ibos mostly living across the Niger River in adjacent areas of the Midwestern Region [29]. Each of these groups has been influenced in different degrees of intensity and in different ways by the different tribal groups (including Englishmen) surrounding them on all sides.

Since the land tenure system is such an important part of these traditional societies, it naturally also varies among and within tribal groups and even sub-groups. Any actual Ibo village exhibits most of the common characteristics in a greater or lesser degree of deviation from an "average" or "typical" situation.



In attempting to describe the Ibo system of land tenure, there is not only the difficulty of greater or lesser variability between one sub-group and another in almost every aspect of the subject. There is also the problem of translation of meanings of words and concepts between two different languages and their associated cultures. To place such words as ownership, sale, and lease in quotes at every turn to remind the reader that the connotation is not exactly that of Western Society, and to follow such words as farmland, sacred land, and bad bush by the native words (which like everything else, vary from one area to another) strikes the author as tedious. Those readers who wish to delve more deeply will find much elaboration and additional detailed information regarding Ibo tenure and social organization in the cited materials. Here they will only find the author's distillation of the general characteristics, or salient points, of the system.

#### Cardinal Tenure Principles

The Ibo system of land tenure is based on three cardinal principles: that the land ultimately belongs to the community and cannot be alienated from it without its consent; that within the community the individual shall have security of tenure for the land he requires for his compounds, his gardens, and his farms; and that no member of the community shall be without land [47, p. 313].

The above quotation probably states the heart of the matter as succinctly as possible and makes an excellent reference point from which to begin.

To what "community" does the land "belong"? To start with, there is no such thing as a tribal community ownership when the word tribe is meant to connote, as it does in this report and in common parlance, that amorphous group of people in South-Eastern Nigeria with roughly similar customs, native religious deities, and language, which is known

as the Ibos in a Nigerian or larger context. Defined as such, no such thing as tribal tenure exists in Iboland or throughout West Africa; the real landholding unit is the family composed of a man, his wife or wives, their children, their adult sons, the wives and children of these sons, and often the man's brothers or close cousins and their wives and children-- In other words, the extended family [227].

### Indigenous Village Structure

It is impossible to clearly understand Ibo tenure without an outline of the fundamental organization of Ibo society. Therefore the basic social and political groupings in Ibo society are described here. The discussion and the next on historical development will also serve as an introduction to the next section on Ibo society in general. Among the Ibo, the bonds of kinship are usually quite closely associated with physical proximity. If two individuals live in the same village group they are probably also kinsmen. Therefore, the term villager may be considered synonymous with kinsman, and the term stranger synonymous with non-kinsman unless qualified. Of course the degree of "closeness" of relationship varies within broad kin groupings. A given individual may be for some purposes a "kinsman" within his extended family and in effect a "stranger" outside it.

Jones classifies these related groupings on a dual basis and in descending order of magnitude as shown in Table 6 below. The categories on the left are basically geographical categories while those on the right are kinship categories.

This typical Ibo village structure is illustrated in Figure 2. The Ibos conceive their social structure as an integrated pattern of

person all the way up to even the village level, including both free born or cult slave groups, can be incorporated into the system by suitable fictitious relationships to other groups of equal size.

Ideally, the relative size of each geographical sub-division of the village group and its related descent group should remain in balance. But, as Jones puts it ". . . the difficulty with a structure based on a system of descent groups is that these groups develop unevenly, and that they almost invariably tend to split into an unduly large number of smaller segments, so that the original balance of the structure is lost"

[44, p. 152\_7.

Table 6. Dual Classification of Ibo Social and Political Structure.

Village group structure	Descent groupings
village group	clan
primary division	subclan
village	maximal lineage
village section	major lineage
village subsection	minor lineage
compound	minimal lineage
	household

Source: G. I. Jones, "Dual Organization in Ibo Social Structure," Africa, Vol. 19, No. 2 (April, 1949), p. 151.

At each level the pertinent community tasks are apportioned among the sub-divisions, and unless each part can do its share friction arises and the system cannot function properly. For this reason it is a matter of general concern that this balance be maintained, and consequently the divisions within the system are based primarily on criteria of size rather than descent. As indicated, one method of maintaining this balance is by moving a group up, down, and/or laterally within the structure to restore

a balanced condition. Such adjustments do not involve any transfer of territory or change of domicile but merely mean that the transferred group faces toward a new central meeting place and shares and works within the segment to which it has been transferred [44]. Thus, the system can be adjusted so that it continues to function adequately, at least in the context of traditional society.

Although the characteristic Ibo social and political group is the village group (enlarged village)--which has lost much of its unity and cohesion because of population growth and colonial rule--the vital or primary group for everyday affairs is the village [44].

Before the advent of British suzerainty, political relations between different village groups (and to a large extent different villages) resembled those among foreign nations [44]. In addition, slavery as an institution, both domestic and 'foreign' was prevalent long before Europeans arrived on the scene in West Africa. In Southern Nigeria generally, both human sacrifice and cannibalism were practiced [8]. Under these circumstances, leaving one's own village group territory must have rather resembled entering Hobbs' state of nature, and life would surely have been "brutish and short," if not "dull", especially if one attempted to farm on another 'nation's' land without first obtaining permission.

#### Historical Development

Jones divides the normal process of Ibo territorial growth into three stages: an initial or colonizing stage, a consolidation stage, and a final stage which might be termed disintegration [47]. Once population began to grow some sort of rules had to be made to allow peaceful expansion. What happened was that each village of the group

was given the right to occupy the land extending in a specific direction away from the original group center consisting of one or more central meeting-places. Each village (maximal lineage) was required to stay within its allotted area. This arrangement maintained internal peace and focused hostilities against outsiders.

A tenet of the Ibo tenure system (and West African systems in general) is that the sub-group that actually occupies and uses the land owns use rights to it. This tenet holds true at all levels of the society. Thus, when a particular village of the group experiences population growth and finds itself running short of land within reasonable walking distance within its sector, it formerly often had the option, under the dual divisor social system, of taking over part of a neighbouring village's sector (perhaps absorbing the people as well) which was being underutilized. In any case, as long as land was plentiful, the village could migrate en masse and establish a new settlement in another group's vacant reserve land. As soon as it did, ownership of the newly occupied land passed to it, and when it felt strong enough to do so, it asserted its independence. Jones points out that before the British, force was recognized as the normal method of adjusting farmland boundaries between neighbouring villages even when they belonged to the same village group. If the disputant groups were about equal in size they fought; if not, the weaker normally gave in on the best terms it could exact [47].

The land was basically divided into two main categories: houmland and farmland. The ideally circular area composed of the various village sectors includes two concentric zones. The inner zone is houmland where people live and grow oil-palms and other trees, and shade crops under them. Farmland makes up the outer zone where people farm but do not live. Here the main food staples such as cassava and yams are planted and the natural

forest disappears much more rapidly than on houseland.

The village controls what crops may be planted in the farmland areas. Permanent crops and even seasonal crops such as cassava may not be planted if they interfere with the crop rotation [47].

In some areas exploitation is unorganized and the individual is free to help himself to as much land as he can cultivate, but this creates no rights in that plot beyond the right to harvest the annual crops planted. In other areas people make their choice of plots for the season on a basis of age, with the eldest member of the entire group choosing first and the youngest last on an individual rather than an extended family basis. Each year the procedure is repeated anew so that no single individual except the eldest surviving male of the group has any assurance of having the same plot the next time it is cultivated in the rotation.

Village land may be partitioned among the sections or sub-sections. This land in turn may be partitioned among the extended families and so forth. At each level of society, land abandoned through migration, death, or any other reason reverts back to the next higher land holding unit. For example, an extended family migrated because of social ostracism, fear that the land was somehow polluted spiritually (as manifested by an unusual number of deaths in the family), or for any other reason, their commonly held land would revert to the village sub-section [68].

On houseland, the individual householder is the owner and has the right to plant more or less whatever crops, permanent (tree) or otherwise, he wishes. This two-zone arrangement was to the farmer's distinct advantage; he could do what he wanted with his share of houseland near his home, while the larger community regulated the farmland so that his rights there were not interfered with, and so that his rights in farmland were protected

from seizure by other groups.

As the area, basically under pressure of population growth, passes through the three stages and the amount of land owned by the community shrinks continually in favor of land owned by individuals, the restrictions on what land and to whom a man can in effect sell increase continuously. Thus, when plenty of land is available, a man can transfer outright his rights to either houseland or farmland--even to a stranger provided he is not a member of an enemy rival group.

In the consolidation stage when farmland begins to become scarce, first transfers to outsiders are forbidden and then even transfers within the landholding community itself. Finally, in the disintegration stage where practically all land has become houseland, outright transfer of any land is flatly prohibited [47]. Nevertheless, within the village, inheritance procedures and various means of transferring the land insure that the last two of Jones' three cardinal principles are met--that the individual will have security of tenure and that no one will be without land.

#### Inheriting Land

Women normally cannot own or inherit land although they retain use rights during their lifetime so long as they remain in the husband's household [68].<sup>10</sup> Inheritance is paternal, from father to son or sons

---

<sup>10</sup> In pre-British days only the freeborn could inherit or deal with land. There were, and perhaps to a limited extent still are, various categories of slaves among the Ibos [31, 57].

Nevertheless, it is apparent that nothing like a rigid caste system widely existed. "The position occupied by slaves in former times depended very much on the personal character of the slaves. Many slaves became completely assimilated to the family or lineage which owned them and were accorded all the privileges of the free-born." [58, p. 171]

except for certain groups in the Cross River area where inheritance is maternal. Even there however, land is possessed by the males and only transmitted via the females through a system of double descent [68]. The normal system can best be presented by giving an example, remembering that polygyny is an accepted practice among the Ibo so a man may have several wives.

Obi describes the typical situation as follows. Potential use rights in land owned communally by the larger group, such as the village or village group, vest in the individual as a member of the group. The time when these rights become actual varies from village to village, but coming-of-age (often formalized by manhood initiation ceremonies) is a common criteria. Thus these rights pertain to the individual and are independent of his relationship to his father, so no question of inheritance arises [68].

However, with "family farmland", which Obi says is the "most numerous single type" in Iboland, the situation is quite different [68, p. 165]. When the family head dies, his family land becomes the joint property of all his sons. If there is no friction among them, they may farm the area as one unit even through several generations. However, for whatever the reason, when the decision is made to break up the family land the eldest son of all, by whatever wife, receives one or more plots by virtue of his being the head of the entire family. The rest of the family land is then partitioned equally among the groups of descendants of each of the original family head's wives where there are male descendants living, be they children, grandchildren, or great grandchildren. The eldest son, grandson, etc. of each original wife then assumes control of his family group's share, but he is responsible for protecting the interests of his younger brothers under a trusteeship type of relationship. The important fact



Is that the size of each man's inheritance depends not only on how much total family land is available but also how many brothers he has. To illustrate this, assume Mr. X had four wives--A, B, C, and D--and at his death his wives had living sons born in the following chronological order:  $a^1$ ,  $b^1$ ,  $b^2$ ,  $d^1$ ,  $d^2$ ,  $d^3$ ,  $d^4$ , and  $d^5$ . Assume a total of 155 acres to be divided. Since wife C has no living male children or grandchildren her group inherits no land although she retains use rights during her lifetime. Assume the eldest son  $a^1$ , receives 5 acres as the new family head. The other 150 acres will be split into three 50 acres allotments. Assuming the land is immediately divided up among the brothers;  $a^1$  gets 50 acres,  $b^1$  and  $b^2$  get 25 acres each and  $d^1$  through  $d^5$  each receive 10 acres. Had  $a^1$  died and his infant son  $a^*$  survived him,  $a^*$  would have inherited the 50 acres. The procedure for individually held land is usually quite similar [68].

A householder is bound to give out part of his family farmland to his sons when they become adults, and when they marry, part of his houseland. If the farmland includes several types, each separate type is divided among the sons [47]. If we recall the cardinal principle that the right to land is based on using it, the number of wives and sons a man had to help him farm was a decisive factor in the size of his patrimony of land rights, since his rights in family farmland as well as houseland were (and are) heritable.

As population increases with differential growth rates among the extended families within the village, and as vacant land is progressively used up, the inheritance system insures an ever increasing degree of fragmentation among the holdings accompanied by a corresponding reduction in the size of the landholding unit. At some point an individual due to

accident of birth may find himself with insufficient land to farm even though he has inherited his share of the family land.

As long as vacant unclaimed land exists, a man can acquire rights over it by occupying or using it. Such land is for all practical purposes non-existent in Iboland today [9]. There is also some land set aside which is taboo or "bad bush", where people who are believed to have died for violating sacred customs are buried or left. However, braver souls have been known to farm there and survive [9]. At Unadu, there was a large area of "bad bush" but about twenty years ago some Christian villagers began to clear and farm it, the village elders acquiesced, and today it is entirely cleared and divided into individual plots owned by Christians [79]. Yet there may not be any "bad bush" available; even if there is, the elders may not acquiesce or if they would, one is perhaps neither a fully convinced Christian nor a brave soul. Then the only course left is to obtain the use of someone else's land on a temporary basis or to buy some if it is for sale. Temporary use of land may be obtained either on a seasonal basis or for an indefinite period of time subject to reversion to the original owner or his descendants upon repayment of the initial sum of money paid. The first is sometimes referred to as "showing" and the second as "pledging".

#### Showing Land

Showing of the land amounts to a one season leasing arrangement where for a given price, the lessee receives the right to use the land and harvest the seasonal crops planted there. For example, a villager may be approached with palm wine by someone who wishes to farm. He then "shows" the lessee the piece of land on which he may farm. Generally speaking, an individual may "show" his own land to another villager at will; the consent

of the land owning group will be required only in cases involving a stranger or where there is a shortage of land [47].

Harris indicates that the rent is often based on the general price level prevailing, which is measured in terms of the land's yam productivity rather than its surface area and the degree of relationship or friendship between the lessor and the lessee. He mentions that in a number of cases between close friends no charge was made at all. Otherwise, rentals for a piece of ground capable of growing 400 yams to a man who was not a close relative or particular friend ranged from two pence to three shillings and six pence in 1939 [35]. The variability in price is probably accounted for to a large extent by the quality of the land, the amount of effort required to work it, the plot's location, and other similar factors. Inasmuch as these figures are almost 30 years old, it is safe to assume that prices today are substantially higher and that the circle of those considered particular friends or even close relatives has been substantially reduced in scope.

#### Pledging Land

A man desiring more permanent use of a piece of land will "pledge" it rather than have it shown to him. For an agreed upon price paid in a lump sum, the pledgee receives the use of the land until the pledgor redeems it by repaying the pledgee a like sum. The following list summarizes the major points regarding the pledging of land [58, pp. 202-205]:

1. The use of the land by the pledgee may be thought of as annual interest which is paid by the pledgor for the use of the pledge money.
2. The use of the land immediately, invariably, and completely reverts to the pledgor upon repayment of a sum identical to the pledge money by the pledgor to the pledgee.

3. These mutual rights and obligations regarding redemption of the land are heritable in perpetuity by the descendants of both parties.
4. The pledgee has the right to harvest seasonal crops he has planted and has a reasonable period of time to make alternative arrangements when redemption notice is given.
5. The condition of redeemed land must be as good as when it was pledged, and the pledgee has no right to compensation for improvements unless that was agreed upon when the land was pledged.
6. Pledgee may repledge the pledged land to a third party if he needs money and the pledgor is not willing to redeem it, provided he does not charge more than the pledgor charged him. Then if pledgor wishes to redeem, he pays the original pledgee who in turn must pay the third party.
7. The pledging of land held in common and the pledging of any land to a stranger must have the approval of the landholding group. In this case, the pledge money may be shared among the members, the shares usually being larger or smaller based on the seniority of the individual.
8. When commonly held land is pledged by an individual with the group's permission, the group may pressure the individual to redeem it. In any case, when the land held in common is divided because of normal inheritance or friction among the members of the group, pledged land is counted against the pledgor or his descendants' patrimony.
9. Pledging of land is separate and distinct from economic trees growing on it, and the pledgee may not plant permanent tree crops or build on the land without the pledgor's permission.
10. To be valid, pledging of land must be carried out in front of witnesses to safeguard the rights of both parties.

Jones indicates that to pledge farmland, unlike houseland, requires the consent of the land holding group and that custom restricts the amount of land that can be pledged. He goes on to note that this type of transaction is a most effective way of securing an even distribution of land between adjacent villages and even village groups. However, because of the redemption features it leaves the pledgee, whether a group or an individual, no incentive to improve the land [47].

#### Selling Land

An individual will not normally wish to sell his land under any conditions. Land is not sold to obtain liquid capital for other economic needs, but a man may be forced to sell in an emergency such as the need to raise money for a bride price, a funeral feast, to bribe a court, or (assuming the bribe was unsuccessful) to pay a fine [57]. A specific sale between individuals has been described by Field for land at Nnewi in Onitsha Province in 1945. The seller was permitted to sell his individual land to another villager without anyone else's consent. The only restriction, which would not have applied to pledging the land, was that the buyer could not be a stranger. The test or proof that a sale rather than a pledging took place was that a goat was ritually killed on the land. The seller parted with all rights to the land, except the right of pre-emption at double the original purchase price should the purchaser wish to resell. Also, it was the community's consensus that if the buyer had not built on the land and the seller offered him twice the purchase price for the land, he "ought to" sell it back to him, but could not be forced to do so [23]. While Field does not so state, one assumes witnesses for both parties were present at the appropriate time.

The line between pledging and selling land can be a thin one. Land pledged at twice or more the going rate is effectively sold because it is assumed the "seller" (or his family) will never have the money to redeem it, and even if he did would use the money to redeem other land pledged out at the normal rate. Meek refers to the work of Chubb, Green and Harris as well as his own to support the statement that a "pledge" at a price far above the going rate amounts in fact to a sale in Iboland [58, p. 218]. Although in theory land held on pledge is redeemable in perpetuity, in fact, once it has been held by the pledgee and his descendants through several generations, and especially if they have built on it, they become more or less the de facto owner of the land [9].

#### Rights in Trees

Meek states that the general rule regarding the ownership of economic trees is that "planted trees belong to the planter and his heirs, while wild (or self sown) trees belong to the community which owns the land, whether that be a village or lineage or family group [58, p. 173]. By far the most important economic tree among the Ibos is the oil-palm. Its fruit is sold for cash, either directly or as oil, both in the local domestic market and at various links into the marketing chain of intermediate buyers for export. It is the Ibo's chief source of ready cash for paying taxes and other cash needs. It, along with the raffia palm, is also tapped for palm wine. Since most palm trees in Eastern Nigeria grew wild, they belonged originally to the community as a whole and their fruit was available free for the picking to any villager. However, as with land in general, population growth evoked a similar process regarding trees, those on houseland becoming recognized as the property of the person who took care of them. The situation with trees, as with land, can become

very complicated and sometimes a village may even pledge some of its trees to a neighboring village in order to raise funds for special community purposes. Often village palms are customarily harvested on a given day of the month during harvest season. On that day during the specified hours, any male villager can harvest the fruit from any community palm and fines are imposed on anyone who harvests at any other time. This procedure is used as a means of raising money for village purposes, each participant being obliged to pay a fee for the privilege of picking. In addition, a village owning more palm groves than they have the manpower to harvest will allow strangers to harvest in given areas on given days for a fee [58, 68].

When oil palms pass out of community into de facto if not de jure ownership, they are usually inherited by the eldest son who must look after the interests of his younger brothers. If there is more than one wife, they may be divided up among the eldest sons of each wife [58]. The inheritance procedure for individually owned oil-palms, as well as for other economic trees such as fruit trees [31], is thus similar to that for land. The trees are parcelled out and the eldest son gets a somewhat larger number of each kind. There is an obvious conflict of interests here between the community's right to consider all oil palms as community property and hence a source of revenue for community purposes, and the individual's right to harvest a tree and retain all the proceeds for himself. For this reason, the community often retains a tighter grip on its common rights in oil-palm trees than in the land vis-a-vis members of the village. Moreover, the situation may be unstable with the pendulum swinging back and forth between community and private rights over the same trees in a matter of a few years [31].

