The Politics of Possession
Property, Authority and Access to Natural Resources

Edited by
Thomas Sikor and Christian Lund
The Politics of Possession
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Access and Property: A Question of Power and Authority

Thomas Sikor and Christian Lund

INTRODUCTION: THE ARGUMENT

As larger political economic forces transform rural resources of material or cultural value, access to these resources is often contested and rife with conflict at many levels simultaneously. In societies characterized by normative and legal pluralism such as post-colonial and post-socialist countries, this is particularly evident. The central dynamic is created by people’s attempts to secure rights to natural resources by having their access claims recognized as legitimate property by a politico-legal institution. The process of recognition of claims as property simultaneously works to imbue the institution that provides such recognition with the recognition of its authority to do so. This is the ‘contract’ that links property and authority. Property is only property if socially legitimate institutions sanction it, and politico-legal institutions are only effectively legitimized if their interpretation of social norms (in this case property rights) is heeded (Lund, 2002). The process of seeking authorization for property claims also works to authorize the authorizers and, at the same time, institutions underpinning various claims of access — hence catering for particular constituencies — undermine rival claims to the same resources.

Nevertheless, property is part of a larger picture of access to resources, whether legally recognized or not. While not all forms of access to resources or their benefits are guaranteed by a politico-legal institution, they may still constitute an important element in people’s livelihoods. Indeed, the ‘grey zone’ between what people have rights to and what they merely have access to is terrain worth exploring. In parallel to this, politico-legal authority is only part of a larger picture of power, whether legitimate or not. Not all forms of power to decide who gets access to what resources and benefits, and on what terms, are legitimized with equal effect. Nonetheless, powerful groups and institutional coalitions may still exercise what are essentially political decisions about people’s access to resources and benefits. This second ‘grey zone’ between authority and power — that is, successfully and
less-successfully legitimized decisions about how resources are distributed in society — is equally worth investigating. These two sets of relationships, their interconnections and recursive constitution form the object of this chapter.

Two issues are therefore simultaneously at stake: struggles over property are as much about the scope and constitution of authority as about access to resources. To investigate how competition for society’s vital resources is organized and structured is to investigate not only how wealth is distributed and how classes of ‘haves’ and ‘have-nots’ are made; it is equally to investigate how polities emerge, consolidate and recede through processes of legitimization, inclusion, exclusion and violence. The social, political and institutional landscape is amorphous at close inspection, however (Cleaver, 2002; Douglas, 1986). Nuijten uses a very suggestive conceptualization of a force field to refer to a wider set of diverse powers: ‘In a force field certain forms of dominance, contention and resistance may develop, as well as certain regularities and forms of ordering. In this view, the patterning of organizing practices is not the result of a common understanding or normative agreement, but the forces at play within the field’ (Nuijten, 2003: 12). Our argument is that within such a force field, organizing practices that concern the distribution of resources are particularly interesting.

This introduction and the chapters that follow in this collection venture to make a particular incision into the recursive constitution of property and institutional authority. By investigating both successful and failed processes of legitimation of access as property, and processes of legitimation of power as authority, we develop a novel interpretation of the distinction between access and property. We argue that issues of access and property are joined to questions of power and authority. People attempt to consolidate their claims to land and other resources in various ways, often in pursuit of turning their access to resources into recognized property. In our argument we bring together two perspectives on resource use that often remain separated, and which have produced two strands in the literature — one on broader access-power relations (such as Berry, 1993; Ribot and Peluso, 2003) and another on the narrower property–authority relations (including Lund, 2002, 2007). In the process, we hope to clear up some of the dynamics generating the ambiguity of property observed in post-colonial and post-socialist settings (cf. Berry, 1993; Verdery, 1996).

Moreover, by investigating how institutional authority and property rights are recursively constituted, we are also investigating governance and state formation processes. The political dynamics of property are the processes whereby rights over land and other natural resources are settled and contested. They are fundamental to how authority is established and challenged among competing politico-legal institutions, thereby allowing the study of property dynamics to facilitate special insights into everyday processes of state formation. The institutional contestants’ pursuit of control over natural resources involves them, unavoidably, in the competition for authority, its
consolidation, reconfiguration and erosion. This is not necessarily done with the intention of state formation at the local level; it is done to check and overcome their competitors and benefit from the advantages of power. The result is nonetheless, in part, institutional (see Lund, 2008: 3; Tilly, 1985). Recent years have seen the emergence of a rich literature on state formation in post-colonial contexts.\(^1\) Characteristic of this — admittedly very diverse — work is an interest in the almost forensic analysis of political processes that make up state, legitimacy and authority. The key word is process.

This introductory essay seeks to position our argument in relation to the literature and the contributions to this volume. Considering the wealth of research in the two fields, the discussion of the literature is necessarily somewhat eclectic and may appear overly simplistic at times. Yet we intend to sketch out the contours of the larger, theoretical argument pursued in the chapters that follow. The essay begins by discussing the difference between access and property and subsequently looks at legitimacy and legitimizing practices. We then proceed to establish the mutually-constitutive character of property and authority, as legitimacy travels back and forth between the two. As a next step, we look into the dynamics of power and authority to examine the role of property in the making and unmaking of authority. We then return to our interest in the dynamics of access and property, on the one hand, and power and authority, on the other, identifying territoriality as a particularly interesting notion and examining the use of violence in institutions’ legitimizing practices. We finish with syntheses of the chapters in this volume, relating them to the discussion in this introductory essay, and some brief concluding remarks.

