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LAND AND CONFLICTS IN TOGO

MARCO GARDINI

Under the Supervision of Prof. Alice Bellagamba and Prof. Georg Klute

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Marco Gardini

University of Milano Bicocca

University of Bayreuth

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INTRODUCTION

This work investigates the cultural, social and political relationships that the inhabitants of south-western Togo (Prefectures of Agou and Kloto) entertain with land. The topic will be addressed via the analysis of the plurality, the conflicts and the dynamics of land tenure regimes and, more generally, via a discussion of how these emerge as central to the redefinition of local power structures. The aim is to give an in-depth account of the historical meanings of land at local level, of the range of strategies used by individuals competing with each other to strengthen their rights over land, and of the dynamics of conflict settlement. The latter are seen not only as arenas where local land rights are discussed, but also where the legitimacy of the authorities that should guarantee them is renegotiated.

The theme of access to land is of growing political and academic interest. Much has been written about the cases of Côte d'Ivoire, Ghana and Benin, on the phenomenon of land grabbing in Eastern and Southern Africa, and on land degradation and desertification in Sahelian countries. Judging by the vast research concerning this topic, by the degree of economic and political interest that it raises and by the increasing frequency of instances of land grabbing all over the African continent, the theme of access to land is crucial to understanding current social and political developments in Africa. Sara Berry (2002: 639) is clear on this point:

"Rapid population growth, environmental degradation, and slow rates of economic development that leave many people dependent on small-scale farming, livestock raising and foraging have transformed Africa from a continent of land abundance in the first half of the twentieth century to one of increasing land scarcity by its end."

In many African contexts, scholars have demonstrated an increasingly close relationship between access to land, the renegotiation of the legitimacy of social and political authorities, and the redefinition of the local criteria of citizenship and belonging (Lentz 2006; Berry 2009; Lund 2011). In this respect, the historical, political and economic trajectory of Togo¹ offers useful comparisons with the other countries bordering the Gulf of Benin, but it is still

¹ For land and agriculture in Togo, see Go Konu 1983; Quesnel and Vimard 1988; Akibode 1989; Bishop 2002; Folikpo 2006.

an underexplored case-study. Amongst other things, this work tries to fill this gap.

During my first stay in Togo, in 2006 and 2007, my interests focused on the "classic" theme of witchcraft, which had come back into vogue in the anthropological debate of the 1990s due to the works of Peter Geschiere and Jean and John Comaroff. Accusations and counter accusations of witchcraft appeared to be the privileged grammars through which the "power" of Eyadema (who established in Togo a 38 years-long military dictatorship), of his son (who in 2005 replaced the deceased Eyadema and took power amid a wave of repression of all opposition) and of the political and economic elites was represented and discussed (Toulabor 1986; 1999). Moreover, witchcraft accusations emerged as the main narrative through which the discourses around the social and political tensions were expressed at the local level. The analysis of witchcraft accusations led me to investigate more deeply the social and economic causes of conflicts.

During my PhD research, my subsequent stays in Togo (in 2009, 2010 and 2011) made me more aware of how modes of access to, and management of, land represented both one of the main causes of conflict and a major concern in local discourses. In other words, if "witchcraft" told me something about conflicts, these conflicts were frequently linked to access to land or attempts, often unsuccessful, at "emancipation" from agricultural activities. In Togo conflicts over land or land sold twice are steadily increasing. It is often stated, even in official speeches that, after malaria and AIDS, conflicts over land are the leading cause of death. It is implicitly argued that the perceived increase in witchcraft attacks, which for Togolese are a major cause of death and the major weapons used among conflicting parties, is proportional to the increase of social tensions concerning access to land. It is no coincidence, as will be discussed later, that the ceremonies designed to give fertility to the land and remove the shadow of witchcraft, far from being simply a legacy of past tradition, play a central political role today.

As often happens, also in my case, the emergence of an object of anthropological research has been guided by the interests and worries of the people I met while doing fieldwork. According to the World Bank, the vast majority of the population of Togo is involved in agricultural work (although, as is often the case with quantitative research, the data does not show what other economic activities are present alongside agriculture) and many of the so-

called development projects, many dating from the colonial era, concern agriculture. Beyond quantitative data, however, small, but significant, details have brought me to understand the degree of social tensions regarding land ownership. For instance, it is common in Togo to encounter signs posted on houses or fields stating "disputed land: not for sale".

Further stimulus to discuss the problem of land has come by a specific methodological choice: the study of the dynamics of conflict resolution within the *chefferies* of the region in which I resided. As will be discussed, these authorities have confirmed, if not strengthened, their legitimacy through the role they play in the resolution of land conflicts in rural areas, in contexts where the state courts are found to have limited effectiveness given the low prevalence of bureaucratic registration of land titles. Having been given the opportunity to participate in trials, held both by the courts of village chiefs of Agou and by lineage chiefs, and having been allowed to translate the records of the cases submitted in the last twenty years at the court of the village of Koumawou, I soon realized that a large majority of conflicts were related to land disputes.

The analysis of some of these cases sheds light not only on the current social tensions around land ownership (tensions that often result in accusations of witchcraft or sorcery), but also on the power structures of the state and of local *chefferies*, on the modes of access to land, on the issues of gender, status, origins and seniority that arise in relation to resources management, on the current dynamics of social change, on the strategies people use in facing deprivation and the uncertainty of the current international scenario, on the processes of inclusion and exclusion of migrants from the north of the country, and, ultimately, on the different representations that individuals produce regarding land and agricultural work. This work will show that conflict analysis helps understand why certain subjects (women, youth, migrants) are summoned to trial more often than others (e.g. men, old people, "native "). Moreover a perspective centered on conflicts allows us to explain why the results of the trials do not necessarily go as expected: women, youth, and migrants are often able to deploy useful strategies to see their rights guaranteed. An understanding of the strategies used by various actors in order to win a trial or to take possession of land is vital to account for the reasons why, in many West African contexts, there isn't currently a radical differentiation between a landless proletariat and a large class of landowners (Lentz 2006), even though

rural inequality is increasing. Indeed, although access to land in Togo depends in large part on the positioning of social subjects in the axes of gender, generation, class and origin, it is not possible to forecast the outcome of a conflict following a single axis of social differentiation.

Context of the Research

This work is based on a series of periods of fieldwork and archival researches carried out in Togo in 2006 (1 and a half months), 2007 (four months), 2009 (six months) and 2009/2011 (three months). Overall I stayed in Agou for 12 months (hosted by a member of the Royal Family of Agou Koumawou who works as a secretary in a nearby high school) and in Lomé for two and a half months (living with various friends: university students, young teachers, unemployed or small traders). Koumawou is a small village nestled at the foot of Mount Agou, crossed by the road linking Lomé to Kpalimé (one of the few paved roads of the country). The village, together with the villages of Apegamé, Agou Gare (Gadzeffe), Tomebge and Agou Sonaph, is part of the canton of Tavié. Mount Agou, which is isolated from other mountains, is the highest mount of Togo and, with the surrounding mountains in Kpalimé, a few kilometres from Agou, represents the southernmost part of the Atakora chain which cuts across Togo from southwest to northeast and then enters Benin. At the latitude of Kpalimé, the chain separates the valley of the Volta from Togo. A little further north along the ridge there are the Akposso and Danyi highlands.

In addition to Agou Koumawou, during my stay, I frequently visited the city of Kpalimé (with its 75,084 inhabitants, according to the census published in 2011, this is the second largest urban center of Togo, and is located about fifteen kilometers from Agou), various villages of the Agou Prefecture (with a total of 84,890 inhabitants), the main markets of the region (Agou Gare and Kpalimé, Kati, Adeta, Avetonou), the highlands of Akposso (100,974) and Danyi (38,742 inhabitants) and various other neighboring villages on the border with Ghana, as well as some of the villages alongside the road that connects Lomé to Kpalimé and Kpalimé to Atakpamé (a city which for many represents the extreme northern boundary of the region populated mainly by Ewe), collecting interviews and holding

discussions with several informants. According to the last demographic census (2011), the population density in the region has more than doubled over the last thirty years, from 38 to 81 inhabitants per square kilometer.

My movements between Agou and Lomé were not dictated by a coincidence: Mount Agou in particular, but more generally the region of Klouto and the highlands of Danyi and Akposso, were, thanks to their economic importance from the German colonial period onwards, among the places with better infrastructural connections with the capital. The Prefectures of Agou and Kloto in particular, but more generally the region of Plateaux to which they belong, have historically been, thanks to their high rainfall, the most fertile areas of the country, and their agricultural production is mainly channeled towards Lomé. People cultivate yams, cassava, maize, rice, fruit trees (banana, coconut, avocado, oranges, papaya, especially on the slopes of Mount Agou), pineapple, sugar cane, okra, cocoa (particularly in the mountains bordering Kpalimé, in Agou, in the Akposso plateau and towards the border with Ghana), palm trees (in the open plains at the foot of mountains), coffee (in the past, in particular in Danyi), and cotton, generally without the use of tractors or animal traction and fertilizer. The agricultural cycle follows the rainfall patterns. During the great dry season (roughly between November and the end of February) fields are left to rest or burned for the next season. These are also the preferred months for hunting, mushroom picking and the preparation of palm oil. Starting with the first rains in March corn, yams, pineapples, beans, okra are planted. The rice is planted later in the rainy season. Due to the richness of the soil it is possible to plant different products simultaneously on the same piece of land. The corn is harvested and dried in July (the small dry season) and in August it is re-planted to take advantage of the small rainy season (September, October) that will produce the second harvest just before the beginning of the great dry season. The new yam is harvested in August, while the great harvest occurs in November. Generally crop rotation is frequent, with each field being left fallow after a few years of use. This is especially true for yam, which tends to impoverish the land and rarely remains for more than two / three years on the same plot. For this reason there is a general increase in the production of cassava, which can grow on impoverished land and involves less labour time, but which is also less nutritious.

The choice of south-western Togo was motivated by the fact that the region, which was

subjected to three different colonial administrations (German until 1914, English from 1914 to 1920 and French until independence), has historically been the richest in the country from an agricultural point of view (Debrunner 1965; Ali-Napo 1995; Gayibor 1997, 2005, 2011) and is one of the regions most affected by the colonial development programmes. Without going into details (which will be the subject of subsequent chapters), it is important for introductory purposes to highlight some historical characteristics of the region. Already involved in the pre-colonial era in the palm oil economy, from the early years of the twentieth century south-western Togo became the main centre of production for coffee and cocoa (Lawrance 2003). These processes have radically changed the local modes of access to land and have allowed many migrants from the North, especially Kabié and Nawdeba, to settle in the southern regions. Modes of local control of land and exploitation of labour (Quesnel and Vimard 1987; Gayibor 1997; Lawrance 2003) have changed accordingly in ways similar to what happened in other West African countries invested by the cocoa and coffee economy (Hill, 1965; Sutton, 1983; Austin 1987, 1988; Pavanello 1995; Boni 2006, 2008; Chauveau 2005; Ubink and Amanor 2008). The region of Agou is also known to have attracted, in the German colonial period, the attention of European speculators who established the largest colonial experimental plantations in Togo (Ahadji 1996). Many of the workers in these plantations were Kabié and Nawdeba who settled permanently in the vicinity of Agou Koumawou. Then, during the 1920s, the French government implemented policies of forced settlement of Kabié in the fertile lands of the center and south and in the regions between Kpalimé and Atakpamé. Mainly inhabited by Ewe, in the late colonial period, the region became one of the strongholds of Sylvanus Olympio (1902- 1963) and his party (*Comité de l'Unité Togolaise* — CUT). Son of one of the most influential and wealthy of the Afro Brazilian families of Togo, who represented the educated elite who profited the most, politically and economically, from the colonial context (Amos 2001), in the course of the 1950s Sylvanus Olympio emerged as one of the most influential Togolese politicians. His explicitly anti-French position, together with his explicit support for the cause of the reunification of the two German Togolands (divided, after First World War, between France and Britain), made him popular in the south of the country, as well as troublesome for the colonial administration, which favoured his brother-in-law Nicolas Grunitzky, head of the

PTP (*Parti Togolais du Progrès*). The French administration, which had long supported the interests of the southern part of the country, found itself in increasing difficulty caused by the emergence of educated elite that demanded more power and independence. It then started to provide support to those political forces whose constituencies were composed mainly of the inhabitants of the North, many of whom, as previously noted, had settled in the south of the country over the preceding decades in the wake of agricultural development. It is in this context that local conflicts for land between Kabiè and Nawdeba migrants from the north and the Ewe "landowners" started to have national political connotations. Olympio, however, won the election in 1958 and brought the country to independence in 1960, becoming the first President of Togo.

After the two coups by Eyadema, bringing the assassination of Olympio in 1963 and the removal of Grunitzky in 1967, the southwestern region of Togo became one of the most important centers of opposition to the regime. It is no coincidence that the one party regime Eyadema founded (*Rassemblement du Peuple Togolais - RPT*) was born in Kpalimé in 1969. Eyadema, a Kabié soldier who had fought for France in Algeria and Indochina, based much of his political legitimacy on the role of "conciliator" for a country that was economically divided between the North, seen by the colonial administration as a mere labour reserve, and the South, the only area considered economically "useful" and where school enrolment rates were among the highest in the colonial era. Giving birth to the RPT in the South, despite the cadres of the party being mainly from the North, was an instrumental move designed to emphasize his commitment to "peace and unity". Beyond the rhetoric, as it is mentioned by Piot (1999) and Toulabor (1986), Eyadema in fact contributed greatly to the ethnicization of the country, creating an army composed almost entirely of Kabié from his region and placing members of his "clan" at the top of Togo economic and political elite. Following Piot (2010), the political scene of recent years has been characterized by the political crisis of the single party in the 1990s, the structural adjustments imposed by the World Bank, the emergence of new international organizations such as NGOs, the re-emergence of opposition parties whose infighting ensured the continuity of the power of the RPT, Eyadema's death and the disputed election of his son Faure Gnassingbe which in 2005 led to new bloodshed in the streets of Lomé. The position of the newly elected president proved to be more fragile than that of his

father, not only because of the renewed international attention paid to the need for a process of democratization of the country and for a free press², but also because of the enormous size that the clan Eyadema had assumed³. Faure Eyadema Gnassingbe needed to broaden his clientelistic base to include some opposition parties (from this point of view the reconciliation with Gilchrist Olympio is historically important) to strengthen his leadership against internal opposition in the RPT led by his brother Kpatcha, a former defence minister imprisoned in 2009 by Gnassingbe for plotting a coup. More recently (2012) Faure Gnassingbe has changed the name of the RPT to UNIR (*Union pour la République*). The comments on *radio trottoir*⁴ of this event carry a bitter and sarcastic tone exemplified by the slogan from the time of the old regime: "*Il y a des changements dans la continuité*".

Dominated by neoliberal structural adjustments and new waves of privatization of the state apparatus, the scenario became more complex when, in addition to the traditional financial supporters of the Togolese government (France and the U.S. in particular) and the various Free Masonic lodges to which Eyadema belonged (Labarte 2005), new interest emerged from China and India, who found in Togo a profitable market for import/export. It is not then surprising that such concepts as "extraversion", "politics of the belly" and "criminalization of the state" (Bayart 1989; Bayart et al. 1999) are still useful in characterising the local political system, to the extent that the political power and the economic well-being of the elite (well represented by the symbolic value of the prominent belly - which refers locally both to the figure of the big men and that of the chief, as well as to practices of illicit accumulation of resources to the detriment of others) are gained largely by the economic and political relationships (legal or illegal, explicit or hidden) that they are able to entertain with transnational and international actors.

² Despite the control of the press being loosened after Eyadema, cases of beatings, threats, and arrests of journalists critical of the regime still occur.

³ The old *Timonier National* left more than a hundred children, some of them in key positions of the state administration, in the army or in the management of economic affairs such as the control of the port of Lomé

⁴ Following the definition given by Ellis (1993, p.463), "radio *trottoir*" is "... the informal discussion of current affairs by the urban public in Africa. It has been argued elsewhere that radio *trottoir*, far from being mere gossip, and of little account, may be considered a modern form of oral tradition (Ellis, 1989). It is of considerable political importance, mainly because it appears to be the principal means by which many city dwellers in Africa acquire information. Radio *trottoir* consists not only of rumours, but also of jokes, puns and anecdotes passed on by word of mouth, and hence it is a field where ordinary citizens play an active role in forming a popular image of the government. Governments and their opponents certainly acquire information by listening to radio *trottoir*, but at the same time they seek to influence public opinion in a manner which, at bottom, is no different from the work of public relations specialists in modern Western politics. Radio *trottoir*, in other words, is a field of political contestation no less vital in its own way than the columns of the daily press or the television news are to a modern Western government".

Conflicts over land, in particular those which oppose the descendants of the so called first comers Ewe and of the migrants from the North, have to be considered in the frame of this broader political context. Since the 1990s, when it was thought that the Eyadema regime could be undermined, many local conflicts have been represented as metonyms of a wider national conflict between Ewe and Kabié, between the opposition forces and the Eyadema regime (Folikpo 2006). Of course, these representations, sometimes very instrumental and reductive, do not exhaust the local dynamics of conflict, which involve transversal lines (gender, generation, origin, income) of social differentiation and cannot be reduced to ethnic conflicts. At the same time, however, as we shall see, the overall political context is central to an understanding of the dynamics of conflict management and, above all, of the emergence or the strengthening or the crumbling of the political legitimacy of the institutions that regulate them. In other words, it is often much more than access to land that is at stake. This work will show how conflicts over land invite us to reflect on the issues of production and reproduction of the legitimacy of local political institutions (inside and outside the state), and on the strategies adopted by subjects in asymmetric positions of power in changing economic and political contexts.

Land and ownership

As underlined several times in the vast literature on the subject, access to land in Africa is deeply embedded in the social and political relations that individuals are able to activate and it is closely linked with issues of membership and autochthony (related to the production of stories about the first settlement Kopytoff 1987; Ceuppens and Geschiere 2005; Geschiere and Jackson 2006; Kuba and Lentz 2006), to asymmetries of gender, class, status and power generation in access to resources (Gray and Kevane 1999; Yngstrome 2002; Amanor 2006; Boni 2006, 2008; Chauveau 2006) and with competition between political institutions appointed to resolve land conflict in contexts permeated by a strong legal pluralism (von Trotha 1996; Rouveroy van Nieuwaal and R. van Dijk 1999; Rouveroy van Nieuwaal 2000; Benda-Beckmann 2002; Ribot and Peluso 2003; Moore 2005; Klute et al. 2008).

The classic functionalist ethnographies on the subject have pointed out that access to land

depended on what they thought was the social structure *par excellence* in Africa: kinship. More recent works, incorporating the ideas of Bourdieu (1972), have shown that kinship itself, far from being a timeless set of rules, is subject to manipulation processes, particularly in the face of increasing competition for resources (Guyer 1981; Greene 1996). If one's access to land is guaranteed by belonging to a descendant group, the manipulation of kinship becomes one of the strategies to obtain a guarantee of rights over land. But belonging to a descendant group, despite still being the main guarantee of access to land, falls short of the plurality of ways that have allowed the exercise of certain rights on a piece of land. Particularly in areas involved in cash crop economies, land has historically been at the centre of articulated and different agreements (including sale) which governed the transfer of rights more or less temporarily to members outside the descendant group. Far from being immutable, modes of access to land have historically shown a remarkable adaptability in the face of changing economic scenarios. Sara Berry (2002, 2004) has maintained that the so-called "traditional" modes of access to land have been profoundly shaped by colonial policies through the massive transfer of populations, the demarcation of territorial boundaries and the invention or reinterpretation of the rules of access, use and management of land. She has also highlighted how conflicts over land are both the product of particular historical contexts and arenas of production and reproduction of history⁵, due to the fact that many contemporary rights over land are legitimized by belonging to descendant groups whose founder first settled on a particular territory. Discourses about kinship, as those stories related to the first arrival, should be read in light of their political value as they are the major modes to legitimize specific rights within a framework crossed by deep social tensions.

Many authors have stressed that an in-depth understanding of access to land in Africa involves a redefinition of the concept of ownership as developed by Western legal philosophy. The reflection of Gluckman - "Ownership cannot be absolute, for the critical thing about property is the role that it plays in a specific nexus of relationships" (Gluckman 1965: 45) - continues to be central, presenting ownership not so much as a relation given once and for ever between an individual and an object, but as a relationship between individuals in regard to particular objects⁶. Scholarly literature has shown that African modes

⁵ "The significance of land conflicts for contemporary processes of governance and development in Africa lies not only in the way they have been shaped by past events, but also in their salience as arenas for the production of history" (Berry 2002).

⁶ Gluckman is referring here to the Marxian concept of "fetishisms of commodities": a social relation between men that assumes the fantastic form of a relation between things. Despite the fact that Marx elaborated this

of access to and ownership of land are defined through "bundles of rights" closely linked to the political and social relations that individuals are able to exploit or renegotiate (Gluckman 1965; Shipton and Goheen 1992; Berry 1992, 2002; Lavigne Delville 1998, 2006; Colin, Le Meur, Leonard, eds. 2009; Chauveau 2009). The concept of "bundles of rights", developed in nineteenth century legal theory, accounts for the presence of different subjects who can exercise different rights in respect of the same object. As recalled by Chauveau and Colin (2010: 83), who follow the original definition of Maine (1861), this concept allows distinctions between:

“(1) rights related to the use of the land: use right *stricto sensu*, right to appropriate the return from the land, right to bring long-term improvements; (2) the rights to transfer the preceding rights: temporarily or permanently, through market (land lease through fixed or share contracts, land sale, pledging, mortgaging) or non-market (loan, gift, bequest, inheritance) devices; (3) the administration rights, that is the rights to define others’ rights by controlling land access, use and transfer, including therefore the right of exclusion”.

These overlapping and disputed bundles of rights cannot be reduced to the classical dichotomy between private property and collective ownership. Private property, as it emerged in Western jurisprudence, attributes to a single entity the right to use, usufruct and disposal, while collective ownership involves the idea of an equality of rights among different subjects. Frequently in Africa such rights are invoked by different subjects, but in asymmetrical power relations.

In the Ewe context those who are “owners of the land” (in Ewe: *Hanyibatɔ*, where *Hanyigba* means “land” and *tɔ* both “father and owner”) or have allocation rights (often elders and lineage chiefs), are not necessarily also the owners of the trees or of the harvest (*Detɔ*: “father / owner of the harvest”) and often do not necessarily have the right of alienation (transfer). The so-called "owner" in the Ewe context can be an individual, where he/she has purchased land or where a division of inheritance has been effected, but more often, to avoid excessive fragmentation of the fields, it is a group of individuals belonging to the same patrilineal and exogamous descendant group of variable depth. In addition, other

concept analyzing a particular kind of object, namely commodities, the idea can be extended also to other domain of “things” (Appadurai 1986)

parties, whether or not belonging to the family, are often entitled to claim rights of hunting, fishing and gathering on the same piece of land or may have become "owners" thanks to a previous agreement, which provided for the transfer of particular rights. By virtue of the right to enjoy the fruits of their labour and to convey such rights to their descendants, in particular in cases where the right to enjoy the fruits of their labour has been applied to semi-permanent crops (cocoa, palm trees), these agreements have in effect turned a right on trees into a right over land. Regarding the right to sale land or to transfer use rights, in the case of Togo, as elsewhere in West Africa⁷, the principle is often not "I am the owner, so I sell the land," but "I sell the land and if nobody criticizes that decision then it means that I was the owner." Moreover, the concept of land sales appears to be highly disputed: in fact, it is never that the land is to be sold, but particular rights on it are to be transferred in exchange for money. Who has the right to transfer these rights? Is this transfer absolute? What rights are actually transferred? Who monitors the fairness of the transaction? The on-going increase in the number of sales of land is not to be understood from an evolutionary and unilinear perspective, which posits privatization as the inevitable consequence of a capitalist logic that tries (with varying results depending on the authors) to extend its hegemony over "traditional" societies who considered the land sacred and therefore inalienable, but must be placed within the broader spectrum of land transactions that have historically governed relationships between individuals and between groups (gifts, mortgages, land swaps, settlement permits, rents). If an increase in the individualization of rights over land by particular subjects in relation to their descent groups is noticeable, it is also true that, as the value of the land and its marketing increased, local authorities have recalled / reinvented ancient rights of allocation to participate in the revenue derived from such transactions⁸. Moreover, as it has been often pointed out, land transactions, considered absolute at the time of the agreement, were then renegotiated by the descendants in changed historical contexts (Chauveau and Colin 2010).

The "colonial library" (Mudimbe 1988), that is the set of knowledge produced by administrators, missionaries and ethnographers on which "the invention of Africa" is based,

⁷ See for example Chauveau 2006, Dozon 1985 for the case of Côte d'Ivoire.

⁸ A good example of dynamics of "neo-traditionalisation" of land rights is given by Klute and Fernandes (2010) for the case of Bijagós archipelago: "On the archipelago, local groups actively cope with these global challenges by claims for the re-establishment of „neo-traditional“ rights on land and fishing grounds, which are not only directed against newcomers, but are also prone to bring about changes within the age-class society of the *Bijagós*."

has consistently denied the historicity of local modes of access to land. This in turn has helped to legitimize the policies of privatization, carried out through state registration of land titles, that the neoliberal orthodoxy, supported by the thesis of the economist de Soto (2000), believes to be the only way to ensure a more rational management of resources, an increase in productivity, and a reduction of conflicts. In many African countries (and this is true also for Togo), the process of registration of land titles has not replaced the earlier modes of access to land: if anything, it has overlapped them, often benefiting the economic and political elites who are able to afford the high cost of bureaucratic procedures and exacerbating the same social tensions which it aimed to resolve (Lavigne Delville 2006; Colin, Le Meur, Leonard, eds. 2009; Chauveau 2009). However, as claimed by Colin and Ayouz (2006: 405): "the commoditization of ownership rights is not the final stage in a linear process". The privatization of property rights through the registration of land titles does not eliminate the plurality of rights on a piece of land; rather it makes it visible, and the subject of discussion and conflict. Moreover, there is a tendency in southwestern Togo not to split the fields after the death of the first owner, and in the course of a few generations registered pieces become family land again on which various parties claim their rights.

As much as the concept of "private property" does not account for the complexity of land rights, the concept of "collective ownership" is equally vague and unenforceable. In fact, by not accounting for the asymmetries in the allocation of rights, this concept presents an egalitarian image that hides the dynamics of exploitation and exclusion observable at local level, as well as the attempts of particular individuals to strengthen their rights at the expense of others. To note that the extension of the bureaucratic procedures of registration of land titles is granted only to that part of the population better positioned economically does not mean that "traditional" modes of access to land are by their nature, stable, balanced or harmonious (Ubink and Amanor 2008). Constructed or fixed in the colonial context, these modes of access to land have often strengthened the structures of power based on gender, (imagined or constructed) ethnic origins or generation. Nonetheless, although characterized by deep asymmetries of power (which severely limit the possibility of negotiating for subjects at the bottom of local hierarchies), the plurality of modes of access to land, and the number of institutions that regulate them, provide a range of opportunities that can be used

strategically by different parties. But it would be a mistake to reduce this locus for action to the mere possibility of resistance against those power structures: the subjects' agency, while sometimes seeming to challenge certain forms of authority, often reinforces others. In other words, this study sits in a line of research that explores the material conditions that severely limit the ability of economically and socially vulnerable people to implement their projects, thus avoiding an uncritical celebration of the concept of agency (Ferguson 2006). This perspective wants – following Paul Nugent - to show how “...the politics of everyday life - politics with small ‘p’ - may embody an element of covert resistance, but to look for hidden transcripts at every turn is ironically to privilege the formal structures of power by referring everything to them. [...] Our concern is with activities that embody a logic and a dynamic that are not reducible to resistance and that may even serve to reinforce certain aspect of state power.” (Nugent 2002: 232).

In the introduction to a work on the modes of access to land and land management in Africa, Shipton and Goheen (1992) suggest the following questions as blueprint for research: What significance has the land and for whom? On which social relations are control and use of land based? How do access, ownership and usufruct rights overlap? How is the relationship between the land and the production of history articulated?

These questions will obviously involve others: Who cultivates what? Which forms of exploitation are present in the local modes of production of agricultural goods? What impact has the introduction of cash crops in agricultural practices had on modes of access to land?

In order to answer, a fieldwork approach must be integrated by a historically dense reading, focused on conflicts and the broader economic scenarios in which local realities are situated. This can help challenge those representations common not only in journalism, but also in the World Bank and in many institutions of development, which tend to present an image of African farming communities as homogeneous, ahistorical and foreign to (or not yet “captured” by) the global market⁹.

⁹ The work of Goran Hyden (1980) on this topic is well known and much discussed. In *Beyond Ujamaa in Tanzania: Underdevelopment and an Uncaptured Peasantry*, the author elaborates on a critique of Marxist theorists of dependency, related to the concept of "world-system" developed by Wallerstein, which tended to give an extremely passive image of African societies, as peripheral victims of the mechanisms of exploitation of global capitalism and neo-colonial policies. According to the author, African peasants would not be "captured" by global capitalism nor by socialism, having had the opportunity to retreat into the subsistence economy. Trade and local economic activity would therefore be tied to a logic radically alien to capitalism but rather based on the concept of "economy of affection": an economy dominated by ties of kinship or common residence, a domestic orientation and the belief that everyone is entitled to have access to land to support oneself (1980, pp.13-18). This "economy of affection", according to the author, would be able to penetrate all sectors of the economy and the state and would ultimately be the real obstacle to "development". While agreeing with the author giving due weight to the agency of the subjects, the criticisms of this approach (see for

Throughout my research I have tried to show the importance of contextualizing interpretations, imaginations and practices regarding land within their historical and economic contexts of production, not only for reasons of methodological orthodoxy or the correctness of the analysis, but also because in Togo, as elsewhere in Africa, conflicts over access to land seem to assume a fundamental importance, in a context of insecurity of lives, of food crises and of radical uncertainty about the future. An analysis that does not take into account the multiplicity of factors that intersect these issues runs the risk of reducing the scenarios that generate such conflicts to mere Malthusian simplifications, interpreting the conflict in terms of a growing population in the face of unchanged resources, and thus de-politicizing and de-historicizing the unequal access to them. As I will demonstrate, conflicts over land become arenas that reshape the individual and collective stories, that contribute to the reconfiguration of the balances of power and that are loaded with political meanings that go well beyond the local level.

Land and Authorities

Conflicts over land and the renegotiation of bundles of rights by parties in unequal positions of power are not unique to the redefinition of property and usufruct rights, but involve the full dynamics of construction, erosion or reinforcement of the authorities delegated to their management, in particular in contexts, such as Togo, permeated by a strong legal pluralism. As has often been noted (Berry 1989; Guyer 2004) if access to land is closely linked to the social relations that one is able to mobilise, it is not surprising that the earnings generated by agricultural activities are often reused not to increase production, but to strengthen, consolidate and extend social networks.

In other words, it is impossible to discuss bundles of rights without mentioning the "bundles of power", i.e. the different institutions (inside or outside the state) that legitimize and support particular claims and thus at the same time legitimize and strengthen their authority at local level (Ribot and Peluso 2003). It should also be emphasized that in the wake of Western political philosophy, at least from the reflections of Locke, Rousseau and Adam

example Geschiere, 1984) have highlighted that it rests on an extremely "romantic" and ahistorical view of African peasants, conceived as a homogeneous category, not internally differentiated and placed outside the networks of the global market. The concept of "economy of affection" is elaborated in a dichotomous paradigm that contrasts sharply with capitalist economy, without considering the concrete practices of those who often respond to both options.