Rights over all economic trees other than the oil-palm generally belong to the individual who planted them or established rights over them by caring for them. Such rights are heritable by the owner's descendants. Otherwise, the fruit of such trees (other than oil-palm) that are uncared for and growing wild in the community's "bush land" are free to any villager who harvests them [9].

When a man receives land on pledge he normally cannot plant any permanent crops such as fruit trees on the pledged land without the pledgor's permission, since the very act of planting establishes ownership. Nevertheless, permission may often be obtained to plant a limited number on pledged farmland. The number must be limited because the pledgor would not be able to plant his yam and cassava successfully if the field became too crowded with another man's trees [31]. Again the impression received is that pressure on the land and closeness of relationship or friendship are important factors in how strictly such restrictions are enforced.

When one recalls that each kind of tree (as well as each type of land) is treated as a strictly separate class of property, it is easy to see how inheritance procedures and other customs may scatter rights in trees widely, as regards both geographic location and ownership. It is easy to imagine a man who had pledged some land and obtained permission to plant some economic trees coming on bad times, and obtaining some cash by pledging his rights in the trees back to the owner of the pledged land.

#### Women's Rights

Green [31 (1941)] describes women's rights; see also Green [30 (1964)] and Loith-Ross [51].

Women do not ordinarily own land. When a woman marries, her mother and father customarily provide her with seed cocoyam and yam to start her



off in her husband's village. The husband, or his father if he is living, shows her land on which she may plant her garden of corn and vegetables around the compound area. She plants this garden every year and fertilizes it with household refuse. The husband also shows his wife where he is going to plant his farms that year and where she can plant more corn, cocoyams and cassava. If her husband marries again, the first wife shows the second a piece of the garden which she may use, and the husband indicates what areas of farmland she may plant, and so on and so forth.

Generally speaking, women retain the rights to cultivate their husband's land during their lifetime after which the sons inherit it. Unlike land, women may own trees in some cases. For example, in some places a child's (male or female) umbilical cord is customarily buried in the compound and a palm seedling planted over it. The palm then becomes the property of the child [97]. Also, women have very definite 'ownership' of the fruit of some trees, such as the breadfruit, which belong to their husbands. It is also common for women to own the kernels of the palm fruit. Women also generally can own, as individuals, personal property and livestock.

### Summary

The Ibo system of tenure clearly does function to see that the land is not normally alienated to strangers, that every villager shall have some land to cultivate, and that his tenure shall be protected within the context of customary law. Unfortunately, the system clearly does not provide for security of tenure on an individual basis--an ambitious individual will have no strong incentive to improve the land or no ability to obtain credit by using it as collateral. The features of community ownership and the pledging of land prevent such actions for

much of the community's land. The system of Inheritance obviously leads to ever greater fragmentation once vacant land is used up, and the separation of rights in trees from those of the land they stand on still further complicates the problem.

A recent study on British Influence in Eastern Nigeria concludes that Colonialism had little direct influence on the Ibo system of land tenure [64, p. 322]. This conclusion is true enough when the tenure system's internal functioning is considered. However, it is certainly far from true when the situation in Eastern Nigeria as a whole is considered.

The Ibo system of land tenure is . . . the chief cause of the present most uneven distribution of population; in some areas the density of population reaches over 1000 persons per sq. mile, while in others, less than twenty-five miles distant, it falls below 150 [47, p. 323].

"Pax Britannia" prevented neighboring villages from adjusting their boundaries to accord with relative population densities by the traditional methods of actual or threatened violence. Thus the Colonial influence was very important indeed in the larger sense; by preventing inter-village warfare it also "froze" the external boundaries of each village's land. The process of inheritance and fragmentation within the village then continued unabated but unrelieved by the addition of more land. Once a community's land was used up, excess population could only migrate on a seasonal basis to farm land in neighboring communities with excess land. Here they had (and have) no incentive not to "mine the soil". Additionally, problems arose when the receiving community felt its own land needs being threatened. These problems lead to very difficult situations, especially when the migrant group has come over a period of years both to expect the continuation of and to depend on their customary farming of these areas in stranger villages [9].

Since the traditional solution of force is no longer acceptable, the situation must be remedied by other means. For other means to be effective without themselves being based on naked force, they must be based on understanding and consideration of the place of land in the society and the roles of various institutions in that society.

## VI. TRADITIONAL IBO SOCIETY

This section outlines the major features of traditional Ibo society and shows how they are functionally related.

### The Supernatural Sphere

Ibo religion is pantheistic. The Supreme Being, often known as Chuku, is the author of heaven and earth, sends rain, makes crops grow, is the source from which men derive their 'chi' or accompanying soul, and is the father of the other gods. He is however, a distant deity and although he is regarded as the ultimate recipient of all sacrifices, seldom is sacrifice offered to him directly [59, 307].

There are many other lesser deities, each with its associated cult, but the most important in the public and private life of the Ibo is the earth goddess Ala, who is the great mother or symbol of life. Ala is regarded as the owner of men and is therefore closely associated with ancestral cults.

It is out of respect to the earth-goddess that the Igbo are ideologically opposed to the sale of land . . . where there is a "sale" of land the earth-goddess must be ritually pacified if the transaction is to be consummated. The Igbo feel guilty and ashamed to have to sell their land. [78, p. 967]

For the Ibo, the cult of the ancestors is one of the strongest forces maintaining the unity of the social group. The ancestors, under the presidency of Ala, are the guardians of morality and the owners of the soil. The heads of the family groups derive their principle source of authority from their direct relationship as the intermediary between subordinate members of the family and the common ancestors. The Ibo idea of ancestors is closely tied to the idea of reincarnation [297]. These beliefs in the influence of ancestors and reincarnation are also

closely related to the land. The ancestors are buried in it and the living are responsible for maintaining their graves. A man feels secure in cultivating his ancestral land and in addition, upon reincarnation, he would desire to cultivate the same land he had used in previous lives [34].

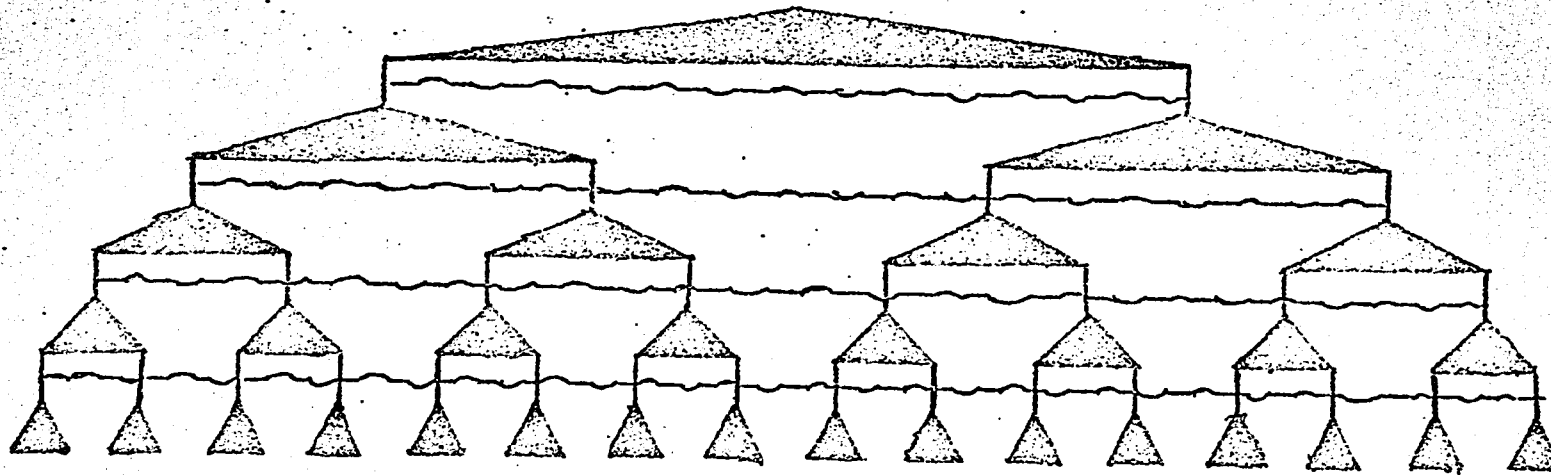
Nevertheless, Basden states that, unlike parts of East and Central Africa, such beliefs do not bind the Ibo because he has the benefit of being able to transport the souls of his ancestors "whenever and wherever he removes his habitation." These souls are not inextricably resident in any particular tree, grove, or plot of land. If land is sold, any offense to the ancestors (and gods) can be remedied by appropriate sacrifice. He concludes that ". . . ancestors do not appear to exercise overdue influence on land tenure." [4, pp. 266-267] It seems that while sales of land are frowned upon and not undertaken lightly, sales to a fellow villager under dire circumstances will not be frustrated by supernatural sanctions.



#### The Natural Sphere

Turning now from the spiritual world to this world (which in actuality can never really be separated) we find that the Ibo social and political system can be conveniently visualized as a pyramid held together by horizontal and vertical structural elements. Figure 2 illustrates this structure for a hypothetical village. The lack of parallel connection between the vertical elements at any given level in Figure 2 is not by chance. Within each horizontal level, the vertical elements are basically mutually competitive entities among themselves and together they form a similar competitive type of unit vis-a-vis their 'sister' parallel elements at the next higher level. This competition may be

Figure 2

VISUAL PRESENTATION OF TRADITIONAL IBO VILLAGE STRUCTURE



-  = Vertical elements in ascending magnitude
-  = Horizontal linking elements

friendly or not so friendly, but the whole structure is cemented together to a greater or lesser degree by the horizontal associations and societies.

Basically, the vertical elements comprise the kinship or family groupings while the horizontal elements comprise associations cutting across kinship lines.

### Vertical Elements

Descent is probably the main determinant of association among the Ibo. The basic building block is the extended family composed of two or more families of different generations, linked by blood ties, and living in a common residential area under the leadership of a single head [67]. Two or more extended families, recognizing a common ancestor, worshipping a single deity or cult, having a common name, a single head, and living in close proximity to one another form a lineage. These generally ascend in size from minimal through minor, major and maximal lineages. Two maximal lineages may form a village [44].

According to Nzeribe, the size of the extended family varies from as few as 40 to as high as 200 members. One of the most important traditional functions of the extended family is to act as a basic landholding unit. It provides a source of cooperative labor for clearing thick woodland, harvesting palms, construction work such as housebuilding, and other similar activities. It functions also as a source of funds for title taking, burial ceremonies, and other social obligations. In particular, it helps provide a daughter with her 'dowry' when she marries and a son his bride price when he marries [66].

Moreover, it provides many services which are often provided by the state in Western Society such as social insurance, settlement of disputes, and education. In particular, it assumes, in time of need, the role of a welfare agency.

The head of the extended family has numerous ritual, moral, and legal rights and obligations. He offers sacrifice for the welfare of the family, organizes exploitation of the family land, helps family members who get into difficulties, and bears a large part of marriage, funeral, and hospitality expenses. In return he receives respect and obedience and material tokens of good will, and can claim one day's farm work in the full eight-day week from each adult male [59\_7]. This family head represents the members in their external dealings with other like social groups.

The head of every extended family is called the "okpara" and is the priest of the family cult. He is also the holder of the family "ofò", the sacred symbol of authority made primarily from a branch of the "Detarium senegalense" tree. The ofò represents the authority of the okpara as the intermediary between the family and the ancestors. The head of each level of the social and political hierarchy possesses the ofò appropriate to that level.

These vertical elements are the main channel for settlement of disputes in traditional Ibo society. Disputes on all matters are settled within the smallest group concerned whenever possible. When this involves members of different groups at a given level, a solution is first sought at the next higher level. Hence a dispute between two nuclear families would be settled by arbitration under the okpara of their extended family. A dispute, however, between members of different extended families normally goes before the head of their respective extended families. The procedure is similar on up the line even to the village group level.

Ordinarily, attempts are made to settle disputes "internally" within the group with as little fanfare as possible, since this procedure avoids bringing disgrace to the kin involved and offenders may be dealt with



more leniently than if the matter has to be tried "publicly."

A second major reason for attempting to prevent these offenses from occurring in the first place and minimizing the effects of them if possible is the feature of collective-responsibility of the extended family (and to a lesser degree of even larger units). In this way, pressure is brought to bear on the wrongdoers' relatives to obtain redress short of physical violence.

In the case of debt, if the creditor could not induce the debtor to repay the loan, he would go to the compound of any of the accused's relatives who happened to be absent on their farms, and capture goats or any other articles equivalent to the amount of the debt. Later in the day he would send word to the owner of the property, informing him of the reason for his action. The owner in turn would bring pressure on the debtor to pay the sum he owed. [ 59, p. 127\_7.

This hierarchical structure results in a decentralization of authority with the head at each level having considerable leeway for decision-making within his sphere as long as he stays within the customary limits of authority for that level. Rather than merely executing orders from on high according to the letter of the law, within broad limits he is his own man except in matters of general concern to the larger group or when he or one of his subordinates initiates action to bring the matter to a higher level for resolution. In addition, the head's authority, at whatever level, is that of a leader with willing followers rather than that of a dictator. The society is essentially decentralized and basically democratic, and authority is based on performance and personal qualities of leadership to a greater extent than on mere prerogative based on age or office.

This lineage system may be considered a pyramidal form of social organization based on kinship. Holding this vertical structure together are horizontal organizations crossing lineage lines. The importance of these organizations varies from place to place and a particular organization

may be insignificant or absent entirely in one area, while still functioning in important ways in another.

### Horizontal Elements

Very important horizontal elements are title societies, age group societies, women's groups, and the village council of elders.

Title societies confer life membership for a high initiation fee which is shared among the members. Thus by recruiting new members the society acts as a form of revolving group insurance. The essential qualifications are free birth, good conduct, and the ability to make the payments. Titles are often graded in prestige and in general a man may not take a title equal to or greater than that held by his father before the father's death. Some inferior titles may be inherited but most become vacant at the death of the holder [29].

There are many different societies with different grades of titles such as the yam, horse killer, cow killer, or second burial titles. These title societies exercise a form of social control on their members by laying down rules of conduct and proscribing certain forms of behavior considered unworthy of a titled man. Membership in the higher title societies may carry important power in the political as well as in the social spheres.

Titled men (Ndi Nzi) in the past virtually monopolized authority in their village group. The making of major political decisions and the administration of criminal justice were carried out at public meetings, at which all the adult males of the community had a right to express their opinions, and the decisions agreed upon were ratified and ritually imposed by the lineage heads. In fact, the initiative, including the formulation of policy and the debate in the public meetings, was controlled by the leading members of the title society, who discussed affairs at their society meetings and secured the support of other title holders. [29, p. 13]

The Ibo age grouping system may be divided into "age grades" and "age sets". Age grades are age-categories of which the Ibo distinguish three major categories. They are a senior grade locally referred to as "the elders" and containing the old men and women of the community, a middle grade referred to as "Men" or "Women", and a junior grade referred to as "Boys" or "Girls". Each of these age grades may have sub-divisions with specialized functions. The "age sets" refer not to specific age categories but rather to a specific group or "cohort" of actual individuals who are considered to constitute a group because their respective ages all fall within a given time span. As an individual grows older, he, along with his particular age set members, moves up from grade to grade. At any point in time a particular age set is subordinate in rank to those above (older than) it and superior to those below (younger than) it [46].

Age sets traditionally perform many public duties such as clearing paths, cutting forests, acting as market police, and guarding the settlement in time of war. They provide mutual help and exercise discipline over their members in cases of misbehavior [29]. They may harvest communal palm fruits and levy fines on those who refuse to cooperate [70]. Along cooperative and mutual aid lines, they build log bridges and help build one another's homes. They may also cooperate and contribute to wedding, funeral, or other social festivities involving any one of them in large expenditures, but to a lesser degree than members of the individual's particular extended family [66].

One of the most important functions of the whole age-grade organization is guarding public morality. Each age-grade is the moral censor for its members; it takes collective action against any of its members and

may, for example, compel a member to return stolen goods or pay a fine or both. Some age grades act as police or executive agents of the council of elders and yet can also initiate action on their own. If stealing were on the increase throughout the village group, they might increase the penalties for this offense, subject of course to the acquiescence of the elders. Or on a difficult land case, the combined age grades might attend to see that the elders do not inadvertently render the wrong decision [59].

Women are organized in many cases into groups parallel to men's associations. In a fashion similar to men's groups, women's societies perform various functions for their members such as mutual sociability, solidarity vis-a-vis men, economic assistance, and discipline of their own members. They may even serve as a court of last resort on occasions when male authorities have not been able to reach a decision. They may have a cult of their own, and compel debtors to pay debts and slanderers to pay fines [59].

#### Village Government

The vertical and horizontal members of the pyramidal structure come together in the village council of elders at the top in the traditional village governmental structure. This body is made up of both formal and informal leaders with no formal concentration of authority in a single individual. The formal leaders are heads of kinship units and the council is presided over by the head of the senior lineage, who also holds the senior ofo. Informal leaders are influential men of wealth, especially title holders or others who achieve rank based on ability [29].

"Government at the village level is an exercise in direct democracy. It involves all the lineages and requires the political participation of

all the male adults." [78, p. 41]. Nowhere is this more clearly brought out than in the legislative sphere. Legislative activities are performed by all adult males meeting in "ad hoc" general assembly. Public matters are thrown open for discussion to which every villager may contribute. When the matter has been thoroughly discussed the leaders (both formal and informal) retire to consult. When a consensus is reached a special spokesman chosen for his power of oratory and persuasive talents announces the decision. This decision is either accepted by those assembled by general acclamation or shouted down by general derision. If accepted, it is formally acclaimed law and given the "ritual binder" by the ofo holders. When this is done, it becomes the duty of each adult male to explain the legislation to his household group and see that they obey the law [78].

Executive functions were normally performed under the authority of the council by the youth within the context of the age grade societies. However, in some places the senior age-grades or a special class of younger elders acted as the council's executive and administrative branch [59].

From a judicial standpoint, the village council really only concerned itself with cases which were an offense against religion and so might bring disaster on the whole group, and with offenses which were likely to break up the solidarity of the community [56]. Anytime an offense involved members of different extended families, unless the families themselves could resolve it, it was likely to fall into the latter category because of the feature of collective responsibility.

The council might also delegate important areas of its authority. For example, if two parties had a dispute over their farm boundaries and had referred the matter to the council, the council might send the younger

elders age set to visit the area under dispute and settle the matter than and there. Only if they could not reach a decision would the matter be referred back to the council [59].

At the village group level, the procedures were similar with the important differences that instead of a direct democracy situation, the council members were really representatives of their villages first and loyal to the village group only secondarily. Here the age-grade system and title societies were important--as elders, individuals were representatives of their vertical lineage elements, but as members of the horizontal societies they had a common bond of "pan-village" unity and a basis for customarily acceptable joint action [46]. The village group meetings were debating forums where decisions to abide or not to abide by any particular ruling were based, on the part of any particular village, solely on its own perceived self-interest. Comparing the village and village group governments, Uchendu writes, ". . . the political solidarity and autonomy of the former contrast with the tenuous political relationship and 'minimal' government characteristic of the latter." [78, p. 44]

#### Economic Burdens and Incentives

The individual is enmeshed in the "seamless web" of relationships and reciprocal duties and obligations imposed on him by the various vertical and horizontal members of this traditional political and social structure.