PROPERTY AND ACCESS: A PARTIAL OVERLAP

Most simply put, property is about relationships among social actors with regard to objects of value (von Benda-Beckmann et al., 2006). Property relations involve different kinds of social actors, including individuals and collectivities. The actors are linked to each other in social relationships, and property takes the form of ‘enforceable claim[s] to some use or benefit of something’ (MacPherson, 1978: 3). Property relations exist at the level of laws and regulations, cultural norms and social values, actual social relationships, and property practices. Property is therefore legitimized claims, in the sense that the state or some other form of politico-legal authority sanctions them.

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1. The list is long, but includes Boone (2003); Comaroff and Comaroff (1999); Corbridge et al. (2005); Das and Poole (2004); Gupta and Ferguson (1997); Hansen and Stepputat (2001, 2005); Lund (2007); Migdal (2001); Nuijten (2003); Sivaramakrishnan (1999); Steinmetz (1999); Sturgeon (2005).
Property relations in post-colonial and post-socialist settings are often ambiguous. In post-colonial contexts, property regimes are negotiable and fluid to some degree because of the multiplicity of institutions competing to sanction and validate (competing) claims in attempts to gain authority for themselves (von Benda-Beckmann and von Benda-Beckmann, 1999; Berry, 1993, 2002; Juul and Lund, 2002; Moore, 1998; Shipton and Goheen, 1992). This frequently provides scope for accumulation for the powerful (Peters, 2004). Post-socialist property relations are often equally equivocal as social actors struggle over the very categories and relationships constituting property (Sturgeon and Sikor, 2004; Verdery, 1999).

The utility of property as an analytical lens has been challenged as too narrow by recent emphasis on the multiple mechanisms that open up, influence, hinder and close down access to resources. Property is not the only way by which social actors are able to benefit from resources. Access, by contrast, is broader and includes property. Law or other social norms do not sanction and encompass all forms of possession: it is equally important that social actors gain and maintain access to resources in many ways that do not amount to property (Leach et al., 1999; Ribot and Peluso, 2003). A variety of access mechanisms condition people’s access to resources and benefits. In addition to property, these include technology, capital, markets, labour, knowledge, identities and social relations (Ribot and Peluso, 2003: 159–60). The difference between access and property implies that social actors may derive benefits from resources without holding property rights to them. For example, they may derive benefits from an agricultural field — by way of occupation or market exchange — even though they do not hold any rights to the land. It is important, therefore, to ‘understand why some people or institutions benefit from resources, whether or not they have institutionally recognized rights to them’ (Ribot and Peluso, 2003: 154; emphases in the original). Access is thus different from property, as access is about ‘the ability to benefit from things’ (Ribot and Peluso, 2003: 153), making it more encompassing than property, which refers to legitimate social relationships only.

Ribot (1998) provides an illustrative example of the many ways by which social actors enjoy access to resources. He investigates the distribution of benefits along a charcoal commodity chain in Senegal from extraction in the Tambacounda region, through processing, transport, and trade to final use in Dakar. On the way to the capital city, the charcoal passes through the hands of various actors, including villagers, migrant woodcutters, merchants, transporters, urban wholesalers, retail vendors and outlet owners. They are all able to benefit from the charcoal commodity chain, yet they derive their respective benefits in different arenas and by way of different mechanisms. Villagers, for example, enjoy customary property rights to forests, even though Senegal’s forests are legally owned by the state and managed by the Forest Service. In contrast, migrant woodcutters derive benefits from charcoal not through direct rights to the forests but by seeking employment with
Access and Property

charcoal merchants. They gain these labour opportunities by way of a shared social identity and social ties with the merchants, the stigma attached to the work, and specialized technical skills. Merchants, in turn, reap a significant share of overall benefits, due to their control over labour opportunities and marketing. They work through ‘social ties with other merchants, distributors, retailers and state agents, and through credit, misinformation, licenses, quotas and circulation permits’ (Ribot, 1998: 328). This analysis demonstrates that multiple mechanisms influence the distribution of benefits from natural resources among social actors. Property is only one of them, in addition to product markets, the institutions governing capital flows, technology, and so forth.

Correspondingly, formal property rights do not necessarily imply that the social actors holding them are able to derive material benefits from the natural resources to which those rights apply. This is very apparent, for example, in local dynamics associated with forest devolution in Vietnam’s Central Highlands (Sikor and Nguyen, 2007). Here, the forest department decided to grant villagers use rights to local forests in an effort to improve forest protection and raise living standards. The department and the villagers settled on a relatively egalitarian distribution of property rights among the households belonging to indigenous ethnic groups. Nevertheless, the actual material benefits derived by local households displayed significant variation three years after devolution. The fields that the households had been able to clear in the forests varied in size and harvests, reflecting the influence of differences in the households’ labour capacity and wealth. Similarly, households extracted different quantities of poles from the forests, and these differences were due to yet other access mechanisms. Better-off households extracted more poles because they owned the required machinery (chainsaws and tractors), were able to hire additional labour, and simply needed larger quantities of poles in their pepper plantations. Despite the devolution of forest management, access to the forest thus depended on a variety of access mechanisms in addition to property rights. For families who did not benefit from such mechanisms, ‘property rights’ remained effectively vacuous claims.

This situation is not uncommon; people may hold property rights to some resources without having the capacity to derive any material benefit from them. Cousins (1997) argues that people lack ‘real’ rights if such rights are promised in law but denied in practice. Verdery (2003) observes a lack of ‘effective ownership’ by Romanian villagers who find themselves unable to benefit from their land rights. This is exactly what the distinction between property and access is about: property is about claims which are considered legitimate, and access is about the ‘ability to benefit’. It demonstrates that property and access overlap partially: property rights may or may not translate into ‘ability to benefit’; and access may or may not come about as a consequence of property rights. But ‘ineffective’ ownership or property rights are distinct from no rights at all, even if they do not translate into ability to benefit. While rights may have no value at a certain point in time,