Smith, the concept of "ownership" has always been interrelated with the construction of political authority (for these authors, the state), to the extent that particular forms of property must be somehow legitimized by particular forms of political power, and vice versa (Moore 2005). As claimed by Chauveau and Colin (2010: 100): "The lesson to draw is that it is illusory to try to secure land rights independently of the socio-political embeddedness of these rights, and therefore of the local issues of citizenship, governance and accountability of authorities". This is a central point, because, as argued by Lund (2011: 73): "the issue of land is not unique, but rather one of a range of issues where political and legal struggles intertwine, where local powers and less localized power structures interact, and where political and cultural symbols of power and authority are brought into play". As for Togo, the small number of pieces of land registered through bureaucratic procedures makes state courts relatively unimportant in conflict management in rural areas. On the other hand the so-called "traditional authorities", village leaders in particular, although confined by the colonial and post-colonial legislation to the mere role of conciliators in civil matters, and although not considered (with few exceptions that will be discussed) to be custodians of allodial rights as in the case of neighboring Ghana, emerge increasingly as the main institutions that govern access to land and help strengthen certain rights over it. Thanks to this, they have been able to maintain and increase their legitimacy, which was questioned by many in the light of the support (more or less active, more or less voluntary) they gave the regime Eyadema.

What is important to emphasize here is that the presence of a number of institutions that regulate conflicts, although creating the conditions for a strategic use of "forum shopping" by people in competition with each other, does not necessarily produce a weakening of the legitimacy of the idea of the state (Lund 2007, 2008; Das and Poole 2004). Many of the "traditional" courts make use of statelike practices, symbols and discourses, such as the production of documents of an ambiguous legal status or the use of rules and norms of the state in the regulation of conflicts. Moreover, as we shall see, the so-called traditional courts are generally well aware of the wider national and international policy framework on which their position often depends and which is taken into account when making decisions on sensitive issues such as access to land.

Weak or strong (weak in providing services, strong in repression of dissent) the state is one

of the main players and it will not be analyzed in this work as more or less distant from the Weberian model, but through the set of practices that reproduce its legitimacy at the local level. Following the example of the Manchester School and of those who have developed its ideas (Gluckmann 1955, 1963, 1965; Moore, 1973, 1978, 1983; Mitchell 1983; Comaroff and Roberts 1981; Evens and Handelman 2006; Kapferer 2006; Lund 2008), this work considers the arenas of conflict management not as spaces in which there is a simple application of rules by certain authorities, but as privileged places for the "production" of rules, authority and histories.

A study of conflict management necessarily involves an approach that binds together anthropology and history, for two main reasons. The first is methodological: the analysis of a conflict cannot be reduced to a mere illustration of general principles, but must be fully inductive in nature, and then it involves a diachronic perspective. A conflict must be analyzed, as far as possible, showing what happened before and after the "trial". My repeated and long stays on the field have fulfilled this goal. As we will see, land conflicts that often set members of the village against each other have a karstic development: they re-emerge years later in the form of accusations of witchcraft, fights, insults, competition for positions within the *chefferie*, and they structure the networks of alliances and oppositions on which conflicts of other natures emerge. The Ewe proverb "Unresolved matters never rot" is a prime example of these dynamics.

The second reason is a political one: often conflicts (especially among descendants of migrants and first settlers, but also between genders within the same group of descendants, or related to matters of inheritance) concern the redefinition of past agreements. A historical reconstruction of these dynamics is essential if one is to give an account of the contexts of production and reproduction of the conditions that gave rise to the conflict and of the narratives by which conflicts are thought about and discussed. Conflicts over land are privileged arenas in the production of history and identities, in so far as being able to impose as a true story of first arrival is fundamental in guaranteeing certain rights. Therefore an anthropology unable to communicate with history would run the risk of losing sight of one of the elements that is crucial for people discussing the events and will continue to struggle in the classic, unfounded, politically instrumental, ideologically ambiguous dichotomy between

"tradition" and "modernity" that inform much of the discourse on Africa of journalists, "development" experts, international organizations and politicians.

Land and Representations

Another theme that cuts across this work concerns the emergence of particular representations of the land. The land is charged with political, religious, symbolic and economic meanings, in its plural nature of "thing" and "container of all the things", as space and territory, as object and means of production, as an economic investment from which to derive an income or a property to be protected and defended by speculation, as a place of abode of the ancestors and of the reproduction of the living, as a site that can be appropriated (economically, military, politically) and as a place of origin of individual and collective identities.

People belong to the land in a way that is culturally, socially and politically determined, and the land is appropriated in ways that unfold in specific local modes of production and in the forms of political control of the territory and its inhabitants. The Gordian knot of such representations will emerge clearly from the analysis of conflicts in which groups and individuals struggle for the land. Moreover this study will also take into consideration other interpretations which seem to call into question the importance that land takes on at a local level. Many of my interlocutors, especially the younger ones, rejected a peasant identity and stated: "I work the land, but I am not (only) a farmer", "Land is important, of course, but I want to be an artist or an artisan or a soldier or a trader or I want to migrate" or "Working the land causes illness". Others, older, who had once tried, often with meager results, to "emancipate" themselves from agricultural activities - or had the land worked by others (immigrants, young people) - insisted that "the problems of land kill men". At the same time, though, they complain about the laziness (*kuvia*) of young people who turned their back on farm work, reproducing the views of colonial origin which accused the colonized of being lazy and indolent because they did not passively submit themselves to the exploitation of forced labour. Colonial administrators in fact, even though they formally tried to abolish slavery, made (and allowed village leaders to make) extensive use of the free labour of their

subordinates, both for the construction of infrastructure, and to boost the production of export crops. The emphasis on agriculture was clearly a tool to "educate" the "natives" through labour, to "cultivate" fields and humans at the same time, in order to ensure the economic and political survival of the state and the enrichment of its elite. The use of the whip, caning, and other corporal punishments have become part of the practice, and of the imagery, surrounding farm work. These practices of violence and discipline were re-appropriated and reproduced at the local level. They contributed to producing particular subjectivities and have informed the power relations between subjects: from the beatings that a teacher can give to a student who refuses to work the teacher's fields to domestic violence, the forms of subordination continue to be informed by the "politics of the whip" (Bayart 2008) in particular in agricultural activities. As recalled by Bayart (2008: 123), who reads the issue in Foucaultian terms:

« La « chicotte », en tant que dispositif de la gouvernementalité du « ventre », au point de rencontre entre techniques de domination sur les autres et techniques de soi, renvoie aussi bien à la formation de l'État qu'à celle de la valeur économique du travail ».

Working the land, in other words, has taken from the colonial period, at least, a pedagogical value, that was reinforced by the rhetoric of the "Green Revolution" of Eyadema who from the 1970s wanted to obtain food self-sufficiency for the country. The motto of the "revolution": "Return to the land!" sounded rather ironic to the 80% of Togolese people who had never moved from the land. Working the land is the symbol of exploitation for those who condemn a social and economic subordination from which they try to escape, while for others it highlights a number of positive moral values which were strengthened in the colonial era and contrasted with other forms of enrichment, like trade, which is more profitable but is perceived as atomizing and more connected with witchcraft. In order to analyze the emergence of these apparent contradictions it is useful to relocate agricultural activities within a broader social and economic context. Moreover, it would be reductive to analyze the access to land without taking into account the issue of work and the underlying consequences of exploitation. One cannot avoid referring to the apparently circular link

between the investment of gains from agricultural activities in other occupations (schooling, trade), and the simultaneous purchase of land in order to immobilize capital earned elsewhere in order to obtain social prestige. Equally we need to bear in mind that, contrary to the convenient simplifications of the World Bank and the IMF, the vast majority of domestic groups do not live on agriculture alone, but have historically widened their sources of income, using the various "theatres of opportunity" (trade, smuggling, public transport, etc.) that have opened up over time.

The violence underlying agricultural work, if it is related to the construction and legitimation of the state's repressive apparatus, must also be thought of as "productive" in a Foucaultian terms, to the extent that it helps to create, renegotiate, or move away from, the meanings locally taken by the fact of being a farmer. From this point of view, labour becomes, as noted by Jiménez (2003), a key part (even if not often analyzed) of how certain subjectivities are formed, meaning by "subjectivity" not so much the private sphere of individual experiences, but the link "between private experiences and macro-structural forces" (Bourgois 2008), the dual and interrelated process that on the one hand produces subordination to power and on the other is the matrix-forming of agent subjects (Butler 2005; Ortner 2005; H. Moore 2007). Following Ortner (2005: 31): "By subjectivity I will mean the ensemble of modes of perception, affect, thought, desire, fear, and so forth that animate acting subjects. But I always mean as well the cultural and social formations that shape, organize, and provoke those modes of affect, thought and so on". Underlining the socially and culturally constructed character of different modes of perception, thought, and desire, the concept of "subjectivity" of Ortner seems similar in some ways to that of "habitus", developed by Bourdieu (2003: 206-207: "structured structures designed to function as structuring structures [...]"). But it is also distanced from it because it conceives of the subject as at least partially aware of the structures that he/she incorporates and looks to these structures as not necessarily consistent with each other, so as to form complex subjectivities: "Subjectivities are complex because they are culturally and emotionally complex, but also because of the ongoing work of reflexivity, monitoring the relationship of the self to the world. No doubt there are cultural subjects who fully embody, in the mode of power, the dominant culture (...), and no doubt there are cultural subjects who have been fully subjected, in the mode of powerlessness, by

the dominant culture. By and large, however, I assume at the most fundamental level that for most subjects, most of the time, this never fully works, and there are countercurrents of subjectivity as well as of culture” (Ortner 2005: 45).

Indeed, it would be naive to believe that emancipation from agricultural work would be the weapon of resistance against a power which aims simply at the “peasantisation” of its subjects. This was only partly true in the past, when the Togolese peasants were asked on the one hand to increase production, or on the other hand to give their labour for the construction of infrastructure or as cannon fodder for the army. It is even less true today, in a context in which the global labor market is, rather, intended to create precarious, mobile, diasporic subjects, cultivating promises of huge and quick profits. In this context, working the land has rather a romantic and nostalgic connotation that also conveys the idea of a certain degree of autonomy from the dynamics of global exploitation.

For this reason, I found it useful to consider agriculture in relation to other economic activities, which lie beyond the too-rigid dichotomy between formal and informal economy and are in many cases the main options for those among whom I conducted research. By virtue of the possibilities generated by these occupations, agricultural activities seem to lose in the imagination of many, especially young people, those economic and symbolic values they had taken on during the pre-colonial and colonial era. At the same time we are witnessing a return to the land by individuals who, having lost their job in public administration because of the structural adjustments in the 1990s, decided to return to the villages and to invest in land and in the social relations that allow access to it. In order to account for the historical, economic and political context in which practices and discourses relating to land are produced, one must remove the so-called peasant communities from representations that characterize them as passive, uniform, and devoted only to subsistence economies. Equally important is to focus on the many individual strategies that allow people to cope with extremely harsh economic and political conditions in light of the consolidation of existing political structures and the emergence of new subjectivities.

Structure of the work

In line with the theoretical and methodological reflections above, this work consists of two main parts. The first part (Chapters 1, 2 and 3) focuses on the genesis of particular representations and practices related to land – analyzed in their historical and social contexts of production – and on the changing forms of land tenure regimes. The second part (Chapter 4, 5 and 6) sheds light on the renegotiations of land rights and on authorities, through the analysis of conflict management, the role of chieftaincies and the changing values that land acquired in the face of new economic scenarios.

In particular, chapter one (1) discusses the politically informed nexus that binds land and identity through the analysis of Ewe myths of settlement in the area of my research and through the discussion of ritual practices that highlight the symbolic, political and moral values historically associated with land.

Chapter two (2) examines how colonial agricultural policies reconfigured modes of access to land and produced particular ideas relating to the ethical value of agricultural work. In addition, using the example of plantations established under German rule, the chapter traces the historical development of, and the arbitrary imposition of, the dichotomy between "private property" and "collective ownership" of the land and how this dichotomy was useful to colonial administrations to legitimize certain methods of dispossession of local resources.

Chapter three (3) assesses the impact on access to land of the cocoa economy and the migration of labour, with the genesis of new forms of agreements between migrants and landowners. It describes the emergence of some of the conflicts that currently set migrants' descendants in opposition to so-called "indigenous people".

Chapter four (4) analyzes the role of *chefferies* in the management of land conflicts by exploring the ambiguous relationship between chiefs and the state, the composition of the courts and the dynamics of forum shopping. The chapter shows how both at micro and at the macro level the composition of land conflicts creates a field of competition that allows institutions and individuals to strengthen their authority.

Chapter five (5) presents a set of cases of conflicts over land and property, collected through fieldwork, oral sources and the archives of local *chefferies*. It also explores the different

strategies that local actors mobilize in order to reinforce their land rights.

Chapter six (6) places the topics discussed in previous chapters in a broader economic context by showing the role of international borders, smuggling, markets and other economic activities (tourism, taxi drivers, etc..) in the local representations of work. This allows me to extend and to articulate further the fractures in society related to agricultural work and to contemporary methods of resource accumulation, and to account for the multiplicity of representations of land that interlace and compete at local level.

In the conclusion, I will summarize the main results of this research and I will emphasize, on the one hand, their relevance for a more general discussion about the link between land conflicts and the renegotiation of political authority, and, on the other hand, how the dynamic and multifaceted local modes of land appropriation cannot be reduced to a simple dichotomy between tradition and modernity.

CHAPTER 1

Land, Identity and Power

In 2007, during one of my first fieldworks in Agou Koumawou, a notable of the local chieftaincy (*chefferie*), in answer to my question about the history of the village, gave me a text that he had written two years before with the help of other elders and with the approval of the village chief, in order, he said, "to write our own history ourselves and not forget it." The text (my translation) is reproduced below:

“The Ewe people escaped from Agbogbome of Notsè, where they were living under the yoke of king Agokoli. This was the Ewe exodus. Not being able to go all in the same direction, each group had gone the way which seemed to be the best in order to avoid capture. After a long walk, a group, in which our ancestors are to be found, took refuge in the plain behind mount Agou, more precisely in Aguygbè. They went this way in search of cultivable lands and wanted to free themselves from the oppression of their chief. A part of the population of Aguygbè went round the mountain and settled at its foot in a “big forest”, which in Ewe is called Ayegamè and we today call Apegamè [...]. During the conquest of the warriors of the Ashanti reign, the people decided to hide their chief beyond the Aka river, hence the name of the Tomegbè village.

Estra, a renowned hunter, together with his nephew Agbatsu Kele-Kele, often left Apegamè to go hunting in the area where today the village of Koumawou is. Etsra and Abatsu Kele-Kele had the idea of installing themselves in those places where they hunted, also in order to have more cultivable lands, because the population of Apegamè had started to increase. Holding the secret power of true African hunters, Estra had to know which was the most liveable place, without risk of illnesses, wars and natural calamities. Therefore, as advised by the oracle, he buried an egg, sowed some corn and drove a stick called “tsotsi” into the ground of a place called Wogbè. When he returned to the place, Etsra noticed that the egg had stayed identical to how he had left it, the corn hadn’t germinated, and the totsisi hadn’t put on leaves. Etsra held that the place called Wogbè had given an ill omen. He then decided to retry the whole procedure in another place called Gawu. After a couple of days, he checked again: the corn had grown luxuriant, a white chicken had been born from the egg and the tsotsi was full of leaves. This was a good omen for Estra, who, after catching the chicken and grinding the corn, prepared the red pate as a sacrifice to the ancestors, on the place called

Gawu, where he built his home. Etsra founded the first quarter, whose name would be Gawudomè, of his village, Koumawou, whose name means “death will never catch us”.

Of course, what was mentioned in the introduction about the political importance of the production of stories makes us cautious in accepting this version uncritically, especially since it is an official one and sanctioned by the local power structures. Nonetheless this story, similar to many others I have gathered in the area, makes reference to the exodus from Notsè, to the tyranny of Agokoli and to the Ashanti invasion. It features the significant elements stored in local memories and provides a good starting point, on the one hand, to the history of the Agou region, and on the other hand to the politically and culturally informed relationships between myths of first arrival and the ways people settled in the area. In other terms, this story highlights the relation between forms of appropriation of land and the genesis of particular forms of authority and specific identities, which are the main subjects of this chapter.

Of course there are other versions of the founding of Koumawou. Another one, much more informal in nature, explains that the founders of the village belonged to a segment of an Apegamè lineage driven away because one of its members, a merchant, had taken advantage of the absence of a farmer from the village to have a sexual relationship with his wife. The farmer returned home unexpectedly and discovered the two together, and a brawl started, involving members of both families. This version is recalled in playful insults between members of the two villages: those of Apegamé accuse those of Koumawou of being lazy, faithless and "citizens" (the village is on the main road linking Lomé to Kpalimé), while the latter respond that those of Apegamé are "peasants, forced to go to bed early because they have no electricity". If the informal version is used primarily as a joke between villages, the formal one refers to a structure common to all the narratives of settlement typical of the region.

Both versions are extremely simplistic in their reconstruction of a complex event such as the foundation of a village, which of course involves the establishment of a plurality of different descent groups in the same area, rather than an action performed by an individual (in this case Egu or Etsra). This individual often is or the founder of the lineage of the village chief or of the lineage of a notable called *Dutɔ*, (“the father of the village”), who is appealed in order to warn (or overthrow) a chief thought to be unfair. As I will show, the importance of these stories is based on how they address the relationship between particular social

authorities and given territories, between ownership and belonging, and between land and identity.

A long anthropological tradition, whose founder is recognized in Gluckman (1965) but which has its roots in the analysis of Marx, has pointed out that the relationship between humans is often explicated through the relationship they have with things. As Pase (2011, p. 34, my translation) recalls:

"Among the many things that are involved in relationships between men, one appears to be basic, primarily because it is both a thing and the container of other things: land. Land is something that can be treated as such, in its being a good and a resource: it can be bought, sold, leased, measured, divided (...). Still, as a thing apart from its economic dimension, it can be invested with cultural, affective, symbolic meanings (...). But at the same time it is also the container. Whatever is contained in the extension of land and has a spatial anchorage."

If it is true that land is "good to think about" in a society where agriculture no longer represents the main economic and productive sector, it is even more so when it plays a vital economic role for a large majority of the population. Africa, where as Lund (2011: 72) suggests "claims to land are partly defined by social identity, and social identity is partly defined through property rights to land", is a case in point.

After an introduction on the pre-colonial forms of population in the Agou region aiming to provide a more articulated picture of the historical settlement of Ewe groups in the area, this chapter will focus on how representations and practices related to land have emerged from particular historical and political contexts and are re-used in new forms in the face of changing scenarios. The attempt is to relate stories to the local use of history in order to shed light on the symbolic and political meanings of land. Part of the analysis will address the processes of colonial ethnogenesis and the development of myths of first arrival that legitimize rights of access to land and local political offices. Then, through a discussion of ceremonies related to land fertility, we will present some of the symbolic and religious values of land and we will address the ways in which rituals have emerged as political arenas of confrontation and struggle between competing entities. The aim is to account for the reasons why it is impossible to deal with land without critically acknowledging its connection with the politically-connoted triad "identity-belonging-tradition" in local representations and practices.

Settling in a borderland

The south-western region of Togo presents many of the characteristics of the concept of “frontier” elaborated by Kopytoff (1987). According to Kopytoff, the widespread myth of first arrival was the ideology which legitimized the power to allocate resources (material and symbolic) of the elders of a group of descendants, power which could be exerted over those who came after (children, slaves, migrants, women). This ideology emerged from the long process of fission and fusion that has historically structured African societies. Fleeing oppressive regimes or slave raids in search of new lands or expelled as a result of internal conflicts over inheritance, groups kept moving on and occupying the large sparsely populated internal areas separating the political entities of the continent. Thus these internal frontiers became in turn "a stage for the emergence of numerous new, small-scale, and independent political formations, most of which eventually faltered but some of which grew into larger polities that provided the nucleus for the emergence of new societies" (Kopytoff 1987: 10-11). In pre-colonial times, the population movements followed the dynamics represented well by the concept of “exit option” proposed by Hirschman (1970) and revised by Laver (1976). This concept explains how, in a context where people cannot enforce criticism against oppressive regimes, and there are ample opportunities to settle in new lands to cultivate, migration was the most advantageous choice as embodying a form of political criticism of existing social structures. In line with the work of Herbst (1990: 184): "There is significant historical evidence to suggest the primacy of the exit option in Africa. In the pre-colonial era, societies across Africa expanded dynamically as small groups moved outward to resolve economic and political grievances".

Fortes (1945, 1949), in his work on the Tallensi of northern Ghana, had already shown that new settlements were founded by people excluded from the local hereditary logics, who chose to move and found new settlements, to disengage from the role of dependence and submission to the older members of the lineages, “owners” of the land. In addition, factors such as wars or the formation of states involved in the slave trade contributed to the creation of economic and political contexts in which the exit option for small groups and lineages was the best possible choice and, most importantly, the most feasible one.

Surrounded by political organizations involved in the slave trade (Ashanti to the west, Dahomey to the east and Anlo to the south), the region between the Volta and the Mono rivers became a privileged place for people trying to avoid being captured and for those from the west and from the east looking for new land to cultivate (Cornevin 1969, 1988; Gayibor

1985, 1992, 1997, 2005; Marguerat 1992; Ali-Napo 1995; Decalo 1996; Greene 1996; Meyer 1999; Lawrance 2000, 2002; Nugent 2002). In the seventeenth century, the region of Agou and Kpalimé was crossed by two important trade routes (Gayibor 1997): one originated from the coastal cities of Keta, Aflao, Anloga, continuing inland across the commercial nodes of Peki, Kpalime, Agou, and heading north towards the Dagomba, Adele, Bassar, and Salaga regions; the second route, which cut across the roads connecting the coast and the interior, was the path that started in Accra and Kumasi, the Ashanti capital, crossed the Volta river, then went via Peki, Ho, Kpalime, Agou and Notse, and finally headed towards Ketou and Oyo (now in Nigeria). These commercial axes were driven by commercial exchanges between products from the coast (salt, tobacco, guns, gunpowder, alcohol) and those from the inland (ivory, as already attested by Danish sources, palm oil, yams, corn, rubber and, of course, slaves). The introduction of new plants of Amerindian origin, maize and cassava in particular, which was added to the cultivation of yams, is attested as early as the seventeenth century. Their success is easily understandable, because they are more profitable to produce and, in the case of cassava, also easier. In the region, maize supplanted the cultivation of millet (which continues to be cultivated in the north), which explains the subsequent fall in *liha* consumption (millet beer) in favour of palm wine (*deha*). The presence of corn is also central in the accounts of the founding of the villages. It is by virtue of the possibility to grow corn that the “hunter” chose to settle or move to better land (Gayibor 1997).

According to the early documents relating to the period of the slave trade¹⁰, the region belonged to the area mainly populated by the so-called "Krepe", the main victims of the raids of the Akan kingdoms (of the Akwamu kingdom in particular) and of those living on the coast. These groups were later (in the twentieth century) known as “Ewe” (Nugent 2002) and trace a common origin from the city of Notsè, from which, according to myth, they would flee to escape the oppression of the wicked King Agokoli¹¹.

Certainly these groups came to dominate other groups who lived in the area. The groups who resided in the region before the arrival of the “Ewe” were integrated into the new political system and in many cases adopted the language of their conquerors. With few exceptions, only their names survive, even if throughout the region there are various groups claiming a native origin unaffected by migration. This is the case of some lineages in Agou-Nyogbo or

¹⁰ See for example the Dutch documents collected in van Dantzig, A., 1978 “*The Dutch and the Guinea Coast, 1674- 1742*”.

¹¹The region east of the Volta is populated also by Akposso, Buem, Adele, Agotime, Nkonya, and Akebu. For a more detailed history of the region, see Nugent 2002.

of residents of Tégbé in Notsé (Gayibor 1997: 125), while conflicting versions exist about the origin of other groups living in the region (Akposso, Buem, Likpe): one source recalls a Notsè origin (thus following the traditions concerning the origin of the Ewe), while others support either a western origin or autochthony (Nugent 2002). These different versions attest the renegotiation of local identities: if claiming autochthony in the pre-colonial era could legitimize rights of access to land and strengthen local forms of authority and prestige in the face of newcomers, there were, as we shall see, changes that have made the origin from Notsè (which most likely took place before the sixteenth century) the main criterion of belonging and entitlement to access to land by local people, even by those groups that had no historical connection with the city. Starting from the eighteenth century, the region contained a large number of smaller political units (*dukowo*) jealous of their independence and governed by the lineage chiefs among whom the village chief (*dumefia*) was a *primus inter pares* (Pauvert 1960; Gayibor 1992, 1997; Verdon 1980, 1981, 1983; Lawrance 2002). The political fragmentation between the various *dukowo* was also reflected in a rather marked internal cultural differentiation: different, though mutually intelligible, dialects, different cults, and different marriage practices and kinship structures were simultaneously present in an area (the one between the Volta and Mono) which, although populated by groups claiming a common origin, could not be described as homogeneous (Kludze 1973).

The *dukowo* often fought each other. For example, in 1734 the Peki entered the area of the Akan kingdom of the Akwamu, who in turn paid tribute to the Ashanti, and helped their allies in military slave raids carried out against other Krepe villages, as in collection of tributes (Meyer 1999: 2-3). Also the Anlo-Ewe of the coast often provided military aid to their Akan allies. The Akwamu tried several times to extend their control over the “Ewe regions” between 1730 and 1830, reaching Agou a few times (Gayibor 1997: 336).

Sandra Greene (1996: 75) recalls how in the early nineteenth century the Agou population, together with the Shia, Tove, and Atigbe, allied with the Nyive against the Agotime, who in turn received help from the Akwamu. Despite the victory of the latter, in 1833 the Peki joined with the other Krepe and rose against the Akwamu, who received help from the Anlo-Ewe of the coast. These latter, who were also engaged in slave raids in the territories, would, less than a century later, under a changed political climate, recognize the same regions as populated by groups with whom they shared the same community of origin from Notsé. This alliance of anti-Akwamu *dukowo* proved fragile based as it was only on the fight against the common enemy. The Peki tried, although with little success, to extend their control over

other groups of Krepe who did not accept their supremacy. In 1845, the Akwamu even attempted to subdue the region, and were driven out again.

The Dahomey and the Ashanti tried several times to extend their hegemony to the regions of what is today Togo. Atakpame was the target of several raids throughout the nineteenth century. The region witnessed the introduction of cults from the Dahomey that even today mark the local landscape. The main one of these was that of Xevieso, god of thunder, whose shrines are widespread in the region and whose perforated and axe-head stones (*sokpé*) are a sign of election for those who have the good chance to find them buried in their field, but there are also the cult of Sakpata, god of earth and smallpox, and that of Ghé, god of the forests. These deities were added to the rich local pantheon¹².

The story of the Akwamu wars is not among those which can be collected today in the regions of Agou and Kpalime, but more vivid memories remain of the Ashanti invasion. The Ashanti tried to subdue the Agou region in 1870. They invaded and destroyed the plateau of Danyi and Litime, while other villages sided with the invaders. The oral sources¹³ I collected testify how Agou put up strenuous resistance: the villages temporarily put aside their internal conflicts and formed an alliance against the common enemy. Mount Agou represented a hard bastion to reach for the Ashanti troops and emerged as a symbol of resistance against the invader. Heaps of stones can still be found along the trails linking the mountain villages, which are believed to be inhabited by the spirits of the warriors who defended the area, who are annually honoured with sacrifices. The invasion was stopped thanks to the English troops, who in 1874 organized a military expedition against Kumasi¹⁴.

In any case, the Akwamu and Ashanti invasions put the region in the sphere of influence of the Akan kingdoms. This is clearly attested by changes in the organization of the local *chefferie*, which included the introduction of Akan roles (*asafo*, *tsami*, etc. ..), of symbols of royal power, such as stools¹⁵, and of many words including the use of names of Ashanti

¹² For a discussion about vodun cults, their diffusion and origin, see: Herkovits 1933; Le Hèrissé 1911; Maupoil 1943 for Dahomey. Rivière 1981; de Surgy 1981, 1988, Spieth 1906; Debrunner 1965, Meyer 1999, Brivio 2009 for Ewe cults.

¹³ These are interviews with various members of chefferies of Koumawou and Apegamé, with young people and women in Tomegbé and Nyogbo. All the versions given to me agreed on this point.

¹⁴ Capital of the Ashanti Confederacy and the seat of the *Asantehene*, the city was conquered by the British in 1874, and the king was forced to pay a war fee, but it was only in 1896 that the Ashanti were forced to sign the treaty which sanctioned the English control on the territory of the Confederation.

¹⁵ Both in the Akan and Ewe contexts, stools have a great symbolic, political and spiritual importance. They are regarded as the seat of their previous owner's soul, often a chief, an elder, or an ancestor. They are at centre of the ritual practices of ancestor worships. The royal stool symbolizes the power of the chief over a political entity.

origin for the days of the week (Lawrence 2002). But the war against the Ashanti left traces not only in the political organization of the *dukowo*, but also in the local representations of Mount Agou as both a symbolic site of resistance against the invader and as an identity reference which would eventually contribute to the process of colonial ethnogenesis of the Ewe, along with the story of the rebellion against the tyranny of Agokoli and the protests about the establishment of colonial boundaries.

The history of resistance against the Ashanti invaders was strongly revived in Agou in 2007, after an investment agreement between the central state and an Anglo-Indian company, whereby the latter was allowed to extract and export bauxite from the mountains. The project entailed moving several villages and the loss of land ownership, to the disadvantage of the population. These events triggered a wave of protests coordinated by village chiefs, who besides reviving resistance myths associated with Mount Agou (“our ancestors who fought the Ashanti, will chase away the new invaders”), reinforced their relationships with a network of NGOs and other associations concerned with environmental conservation on an international scale and, at the same time, increased the frequency of the sacrifices to the protecting spirits of the mountains, many of whom were ancient warriors who had fought against the Ashanti.

The project was never realized, not because of the protests, but probably because the President of Togo, Faure Gnassingbe, whose mother came from Agou, had decided to build a new private residence in the area and was not pleased with having a working mine nearby. It did, however, contribute to revitalizing both the local memories associated with the mountain and the important role played by those who appeared to be its legitimate guardians.

Taking possession of the land: from the hunter to the planter of trees

If it is true, as Kopytoff (1987) suggested, that to obtain a central political role in the African frontiers it is crucial to be recognized as a first comer, the political significance of the myths of first arrival and the profound relationship between authorities, membership and modes of access to and ownership of land is clear. In the Ewe context, in all the foundation myths the protagonist is, in fact, the hunter who converts forest land (*avé*) into agricultural lands (*àgblè*), creating a farm (*Kope*) where he settles with his wives and children, and which over time eventually turns into a village (*du*).

The legitimacy of land appropriation is built from this classic image of first settlement: access to land is indeed based on belonging to a patrilineal lineage whose founder (often a

hunter) had first occupied the area of land by taking it from the forest, to convert it into an economically and socially productive space. This is not surprising if we think of local representations, which, while building an arbitrary dichotomy between the social space of the village and the dangerous area of the wild forest inhabited by spirits, depict the hunter as having a mediating role by virtue of his privileged relationship with the spirits and of his ability to domesticate and incorporate "otherness" for the useful purposes of the community. A clear example of this is represented by the worship of Apetofia ("master of the chiefs"), the spirit of the leopard worshipped annually during the new yam festival in Agou. As a member¹⁶ of the cult reported in an interview conducted in 2009:

"Apetofia was a hunter. Many of our ancestors were hunters. When they left Notsé, many of them were hunters. Hunting, and moving, men and women went with them. Apetofia was among them, and came to Nyogbo. When they arrived there, he said that there were snakes in the forest and he and his wife stopped. So Apetofia, while hunting, found the place where Apegamè was founded. Whenever he went hunting he killed a leopard, but he was unable to have children. So he went to a *bokɔno*, who told him that every time he killed a leopard, one of his future children died, because the leopard had chosen his descendants. So the last time he went hunting, he found the leopard and, instead of killing it, as was forbidden by the ancestors, he rode it. He went back to the village riding the leopard. And he arrived at a clearing near Apegame. When he arrived there he called the other hunters to show them what he had been able to do. The leopard skin he is wearing now belongs to the leopard. The other hunters killed it and they divided the meat. He took the leopard skin."