Life being cooperative as it is at the village level, several people are called upon to chip in something at one stage or another. The result is that an average family is always involved in some kind of obligation, tangible or intangible, since one's friends, relatives or neighbors are always engaged in some form of expensive undertaking. [66, p. 274]

Probably the worst feature from a development standpoint is the channeling of funds into non-productive investment. These expenses are

often paid in other ceremonious undertakings. The money generally ends up in the hands of older men in the community such as titled groups, priests, or local chiefs who are less interested in productive investment and more interested in conspicuous consumption in the form of prestige houses in the villages and so forth [66].

Clearly, land is particularly associated with the vertical elements--the extended family and lineage system--and has strong religious aspects in traditional Ibo society. The head of the family, while not an autocrat, obviously has the strongest say regarding the family land and its use. As in other aspects of Ibo society today, a family member (male) who no longer resides permanently in the village still retains his rights in family land and may participate in village affairs by proxy, paying someone else to take over his part [66].

The effects of these and similar factors on the incentive of a particular individual farmer will vary from individual to individual and situation to situation. But, an ambitious youth who is under the domination of an autocratic father with old-fashioned ideas controlling the purse strings, and whose brothers have already migrated but maintain interminable rights in the family land, may not be very enthusiastic about farming as a career.

This section has very briefly described the broad outlines of traditional Ibo society and its operation. Some of the major influences and changes affecting this society in modern times are the subject of the next section.

## VII. THE MODERN WORLD AND TRADITIONAL SOCIETY

The British, who first began the occupation of Nigeria with the appointment of Consul Beecroft in 1849 as "Her Britannic Majesty's Consul for the Bights of Benin and Biafra," [17, p. 95] subjugated and pacified the whole of modern Nigeria between the years 1885 and 1914 [16].

By 1914 the lengthy process of unification was completed when the two administrations of Northern and Southern Nigeria were amalgamated. In 1960 Nigeria became an independent country and a member of the British Commonwealth of Nations.

### Missionaries and Traders

According to Dike, missionaries were the pioneers of education and modern medical services, and were in large measure responsible for the social development of the country [16]. The profound importance of this contribution to the development of all Nigeria is well put in the following quotation:

The Western education, widely disseminated from these schools became, perhaps, the greatest instrument of change in Nigerian society. Mission schools equipped Nigerians for the new life in the Western European Society into which the British conquest had plunged them and from which once begun they could not withdraw. It is from the ranks of educated Nigerians, products of missionary education, that West African nationalism and the movement for self-government found its leaders. [16, p. 34]

While the missionaries competed with each other for the natives' souls, others were developing the natural resources of the hinterland to fuel the factories and help feed the mouths back in England.

The exploitation of palm products and other raw materials in Iboland and elsewhere in Nigeria required the development of facilitating institutions, new ways of doing business, and the necessary physical infrastructure.



Gradually inland transportation facilities and port facilities were developed, and banking and other financial institutions were organized to facilitate the ever increasing use of a single modern currency as the means of exchange over all of Nigeria. The developments in turn brought cities and urban communities into being as trading centers where the raw materials of the natives might be exchanged for goods manufactured in Europe.

The "umbrella of protection" under which both commercial and missionary activities in the interior took place was provided after 1884 by the British Government as it officially took over the political administration of the country.

#### The Colonial Administration

Probably the most significant feature of British Colonial Policy was Lugard's concept of indirect rule.

As Lugard himself expressed it:

"The cardinal principle upon which the Administration of Northern Nigeria was based was what has been commonly called 'Indirect Rule,' viz., rule through the native chiefs, who are regarded as an integral part of the machinery of Government, with well defined powers and functions recognized by government and law, and not dependent on the caprice of an executive officer."  
[13, pp. 177-178]

In the East, however, the system just did not work. As Margery Perham put it:

Where indirect rule, on anything like northern lines, proved wholly inapplicable in Nigeria was in the southeast, the Ibo and Ibibio country. Here, in forests, lived a large population of what the anthropologists call acephalous groups, small independent clusters of pagans each bound only by ties of lineage. The complex distribution of duties according to seniority, sex and status, with ancestral and magical sanctions, offered, even less than among the Yoruba [Western Nigeria], any agency which an alien ruling power could use for the performance of administrative activities,

most of which were too novel in kind and too large in scale to be within the capacity of these small forest groups. [53, p. XLIII].

As the British conquered and pacified Iboland, the area was carved up into administrative districts under a "DO" or district officer.

The district officer was a "receiver of complaints, investigator, prosecutor, defense council, cross-examiner for both sides, and judge as well as being responsible for the general state of affairs in his district" [21, p. 252]. In other words, he united judicial, legislative and executive powers in his person.

When traditional rulers could not easily be found in many areas of the East such as Iboland, the government created "warrant chiefs." These chiefs received official and legal recognition under the Native Authorities Ordinance of 1916 and through them the government in the person of the District Officer ruled [36]. This type of system continued basically intact until about 1950. In 1950, local government councils first began to replace these native authorities at a time when a new virile nationalism was getting in stride. The keynote of the change was a change of management--the elimination of control by the administration, which had been a feature of the native authority system, and the vesting of power in virtually autonomous councils. Most important, the district officer no longer had any official authority over the councils so that there was no local agent of government with the authority to guide and restrain them [40]. This system led to abuses and investigations and in 1955 the councils lost their autonomy. The Minister of Local Government in the Eastern Region was given effective control over the councils in "all the important spheres of their activities." [40, p. 3]

However imperfectly the system may have worked, it did provide "a deeply welcomed increase of security for persons and goods, and enhanced

facilities for securing larger and more regular incomes from produce and labor" [28, p. 89\_7. In other words, the most important contribution of the government was to provide across all of Iboland those basic conditions--law and order in the profound sense of those words--which are fundamental to the possibility of economic growth.

Moreover, besides laying the foundation for and developing the institutions of the governmental organization for the entire country as well as the regions which would be called upon to run the country after independence, the colonial government contributed directly to economic development. Production of export crops was left in the hands of the native producers while the administration provided guidance and assistance through government ministries. The transportation and communications networks were developed by the Colonial Administration (albeit using corvee labor recruited through warrant chiefs and others) and not by private enterprise. For example, by 1940 there were 2,203 miles of railroad tracks in the country entirely constructed by the government [13\_7.

#### The Educated Elite

While the Ibos have shown great interest in and receptivity to the modern world, this has not led them to reject their traditional cultural values; while their traditional institutions have shown responsiveness to changed conditions, they have also shown resilience in the face of these changes.

Even when they leave the village on a more or less permanent basis, the Ibos retain strong ties to their place of birth and a strong desire to help the home village progress. In order to maintain their contacts with the home village and each other, Ibo migrants form associations known variously as patriotic unions, "sons abroad associations,"

Improvement unions and so forth. The genesis and extensive development of these associations may be appreciated from the following quote:

The Oguta Improvement Union, now changed to Oguta National Union, was founded by the educated elite sometime in the early 30's, and it was restricted to a very few groups of these early literate groups. From 1953, the Union was reorganized and then taken over by the younger elements. Leadership passed into their hands. Most of them were teachers, civil servants and some independent traders. During this period, the branches of the Union were reorganized. Many of the younger elements who have finished their grammar school education migrated to the urban towns and reinforced their membership. They formed the different branches at Port-Harcourt, Aba, Owerri, Onitsha, Enugu, Umuahia, Benin, Sapele, Warri, Lagos, Kaduna, Zaria, Jos, Kano, and other urban centers. It was possible to trace the Oguta people in the country by the numerical strength of the Union in these places. Where more than five Oguta people settled, a branch was formed and efforts made to communicate with the home branch. At the annual conference held every December, branches sent delegates and reports of the home activities were read. Local branches had their local rules to meet the local conditions, and the rules showed that the branches provided avenues for social adjustments of the members in the urban environment. [67, pp. 322-323]

The above quotation refers to unions of the male villagers abroad but "wherever enough women are present," they too have their associations [67, p. 324].

The quotation reveals several important points regarding these "unions." First of all, they are not "pan Ibo" groups, but rather groups of individuals from the same small village or village group (Oguta is such a group near Onitsha). Their geographic spread covers all of Nigeria, and no doubt they exist overseas in such places as London as well. The members of these groups make up the westernized "Intelligentsia" from the village and they bring this composite and varied body of experience together in the home village environment at regularly stated intervals.

Inter-village competition is one of the strongest forces behind most improvement union projects and these unions exercise strong influence on both the political and economic life in the village. The unions act as

transmission lines between the village and developments in the outside world.

To help the village "get up" these unions provide local and overseas scholarships and sometimes make loans on a basis similar to age grade societies. In direct development, they often provide the impetus and the mental and financial wherewithal to build schools, maternity homes, hospitals, roads, log bridges, post offices, and community centers. In these activities they are always careful to seek the sanction of the traditional rulers and to try to involve the entire village, not just union members, in the project [66].

The intensity of this inter-village competition and of the desire to help the village 'get up' is conveyed by an incident related by Uchendu. A postal agency was temporarily closed down in a village; a rival village, one mile away, thereupon applied to have the agency relocated in its own village. Official permission was refused and even though the agency in the original village had reopened and another was within three miles, the villagers decided to rent a postal mail bag from the nearest post office which was nine miles away [78].

The American sees a post office as a place that handles ingoing and outgoing mail; the Igbo thinks of the post office as a symbol of status which its presence confers on his village or town.  
. . . Igbo receptivity to change and their separatism cannot be understood if we do not take their concept of "getting up" into consideration. [78, p. 38] (Italics added).

#### Village Response to Economic Development

Nzeribe provides the following details on village response to economic development [66].

The improvement unions are the major new institution grafted onto traditional society and provide that society's primary contact with the

modern world. Other traditional institutions, however, are neither unaffected nor totally inflexible. They too have played a role in helping their village and its members "get up."

The extended family took upon itself such non-traditional functions as construction projects of various magnitudes and group commercial enterprises such as palm produce merchandizing, retail trade, pharmacy, and transportation services. In addition, it offered scholarships at different levels, even to collecting funds to send bright young men, often from poor families in the group, overseas. There is always a tacit understanding that individuals so aided will later reciprocate financially on behalf of other deserving young men and also use their knowledge to help the extended family and the village.

In a similar fashion, age grade societies have been utilized by village heads to organize and carry out village development projects such as school buildings, dispensaries, maternity homes, and community halls, as well as to collect scholarship funds. In the collection of funds for various purposes, the heads of the various age sets cooperate and meet to hold strategy sessions and define areas of responsibility. "The autonomous nature of the groups [age sets] facilitated the collection. All formal and informal controls were brought to bear on likely defaulters and a healthy spirit of competition [was] engendered among the different groups" [66, p. 325].

Finally, in addition to the thrift and cooperative savings clubs already mentioned (often known as "esusu" clubs), private associations of "embryonic entrepreneurs" or groups of "clever, vigorous, profit-seeking people who have abandoned the traditional way of life to seek new opportunities in commerce," have begun [66, p. 347]. They are

usually formal or informal partnerships of close relatives or fellow villagers engaged in retail trade, wholesale trade of palm produce, transportation, lumbering, or construction. Their "seed capital" is sometimes furnished by wage-earning relatives in urban centers. Clearly, Ibo villagers have not been unresponsive to changed conditions.

#### Resilience of Traditional Village Society

Inevitably, these tremendous changes have had an impact on traditional Ibo society and its institutions. While new and traditional village groups have turned their attention to development activities, the traditional functions of such groups as the extended family, age grades, title societies and so forth have atrophied and/or gone underground to a greater or lesser extent depending on the degree of exposure to Western influence and the effectiveness of the penetration of the colonial and subsequent administrative apparatus.

The main thrust of Christianity, aside from its purely secular aspects, has been to weaken the authority of the natural rulers and the traditional governmental apparatus insofar as they are dependent on the traditional supernatural sanctions.

However, it cannot be concluded that traditional religion has been completely removed as an important factor in everyday Ibo life. Such practices as polygyny continue to flourish at the same time the parties to such a marriage attend church, often "going to church with a Bible in one pocket and Juju in the other" [77, p. 112\_7]. Similarly, as regards medical care, "It is common knowledge that diviners are consulted and sacrifices made on behalf of patients receiving treatment in hospitals" [77, p. 113\_7], and one author states that "reverence for the ancestors

is being revived among Ibo Christians today" [41, p. 341]. Finally, in 1958 only about one-half the people of Eastern Nigeria were even nominally Christian.

Just as traditional religious beliefs and practices have managed to persist to a greater or lesser degree depending on circumstances, so have traditional rulers and leaders managed to maintain a measure of their pre-colonial functions and powers.

Jones notes that in the case of the Ibo, their pre-colonial system of government " . . . has continued to adjust itself to every system of local government which the central government, whether colonial or regional has seen fit to impose" [45, p. 72].

Moreover, in the wake of the establishment of the 'warrant chief' system of government while external law and order was maintained, corruption flourished and the system failed to cope with local village crime such as theft [82]. As a result, in many places village elders began to reassert their authority by privately making rules that no one should take disputes to the police or courts without their permission. Among the Mbaise group in Owerri Province an entire system based on the traditional pattern was set up to deal with offenses against tribal customs. The most common disciplinary measure was ostracism, a "very terrible weapon," and even stronger methods were used by selected young men known as "vote police" [82, pp. 132-133].

After citing several instances of situations similar to the above, Akpan concludes:

These incidents appear to confirm that, if there are no strong centralized authorities worthy of recognition in the big local government councils such as the district and county, there are nonetheless powerful and influential indigenous authorities worth reckoning with in the highly localized village councils. [1, p. 114].



In this regard, Jones notes the continuing importance of title societies in village life:

Many title . . . societies which earlier intelligence reports [such as Meek's, Law and Authority in a Nigerian Tribe, in 1937] said were moribund have revived and their members now feel strong enough to seek to re-establish their former monopoly of village political affairs; and the retiring civil servant or professional or businessman who feels he would like to play his part in local government is finding that membership in these societies is necessary if he wishes to gain the support of the senior members of his community . . . The retiring official or professional man may know a great deal about the outside world, but he lacks any detailed knowledge of politics of the little village world which he now wishes to influence; and membership of the local societies brings him into intimate and friendly contact with those men who have spent their lives in mastering this particular subject. [48, p. 23\_7]

Jones goes on to note that regardless of the recommendations given to villagers regarding literacy and other desirable qualities in a local government councilor, the people "appear to have largely ignored them and returned those people they considered best qualified to represent them . . . a mixture of traditional and untraditional elements, including both illiterate and literate, elderly and young, chiefs and commoners" [48, p. 55\_7].

The survival of traditional society and in a good measure its customs, institutions, and values in the rural areas of Iboland is not surprising to one who has travelled extensively throughout the region. The modern world really exists only in the urban areas. One is struck by the way in which tarred roads run through the countryside between the built-up urban areas. The impression is of a lattice framework very superficially superimposed on an almost unchanged rural background. For example, in contrast to the United States where in developed rural areas the modern world very clearly permeates the entire countryside as evidenced by the farmer's array of mechanical devices, telephone, electric power lines, and so forth, in Iboland the rural areas form a sort of "no-man's-land" with no modern amenities except for the ubiquitous grammar schools and

a few scattered missionary stations, plantations, or governmental buildings and projects.

### Colonial Policy and Land Tenure

As already mentioned, an unintentional effect of the colonial regime in Eastern Nigeria was that pacification terminating the traditional methods of warfare also terminated the traditional means of tenure adjustments.

The fundamental principle of the British Colonial Administration in all of Nigeria regarding the land was to maintain the rights of the natives to their land and to prevent its alienation to non-natives. Hence, after discussing the various governmental legal documents starting with the Native Lands Acquisition Proclamation of 1900 regarding what is presently Eastern Nigeria, Elias states that:

It is thus apparent that, running through the entire web of legislation regarding land in the old Protectorate of Southern Nigeria from the proclamation of the protectorate onwards, has been the one consistent principle that the right of the Crown has, at least in practice, been confined to an administrative control over the alienation of land by natives to non-natives, the customary use and enjoyment of the land being preserved to the native occupiers. . . .

In the result, therefore, the Government has pursued a policy of restricting alienation of land in the former Southern Provinces only to dealings among the natives themselves, while frowning upon any out-and-out transfer to aliens. [22, pp. 45-46]

Further on, after discussing various relevant court cases, Elias concludes, "We therefore arrive at a situation in which dealings in land . . . between the indigenes of a district are still governed by the local rules of customary tenure" [22, p. 205].

Indirectly, as a side effect of development rather than as the result of any particular policy measure, an embryonic modern land market where land can be bought and sold has developed in and around the urban centers where instruments of conveyance written in English and titles along English

lines have been developed [9].

This had led to an anomalous situation where:

The joint operation in Nigeria of English and customary law has produced a complex and unsatisfactory situation where land is concerned. It has created two distinct types of land tenure, and the decided cases establish that particular pieces of land may shift backwards and forwards from one to the other. [71, p. 18]

The practical consequences of this "anomalous situation," combined with the intricacies of customary tenure for an individual or group attempting to obtain a clear legal title to a piece of land in Lagos and other urban areas, is portrayed in the following quote taken from a book on Nigerian Law by Park.

There is indeed the possibility of a title equivalent to a fee simple being obtained as a result of a sale of family lands with the general consent of the family. Nevertheless, it is a difficult, hazardous, and often expensive process first to discover the persons whose consent is required . . . and then to obtain the consent of them all. Failure to get the agreement of one person may be disastrous and the danger is enhanced by the fact that lapse of time without acquiescence is no bar to the assertion of a right under customary law.

The result of this and the other circumstances . . . [such as the 'anomaly' already mentioned] is that the urban areas of Nigeria . . . are conveyancers' nightmares. . . . Verity, Agr. P. . . . [In a law case] observed of purchasers from one family: "more often than not they purchase a law suit, and very often that is all they get." In places the situation has been little short of chaotic, with quite small tracts of land being weighed down by a remarkable quantity of hard fought litigation. [72, pp. 137-138]

The above quotes really apply fully to only a minute portion of the land in Nigeria, since they refer only to the urban centers and primarily to Lagos itself. Since practically all land outside urban centers (as well as much within them) is held under customary forms of tenure, the existence of English law alongside customary law creates problems (or perhaps opportunities) more of a potential than of an actual nature at the present time with regard to the rural areas.

### Native Courts and Warrant Chiefs

The courts most familiar to, most often frequented by, and by far the most directly important in the Ibo villager's life were the lowest or native courts.

These were established as an official part of the judicial system of the Protectorate of Southern Nigeria by the Native Courts Proclamation, Proclamation No. 9 of 1900. In Proclamation No. 25 of 1901 it was "laid down that the civil and criminal jurisdiction of a statutory native court should within its area be exclusive of any other jurisdiction by any native authority whatsoever" [49, p. 167]. Traditional jurisdiction was thus superseded by statutory jurisdiction.

These courts were really all-purpose legislative, executive, and judicial organs of local government, and through them the District Commissioner (later known as the District Officer) exercised his all-purpose authority.

As a result of the unexpected Aba riots by Ibo women in 1929 [see 517], which dramatized the extent and depth of native discontent with the Warrant Chiefs and the Native Court System as it then existed, numerous intelligence Reports and several anthropological studies, such as Haek's Law and Authority in a Nigerian Tribe [597] and Green's Ibo Village Affairs [307], undertook to determine the nature of traditional Ibo society.

When the nature of Ibo society became better understood, new courts based on sociological as opposed to arbitrary geographical jurisdictions were established. This resulted in a proliferation of courts, massed benches sometimes containing over sixty judges, and a constant turnover among members of a social grouping holding a common warrant [787].

Consequently, a new Native Courts (Amendment) Ordinance was passed in 1951. The terms "customary courts" and "customary law" were introduced

as replacements for "native courts" and "native law"; other reforms helped reduce the number of courts and size of benches, and achieve a more stable court membership [49].

Uchendu, writing in 1965, notes that "although these councils [courts] have produced a higher political integration, they have not replaced the traditional village-group government" [78, p. 48]. If they have not replaced the village-group government, always extremely weak compared to the village government in any case, it seems obvious that those traditional village governments must also still be functioning in a very important manner as regards the daily life of the villagers.

The reasons for continued traditional government influence are brought out in a discussion of the Warrant Chiefs who have become the symbolic *bête noire* of local administration and justice in Eastern Nigeria. To staff these courts, individuals were appointed by government warrant and given "a hat and a staff or insignia of office" [45, p. 75], hence the name Warrant Chief. These individuals were selected by the District Officers, the intention being to obtain the natural rulers. Sometimes this occurred but often the men appointed were ". . . those who impressed the District Commissioner with their courage to come forward and meet the Europeans. The traditional rulers seldom passed this test, and so were, for the most part, left out" [65, p. 70].

Thus many warrant chiefs did not have status among their own villagers, but in good Ibo tradition they seized the opportunity for rapid advancement. When once installed with nearly complete security under the protection of the Colonial Administration, they, "as agents of the administration . . . place [d] their private interests first. . . . The tradition of speculation and corruption started by those councils was continued in the

local councils and even by the new members of the House of Assembly and Cabinet Members" (referring to Ibos in the Eastern Nigerian Government) [82, p. 129].

Commenting specifically on government at the local level, Nzeribe states ". . . examples of bribery and corruption could be multiplied almost indefinitely . . . native courts, local governments are the loci-classici of such abuses" [66, p. 253]. Large bribes must be paid court members, "the highest bidder always wins," and a successful litigant often receives only a small percentage of what he has coming as a result of bribes, court costs and other expenses. This expensive litigation saps the savings of the farmers [66].

When the customary courts became practically autonomous in the early 1950's, corruption and other abuses became so bad that the Regional Government was forced to reassert control over them. Aside from the indication above that corruption is widespread even at the highest levels of government, the government itself is developing rather than developed and has hardly had an opportunity to instill in its personnel a service ethic such as existed in its precursor, the British Colonial Service. That administration was, after all, an alien one and considered by the Ibos in pre-Independence days to be "a nest for sheltering the indolent and the shifty" [66, p. 251].

This discussion of the problems of integrity has not been undertaken because corruption and other abuses of public office are unknown even in the highest circles in the developed societies of the West, or because the fact of corruption in developing countries is any secret. Both are well known and well documented. It is undertaken, rather, because it is often taken for granted, passed over in a sentence or two, or even diplomatically left out entirely. However, this study emphasizes land tenure,

and problems of integrity are particularly important when they affect the rights of a villager to his land. It may be satisfactory to allot five or ten or whatever percent, tacitly or otherwise, to corruption in an overall development planning scheme, but when it comes to land tenure this approach is not satisfactory. The peasant farmer depends for his very livelihood on his land, it is practically his only possession of any value, and any threat to his security, real or imagined, has severe repercussions. Costly, involved, and lengthy litigation over land rights in a law court where the outcome is uncertain in any case and may be decided on a basis of considerations which are essentially irrelevant is hardly conducive to a farmer's incentives or to increased production. The very threat of a law suit may well intimidate an uninformed individual, especially if he has reason to believe the potential judge is not a disinterested party because of kinship ties or other reasons.

The writer recently observed [probably in 1957] two land cases which are by no means extraordinary. One had lasted twelve years involving a village of 1,500 adults in assessments amounting to £5 per person per year (\$14) in this period; and the other has lasted over seven years and had cost the parties over £300 (\$840) each and had not neared completion. Expenses incurred in these cases are not usually recovered even by the winning party because most of them are made by way of bribes and no claim can be established for such expenditures in courts of justice. Most of these land cases are results of lands pledged or pawned several years ago and some as far back as several generations. [66, pp. 276-277]

The above mentioned cases may not be extraordinary but they are no doubt atypical and certainly must involve unusually large sums of money. This author cannot imagine where the money assessed in the first case came from if the assessments were actually paid. Nevertheless, with the large amounts of land and trees held under pledging and other types of tenure short of fee simple ownership, the actual and potential land case litigation obviously is enormous. This situation cannot help but effect in an undesirable fashion the incentives of the farmer to make any long

term investments on any piece of land to which his title is clouded. It also immediately and drastically decreases his very ability to increase his productivity once he feels compelled to start bribing in order to protect his rights in his land.

In theory, the idea of restricting land cases to native (customary) courts where the relevant customary law can be applied except under exceptional circumstances seems ethically and legally sound. In practice, because these courts are alien institutions whose underlying ethical foundations are misunderstood and not accepted by the indigenous village people, the results have been considerably less than satisfactory.



## VIII. THE INDIVIDUAL AND TENURE: PAST, PRESENT AND FUTURE AS RELATED TO AGRICULTURAL DEVELOPMENT

The land tenure system and the traditional society of the Ibo have been discussed above, along with some of the main influences of the colonial era on that society and its institutions. This section will show the significance of the relationships of the land tenure system to the individual farmer, particularly as these relationships affect his incentives and hence his productivity.

These "data" will give empirical content and concreteness to the general concepts and the basic model as developed in Section III.<sup>11</sup> However, in this application to Iboland of the generalized analytical framework, no conscious attempt will be made to include explicitly every particular institution discussed, nor will every single concept necessarily be specifically referred to. An attempt to do so would lead to unnecessary repetition and perhaps a lack of clarity in the analysis. The important task is to indicate the salient features of the farmer-tenure relationship within the actual institutional framework as it affects actual or potential productivity.<sup>12</sup>

---

<sup>11</sup> As stated there these basic concepts come from John R. Commons' work. His system of ideas and his point of view reflect the results of his long and active participation in public life. Consequently these concepts are formulated slightly differently according to the context of his writings.

Reference in this paper is principally to his two major theoretical works, Legal Foundations of Capitalism and Institutional Economics, Its Place in Political Economy.

<sup>12</sup> These introductory paragraphs recapitulate and summarize the conceptual framework developed in Section III. We have, however, attempted to articulate these concepts as they might be implicitly understood by an Ibo peasant as a result of his experiences in a village.

The individual farmer, as a purposeful discretionary actor, exercises his will when he acts to produce agricultural goods for himself, his family, and other members of society. In this process he performs, avoids, and forbears in bringing his physical and mental powers to bear in the production process in accordance with his perceived best interests. His perception of his own best interests results from his experiences in transactions with other individuals or groups of individuals (institutions) regarding the production and consumption of goods and services. He discovers, as soon as he is old enough to exercise his will at all, that there are limits set by society defining which actions are acceptable and which are not and that these limits for action are enforced by penalties (sanctions) [see 11, pp. 364-366]. As he grows in maturity he finds that within these limits of avoidance there are opportunities to act and transact to improve his well-being, and that if these actions or transactions are performed in accordance with the working rules of the going concern, i.e., society and its laws and customs, his rights to the rewards of his efforts will be sustained through the enforcing of correlative duties on other persons to respect these rights. He will then be in a status of security as regards his future expectations for the enjoyment of the fruits of his labor.

He also learns that when he acts rashly and attempts to ignore or avoid these working rules, he remains in a status of exposure rather than one of security. If an act is in serious conflict with the avowed public purpose of the society--if it goes beyond the legal limits for avoidance of action--the designated governmental agency (going concern) will bring the sovereign power to bear against him and invoke sanctions to deprive him of the fruits of his efforts. Such offenses come under criminal law in modern systems, and the appropriate representatives of the state

are empowered by the working rules of society to take action on their own account to enforce the collective will.

Even when his action is not considered serious enough to come under criminal law and hence merit legal punitive action, unless the transaction is completed in accord with the working rules he remains in a status of exposure. If his action has in fact been illegal under what is called civil law in the Anglo-American system, those persons claiming redress of grievance against him will be able to bring the powers of collective action to bear on him under due process of law. In this way he will again be deprived of the fruits of his efforts. His exposure consists of the legal measures others can at their discretion and within the accepted working rules set in motion against him.

Finally, a situation may arise where his action breaks no law, civil or criminal, and yet he still remains in a status of exposure. Such a situation may arise when an individual fails to follow the procedures regarding a certain type of transaction as prescribed by the working rules of society. In this case another person or group, such as the other party to the transaction involved, may deprive him of his just rewards, morally speaking, provided only that they have the power to do so. In such a situation, because he ignored the working rules the injured party has no legal recourse with which to protect his property. There is no way in which he can bring collective action to bear on the offending party; indeed, legally speaking, he will probably find himself in a duty status attempt to regain his property by any other means.

Thus, he comes to realize the importance in any serious matter of completing the required transactions, however onerous, before acting. He realizes that he can do very little to alter these working rules of

society and that he must generally conform willingly or unwillingly, although the working rules do change slowly as conditions change. Finally, he becomes aware that while the working rules place restrictions on his will they also expand his opportunities to exercise it by placing similar restrictions on the wills of others. Only in this way is it possible to have a society at all.

The peasant agriculturist in Iboland may not formulate these ideas explicitly, but his entire development from childhood onwards as a member of society implants an implicit understanding of these concepts in his mind and he regulates his actions accordingly. He "wills" to do what is morally and ethically right and to do what is socially acceptable and profitable. Moreover, in traditional society he does not need a written legal code to understand where his rights vis-a-vis others end and his duties begin, or vice-versa [see 30\_7].

Since nothing is more vitally important to his very livelihood than his rights over the food he produces with his labor, matters regarding land tenure are of crucial importance to him and therefore are not to be taken lightly. There are probably no considerations of a more serious nature than tenure regarding his present and future well-being or that of the other members of his family, whether considered objectively by the economist or subjectively by the farmer himself.

#### The Individual and Tenure in Traditional Ibo Society

Generally speaking, the head of the nuclear family is free to make his own managerial decisions regarding his production process. Thus he is free to perform those necessary managerial and rationing transactions which are internal to the going plant's operation [see 10, pp. 64-69 and 296-297\_7].

This is not strictly correct because his wife or wives have rights in his land which are widely recognized and which he cannot ignore. Indeed, he would be expected to acquire the use of additional land by one means or another if he himself could not provide a wife with the customary plots out of his own holdings. In addition, he might be called upon to participate in joint efforts to clear land not his own, clear paths to the market and so forth, but the principle of reciprocity would prevail so he should have no strong objections. Finally, his managerial decisions might be limited regarding certain specific operations. For example, the village council may decree that he must burn his fields on the same day as all the other farms are burned off. Also, because of taboo, women, who make up a very important part of his labor force, may not, for example, be allowed to harvest yams or store them in the yam barns. Or, the village may impose certain restrictions regarding what crops may be planted in village farmland because certain crops (cassava, for example) may interfere with the bush fallow rotation cycle. In such cases, the society's collective will restrains the farmer's individual will from acting in a manner contrary to the perceived general interest. Private purpose when in conflict with public purpose must give way.<sup>13</sup> Yet all in all, with these and similar exceptions, the farmer seems to have a fairly free hand in making decisions regarding the internal operation of his family farming firm, including the marketing of his crops.

---

<sup>13</sup> Commons devotes the concluding chapter of Legal Foundations of Capitalism to an analysis of the development and significance of public purpose, including its relationship to private purpose. "The question always is, not, What is a private purpose over against a public purpose? but, Is the private purpose also a public purpose, or merely a private purpose?" / 11, pp. 326-372 /.

In acquiring the necessary resources to run his firm, the farmer holds certain customary rights regarding the land. He has a right under customary law to the seasonal use of a certain amount of the community farmland each year, basically, a right to as much as he can cultivate and as is necessary for his needs. Under primitive conditions, he probably could not cultivate much more than he needed; if he could, he would forbear from doing so since any surplus would only be lost through spoilage. As described in Section V, the process of territorial growth, from the initial or colonizing stage through the consolidation stage and into the final or disintegration stage, leads to a progressive reduction in size of the land-holding unit. In this way, even in traditional society, an individual may come to have almost exclusive control over a plot of land as a result of the inheritance process. In one sense this "ownership" increases his effective control over the use of his land because certain restrictions, such as a prohibition on planting tree crops, may no longer be relevant as regards the "owner" of the land.

The individual, then, has two initial potential sources of land for his use by customary rights--a right to the use of a portion of any existing land held in common by a larger (higher) unit in the vertical social structure to which he belongs, and an ownership right to any land he holds through inheritance or perhaps as a result of clearing a piece of virgin forest.

However, even before the colonial era, as a result of population growth, territorial losses to a neighboring village, and the system of inheritance, one particular individual might find himself with insufficient land while another had an excess. To cover such cases and to provide for the common good, procedures developed under customary law to allow for the

transfer of use rights in land. For religious and other reasons, outright sales were not permitted but "showing," "pledging," and similar practices acquired legal status under customary law; rights obtained in this way came to be backed up by appropriate sanctions.

An individual who so desired was thus provided with a secure means of obtaining the use of someone else's land for a season and perhaps for a longer period, provided he could come to terms with the other party by means of a socially-sanctioned bargaining transaction [see 10, pp. 59-64] 7. In either case, he was entitled to harvest the crops he had planted--if the pledgor redeemed a pledged piece of land he, the pledgee, did not lose his capital or labor input and could use the pledge money to try and pledge a different piece of suitable land.

For certain purposes, such as house building, the individual might feel he needed greater security than the usual pledging arrangement, and so a "tacit sale" might take place by paying a pledge price twice or more the going rate. Presumably if the pledgor ever had the money to redeem the pledge, he would prefer to acquire another piece of land at a cheaper price. Once "tacit selling" became a socially accepted custom within the village, the pledgor might be hard pressed to obtain the power of the collective will to enforce his legal right of redemption.<sup>14</sup> Ultimately in some areas, actual sales as such apparently can now occur under customary law provided the appropriate rituals are performed in front of witnesses. These developments regarding sales are of more recent origin, but customary law was flexible enough to adjust to changing circumstances in these particulars.

---

<sup>14</sup> The state as a going concern is conceptualized as the collective will whose sovereign working rules are enforced by authorized agents. [See 11, p. 149] 7.

At the present time, various Ibo communities lie in various stages of this process of individualization and commercialization of rights in land, but it is doubtful if outright sales of land between villagers are common in many areas or if the customary law regarding them has had time to stabilize regarding the legality of a sale. Sales are resorted to only as an emergency measure when there seems no other way out. Even today, a villager who "buys" land to farm from a fellow villager may not feel very secure that the land is really his. Finally, it is a sure principle of customary law that village or village group land cannot be alienated permanently to "strangers," so that any individual who owns any rights in any kind of land within the territorial jurisdiction of a village does so as a member of the group and not as an individual. He does not have the right to permanently alienate these land rights, and certainly cannot sell any land to a "stranger" without the consent of the other members of the going concern called the village.

Thus the head of the nuclear family engages in various bargaining transactions with other individual or going concerns such as a neighboring extended family, to supplement his own resources. In this bargaining he acts as the head of a going business and he adjusts his actions and his management of his going plant according to the results of these transactions. In Commons' terminology this joint operation of the going plant and the going business make up the going concern [see II, Chapter V]. In peasant agriculture these transactions chiefly concern obtaining additional land and sometimes labor resources.

These reciprocal rights and duties regarding the use of land that result from bargaining transactions between members and groups within society according to the customary working rules are upheld by the



power of the collective will. This collective will is expressed by way of collective inducements or sanctions applied to the individual. These sanctions may be of a moral, economic, or legal nature and involve corresponding kinds of power: moral, economic, and physical. Behind these sanctions lies the threat of collective action [see 10, pp. 70-74 and 77-79]. For example, for some offenses the only collective sanction invoked might be social disgrace. An individual who refused to do his full share of the necessary community tasks might not be threatened with economic or legal sanctions unless his delinquency was considered a threat to the well-being of the group. If an individual wished to pledge a piece of his own land to someone of whom the other members of his extended family disapproved, the *okpara* might not be able, on legal grounds, to prevent the pledging from taking place. He could perhaps induce the individual to change his mind by threatening to withhold his bride price money--in effect, imposing an economic sanction. Or, the other members might inform him that if he pledged the land, the customary help in house building or joint clearing of the land might not be forthcoming the following year. Here, probably no law would be broken and the step would involve an attempt to apply an economic sanction.

In matters of land tenure these lesser sanctions may be brought to bear on an individual, yet if the matter is serious enough the ultimate sanction of collective action in control of physical violence will be threatened or actually invoked in order to restrain the individual from acting in an unacceptable manner.<sup>15</sup> Thus an individual who refused to

---

<sup>15</sup>"Collective action in control of physical violence" is at the heart of Commons' concept of sovereignty [see 10, pp. 684-692, and also his discussion of physical, economic, and moral power in Chapter III].

vacate a piece of land he held on pledge when the pledgor wished to redeem it would, unless there were unusual circumstances, be forced by the threat of collective action by the sovereign power to do so.

If in practice these sanctions are inseparable in a modern industrialized society, they are even more so in a traditional Ibo village. What sort of a system of going concerns and sanctions does an Ibo farmer in the traditional village situation see when he considers various decisions he might make regarding his farming enterprise, especially about the potential land and tree resources available to him under the customary tenure system? Probably no one and certainly not this author can give any definitive answer to the above question, but at least it provides a device for maintaining the focus on the individual farmer. Using the evidence we have gathered about Ibo society, we can attempt to construct a reasonable idea of the actual tenure environment as it might appear to an average village peasant prior to the influence of the modern world.

Our farmer decision-maker saw sovereignty located in the village council composed of the formal and informal leaders of the village. He was aware that many of the executive functions of sovereign power were formally delegated to certain other groups or going concerns such as age grade, secret, and other societies. However, he did not normally deal directly with the village council regarding land or other matters. Since he and all the other villagers were quite aware of what the laws and customs were, when he felt he had a problem or was entitled to redress of grievance regarding the land or anything else, he followed the accepted procedures. In some cases he went to specialized going concerns among the horizontal elements of the society. Thus, if he was concerned

that a particular piece of land was spiritually polluted in some way, it might have been appropriate to go to the priest of Ala, the earth goddess. Usually, however, he went to the appropriate level within the vertical elements of the social structure, normally the okpara of his extended family. If he was in the right regarding the dispute, and the okpara could not settle the matter, the farmer expected the okpara to carry the case to a higher level and ultimately to the village council, normally the court of last resort.

In pre-colonial days the village community was quite small so the peasant was familiar with most everyone there. Moral sanctions backing up customary ways of doing things were quite effective by themselves; to be called a thief, for example, was a great disgrace not only for the individual but for his entire extended family. Then too, from the okpara all the way to the senior village elder or "chief," the supernatural sanction of the ancestors was a great inducement for obeying the rules. A man who had refused to live up to his part of a bargaining transaction might be made to do so by invoking socially accepted economic sanctions, perhaps even by holding his entire extended family collectively responsible and in this way bringing pressure on him. As long as these sanctions, moral and economic, accorded with customary law as regards their direction and degree of power, a peasant could feel confident that the sovereign power with the ultimate sanction of physical violence was always potentially available if the matter were serious enough. The state was potentially present to protect the common interest at every bargaining or other transaction.<sup>16</sup>

---

<sup>16</sup> Commons discusses this idea of the state (sovereignty) as a fifth party to any transaction in order to secure the public purpose as expressed through the working rules in II, pp. 65-69.

The rules regarding tenure were quite clear and definite, and since the land was so vitally important to the continuation of the society, the state was always prepared to bring collective action to bear against any individual who seriously violated any of the tenure rules.

Hence, as an individual, our farmer could feel quite confident that he was in a state of security rather than one of exposure regarding the use of the land. Since he had no reason to suspect that the future would differ in any important respect from the past, he had great security of future expectations [see 10, pp. 412 and 705-7]. He could see that the objectives of preventing alienation of the land from the community (insuring that the individual had security of tenure and that every individual had enough land for his needs) were being adequately met by the land tenure system. The public purpose of survival of the group was being fulfilled.