Since then, the story tells how the spirit of the leopard comes to possess one of the descendants of Apetofia once a year. The stated purpose according to local representations is to tame a potentially dangerous spirit in order to protect the village. While this has important consequences on the authority the family is able to exercise, it has not been translated into an explicit political role:

"That hunter was to be the village chief. But he was not the first to arrive in Apegame. Other people from Nyogbo had arrived earlier. When he arrived with the spirit of the leopard, he saw another family settled there in which there was a man who had come riding a bull. They

¹⁶ Interview with Apetofiasi. Place: Koumawou. 17/6/2009

lived together. And both had done a wonderful thing. So Apetofia said that man had to be the next chief. So the current head of the village belongs to the family of the man with the bull".

This kind of stories legitimizes certain rights of access to land, but also tends to represent the power dynamics characterizing *chefferies*. For example, in Koumawou village chiefs were chosen, at least until the change in colonial administration in 1914, along the line of descent of Agbatsu Kele Kele, the son of the sister of Etsra, founder of the village. The direct descendants of Etsra are instead entitled to be *duto* (*dutɔ*), the "father" of the village, who has the task of controlling the village chief, but rarely participates in the activities of the *chefferie*, such as conflict regulation. I will discuss in detail in chapter 4 the radical changes in the local structures of power brought about by the impact of colonialism, but is important to highlight here how the administration created chiefs where there had previously been none and replaced local authorities with more docile ones. In the case of Koumawou, for example, the principle of direct patrilineal descent from Agbatsu Kele Kele was progressively substituted by one whereby a man can be eligible as village chief if he has a chief among his ancestors. This gave legitimacy to lineages whose founder was enthroned by colonial authorities. That local representations do not interpret these two principles as contradictory is due to a general principle whereby the village heads must still be chosen within the royal quarter, which comprises the families of the oldest settlement¹⁷. The fact remains that there are underlying tensions around local political offices across the village, which often emerge in the form of mutual accusations of witchcraft.

However, unlike in Ghana (Ubink and Amanor 2008), village leaders in general were not recognized as owners of the land: as we will see in detail in Chapters 3, migrants began to flow in from the North with the introduction of export crops and they negotiated their settlement with the leaders of the various lineages. Village chiefs started to be important in land issues only by virtue of their role in conflict management, when the reduction of available land began to create the conditions for an increase in social tensions at the local level.

In order to grasp this point, it is necessary to introduce some of the factors affecting changes in the economic activities of the region. Spieth (1906), a German missionary who lived in the region east of the Volta in the late nineteenth century and authored one of the first monographs on the Ewe, provided one of the first descriptions of productive activities in the

¹⁷ Interview with the village chief of Koumawou 2/12/2010

region. The cultivation of yam, which marked the milestones of the year and reached its culmination during the new yam festival, was joined by the cultivation of maize, cassava, beans, palm and cotton, as well as and by the processing of textiles. The Ewe, who according to the missionary "have reached a certain degree of civilization", were presented as skilled farmers, and their agricultural activities were described as being pervaded by an aura of romantic harmony and strong moral fibre.

“On reconnaît aux Eve une grande qualité, celle d’accorder une place prépondérante à l’agriculture. On peut citer non seulement l’exemple de leurs champs proprement labourés, mais aussi celui de la participation commune des femmes et des hommes aux travaux champêtres. Les hommes se chargent des travaux difficiles, par exemple quand il s’agit de mettre des pieux pour l’igname. On est frappé par cette belle image de l’homme qui, ensemble avec ses femmes et ses enfants en début de la saison pluvieuse, défriche la terre, plante l’igname et récolte les fruits en fin de saison »¹⁸ (Spieth 1906: 49).

Spieth also provides us with the first information on their mode of appropriating land, distinguishing between the old days, when hunters settled with their families on a piece cleared from the forest, and the present day, when land is either inherited or bought.

As in other African contexts, among Ewe, ownership of land was generated through the articulation of rights of use and the belonging to a real or fictitious group of patrilineal descent (*fome*) whose founder was the first to cultivate a specific area. The right / duty to allocate the land belonging to the lineage among the members of the descendants groups and their wives was granted to the elders and the lineage chief (*fomedzikpɔla*: “those who watch/ take care of the family”). Women generally were excluded from the hereditary logic of their lineages and received a piece of their husbands’ land for their livelihood and that of their children: they had use rights on the land of their (paternal) family and on the land of their husbands, but not the right to transfer these rights to others. The harvest was the exclusive

¹⁸ “The Eve are known for one great quality: that of giving prominence to agriculture. This includes not only the example of their properly ploughed fields, but also the joint participation of women and men in the farm work. Men take charge of the hard jobs, for example in the cultivation of yams. One is struck by this beautiful image of the man who, together with his wives and children at the beginning of the rainy season clears the land, plants the yam and then harvests the fruits at the end of season” (my translation)

property of the household (*afe-* home; *afemeton* - those who live in the house - usually composed of a husband, his wives and his children or an elder, his/her married children, their wives and their descendants) who had produced it. The rights of crossing the land, hunting, harvesting the fruit on the ground or collecting firewood were guaranteed also to people outside the descendant group. The lineage heads were also allowed to allocate rights of cultivation (often permanent, given the wide abundance of land) to people not belonging to the descendant group. In the case of shortages of land, as we have seen, migration and settling on new land was a possible solution and in time it led to a split in the lineages.

The virgin lands were cleared of vegetation during the dry season and set on fire. Clearing and tillage was generally a male occupation. Men also worked in the cultivation of maize and yam, from which *fufu*, the staple dish of the diet, was obtained; while their wives, in their reserved fields, took care of the plants (such as gombo) used for sauces with whom the *fufu* was eaten. Women collected firewood and fetched water, took care of children, cooked, processed palm oil and engaged in petty trade. The children remained with their mother until they were old enough to follow their fathers in the fields, if male, or help their mother in her pursuits, if females. The richness of the soil at least for the first year allowed the simultaneously planting of yam, cotton, beans, gombo in fields cleared by the slash and burn method. Since the yam tends to deplete the soil, after the first few years the first cleared fields were used for the production of corn, cotton, cassava, while new stretches of land were ploughed for yam cultivation (always flanked by other crops). As the frontier of yams moved by taking land from the forest, the first cleared fields were left to rest and revert to bush, only to be ploughed again after four or five years (but also after ten or twenty years, depending on the availability of land) and cultivated with yam again, marking the beginning of a new cycle. Local agricultural practices, far from being messy, followed the principle of a rotation very functional for the fertility of the soil, for the production of the food needed by the members of descent groups, for the production of an eventual surplus without a disproportionate expenditure of forces, and for the conservation of soil.

Though in the past all members of the lineage could claim the same use rights to the land occupied by the founder, a process of individualisation of land due to the palm oil economy could be witnessed from as early as the end of the nineteenth century:

“Outre l’exploitation habituelle de la terre, quelques membres de la famille, plus entreprenants que les autres, peuvent planter des palmiers sur des terrains plus ou moins vastes, qui deviennent ainsi leur propriété personnelle”¹⁹ (Spieth 1906: 49)

This individualization was not necessarily in response to a shift towards privatization or a change in the logic of appropriation of land. The principle of the exclusive enjoyment of the fruits of labour, which was applied to maize or yam, was in fact also applied to the palms, which, living longer, allowed to those who had planted them (generally men) to strengthen their rights on the land and to transmit them to their (male) children. Therefore, the soil in which trees were planted (palms, coffee and cocoa) did not return to the ownership of the lineage as a whole after the death of those who had planted them, but were considered the property of the descendants of the planter. This fact led to a segmentation of the land and consequently to a fission of the lineages themselves. The planter, not unlike the hunter emerged as the culmination of a new group of descendants with exclusive rights on a specific piece of land.

An example of this process, which also produced an increasing commercialization of land and migration to more productive rural areas, is well reflected in the variability of the genealogical depth of patrilineal lineages that it is now possible to trace. In fact a group of descendants, called *fome* (“family”) whose members generally know each other, maintain rituals and sometimes productive relationships, generally traces the founding ancestor only three or four generations - a maximum of five - back. At the same time, many older people are able to trace the line of descent (“*dzidzime*”) back eight or nine generations, but do not know or remember the side-lines, being not relevant to land ownership. In other words, while the depth of the various genealogical descent groups that I encountered during the research often reached a maximum of eight / nine generations (and the set of descendants, many of them unknown in fact, was referred to with the term *dzidzime* "descent"), the significant relatives in terms of sharing certain land rights, prohibition of marriage or joint ancestor worship - and therefore members of the "family" (*fome*) - fell in a tree diagram of up to three / four generations, whose founding ancestors, rather than being hunters, were the ones who first planted cocoa or palm, had purchased the land or had finally divided the land following a conflict with their brothers and patrilineal cousins.

This process, which was strengthened by the introduction of cocoa in the region, involved the emergence of an economic elite that was beginning to take advantage of the money which

¹⁹ “In addition to the usual land exploitation, some members of the family, more enterprising than others, can plant palm trees on terrains more or less extensive, which become their personal property” (my translation)

was generated by cash crops and often reinvested it in the purchase of slaves, fields and imported goods. On the other hand cash crop economies generated an increase in the number of disputes related to land within the same lineage, since the expansion of palm plantations significantly reduced the area for cultivation by other family members. Spieth reported a series of such conflicts in the 1880s, though he omitted to mention their consequences. The palm oil and cocoa trades contributed to a significant increase in the value of land and to competition for access to it. As will be discussed further, the cash crop economy also created the conditions for the settlement of migrants, initially recruited from other regions as labourers. Many of them then obtained usufruct rights on certain parcels in exchange for work on the plantations. Conflicts over land ownership generated an increasingly critical need to develop strategies for legitimating right to access to land, the first of which was, as we shall see, the development of stories about the first settlement.

Myths of arrival and colonial ethnogenesis

As explained, the majority of the population that today live in the region of Agou and Kpalimé is Ewé. Far from any essentialist paradigm, in this section I want to show how Ewe identity, in its most fluid and positional aspects, resulted from a particular historical context deeply imbued with power structures, processes of “invention of tradition” (Hobsbawm and Ranger 1983) from the top and renegotiations from below.

As rightly noted by Nugent (2005: 29):

“...it would be profoundly ahistorical to read Ewe identity backwards into the pre-colonial period. If the term “Ewe” was not in common currency before 1920, as appears to be the case, then in what sense can one refer to a timeless tradition?”

Today, however, oral historical reconstructions trace the Ewe's common origin to the city of Notsè and, going further back, to Oyo, in the current Nigeria. In an interview with an elder from Notsè conducted by Gayibor in 1973 (1992: 117) we read:

“Nous [the Ewe] sommes venus sur terre au Nigéria. Nous y avons séjourné avec les Blancs. [...]. Cependant les Blancs voulurent nous asservir. Mais étant donné que nous sommes des hommes comme eux, nous avons décidé de réagir. Nous prîmes donc la décision de quitter ce lieu. Nous nous arrê tâmes ensuite à Eyo. Mais là aussi les Nago voulurent à leur tour nous

réduire en esclavage. Ce que nous avons déjà refusé de la part des Blancs, nous ne pouvions guère le tolérer de nos frère de race.[...] Nous reprîmes donc la route”²⁰.

Successive waves of immigrants from the cities of Ife and Oyo headed for the West, where they mixed with groups already present in the area, contributing to the foundation first of Ketou (perhaps around the eleventh century) and then of Tado on the Mono River (perhaps around the twelfth century).

Togbè-Anyi, the legendary leader of the immigrants who founded Tado, is considered to be the first *bokono* (or *bokono*: a ritual specialist able to consult the *Afa* oracle), while the subsequent kings of the city (the *aniygbafio*: "kings of the earth") are remembered as examples of the ancient *chefferies*. They were subjected to strict taboos: they could neither touch the ground, or sharp objects, nor leave the house or be seen by ordinary people (with the exception of a few notables, the *tashanon*, who actually ruled the city in their name), all in order to avoid wasting their power to call rain and give fertility to the fields. Despite their prestigious power to influence land fertility, they reigned without governing (Gayibor 2005). Between the fourteenth and the seventeenth century, Tado became one of the most important cities in the region; its fame is evidenced by the earliest sources for the area, collected by Europeans from Ewe on the coast²¹. The city is the origin of the dynasties of Allada and Notsè. According to myth, the latter was the place where, following the legendary tyranny of Agokoli, the Ewe "dispersion" started along three main routes: one towards the coast (with the Dogbo and Ouatchi groups), another towards the south-west to the Volta (including the Anlo), the third one towards the heights of the Togolese mountains. The last flow was responsible for the foundation of villages in Agou, Agome-Kpalime, Danyi, Peki and Kpando. These accounts are partly confirmed by the actual distribution of languages belonging to the *gbe* group (Fon and Ewe) in the territories of Ghana, Togo and Benin.

In Agou, both oral histories and the historical reconstruction of the populating of the region make unanimous reference to the Ewe exodus from the city of Notsè, caused by the tyranny of the legendary king Agokoli. The first transcribed versions of this story were collected by

²⁰ “We [the Ewe] came onto the earth in Nigeria. We stayed there with white people. [...]. However, the whites wanted to enslave us. But since we are men like them, we decided to react. So we decided to leave that place. Then we stopped in Eyo. But there too the Nago, in their turn, wanted to take us into slavery. What we had previously refused from the whites, we could hardly tolerate from our brother race. [...] We therefore left again”. (my translation)

²¹ The most important are those collected by Alonso de Sandoval, who heard of Tado in 1627 from the inhabitants of the coast near the mouth of the river Mono (see Gayibor, 1997, p.158).

Spieth (1906) in the late nineteenth century. One of them, the most complete one, reads as follows:

"In Notsé, the Ewe met such a good and skilled king that they could live together in peace. Each group had its own leader. The good king died, and was succeeded by a cruel king (Agokoli). In those days he gathered all the leaders together under the pretext of a court session. But he killed them in order to carry out his plans without hindrance. He began to force his subjects to perform difficult tasks. So, for example, he ordered them to knead clay. But when the workers arrived he had thorns and cactus mixed with clay, and they hurt themselves badly while trampling on it with their feet. Another time he ordered them to build a rope with thorns and cactus. But they could not do it. So they went to see a leader who had escaped the bloodbath and told him the story. He advised them to pray the king to show them a model of that rope, so as it could serve as an example ("The new string is weaved from the old one": local proverb). That request made the king furious, so he decided to kill them. So the people joined together, destroyed the wall (which the king had built to imprison them) during the night, and escaped. While leaving the place, the fugitives were marching backwards, until they were far away from the city. The king had them be followed, but the pursuers were astonished to see that the traces of the fugitives were in the direction of the city, and they went back "(Spieth, 1906: 79, my translation)

Some report that the wall was knocked down with a sword, others that it was softened in a seemingly random way, by women throwing buckets of water at the same spot day after day. Local variations aside, this is the version that is commonly reported today, more than a century after it was collected by Spieth.

The great popularity of the story of the exodus from Notsè was due to the crystallization and circulation of the myth by the German missionaries, who used the version collected by Spieth in missionary schools²². It is probable that the grandparents of the current elders learned this version in the missionary schools, which were common in the region. After being written down and disseminated, this version was legitimized by both the colonial power and the missionaries. It replaced other reports and narratives about the origin of a group (the "Ewe") that, despite never having previously claimed a collective identity, were beginning to be conceived as a "tribe" in the colonial era.

²² For a collection of some of these stories and a discussion on their distribution see Gayibor 1992

Colonial administration policies significantly contributed to this process. The role of village chiefs, chosen by the administration, changed from that of control over men to one that was exercised over a particular area arbitrarily set by colonial cartography: a "tribalization" of land which met the needs of state administration (Trotha 1996; Rouveroy van Nieuwaal 2000; Mamdani 1996). This gave rise to a process of colonial ethnogenesis and allowed the development of individual and collective stories about the first settlement aimed at justifying certain rights over the land acquired by particular groups in the colonial era. In particular, these stories strengthened the rights over land of the Ewe elite, who were involved in the cocoa economy, against those of migrants from the north who had settled in the south through a series of land usufruct agreements since the 1920s. Spieth's version, later translated into French, became famous to the point that groups who had never been Ewe were attracted to the idea of a Notsè origin to legitimize their common interests and to claim equal rights of access to land, a trend which was eventually reinforced during the pan-Ewe liberation movement in the 1940s.

Moreover, the homogenization of stories about the Ewe origin did not mean the loss of local variants. Indeed, each group claimed an important role for their founding ancestor in the story of the exodus, articulated different sets of stages preceding their last place of settlement, and insisted on a particular order of arrival of the various lineages, manipulating it over time in order to legitimize their role as first comers and their rights of ownership over fields and local political offices. If there was a process of invention of tradition, this "tradition" was reclaimed in an extremely fluid way and adapted to specific local needs. In general, the story of the tyranny of Agokoli provided each *duko* with a mythical legitimation of its autonomy with respect to the others, rather than with a sense of belonging to a common identity. If there was unity among the different Ewe groups, this was embodied by a temporary alliance to fight a common enemy.

Many authors have stressed the key role played by Protestant missionaries in the construction of Ewe identity. Missionaries were active in the regions east of the Volta from 1847, and extended their influence throughout the area from the late nineteenth century and the early twentieth century, assiduously devoting themselves to the study and transcription of the Ewe language on the basis of the Anlo dialect. For them, the use of a local language was a key weapon to spread the Christian message and fight "paganism". Since the 1880s, one of them, Bürgi, engaged in the transcription of textbooks based on the Bible, primers for catechism classes, history, geography and grammar books. Another missionary, Westermann, published the first Ewe-German dictionary in 1905/1906 and the first grammar in 1907. As Meyer

argues (1999: 59) in a work that explores the translation of the Christian message into local languages, and all the ambiguities and unexpected results involved therein: "The missionaries argued that this standardization would play a vital role in the reunification of the scattered Ewe "tribes" speaking various "dialects" as one "people" with one "language". This was followed by the translation of the Bible, the first monographs on the "Ewe" (like that one already written by Spieth), the practice of giving sermons in Ewe, and, despite strong resistance from the colonial government, the teaching of this language in schools together with German. Debrunner, another missionary who carried out some research in the Agou area for a period of three months between 1959 and 1960, whose work is also significantly informed by evolutionary ideas, believed that Christianity, which he saw as a vehicle for the "civilization" of the "pagans", "awakened the dormant national Ewe consciousness", (Debrunner 1965: 122), as if Ewe identity was in some way an essence waiting to be awakened by Christianity.

The impact of churches, in building a shared sense of identity within the Ewe community through the standardization of the Ewe written language and the dissemination of myths of first arrival, was confirmed after the division of German Togoland between France and Britain following the First World War. Many congregations that had begun to feel part of a political unity found themselves separated by a border fixed by the new colonial rulers. The German-speaking local elite, who had been trained in missionary schools, found themselves excluded from the colonial administration, which now required Francophone and Anglophone servants, respectively. The Ewe Evangelical Church was founded after World War I, following the expulsion of members of the German missions, and became independent in 1922, during the first synod held in Kpalime. At that time, this church included congregations from both sides of the border between Togo and the Gold Coast (Meyer 1999; Nugent 2002).

As observed by Nugent (2002), the border between the Gold Coast and Togo, established in 1919 after the partition of German Togoland between France and England and demarcated in 1927-28, far from being a colonial imposition that people would naturally try to resist or sabotage, was re-appropriated by locals, generating economic opportunities (such as smuggling), and reconfiguring local and national identities. As repeatedly pointed out (Nugent 2002, Lawrence 2002), the border was of fundamental importance in the process of the production of a local ethnic identity promoted by the pan-Ewe movement. Rather than pre-existing the establishment of the border (as Amenumey 1989 and Debrunner 1965, seem to support), Ewe identity was its most direct consequence. For example, even today, people

living near the border between Ghana and Togo are more inclined to define themselves as Ewe, while the groups living further east (towards Benin), although considered Ewe according to colonial cartography, tend to consider themselves as Adja or Ouatchi. At the same time, Nugent (2002) highlights how Ewe identity represented more a political project, supported by the anti-French coastal elite, than a reality claimed by local people.

“...there is really no evidence to suggest that Ewe nationalism commanded the support of the very people it was intended to attract, and this was true even at the height of the unification movement’s power. [...] Ewe ethnicity was a fractured phenomenon that derived its meaning from the interplay of other layers of identity” (Nugent 2002: 119).

Lawrance (2002: 2) also argues that the Ewe reunification movement “was doomed to fail from the outset because the Ewe never constituted a coherent, self conscious ethnic group capable of sustaining a political agenda”.

While the formal political border and the missionaries’ work played a crucial role in the construction of an Ewe identity, the informal, internal and economic border between North and South Togo generated by the colonial administration, reinforced the process. In fact Ewe identity can be understood only by taking into account the unequal economic trajectory of these two parts of Togo. The north of Togo, the last area to be subjected to colonial conquest due to the fierce resistance put up by local populations, was the main reservoir of labour employed on road construction, on plantations and in the army both during the German and the French administrations. The Ewe were generally considered more civilised than their northern neighbours (Kabié and Nawdeba). The political attitude of the French towards the north of the country changed as a result of the emergence of the pan-Ewe movement headed by Olympio, which had as its aim independence from France and the reunification of the two Togolands (Amenumey 1989). In order to weaken the independence struggles of Olympio's party (CUT), the colonial government played on the divisions between North and South by creating and supporting parties promoting the development of the North, as well as supporting the coups that led first to Olympio's death in 1963 and later to Eyadema's rise to power in 1967.

After independence, Eyadema eliminated the opposition parties and contributed greatly to the “ethnicization” both of the army and of the administration (Toulabor 1986). Today, a significant part of the economic and political elites, cadres of the RPT (formerly the sole party, which still governs the country) and eighty percent of the military are Kabiè, a great

part coming from the former President's village (Piot 1999, 2010). Unlike the Ewe, whose tales of origin refer to migration, the Kabiè myth of origin would instead say they "descended from heaven" and, in the legitimist rhetoric of the regime which was able to merge nationalism and tribalism, they are the only true Togolese: the only ones who can claim a greater degree of authenticity.

The image of the great hunter, expert fighter and faithful traditionalist Eyadema loved to portray of himself, coupled with his lack of fluency in French, the numerous satirical stories against him quietly spread by *radio trottoir*, and the fierce brutality with which he handled power for thirty eight years with the support of France and USA, have contributed to a reinforcement of the ambiguous stereotypes on the Kabiè. While they are depicted on the one hand as physically strong, tireless land workers, they are described on the other hand as violent, wild, uncivilized and extremely noisy. These stereotypes, which refer to the processes of exclusion that the Kabiè had experienced during the colonial era, tend to emerge in speeches on the occasion of conflicts over land between Ewe and Kabiè descendants who settled in the southern region, or when criticizing public examinations which tend to favour particular ethnic groups. Finally, political events in neighbouring countries, such as the crisis in Côte d'Ivoire in recent years, provide grounds to propose generalized readings of local political conflicts in terms of opposition between North and South.

Contrary to fears that Togo would become a second Rwanda, however, Kabiè migrants who settled in the South have generally built peaceful and durable relations with the Ewe communities. Negative stereotypes are often offset, even in casual conversation, by the awareness that many Kabiè were militants of the opposition parties and victims of thirty-eight years of Eyadema regime, while, conversely, many Ewe had exploited their ties with the single party to gain prestigious positions (Piot 2010). Moreover, as will be discussed further, land conflicts cannot be reduced to ethnic lines of social differentiation. Conflicts over land arise not only between Ewe and Kabié, but also between groups and individuals sharing a common ethnic identity. The political connotations shared by myths of settlement stem from the fact that they cover issues related to authenticity, membership and identity, as well as to the distribution of resources and the enjoyment of particular rights. These myths supplied a framework of political legitimacy for social exclusion and for the strengthening of political and special rights of access to land. Far from being immutable, they have undergone processes of renegotiation in conflict arenas both at the micro level of villages, and at the national level. From this point of view, land gains a symbolic meaning that transcends the attributes linked more to productivity. It is a foundation on which to build the definitions

given to individual and collective identities, to power relations between groups, and to the relationships between the living and the dead and between the visible and the invisible.

Villages and forests, men and spirits

The political and moral link between sense of belonging, identity and land is explicitly evidenced by the practices relating to the worship of ancestors. All the ceremonies open or close with a libation to the ancestors, which is characterized by the use of various expressions: *edzatsi dodo*, “welcome with a mixture of water and corn”, *aɔanu na difeawo*, “prepare food for the dead”, *aɔanu de gbegɔme*, “prepare food for the dead under the grass”, *ana nuɔuɔu tɔgbuiwo*, “donate food to the ancestors”. It is also common in the Ewe etiquette, to pour the last sip of water they are drinking on the ground (*anatsi tɔgbuiwo*, give water to the ancestors / elders / chiefs) or alcohol (*aha foɔi*, pour alcohol), in order to give a portion to the ancestors, even outside ceremonial contexts. The prayers accompanying this ritual, usually recited by the lineage chief attended by two witnesses who remain behind him, are held on the threshold of the house or in the direction of the sacred forest, where the spirits are believed to dwell and rest. These prayers invoke, besides the names of various ancestors from whom protection is sought, Hanygba, the goddess of Earth. In an interview focusing on these practices with a Catholic member²³ of the chieftaincy of the village of Apegamé, I was told: "The Catholic God is too far away, up in heaven, while men were born and will die on the Earth. The earth feeds them and it is the place where they will be buried. "

Ceremonies in honour of the ancestors (as noted by Fortes 1945, 1949; Goody 1962; Kopytoff 1971; Meillassoux 1975) represent the ideological framework that strengthens the legitimacy of power and authority of elders over members worse placed in local hierarchies (women, youth and migrants, in particular). In virtue of their proximity to the ancestors (as evidenced by the fact that at the linguistic level "elder", "ancestor" and "chief" are expressed in Ewe with a single word: *tɔgbui*), the elders claim control over the labour force of their subordinates and allocation of rights over land belonging to the lineage. It is no coincidence that the Ewe word for “father” -*tɔ* means also “owner” of goods (as *Hanybgatɔ*, “landowner”, or *gatɔ* “rich”, “owner of money”) or of qualities (as *kuviatɔ* “lazy”, “owner of laziness”; *adzɛtɔ* “witch”, “owner of witchcraft”). Also in this case, the principle of

²³ Interview with notable of Apegamé. Place : Apegamé. 7/7/2007

(genealogical) precedence represents the framework of legitimacy of political power at the domestic level.

Land is thus the material medium between the living and dead, and becomes the symbolic support on which, through the chain of ancestors buried there, the sense of belonging to a particular geographical space and a particular political community are constructed. This framework also clarifies the presence, among other reasons to be wary of selling the lineage land, of the fear of revenge by the ancestors who had previously worked these lands. These representations largely reflect the difficulties in claiming a right of total alienation over the same land to which many other lineage members are claiming rights. Revenge on the part of the ancestors seems therefore to find expression in conflicts between group members, conflicts that are often articulated through the grammar of witchcraft and sorcery, and ancestor worship often has the explicit aim of reinforcing the lineage's social cohesion and the authority of the elders.

By 'sorcery' in this context I mean the use of a wide range of magic and morally ambiguous items called *dzo* or *grisgris*, spells or powers of various kinds that can be individually purchased, transmitted or inherited and can be used either to protect or to injure others. Possessing *dzo* is often an attribute of elders, who use them to protect the lineage and to impose their authority. 'Witchcraft' (*adze*) is a special power, that can be acquired through a "pact" with a spirit and that has a negative moral connotation, which makes the witch (*adzetɔ*, both male or female) able (but also forced) to eat the life force of the victims, to transform him/herself into many nocturnal animals and to gain wealth and well being by cannibalizing his/her neighbours. In the local etiology, a disease for which a remedy through hospitalization or "traditional" care is not found can be attributed to an improper use of a *dzo*, to an attacking *adzetɔ*, to the wrath of a forgotten ancestor, to evidence of the choice of a god (*trɔn*, *voodoo*) or to an evil "destiny" (*gbetsi*) chosen by the subject before birth²⁴. Moreover there are other possible causes, directly related to the violation of specific prohibitions, regarding food taboos specific to a descendant group (for example there are lineages barred from the consumption of meat from particular animals), unruly sexual practices (for example for Ewe it is generally prohibited to have sexual relations on the bare ground) and how to behave in certain circumstances and contexts. In the forest it is forbidden to whistle or collect unattended bundles of wood so not arouse the wrath of Aghe, a spirit that can make unwary travellers lose their path to and can make them crazy, just as there are elements of the

²⁴ See Meyer 1999 and de Surgy 1988 for a more detailed description of these concepts

territory - specific trees, piles of stones - that, being houses of spirits, should then be appeased by offering special plants if touched accidentally. To identify a particular one among these reasons is often necessary to ask the advice of a *bokono* (*bokono*), the ritual specialist who can consult the Afa oracle (de Surgy 1981). Specific cases of witchcraft accusations and the role of the oracle (with the analysis of their political and social implications) will be discussed in the fourth and fifth chapters. Here I merely note that, in general, following the renewed interest in witchcraft and occult economies reopened by the works of Geschiere (1995) and Comaroff (1993), scholars have illustrated how, rather than being static traditional superstitions, witchcraft accusations emerge as a useful starting point in understanding local social tensions and involve a set of practices and discourses that bring to light the ambiguous local meanings that the concepts of power, body and self assume in changing global scenarios.

In this sense, anti-witchcraft ceremonies provide a set of moral grammars and practices that become a political commentary about conflicts between classes, genders, generations and groups inside and outside villages, as well as a fundamental element in the analysis of moral discourses regarding the social production of health and diseases, local strategies to reinforce or to challenge power structures and unequal redistribution of resources. This is more evident if we consider how in Togo, as in other African contexts, the elite are often accused of being witches cannibalizing national resources without redistributing them, or otherwise villagers are accused of being responsible for attacks against these same elites dictated by envy of the wealthiest (Austen 1993; Geschiere 1995, 1996, 2000; Stoller 1994; Comaroff 1993, 1999a, 1999b; Argenti 1998, 2001; Schatzberg 2000; Bellagamba 2008; Quaranta 2006). Moreover, and not surprisingly, the same Eyadema was very often described in terms of an *adzeto* by those among my interlocutors who were more critical of the regime.

A good example of this connection between local and national contexts, as well as the symbolic and religious value of the land as opposed to the disruptive forces of witchcraft, is provided by the most important voodoo ceremonies of Agou, i.e. the ceremonies Gbagba, god of yams and fertility, which is held every August in the villages of Apegamé and Koumawou. These ceremonies are particularly interesting for the topic of this work because, celebrating the harvest of the new yams, they represent the core of the ritual calendar. By marking the end of one production cycle and the beginning of the next, they convey meanings about the local representations of fertility, not only concerning land, but also about men and women, and they represent a protection and an antidote against witchcraft attacks

and against the cannibalistic appetite – and the individualistic strategies of consumption and accumulation - of *adzeto*.