True, he might speculate on occasion that certain individuals were segregated and under social disabilities because they were cult or ordinary slaves. But even these persons were provided with enough land for their use, or with other means of livelihood. More likely, he might on occasion regret that he had been born into a land-poor extended family and so was forced to pledge land from more fortunate villagers. But land was cheap; really only a token payment was required. Since a man with much land could not cultivate more than his labor resources allowed, he would have no reason not to allow a fellow villager short on land to use any excess. If such thoughts did indeed enter the villager's head, they were probably only fleeting; the world was as it was and the various social regulations were the right ones, indeed the "natural ones," simply because they had always been so and always would continue to be so.

A different way of life or social organization was simply incomprehensible.

The villager's life was secure, bound by rules and regulations or simply customs [see 10, pp. 44-46] at every turn.<sup>17</sup> Ibo society was basically democratic and the land tenure system, primitive production methods, and social insurance features of the extended family and the other "going concerns" of the vertical and horizontal elements of society ensured a rough sort of equality for all members, at least within the accepted basic social categories such as freeborn vs. slave or man vs. woman.

Of course, the villager encountered the normal problems of interpersonal relationships common to any sort of human association, but these did not threaten his basic security of expectations. His basic sense of security was really only threatened by such things as a drought affecting the entire village, sickness, and other such natural disasters, or by the threat of war if negotiations with neighboring villages were unsuccessful. For the first sort of difficulty, he could attempt to placate the offended deity in the appropriate manner or hope for a better "chi" in his next life on earth. For the threat of war, if able-bodied and of appropriate age, he was expected to play his part in the defense of his village lands or the conquest of those of the neighboring village, as the case might be. In any event, whenever actual or threatened hostilities increased or decreased the total land area available to his village, he could expect the land tenure system to ensure that he shared equitably in the resultant reapportionment of rights in the use of land.

There seems no particular reason why the average villager, or the ambitious one for that matter, should not have been generally satisfied

---

<sup>17</sup> Commons discusses "customs" in 10, pp. 44-46.

with the tenure system in traditional Ibo society, or why it should have posed any important disincentives for him. No doubt, the only real threat was population growth combined with a shortage of land, but here, if your village needed more land it probably could obtain some by threatening a weaker neighbor or perhaps by a village section or subsection migrating to form the nucleus of a new village within the group. Whether population growth in Iboland under primitive conditions, with the Malthusian checks of pestilence, drought, war, and so forth fully operative, would eventually have led to a serious general land shortage is really academic because the modern world in the guise of colonialism imposed itself on this traditional world before the situation became actual.

The tenure situation regarding rights in land in traditional Ibo society prior to the modern era is summarized below in Figure 3. Notice particularly that all institutions regarding land tenure are shown within the village environment. No outside going concern has any influence on the functioning of the land tenure system. The sovereign power and all other sanctions or collective inducements by means of which collective action restrains, liberates, and expands individual action are self-contained within the village environment.

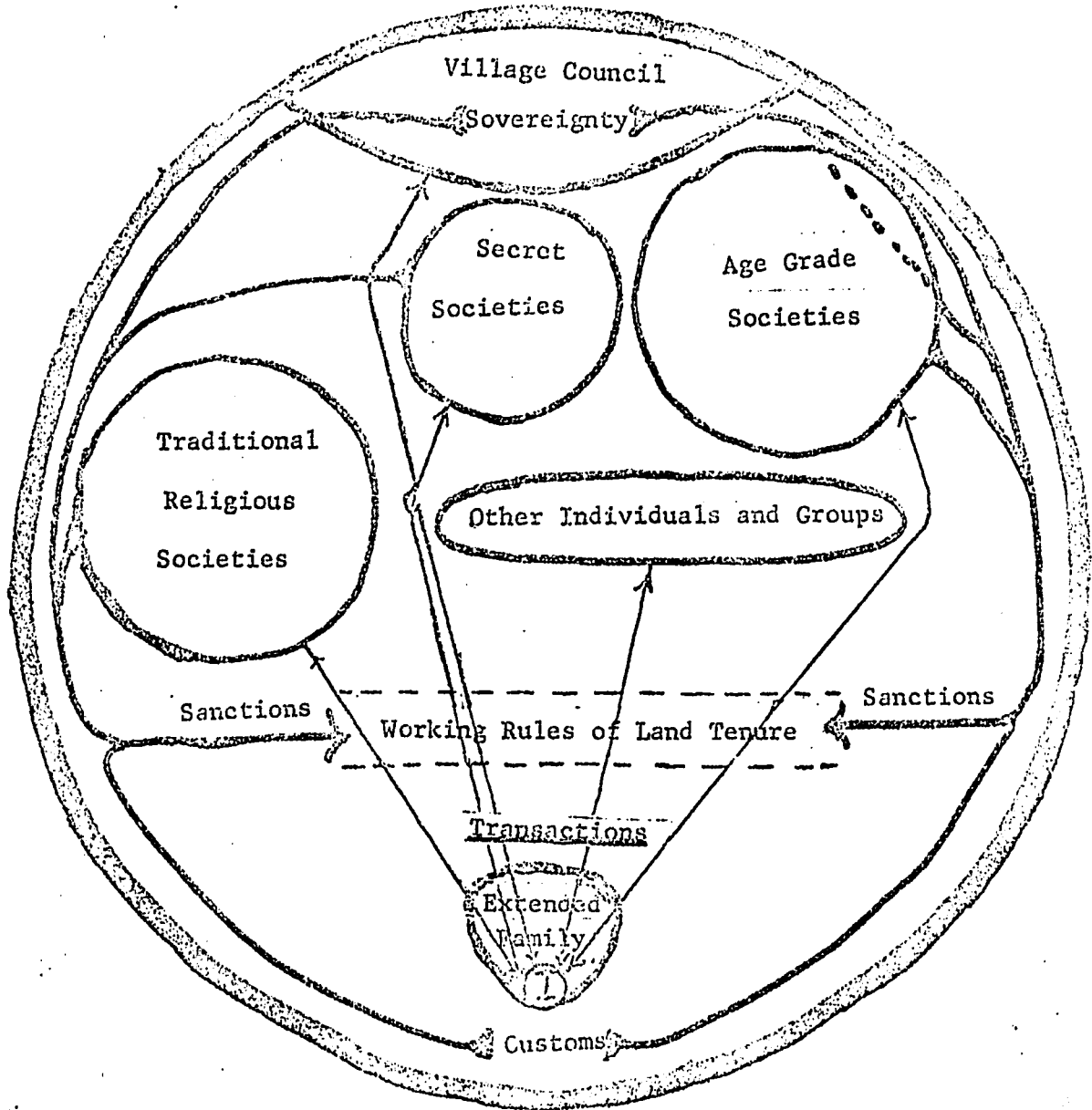
#### From the Traditional to the Present Tenure Situation

With the coming of colonialism, the development of an export economy, the growth of urban centers along with transportation and communication facilities, and the increasing use of money within the economy, the traditional village world was caught up in the modern world of commerce. These developments had two very important effects on the traditional land tenure situation: 1) land values began to rise

Figure 3

MODEL DIAGRAM 2

TENURE SITUATION IN PRE-COLONIAL TIMES



- Transactions: Bargaining: Transactions regarding exchange of tenure rights.
- Managerial: Village ordinances and customs regarding production practices.
- Rationing: Village ordinances and customs regarding allocation of produce.

implicitly even though no general land market was created; and 2) a new sovereign power was established to adjudicate questions regarding the ownership of land.

In the old pre-colonial days the village agricultural economy was basically a subsistence economy. Two factors, the quality of the land and its location, were important. As long as land was plentiful in the village, the supply prevented the "price" from rising above a token level. Normally the only important location factor was the distance from the farmer's home to his fields. When the land within reasonable walking distance was used up and a significant potential rise in value appeared, the situation was rectified by a village segment migrating en masse to establish a new village. In this way, the price of obtaining a piece of land on pledge or being shown a piece of land remained at a token or low level. There was no reason to expect land values to rise in the foreseeable future.

With the unification of Nigeria, there developed alongside the traditional subsistence economy an internal exchange economy for such domestic foodstuffs as yams, from sparsely populated areas to those where population was so heavy that the local agricultural base could no longer support the people. Surplus labor from over-populated areas went to the developing urban centers and to other agricultural areas as seasonal laborers in order to make a living. Many found employment of one kind or another in the marketing system, moving these foodstuffs and other products from the surplus production areas to the deficit consumption areas. These developments were made possible and necessary by the establishment of law and order and the development of the requisite transportation facilities under colonialism. The colonial regime had



ended tribal warfare as a means of bringing relative man-land ratios into balance, and had created urban centers which could only survive by importing food. In addition, preventative health measures and better medical treatment aided the growth of population.

The development of the oil-palm as an important export crop added a third element to the agricultural production process. As described in Section I, three separate if related agricultural economies developed in Nigeria and in Iboland--everywhere a subsistence economy, and alongside a commercialized internal exchange economy and an export crop economy.

New developments were not confined to the production side of the farmer's family-farming enterprise. New consumer products such as beer, shoes, bicycles, and above all education for his children increased the peasant's needs and demands for money. In addition, he now had taxes which had to be paid with money. He still felt that the provision of his family's food from his own farms was of primary importance, and that the only way to be certain of enough food was to produce it himself if possible. However, with each passing year his needs and desires for money with which to buy those items he could not produce himself became more pressing. To obtain cash for these purposes, he was forced to enter the commercial world by selling any excess production over his own needs. He soon discovered one very significant difference between excess production in kind and production transformed into a money equivalent. Money doesn't spoil if not used immediately, but retains its value and can be stored and used as needed in the future,<sup>18</sup>

---

<sup>18</sup> Nigeria has not suffered from runaway inflation of the Latin American variety.

These and other influences of course increased implicit land values. Wherever population increased to the point that land as farmed under the prevailing techniques began to be in increasing measure a production factor in limited supply, its "price" (as reflected in the cost of having a piece of land shown or pledged) undoubtedly also increased correspondingly except insofar as this increase was mitigated by social pressure of the group. Therefore this increase in the "price" of land resulted in part because a fixed supply within the village was used to sustain an every-growing population, generating a general increase in effective demand across the village. Moreover, because the primitive techniques of production were not changed, erosion and general depletion of the soil stemming from decreases in the length of the fallow period actually reduced the supply of land in terms of its productivity. It took progressively more land to produce the same amount of food, and since the supply was fixed, this need also tended to push up the value of the land per unit of surface area by making it a factor in still more limited supply. To some extent, this local land shortage might be alleviated by transferring part of the problem to a neighboring village in the form of labor, but such individuals could normally have no hope of ever owning land in that village.

In addition, land assumed greater value because the value of its produce was no longer limited to what a man and his family could consume themselves. Since he now could sell produce and thereby store surplus production as money, the villager with excess land was no longer confined to leaving it fallow or letting another use it for a token payment. He now could work harder and longer to produce a greater excess for sale, perhaps with the aid of hired labor at the crucial planting and harvesting times. He might also be able to "show" his land to a migrant on a

seasonal basis. Within the limits set by custom and social pressure he was in effect free to charge a fellow villager not just a token price for showing or pledging a piece of land, but a price consistent with what he could get by putting the land to an alternative use.

While these developments progressed, the land tenure system continued to function in its same time-honored manner. It continued to prevent alienation of the land to strangers; indeed, as land took on increasing value the pressures on an individual not to "sell" land even to a fellow villager became intensified at every level within the vertical social structure, unless the public purpose was clearly served by such a tacit sale as when a man needed land on which to build his house. The old inheritance procedures and such practices as showing and pledging of land still guaranteed that every individual had some land to farm, even after all the common village farmland was completely used and partitioned among the extended families.

Because of the increased effective value of the land the system no longer operated equally on behalf of all members of the village. If a man was born into a land-poor family, the difference between his economic situation and his neighbor's, who was more fortunate in his choice of ancestors, was no longer relatively unimportant. The transfer of real income between the pledgee and the pledgor, for example, because it had to reflect the implicit value or "rent" that the piece of land could command, had become significant and was no longer a mere token. This point should not be over-stressed, since most places have actually seen general increase in population, followed by a decrease in fallow periods and a continuing low or even lowered standard of living for all the villagers. Nevertheless, with the Ibo's desire for individual success

and his strong emphasis on wealth as the means and symbol of success, it is impossible to believe that this income transfer aspect is unimportant in many cases from the standpoint of the individual affected. Surely a good number of individuals on the margin between deciding to farm or trying their luck in the city elect the latter because of this situation.

But even where land per se is not scarce when the village is considered as a whole, the traditional tenure system works to discourage an ambitious individual and probably many who are not so ambitious as well. This situation exists because the tenure system was designed for an unchanging primitive production system. Capital, except in the form of wild oil-palms, other trees, and a small number of livestock, was practically non-existent. The public purpose was conceived in terms of survival of the group, and with the prevailing technology there was little opportunity let alone incentive for an individual to make any significant capital investment in his agricultural enterprise. The public purpose as expressed in the tenure system had no reason to make provision for a climate favorable to individual entrepreneurs making risk investments on their own account, and did not do so except inadvertently.

The closer a man's rights to a piece of land approached "fee simple" ownership as a result of the inheritance process, the better the climate for personal risk bearing and investing became. However, the general obligations to other members of the extended family might well make an otherwise profitable investment too risky for an individual. If, for example, a man was land-poor himself, chances are that any of his brothers and their families, at least those brothers by the same

mother, were also land-poor; the chances of their being in need were probably high. The social insurance features of Ibo society accord well with the original purpose of survival of the group, but they presumably act as a disincentive to individual investment because they distort the risk-gain aspect of an investment from an individual's standpoint. Unless a person can come to an understanding with all relevant individuals, he may find himself under irresistible pressures to share the fruits of his entrepreneurship with others. On the other hand, if the venture fails, he may then hold an unfortunate position as regards obtaining help from his relatives--they may well resent being called upon to bail him out after he went ahead on his own, perhaps with their general disapproval, especially if he obtained the necessary funds by pledging some of his land. For a peasant living close to the margin of survival in any case, this situation might make even a modest investment expenditure appear too risky. Unfortunately, the true effects of this social insurance aspect of traditional Ibo society on private incentives to invest are not known, but the existence and institutionalization of this feature in both the vertical and horizontal elements of traditional Ibo society has already been indicated. Prestige in Ibo society is conferred on an individual after success, and no evidence indicates that heroic failure on the part of an individual who takes a risk beyond that sanctioned by conventional wisdom is any less a failure or disgrace; indeed, the contrary seems more likely. This aspect of the tenure system, as broadly defined, operates across the board affecting the potential rewards from the produce of any piece of land (or tree) regardless of the specific tenure terms under which it is farmed.

Moreover, as already discussed, a vast amount of temporary and not so temporary transfer of certain rights in land goes on by means of showing,

pledging, and variations of such tenure practices. Since no investment was contemplated under traditional tenure, the usual pledging arrangement does not provide for reimbursement of the pledgee for any permanent improvements to the land he has made when the pledge is redeemed. Of course he has no incentive to make any improvements on land he has been "shown" for a season. If "farmland" is still present, the rotation system will prohibit any permanent crops that might interfere, and in many places the system may practically ensure that only by chance will an individual ever farm the same piece of "farmland" twice.

In Ibo land, the most important source of cash for most farmers is the oil-palm. The tenure system actually prohibits an individual from planting oil-palm or other tree crops in any significant numbers or in a scientifically systematic fashion on any land except his own. He cannot plant an oil-palm on a piece of pledged land because this establishes a permanent de jure ownership over that tree and a de facto ownership to some surrounding portion of the land. Obviously, to the extent a pledgor allows a pledgee to plant his field with trees which the pledgee owns, he has relinquished his ownership in terms of both the use and the exchange value for the life-time of those trees, since the greater the tree crop on the field the lesser the food crop it will support. This situation forms a perfect example in which the tenure system fulfills its time honored role of seeing that the individual (the pledgor) has security of tenure over his land, but inadvertently frustrates an individual (the pledgee) who wishes to go into farming--oil-palm production--on a scientific basis.

Finally, since the oil-palm is the most important source of ready cash, the village may specifically retain community ownership of more or less all oil palms within the village as a source of funds for community

purposes. Here, the whole village is considered a going concern, and the collective will, as expressed in community ownership of all oil-palms, controls the individual will by means of a rationing transaction to insure the perceived community interest. The individual, as such, cannot defy or escape this command of the village government.

These methods of temporarily transferring rights in the land and in trees, when combined with the system of inheritance, have produced a complicated plethora of fragmented farm plots, fragmented both in the physical sense and in the sense of the legal or customary bundle of rights pertaining to any particular fragment. All these factors represent constraints on an individual who wishes to engage in modern agricultural practices, insofar as these practices imply any long term capital expenditure. The difficulty does not occur because the indigenous tenure system does not function as intended. Rather, the phenomenon of modern commercial agriculture implies a technology based on long term continuous investments rather than on a simple exploitation of the soil relying solely on nature's recuperative process. The Ibo tenure system was never designed to meet these new technological requirements. It has proven somewhat flexible and responsive, as indicated by the development of indigenous sales procedures on a limited scale in more recent times, but it is doubtful that these changes have matched the need. Far more likely, many an ambitious individual has felt himself stymied by the weight of the traditional tenure system and consequently elected to migrate once he learned to read and write.

Hence the potential disincentives posed by the operation of the traditional tenure system result from its inability to encompass the demands of a developing modern commercial agricultural system within the traditional framework, along with its inability to undergo rapid enough modification

of that framework. Considering the fundamental importance of the role of the tenure system in traditional society, the situation could hardly be otherwise. The process of commercialization of agriculture, particularly in export crops such as the oil-palm, has gotten underway without exerting any great influence on the internal operations of the traditional tenure system.

The discussion above indicates some important effects of colonialism and the development of an embryonic modern commercial economy on the traditional land tenure system. The tenure system moved slowly and only with minor changes to meet the changing situation. In part this slowness resulted from the deliberate policy of the colonial administration not to interfere with, but rather to uphold, the native's rights to his land under the traditional tenure system. In one extremely important particular, however--the adjudication of disputes regarding these rights--the colonial administration had great importance.

It takes only a moment's reflection to imagine the amount of indefiniteness and uncertainty about exactly where one man's rights stopped and another's started under customary tenure practices. There were no written documents but only an oral tradition based on men's memories and customary precedents. To cite only two common and obvious areas of potential dispute, once the father had died, who was to say exactly where one son's land stopped and the other's started? Or if two extended families disagreed regarding the precise terms and the precise boundaries involving a piece of land pledged three generations back, who could possibly know where the truth lay? Obviously, such disputes were settled by arbitration based in part on the relative standing of the individuals or groups involved, and especially on considerations of equity and the common good within the



established customary system at the time of adjudication, rather than on the unknowable truth of the actual circumstances.

When the colonial administration took over, it established a new system of courts to replace the traditional "legal system." It asserted its sovereignty by external prerogative based in fact on the "right of conquest." This assertion amounted to a straightforward removal of sovereign authority from the hands of the traditional rulers acting in their assigned capacities in the traditional system, and the placing of it in the hands of the native courts as backed up by the military power of Great Britain.<sup>19</sup> A new sovereignty had been established which was located outside the confines of the traditional village governmental structure. The ultimate sanction of physical violence was no longer to be exercised by the village council based on the authority of the ancestors, but rather by an alien institution based on the right of conquest by a foreign power. This new order amounted to an attempt to transform the customary unwritten rules of the tenure system into a system of legally sanctioned written laws based on documented cases decided on a basis of the unwritten tenure practices. The attempt was in line with the English Common Law tradition and theoretically had much virtue as a potential improvement.<sup>20</sup> Written law is obviously far superior in terms of definition and clarity of land ownership and other tenure rights. Moreover, the public purpose is implicit in the judicial process; the judge, as a

---

<sup>19</sup> This process is analogous to what happened when William the Conqueror seized power in England in 1066 (see II, pp. 101-103).