The Gbagba ceremonies are officiated by vodusi (both men and women) belonging to the lineage linked to the god Gbagba, partly resident in Koumawou and partly in Apegamé. On the second and third day, the ceremonies involve all the vodusi of the area. During the ceremonies, Gbagba, which possess the body of one of the ritual specialists, crosses the villages of Apegamè and Koumawou in the direction of the sacred forest, looking to the crowd for possible *adzeto* or dangers and if it feels their presence, he stops along the way, continuing only when incited by the crowd and other voodoo ritual specialists. Gbagba pours fertility and life on the villages, the *adzeto* steal them for personal gain. This explains the great importance attributed to them, in a context in which the increase in numbers of witchcraft attacks is directly linked in local representation to increasing numbers of conflicts over land.

There is another reason why it is interesting to mention these ceremonies. Since the 1990s they have undergone a process of extensive media coverage and become a major arena for politicians. The constant demonization of vodu carried out by Christian churches, who created the equivalence between vodu and satanism, and the dictator's suspicion that the Ewe ceremonies could hide criticism directed towards the government, obliged the Gbagbasi to radically change Gbagba ceremonies, making public a series of ritual steps that before were strictly kept secret. As a vodusi²⁵ I interviewed at Agou Apegame said: "The spirits now allow themselves to be photographed for political reasons Before they did not allow this, destroying cameras". Many members of RPT and the government attended the Gbagba ceremonies during my fieldwork both in 2007 and 2009. They entered the sacred hut with their group of photographers, to ask for the God's blessing. The vodusi are not in a position to reject cameras, so they tolerate them, although they recognize that the national broadcasting of celebrations has produced an increase in popularity of the cult of Gbagba. The mediatisation of "traditional" ceremonies is not a new process in Togo: as Piot (1999) has shown, Eyadema together with his ministers annually followed the *afalaa*, the Kabié initiation ceremonies.

Toulabor (1986), Piot (1999) and Ellis (1993) have highlighted the role that the discourses concerning occult forces have played in the *mythopoiesis* of Eyadema's power. During the thirty-eight year military regime established in Togo by Eyadema after his (double) coup

²⁵ Interview with vodu adept. Place: Apegamé 26/8/2007

d'état, the so-called *Timonier National* was able to construct and exploit a mythology of invulnerability rooted in his supposed privileged relations with spirits, not only belonging to his native region, the North of Togo - which since colonial period was perceived by the southern people as spiritually stronger and more "traditional" - but also belonging to the southern pantheon vodu. For example, it is said that the role of Gu (the Ewe God of Iron) was crucial in his "miraculous" survival in the Sarakawa air crash²⁶.

As Toulabor has outlined, Sarakawa, along with the failed attempt on Eyadema's life by a soldier, helped reinforce the idea in local perceptions that the dictator was protected by occult forces and not only by the vast army he massively deployed to control the country. Eyadema loved to portray himself as a great hunter (a central figure in local mythology as the founder of villages and the medium between the village and the wilderness of the forest which is represented as populated by fearsome spirits) as well as a guardian of "traditions and authenticity", following the example of his friend Mobuto. Eyadema's suspicious means of accumulation of capital (through the illegal arms trade and diamonds trafficking, his privatization of state revenues of bauxite exports, his ambiguous relationships with Rosicrucianism and Europeans businessmen, and his exploitation of Cold War alliances and corruption - Labarthe 2005) were the clear symbols of "the proliferation of occult economies" (Comaroff and Comaroff 2001), often perceived locally in terms of accumulation of wealth through the intervention of mystical forces.

But the position of Eyadema's son Faure Gnassingbe seems more fragile than his father's. Eyadema left more than a hundred children - some of them in influential economic and military positions. One of the most powerful of these was Faure's brother Kpatcha, who has been recently arrested and convicted of having organized a coup d'état against his brother with the collaboration of certain army generals. To consolidate his position Faure has sought the support of the opposition parties, with the historical approval of Gilchrist Olympio, the son of the first President of Togo who was killed by Eyadema in 1963.

Rumours in Togo, which are important to the understanding of local political discourse as Ellis (1993) has shown, whisper that the occult protection Eyadema possessed does not seem to have been completely transmitted to his son. Despite the fact that his mother originates

²⁶ On January, 24th 1974, the presidential plane that was carrying Eyadema to his native village crashed near the village of Sarakawa. Eyadema, miraculously survived the accident and accused the "conspiracy of international high finance", which he had disappointed a few months earlier after the nationalization of phosphate, of being responsible. Eyadema took advantage of this fact to start building his myth of invincibility. In Sarakawa a mausoleum for the glory of Eyadema has been build. The day the President returned to Lome (February 2) became a national holiday (Toulabor 1986: 105-131)

from the Agou region, a region historically supporting the opposition to Eyadema and some progress in freedom of speech, criticism from Ewe (the major linguistic group of Togo) has not decreased. Faure Gnassingbé is still considered “the son of his father” and changes in the local political context are sarcastically perceived as “changes under continuity”.

It is not surprising then, that the Eyadema legacy of exploiting vodu ceremonies to reinforce the control and legitimacy of the state has been vigorously reaffirmed in the south. The two examples (Gbagba and *afalaa*) clearly illustrate how the media coverage of the ceremonies and the political role they have turned “the power of a spectacle in a spectacle of power” (Piot, 1999) for members of the government. In return, however, this mediatisation provides greater visibility for the vodusi and gives them a means of defence against ostracism by the Catholic priest.

Rather than representing Gbagba ceremonies as survivals of a traditional past, it is interesting here to show how they have changed over time within a social arena characterized by conflicts and tensions between different groups. These ceremonies shed light on the current political dynamics of the region and on the political meanings that the term “tradition” has assumed in recent decades.

As a Gbagbasi (adept of Gbagba) told me in 2007, in the gradual Christianization of the region between the end of the 19th century and the beginning of the 20th century, the vodusi agreed to create a festival celebrating all the vodu spirits that could compete with Christmas. A statement of this nature sounds deeply provocative, given the view of those who tend to consider vodu practices as ancestral relics that would have been gradually eroded by the arrival of so-called religions of the book and “modernity”. This does not mean that there were no ceremonies connected with fertility before, but the forms and much of the content of Gbagba ceremonies as they are today, evolved in opposition to the arrival of a militant Christianity. Now the ceremonies present themselves as an antidote to the social disaggregation caused by witchcraft, despite the fact far from creating social cohesion, they became an arena of conflict.

An example is offered by the following case. To obtain the blessing of the god during the week which includes the three days of celebrations, it is forbidden to consume yams and to play the drums. The only drums allowed are the two sacred drums (the “male” and “female”), which, played together by ritual specialists during ceremonies, recall the god in the bodies of one of them. These prohibitions, even though not perceived as particularly constraining by the inhabitants of Apegamè and Koumawou, became a *casus belli* between Gbagba and the Catholic priest of the village, who wanted to play the drums during the Mass and invited the

believers to break the rule, without fearing attacks from the spirits. In particular, he defined this aspect as a superstition to be overcome, while recognizing at the same time the theoretical possibility of possession, because "the existence of Satan has been confirmed by the Catholic catechism." In 2000 the situation deteriorated: according to the ritual calendar, the date of the celebration of Gbagba was August 15th, the day on which the Assumption of Mary is celebrated. The priest placed a group of young people playing the drums outside the church, along the route of the Gbagba sacred drums procession. When the procession arrived, the Catholics did not stop playing. The followers of Gbagba and the crowd in the procession became extremely offended. The descent of the god was unsuccessful, leaving the village exposed to *adzeto* attacks. A violent row exploded. The Gbagbasi and notables of the village tried to calm both parties down and they decided to change the ritual calendar so that Gbagba celebrations were performed before the Assumption, in order to prevent a conflict that would have torn families and villages apart. The day after the clashes between Catholics and vodùsi during the Gbagba ceremonies of 2000, the priest, through his older brother, who was a member of the RPT (the party created by Eyadema) and a consultant at the U.S. Embassy in Togo, asked the government to intervene to prevent Gbagba ceremonies from taking place. The Minister of Culture, also a member of the RPT, consulted the party leaders and refused to support the priest's request. Not only would this give local residents another reason for protest, but abolishing a ceremony relating to tradition would set a precedent that would provoke a severe problem involving all the village chiefs and the vodusi across the country, who would feel threatened in the exercise of their functions. Moreover, vodu ceremonies are always a useful arena for the central government to ensure visibility and support and the legitimation of its power through the spirits. In addition, the government knows that the spirits have to be tamed. The vodu can easily be turned against the government, because its symbols are easy to manipulate in terms of political criticism.

The Gbagba ceremonies clearly show this contradictory aspect: vodu is at the same time a valuable tool for central power, and a strong weapon of criticism. This contradictory nature becomes clear if we consider the ceremonies not as a set of coherent practices and discourses, but as an arena of renegotiations of different meanings. The plurality of these positions shows how ceremonies are a field which is open to constant renegotiation, whose meanings are never entirely fixed but represent key points of conceptual elaboration for the parties, involving the construction of social and individual identities, the internal and external struggles for power and the elaboration of the meanings of "modernity" and "tradition".

The Gbagbasi for example, while fearing the folklorisation of the ceremonies by the media and the highlighting the unequal struggle between them and the Catholic Church, use this same mediatisation to reinforce their role. They acknowledge they are losing recognition, especially among young people, who criticize the "traditional" powers, perceived as backward, linked to Eyadema's regime, and as an impediment to development.

The most observant Catholics, encouraged by the priest every Sunday, aim to transform the ceremonies into a secular celebration of the harvest and to eliminate worship practices, which they believe are characterized by a demonic aspect. They do not enter the sacred forest but simply watch the procession. They would like to separate the social dimensions of the ceremonies from the worshipping of a deity, which is contrary to biblical teaching. For example, a native²⁷ of Koumawou, who now works as an architect in Lomé, believed that in order to preserve participation in the ceremonies, it would be somehow necessary to suppress their religious connotations.

Other Catholics, actually a majority in the village, actively participate in the celebrations, considering the position of the priest to be overly strict. An old Catholic woman of Koumawou noted that "it does not hurt to celebrate Gbagba. Gbagba gives fertility also to the Catholic fields. We all eat yams".

Young university students who return to the village for the summer break, or the inhabitants of Lomé with cameras who love to portray themselves as free from "tradition" while acknowledging the theoretical possibility of possession, look at Gbagba with a mix of scepticism and curiosity, and often refer to it simply as a "theatre", because "these ritual specialists have forgotten the elders' secrets". They wonder if a man possessed by a god can actually have enough self-control to be able to follow the same path every year. Their criticism must be considered within a wider social context, characterized by the increasing difficulties village elders face in exercising control over young people who are trying to emancipate themselves from agricultural activities. Moreover, for many of them "tradition" is seen as political, due to the use Eyadema made of it. Village authorities are in general accused of being part of the system of terror established by the regime, and critics of tradition implicitly criticize the structures of power in which they feel exploited.

Moreover Gbagba ceremonies reflect a multiplicity of mimetic processes: the taming of spirits through possession in order to protect the village and the taming of the ceremonies itself by the media, in order to inhibit potential instances of protest against the government.

²⁷ Interview with architect from Koumawou. Place: Koumawou 18/08/2007

The spirits enter the bodies of individuals and then these possessed bodies enter the radio and television system, which tries to reduce them to a harmless folkloristic festival which can be sold on the current global market of “traditional cultures”.

But in incorporating Gbagba ceremonies, the media have ensured their legitimacy and value, allowing, for example, the Agou spirits to draw strength in a fight against a bauxite mining project in 2006: During the public meeting to present the plans for bauxite extraction, Gbagba became a major obstacle to be taken into consideration, because his value was fully recognized by the media.

Destroying the spirits’ sanctuaries in exchange for a sum of money was considered to be an act of simony. This is the description provided by one participant, who remembered that Eyadema himself had been to Agou years before to offer sacrifices in order to gain protection against possible attacks by the spirits of the men he had killed. Who would have dared to violate a place, which had proved useful for Eyadema himself? Why destroy the holy sites in Gbagba which, thanks to television, were known and revered "not only by the Togolese, but by the people of Ghana and Benin"?

Far from being an uncontested and unchanging religious ritual, Gbagba ceremonies have emerged as a privileged site for investigating the dynamics of social tension of a “remotely global” (Piot 1999) region as well as the renegotiations of meanings and practices of cults which have a crucial political importance. Due to its explicit anti-witchcraft role, for many people Gbagba reinforces moral values regarding the redistribution of resources and the role of “tradition” as a valuable alternative to the immorality and the ambiguities of “modernity”, while for others it is nothing more than an attempt to reinforce the legitimacy of elders’ power or a “satanic worship”. Nevertheless what is crucial is the role that these ceremonies play in the wider political context in which the government is trying to re-establish its legitimacy following the example of Eyadema.

However, it would be an error to categorize these processes only as a hegemonic process aiming at the extension of central control. The process of mediatisation and the politicisation, in fact, are used at the same time to give legitimacy to the ceremonies themselves and to those who perform them, in opposition to the Christian churches’ attempts to demonize local religions. The power of Gbagba is confirmed and reinforced because of, and not despite of, criticism, mediatisation, accusations of Satanism and government interest in the ceremony.

The changing forms of the ceremonies, the new meanings they invoke, the co-option of new elements from abroad, and the dynamics of power they imply, are symptoms of the fact that vodu has not lost its historical vitality nor its ability to change in the face of new situations.

As mentioned previously, vodu practices and beliefs have always been able to incorporate external elements in their adaptability to new social and political contexts. Gbagba ceremonies represent a good example of this fluidity. They remain central to the understanding of the social and cultural production of local meanings of “power”, in a context characterized by the struggles of different social and political institutions (the state, the Christian churches, the local authorities, the vodu priests) to reinforce their legitimacy and their control over a territory and its resources.

Conclusion

In this chapter, I have presented some of the elements that characterize the relationship between land and belonging and how this relationship always has political connotations. The analysis of the myths of first settlement has allowed us to shed light on the pre-colonial forms of population in the area, on the dynamics of land appropriation of the Ewe and how the political and social institutions (lineages in particular) even today base their structures of power, and their control over access to resources, on these myths. In order to emphasize this connection, some ritual practices have been analyzed. These ritual practices view land as the medium for the reproduction of social order, belonging and power structures (ancestor worship) or become, by virtue of their importance for (agricultural) production and (social) reproduction, an arena of conflict between different social and political institutions (the ceremonies of Gbagba).

The same Ewe identity was the result of an economic and political colonial (and post-colonial) context which significantly affected the development of the stories of first arrival and the modes of access to land. This issue will be discussed in detail in the chapters that follow: chapter 2 will analyze how colonial agricultural policies have emerged as an indispensable tool for extending the control and authority of the state over regions which previously did not recognize any centralized political authorities. Chapter 3 will examine in particular the changes in the modes of access to land caused by the introduction of cash crops and the migration from the north, which in this chapter has been mentioned only briefly.

What is important to note here is that the examples discussed in this chapter (the myths of first settlement, Gbagba as a spirit who gives fertility to land and human beings at the same time, the ceremonies of the ancestors, the conduct to adopt in the forest, the figure of the hunter) are good explanations of the special relationship that the inhabitants of the region have had with a specific territory, which was simultaneously loaded, over time, with

religious, economic and political values. In a context marked by competition for access to land between immigrants and "natives", but also by the deep ethnicization of the dynamics of conflict at local and national level, it is not surprising that the local reconstruction of individual and collective stories, as well as the "traditions", have played a pivotal role in the legitimation of specific rights and therefore emerge as politically sensitive issues (Chauveau 2006, 2009; Chauveau and Colin 2010; Kuba and Lentz 2006; Ubink and Amanor 2008). In many contemporary political discourses, in Africa as elsewhere, land, autochthony, identity, membership, and tradition are deeply interwoven – and mutually reinforcing - concepts. It seems that social and individual identities, whose fluid, relational, constructed, fictional nature has been amply demonstrated by anthropology (Amselle 1999, 2001; Remotti 1996; Aime 2004; Gallissot et al. 2001; Baumann 2003), still feel the urge to "take root", to materialize on a territory (for example through the boundaries of private properties, or the borders of a state) and to legitimize themselves using chthonic metaphors (the various equations "blood and soil", the cult of "mother land" or of the ancestors, the metaphor of roots or myths describing the founder of a group as born from the land or as first occupant, or the state as the institution with monopoly of force over a defined area).

As recently emphasized by Ceuppens and Geschiere (2005), the Greek-derived term "autochthony" etymologically connects the concepts of identity and land. In its political use it contributes to the construction of a dichotomic opposition between those who consider themselves generated from the land, thus having more rights over resources, and the "others", those who come from somewhere else: the "aliens". In many current political discourses, this dichotomy has increasingly tended to convey, in Africa and in Europe, the supposed need to defend the rights and privileges of the first comers on the "land of their ancestors," against the claims of those who came after. These themes have emerged on a global scale in the 1990s, following structural adjustment programmes and democratization processes, as central concepts of political discourses legitimizing practices of social exclusion. Many scholars have shown how these processes were driven by the paradoxical interplay of neo-liberal economic policies on the one hand, and anxieties related to the disappearance of local cultures on the other, cultures threatened by the impact of transnational migration and by an alleged, although unproven, homogenizing trend of globalization (Appadurai 1996; Remotti 1996; Gallissot et al. 2001; Baumann 2003; Aime 2004; Geschiere and Jackson 2006; Geschiere 2009).

A further point emphasized by studies on the subject is that autochthony or claiming first arrival are, by their very nature, extremely relative concepts and therefore subject to constant

processes of renegotiation. Though they seek to present themselves as self-evident, these discourses are unstable and need to be constantly reaffirmed in order to avoid their being easily turned against those who first formulated them. In recent years, these discourses, which mirror a real “obsession with identity” (Remotti 2010), have reconfigured the rhetorics of belonging and tradition, of access to and enjoyment of citizenship rights and - last but not least – of access to land.

CHAPTER 2

Plantations and colonial agricultural policies

If land rights are always politically and socially sanctioned, it should not surprise us that colonization, as an attempt to impose a political authority over a given territory, had a considerable impact in redefining both modes of access to land and the social institutions that legitimize them. The colonial project needed to legitimize its power over land and people (and curiously did so using rhetoric in some ways similar to that of the Ewe myths of first settlement: occupy a 'wild' territory to convert and submit it into a 'social order') and to develop a set of practices that would allow the effective control of the territory. These requirements were met firstly by incorporating the so-called traditional authorities in the administrative cadres, secondly by regulating the colonized subjects through work and physical violence, and, last but not least, by changing modes of access to land and agricultural activities in order to increase the production of commercial crops. However, as Gerd Spittler (1983: 131) reminds us, the violence of the state in peasant contexts is often more a sign of weakness than of real power, given the fact that the partial self sufficiency of peasants households makes it extremely difficult for the state, which depends greatly on the peasants' output, to extend and maintain its control over dispersed and relatively economically autonomous groups.

The attempts at modernization, rationalization, and increase in productivity of African agricultural practices, are not recent projects: As many scholars have shown, they were present, albeit with different accents, policies and rhetoric, throughout all of colonial history (Cooper 1996; Moore and Vaughan 1996; van Beusekom 1997, 2000; Berry 2002; Lentz 2006). The study of the colonial period helps to highlight the contradictions, the social dynamics of confrontation and conflict between different subjects, and the impact of particular policies on the historical formation of the current modes of access to land. As showed by Chauveau (2006, 2009), Amanor (2006, 2008), and Bierschenk and de Sardan (1998), in the cases of Côte d'Ivoire, Ghana and Benin, respectively, many of the present conflicts involving the redefinition of rights on land are rooted in historical contexts marked by colonial policies that favoured (and sometimes forced) the settlement of migrants in particular territories. Colonial policies were crucial in the construction of the traditional modes of access to land and the politics of belonging associated with them.

Such a focus on the colonial period is not just about local forms of land ownership, but also about the role of the state in promoting policies and power structures, forms of resource

management and ownership, and techniques considered most productive and profitable. In his works on the impact of state policies on Malaysian agriculture, Scott (1985, 1998) has shown how the state simplified, through mapping, cadastre and land titles records, the complexity of local practices of land access for reasons of legibility (and thus for more effective social control). Scott's work also discusses those not-always-explicit forms of resistance, "from below", enacted to counter the hegemonic projects of the state.

Among others, Tania Murray Li (2005), while agreeing with the focus on local strategies of power renegotiation, has criticized this approach, following a line of thought that has on the one hand tried to deconstruct the state, considered by Scott as a monolithic, reified and uniform entity ("somewhere up there"), and on the other hand has shown how the dominated cannot be considered as a homogeneous and internally undifferentiated group, and their agency can not be flattened out into the concept of resistance to an impersonal power:

“Resistance may be found at the heart of the bureaucratic apparatus, where experts debate the merits of diverse plans or argue against excessive intervention in peoples’ lives. Populations excluded from official maps and invisible in the national census may be more deeply taken by the idea of “the state” than savvy, urban skeptics; therefore, they devise strategies to position themselves closer to what they imagine to be the center” (Murray Li 2005: 385).

That idea, followed by many scholars who have distanced themselves from a Weberian model of the state, focusing their attention more on its procedures for exercising power, has shed light on the practices and narratives through which the state is constantly rebuilt, the ways in which it affects people's lives, and the processes of renegotiation by which its authority and legitimacy are reinforced or contested (Griffith 1986; Moore 1978, 1986, 2005; von Trotha 1996; Bayart 1993; Bayart, Ellis, Hibou 1999; Hibou 1999; Rouveroy van Nieuwaal and van Dijk R. 1999; Rouveroy van Nieuwaal 2000; Trouillot 2001; Chalfin 2001; Benda-Beckmann 2002; Roitman 2004; Geertz, 2004; Das and Poole 2004; Murray Li 2005; Lund 2007; Klute et al. 2008; Bellagamba and Klute 2008). The state no longer appears as a "thing", but as a never-completed project (supported by some groups, but questioned by others) to be constantly reaffirmed through practices and discourses, through the technologies of power, through the legal, bureaucratic and repressive apparatuses and medical systems, through the establishment of boundaries and hierarchies, and through the mobilization of consensus and the creation of symbols. The assumptions behind the Weberian definition of the state have been challenged: does the state really exercise a

legitimate monopoly of force? Is it an actual monopoly? In what terms does it build its legitimacy? This paradigm has privileged the study of states in their concrete historical realization, rather than that of the "state" as an abstract entity. Much of what has been written on the state is a consequence of the point from which it is observed and the positioning of the researcher: the state, and its power or powers, take on different definitions depending on whether the analysis is conducted at its centre or at its margins, in the international arena or within villages far away from the capital, among its political elites or among those who dispute its legitimacy, or in the bureaucratic practices that make the state visible to its citizens.

From this point of view, the processes of invention of tradition relating to access to land were renegotiated not only within the social sphere of the dominated, where these processes would be imposed from above and sometimes exploited in local conflicts, but also in the field of rulers, who were divided between different interpretations of traditional practices. In this respect, the case of the settlement of German plantations in Agou, which will be discussed in the last part of this chapter, is paradigmatic. In examining the history of the Agou plantations (reconstructed from the work of Ahadji (1983, 1996), from archival sources about the colonial era and from local memories relating to more recent periods), this chapter will show how the contradictory narratives that colonials developed around the modes of access to land were used to legitimize land grabbing. Before presenting the Agou plantations, I will illustrate the modernist rhetoric and the agricultural policies of the German and French colonial period. The colonial context produced a series of still-live discourses about land in which agricultural activities themselves appear as pedagogical tools for disciplining men and women.

The goal is to show how certain modes of access to land historically developed within a field of competition that goes beyond the simple dichotomy between rulers and ruled, and to explain the political and social causes that led to a long-term reduction in the arable areas. This reduction has an increased impact in modern times and is one of the causes of increased social tensions over land. Stressing this point helps counter the contemporary tendency to ascribe land scarcity only to climatic causes, to Malthusian assumptions of population growth or to the supposed inability of the local population to preserve the fertility of the soil. All these explanations tend to depoliticize the issue and fail to take into account its historical dimensions.

Colonial agricultural policies: the German administration

As shown by Marguerat (1992) and Nugent (2002), Lomé was founded around 1880, thanks to the relocation of commercial companies beyond the area of English control in order to evade British taxation. The settlement rapidly created a major commercial centre that began to supply the entire Volta area with products “illegally” imported at the expense of Great Britain. Exploiting the competition between France and Britain for the control of the stretch of coast running from Lomé to Petit-Popo (now Aneho), Germany, interested as it was in having its share of colonies, signed the famous – and unexpected – Togoville Treaty on July 5, 1884 (Gayibor 1997, 2011; Nugent 2002). This event established the German protectorate on the geographic area that would later be known as Togoland, but it took about fifteen years for the Germans to extend their administrative control over the North and to establish the boundaries between Togoland, the Gold Coast, the Upper Volta and Dahomey (Nugent 2002).

The Kpalimé region was among the first inland areas to be annexed to the protectorate, thanks to its strategic location: in 1885 treaties were signed with the peoples of Tovégan, Agotimé and Keve (along the Lomé-Kpalimé line). In 1887 the German influence spread to the neighbouring mountains of Kpalimé, which controlled not only access to the Volta, but also the major trading routes between Lomé and the rich centre of Salaga, now in northern Ghana (Nugent 2002; Ali-Napo 1995; Gayibor 1997, 2005, 2011).

Kpalimé was halfway between Salaga and Lomé, but was also close to the Gold Coast border. Thanks to its geographical position it became the most important inland trading centre. Unsurprisingly then, Misahöhe, the first centre of German occupation in the country, as well as the seat of government (now home to the prefect of Kpalimé, which demonstrates the versatile reuse of places of power) was founded on the hills above the city on May 7, 1890 (Gayibor 1997, 2011). Misahöhe is also notorious because it used to be the district prison, whose buildings are now in ruins, slowly being digested by the surrounding vegetation. The teak trees and the small German cemetery remain as witness to the colonial presence.

The institution of forced labour, corporal punishment, including the infamous "twenty-five blows" (the last of which, the most violent, was known as "the one for Kaiser"), and the incorporation of village chiefs in the administration as tax and labour collectors for the construction of roads and railways, were some of the first administrative measures aimed at the financial autonomy of the colony, which was not to burden the coffers of the motherland.

Financial autonomy was accomplished and Togoland deserved the appellation of "model colony" (Ali Napo 1995; Gayibor 1997, 2011).

Signed by the region's administrator Gruner, the decree²⁸ which fixed the rights and obligations of the village chiefs forced them to collect taxes, retaining 5%, to maintain order through a local police officer (who was provided with weapons after two-weeks training in Misahöhe) and to send people affected by sleeping sickness to the treatment centre in Klouto. Here experiments were underway to find a cure for this disease: the experiments were conducted on people who did not take long to die, engendering an obvious distrust towards colonial medical practices. In addition, the village leaders were given special educational instructions to counter the proverbial local laziness: "The village chief must inculcate the notion of work in his subordinates and report them to authorities, who will send those who refuse to work to correction camps" (my translation).

The territory was divided into administrative regions under the authority of superior chiefs (*Oberhänptling*), chosen by the administration on an arbitrary basis or by virtue of their favourable disposition towards German interests, or because they had agreed to sign protectorate treaties on the eve of the occupation, thus changing the structures of local political authorities and triggering long political conflicts between lineages for control over the *chefferie* (Ali Napo 1995; Gayibor 2011; Rouveroy van Nieuwaal 2000). As argued by Sara Berry (1992), the longest-term consequence of colonialism and its "hegemony on a shoestring" was perhaps the link established between tradition and political legitimacy to govern, which gave rise to areas of never-ending conflict around the traditionality or authenticity of a number of political and social institutions.

Multiple economic interests converged on the region from the beginning of the colonial era: from the early years of the twentieth century Agou witnessed the establishment of large plantations by commercial companies (Ahadji 1983, 1996), as well as the building of the necessary infrastructure for the transport towards Lomé of the production intended for export. European businessmen were not the only ones interested in plantations. Plantations of coconut and palm trees were in fact developed along the coast by the Afro-Brazilian elite who from the nineteenth century had been the local bourgeoisie and, after the formal abolition of slave trade – its main business until then – rapidly decided to invest in palm

²⁸ Togo National Archive, Lomé. Gruner. « Droits et Obligations des Chef du Cercle de Misahöhe ». Translation in Napo Ali (1995).

economy (Amos 2001)²⁹. Among these one notable example is the figure of Octaviano Olympio, who arrived in Lomé in 1882 as an agent of Swazzy and acquired vast tracts of land for the production of export goods. The son of Octaviano was the first doctor in Togo and the grandson, Sylvanus, the first President of Togo (Amos 2001).

Despite their differences, the subsequent colonial administrations shared to a large extent the idea that the South of the country was the only "useful Togo", reducing the northern part of the country to a mere reservoir of labour for the construction of infrastructure and for plantations. The development of the palm and cocoa economies allowed the vast majority of the inhabitants of the Kpalimé region to pay taxes and to avoid forced labour, while this instead proved more difficult for the inhabitants of the North, despite the migration of Kabié people to the Gold Coast as seasonal workers. According to colonial sources, 98% of the population of the southwest region of Togo was paying the 6 marks due in order to avoid the twelve days of forced labour imposed by the Germans (Gayibor 1997: 31). This is also explained by the permeability of the border with the Gold Coast, which allowed many Ewe to work seasonally in local cocoa plantations.

The German administration never encouraged the cultivation of cocoa (Goeh-Akue and Sebald 2011), fearing a possible internal competition with the European plantations in Cameroon and believing that local communities were not sufficiently "evolved" to manage cocoa cultivation. In 1899 a mission organized by the botanist Wolthmann declared that the soil and climate were unsuitable for cocoa and it would be more useful to focus on cotton. Yet, the 1899-1900 report mentions 276 mature and 3409 growing cocoa plants held by Togolese farmers. Cocoa exports, which hardly amounted to 13 tons in 1905, grew to 283 tons in 1912 and 335 tons in 1913, with only 36.5 tons produced in the German plantations of Agou (Gayibor 2005: 367-368). The Germans tried to enforce the cultivation of cotton throughout the country, creating forced labour camps in each village under the supervision of village leaders, but with poor results.

In order to develop cotton production, the Germans set up schools and test plots. As shown by Zimmerman (2005), the first was founded in 1900 in Tove, where the Germans took advantage of a group of African-Americans from Alabama, hoping they could act as a model

²⁹ "The phenomenon of Afro-Brazilians returning to Africa began in the first half of the 18th century and lasted until the beginning of the 20th century. Scholars have estimated that between 3,000 and 8,000 Afro-Brazilians returned to Africa during that period. The movement began as a natural yearning of freed slaves to return to the motherland that they had never forgotten. Later on, it became a reaction to the lack of opportunities for advancement and to persecutions and restrictions launched by the Brazilian authorities against blacks" (Amos 2001: 293).

for Togolese farmers, who would, in the racist colonial perspective, follow the example of other more “modern Negroes” and eventually “evolve”. Colonial agricultural policies were aimed not only at maximizing production in favour of the metropolis, but also at eradicating customs which were considered “savage”, such as polygamy, superstition or what the German missionaries and administrators considered to be the excessive economic independence of women, which, they said, undermined the basic harmony of domestic groups³⁰. Regulating agricultural practices and disciplining subjects were part of the same development project. The economic plans of the colony and the power technologies used were intended to replace the “traditional polygamic and animist” family with a monogamous and Christian family, seen both as more modern and more productive. In the rulers’ mentality, the “Negro” Americans had responded to this very model and provided an example of “civilization” for Togolese.

During the period of German administration, the main goods exported were corn (which experienced a significant boom in the early twentieth century, particularly in the areas adjacent to the Lomé-Kpalimé railway line), products derived from palm oil (palm kernel oil), coconut, copra and caoutchouc. The main imported products remained for a long time the classical slave trade ones: guns, gunpowder and alcohol, often smuggled to the Gold Coast (Nugent 2002).