<sup>20</sup> Commons discusses this transition from customs to law and some of its important implications in II, Chapter VI, "The Rent Bargain-Feudalism and Use-Value," pp. 214-224, 298-306, and also in 10, pp. 701-705.

disinterested third party to all transactions, protects and defines the tenure rights of individuals and so advances the security of future expectations necessary to provide a climate conducive to private investment [see II, pp. 353-359]. In this way, the introduction of the native court system in Iboland could have expanded the public purpose to include the fostering of private initiative and the ethic of private profit. This change would have brought the tenure system much more in line with the general tenor of Ibo society and values than state operated collective farms or some variation of this type of system. Theoretically, then, the potential for improving the tenure system as regards security of future expectations and hence, the investment climate, was present in the native courts system.

In fact, the manner in which the native courts and their successors actually developed and functioned, described in the preceding section, greatly reduced the security of future expectations. While under the old system the truth of the various facts alleged concerning a tenure dispute might be unknown, the disputants could be reasonably certain of a decision which did not depart greatly from the customary rules, and which within that context was reasonably equitable. The village council, exercising its sovereign power within a fairly democratic and individualistic society, could not deviate far from the accepted principles of customary tenure. The entire vertical and horizontal social structure formed a sort of "checks and balances" system to prevent any sharp divergences from customary practices.<sup>21</sup> Now, with the native courts, even a party to a land dispute who was clearly in the wrong might attempt

---

<sup>21</sup> The establishment of a system of mutual checks and balances among public officials was one important feature of the Act of Settlement of 1700 in Great Britain (see II, p. 104).

to buy a favorable verdict. The judge sitting on the bench, if not a disinterested party to the dispute itself, now had the sovereign power to back up his decision in favor of, for example, the party who was his close kinsman. And if he were truly disinterested as regards the dispute itself, then his verdict might be based solely on criteria such as which party offered the largest bribe. His warrant in Great Britain would have been understood as a means of preventing anyone from influencing his verdict through economic pressure, i.e., the threat of the economic sanction of unemployment. In Iceland, it became all too often the means of rendering the warrant chief immune to the traditional sanctions save in some measure that of public opinion.

Hence, it came about under the influence of rising implicit land values that "implicit-sales," for instance, might not be considered sales by the vendor or his descendants at a later date. They could very reasonably argue that one cannot sell his land under the customary law. Moreover, with the considerable variation in details regarding the tenure practices in different villages, the judges might simply not be fully cognizant of the relevant native law applicable to a particular dispute.

Finally, the native court had officially replaced the village council as the sovereign power. However, when the court system failed to function satisfactorily the village council began, often clandestinely, to reassert its authority. It had, of course, never ceased to function in any case and unlike the judge, who may have been from a different village or at least a different kin group within the village, the average peasant had no warrant backed by an alien power to protect him from moral, economic, or perhaps even physical sanctions on the part of the village society. At the same time, the new courts had indeed decreased the powers of the

traditional authorities to invoke the sanction of physical violence.

Also, their authority based on the moral sanction of the traditional gods and the ancestors had been eroded to a greater or lesser degree by the Christian missionaries.

How, then, must the present tenure system appear to function when viewed from the standpoint of an ambitious youth today, particularly one who has not inherited enough land for his basic needs let alone enough to fulfill his desires for the things money can buy? Based on the evidence presented, let us try to place ourselves in his perspective on the tenure situation and consider some of the important particular tenure considerations he might well have in mind when deciding for or against a career in farming. To acquire land on a temporary basis has become much more costly and there is not as much land around, so he may be forced to go to a neighboring village where it is still more costly. Moreover, the obvious source of substantial cash income is improved oil palms, but he cannot plant them anywhere except his own land, and perhaps even then the village may claim them. To acquire a secure permanent tenure to a piece of land he must buy it. In that case he is restricted to land belonging to his own village or perhaps the village group. Even here, because of population growth and the growth of an exchange economy alongside the subsistence sector, land for sale has become harder to find and more expensive. If he does obtain some on a "tacit sale" basis the new court system may later allow the vendor to reclaim it and, if so, there will be no compensation for any investments he has made in the land. Even if he is able to find someone willing to sell him a piece of land outright, the seller may at a later date attempt to get it back in the native court system, or some relative of the seller may claim that it was sold without his consent and therefore

was not in fact a bona fide sale even under the newly developed sales techniques evolving under customary tenure practices.

Besides, our ambitious youth has been told by others, indeed by some of the actual participants in cases, how long and costly land cases before the native courts can be. In a few instances he knows of individuals who as far as he can tell should by right have won their cases, yet lost, and they complain bitterly that the judges were bribed by the actual winners. But he knows that they too had bribed the judges and he has another friend who bragged to him in confidence once that he had been successful in a case because of a rich uncle in the city who "knew the judge." Still further, he knows of several cases where the pressure brought on an individual by the village council or other village groups prevented a case from going to the native court after it was decided by arbitration within the village. These events had often provoked bitter controversies between different groups and individuals within the village and he has no special desire to become the focal point of such a controversy.

He is well aware that in the old days, there was normally no question concerning where a land dispute would be settled. It would have followed the familiar customary pattern up to the village council if necessary. The villager had understood this process and had been secure in it because of its familiarity, predictability, and especially because he could count on the okpara to represent him in defense of his legitimate interests. But now, while our youth understands the procedural aspects of the traditional system and recognizes that the same customary tenure practices are still in use, he is no longer certain that the village council's decision would be final although often it might be. The dispute just might end up in one of those foreign courts and his potential adversary

might employ one of those modern lawyers, so that even if the okpara went along he might not be able to help him. Anyway, it seems that one is all by himself, unprotected in unfamiliar surroundings in the native court.

In other words, the average peasant is no longer certain where the sovereign power lies. While in principle the exercise of the legal sanction of physical violence has shifted from the village council to the native courts, it is not always so clear in practice. Regarding land disputes, the village council often is able to resolve such disputes by bringing moral, economic, and occasionally "legal" sanctions to bear on the participants. Worse still, the actual exercise of the sovereign power in the native courts (presently called customary courts) appears to be arbitrary, capricious, often partial, and sometimes based on considerations totally irrelevant to the issues before the court.

The working rules of the tenure system have fundamentally changed in that the ultimate sanction of physical violence has been removed from one sovereign and placed in the hands of another. In the process the limits for avoidance have become indefinite and the dimensions of the "economic space" available to the individual have not been adjusted to encompass the private profit motive. The old system had security of future expectations because the future was always expected to closely resemble the past. The present system, while doing little to adapt tenure practices to the needs of investment-oriented agriculture, has managed to reduce rather than increase security of future expectations for the individual, particularly where the traditional system had made tentative efforts to adjust itself to the changing technological environment.

The peasant probably no longer feels the tenure system functions in an equitable or desirable manner. The cost of obtaining the use of land

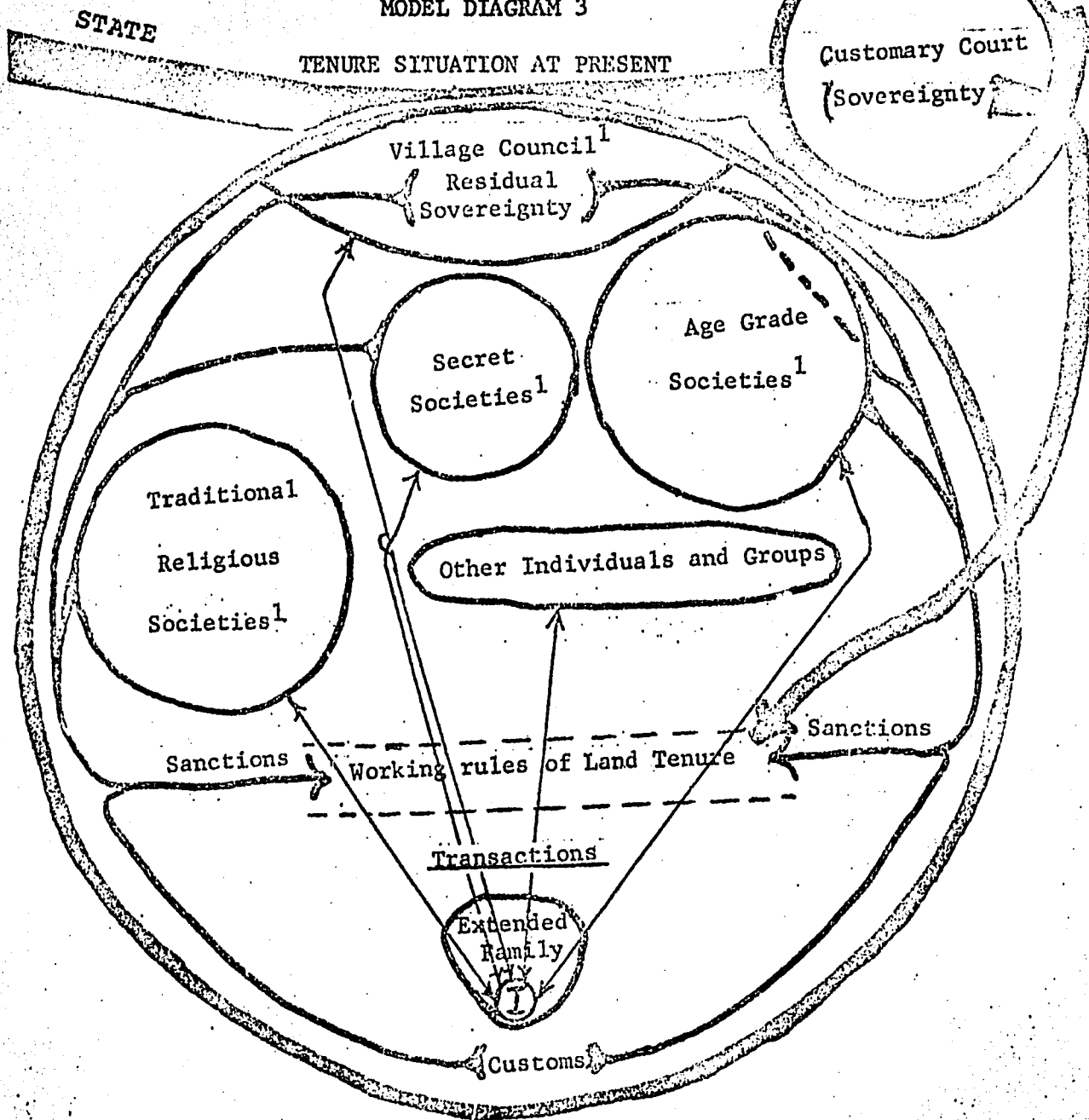
not his own has become onerous and there are too many restrictions placed on how he can utilize that land. He hesitates to buy land because he judges his security of ownership to be uncertain. He does not consider himself to be in a status of security, but rather in one of exposure because the working rules by which transactions regarding the land take place are no longer clear and certain. They no longer clearly distinguish in actual practice the difference between a status of right and duty and one of liberty and exposure [see 10, pp. 71-83]. Even buying land does not necessarily mean your status vis-a-vis others has become one of right as opposed to remaining one of exposure. The only sure way to find out is to improve the land and make it worth the seller's trouble to try to reclaim it via the native courts!

It seems that at present, unless an ambitious individual were fortunate and had inherited a large quantity of land, the alternative of migrating to the urban areas must appear quite attractive. No doubt it often appears more attractive than it actually is, but even unemployment in the city with its excitement of night life and so forth may seem preferable when the only alternative is a life of unrewarding drudgery back in the village, under an uncertain and restrictive tenure system designed to facilitate a non-progressive unchanging agricultural technology in an environment that no longer obtains.

This present situation is depicted below in Figure 4. The same transactions take place under the traditional tenure system but sovereignty is now removed from the village proper and located outside as the state in the form of the native (customary) court. This institution is intended to replace rather than incorporate the traditional authority in the exercise

Figure 4

MODEL DIAGRAM 3



**Transactions:** Bargaining: Transactions regarding exchange of tenure rights including actual as well as tacit sales.

**Managerial:** Approximately the same as in pre-colonial times.

**Rationing:**

<sup>1</sup> Authority and power of these groups weakened to a greater or lesser extent.



rather than complete when it comes to matters as important in the village's economy and society as the land tenure system.

### The Desired Future Tenure System

In general, people trapped in the poverty of a deteriorating subsistence agriculture may seek escape through wage employment elsewhere, perhaps remaining as part-time farmers; or, more importantly, they may develop an inadequate subsistence unit into a genuine farm firm. Among the requirements in the achievement of the latter is a shift from an agriculture resting upon exploitation of nature to an investment-oriented agriculture.

.....

At the moments of break-overs from an exploitative to an investment-oriented agriculture, there is almost certainly an institutional crisis in agriculture, with customary arrangements becoming increasingly inadequate. [73, p. 1189]

This institutional crisis in the traditional land tenure system in Iboland is already actual in the most heavily populated areas and potential in the rest.

There are basically two ways to resolve such a crisis regarding land tenure, which are summarized nicely by Parsons:

In the emerging countries today, the question of whether or not agricultural land should be privately owned is a major policy issue. The question comes differently now than a few centuries back, when our own system was taking shape. Now, all of the great policy issues in development are influenced by ideological considerations. The communists, believing that the state can do no wrong and observing that property is power, decree that the state shall own the agricultural land. Our ancestors, by contrast, were impressed by the shortcomings of the despotic state, and, in effect, they devised the rules of property as a means of implementing freedom. This liberal philosophy of implementing liberty with property took the practical form in this country of a land policy of widely diffused private ownership of land, subsequently supplemented by the extensive systems of educational, credit, marketing, and service institutions familiar to us all.

Although policy questions of land ownership rest ultimately upon consideration of political philosophy, the design of the system of state and economy is made operational in terms of working rules. In the Anglo-American tradition, we tend to place major reliance upon general working rules in economic affairs, which define the limits within which voluntary discretion is permitted. This is what

we mean by liberty and opportunity. In our tradition, as we move toward specifying the terms of particular acts, we specify what is to be avoided. In totalitarian systems, by contrast, principal reliance is placed upon working rules which define specific performances. The society that places major reliance upon rules which define the terms of specific performance embraces a duty state. A society which relies principally upon working rules which define only avoidances leaves room specifically for freedom and opportunity. In fact, the deep reliance which a free economy places upon induced or willing participation in the economy, rather than coerced participation, requires that opportunities be made objective and accessible to persons according to their abilities and capacities. [73, p. 1192]

The totalitarian method is revolutionary while the Anglo-American tradition is in essence evolutionary.<sup>22</sup> The former attempts to right all existing evils or inadequacies in the ongoing system according to its own lights at one stroke, while the latter, dependent upon and designed to encourage the willing participation of individuals, of necessity must accept the ongoing system as the base upon which to exert influence in the desired direction.

Even under modern technology, agriculture exhibits certain peculiarities as an enterprise which limits the degree of specialization and the economies of scale. Unlike modern industry, agricultural production is dependent on the natural sequence of events during the growing season; a farmer by and large cannot specialize in one small facet of the production process without remaining unemployed for most of the year while even the repetitive acts must be performed within a reasonable commuting distance from his dwelling. When these technological restrictions are added to the assumed incentives a human derives from ownership over his land and its produce, there seems to be no very strong case for large scale collectivization of agriculture even on strictly economic-technological grounds.

---

<sup>22</sup> The long evolutionary development of this Anglo-American tradition is portrayed and analyzed in Legal Foundations of Capitalism [117].

In any case, the traditional Ibo social system and the traditional Ibo values are in line with a free enterprise ethic operating within appropriate rules to advance the public purpose of the good of all. Rationing and managerial transactions at the village level have always had as their main function the confining of bargaining transactions within the framework of the perceived public purpose rather than their replacement. And, as indicated, attempts to circumvent the indigenous institutional structure, such as farm settlement schemes and alien legal institutions, have not been very successful.

The problem, then, is to bring the existing tenure system into line with the requirements of modern agriculture without destroying the very social fabric of the society and without inducing any other socially undesirable characteristics into the system in the process.

These basic requirements for a land tenure system might be formulated as follows: (1) the size of farms should correspond to the requirements of the relevant economically feasible technology; (2) the system should provide the farmer with incentives to utilize such technology; (3) the system, where possible, should aid the farmer in obtaining the necessary resources to employ such technology; and (4) the system should incorporate in its institutional structure security of future expectations, while at the same time being flexible enough to adapt itself to changing circumstances.

The traditional Ibo tenure system as presently functioning fails to meet any of the criteria adequately. Population pressure has probably resulted in holdings that are economically too small in the heavily populated areas. Where this is so, the tenure system has been responsible in part whenever it helped to prevent the flow of overpopulation from one

village onto the land of a neighboring village which was relatively underpopulated [47, p. 323]. Everywhere this condition has been greatly exacerbated by fragmentation of holdings resulting directly from inheritance procedures. The separation of ownership from operation, combined with the uncertainty of tenure on all but inherited land held by the individual, limits the incentives for long term investments on a great portion of the land, or still worse, actively encourages the undesirable incentive of "mining" the soil (or trees) with no regard for conserving natural productivity. This separation of ownership from operation is greatly enhanced in magnitude by a skewed distribution of land holdings resulting from the inheritance system combined with the showing and pledging arrangements for temporary transfers of use rights for short or indefinite periods of time. Since ownership of land in general cannot be and is not clearly alienated, even in many so-called sales, because of residual redemption rights possessed by other individuals of the purported vendor's family, the land cannot serve as a credit base. Hence, it cannot be used as collateral to obtain funds to purchase production inputs. Finally, while the system has shown some flexibility as indicated by the development of procedures along traditional lines to cover sales of land between individuals, such developments have been stunted and perverted by the alien judicial institutions which in theory might have nurtured such developments.

Evidently the situation requires some means of recapturing an appropriate degree of the security felt by the individual in pre-colonial days while updating the tenure system to bring it in line with modern technological and economic incentive requirements.<sup>23</sup>

---

<sup>23</sup> Complete or absolute security of tenure may be too secure in that it removes the stimulus to use the land efficiently, a stimulus which is afforded by the possibility of land loss through gross mismanagement.

The obvious solution--immediately making it possible for anyone to sell his land with no restrictions whatsoever--is precluded by the dangers of the ultimate development of a small land owning oligarchy; as Parsons puts it:

The problem of converting customary ownership of land into legally sanctioned negotiable property in this part of Africa [Southern Nigeria and Ghana] is complicated enormously by the closely interdependent family or clan system. Societies are not individualized as are our own. It seems likely that if land now being made valuable by the increase of population, economic growth, and the market orientation of agriculture were to be converted wholesale from customary to negotiable property, the land ownership would become assimilated to social rank, as has happened in much of the once-tribal society in the Middle East. There the result was a marked concentration of landed wealth in the hands of a few eminent persons. [73, p. 1190]

In Iboland such eminent persons might more often than not prove to be individuals who had been highly successful in urban areas rather than the traditional formal leaders, and this is hardly a redeeming feature in the thoroughly undesirable potential development inherent in a rapid and unregulated conversion of the land from customary to negotiable property.

At the same time, the development of security of future expectations and hence incentives to exploit opportunities posed by modern agriculture would be greatly facilitated by the development of procedures whereby land could be bought and sold on a basis that insured the buyer security of tenure. As indicated earlier, such developments have taken place at least in isolated instances within the traditional tenure system.

Within the traditional customary tenure system in pre-colonial days, a man's land could not be taken from him except in accord with "due process of custom." Moreover, the judges--the village council members--were not immune from sanctions on the part of the community in a fairly democratic Ibo society with its system of checks and balances. Hence,

the Ibo felt secure in his rights. With the advent of colonialism and the native court system and its successors, the judges--now the warrant chiefs--were not in fact subject to these sanctions and could and often did in effect deny or pervert due process of law in land cases. Now the Ibo does not feel secure, at least not on a basis of due process of law.<sup>24</sup>

The importance of this "due process" can be shown by a discussion of property and property rights (as defined in Section III) and the relationship between sovereignty and property [see 11, pp. 47-54].<sup>7</sup> "Due process" really means the protection of a man's right to exercise his free will within the working rules of the going concern, in this case the village. It protects him from the arbitrary interference of the will of another regarding his property rights by placing all other persons in a duty as opposed to a liberty status vis-a-vis such rights [see 10, p. 412].<sup>7</sup> This "due process" provides the individual with security of expectations as a matter of right, not dependent on the caprice of another individual's or another institution's will. Because it establishes such a secure "orbit where the will is free from arbitrary interference,"<sup>25</sup> it creates an atmosphere in society which is highly conducive to maximizing the willing participation of the individual to better his own condition and thereby that of society as a whole. It incorporates the private purpose of self advancement with the public purpose of economic development. Even more important, it provides the individual with a secure and immediate "stake in society" and thereby greatly enhances both

---

<sup>24</sup> Commons analyzes the importance of developments and changes in the substantive meaning of due process of law in the United States via decisions in court cases in [11, especially pp. 331-342].<sup>7</sup>

<sup>25</sup> The phrase "orbit where the will is free" occurs in Commons' discussion of the rent bargain in 11, p. 221.

his ability and his desire to become a participating citizen of the state and not just of the village.

It is a key means of evolving the peasant's felt citizenship and hence loyalty from the restricted going concern of the village to that of the modern state. As long as his rights to his land depend primarily on the village authority as such and on a corrupt and unpredictable alien court apparatus, the average peasant will look to the one for protection and shun the other. When he perceives that the state through due process of law in accord with known, understandable, and regularized working rules actually sustains rather than thwarts his rights and security in his most valuable possession, his land, he perceives for the first time an interest in and a loyalty to that going concern. Due process is a major step on his way towards effective and meaningful participation as a citizen of the going concern of the national state.

The process may be thought of as a separation of sovereignty and property.<sup>26</sup> Where the two are joined, the individual is really in the status of slavery rather than that of a free individual. His will is subject to the caprice of a superior will and is in no way protected against arbitrary interference. There is no orbit where the will is free. A good example of this situation was the slave system as it existed in the United States. The individual slave had no rights over the land he worked or the product he produced vis-a-vis the master. His will was completely subject to that of the master. The extent of his rewards for his efforts was entirely dependent on the will of the slave owner. If the owner were so inclined, he could restrict the slave's rewards to

---

<sup>26</sup> Commons discusses this historical development in the Anglo-American tradition in II, especially Chapters VI and VII.

the bare minimum necessary for his survival. In effect, the slave was property himself, an investment to be protected, not a human being with an independent will. For him, sovereignty and property were joined in the person of the master. He had no legal recourse to protect himself from mistreatment; indeed, the sovereign state clearly came down on the side of the master to protect his property rights by enforcing his right to force the slave to remain, willing or otherwise, on the plantation, and by causing him to be returned if he were caught in an attempted escape.

Now the Ibo peasant, perhaps even a slave, was never in such a position. His rights vis-a-vis other members of the society including the leaders were protected by "due process of custom." Insofar as his managerial and rationing transactions regarding his production process within his going plant were free from restrictions imposed by the village sovereign, and insofar as his bargaining transactions with others over rights in the land were protected from arbitrary interference, including such interference by the state (village as a going concern) itself, sovereignty was separated from property. Insofar as the state itself could not interfere without due process, there was created a residual sphere in which the individual's will was free.

This orbit within which the individual will is free is increased in extent every time an additional right in the bundle of rights pertaining to the land is removed from a command-obedience relationship between a legal superior and a legal inferior [see II, p. 107 and pp. 83-108\_7]. Thus, when the land passes from community to individual ownership, the right to plant tree crops may revert to the individual because the restriction on planting tree crops no longer pertains to such a piece of land under due process. Equally important, whenever the



transfer of a particular right takes on the nature of a legally sanctioned bargaining transaction, the sphere for exercising the free will on the part of individuals is enlarged. This enlargement would happen if in fact the status of an individual who bought some land by means of a "tacit sale" were clearly one of right as opposed to one of exposure.

For Iboland the appropriate solution appears to lie in incorporating the traditional system into a revised and improved framework of the state's legal system. This solution applies particularly to land tenure because it is at the very foundation of traditional society. By incorporating the traditional authority of the village council into the system, instead of attempting to circumvent it, the tenure system might be allowed to evolve in line with technological requirements while preserving security of future expectations under due process of law. The transformation of tenure rights based on customary practices into rights based on the sovereign power of the state as embodied in legal relationships of right and duty, could be accomplished by the systematic selection and rejection of certain tenure practices. This is the Common Law method and provides continuity with the existing customary practices, which, after all, really constitute the Ibos' own indigenous body of "common law" in its present stage of development.

Such a system would provide for maximum understanding and familiarity and therefore security of expectations for the village peasant, at the same time providing the institutional means of accelerating changes in the desired direction.

The enhancement of the prestige of the traditional authorities ought to bring the moral and economic sanctions they possess to bear in support of, rather than in opposition to the public purpose as expressed in the

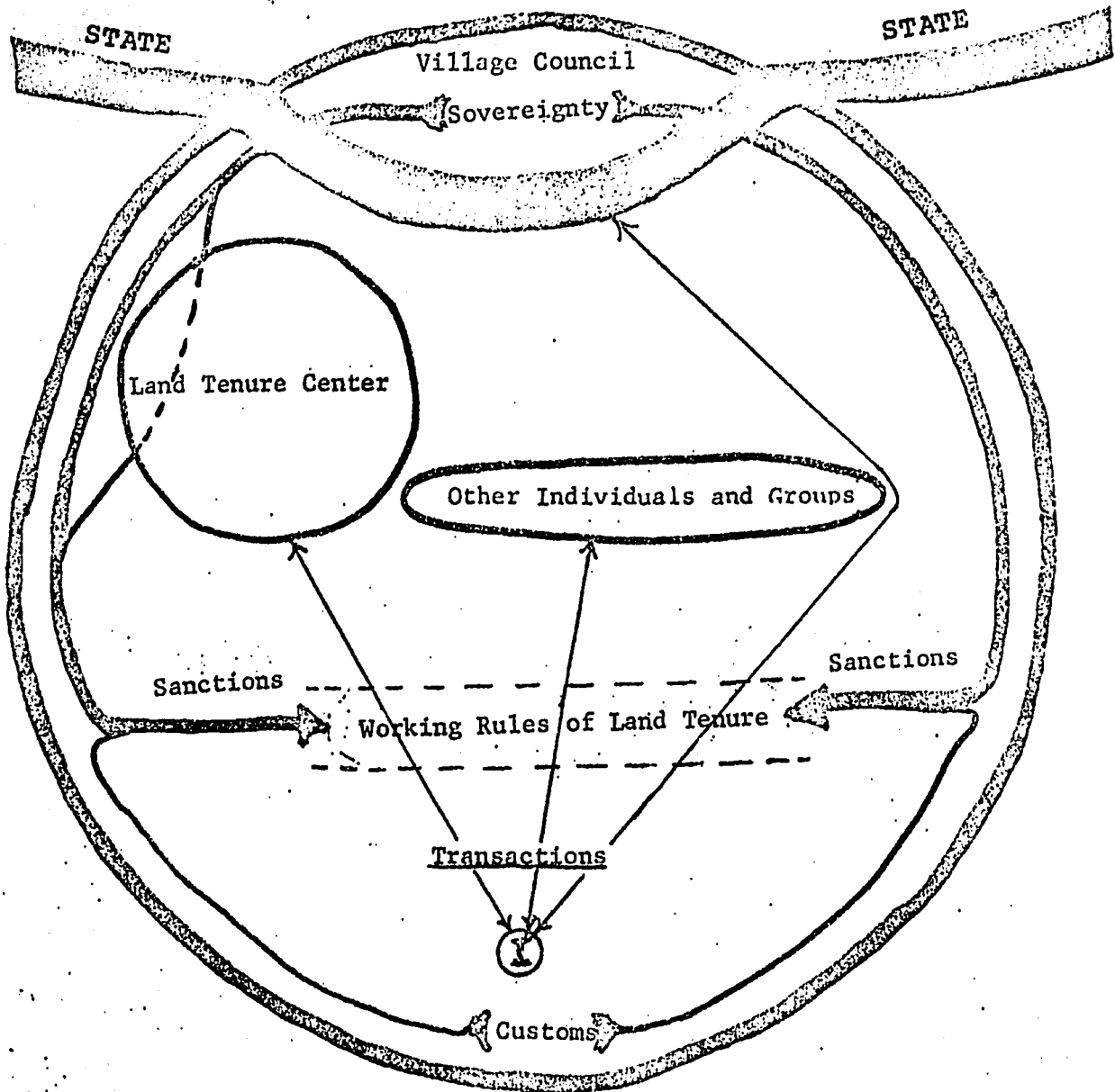
legal relationships regarding the land. The rejection of certain tenure practices need not always take the form of a prohibition; rejection can also operate through choosing to back certain bargaining transactions with the legal sanctions, while refusing to do so in other cases. In the former instance, a status relationship of right-duty under the law results from the transaction while in the latter a situation of liberty-exposure remains. Hopefully, this method results in the growth of desired practices and the atrophy of undesirable ones, from the standpoint of fostering an atmosphere conducive to economic growth.

This situation is shown below in Figure 5, where the village council has been reintegrated into the state legal system as the immediate link between the individual peasant and the sovereign power as regards land tenure.

Some suggested ways to facilitate this desired evolution by the selection and rejection of various tenure practices, as well as by other means, are given in the concluding section.

MODEL DIAGRAM 4

DESIRED FUTURE TENURE SITUATION<sup>1</sup>



**Transactions:** Bargaining: Desirable modern alternative tenure practices encouraged at expense of undesirable traditional practices.

**Managerial:** Generally discouraged above the nuclear family level except where necessary to protect cultivator from losing ownership rights.

**Rationing:**

<sup>1</sup>All items missing that were present in diagrams 2 and 3 are institutions whose influence on tenure questions is encouraged to lapse unless specifically demonstrated to be desirable.

## IX. CONCLUSIONS AND RECOMMENDATIONS

The reader should recall that this analysis of land tenure disregarded the current civil war and its potential effects on tenure questions. Of course this option will not be open to those wishing to implement tenure reforms after the war. This section takes the same position, and the caution regarding post-war reforms applies equally well here.

Nigeria as a whole does not suffer from a shortage of land. It has a vast 'middle belt' suitable to becoming an excellent mixed (crop and livestock enterprise) farming region, with large potential markets in the densely populated urban areas, especially in the South. However, some areas are very densely populated, and under existing production techniques and institutional arrangements, these areas' soil is in great danger of exhaustion and erosion. The most critical area is no doubt the most heavily populated portions of the former Eastern Region, which are occupied by the Ibo and Ibibio tribal groups.

### Migration

The obvious way to reduce population pressure is migration. It is this author's considered judgment, in light of his experience in Nigeria as well as the evidence presented here, that possibilities for significant transfers of villagers on a permanent basis from overpopulated to underpopulated areas of Iboland are generally not feasible. There might be some possibilities for migration where relationships between certain villages are cordial and ties via marriage and membership in the same village group are stronger than is commonly the case. If a village with

much excess land were in fact posed with a choice between accepting as permanent members of their village a subsection of a neighboring village or having the land confiscated by the state, they might well reluctantly opt for the former alternative. In effect, the state would act in a position analogous to a powerful and threatening neighbor in the old days and the recipient village would protect its territorial land rights by exercising the only option open to it. Any such policy must be based on some set of criteria which determine the desirable man-land ratio in a given geographical area. Only the real and effective presence of the sovereign power, sanctioned by potential or actual use of force, could sustain such a program.

Much less effective resistance would occur on the part of the local people in very sparsely populated areas such as the middle belt simply because their numbers are so much smaller. With appropriate government provision of amenities and security of life and limb, groups as large as a village sub-section might be induced to move. This size would preserve their unity as a group in the social context, greatly facilitating adjustment to the new environment. Conceivably, the plan could work on a trial basis with a pioneer smaller group going ahead to see that it was a feasible proposition which led to an improved standard of living. If accepted, part of the cost of such a move might be financed from payments by the village groups remaining in the home village for the additional land they now would acquire. This acquisition of the land could be gradual, so that transfer of ownership was effected over a period of years with a concomitant right of redemption on the part of the emigrés progressively eliminated. This author cannot conceive of a region becoming populated by farmers emigrating as individuals with no regard to the tribal makeup of the community they will reside in.

The true melting pot of Nigerian society will be the urban areas, especially Lagos, but even here to date there has been little real integration across tribal lines. Nevertheless, some sort of controlled migration of groups from different tribes into sparsely populated areas would eventually result in considerable cross-cultural exposure and perhaps a degree of economic interdependence. Hopefully such a process leads to increased understanding and tolerance among the various tribal groups and the development of a loyalty to a larger national state. The groups should be small enough and geographically distributed so as to prevent the development of compact satellite sub-regions along tribal lines.

#### Other Specific Potential Modifications

Insofar as farming units within a village are too small as a result of population pressure, not much can be done to relieve the situation via the tenure system other than to mitigate conditions as far as possible through consolidation of fragmented holdings.

The problem of fragmentation is most difficult.<sup>27</sup> Because the system of inheritance is so basic a part of the social system, this author sees no way to eliminate fragmentation by prohibiting such practices. About all that can be done is to provide the legal means by which individuals and groups may consolidate plots of ground by exchange of rights via sales, barter transactions, or a combination of both. Again, little can be done to force villagers to sell land to non-villagers aside from protecting the legal rights of the purchaser where such a legitimate sale actually does take place. As the economic consequences of fragmentation and rising land values become more and more pronounced, pressures to use available legal

---

<sup>27</sup> The extent to which fragmentation has already occurred in some of the heavily populated areas of Eastern Nigeria is almost beyond belief. " . . . a portion of about twenty-seven acres recently acquired in Calabar Province / Eastern Nigeria-Ibibio tribal area / involved some 900 different holdings some measuring 10 feet by 12 feet." / 20, p. 27

methods of reducing fragmentation and pressures for selling land to strangers will build, and such practices may gain in acceptability and usage. However, the government can play two important roles. First, such legal procedures must be made as simple, cheap, and understandable as possible; administration must be honest, predictably regular, and fair in its application. Secondly, land tax policies may be weighted in such a way that efficient use is encouraged. In this, the landholding unit might be made collectively responsible for paying the taxes. Hence a village with excess farmland might decide to sell a portion if the tax burden were heavy enough.

It does not seem appropriate to base credit on landholdings in Nigeria under present conditions, because it is not in the public interest to force a debtor from his land if no alternative employment opportunities exist. The policy objective is to keep individuals on the farm and not to drive them into the urban areas. Credit supplied in the form of appropriate production inputs, with repayment tied to production rather than to the land, is probably a better alternative.

A number of particular measures might feasibly improve the tenure system from the standpoint of individual incentives.

Pledging of land may be made subject to limitations as regards redemption. For example, during the first year or so land could be redeemed simply by repaying the pledge money, during the second to fifth years the pledgee must be compensated for any permanent improvements, and during the fifth to tenth years the pledgee may plant tree crops and the pledgor retains a first right of redemption but must pay the market value of the land. Beyond the tenth year the pledgor's rights are extinct. Some such procedure could be introduced as an alternative

to the present pledging procedure.

Sales in accord with traditional procedures could be encouraged as alternatives to the existing tacit sales. The proof of legal sale could be signified by appropriate sacrificial ritual where this would aid understanding on the part of the individuals involved, while for those no longer concerned with the ancestors, alternative modern instruments of conveyance would be provided.

Rights in land held by individuals who have migrated from the village might be made subject to time limitations and registration at the time the individual leaves the village, so as to serve notice to any prospective buyer. Procedures might be developed whereby upon the death of the father, the "son abroad" could sell his interest in the land at the time, according to the going rate. After a certain period of absence those family members who remained might be accorded by legal right the opportunity to buy out the son abroad at a fair market price, except for enough land for the son abroad to build a house upon. This plan is in keeping with the general traditional African concept of ownership vested in the individual who mixes his labor with the earth.

In order to prevent the development of a landlord-tenant relationship and potential absentee ownership, certain basic requirements could be set regarding land ownership within the village. Residence in the village and some restrictions on the amount of land an individual could own, based on how much he could cultivate, might be made a pre-condition for individual purchase of land. Arrangements might be made whereby an individual could sell part of his land to a village institution especially established for such purposes. This land would then be available for purchase by individuals who could demonstrate a need. Land that was



grossly mismanaged could also revert to such an institution when tax obligations were not met.

The above are some specific measures that might aid the tenure system in evolving ways to increase security of future expectations and to increase opportunities for establishing owner-operated family farms without getting undue concentration of ownership. Basically, the proposals represent modifications of the present situation with the intent of increasing the "economic space" available to the individual within a specified category. The policy objective is to increase the size of the orbit in which the will is free for owner-operators, and to protect such individuals from their own newly gained freedom at the same time. Insofar as possible, modifications would be introduced as alternatives to present inadequate practices with the hope that the withholding of the legal sanction from undesirable traditional measures would cause more and more individuals to demand these newer types of conveyances in their search for greater security. In other words, the state would systematically back those tenure practices, old and new, which were considered desirable, and systematically refuse to back those considered undesirable. In this way, the villagers would begin to distinguish those cases when due process of law indicated they enjoyed a status of right regarding the land from those cases where they remained in a status of exposure.

The actual form any such modifications might take would vary from village to village, but wherever possible they should accord with familiar patterns and minimize conflicts with traditional values. Such values and familiar patterns could often be incorporated into the formal procedures involving a tenure practice even when the content might be changed.

### The Role of the Village Council

There is probably no area in which the State's intentions are more suspect in the average villager's mind than those regarding his land. Nevertheless, the state's very existence signifies that it is the repository of ultimate sovereignty regarding his land, and this realization causes the villager to fear the state. Only when he comes to believe that he is protected by "due process of law" even against the state itself will he begin to place any trust in its procedures or feel any loyalty towards it. For this reason, it is highly desirable that the state should work its will through the local institutions wherever possible in order to obtain the maximum cooperation of the villagers. For implementation of specific tenure reforms, the following plan might be one feasible way of achieving favorable results while maximizing local cooperation, trust, and involvement. It involves reinserting the village council into the sovereign judicial process regarding land tenure, working through the patriotic unions to achieve acceptance and cooperation of the villagers, and developing a local land tenure center at the village level.

The village council would officially replace the present customary court system regarding land tenure adjudication. It would sanction transactions and resolve disputes regarding the land. Its decisions would be subject to review, but individuals would be purposefully discouraged by court costs or other means from appealing its decisions unless they had a solid case. Appellate courts would tend to support the village council in cases of doubt. It is assumed that the traditional village social and political structure would prevent gross miscarriages of justice and assure generally equitable treatment. Cases which the village council

considered too dangerous to village unity could be referred by it to a higher court for resolution. No doubt inequities would occur but it is doubtful if such occurrences would be so frequent as under the present system, because the village council members would be subject to all the moral and economic sanctions of the group and any legal sanctions which the state might impose. The judges would be familiar with the facts of the case and the appropriate customary law. The council members would surely wish to maintain their newly gained prestige and status in the village. It should be understood from the beginning that if the system failed to render justice, alternative means would be found. Basically, the village council would again exercise the sovereign power in sanctioning land transactions but now as the lowest rung in the state's judicial system rather than as the highest in the traditional system. That many decisions might be settled on a basis of equity rather than on unknowable facts is not necessarily undesirable under the existing state of uncertainty, is surely preferable to the long ruinous court cases so common at present. As long as substantial justice is rendered, it might not be appropriate to be overly inquisitive regarding finer points of law, at least not initially. As more and more cases are resolved, progressively more land will come to be held under more definite and hence more secure conditions of tenure.