The German agricultural policies focused in particular on the construction of infrastructure to transport raw materials to Lomé (roads and railways), and on the introduction of teak for exportation. Teak radically changed the landscape of the region. Each village was forced to plant teak along the roads of the country and in the main administrative centres (Goeh-Akue and Sebald 2011). The teak tree soon became the symbol of the Germans: nowadays a sufficiently old teak wood is the fundamental sign of the presence of Germans on the territory. This crop contributed, perhaps more than cocoa cultivation, to limiting the agricultural space available: an area planted with teak remains unproductive for many years. At the same time, though, the profits are considerable. As will be discussed below, today planting teak remains one of the best investments and, at the same time, one of the main ways to secure the exclusive ownership of a field.

³⁰ In a letter from 1897 a German missionary wrote: “C’est vraiment triste de voir comment la plupart des femmes s’adonnent aux activités du marché au lieu de s’occuper de leur mari et de leurs enfants”. Ahadji (1996) Annexe 3

As noted by Piot (1999) and Gayibor (1997), it seems that local memories of the German colonial period do not now include its coercive aspects and the violent and racist policies that characterized this period. According with their observations, many of my interlocutors frequently repeated that “the German administration was better than the French one” or that “the Germans left infrastructure and taught Togo to work, while the French did nothing but exploit the colony, without leaving anything”. If these representations rely to a great extent on the fact that memories of the French period are chronologically closer than those of the German one (of which there are no more living witnesses), it should also be noted how they were constructed in opposition to a French colonial power which had contributed, together with the English, to the division of the two Togolands, excluding from several occupations those with a German education, for whom there was no place in the new Francophone administration. The fact that these benign interpretations of German colonialism are preserved far beyond the colonial period should also be attributed to a great extent to the unpopular meddling of the French government in the postcolonial politics of Togo (and of Africa in general). In local representations, the business relationships Eyadema had with leading German politicians are overshadowed by the fraternal friendship that tied the dictator to Jacques Chirac in the 1990s.

However, it is very interesting to note that the version according to which “the Togolese learned to work thanks to the Germans” is a widespread one, which is a sign that the legacy of German racist policies contributed to structuring a series of local subjectivities which involved the inseparable link between control over territories and control over bodies, between working the land and coercive domination practices.

Colonial agricultural policies: the French administration

Like the German one, the forestry and agricultural policy of the French left deep marks on the social and rural landscape of the colony. In the ahistorical, racist and primitivist representations of the colonial administrators, Togo needed a modernization programme in order to “evolve.” The Annual Report prepared in 1925 for the French government by the administration of Togolese territories reads:

« Depuis des siècles, elle (la vie que mène l’indigène dans son village) est la même. Pendant des siècle encore elle aurait été la même, sans l’arrivée des hommes de race blanche qui ont amené des grands changements dans la manière de vivre des indigènes. Cette révolution

dans le mœurs est d'autant plus importante que le contact avec l'Européen est plus fréquent ou plus continu: c'est dire que l'évolution de l'indigène sous l'influence européenne est surtout sensible sur la cote et dans la région sud du Territoire. »³¹

Among the main changes was certainly included the collection of taxes, which the report justified not only because they were essential to the maintenance of the colonial administration, but also because:

« ...il a obligé l'indigène à secouer sa paresse native, l'a poussé à augmenter sa production et par conséquent à améliorer son existence. C'est un réel facteur d'évolution»³².

Locals, are, to different degrees, portrayed by reference to stereotypical and racist attitudes that legitimize the dynamics of exploitation, coercion and domination associated with colonialism. Local practices, religious as well as economic ones, should therefore be amended, including through (forced) labour:

« ...le fétichisme est l'ennemi de tout civilisation, il est la manifestation concrète de l'obscurantisme au bénéfice de quelque exploiters de la crédulité publique. Mais nous possédons des armes pour combattre cet adversaire. C'est l'enseignement avec tout son cortège d'avantages (connaissances pratiques d'hygiène, amour du travail) »³³.

On the basis of these premises, the French government exploited the forced labourers of the North to build roads, which "urge the native to leave the narrow circle of his village to reach distant markets where he gets in touch with the Europeans"³⁴. This view, which is historically

³¹ Togo National Archive. « Rapport Annuel du Gouvernement Français sur l'administration sous mandat des territoires du Togo, pour l'année 1924 ». Paris, 1925, Imprimerie général Lahure, p. 66.

“For centuries, it (the life that the native leads in his village) has been the same. For centuries it still would have been the same, without the arrival of white men who brought great changes in the natives' way of life. This revolution in customs is even more marked where contact with Europeans is more frequent or more continuous: in other words the evolution of the natives under European influence is particularly noticeable on the coast and in the south of the Territory” (my translation)

³² it forced the native to shake off his natural laziness, pushed him to increase production and thus to improve his existence. This is a real factor of evolution " (my translation)

³³ “Fetichism is the enemy of all civilization, it is the concrete manifestation of the obscurantism from which some exploiters of public credulity profit. But we have a weapon to fight this opponent: it is teaching, with all its train of benefits (knowledge of hygiene, love for work)” (my translation)

³⁴ Rapport Annuel du Gouvernement Français sur l'administration sous mandat des territoires du Togo, pour l'année 1924, p.67, my translation

false, represented the local population as foreign to any historical change and commercial activity, and denied them any entrepreneurial ability, relegating them to a racist primitivism. This is doubly ironic if we think that most of the local crops (corn and coconut among others) were not native of the region, but were progressively introduced into local economies since the sixteenth century, or, again, if we analyze the significant changes brought about by the cocoa economy, which, as shown by Polly Hill (1963, 1970) in the case of the nearby Gold Coast, was a great example of African entrepreneurship (Hart and Hann 2011: 134-138).

Colonial administrations systematically considered African land tenure regimes chaotic and unproductive. Moreover, colonial discourses denied the possibility that their African subjects had any concept of property rights, supporting the idea that land for them was uncontested and inalienable. Opposing this romantic idea, Amanor (2006) has shown that after 1830 the land for the production of palm oil was bought and sold in certain areas of the Gold Coast. This had already been noted by the German missionary Spieth (1906) in the late nineteenth century with regard to the Ewe in Togoland.

Far from being resistant to change or, to use an infamous expression of Hyden (1980), "not yet captured", the "peasants" had a remarkable ability to change their practices in response to changed economic and political circumstances (Hart 1982). But the denial of this ability was instrumental to the civilizing mission of colonial administrations. In addition to the creation of a market for French export goods, the French aimed at increasing production for export and at controlling the rural world through a variety of strategies, including the prohibition of the use of the slash and burn technique to obtain new land. This technique implied a shift of farmers in search of new fields over the territory, and the birth of new settlements. This kind of expansion was barely tolerated by the administration, whose aim was to have people settle on the land, to maximize the collection of taxes.

Under the French, Togo was divided into specific areas of production: the peanut area in the north, the cotton area in the centre, cocoa and coffee in the south, and coconut in the maritime region. The administration also, through the Decree of 23 December 1922, based on the 24 July 1906 law concerning the organization of the land ownership system in French West Africa, introduced the principles of Roman property law in the country, transforming vacant lands into state property. The concept of "ownership" itself, as understood in western legal terms, became problematic in the understanding of local forms of land tenure. The western concept of "individual ownership", involving the attribution of the rights to possess, use and dispose of land to the same legal subject (an individual or a group), found it difficult to account for the plurality of different subjects who legitimately claimed rights to the same

parcel of land (Downs and Reyna 1988; Kuba and Lentz, 2006; Colin, Le Meur, Léonard 2009). The simplification proposed by the state ignored the fact that: "...land rights have always been ambiguous, negotiable and politically embedded, in the pre-colonial past just as under the colonial regime and in present times (Lentz 2006: 35)".

An attempt was made to introduce registration of land titles to encourage private property, as set out in Western jurisprudence, in order to produce modern peasants devoted to the exportation of crops, and make local modes of access to land legible (Scott 1998) by an administrative bureaucracy infused with modernism. These projects, which were based on an arbitrary simplification of the complex dynamics of access to land, were unsuccessful and were realized only in urban areas (Koffigoh 1982). The same category of "vacant and ownerless land", which misunderstood the need to let fields stand for several years and took no account of the increase in population, provided a legal framework that supported and legitimized government control over land considered unproductive because it was left to rest for too long (Coquery-Vidrovitch 1982). Moreover, with the establishment of "native reserves", which were reduced to the land on which the villages stood and to those with permanent cultivation, the rule that these lands could not be sold to "foreigners" without the permission of the administration was also introduced, citing as a reason that, according to the "traditional indigenous law", the alienation of land was not recognized by Africans. In fact, a dual land system was created and imposed which reflected the dual legal system of the *indigénat*³⁵: on the one hand a "modern" right, for those who could afford to record land holdings (Europeans in general and, more rarely those "évolués" belonging to the coastal elite), and on the other a "traditional" right, thought of as immutable, involving the rest of the colonized subjects.

The establishment of boundaries between villages was extremely arbitrary, since the fields of nearby villages often interpenetrated one another and members belonging to the same lineages resided in different villages. The allocation of land to lineages other than the legitimate ones was a common consequence and this generated a growing number of conflicts. While these arbitrary decisions fostered discontent among local populations, those very populations somehow also used them instrumentally in the struggle for access to land, especially in the Agou region, where colonial plantations had deprived inhabitants of the

³⁵ The *Code de l'indigénat* was a set of laws and administrative sanctions that created an inferior legal status for natives of French Colonies. First put in place in Algeria, it was applied across the French Colonial Empire from 1887–1889 until 1944–1947.

most fertile land. In a letter³⁶ written many years later, in August 1958, soon after the April election won by the coalition headed by Olympio, the village chief of Agou Akplolo addressed the administration of the region. In that community, the superior chief had been chosen by the Germans during the signing of the German Treaties, and the letter asked to know the boundaries marked out by the Germans between their village and the Agbetiko one, to put an end to a long-lasting conflict over land ownership between two neighbouring families. It is clear that the chiefs from Akplolo were trying to take advantage of the position they had gained during the German period, in order to strengthen their rights over the land recently occupied by the inhabitants of Agbetiko, who were mainly migrants from the north of Togo.

In other words, colonial policies contributed to the process of invention of tradition (Hobsbawm and Ranger 1983) in several ways: through the elaboration of legal knowledge with regard to traditional forms of land management, through the territorialisation of ethnic groups, and through the establishment of colonial cartography and of *chefferies*. But this invention of tradition was not merely imposed from above: it was also renegotiated and sometimes reproduced from below, within a field of conflict involving colonized subjects that were manipulating tradition in order to gain recognition for their privileges (Berry 1992, 2002; Lentz 2006).

Among the colonial policies that have most influenced local scenarios was the repopulation of Central and South Togo by the forced settlement of Kabié and Nawdeba people on lands which had remained empty as a result of the Ashanti and Dahomey raids. These programmes, started in the 1920s on the initiative of governor Bonnacarrère, moved a considerable number of people who settled in the fertile regions between Atakpame and Sokode. The magnitude of these migrations is evident from the fact that today two-thirds of the Kabié and three-fourths of the Nawdeba live in the central and southern regions of the country. The goal was to have cheap labour on the spot for the maintenance of main roads, as well to invest in large areas of land deemed unproductive. Once settled in the Centre and in the South, the Kabié, though coming from mountainous regions and known since the time of Froebenius for their highly refined techniques of intensive agriculture, were quick to adopt the extensive farming typical of the Ewe, which was better suited to these lowland regions (Lucien-Brun 1974; Verdier 1982; Lucien-Brun and Pillet-Schwartz 1987; Piot 1999). Soon, as next chapter will discuss, they were joined by voluntary migration flows of Kabié and Nawdeba people towards

³⁶ Togo National Archive, Lomé. Dossier 137, 2APA *Cercle de Klouto*

Litime, the Danyi plateau (Quesnel and Vimard 1987, 1988), and Agou, which were cocoa and coffee growing regions.

The economic role of Kabié settlements along the Kpalimé-Atakpame axis was essential in increasing the cultivation of maize, which was often exported to Ghana, and in the creation of important markets on the main communication axes between Kpalimé and Atkpame, like Adeta. This market, which is at the crossroads with the road leading to the Danyi plateau, rich in colonial plantations of coffee, became a major centre for the sale of corn and yam produced by the Kabié and supplied not only Kpalimé, but also the neighbouring Ewe villages at the border with Danyi itself, which in turn supplied dried fish from the Volta. Even today, much of the yam and corn that can be found at the Kpalimé market is produced from the Kabié villages created by forced migration.

In 1923, new agricultural schools were opened in order to popularize the cultivation of export crops, while the centres of Tove and Notsé opened by the Germans were strengthened.

The teaching of modern farming techniques was extended to the entire school system. School became a place where good farmers were raised. Besides reflecting the administrators' wariness of the potential emergence of an educated elite and increasing the opportunities for the exploitation of the youth labour force, this "ruralization" of the school system, which had already begun with the Germans, left deep traces in the country.

The colonial idea that the only way to make Africans (considered "lazy by nature or culture") work was to force them with physical punishment has shown remarkable longevity. As highlighted by Bayart (2008), "the policy of the whip" has profoundly influenced the local political construction of subjectivity. Colonial agricultural policies, with their corollary of repressive methods, aimed both at increasing production and at subjugating bodies which needed education and regulation. Agriculture became an educational tool for colonized peoples, in which the value of work had to be taught. Its purpose, in other words, was to "cultivate" both fields and human beings. As will be discussed further, the instruments of coercion imposed by colonialism remain present in Togolese society, from the beatings a soldier is entitled to give to a civilian at a roadblock, to the father beating his children or the teacher beating the students who refuse to look after his private field of corn.

In 1924, cooperatives were set up to popularize export crops. So much emphasis was placed on this, that in the 1930s, as a result of the crisis, many farmers preferred to eradicate some of their coffee plants to prove to the experts sent by the administration that the land was not suitable for these crops, so as to have the opportunity to engage freely in the cultivation of

maize and cassava. These crops not only ensured the necessary food, but could be sold at more profitable prices than coffee and smuggled to the Gold Coast.

Farmers' distrust towards export crops was caused by the fluctuation of prices (the crisis of the 1930s and then the Second World War caused sharp falls in the purchase prices of cocoa and coffee) and by the significant risk inherent in investment in cocoa, to the extent that it was necessary to wait up to seven years to get the first harvest and the fields were exposed to frequent (natural or intentional) fires during the dry season. This added to the unscrupulous practices of the so-called buyers, notorious among small cocoa producers and imprinted in the memories of locals for their cheating, involving a cut in the purchase prices due to imperfect drying, but also extortion, usury etc. All this happened within a system that allowed buyers to cheat farmers in order to earn enough: the trader in Lomé (often a large European company) gave the local buyer the money to purchase a certain amount of cocoa. If the buyer was able to purchase the required amount of cocoa at a lower price, he could keep the difference, otherwise he would have to pay for the excess. Therefore, many buyers took advantage in every way they could, making money behind the back of small producers - who were forced to raise money to pay taxes - and built themselves big houses in the city. In the case of palm trees, their cultivation significantly increased throughout the colonial period both because it satisfied the administration's needs, and because it was central to the local domestic economy. Palm branches were used for the roofs of houses, trunks for the production of wine, and two different types of oil were extracted from palm nuts. These oils were used for cooking and for ritual activities, or were resold to the palm oil processing factory in Agou. The fibrous processing waste of palm trees was used as fuel for cooking. In addition, planting palms turned out to be one of the best local strategies to claim long lasting ownership of that land. From the following map³⁷, which bears no date but probably dates back to the 1950s, one can capture the significant extension of palm tree plantations (marked with a cross if dense, with a dash if scattered) over the region:

³⁷ Togo National Archive, Lomé. *Dossier 2APA, 287 Cercle de Klouto.*

height of palm trees, it was easier to cut down palms to produce palm wine, gathering nuts for the production of oil from other plants. The image constantly featured in reports on these issues (in the colonial era as well as today) is the Malthusian one of the farmer perpetrating irresponsible exploitation of resources, with the western "civilizing" intervention saving the "natural" environment. However, analyzing individual stories of small farming families, one perceives a certain awareness about the risks of deforestation. Many trees were planted by farmers to avoid soil erosion, to stop the spread of uncontrolled fires and sometimes as an investment to leave to their children and grandchildren³⁹.

History of the Agou plantations

In the late nineteenth century, the fertility of the Kpalimé and Agou region was confirmed both by Wohltmann, a German agricultural adviser who said he had never seen such rich land in Togo, and by the botanist Baumann, who is known to have been badly received in the village of Tove, where in 1895 the population revolted against his presence by refusing to give him food, prompting him to bring in the military to raze the village. The rich soil of the region quickly attracted the interest of Sholto Douglas, a businessman from Berlin who already owned a large plantation in Cameroon. In 1897, he sent an envoy, the colonial officer Von Hagen, to buy vast tracts of land from local village chiefs (Ahadji 1983). The contracts signed by Hagen stated the purchase of 300 square kilometres of land in exchange for 20 tons of gunpowder, fifteen pounds of tobacco, two demijohns of brandy, some bottles of gin, and a hat for Adikou, chief of Nyogbo.

Local memories of the event state that when the Germans arrived in Taviè, near Nyogbo, the village chief asked what they had come to buy. The Germans said they were just interested in what might be put within a sheepskin. After the skin was given to them, they cut it into thin strips, and fenced the whole Mount Agou with it. This story, which is similar to the mythical narration of the foundation of Carthage by Dido⁴⁰, clearly demonstrates the sense of frustration felt by local people, especially if we consider the symbolic and political values the

³⁹ See also Leach and Fairhead (1996) who criticized the assumption that present forest islands in Africa are only relics of more dense forests destroyed by local agriculture. Their research shows how in Guinea people have historically created forest islands around their villages and, contrary to Malthusian perspectives, population growth has implied more forests, and not less.

⁴⁰ This fact it is not surprising, if we think about the teaching of Greek mythology in the missionaries' school. It is interesting to see how this mythology has been re-appropriated locally to describe a local historical event.

mountain had acquired, as discussed in the previous chapter, as a bulwark of resistance against the invaders.

The contracts were declared void by the German administration and Douglas sent another emissary, Hupfeld, to draw up new contracts, which the chiefs were made to sign with the threat of force. The administration only validated some, fearing a revolt of the people who, after losing their best lands, would find it impossible to make ends meet.

These events started a legal dispute between the administration and Sholto Douglas's company, the DTG, which lasted until 1909, when the company, which had meanwhile split into several branches, was recognized as the owner of large tracts of land. The remaining lands were partially returned to the population or given to the state for the construction of the Kpalime-Lomé railway. The line, which was essential for the transport of raw materials for export, was opened in 1907 and was built with the massive use of forced labourers from the North and the centre. This line (called "the path of cocoa") was the second to be made, after the one that linked Lomé to Aneho ("the way of copra"), but was opened long before the one running northward towards Atakpame ("the way of cotton") which represented the backbone of the country and was completed under the French administration. Railways not only illustrated the economic importance of the region with respect to the North, but were also a great investment for the DTG, whose land, bought for very little money, underwent a tenfold increase in value.

During the debate between Hupfeld, who wanted to justify the purchase by showing they had signed a contract with the legitimate owners of the land, and the *Landkommission*, which was responsible for the restitution of part of the land to the villages, local forms of land ownership were discussed. The head of the *Landkommission*, Rudolf Asmis, highlighted how the German institution of "superior chiefs" could not find an equivalent in the local political structures, which recognized the *dukowo* (villages) as independent units without any recognized authority superior to that of any single *du*. Hupfeld, in his negotiations with some of the chiefs of the area, who had been acknowledged as superior chiefs by him and by the administration during the first attempts at settlement in the country, was in fact cheated by being sold lands belonging to other villages. This shows how the theories of 'collective ownership' were more a reflection of the noble savage myth than a reality: the locals knew very well who the owners of the land were, or who could claim usufruct rights over them, and acted accordingly.

Hupfeld's arguments are clear. First he attempted to demonstrate that there was no land without owners, in order to prevent these lands being automatically subject to colonial

requisition, which would have cancelled the contracts and increased the cost of land. Secondly, he stated that the land surrounding the villages belonged to the "community" and was redistributed to families as required by the village chiefs and elders. In building the village as a legal entity, which was managed by the chief's court and which owned the land, he could demonstrate that these courts were entitled to alienate uncultivated land of the village to third parties, and that the contracts were valid. But Asmis was of another opinion: not only did the "superior chiefs" not have any rights over the lands of other villages, but if it were true that there were vacant lands, it was equally true that the real owners of the land were lineages, and not the village chiefs, who could only sell lands belonging to their family. Asmis continued presenting the testimonies of the local population about the use of force and threats used by Hupfeld during the signing of contracts, and showing that the documents were in fact unintelligible to the signatories. None of the contracts was therefore valid, given the lack of willingness of one of the parties to sign it. Although possessing various lands in the region, the Agou missionaries sided with Asmis' thesis, denouncing the violent methods used to sign contracts⁴¹. If Hupfeld could keep a large number of acres, although he was obliged to return some plots to locals, it was mainly because the administration recalled Asmis, who had taken his arguments too far, and because Berlin feared that the work of the *Landkommission* could cause a rebellion in the region.

As previously said, part of the land was given back to the people on the orders of the Germans. They worried that the locals would not have enough land for their subsistence, and could rise up as they had in Cameroon. The problem was to determine how much land each family needed. The Board therefore ordered thorough research to be carried out on the number of components of the various lineages, so as to assess how much land should be given back. The possibility of an increase in population was not taken into account, nor were the local farming methods, which presupposed the possibility of cultivating a plot for a few years and subsequently letting it rest, moving on to another one. The DTG returned the least fertile lands, keeping the most productive ones. Considered the reluctance of the population to provide the exact number of members of local lineages, in order to reduce taxation, it is likely that the population was underestimated.

In 1912, the first palm nut processing factory was built in Agou. It operated until the 1970s and its ruins are still visible today. The DTG devoted itself to the production of cocoa, palm oil, palm kernel and rubber, making good profits not only through land speculation, but also

⁴¹ See the letter of missionary Freyburg of May 28th 1904 in Ahadji, 1983

by using cheap labour, primarily recruited among seasonal workers and forced labourers from the northern regions of Togo, in particular Kabiè and Nawdeba. However, as pointed out by Ahadji (1996), in the 1913/1914 period only 1,830 hectares of the 17,793 belonging to the DTG were being cultivated.

In 1914, because of the war, plantations stopped their production and were under the administrative control of the British for six years. At first, forced labourers were freed, but the British had difficulty in finding local workers, as the Ewe were more interested in cultivating their own fields than in working on European plantations. Therefore labourers from the North were employed again. In 1920 the French government took possession of the plantations, an area which, after several restitutions during the German period, was "limited" to about 10,000 acres, divided as follows: 212 acres to Tavié (Tafié), 421 to Nyogbo (Nyongbo), 475 to Flogbo, 676 to Gadjà, 1212 and 7000 to Aguibo and to Togo Plantation, respectively.

These lands were entrusted and leased, through procedures on the limits of legality, to a company belonging to C. Gasparin, brother of a French senator, who managed to take possession of them by bribing a colonial administrator, whose suicide, once the case was discovered, brought Agou to the notice of the French press and earned it a parliamentary confrontation in Paris⁴². Another legal action was therefore started between Gasparin and the colonial administration⁴³. The Court of Appeal in Dakar imposed an extremely stiff fine on Gasparin. Gasparin, in turn, asked the Council of State to intervene in order to get him compensation from the administration for the cancellation of the contract. In the meantime, the lands had reached the hands of the Commissioner of the French Republic, on behalf of the Togo territory, who had exercised the right of first refusal and had declared it a domain of the Republic.

Despite the difficult negotiations and the legal battle between the administration and Gasparin, who did not want to accept unfavourable terms, the administration maintained a conciliatory stance towards Gasparin because of the fear that, if there were a transparent tendering procedure, the plantations could be awarded to British and German companies, which would have rendered French control over the recently conquered colony more fragile.

⁴² For detailed descriptions of the *Affaire Gasparin* see Ahadji 1983 and Vivier 2007.

⁴³ Togo National Archive Dossier 287, 2 APA. « Contract du 24 décembre 1931 avec Mr. Gasparin pour location du domaine d'Agou e Convention du 24 octobre 1930 entre Bonnacarrère et Mr. Gasparin, Député de la Réunion ». « Extrait de la lettre 2375/dom du 26 Novembre 1948 de Monsieur le Commissaire de la République au Togo à Monsieur L.D. Gustave- Conseiller de la République » ; « Note sur les terres d'Agou et Gadjà. Rapport Confidentiel. Commandant de Cercle, 1953 ».

It is at this time that there emerged the case of the alleged presence of Hitler's photos in some Ewe houses, advocating a return and reunification of the two German Togolands.⁴⁴

An agreement was finally reached (effective from 1932), between the parties, who bilaterally withdrew their complaints: the Territory leased the Tavié, Fligbo, Gadja and Aguibo (an area of 2575 hectares) to Gasparin's company. The company was granted the enjoyment of the 7000 hectares of Togo Plantation, but the administration remained the owner.

While remaining the largest plantations in Togo, they were however not very productive: between 1927 and 1929 (i.e. before the crisis), producing only 140 tons of palm oil out of the 1638 exported by Togo as a whole, 70 tons of cocoa, out of 6000 tons, and 80 tons out of 7242 tons of palm kernel (Ahadji 1996: 478). In 1948 the administration acknowledged the general state of neglect caused by the lack of investment on the part of the company. The administration was also experiencing great difficulties in recruiting labour: the contract provided for a working day of ten hours and paid only a few francs per week. The food rations given to workers were also insufficient (Ahadji 1996: 440). Labourers' escaping from the plantation was therefore on the agenda and many Kabié found it much more profitable to work on the small cocoa plantations of the Ewe.

The case of Agou plantations is emblematic of the lack of productivity of modern European plantations, and of policies that have deprived local people of their best land. Moreover, it highlights the limits of an approach that sees the state only as the administrative council of the bourgeoisie, or conceives it, as in the case of Scott, as an abstract and undifferentiated entity above society. Colonial administrations, already permeated by tensions between different pressure groups, both in their homeland and in the colonies, found themselves in an ambiguous position with respect to the speculations of businessmen, not because they were sensitive to the needs of the populations, but because state reason did not necessarily match the aims of individual speculators. In the German colonial era, this resulted in a debate on the traditional modes of access to land, whereas in the French era there was an exhausting legal waltz between the authorities and commercial companies from the motherland, in which the latter could not make land produce the yields expected by the administration.

⁴⁴ Togo National Archive 2APA 7 Cercle de Klouto Affaires Politique (1928-1935) Letter 21/4/1935

Discussing the restitution of land

Meanwhile, Agou populations had not ceased demanding a full and unconditional restitution of their lands. In 1930 governor Bonnacarrère returned a small portion (approximately 200 hectares) to the inhabitants of Agou Nyogbo, but the protests of the other villages were not long in coming. The inhabitants of Tomegbe complained that plantations reached the gates of their homes; those of Gadjá claimed all the land of Togo Plantation, on which groups of Kabié and Nawdeba migrants had settled in the meantime.

Kabié and Nawdeba labourers, but also Ewe people coming from other regions, were in fact settled on those lands which had once belonged to Ewe lineages and had been stolen by the Germans and later passed under French control. Some of them were allowed to use some pieces of land to meet their food needs. These settlements in some cases became real villages, as in the case of Kablekondji (“refuge of the Kabié”) in Agou. They reproduced the political structures of *chefferies*, while maintaining ethnic distinguishing criteria: one leader for the Kabié people, one for the Nawdeba people. These figures, chosen by the administration, not only gained authority but they transmitted it to their descendants.

As highlighted by Piot (1999: 161) communities who settled in the South maintained strong relationships with their villages of origin:

“The relationship between the communities of origin and their offshoots is seen as that of “parent” to “child”, and, as with the filial relationship generally, the latter are expected to “respect” the former. Such respect is especially evident on the occasion of rituals, when offshoot communities are expected to defer to their “parents” in the mountains”.

As Piot points out, migration was the context in which a series of Kabié representations emerged, representing the rich South as the place of accumulation of resources and “modernity” par excellence, as opposed to a North linked to “traditions”, family ties and initiation rites. This dichotomy was reflected, as previously mentioned, even in the representations the Ewe and the colonials gave of Kabié people, considered backward and less civilized.

The conflict for the restitution of Agou plantations strengthened the Ewe stereotype that Kabié people had joined forces with the French in order to exploit the fertile lands of the South. The implementation by the French administration of forced migration programmes forcing the Kabié to “colonize” the land of the centre and south seemed a clear demonstration

of that. The Kabié were portrayed as physically strong and therefore suitable for hard agricultural work (in comparison with the “lazy” Ewe landowners), and were further characterized as "wild", ignorant, pagan and noisy: stereotypes built by colonialism and endorsed by those educated Ewe elites who were beginning to emerge as an economically prominent group in the country. Following these migrations and thanks to the support the administration began to show to the North in the late colonial period, Ewe identity gained strength, taking on an explicitly anti-colonial political quality.

After the Second World War, the heated political climate, which set the supporters of CUT (the party headed by Olympio, which sought independence and advocated the immediate reunification of the two Togo, in order to reunite the Ewe groups divided by the border) against those of PTP (led by Olympio’s brother in law Grunitzki, whose pro-French position was backed by the administration) soon charged this confrontation with meanings going beyond the local political competition between groups. The issue of the restitution of land intertwined with broader political issues. CUT swept to victory in the regional elections, basing its campaign also on the claims of local people (Ewe) over land.

The French administration revealed its ambiguities: if for years its policies had actually favoured the economic development of the South of Togo through the exploitation of labour from the North, when the pan-Ewe movement and CUT brought to bear increasingly harsh criticism of the colonial situation, the administration began to support the North and those parties, like PTP, that promised its development. The Ewe elite could hardly bear the weight of the colonial administration and were starting to claim a political role in the management of the country. The PTP was particularly concerned that the pan-Ewe project of Togolese reunification could lead to the establishment of an ethnic state dominated by the Ewe, from which they would be excluded. The administration was for these very reasons worried about CUT programmes and had to intervene to protect the interests of migrants from the North and those of the political forces that made the North their centre of attention, in the name of a "Togolese nationalism" which sounded as ironic as it was arbitrary.

The French government, although aware of the poor results achieved by Gasparin, was still wary of ceding the land to the local population as a whole. The administration’s main reason was that they believed that the locals were not able to make it productive. As *Commandant du Cercle* wrote in a confidential report⁴⁵ in 1953:

⁴⁵ Togo National Archive, Lomé 2 APA, Dossier 287. «Note sur les terres d’Agou et Gadjá. Rapport Confidentiel. Commandant de Cercle, 1953 ».

« ... la rétrocession pure et simple des terrains aux collectivités anciennement propriétaires entrainerait de nombreuses difficultés et aboutirait à un état des cultures sensiblement aussi médiocre que l'état dans lequel le manque de moyens de la C.G.T les a mises »⁴⁶.

This account rested on the distorted idea that local agricultural practices were characterized by little productivity and by ineffective modes of ownership and land management. In a nutshell: local agricultural techniques were backward, so they needed "modernization". Yet the vast majority of export crops were not produced by large European plantations, which, as shown were not so productive, but by small farmers, who had introduced them while prices on the international market remained good. The problem arose from the fact that small farmers, who were exposed to price fluctuations in global markets, were if anything too dynamic in converting their production to maize, yam and cassava, rather than to coffee, cocoa and cotton. As a matter of fact, administrative policies were extremely ambiguous. On the one hand they tried to stimulate the production of cash crops, useful both to cover the needs of the mother country, and to increase the tax revenue that could be collected from the subjects they governed. On the other hand, they feared the emergence of an elite of Ewe cocoa farmers (generally close to the CUT), who could become more and more autonomous and potentially critical of the regime.

The administration feared that the restitution of land could trigger serious conflicts between villagers, since many lineages were claiming rights over the same land. It should also be noted that groups of Kabié and Nawdeba migrants, settled in some of these lands, did not plant cash crops because they feared that if the lands were returned to their former owners, they would be expelled. The administration, which encouraged the cultivation of cocoa, coffee and palm trees, therefore chose, in the case of land restitution, to grant ownership to them rather than to local people. The report quoted above reads:

« ...il est choquant de constater que le Chef de Canton d'Agou-Iboé, Fritz Komassi, qui habite une case crasseuse dans un village crasseux de 40 habitants, se prétende le suzerain de terres immenses et, en particulier, des villages de Katicopé et Hevicopé peuplés d'étrangers, qui comptent respectivement 564 et 120 habitants. Il vaudrait mieux, en échange de ses terres

⁴⁶ "The mere restitution of land to former owners would lead to numerous difficulties and lead to a situation where the state of cultivation will even be noticeably poorer than that in which it was placed by the CGT's neglect" (my translation)

(qui seraient cédées en tout propriété aux gens de Katicopé et autres lieux), lui donner une rente annuelle qui lui permettrait d'avoir un certain standing de vie ».⁴⁷

The main goal was to weaken CUT in its territories, where village chiefs were beginning to murmur their discontent. Another interesting case concerns the claims of the village chief of Gadjagan, a member of the CUT, regarding the 7000 hectares of Togo Plantation. In 1959, a year after the resounding electoral success of CUT which made Olympio prime minister, the village chief sent a letter⁴⁸ to the administration reporting that the inhabitants of Avetonou, defined by him as "foreigners" as they were Kabié, Nawdeba and Ewe from Dahomey, were seizing the land that belonged to the Gadjagan Ewe. The definition of "foreign" was attributed to the people from the North, but also to other Ewe groups, a clear sign that, beyond the rhetoric of the pan- Ewe movement, "being Ewe" was often not enough to claim rights over land in the southern regions. In support of his thesis the village chief put forward the testimony of Moses, a Catholic member of CUT and pretender to the throne of Avetonou, who reported that the inhabitants of Avetonou coming from the North "never go to Mass" (a representation showing the indissoluble link between Christianity and "modernity" disclosed by missionary activities) and remarked that the former chief of Avetonou (demoted after the 1958 elections) was a member of the PTP, and was therefore linked to the interests of the "North" (indeed after the 1963 coup by Eyadema the former PTP chief was reinstalled). The administration responded by saying that the land belonged to the Territory and would not be given to local populations.

Conclusion

Togolese independence, although gained under the banner of the CUT, did not lead to the return of lands to the population, or to changes in the modernist rhetoric. After the end of colonial rule, plantation lands came under the control of the state-owned company COPRAH, which went bankrupt in the 1970s. A minister then created the SONAPH (*Société pour le Développement des National Palmerais et des Huiles*): all cocoa plantations were uprooted

⁴⁷ "... It is shocking to note that the Chef de Canton of Agou-Iboe, Fritz Komassi who lives in a hut in a filthy village of 40 inhabitants, claims to be the overlord of vast lands and, in particular, of the villages of Katicopé and Hevicopé, populated by foreigners, which have respectively 564 and 120 inhabitants. It would be better, in exchange for his land (which would be given to the people of Katicopé and other places), to give him an annual rent which would permit him to have a certain standard of living" (my translation).

⁴⁸ Togo National Archive, Lomé. Dossier 370, 2 APA Klouto « Lettre 6/2/1959 ».

and converted into palm tree plantations. A factory with an annual production capacity of 45000 tons of palm oil was established near the village of Agou Koumawou – not far from the place where the colonial factory once stood – thanks to funds from Luxembourg.

The factory was inaugurated in 1980 by Eyadema himself. It was greeted with all the bombast due to a symbol of progress. The factory never reached the expected production rates, and went bankrupt in 1997. Some workers⁴⁹ of the SONAPH I interviewed in 2009 reported that the main reasons for this were due to mismanagement: enormous salaries and benefits for shareholders, profits never reinvested in the company, to the point that old palm trees were never replaced, and the collection of nuts from the overgrown plants had become more difficult and inefficient. The political crisis of the 1990s and the two-year-long general strike by the forces of opposition to Eyadema became the pretext for closing the factory and the railway, which is now swallowed up by vegetation.

In the wave of structural adjustment programmes, the factory management was given to a private company called Banamba, which has its headquarters in Geneva, and still keeps it running for six months a year. Of the two hundred employees, only twenty-two remain today (2011). The plantations, which were repeatedly robbed by the local population, have been given in grant to a local *groupement*, composed in particular of the Ewe villages of Tavié, who sold the trees to a number of Voghan families who, having lost their jobs in phosphate factories, have settled in makeshift camps and devote themselves to the cutting down of palms for the production of distilled palm wine for sale. As we will discuss in chapter 5, this has sparked further conflicts between these new settlers, albeit of Ewe origin, the people who live in the villages on the mountains (who, having always been disadvantaged in terms of land, had hoped to gain possession of the flat and fertile lands of the plantation), and the Kabié and Nawdeba living on those same lands since colonial period.

The history of Agou plantations, conceived within the broader context of colonial agricultural policies, shows how the changing modes of access to land are not solely attributable to a range of projects imposed from above on resisting victims, but must rather be explored within a context of changing power relations between competing groups involving both the "dominated" subjects and the "rulers". The impact of plantations stimulated, within the European economic and political elites governing Togo, a debate (and sometimes a clash) on the traditional modes of access to land and the best methods to develop its productivity. At the same time, colonial plantations have become one of the

⁴⁹ Interviews with workers of SONAPH Place: Agou Sonaph. 7/8/2009, 8/8/2009

numerous battlefields in which there emerged processes of construction and reconstruction of local identities and "traditional" structures of power: processes that the colonial administration was able to use to its own advantage.

Whether or not colonial policies achieved their goal is probably the wrong question. So far, the evidence presented here leads to the conclusion that the administration failed to impose both the registration of land and agricultural "modern" techniques. This is shown by the fact that in 1974, as well as in more recent times, legal texts aimed at achieving these same goals were once again approved. On the other hand, the projects of forced settlement on vacant lands and the expropriation of Agou land for plantations were successfully carried out with significant consequences for the contemporary economic situation. Questioning the strength of the state by the effectiveness of its policies means proposing a dichotomy between state and society which hides more than it reveals about social dynamics and local policies. Rather, one should wonder how the colonial context as a whole (divided as it was by a plurality of subjects - administrators, missionaries, speculators, migrants and natives, landowners, buyers and seasonal workers, village leaders and the young - with different economic possibilities, strategies and areas of manoeuvre) influenced the modes of access to land, creating long-lasting lines of conflict. What unforeseen effects did colonial policies generate? How were they reused by groups competing against each other? What forms of subjectivity did such coercive techniques produce?

The North-South dichotomy was perhaps one of the most important consequences of colonialism. It was further strengthened during the thirty-eight years of the Eyadema regime, which were read as a Kabié revenge on the Ewe, and became a major political trope to discuss the history of Togo. This simplification seems to portray land conflicts between migrants from the North and "landowners" of the South as the only significant factor, often hiding the internal tensions of groups thought of as homogeneous. Moreover, the colonial context contributed to the production and reproduction of first arrival stories, to a reconfiguration of micro and macro political structures based on the dichotomy of "tradition" and "modernity", to the introduction of new crops (and the consequent redefinition of the modes of access to land), and to the emergence of subjectivation processes that make farming a way of teaching discipline to men and women.

Stating that the colonial context led to processes of invention of tradition does not mean that colonial administrators (and ethnologists) were the only ones able to "invent" or impose it. Similarly, claiming that the state failed to obtain the registration of land titles does not mean that the state was "weak". On the contrary, the state built its self-representation as guarantor

of order (thus its legitimacy) from the supposed chaos attributed to the “traditional” modes of access to land. Regulating African peasants’ practices and tidying up land rights turned out to be the privileged space of action for administrative policies, and not only in colonial times. Despite the violence that characterized colonial periods, nostalgic interpretations of the colonial past are commonly found: the chief⁵⁰ of the royal quarter of a village of Agou, who was sixteen years old when Togo achieved independence, recalls that "when the French were here the fields were well maintained, there was respect for elders and vaccines were free. Everyone worked and the lazy ones (*kuviato*) were punished". Interpretations of this kind, which are never politically neutral, convey the disillusion of the generation that enthusiastically welcomed independence, only to clash with the thirty eight year dictatorship of Eyadema or with the contemporary context of economic crisis. Furthermore, as we will discuss in the next chapter, this idealization of the past strongly refers to the colonial notions of land cultivation as the cornerstone of moral principles and to the subordination processes that are perceived as shaky in the current scenarios: according to many elders, "young people do not want to work (the land) and do not respect traditions", which is a sign of the increasing difficulties that today older people have in securing the labour of young people and in asserting their authority over them.

⁵⁰ Interview with chief of the royal quarter of Koumawou. Place: Koumawou 15/11/2010

CHAPTER 3

The Cocoa Economy and Access to Land⁵¹

As shown in the previous chapter, colonial policies were not able to grasp the dynamic bundles of rights that characterized local forms of land ownership, reducing them to a naive collectivism and introducing policies of privatization in the belief that this would increase production and reduce conflicts over land. Rather, as elsewhere in West Africa, the projects of land title registration, even though they were never fully achieved (as the majority of the fields in rural areas are not formally registered), have often increased social tensions. It is evident, in fact, that the expansion of land title registrations – sustained also by post colonial governments - overlapped previous modes of land access and strengthened the position of those who were able to pay for the formal procedures, to the detriment of other subjects (Shipton and Goheen 1992; Berry 1992, 2006; Lavigne Delville 1998, 2003; Lavigne Delville et al. 2002; Kuba and Lentz 2006; Chauveau 2009; Colin, Le Meur, Leonard (eds.) 2009). The modernist teleology, that private property, as structured by Western jurisprudence, is the only form of land management which would ensure a reduction in conflicts, a guarantee of the rights of usufruct and a consequent increase in production (because those who consider themselves the sole and undisputed owners of a plot will supposedly invest the most in it), has in West Africa been shown to be simplistic, if not false (Place and Hazell 1993; Platteau 1996, 2000; Toulmin and Quan 2000). As shown in Chapter 2, for example, the European colonial plantations in Agou produced proportionally much less than the Ewe plantations, despite the fact that the latter were characterized by bundles of rights unjustly regarded as traditional, static and confused.

Despite the fact that programmes of registration of land titles were largely unsuccessful, local modes of access to land changed considerably in response to new economic and political contexts. In fact, the introduction of cash crops, and migrations from the North of the colony, have radically contributed to changes in the modes of access to land, as well as in the social and economic landscapes of the south-western region of Togo. As previously seen, colonial policies contributed to the formation of an economic division between North and South Togo. This process has generated a significant movement of people from the northern regions

⁵¹ Some parts of this chapter are a part of an Author's Original Manuscript of an article whose final and definitive form, the Version of Record, has been published in *Africa Spectrum*, 47, 1, pp. 51-72

to the South and a series of stereotypes between groups closely related to social tensions concerning access to land and the local politics of autochthony and belonging.

In the following pages I will discuss the modes of access to land that emerged as a consequence of the introduction of cash crops. In particular, I will analyze the different types of agreement between "natives" and immigrants (but also between people who share a common ethnic membership), which regulated a more or less temporary transfer of particular rights over the land, emphasizing their dynamism in changing global economic conditions.

If in the Ewe context belonging to a descent (patrilineal) group is the main way of gaining access to land (as land is accessed primarily through the inheritance of certain rights), this does not exhaust the range of modalities allowing a person to exercise certain rights on a piece of land. Since the beginning of the twentieth century, land was bought and sold, it was at the centre of a multifaceted variety of arrangements that have governed the assignment of rights to subjects outside the descent groups and it was occupied strategically, exploiting marriage policies and kinship relationships on both the paternal and the maternal sides. Beyond representing a supposed traditional character of the modes of access to land, the rhetoric of patrilineality must be understood in the context of the reduction of cultivable areas. Patrilineality, with the concept of autochthony that legitimizes it, has become one of the strategies (not the only one) used to enforce land rights, often excluding other subjects historically settled on the territory on the basis of agreements which went beyond the principles of patrilineal inheritance.

Rather than propose a fixed and immutable typology, I will show how land agreements that differ considerably from each other are nonetheless described using the same terms (*demε / dibi-madibi, nana*). This diversity was produced by the interlacing of various historical factors, in particular the availability of land and labour in particular periods and contexts. In other words, rather than considering such agreements as a set of prescriptive and atemporal social norms from which certain behaviours derive, as an approach rooted on legal formalism or on functionalism would do, I will privilege an actor-oriented perspective. This will allow me to acknowledge the set of strategic practices through which these agreements were created and from which local representations about the relations between different subjects (and between them and the land) emerged. These agreements were not only relevant for the transaction of particular rights over land, but also for the forms and the criteria of inclusion and exclusion of strangers and their descendants in the local communities. Therefore, I will analyze their origins, their development and the ways in which they generated a social field strategically used by different subjects.

To investigate the historicity of the modes of access to land involves the analysis of the social networks that guaranteed them, the ideologies that legitimize them and the policies of labour control that made them productive. The modes of access to land exist in a framework of unequal social relations that have allowed some people to exploit the agricultural labour of others, in particular the young, women and migrants, who in turn have tried, albeit with different and contradictory results, to avoid this subordinate position by exploiting the new opportunities offered by changing economic and political circumstances.

The Cocoa Economy and Migration

The impact of the cocoa economy in the Agou region has to be placed in the wider geographical context of the extension of the cocoa frontier (but more generally of export crops) from the eastern region of the Gold Coast, westwards to the Ivory Coast and eastwards into German Togoland between the end of the nineteenth century and the first decades of the twentieth century (Ubink and Amanor 2008). This context included the massive migration of workers from agriculturally poorer areas like the sahelian regions, and their settlement in the cocoa-growing regions thanks to a wide range of different agreements with those groups who claimed to be the first comers or the autochthonous (Berry 2006). But, as Guyer (1980) recalled, the introduction of cocoa did not impact all places in the same ways.

In the case of Côte d'Ivoire, Colin and Chauveau (2010) have shown that the cocoa economy created the conditions for the emergence of a particular type of long-term patron/client relationship between indigenous landowners of the land and migrants, known by the name of *tutorat*, according to which the owner was required to grant land to the foreigner who asked for it, and who in turn had to show gratitude and offer gifts to the *tuteur*. With the increase in the value of cocoa, these gifts were monetized, and disputes soon arose about the amount of the gift, about who had the right to collect such amounts (village chiefs or heads of families?), and about what types of rights were in fact transferred through such transactions. The context, Colin and Chauveau remind us, was complicated by the fact that after independence the government of Houphouët Boigny (as with Eyadema in Togo) formally declared that "land belongs to those who work it", causing increasing discontent in the so called autochthon population who thought they were the only and true owners of the land.

In the Gold Coast, too, as illustrated by Polly Hill (1961, 1963, 1970) the expansion of cocoa cultivation was carried out primarily by migrants who negotiated their access to land with the people who already lived in the fertile southern regions. These agreements were called *abusa*

and *abunu* (Hill 1967; Sutton 1983; Pavanello 1995; Lawrence 2003; Amanor 2006) and are particularly relevant for my discussion because Ewe returnees from the Gold Coast started to use them as a model to establish relationships with the northern immigrants arriving in the southern regions of Togo. As argued by Lentz (2006: 4):

“Pioneers on the historical cocoa frontier, for instance, developed institutional arrangements of land and tree tenure and labor regimes that were later ‘copied’ by other groups. Sharecroppers and laborers from the savannah regions who had worked in the cocoa plantation often returned to their original village with new ideas on property and the value of land.”

Following Hill’s typology, Inez Sutton (1983) has shown how *abusa* and *abunu* agreements tend to blur together and how they changed over the life cycle of cocoa plantations, with the increase of demographic pressure, or the reduction of the available labour. As Sutton recalled, the *abusa* agreement allowed the settlement of a worker on virgin land owned by another for the purpose of establishing a cocoa plantation. A third of the cocoa produced (or the equivalent value in cash to avoid theft) was awarded to the farmer, while the remaining two thirds were delivered to the owner. In the *abunu* system the harvest was shared in two equal parts. The *abunu*, according to Sutton, was a more recent variation prompted by the reduction of available labour. These agreements were joined, and eventually replaced, by those of *nkotokuano* between landowners and seasonal workers, which did not involve the establishment of the latter on the lands of the owner.

If the definition of *abunu* seems fairly uncontested, that of the *abusa* is variable. For example, Lawrence (2003: 152) gives another definition of *abusa*: “Emmanuel Koku Dogbe explained the difference between the *abunu* and *abusa* as one between a system where the farmer gets half the produce because the landowner assists in cultivation and one where the farmer takes two-thirds for receiving no assistance”. Pavanello (1995: 52) recalls that one-third goes to the owner or the organiser of the work:

“This type of sharing was also usual between the agents and the groups of workers recruited to fell trees in the forest for the timber industry. The wages were divided into three, one-third going to the agent. The same system can be found in nearly all economic activities where the organization takes the form of a company or association”.

This apparent contradiction between definitions of the same type of contract testifies to the fact that the term *abusa* does not refer to a fixed sharecropping contract but it identifies a family of different contracts, which emerged in response to variations in the quantity of land and labour.

Amanor (2006: 151), for example, illustrates various types of *abusa*: “In the first variant, forest land was released to a tenant. The tenant undertook to create cocoa plantations. The tenant could cultivate food crops freely on the land while establishing the cocoa farm. When the cocoa plantations became fully bearing, they were divided into three: the tenants retained one third of the plantation as their own land and two thirds was taken over by the landlords as their share. The landlords were now responsible for providing their own labor to weed and maintain their plantations. In the second variant, mature forest land was given to a tenant to create a cocoa plantation. The tenant continued to work the whole plantation when the cocoa matured and received two thirds of the cocoa they harvested. The third variant was the *abusa* labourer system, in which a caretaker worked on an already established plantation and was remunerated for the labor in weeding and harvesting with one third of the crop.”

Given the longevity of cocoa plantations, and the possibility for immigrants of cultivating food crops and of passing on the land rights so acquired to their children, some of these agreements, in particular the first one described by Amanor, involved a “permanent” transfer of rights by the landowners to immigrants. When land became scarce landowners started a process of renegotiation in order to regain possession of the property. Similar agreements, as recalled by Lavigne Delville (2002), are currently also extended to the cultivation of cassava, bananas (*abunu*) and mais (*abusa*), and no longer concern only immigrants and their landowners but also tend to govern the relations between elders and young people.

Demε (“*To produce and to share*”)

What I have said about the *abunu* and *abusa* systems is also true for the *dibi-madibi* (Akan expression meaning “I eat, you eat”) or *demε* (in Ewe: “to produce and to share”), which are their local variants created during the expansion of the cocoa frontier in the south-western region of Togo. The colonial period in Togo saw the large-scale mobilisation of Ewe, Kabié and Akposso seasonal workers who migrated to the nearby Gold Coast, in particular to areas involved in the cocoa economy (Hill 1963; Austin 1987, 1988; Lawrence 2003; Amanor 2006, 2008). The Ewe returnees contributed to the parallel introduction of cocoa and coffee in the regions of Kpalimé, of Agou, of Litime and Danyi. Cash crop plantations in turn

created favourable conditions for the settlement of northern immigrants in the south-western region of Togo, a process which reached its peak in the 1950s (Quesnel and Vimard 1987; Gayibor 1997).

Northern immigrants were mostly Kabié and Nawdeba who had already been transferred to the central and southern regions of the Togo by the 1920s colonial policies of forced migration (Piot 1999). Due to the prosperous cocoa and coffee economies, these immigrants were able to move independently and to settle in the region of Agou, Kpalimé and Danyi. Whereas in the Gold Coast migrants often had to negotiate these agreements with village chiefs who were recognized by the British administration as having allodial rights, Togolese chiefs were not considered (with some exceptions, as we have seen in the previous chapter) to be owners of the land. Migrants negotiated their settlement directly with the lineage and family chiefs, whose rights over land were thereby strengthened.

The macro-category of *dibi-madibi* contained both the *abusa* and *abunu* agreements and, like them, showed a large degree of internal variability and historical adaptability. This has led to the development of different definitions of the contract. For example, according to Ahadji (1996: 441) the *dibi* system guaranteed 2 / 3 of the harvest of the plantation (coffee, cocoa or palm) to the tenants. This definition corresponds to that which I gathered in the Agou region, while several inhabitants of the plateau of Danyi⁵², the centre of coffee production during French colonial period, reported that the crop sharing gave 2 / 3 to the owners. Conversely, Gu-Konu (1983) claims that the sharing was into two equal parts and involved the plantation (the cocoa plants) and not the harvest. As in the first variant of *abusa* described above, the Ewe landowner gave a piece of land to a tenant to create a cocoa plantation. When the plantation became fully productive (after around seven years), the trees were divided between the two. But sharing the trees meant implicitly that the land was divided, because, as Gu-Konu (1983: 290 - 291) recalls:

« D'abord, la durée de vie physique d'un cacaoyer dépasse trois quarts de siècle; les premiers arbres plantés dans les années 1905-1910 survivent encore dans certains secteurs de la région avec, certes, une productivité nulle; il en est à peu près de même pour le caféier; or, le contrat de "Dibi-ma-dibi" reconnaît le droit d'usage de la terre à l'exploitant tant qu'il existe un

⁵²See Quesnel et Vimard, 1987, pp. 483-503 for a study of the demographic consequences of the introduction of coffee plantations in Danyi between 50's and 70's. Their research demonstrates that the majority of *dibi* agreements were made in the 1950s. During my fieldwork in Agou I also found agreements made in 1930s and 1940s.

cacaoyer ou un caféier vivant sur la parcelle, sans considération de rendement économique»⁵³.

For Gu-Konu, the *dibi* system allowed the tenant to be the only one to profit from the plantation before it became fully productive. This profit was called *Akpatsaga* (“the money to buy the machete”). Moreover, as Gu-Konu (1983: 291) recalls:

« Les contrats initiaux n'avaient donc pas senti le besoin d'affirmer le principe de la récupération de la terre après un délai défini, ou le renvoi de l'immigrant sous quelque prétexte que ce soit, autrement dit la limitation dans le temps des droits d'occupation et de jouissance de l'exploitant sur la parcelle qui lui revient après le partage. Dans les faits, la terre devient donc la propriété de l'exploitant au même titre que la plantation »⁵⁴.

As long as land for cocoa and coffee cultivation was available, the *dibi* system of land division was for the Ewe landowners (often lineage heads or family chiefs) the most effective way of making land profitable and of recruiting cheap labour. Planting tress (or allowing others to do so) was for them the best way to claim exclusive rights on lineage land, thus reducing considerably the access rights of others members of their families. For migrants, the system guaranteed both land and the opportunity to pay colonial taxes.

Over time, with the reduction of the amount of available land and the decrease of the cocoa price in global markets, the *dibi* system began to reduce the number of trees that the landowners granted to the tenant after the partition (from an equal share to 1/3) and, in particular from the 1970s, the *dibi* began not to include land transactions, shifting towards the sharing of the crop (and not of the trees) and favouring the hiring of labour on a daily basis (Quesnel and Vimard 1987). Many of my older Ewe and Kabié interlocutors of Agou remember how in the 1970s, although the government was trying to encourage the replacement of old cocoa trees, many of which were too old or sick to sustain the production levels required, farmers preferred to concentrate on the cultivation of maize and cassava, or

⁵³ “Firstly, the physical life of a cocoa plantation is more than three quarters of a century, and the first trees planted in 1905-1910 still survive in some parts of the region with, admittedly, zero productivity; it is roughly the same for the coffee tree; yet the "Dibi-ma-dibi" contract recognizes the tenant's right to use the land as long as there is a living cocoa or coffee plantation on the land, regardless of economic yield". (my translation)

⁵⁴ “The initial contracts did not therefore feel the need to assert the principle of the return of the land after a specified period, or the expulsion of the immigrant under any pretext, ie the time limit of his rights to occupy and enjoy the use of the plot that he received after the subdivision of the land. In fact, the land, as well as the plantation, becomes the property of the tenant” (my translation)

to reconvert their fields into palm plantations. All these crops were productive more quickly and could meet their domestic food needs. For example, an elder⁵⁵ from Agou Tomegbé, whom I interviewed in 2010 and whose parents came back to Togo in the 1940s after a ten year period in Gold Coast, recalled: "In the 1970s, the government told us that the cocoa plantations were sick and we had to replace the trees with others that were more productive, and of a type that could better satisfy the European market. It was believed by the people that the virus had been produced by a sorcery (*dzo*) of Eyadema or created by the use of European herbicides. But cocoa plantation is a long-term investment. You have to wait several years before the plantation is productive and fires can destroy everything. People preferred to replace the cocoa with the palm or the yam and maize. There was no more confidence in cocoa. And with the end of the cocoa also *dibi* was no longer needed".

So from the end of the 1970s the trend was to avoid new *dibi* agreements, in order both to deter further permanent settlement of "newcomers" and to avoid the subsequent transfer of rights on property - the land - which was perceived as scarce. Moreover, old rights acquired through the *dibi* system started to be widely renegotiated and fiercely criticized by those who, having failed to settle permanently in the city or after losing their jobs because of the structural adjustment policies of the 1990s, returned to the village and claimed their rights to "the lands of their ancestors" which for many decades had been occupied by groups of "non-autochthonous" people.

It is important to emphasize that the settlement of northern migrants was strongly encouraged and supported by the Government of Eyadema, who, in the 1970s, as part of its Green Revolution, followed the example of his Ivorian counterpart and said that "land belongs to those who work it" exposing many Kabié migrants and their descendants to the risk of being accused of misappropriating "Ewe land" with the support of the regime (Folikpo 2006). Eyadema's Green Revolution had the aim of increasing the "return to the land", and within agriculture, of a general modernization which included the domestic breeding of animals of small size, the use of fertilizers and more productive varieties of corn, rice, cassava and cereals intended for domestic consumption, and for the production of sugar, cocoa and cotton for export. In the 1980s, the Green revolution had already proved largely unsuccessful. Togo has never achieved food self-sufficiency, the hope for which has been rendered even more illusory by the diversification of the demand for food in both urban rural areas. Spaghetti, rice, salad, carrots, bouillon cubes, and olive oil are increasingly added to the *pâte* (porridge

⁵⁵ Interview with Ewe farmer. Place: Agou Tomegbé. 31/12/2010

made with maize flour or manioc) or *fufu* (porridge made from yam) in the local diet, particularly for richer people. Tractors which were damaged within a few months of being purchased were never repaired; the growth of food production did not catch up with that of population growth, and the agrarian reform to “modernize” land tenure regimes was a failure (Gu-Konu 1983; Schwartz 1989; Duanenyo 1987; Toulabor 1986). In addition, many of the funds for agricultural operations were illegally stolen by project managers. Many state-owned companies charged with the sale and storage of products actually provided a legal framework for the speculation of the country’s economic and political elites (including Eyadema), who illegally exported the food destined for Togolese needs (Toulabor 1986). The slogans of the Green revolution (“Produce more, the land will not let us down”, “Back to the land!”) sounded ironic - at least - to the ears of those Togolese who knew well the hardship of farming and who were trying in various ways to escape it.

Despite its plural definitions, the *dibi* was, as correctly pointed out by Gu-Konu, a local response to changing economic circumstances, which were increasingly favouring cash crops. Moreover it is important to add (in order also to avoid the restriction of discussion of land conflicts to only ethnic terms) that the *dibi* system not only regulated the relationship between Ewe and migrants, but also gave many Ewe the opportunity to circumvent the power structures of their descent groups, working simultaneously on different pieces of land.

The history of Fabrice⁵⁶ (now deceased), as described to me by his son (Louis⁵⁷), resident of Agou and now middle aged, in 2010 is emblematic of the processes outlined so far.

Fabrice, a native of an Agou village and a member of the local royal family, moved to the Gold Coast in the 1940s where he worked on a cocoa plantation as a seasonal worker for five years. Once back in Agou, with the money he earned, he married and built his house in the village. When his father died, Fabrice took possession of his fields (three plots), where, next to food crops (especially cassava flour which was sold at the market by his wife) and fruit trees, he planted a considerable number of trees from which their children could obtain charcoal or wood to sell. Meanwhile Fabrice “signed” a *dibi* contract with a neighbouring villager interested in extending his cocoa plantations, thus acquiring a third of the trees (and implicitly one third of the land, which he began to cultivate). When Fabrice died (in the

⁵⁶ Here, as in all this work, I use pseudonyms to safeguard the privacy, and sometimes the security, of my interlocutors.

⁵⁷ I had the chance during my fieldwork to interview Louis on many occasions, after a first “formal” interview on July 25th, 2009. He told me the history of his life and of his father on December, 1st, 2010.

1980s), the land passed to his children (two sons and two daughters). Among them, only the oldest son (Louis), after working for many years as a “boy” for a rich Togolese in Lomé, had returned to the village. His older sisters and his younger brother had married and had moved away to Lomé. Louis was employed as a secretary in a high school locally and was determined to continue his father's work in cocoa farming. Nevertheless, the "owners", having noted the productivity of the land on which Fabrice had worked, wanted to renegotiate new contracts with Louis to obtain a greater part of the harvest or a fixed rent. Since the *demε* should in principle be transmitted from father to son without any changes in the agreement, Louis was deeply offended: "It was as if I was not recognized as my father's son and it was an insult; so I refused and finally gave up on the cocoa".

This story shows that the stability of the agreement depends on the recognition of particular affiliations and social relations. Refusing the right of land access is interpreted as a denial of the social identity of an individual, who has to forcibly reassert his membership. At the same time, renegotiating a social identity has important consequences for the possibility of land access. This deep interconnection between land and belonging is well documented, in the possibility, for example, of using witchcraft to attack an individual by burying a *grisgris* on his property. Louis, objecting strongly to the new agreement, reaffirmed his social identity and his lineage membership with the approval of his relatives and friends. As has been stressed, membership is never a given; it has to be constantly reaffirmed, as its nature is revocable and unstable. Obviously Louis, working at a school and having full access to the fields inherited from his father, was in a good position to refuse as he had financial security. This is much more difficult for the descendants of migrants whose only available lands were granted by the agreements made by their parents. It should be remembered that the possibility of renegotiation varies widely according to the social and power position of the subject. Not everything is negotiable and not everyone has the same possibility to negotiate (Amanor 2008).

Moreover, the *dibi* was mainly an agreement between men (the owner and the migrant): women were involved only marginally, as wives or daughters who followed the migrant once the conditions for the settlement had been established. The exclusion of women, true for the division of the land, does not hold for the division of the harvest. The division into three parts, originated from *dibi*, is not only used for cocoa. It extends to the division of other crops and to practices of reciprocity, as the case of Ines, a young Ewe widow with two children, shows:

Ines⁵⁸ works the fields that her husband's family has put at her disposal in order to take care of the children. She grows corn, cassava, yams for their livelihood, bananas from which she prepares cakes that the eldest daughter sells door to door on Sunday, and palm nuts, whose oil is sold in the weekly market in Agou and which represents her main source of income. Sometimes she helps her brother in the rice fields belonging to her descent group, so as not to depend entirely on the descent group of her husband for her and her children's livelihood and to ensure for herself a degree of autonomy.

If oil production is entirely in female hands, the gathering of nuts, which involves the risky climbing of palm trees, is usually entrusted to men. Ines therefore must rely on the help of a friend's husband, who in return gets a third of the nuts collected. The family of Ines' husband, despite being the owner of the palm trees, does not ask for anything in return, knowing that the money Ines receives is earmarked for the care of the children.