The village council too might be the most appropriate institution through which to get any kind of reforms in the onerous obligations of the extended family system which burden an individual. Only the village council would have the prestige and loyalty of the villagers necessary to gain acceptance of any limitations on such obligations. The state can really do little in these matters beyond setting some arbitrary limits

on certain specific obligations; these limits will provide a concerned individual with an excuse not to meet obligations beyond the specified limits. But involved legal limitations are not worth the trouble to devise, since they are obviously unenforceable.

#### The Village Tenure Center

To provide technical expertise in tenure matters and also to serve as a depository for legal documents regarding the land, an all-purpose land tenure center would be established.

The functions of this center include: housing of legal documents regarding land rights in the village; provision of expertise to the village council on technical matters; and perhaps surveying services.

As a crucial function, this center would serve as a means of recording and preserving written records of legal transactions regarding the land, so that the definiteness achieved in village council decisions would not be allowed to lapse, and so that new transactions could be registered immediately in a permanent manner. Needless to say, anyone who desired a secure title to a piece of land he bought would want to purchase it under procedures which were eligible for recording in the new tenure center rather than under any procedures not eligible. Even where the exact dimensions of the piece of land involved were not recorded, the recording of the exact terms under which the transaction took place would be a great step forward. Another very important benefit of recording such transactions would be the provision of information from which the going price of land might be determined for purposes of adjudication of disputes, tax policies, and many other uses.

To staff this center, young intelligent village men would be sent for appropriate training to special training centers, perhaps located at

the universities. Upon their return they would take up their duties as land agents, returning from time to time for additional training as appropriate. While they would be government employees, they would not be immune to social pressures in their own village, so a balance between protection from economic pressure on the part of village cliques and immunity from loss of job for misconduct would have to be struck. It might be appropriate to allow the village council a role in the supervision of employees of such a center.

While this author was in Nigeria, some crude surveying was done by project field staff. There might be some possibility of surveying training being given to certain land tenure center employees. They could perhaps supervise members of an age grade set in surveying of farm plots in conjunction with land transactions. Appropriate safeguards would have to be incorporated to prevent the recording of surveys which were grossly in error or fraudulent. A start must be made somewhere and at least the boundaries between different villages might be determined by government surveyors from outside the village area, with the local land tenure center surveyors providing a check on their work and assurance to their home village that the surveys did indeed show the boundaries properly. Within the village a start might be made by confining surveying to definition of the boundaries between extended families' lands, while relying on the traditional social controls within the extended family to resolve most disputes internal to the group. Modern technology in the form of aerial photography and computer data processing might be used to advantage in technical aspects of the surveying problem.

The patriotic unions could be used as a vehicle for gaining village acceptance of the land tenure center and other reform measures. They are

the traditional link between the village and the outside world and are trusted and respected within the village. It would probably be very wise to bring them actively into the projected development in its formative stage, in order both to gain their support and involvement and to benefit from their knowledge of local conditions within the village.

The government might also provide the necessary materials not obtainable in the village, while the village might supply the labor to build the center. It could be located in a prominent place, opened with appropriate ceremony and publicity, and other means taken to stimulate a healthy sense of rivalry and induce other villages to follow suit. To add incentive, other government aid might be tied to the development of the tenure center as a prerequisite.

Other suggestions could be made and different approaches might be adopted in coming to grips with the tenure problem while using traditional institutions. The above ideas are put forward in the hope that fairly specific proposals, even if not tested and no doubt in need of great improvement, modification, and elaboration, may at least contain the kernel of a fruitful suggestion to supplement any the reader himself may have developed from the foregoing material. The above suggestions, at least hypothetically, reestablish a single chain of sovereignty and provide an institutional means for trying to introduce the improved tenure practices so necessary to security of expectations and a climate conducive to investment. The proposed land tenure center provides a going concern which could take on new or different functions as appropriate. While the state's power is always present, it is exercised in conjunction with familiar institutions within the village confines.

### Implementation

Whatever reform measures and programs are tried, they would obviously require pilot projects to test their feasibility. Selection of actual test villages should be based on such practical considerations as interest on the part of the village and representativeness of the surrounding area in terms of customary practices. While local conditions might dictate differences in approach and in procedural matters, as much uniformity as possible should be retained in the system above the village level. At least as regards content, new alternative tenure practices should fit readily into one of several legal categories with an absolute minimum of ambiguity.

One thing appears reasonably certain--if the tenure situation is allowed to continue along its present course, the results are not likely to be desirable either from an economic or a social standpoint. Whatever proposals to rectify the situation may be put forward, the process of testing, modifying, and improving them cannot start too soon. As the development process gets underway, land tenure can only become progressively more important as a limiting factor unless it is modernized. If initial increases in productivity gained by means of "easy improvements" such as fertilizers or improved varieties, are to be transformed into sustained economic growth rather than into stagnation with population growth consuming any gains made via improved productivity, the present tenure system must be transformed into one that will be able to play its part in sustaining such economic growth.

If carefully planned and well tested programs, making use where possible of traditional institutions regarding land tenure or other developmental problems, are instituted and carried to fruition, such

Institutions may well be modified so as to play a positive role in the development of agriculture and thereby make a substantial contribution to the overall economic development of the country.



## LIST OF CITED MATERIALS

1. Akpan, N.U. "Have Traditional Authorities a Place in Modern Local Government Systems?" Journal of African Administration, Vol. VII, No. 3 (July, 1955), pp. 109-116.
2. Aluko, S.A. "How Many Nigerians? An Analysis of Nigeria's Census Problems." Journal of Modern African Studies. Vol. II, No. 3 (September, 1965), pp. 371-392.
3. Barraclough, Solon L. "Comment" on article "The Economics of Farm Size" by K.L. Bachman and R.P. Christensen in Agricultural Development and Economic Growth, Herman M. Southworth and Bruce F. Johnston (eds.). Ithaca, New York: Cornell University Press, 1967, pp. 263-266.
4. Basden, G.T. Niger Ibos (2nd edition). London: Frank Cass and Co. Ltd., 1966.
5. Bauman, Harold, Connolly, Chan, and Whitney, John. A Situation Report of Agricultural Credit in Nigeria, a report by the Agricultural Finance Center, Ohio State University for the Consortium for the Study of Nigerian Rural Development (CSNRD), CSNRD report No. 3. East Lansing, Michigan: CSNRD, Michigan State University, June 1966.
6. Brown, Lester R. Increasing World Food Output; Problems and Prospects. Foreign Agriculture Economic Report No. 25. Washington, D.C.: Economic Research Service, United States Department of Agriculture, 1965.
7. Buchanan, K.M. and Pugh, J.C. Land and People in Nigeria. London: University of London Press, Ltd., 1955.
8. Burns, Sir Alan. History of Nigeria (6th edition). London: George Allen and Unwin Ltd., 1963.
9. Chubb, L.T. Ibo Land Tenure (2nd edition). Ibadan: Ibadan University Press, 1961.
10. Commons, John R. Institutional Economics, Its Place in Political Economy. New York: The MacMillan Company, 1934.
11. \_\_\_\_\_, Legal Foundations of Capitalism. New York: The MacMillan Company, 1939.
12. \_\_\_\_\_, The Economics of Collective Action. New York: The MacMillan Company, 1950.
13. Cook, Arthur Norton. British Enterprise in Nigeria. New York: Barnes and Noble, Inc., 1965.

14. Dema, I.S. Nutrition In Relation to Agricultural Production. Rome: FAO, 1965.
15. De Wilde, John C., assisted by McLoughlin, Peter F.M., Guinard, André, Scudder, Thayer, and Maubouché, Robert. Experiences with Agricultural Development in Tropical Africa: The Synthesis. Vol. I. Baltimore, Maryland: The Johns Hopkins Press for the International Bank for Reconstruction and Development, 1967.
16. Dike, K. Onwuka. 100 Years of British Rule in Nigeria, 1851-1951. A Reprint of the 1956 Lugard Lectures. Lagos: Nigerian Federal Information Service, 1958.
17. \_\_\_\_\_ . Trade and Politics in the Niger Delta, 1830-1885. Oxford: The Clarendon Press, 1956.
18. Dorner, Peter. "Land Tenure, Income Distribution and Productivity Interactions." Land Economics. Vol. XL, No. 3 (August, 1964), pp. 247-254.
19. Dumont, René. Phyllis Nauts Ott (trans.). False Start in Africa. New York: Frederick A. Praeger, 1966.
20. Eastern Nigerian Regional Government. Policy for Land. Sessional Paper No. 7 of the Eastern House of Assembly for 1953. Lagos: Government Printer, 1953.
21. Egbuonu, Ndukwe Ndim. "Indirect Rule and Its Application in South-eastern Nigeria: A Study in the Techniques of British Colonial Administration." Ph.D. Dissertation, Columbia University, 1964.
22. Elias, T. Olawale. Nigerian Land Law and Custom. (3rd edition). London: Routledge and Kegan Paul Ltd., 1962.
23. Field, J.O. "Sale of Land in an Ibo Community, Nigeria." Man. Vol. XLV (May-June, 1945), pp. 70-71.
24. Fiskvik, Kjell. Development Prospects of Nigeria, a draft report. Bergen: The Charles Michelsen Institute, November, 1965.
25. Fogg, C. Davis. "Economic and Social Factors Affecting the Development of Smallholder Agriculture in Eastern Nigeria." Economic Development and Cultural Change. Vol. XIII, No. 3 (April, 1965), pp. 278-292.
26. Food and Agricultural Organization of the United Nations (FAO). Agricultural Development in Nigeria, 1965-1980. Rome: 1965.
27. \_\_\_\_\_ . "Part II, Technical Change and the Balanced Use of Resources" In FAO African Survey, Report on the Possibilities of African Rural Development in Relation to Economic and Social Growth. Rome: 1962.

28. Forde, Daryll. "Justice and Judgement Among the Southern Ibo Under Colonial Rule." Hilda Kuper and Leo Kuper (eds.). African Law: Adaptation and Development. Berkeley: University of California Press, 1965, pp. 79-96.
29. \_\_\_\_\_ and Jones, G.I. The Ibo and Ibibio-Speaking Peoples of South-Eastern Nigeria. London: Oxford University Press for the International African Institute, 1950.
30. Green, M.M. Ibo Village Affairs (2nd edition). New York: Frederick A. Praeger, 1964.
31. \_\_\_\_\_. Land Tenure in an Ibo Village in South-Eastern Nigeria. Monographs on Social Anthropology No. 6. London: Percy Lund, Humphries and Co. Ltd. for the London School of Economics and Political Science, 1941.
32. Gulliver, P.H. "Anthropology" Robert A. Lystad (ed.). The African World, A Survey of Social Research. New York: Frederick A. Praeger, Inc., 1965.
33. Hapgood, David (ed.). Policies for Promoting Agricultural Development. Report of a Conference on Productivity and Innovation in Agriculture in Underdeveloped Countries, Sponsored by the Department of State and USAID at the Center for International Studies, Massachusetts Institute of Technology, Cambridge, Massachusetts. Reprinted June, 1965.
34. Harris, J.S. "Human Relationships to the Land in Southern Nigeria." Rural Sociology. Vol. VII, No. 1 (March, 1942), pp. 89-93.
35. \_\_\_\_\_. "Papers on the Economic Aspects of Life Among the Ozulitem Ibo." Africa. Vol. XIV, No. 1 (January, 1943), pp. 12-23.
36. Harris, Phillip J. Local Government in Southern Nigeria. Cambridge: University Press, 1957.
37. Helleiner, Gerald K. Peasant Agriculture, Government, and Economic Growth in Nigeria. Homewood, Illinois: Richard D. Irwin, Inc., 1966.
38. Herskovits, Melville J. The Human Factor in Changing Africa. New York: Alfred A. Knopf, 1962.
39. Hill, Poly. "A Plea for Indigenous Economics: The West African Example." Economic Development and Cultural Change. Vol. XV, No. 1 (October, 1966), pp. 10-20.
40. Holland, S.W.C. "Recent Developments in Local Government in Eastern Nigeria." Journal of Local Administration Overseas. Vol. II, No. 1 (January, 1963), pp. 3-12.

41. Ilogu, Edmund. "Christianity and Ibo Traditional Religion." International Review of Missions. Vol. LIV, No. 215 (July, 1965), pp. 335-342.
42. International Bank for Reconstruction and Development (IBRD). The Economic Development of Nigeria. Baltimore: The Johns Hopkins Press for IBRD, 1955.
43. Johnson, Vernon C. "Traditional Agricultural Markets in Nigeria." Papers on Agricultural Development Problems and Prospects in West Africa with Special Reference on Nigeria. USAID/Nigeria: Printed by the Communications Media Support Office, 1966.
44. Jones, G. I. "Dual Organization in Ibo Social Structure." Africa. Vol. XIX, No. 2 (April, 1949), pp. 150-156.
45. \_\_\_\_\_ . "From Direct to Indirect Rule in Eastern Nigeria." ODU. Vol. 11, No. 2 (January, 1966), pp. 72-80.
46. \_\_\_\_\_ . "Ibo Age Organization, With Special Reference to the Cross-River and North-Eastern Ibo." The Journal of the Royal Anthropological Institute of Great Britain and Ireland. Vol. CXII, Part 2 (July to December, 1962), pp. 191-211.
47. \_\_\_\_\_ . "Ibo Land Tenure." Africa. Vol. XIX, No. 4 (October, 1949), pp. 309-323.
48. \_\_\_\_\_ . "Report of the Position, Status, and Influence of Chiefs and Natural Rulers in the Eastern Region of Nigeria (The Jones Report)." Enugu: Eastern Region Government Printer, [1958] 7.
49. Keay, E.A. and Richardson, S.S. The Native and Customary Courts of Nigeria. London: Sweet and Maxwell, 1966.
50. Kimble, George H.T. Tropical Africa: Land and Livelihood. Vol. 1. New York: The Twentieth Century Fund, 1960.
51. Lelth-Ross, Sylvia. African Women; A Study of the Ibo of Nigeria. New York: Frederick A. Praeger, 1965.
52. Lewis, W. Arthur. Reflections on Nigeria's Economic Growth. Development Centre Studies. Paris: Development Centre of the Organization for Economic Co-operation and Development, 1967.
53. Lugard, Lord [Frederick J. 7]. The Dual Mandate in British Tropical Africa. Introduction by Margery Perham. (5th edition). London: Frank Cass and Co. Ltd., 1965.
54. MacFarlane, David L. and Oworen, Martin A. Investment in Oil Palm Plantations in Nigeria. Enugu: Economic Development Institute of the University of Nigeria, 1965.

55. McFarquhar, A.M.M. "Problems of Agrarian Development." In Ronald Robinson (ed.) African Development Planning; Impressions and Papers of the Cambridge Conference on Development Planning, 22 September - 5 October, 1963 at Queens College, Cambridge. Cambridge: The Cambridge Overseas Studies Committee, no date, pp. 73-86.
56. Meek, C.K. "Ibo Law." In E. Adamson Hoebel, Jesse D. Jennings and Elmer R. Smith (eds.) Readings In Anthropology. New York: McGraw-Hill Co. Inc., 1955, pp. 234-248.
57. \_\_\_\_\_ . Land Law and Custom In the Colonies (2nd edition). London: Oxford University Press, 1949.
58. \_\_\_\_\_ . Land Tenure and Land Administration In Nigeria and the Cameroons. Colonial Research Studies No. 22. London: Her Majesty's Stationary Office, 1957.
59. Meek, C.K. Law and Authority In a Nigerian Tribe. London: Oxford University Press, 1937.
60. Niehoff, Arthur H., Editor. A Casebook of Social Change. Chicago: Aldine Publishing Company, 1966.
61. Nigerian Federal Government. Annual Abstract of Statistics, Nigeria 1964. Lagos: Federal Office of Statistics, 1965.
62. \_\_\_\_\_ . Economic Indicators. Vol. 2, No. 11. Lagos: Federal Office of Statistics, November, 1966.
63. \_\_\_\_\_ . Rural Economic Survey of Nigeria; Farm Survey - 1963/64. Lagos: Federal Office of Statistics, February, 1966.
64. Nwabara, Samuel Nwankwo. "Ibo Land: A Study in British Penetration and the Problem of Administration, 1860-1930." Ph.D. dissertation, University of Northwestern, 1965.
65. Nwabueze, B.O. The Machinery of Justice In Nigeria. London: Butterworth and Co., 1963.
66. Nzeribe, Benjamin Uzoukwu. "A Socio-Economic Approach to Promoting Economic Development In Eastern Nigeria: With Special Reference to Agriculture." Ph.D. Dissertation, Cornell University, 1958.
67. Nzimiro, Francis Ikenna. "Family and Kinship In Ibo Land, A Study In Acculturation Process." Ph.D. dissertation, University of Cologne, 1962.
68. Obi, S.N. Chinwuba. The Ibo Law of Property. London: Butterworth and Co. Ltd., 1963.

69. Oluwasanmi, H.A. and Aloy, J.A. "The Role of Credit in the Transformation of Traditional Agriculture: The Nigerian Experience." Bulletin of Rural Economics and Sociology. Vol. 1, No. 1 (1964), pp. 58-74.
70. Ottenberg, Simon. "Improvement Associations Among the Afikpo Ibo." Africa. Vol. XXV, No. 1 (January, 1955), pp. 1-24.
71. Park, A.E.W. "A Dual System of Land Tenure: The Experience of Southern Nigeria." Journal of African Law. Vol. IX, No. 1 (Spring, 1965), pp. 1-19.
72. \_\_\_\_\_. The Sources of Nigerian Law. London: Sweet and Maxwell, 1963.
73. Parsons, Kenneth H. "Institutional Aspects of Agricultural Development Policy." Journal of Farm Economics. Vol. XLVIII, No. 5 (December, 1966), pp. 1185-1194.
74. \_\_\_\_\_. "Institutional Innovations in Economic Development." Manuscript prepared for Conference on Optimizing Institutions for Economic Growth, University of Florida, May 5 and 6, 1964.
75. \_\_\_\_\_. "John R. Commons' Point of View." Journal of Land and Public Utility Economics. Vol. XVIII, No. 3 (August, 1942), pp. 246-266.
76. Smock, David. Agricultural Development and Community Plantations in Eastern Nigeria. Lagos: Rural Development Project - Ford Foundation, 1965.
77. Uchendu, Victor C. "Missionary Problems in Nigerian Society." Practical Anthropology. Vol. XI, No. 3 (May-June, 1964), pp. 105-117.
78. \_\_\_\_\_. The Igbo of Southeast Nigeria. New York: Holt, Rinehart and Winston, 1965.
79. Ugwu, D.C. "Fieldnotes for the four Ibo villages of Nkaliki, Unadu, Umunumo and Agulu," gathered in April, 1967 while serving as field supervisor for the productivity study. In possession of William P. Huth.
80. United States Government. Changes in Agriculture in 26 Developing Nations, 1948 to 1963. Foreign Agriculture Economic Report No. 27. Washington, D.C.: Economic Research Service, United States Department of Agriculture, 1965.

81. United States Government. Republic of Nigeria, Nutrition Survey, February - April, 1965. Preliminary report by the Nutrition Section, Office of International Research, National Institutes of Health. Washington, D.C.: Public Health Service, Department of Health, Education, and Welfare, June, 1966.
82. Wood, A.H. St. John. "Nigeria: Fifty Years of Political Development Among the Ibos," From Tribal Rule to Modern Government. In Raymond Apthorpe (ed.). The Thirteenth Conference Proceedings of the Rhodes-Livingstone Institute for Social Research. Lusaka, Northern Rhodesia: The Rhodes-Livingstone Institute, 1959, pp. 121-136.