The logic of the division of the harvest into two halves or into thirds between those who work and those who provide the means of production is also attested in the production of *soqabi*: the one who breaks down the palms for another and distils the alcohol is often rewarded with an agreed part of the alcohol itself, in different proportions (1/3 or 2/3), depending on whether the owner actively cooperates in the work. Although the *dibi* system is no longer used as a means of attracting labour, it has helped to create, or revive, a ratio perceived as fair in sharecropping or in the division of resources produced by joint work.

Nana

The *dibi* system, despite its historical and geographical variety, has been only one among a number of different agreements which have governed land access locally. Since the transfer of land rights to "outsiders" became more problematic, the so-called *nana*, which in Ewe means "donate", has become extremely popular. Involving both men and women, this agreement, like *dibi*, rather than representing a specific contract, is a range of different ways of transferring rights over land and of attracting labour.

⁵⁸ Interview with Ines. Place: Agou Koumawou 5/1/ 2011

In the first variant of *nana*, someone with a considerable amount of land available offers another the chance to cultivate a particular piece of land on condition that he or she plants only food crops. This agreement seems to fall within the logic of the gift (hence the name), which enhances the prestige of the owner and puts the tenant in a situation of debt for as long as he resides on that land. Although not formally required, the tenant offers occasional gifts (often yams or cassava flour) to the owner, in recognition of his status. It is clear that the prohibition on planting trees indicates that there is no official transfer of the land, but only temporary permission to grow crops on it.

Nana agreements, however, do not exclude the possibility of long-term settlement for the tenant and, over time, the terms of the agreement become more blurred or they become subject to renegotiation. An example of this is provided by a trial held on July 12, 2001 at the court of the village chief of Agou Koumawou. This trial does not seem to have resolved the issue. During my stay in 2010 and 2011 there was still a great deal of tension between the two families.

Case 1⁵⁹

The case is between the members of a family spiritually linked to the god Gbagba and the members of another family, responsible, according to the Gbagbasi, for the felling of palms on their territory. During the trial it is revealed that the defendants' grandfather, over thirty years before, had given the land in *nana* in order to allow the father of today's Gbagbasi to cultivate and then dry the corn destined for their holy ceremonies. Over time, the Gbagbasi had built a house on the land, planted palms and used the *womi* (a plant used to separate fields of different owners) as support for the yams - all strategies intended to reinforce claims over land. The descendants of the original owner attempt on their part to demonstrate that in 1972, when a portion of land was handed over to the State for resurfacing the road, the Gbagbasi father gave their grandfather a sum of money, recognizing him, through this gesture, as the legitimate owner.

The length of the dispute is partly explainable by the absence of the original parties to the agreement, now deceased, and by the tight social networks that each of the families is able to mobilise in their support. This case clearly shows how the transfer of land rights through *nana* is highly renegotiable and how it opens, as does the *dibi-madibi*, the possibility of long-

⁵⁹ Trial. July 12th, 2001. Register of trials. *Chefferie* of Agou Koumawou. Unpublished source

lasting conflicts, as well as illustrating the degree of complexity involved in the resolution of this kind of conflicts. Some of those involved commented on the case with an Ewe proverb: "*Enya dzidzi mevona o*": "The unsolved matter never rots."

Commenting on the case in 2010, some notables⁶⁰ who attended the trial told me that the Gbagbasi are now in fact the "owners" and the others can obtain only a small part of the annual harvest as a gift. This shows how sometimes the *nana* agreement can lead to the transfer of a property, especially if the person who receives the land starts planting trees, building houses and cleverly exploits his own position in wider social networks.

In a second variant of *nana*, a landowner who wants to start a palm plantation gives someone a piece of land to cultivate corn, yams or cassava. In return the tenant will look after the palm trees. This contract, unlike the *dibi* system or the first variant of *nana*, does not permit long-term settlement to the tenant; in fact, when the palm trees grow, they cast too much shade, thus impeding the growth of other crops and so the tenant will be obliged to leave.

For example, returning to the case of Louis described above, in recent years he has found it increasingly difficult to work the land left to him by his father, due in particular to the lack of labour. Since he has two daughters attending school and has been abandoned by his wife, he has had to turn for help to one of his sisters, who is divorced and therefore willing to return to the village. Nevertheless, the elder sister alone is not able to cultivate all the available land. Therefore, Louis has decided to give in *nana* the use of a plot for a few years to a woman of another lineage, who cultivates corn for herself and takes care of palm trees that Louis has recently planted.

Under the macro-category of *nana*, there are also other agreements, which allow for a more stable settlement of migrants but do not involve the transfer of property. An example of this is given by an elder⁶¹ member of the *chefferie* of Agou Apegamé, who has given large pieces of land to Brice, a Kabié, who in turn provides him and his wife with what they need such as maize, yam and cassava, the tenant keeping the rest for himself. Brice in turn employs seasonal workers for the cultivation of the fields, who are paid in cash. The elder explains that none of his children have remained in the village: one has migrated to France, the other two are in Lomé. They send their parents a monthly allowance. Being old and with limited mobility, the man is no longer able to cultivate his own fields and the absence of his

⁶⁰ Interviews with chief of the royal quarter, a member of the royal family and a notable of the *chefferie* of Koumawou. Place: Agou Koumawou November, 15th 2010

⁶¹ Interview with notable of Agou Apegamé, a member of the royal family. Place: Apegamé. September, 13th 2009

offspring leads to some difficulty in finding labour. In this sense, the *nana* agreement stipulated with Brice is clearly a form of labour recruitment. However, this does not include any transfer of property rights to the migrant. In the course of our conversation, the old man stressed vigorously that: "The land is owned by the family. I could throw Brice off the land when I want, but I do not think I will do that, because my sons are not interested in returning to work the land and moreover I have never had any problems with him, he has been working on my land for ten years". The precarious condition of the migrant thus seems to depend not so much on the terms of the agreement, but on a broader socio-economic context in which, for example, the loss of a job could lead to one of the sons of the Ewe landowner coming back, and thus to the expulsion of the tenant. Comparison between the *nana* and the *dibi* systems shows that the element that has historically been the decisive factor in the settlement of the migrants and the transfer (albeit always renegotiable) of land rights is the original permission to plant trees (semi-permanent crops) on the land. As will be discussed in chapter 5, many conflicts arise from the fraudulent attempt to steal land through the cultivation of palms and teak. The various forms of agreement known as *demɛ* or *nana*, in turn, speak to a continuum of possibilities, starting with the temporary transfer of rights and ending up with their complete transfer. As previously shown, these agreements have changed over time with changing historical and economic conditions and are always open to further renegotiation. They depend largely on the ability of individuals to maintain and strengthen positive social relations. Following the reduction of the amount of land available and the decline of the cocoa and coffee economies, the renegotiation of these agreements has often increased the vulnerability of the tenants and has led to a redefinition of contractual terms which tend to avoid full transfer of land rights and to transform older agreements or past gifts into a fixed rent.

Work and Labour

The impact of the cash crop economy has not only created the conditions for the settlement of (Kabié and Nawdeba) migrants and the emergence of new modes of access to land, but it has also strengthened the economic position of Ewe landowners, who have been progressively freed from agricultural work. The *dibi-madibi* and *nana* systems gave Ewe landowners the opportunity to invest in the upward mobility of their children. In addition, these agreements freed landowners from the costs of the reproduction of labour and ensured the extension of their patronage networks. Many of their children, during the firsts decades

after independence, found easier and better-paid employment than agricultural work, such as in the state administration, in commercial companies or in the international trade in cocoa and coffee (also through smuggling with the neighbouring Gold Coast). These processes of economic change and upward social mobility have reinforced in the local narratives (both Ewe as well as Kabié) the colonial stereotypes discussed in chapter 2, around a supposed Ewe laziness regarding work on the land compared with Kabiè, considered to be hard workers.

Remarkably, Ewe landowners were not the only ones to profit from this situation. A university student⁶² I interviewed in 2011 in Kpalime told me an anecdote that his grandfather, a native of Danyi, used to tell him. The elder remembered an old Kabié song which he heard in Danyi which went “People in Danyi are stupid. They only want us to share coffee with them. The bananas, corns, cassava are all for us!”.

When the plantations became productive the trend changed, it now being more profitable to hire seasonal labour rather than to allow migrants to settle permanently. An elder⁶³ I met in 2009 in Agou Nyogbo, owner of a large area of cocoa plantations and whose sons were all able to emigrate to Europe, recalled in an interview that in the 1950s he used to pay the Kabié labourers with dogs, which were then resold by the labourers in the North during the period of initiation in Kabié ceremonies, in which the price of these animals’ meat increased significantly because of its ritual importance. Needless to say, this kind of unequal exchange was extremely profitable for the owner, who regarded his labourers with a clear sense of superiority. It is no coincidence that his attitude was in a way punished in the 1970s when his plantations were set on fire, probably by some dissatisfied worker.

After the Second World War, a process of internal migration from villages to cities (Marguerat 1992; Nyassogbo 2011; Marguerat and Nyassogbo 2011) emerged: Lomé in particular began to grow at a rate twice that of the country as a whole. Urban migration did not necessarily mean freedom from agricultural activities: in fact in Lomé, as in every city of Togo, it is not uncommon to find fields of corn, cassava and vegetables, as well as palm and coconut, in courtyards, in the streets or beside dwellings. This, as we will discuss in chapter 6, tends to blur the very dichotomy between urban and rural and activities that structures many of the local narratives on rural-urban migration.

⁶² Interview with university student. Place: Kpalimé January, 7th 2011

⁶³ Interview with elder. Place: Agou Nyogbo August, 25th 2009.

The increase in school enrolment, the growth of urban migration, the mounting financial autonomy of women and the high divorce rate have gradually reduced the opportunities for heads of household in villages to exercise control over the labour of their family members. Although the possibility of upward mobility has diminished considerably since the 1990s, many young people prefer to migrate or become taxi-moto drivers (given the wide availability on the market of Chinese motorbikes at relatively low prices), rather than staying in the village and pursuing their agricultural activities. The recruitment of labour for agriculture has therefore become a crucial issue, but the reduced availability of land and the low market prices of cocoa and coffee have made it progressively more difficult to conclude agreements providing a transfer of land rights, which also makes agriculture less attractive for migrants. Contracts such as *dibi-madibi* are things of the past, although the division into thirds, as we have seen, is still used as a model of division of the harvest, while *nana* is increasingly characterized as a temporary permission to occupy a plot of land.

The difficulty in recruiting seasonal workers has been compensated for by the use of young people of school age, young domestics (this is young people or children who do domestic work as dependents, in exchange for food, hospitality and, sometimes, the opportunity to continue their studies) or labour provided by the apprentices, who often have to work in the fields of their "masters", even if these tasks have nothing to do with their professional training⁶⁴. Many elders I met complained of a general difficulty in finding people willing to work as agricultural labourers: "Young people no longer want to work the land, they are lazy, their heads are somewhere else, they think only of emigrating" were the sentences most often used when I asked them about the problems of labour recruitment. For many elders, who profited considerably from the cocoa boom (including by exploiting young people, migrants and women) land appears as the nostalgic cornerstone on which to reconstruct a past of great respect for tradition, order and internal solidarity in the villages. This idealization of a mythical agricultural past is rooted in the ideological assumption that before it was the work of individuals or groups that facilitated the accumulation of wealth and social prestige, not the current, ambiguous practices associated with the logic of the market, often linked to witchcraft. This discourse ignores both the realities of oppression, slavery, exploitation and violence implicated in agricultural production and the fact that the local economy was already connected with widespread structures of exchange at the macro level. Those who

⁶⁴ For a discussion about the role of the apprentices in Ivory Coast see Viti 2007

express these opinions most vehemently, often elders, belong to a generation which saw many get relatively rich by trading in cocoa (in periods when prices were high on the international market) and thanks to that were able to educate their children, exploiting the labour of northern migrants. Their rhetoric resembles the ideological framework of the colonial agricultural policies aimed at increasing productivity and “educating the lazy natives”. As an elder⁶⁵ of Koumawou told me in 2009: “Working the land (*Agle dé*) teaches children (*devio*) to live with honesty (*anukware dī dī*) and to help the family. Moreover it makes them strong (*sésé*) and able to withstand fatigue and deprivations”. An Ewe song says: “*Agble de dzo meli wosana o fofo kabae*” – “There is no magic to work the land, it is just to wake up early in the morning”.

Work on the land in colonial periods had strong educational connotations: the school, for example, had to “produce” in the first place “modern” farmers (Goeh-Akoue, Nabe, 2011). Even now in the curriculum of Togolese rural schools there is still a subject called T.M., *travail manuel*, which obliges boys and girls not only to work for the benefit of school building (cleaning of classrooms, cutting weeds etc ...), but also to work for free in the fields of the head teacher or the teacher on duty. Refusing to follow these rules is punishable by beatings (Toulabor 1982) and possible exclusion from school. Though illegal today, this practice is extremely widespread throughout the country (with the exception of Lomé) and is often the main reason reported by young people wanting to free themselves permanently from a farming community in which they are victims of abuse and violence. Few parents complain, for fear of repercussions on the children's school careers, and indeed it seems that many demand that the school to be particularly severe in educating their children. The justification given by teachers for this violent child labour practice reproduces colonial stereotypes: “The blacks do not work if not beaten, it's in their blood.” Some teachers frankly admit that, given the meagre income they receive from the state, they cannot afford to pay labourers to work in their fields.

Contrary to interpretations that consider laziness (*kuvia*) as a natural attribute of southern Togolese or characteristic of young people trying to avoid farm work, a forty years old male school teacher⁶⁶ in an elementary school in Agou traced the origin of this laziness (which for him is the main cause of “what it is wrong in Togo”) to the 38 years of military regimes of Eyadema:

⁶⁵ Interview with Ewe farmer. Place: Agou Koumawou. August, 5th 2009

⁶⁶ Interview with teacher of elementary school. Place: Agou Koumawou. October, 12th 2009.

"Eyadema has accustomed us to receive money in exchange for veneration. It was sufficient to get into a group of *animation politique*: the day of his visit, they sang and danced for a whole day in the sun and then they went back home paid more than a teacher earned in a month. Why then work?"

How recalls Toulabor (1986: 193), the *animation politique*, introduced by Eyadema following the example of his friend Mobutu:

« ... consiste au Togo à donner âme aux mythes fondateurs du pouvoir de général Eyadema par des bataillons institutionnalisés de chœurs dansant et chantant : une sorte de chorégraphie carnavalesque permanente ». ⁶⁷

In the late 1990s and the early 2000's it was also "customary" for many university students to go every Saturday to the palace of Gnassingbe Eyadema where between 10,000 and 20,000 CFA (the "Gnass-Dollars" as they were ironically called by students) were distributed to everyone, in exchange for their support for the regime. In the opinion of many opponents of the regime such practices have influenced Togolese attitudes to work by showing that enrichment came from closeness to the regime, rather than from farm work. Working the land is interpreted from a moral perspective as a sign of independence and resistance against the dictatorship. Land then appears as a metonym for the ennobling value of hard work (as opposed to the moral ambiguities of jobs which are better paid but perceived as disruptive to the group, atomizing or petty), as a symbol of "a lost community", as an attempt to legitimize the submission of the young to the local power structures (school or family), or as the cornerstone of the moral and political criticism of the "politics of the belly" attributed to the Eyadema's regime.

Some young people (aged 18 to 25 years) from the villages of Agou who work as *zemidjan* (on motorbikes not belonging to them) and who I interviewed in 2011, explained the reasons for their work choice by saying that "working the land is hard" and "agriculture makes you older and sick quickly", explicitly adding that by working the land they are bound to the power dynamics of the village and the exploiting logic of the elders, who consider young

⁶⁷ "... consists in Togo of validating and celebrating the founding myths of General Eyadema's power, through singing and dancing by institutionalized battalions of choirs: a sort of permanent carnival choreography" (my translation)

men as the main source of labour. The shared hope of young people is to find a more independent and profitable job in the city.

To qualify this, it would be wrong to think in simple terms of an opposition between elder peasants, caught in a “traditional” and a-historical past, and young people trying to free themselves from farm work, projecting themselves into “modernity”, as the following example, involving a family history of one⁶⁸ of them, will show:

Paul's grandfather was a Catholic landowner in Agou who became relatively rich in the cocoa trade, employing Kabiè seasonal labourers, in the 50s. He sent his sons to school. One of them, Paul's father, worked as a teacher until the 1990s, when he participated in the strike organized by the forces of opposition against Eyadema. Following this, Paul's father lost his job and emigrated to Ghana (in part to escape the repression) where he worked as a translator for a European company involved in cocoa import-export. He returned to Togo in the late 1990s and opened a wood carving workshop (which failed). After that he started to work the land of his father who in the 1980s had converted his cocoa plantation into a palm plantation. He also tried to found an NGO, but it failed because he could not find European partners. While the grandfather was able to educate all three of his children (one of whom is now in France and regularly sends remittances to his brothers, while the other is in Lomé), Paul's father has only been able to send the younger son to school. He is currently in the first year of high school. Paul, the eldest one, finished elementary school with difficulty and has worked for some years on the land of his father. Then, having found the owner of a motorcycle willing to give it to him in exchange for half of his earnings, Paul decided - after a heated conversation with his parents - to work as a *zimidjan* in Lomé where he remained for two years as the guest of a maternal uncle. But in Lomé there is huge competition between the *zimidjans* and Paul could not earn enough, so he returned to Agou.

He justifies his refusal to work his father's land by saying: "My grandfather exploited others to work the land and earn a lot. My father has never worked land except when he became old. Why should I be the only one to throw my life away by working the land? To gain what? 800 CFA a week?" Paul hopes to set aside enough money to move and open a business in Ghana. In the meantime, he tries his luck with the visa lottery to get a green card for the USA. Unlike his father, he shows very little interest in politics: he does not vote ("You already

⁶⁸ Interview with Paul and his father. Place: Agou Gare and Agou Koumawou. January, 1st 2011

know who wins"), he does not believe that opposition forces are a credible alternative and he believes that Togo will never change.

Paul's example highlights some of the politico-economic scenarios that have succeeded over time and the strategies implemented by subjects to cope with various periods of crises. It describes clearly how the imaginaries of self-realization have changed over time. Paul's grandfather, like many others of his generation, carved himself a niche in the cultivation of cocoa. Then Paul's father saw his plans crash one after another both for political reasons (the failure of the process of "democratization" of the 1990s) and because of the difficulties in exploiting the opportunities - NGOs or the transnational trade in African sculptures - that new circumstances seemed to offer. Starting from a position of relative privilege and believing that he had once and for all freed himself from farm work, Paul's father was obliged to reassess his options, and return to agricultural activities. Both Paul's father's imaginaries - of self realization and of political change in his country - crumbled. What still remains is that piece of land that his father had wisely converted to palm trees, during the pandemic that destroyed most of the cocoa trees, and now he tries to persuade his son to look after them.

But Paul's projects are linked to other cultural and economic contexts: he listens to "*sagacité*" (a musical genre imported from Côte d'Ivoire which is also a dance, a way of dressing, and, above all, a form of glorification of money linked to the successful models deriving from migration in Europe), he assumes the attitudes and practices of a "Lomé guy", he does not want to engage in agricultural work ("I'm not a farmer"), he is deeply disillusioned by the political and economic situation in Togo and he thinks about migrating ("First to Ghana, then I hope France or the United States ") as the only possibility of self realization.

Going beyond the clash of different interpretations, and analyzing the current ways of accumulating resources, it is clear that the rhetoric value of agricultural labour is often instrumental to elders who now depend largely on remittances from descendants working in other sectors outside the village and outside the country. In fact, according to the reports of World Bank more than 10% of Togolese GDP comes from migrants' remittances.

On the other hand, the young people who try to escape from the mechanisms of agricultural production often run into other dynamics of exploitation and find it difficult to earn enough money to be finally "emancipated from the land". A useful example is that of some taxi drivers (a category regarded as particularly advantaged) with whom I often had conversations

along the Agou-Kpalimé and Kpalimé-Lomé road. Many of them do not own the cars they drive. Therefore everyday they must pay a fixed amount to the owner. But there are others expenses: car repairs (increasingly rare ...), petrol (often illegally imported from Ghana because it is cheaper than that sold in petrol stations), bribes at military check points (one every fifteen miles), bribes at the labour unions' check points (based on the number of persons carried), bribes at various other mobile police checkpoints, and finally money for those who "bring" people into your car rather than into another one, in the station. Few of the taxi drivers I met could avoid working on the land for at least two days a week.

Similar conditions are common also among the so-called *zemidjan*, the riders of taxi motorbikes. *Zemidjan* are a recent introduction to Togo, that is mushrooming in the business landscape of Togo. They were already present in Benin, and for this reason Benin people were mocked by many Togolese. The crisis in the 1990s and the strike of taxi drivers created the conditions for their rise first in Lomé and then they spread to other Togolese cities and rural areas. Many of them fall into debt to buy a Chinese bike and try to get business by waiting for customers at intersections. They are mostly young people (some are graduates) and, unlike taxi drivers, uninsured. They collect little money each day, owing to their large numbers and the ruthless competition. Even for them agriculture work is often a hard necessity.

Nevertheless, the tendency for young men to avoid strenuous farm work, considered less prestigious and lucrative, and their ability to find work as teachers, officials, *zemidjan* or smugglers of gasoline, has resulted in the need for many descent groups to redesign their own forms of land management, providing more opportunities for women to access land and to claim legitimate rights over it. It is no coincidence that the region of Agou and Kpalimé - the one with the highest levels of school graduation in Togo, perhaps the richest in terms of production of cash crops, and located not far from the border with Ghana (with all the consequential implications for mobility and smuggling, as we will discuss in chapter 6) – has the highest incidence of daughters inheriting land, albeit in general they inherit smaller pieces than those inherited by their brothers⁶⁹. This does not necessarily imply an amelioration of the social subordination of women (because the male members who have left the farm activities did so by virtue of new ladders of opportunity closed to most of the women), but

⁶⁹There are also historical sources that attest to this process: for example, in Dossier 216 (2APA) Cercle de Klouto kept in the National Archive of Lomé it is possible to find a certificate of inheritance dated 1958 in which a certain Paul Ayko Agbemabiase "...contrary to Ewe patrilineal custom bequeathed his land equally among the children regardless of gender." Many old women I interviewed were owners of land inherited from their fathers and were willing to leave them to their sons and daughters equally.

for many it has provided the opportunity to sell the products cultivated by them on their own fields in the markets, and to keep all the income, not having to give a part to fathers and husbands. For many of them it is more difficult to use family labour and so they make greater use of the work of labourers. It should also be remembered that for many women the models of social ascent are represented by the famous *nana benz* (Weigel, 1987; Cordonnier, 1987, Ayina, 1987), the Togolese traders of textiles, who embody the dreams of self-realization that most girls attribute to trade, and not to agricultural activities, which are in general less profitable than commerce.

Renegotiating inheritance and kinship in conditions of scarcity: the kolonyigba

In south-western Togo patrilineal descent has not historically represented the only guiding principle of land access. Rather than seeing it as a given, patrilineality must be constantly reaffirmed by those who attempt to regain possession of land occupied by migrants during colonial periods⁷⁰.

An example is given by the institution of *kolonyigba* ("land of the vagina"), which introduces a principle of matrilineality in a system usually described as "patrilineal" both by the locals and by classic ethnographies. I was given the following description of *kolonyigba* in 2010 by a member⁷¹ of Agou Koumawou *chefferie*:

« C'est un terrain qui est obtenu à partir d'un mariage fait dans la famille presque la même ou dans le même quartier avec la fille (Families in the same « quartier » do not necessarily share the same origin or a common ancestor.). Et c'est la famille de la fille qui souvent donne le terrain d'où le nom *Kolonyigba* parce que le sexe féminin est appelé « *kolo* » (Vagin). Ce terrain appartient seulement au monsieur. Pas à toute sa famille paternelle. Dans le cas où femme quitte le foyer illégalement, la terre est toujours laissée au mari pour qu'il puisse nourrir les enfants en l'exploitant. Dans le cas où le couple n'a pas fait d'enfant, il peut toujours garder le terrain étant donné qu'il est proche de la famille de sa femme qui, est partie sans raison valable. Mais si le monsieur déconne, on la lui retire. Il peut marier une deuxième

⁷⁰ A good example in this sense is the work of Greene (1996) on the Anlo-Ewe of Ghana: the author shows very convincingly how the strategies of kinship manipulation and the consequent redefinition both of the identities of the various local descent groups and of gender relations, have gradually changed as a result of increased competition for resources. This competition was consistently caused by the arrival of migrants from the seventeenth century onwards, showing, among other things, how the processes of construction of local identities were not only a colonial legacy.

⁷¹ Interview with notable of Koumawou. Place: Agou Koumawou. December 12th 2010.

femme en plus de celle dont les parents ont donné la terre. Si la femme mourrait par exemple le terrain est toujours gardé par le monsieur parce que il est considéré comme membre de la famille et peut se remarier et exploiter toujours le même terrain pour nourrir les enfants et sa belle mère surtout. Si le monsieur mourrait sa famille n'a aucun droit sur ce terrain seuls ses enfants. La femme peut remarier et le nouveau mari doit continuer par exploiter le même terrain pour nourrir les orphelins et sa femme. Si le monsieur a deux femmes, seuls les enfants de celle dont les parents ont donné la terre ont plein droit sur ce terrain après la mort de leur père. Cela ne veut pas dire qu'ils doivent totalement écarter leurs demi-frères qui sont les enfants de leur marâtre.

Cette pratique de donner la fille en mariage accompagnée de terre à commencé pendant la période colonial et se fait pour la simple raison que dans certaine famille, le problème de terre se pose surtout du côté du garçon. Donc pour cela, il faut donner le moyen à l'homme de pouvoir nourrir sa femme à partir de cette terre ».⁷²

The institution of *kolonyigba* reflects the reduction of available land. For a young man it introduces the possibility having access to land which does not belong to his own lineage and for his offspring to inherit the land along the matrilineal axis. It also seems to reflect the need to attract labour (mainly young people) for lineages with large amounts of land. Obviously this process is open to risk. The principles of patrilineality could be used by members of the lineage to exclude the children of their sister from the possession of land, creating scenarios of conflict that could lead to further renegotiation of previous agreements. Moreover, patrilineality is sometimes not enough for recognition of entitlement to particular rights. One

⁷² "It is a piece of land obtained through marriage with a girl in almost the same family or in the same quarter (Families in the same 'quarter' do not necessarily share the same origin or a common ancestor) . The family of the girl often gives the land, hence the name *Kolonyigba* because the female sex is called "*kolo*" (vagina). This land belongs only to the gentleman, not to his paternal family. In cases where the woman leaves home illegally, the land is still left with the husband so he can feed the children. In the case of the couple having no children, he can still keep the land as he is close to the family of his wife, who left without good reason. But if the man cheats, the family removes the land from him. He may marry a second wife in addition to the wife whose parents gave the land. If the woman dies, for example, the land is still managed by the man because he is considered a family member and he can remarry and still use the same land to feed the children and especially the stepmother. If the man dies his family has no right on this land, only his children. The woman can remarry and the new husband must continue to use the same land to feed the orphans and his wife. If the man has two wives, only the children of the woman whose parents gave the land have rights on it after the death of their father. That does not mean they should completely remove their half-siblings who are the children of their stepmother. This practice of giving the girl in marriage accompanied by land began during the colonial period and is done for the simple reason that in some families, the land problem arises particularly on the boy's side. So for this reason, we must provide the means for the man to be able to feed his wife by working the land". (my translation).

of the most commonly used strategies to exclude someone from inheritance is to try to demonstrate their illegitimacy, thus having no rights over the family land.

Furthermore, migration sometimes creates a radical separation from the village of origin. Many migrants' children avoid claiming rights on the plots of their own lineage in the village of "origin", for fear of "entering the fire" (meaning "to have problems": *dzo* in Ewe means both "fire" and a series of mystical powers, not conceptually far from *adze*, "witchcraft", see Meyer 1999), according to a young man⁷³ whom I became accustomed with in Lomé. This man was born in Lomé, along with his three brothers, of a migrant father from Benin and a mother from Agou. Despite all being orphaned and finding it extremely difficult to find work in Lomé, none of them is willing to claim their inheritance left by their grandfather in Benin. They fear that, being city-dwellers (and therefore not aware of the "traditional secrets") they would be particularly exposed to mystical attacks if they tried to claim their rights over the land that probably has already been divided among other relatives. Therefore they have strengthened their ties with their maternal family (geographically closer), in particular their mother's brother, who, agreeing that his sisters have equal rights over the paternal inheritance, supplies a portion of the crop (yams, fruit, corn, cassava, flour) to his nephews whenever he visits them in Lomé.

Selling land

Having analyzed a series of contracts that tend to establish more or less lasting social bonds between the contracting parties and that sometimes persist beyond an individual's lifetime, it remains to us to consider the sale of land, i.e. the explicit and permanent transfer of the totality of land rights in exchange for a sum of money.

As discussed in the first chapter, given the precarious and vulnerable conditions created by the current global situation, many are reluctant to sell portions of their land. An example previously mentioned was when the entire population of Mount Agou rose up against a bauxite mining project of a private Anglo-Indian company, which proposed to buy the land at good prices. The main reason given for the refusal was to do with the food security that the land gives, relative to the volatility of money: "The tree of bananas gives food to me and give it to my children, money sooner or later ends". Moreover, as we have seen, some forms of

⁷³ Interview with university student. Place: Lomé. December 4th 2009.

dibi-madibi, which involved a full transfer of property rights on part of the land to individuals not belonging to the descendants group and were thought by the latter to be a real sale, were later re-interpreted as a temporary transaction of rights of use, and not of ownership, by the descendants of the first occupants who tried to regain possession of “their” land, thus creating a certain degree of uncertainty about who is the real owner and who has the right to sell or transfer the land. In addition, in order to sell the family land, all those exercising their rights over it have to be in agreement and dividing the revenue does not necessarily make it such an attractive choice. Moreover, many are afraid of incurring the wrath of the spirits of their ancestors’ who had first occupied the land. As fraud is commonplace, the difficulty in identifying the owner, by western legal standards, makes it possible for the land to be sold twice. As a result, the price of land varies not only according to its fertility, its size or its distance from a market or a road, but also according to the seller's ability to prove himself as the sole holder of the legitimate rights of property transfer, which guarantees that the buyer avoids future claims from others.

The fact remains that land is often bought and sold. Quite frequently people choose to invest their savings in the purchase of land in order to become the sole owners of property, thus avoiding the risk of other family members claiming their rights over the piece. At the same time, selling is often the only way to guarantee an inheritance to daughters who might be outnumbered by the male members of the lineage. Togo’s legislation⁷⁴ is clear - on paper - in stipulating that the inheritance has to be equally divided regardless of any gender distinction, but it differs from the Ewe patrilineal forms of inheritance which leave the land only to the male members of the lineage. In this sense the possibility of being landowners for women depends heavily on their relations with the local *chefferies* or on their economic circumstances. In fact, as the Agou Prefect himself stated in a personal statement, most of the problems connected to the land are dealt with by the *chefferies*, because “only the elders know the limits of the fields”. The State seems to have neither the interest, nor the ability to enforce its own legislation to reinforce women’s rights to land inheritance, delegating these kinds of conflicts to chieftaincies. This leaves considerable freedom for each court to decide

⁷⁴ See for example *Code des Personnes et de la Famille, ordonnance n° 80-16 du 31 janvier 1980, article 421*, which stated that women have equal inheritance rights. But this Code contained also the paragraph n. 391: “les dispositions du présent Titre [Des successions] ne sont applicables qu’à la succession de ceux qui auront déclaré renoncer au statut coutumier en matière de successions. Cette déclaration peut résulter soit d’un testament, soit d’une option devant l’officier d’état civil”. Obviously these declarations were quite rare. The new Code (2012) changed this paragraph and, in the paragraph n. 403, states : “La loi reconnaît en matière de succession la coutume du défunt et les dispositions du présent code. Toutefois, la coutume ne sera appliquée autant qu’elle est conforme aux droits humains et aux principes fondamentaux de la Constitution”, where the Togolese Constitution guarantees equal inheritance rights for women.

on the range of possibilities for women as landowners. In general, when women are owners of their own fields, they are so either by virtue of an acquisition funded by their commercial activities or because an agreement has been reached among siblings. But generally the main ways by which women gain access to land are *nana* agreements, or *kolonyigba*, or their role as daughter or wife⁷⁵. As Gray and Kevane (1999) have shown, in many sub-Saharan contexts (and Togo is no exception) women's rights over land have been eroded in the face of changing relations of production and the increasing value of the land, and, in response to these changes, women have developed new strategies for getting their rights guaranteed, such as obtaining secure tenure through the "modern" land market, using political association and the State to assure tenure, and manipulating customary institutions.

The fact that Togolese legislation theoretically guarantees women's inheritance of land opens a space for (male) claims on pieces of land on the maternal side. The aforementioned Louis, for example, is trying to take advantage of this legislation to become the recognized owner of his mother's plot, prompting the opposition of the members of the maternal lineage. But it is also important to note that profits from commercial enterprises allow some women to earn enough to buy sizeable pieces of land. From this point of view the land market seems to favour the potential for women who are in a strong economic condition to become landowners:

Kossiwa⁷⁶, a thirty-five year old woman from Agou Plantation whom I interviewed in 2011, started her commercial activities by buying textiles in Lomé and selling them in Agou markets. She gradually expanded her business by buying and reselling a wide range of imported goods. After about ten years she rented a shop in her village, which quickly became the best-stocked store in a radius of several kilometres. She married, but left her husband because, as she recalls, "he sponged off her." Her new "husband" (in fact a partner, who some in the village say has been "bewitched" by her because he is extremely "submissive") is employed in the shop and she continues to travel between Lomé and Agou to buy imported goods. Currently she is trying to expand her business further by selling Chinese mobile phones. Recently Kossiwa has invested in a large amount of land that she has converted to teak cultivation. To ensure the validity of the purchase, she followed bureaucratic procedures

⁷⁵ For a general discussion on the forms of marginalization of women regarding access to land and related counterstrategies, see also Gray and Kevane, 1999; Davison, 1988; Yngstrom, 2002; den Beerg 1997. For a study on the impact of cocoa on the factors surrounding women's access to land among the Ewe of Ghana see Bukh, 1979

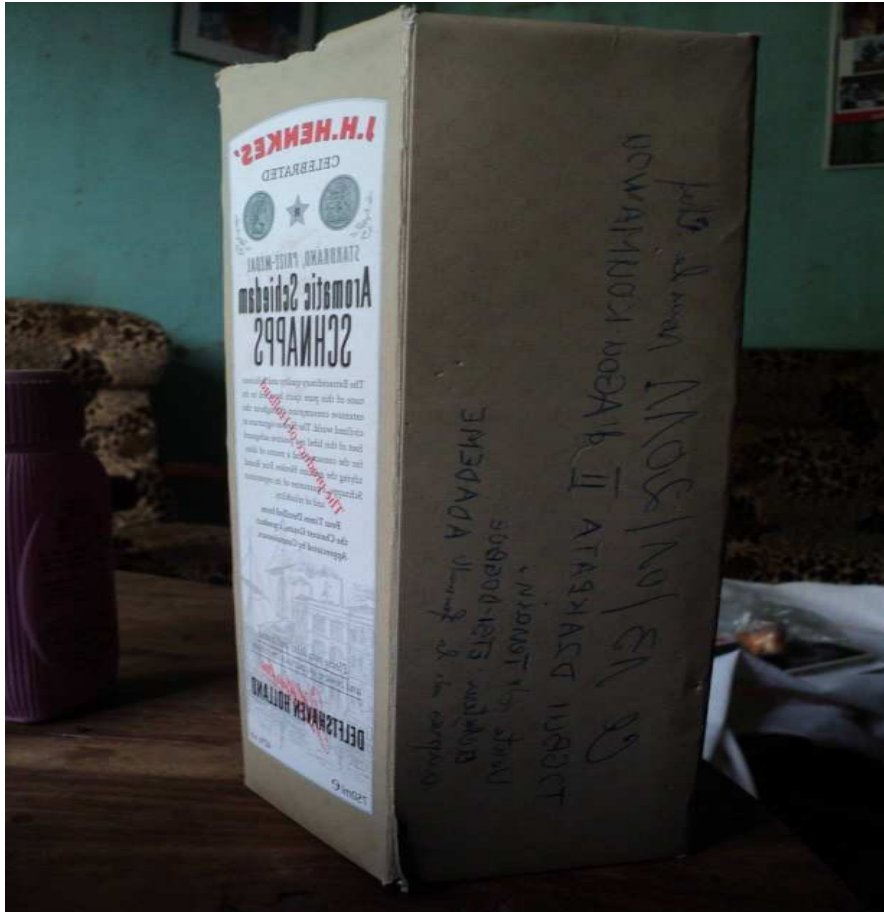
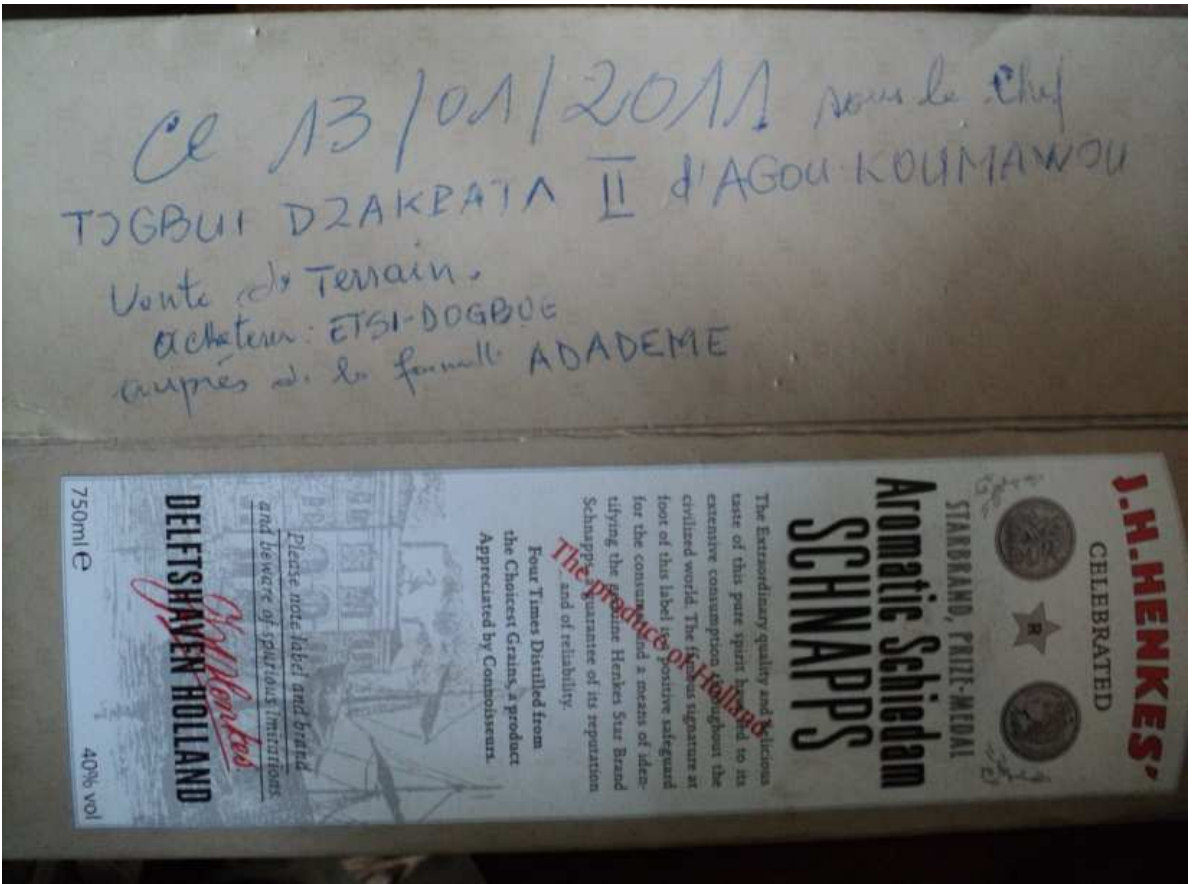
⁷⁶ Interview with Kossiwa. Place: Agou Plantation. January 3rd 2011

(which she recalls as being very expensive) and at the same time she asked the local *chefferie* to be the guarantor of the transaction.

In order to become a landowner, Kossiwa used a number of strategies which refer to different registers of legitimacy: investing her earnings in buying land, planting trees, following the bureaucratic procedures for land transaction and requiring the presence of the village chiefs. This case clearly shows the fear that land ownership could be challenged, even if acquired through bureaucratic and formal means. Therefore land rights must be confirmed by different institutions and must be secured through a wide range of different practices.

The bureaucratic procedures for land transactions are extremely expensive and following them is only possible for those with money, such as Togolese migrants based in Europe or in the United States, members of the economic and political elites and civil servants. These same procedures do not imply a unilinear and irreversible process that converts “communal property” into “private property”. The fact that the buyer and the seller (whether men or women) follow the formal transactional procedures does not guarantee that the heirs of the buyer will divide the land through bureaucratic procedures after his death. Families tend to maintain the land undivided in order to avoid further fragmentation and over time a number of descendants will claim rights over it. In this sense a purchased private property tends to become family property for the following generations, showing that the formal procedures do not necessarily lead to an individualization of property rights.

Those who cannot afford to follow the formal procedures tend to rely directly on local *chefferies* as guarantors of the transaction. In the “traditional” procedures the purchase is guaranteed by the signatures of the buyer, sellers and witnesses written on the cardboard packaging of an imported bottle of “London Gin” or “Schnapps” brought by the purchaser for the landowner at the time of the transaction. These boxes become “documents” that can be used as proof of purchase for the *chefferie* in the case of dispute. The choice of an unopened bottle of gin is not accidental: imported alcohol has been a prestigious item for centuries, being one of the goods exchanged for slaves. It has historically assumed a central role in the social etiquette in approaching a “superior” or in marriage negotiations. Imported alcohol is also used as a currency for paying fines when a trial regulated by the *chefferie* is lost. As an item that demonstrates respect for “traditional” authority, the bottle of gin has also become a “document” that establishes a transaction between the parties.



The so-called "traditional" procedures in fact mimic the formal procedures of the State, through the production of documents of an ambiguous legal status. *Chefferies* produce a number of "documents" (receipts, acts of sale, registers of trials, summons and judgments), whose legal value, although not officially recognized by the State, is of vital importance to the extent that those local authorities exercise a certain degree of monopoly in land affairs, as I will show in the next chapter. All this demonstrates how fundamental it is to build good relations with the local *chefferies*, in order to guarantee certain rights. Often the conditions of the disadvantaged members (whether women, young people or migrants) on land issues depends on the sensitivity of certain chiefs in particular situations.

Conclusion

In this chapter I have shown how modes of access to land, far from being immutable or structured by social norms set by tradition, have been deeply affected by changing political and economic factors. Access to land emerges as a useful starting point for investigating the ways in which a set of power relations, between different subjects in relation with "things", has been structured historically. Both *demε* and *nana* assumed many forms throughout the course of the twentieth century, emerging as the main categories that encapsulate agreements extremely different from one another. Providing during colonial period the opportunity for many migrants to settle permanently on land (thus reconfiguring the social and political framework of a region), they have also been shown to be open to new renegotiations, following which the situation of certain subjects can become more insecure. In other words, I stressed how the modes of access to land are comprehensible only by an analysis of the social relations that guarantee them. These social relations are certainly characterized by profound asymmetries of power, but at the same time they provide a social fabric that can be used strategically by different actors within the local arenas of competition for access to resources, producing a set of representations and discourses about identity. The bundles of rights that are intertwined on land emerge as bundles of relationships between individuals and between groups, generated by particular structures of power, but also open to new manipulations. The cases discussed above testify to the difficulty of reducing the variability of modes of access to land to established models and clearly show how land issues not only involve the production of goods, but are inextricably linked to local politics of belonging, to the local modalities of the recruitment of labour, to forms of violence against dependants, to the

reshaping of kinship relations and to competition for access to resources (material or symbolic) between individuals and between groups, genders and generations. The contradictory and ambiguous representations of land (which oscillate between on the one hand the aspiration to improve one's economic conditions by leaving "the land of ancestors" and on the other hand the dire necessity to continue to be able to claim rights on the piece that guarantees a minimum of subsistence for its domestic group), reflect all the anxieties, the fears and the social tensions generated by a crisis that involves the lives of many generations, becoming a 'permanent exceptional state' which continues to breed its victims and to generate strong feelings of disillusion. "Togo is a country where everything is multiplied by zero" was one of the sentences often repeated by many people of different ages and occupations.

Local representations of land then convey a wide range of different moral, political and religious meanings that cannot be reduced only to its economic value. For example, as I discussed in chapter 1, land becomes a fertile ground to think about the interconnection between the lives of the living, the dead and the unborn. We are reminded of a famous anecdote, so often quoted as to become a myth: an old man (maybe in Nigeria) would have said, answering to the colonial official who asked who was the owner of the land: "Land belongs to a vast family, of which some are living, many are dead, and countless numbers are not yet born" (Berry 2006: 241-242).

The supposed confusion in tracking down the owners depends more on an inability to understand the social dynamics that produce property, than on a supposed anarchy of rights (or the romantic mythology of egalitarian community rights), which would generate, according to the neoliberal orthodoxy, conflicts remediable only through the imposition of property titles. The extension of bureaucratic procedures (formal and informal), which should ensure more order in the views of legislators and *chefferies*, is just one of the strategies implemented in the context of competition for land. Its relative efficacy results not from a transcendence of bureaucracy over social practices, but from the degree of legitimacy of those who produce such procedures. Rather than tidying up a social reality perceived as confusing and unpredictable, these procedures are an integral part of the game they would like to regulate. Moreover, even the so-called privatization is embedded within particular social and political relations that can give it legitimacy, or not. It must not be thought of as divorced from the whole fabric of society that produces it, nor as the result of an evolutionary process that would, by virtue of population growth and competition for resources, transform

a "collective and traditional ownership" into an "individual and modern property" (Chauveau and Colin 2010).

It is thus time to analyze both those local institutions that regulate access to land and manage conflicts relating to it (chapter 4) and people's strategies to defend and acquire land rights in front of the courts held by the local *chefferies* (chapter 5). This kind of analysis requires a theoretical framework which looks at conflicts as privileged arenas for the production and reproduction of representations of the past that legitimize some of the existing power structures and land rights.

Chapter 4

*Chefferies and Conflict Management*⁷⁷

As mentioned in the previous chapter, local chieftaincies (*chefferies*) in Togo are often guarantors of land transactions and are the main institutions that manage conflicts over land, frauds or inheritance. A general look at the records⁷⁸ of the trials held at the court of the village of Agou Koumawou between 1989 and 2009 provides a good example of this: of the 67 trials registered, 22 (approximately one third) relate more or less directly to conflicts over land ownership⁷⁹. If modes of access to land depend closely on the bundles of social relationships that individuals are able to mobilise, an analysis of these issues has to start with a study of conflicts and of the different institutions that regulate them (Lund 2008).

There is a long tradition of anthropological studies of conflicts⁸⁰, which rests on the work of Gluckman (1955, 1969). Gluckman was the first to systematically study the work of African courts during the colonial period and assign a central role to conflicts in the anthropological understanding of society. The methods he developed, together with the other members of the "Manchester School" (situational analysis and the extended-case method), have become a central tool in anthropological investigation (Evens and Handelman 2006).

Gluckman was interested in showing that the legal systems in Africa were as rational, in the Weberian sense, as their Western counterparts, but his attention was focused particularly on the forms of social reproduction within a society and his approach was markedly influenced by a functionalist tendency. While Bohannan (1957) and later Geertz (1983) criticized this approach, underlining the specificity of each cultural system, and accused Gluckman of having 'flattened' the local conceptions to the basic concepts of Western jurisprudence, other scholars began to shed light on how the rules and principles used in conflict resolution, far from being an expression of a systematic legal "traditional" order, were actually the result of

⁷⁷ Some of the cases discussed in this chapter have already been published in Gardini, M. 2012 (b), "I Problemi Irrisolti Non Marciscono Mai". *Chefferies e Gestione dei Conflitti nella Regione sud-occidentale del Togo*" in Fiamingo C. (2012) *Africa che cambia. Processi evolutivi in Africa subsahariana: un'antologia di analisi e studi di caso*. Milano: Edizioni UNICOPLI, pp. 69-81. Others parts have been published in Gardini 2013 "Oracle, Chieftaincies and Witchcraft Accusations in Southwestern Togo" in *Journal of Legal Pluralism*.

⁷⁸ See unpublished sources: Records of trials of the *chefferie* of Agou Koumawou

⁷⁹ The other more frequent reasons of conflicts are fights, threats, exchange of insults, slanders and accusations of witchcraft (15), debts (14), theft (6), adultery (4). See "Unpublished sources. Records of trials of the *chefferie* of Koumawou"

⁸⁰ For a discussion of the legal anthropology debates see Rouland, 1988; Moore, 2005.

a colonial process of redefinition (S.F. Moore 1978, 1986). In this regard Mamdani (1996: 118) points out:

“...the presumption that there was a single and undisputed notion of the customary, unchanging and implicit, one that people knew as they did their mother tongue, meant that those without access to the Native Authority had neither the same opportunity nor political resources to press home their point of view”.

During the 1960s and 1970s, in the wake of a reinterpretation of Marx and a questioning of functionalist approaches, attention shifted towards an approach that considered conflicts as social fields of confrontation between individual and groups in asymmetrical power positions competing with each other. The rules and laws were regarded not as shared representations of a homogeneous social order but as reusable and strategic instruments of dominant groups and individuals for the pursuit of their interests. The tendency for the holders of greater power to achieve their goals, to legitimate their position, and to see their privileges enhanced by exploiting the legal order was emphasized.

These approaches had the merit of being distanced from a normative analysis of social behavior in which practices were read as a simple derivation of coherent and homogeneous social norms shared by a group. However, they tended to present an extremely utilitarian behavior of subjects, represented as individuals constantly engaged in maximizing profit through strategic and conscious manipulation of social orders (Comaroff and Roberts 1981). This representation hides the fact that the rules are not only susceptible to strategic manipulation by the parties, but are also learned, internalized, and respected because of fear of punishment, or simply because they are considered "fair and reasonable" (Rouland 1988). Perhaps the most important legacy of these debates has been those perspectives which, alongside the analysis of norms typical of structural-functionalist approaches, have paved the way for an analysis of legal practices⁸¹. Comaroff and Roberts (1981) proposed a synthesis of the two approaches, on the one hand able to account for how certain power structures and regulations are incorporated and naturalized, and, on the other hand, how these same structures can be produced, renegotiated or challenged by the parties. Moreover, these theoretical debates about the "rules - practices" relationship was central to accounts of how

⁸¹ These approaches are deeply linked with the theories of Bourdieu (1972), who discussed "the illusion of the rule", stating that the abstract and transcendent norms of morality and law become explicit only when they are no longer lived in the practices.

the rules and the social institutions that generate them are not necessarily homogeneous and coherent.

In the 1970s, within political and legal anthropology there emerged a stronger need to account for the presence of a multiplicity of institutions able to produce their own regulatory systems distinct from those of the state. Moore (1973) proposed the concept of "semi-autonomous social fields", defined as arenas on the one hand able to generate their own laws, but on the other exposed and vulnerable to the influence of wider force fields. As she argued, legislation is often one of the most usual ways in which centralized governments invade social fields: "But innovative legislation or other attempts to direct change often fail to achieve their intended purpose; and even when they succeed wholly or partially, they frequently carry with them unplanned and unexpected consequences" (Moore 1973: 723).

Following these discussions, recent work has shed light on the relations between different legal orders, in contexts characterized by "legal pluralism" (Griffith 1986; Benda-Beckmann 2002), and on the modes of negotiation and renegotiation of the rules and authorities charged with the resolution of conflicts (Klute, Embaló, Borszik, Embaló 2008).

This new perspective is part of a growing debate concerning the presence of (and the articulation between) regulatory institutions inside and outside the legal state system, in political scenarios which since the 1990s have been characterised by an assumed weakening of the state (often described as characterized by the absence of service delivery and by the violent repression of dissent) and by the emergence (or re-emergence) of new forms of sovereignty and institutions. These forms run on different registers of legitimacy and call into question the principle of the state's monopoly on the exercise of violence (von Trotha 1996; Rouveroy van Nieuwaal and R. van Dijk 1999; Rouveroy van Nieuwaal 2000; Murray Li 2005; Bellagamba and Klute 2008; Lund 2007; Piot 2010). The plurality of different legal orders and different authorities competent in conflict resolution allows subjects to choose strategically among a number of institutions (inside or outside the state), making highly relevant the analysis of local practices of "forum shopping" (Benda-Beckmann, K. 1981). To account for the multiplicity of these centers of power, the concept of "semi-autonomous social fields" has been joined by models that attempt to account for "policefaly" (Bierschenk and de Sardan 1997), "heterarchy" (Bellagamba and Klute 2008; Klute and Embalò 2011) and the presence of an "oligopoly of violence" (Mehler 2004) characteristic of many political systems in Africa.

The *chefferies* are perhaps the best-known and most studied of these institutions both inside and outside the state. As mentioned in previous chapters, the *chefferies* have been able to

move with some skill in the shadow of the state, securing an area of growing autonomy and emerging as the main institutions responsible for the resolution of conflicts over land, sometimes mimicking bureaucratic practices and policies which are usually attributed to the state such as the production of documents, and dealing with transnational institutions such as NGOs or international development programs. The following pages reconstruct the ambiguous relationship between state and *chefferies* in Togo, and focus on a micro-political analysis of the mode of settlement of conflicts in the *chefferie* of Agou Koumawou, to account for the arguments and strategies used by various actors, the moral and legal norms that are reproduced, the power struggles that any conflict inevitably activates and the daily practices observed during the trials. This will help to provide the social framework to look at specific cases of conflict over land access in Chapter 5.

State and Chefferies

In the case of Togo, Von Trotha (Trotha 1996, 1994: 262 et passim) has shown how the colonial state gave rise to the "administrative chieftaincies" following three principles: "devolution", namely the power reserved by the central state to overthrow and replace local chiefs; "hierarchy", that is the creation of a vertical structure of power between the district chiefs, canton chiefs, village chiefs, and family chiefs; and "territorialisation": transforming pre-colonial chiefs' control over men into control over a territory bounded arbitrarily by colonial cartography. This colonial framework included the foundations of the relationship of mutual, though unequal, dependence between the state and *chefferies* which has characterized the political landscape ever since. Indeed, the central administration has needed to lean on "traditional authorities" to secure public order, while the *chefferies* needed the recognition of the state for their own "traditional" legitimacy.

From the 18th century the region of Agou and Kpalimé consisted of scattered settlements (*dukowo*), which were jealous of their independence and autonomy, frequently threatened by Akwamu and Ashanti expansionism. Although the *dukowo* responded differently to these attempts at external control (some allied with the invaders against their neighbors, others put up some resistance), contact with these wider, centralized political structures helped to introduce into local structures of power roles typical of the Akan regions, such as the *asafo* (war chiefs) and *tsami* (village chiefs' spokesmen), and important symbols of local power, like the stools. Under the German colonial administration the village chiefs were taken into the administrative apparatus of the colony, with duties related to the collection of taxes (5%

of which was reserved for them), the supply of forced labor and the maintenance of public order, in a process that transformed the local political institutions into "administrative chieftaincies". New chiefs were installed in villages that previously had none, and, where they had been present and had resisted the administration, they were simply overthrown and replaced with more docile ones. Chiefs had an armed guard, whose shotgun and uniform were delivered after they had undergone a two-week course at the center of Misahöhe, home of the prison and center of the colonial administrator in the region. The administration of justice in German Togo privileged the chiefs: they could impose fines for offences relating to the "maintenance of public order, insulting, disobedience" up to a maximum of 50 marks for the inferior chiefs (*Unterhauptlinge*) and 100 marks for the superior chiefs (*Oberhauptlinge*) (Nabe 2011).

From a legal point of view, as recalled by van Rouveroy van Nieuwaal (2000), the German colonial authorities banned the use in conflict resolution of practices such as oracle consultations, which were contrary to the German legal system, and tried to impose a "legal centralism". The colonial invention/construction of "traditional" law triggered a twofold transformation for the *chefferies*: while the village chiefs' power over the population was strengthened, chiefs now had to submit to an external authority which set limits and conditions over their existence.

Constructing the image of the village chief as the representative and head of the population was useful not only for the administrative framework of the colony, but also for foreign investors. With the transformation of the region of Agou into a target of land speculations by European companies, the purchase of vast tracts of land for the establishment of plantations was legitimated by getting contracts of sale signed by village chiefs, who were seen as the holders of rights of alienation over the lands of the villages (Ahadji 1983, 1996). This was an exception, as in the rest of Togo village chiefs were not given the right to allocate land, nor to receive a share of the harvest of their subject populations. They were, however, guaranteed the use at will of their subordinates' workforce in their fields and could punish them if they refused.

During the period of the French administration the role of *chefferies* changed again. Despite the fact that Togo was not formally included in the AOF (*Afrique Occidentale Française*), except for brief periods, it was administered as if it were a colony (Gbedemah 2011). Although in principle the French administration was deeply rooted in republican and centralists values and therefore hostile to any form of indirect rule, in practice it was obliged to lean on local power structures in exerting its control over the territory (Crowder 1968;

Gayibor 1997; Rouveroy van Nieuwaal 1987; Geschiere 1993). Therefore, the French tried to place the chiefs within the organizational framework of the colony. The village chiefs were clustered under the authority of the *chef canton* (a classic French administrative invention), which in turn had to report to the *Commandant du Cercle*. The village chiefs kept their role in tax collection and in providing manpower for forced labour, but they were stripped of their powers to administer justice. Their role in the regulation of conflicts was now limited simply to "reconciliation in civil and commercial matters." As recalled by Rouveroy van Nieuwaal (2000: 113):

« L'essentiel était que ces fonctions de règlements des litiges étaient strictement limitées à la conciliation en matière civile et commerciale. Le législateur français, à l'inverse de son homologue allemand, entendait réduire encore plus avant ces fonctions. Les compétences des chefs dans le domaine pénal, encore tolérées dans la période allemande, leur furent retirées dès le début »⁸².

Courts were created in which French colonial law was applied, but the *tribunaux coutumiers* were maintained, albeit with the sole function of conciliation between the parties. In these courts "traditional laws" were modified and reconstructed so as to purge them of any rule which explicitly contradicted those of the French legal system. This dual legal system ("modern" state courts and "traditional courts") is probably one of the main long-term legacies of the colonial period. As well as being the representatives of the people, the guardians of tradition and the last cog in the administrative machinery of the colony, village chiefs became gatekeepers between central government and the people, cleverly managing this mediating position between different regimes of legitimacy to maintain and strengthen their power in the shadow of the State.

We should also mention the establishment in 1922 by Governor Bonnacarrère of the "Councils of Notables". The Notables were chosen by the Administration from lists of candidates elected by district chiefs, village chiefs, canton chiefs and family heads of the various administrative districts. The Notables, especially in the southern districts, belonged to those *évolués* families representing the economic and commercial elite of the colony and, after World War II, began to play an important part in national politics. As recalled by

⁸² "The crucial thing was that these dispute resolution functions were strictly limited to conciliation in civil and commercial matters. French law, unlike its German counterpart, wanted to reduce these functions even further. The chiefs' jurisdiction in the criminal field, still tolerated in the German period, was removed from them from the beginning (of French rule)" (my translation)

Gayibor (2011: 227): « Il est évident que la participation des autochtones à la gestion de leur territoire était une tactique politique pour gagner la confiance et l'estime des éléments « évolués » susceptible d'entretenir un climat favorable à la présence française »⁸³. Their ancillary role became evident when the administration in the 1930s increased the taxes, provoking one of the most important protests in the colonial era⁸⁴. Since their demands were not acceded to by the administration, the *notables* (in French) received from the population the unflattering nickname "not able" (in English): *incapable*.

While the *chefferies*' legitimacy was confirmed by the administrative apparatus of the state, the fates of individual chiefs changed with changes of administrations, creating scenarios of severe internal competition for the positions. A notable⁸⁵ of the *chefferie* of the village of Apegame told me in 2009 how one day, early in the French colonial period, the *Commandant du Cercle*, passing through the village with his armed escort, sent a junior office to ask the village chief, who was relaxing with his cousin under a tree in the main square, for eggs to cook his *omelette*. Annoyed, the village chief replied: "If he wanted an *omelette* he should've carried a hen with him". The *Commandant du Cercle* ordered the immediate execution of the village chief by firing squad. Although he was ultimately pardoned, he was then replaced as chief by his cousin. Since then the descendants of the two cousins were in dispute for the chieftaincy for many years.

Although the colonial power did not pay much attention to abuses by the village chiefs towards their subjects, it did pay close attention to their loyalty: the Lomé archives contain a large number of reports containing lists of names of village chiefs accompanied by comments and ratings ("good village chief, he enforces the rules, exuberant, young, drunk")⁸⁶.

The dethronement of the village chief became the model followed after independence to ensure the state's control over the territory. Both in the years leading to independence, during the regime of autonomy under the government of the PTP, led by Grunitzky with the support of France, and after the 1958 election victory of Olympio and the CUT, which brought Togo to independence two years later, the positions of individual village chiefs increasingly depended on whether or not they supported the party in government.

⁸³ "It is clear that the participation of autochthonous people in the management of their territory was a political tactic to gain the confidence and the esteem of the "evolved" elements: a tactic that was useful to create a favorable context for the French presence". (my translation)

⁸⁴ These protests were particularly interesting also for the central role played in them by the Togolese female traders, see Lawrance, 2003b

⁸⁵ Interview with member of the *chefferie* of Agou Apegamé. Place: Agou Apegamé. 13/09/2009

⁸⁶ Togo National Archive. Dossier 12, 2 APA (1936-1966).

The contest between the CUT and the PTP at the national level provided a general framework for conflicts between lineages over the control of *chefferie* and resources at the local level, as shown by the example in chapter two of the restitution of part of the German plantations in Agou. This opposition had strong anti-colonial values, since the PTP were supported by the French. Purges and counter purges followed until the final installation of Eyadema in 1967. Eyadema announced himself as the "great reconciler" who finally put an end to decades of conflict between supporters of the CUT and the PTP, and the party that he founded in 1969 (*Rassemblement du Peuple Togolais*) quickly overlapped the state and aimed to permeate society as a whole, requiring also the support of village chiefs (Rouvery van Nieuwaal 2000). The National Association of Traditional Chiefs (UNCTT - *Union Nationale des Chefs Traditionnels du Togo*) was integrated into the RPT in 1987 as "*aile marchante*", as had already happened, as early as the foundation of the single party, to the *Union Nationale des Femmes Togolaises* (UNFT) and the *Union National des Travailleurs Togolaise* (UNTT).

In line with the colonial period, the village chiefs who did not support the cause of the party were dismissed, while those who attended and applauded at the various regime ceremonies (inaugurations, visits from the prefects, support in election campaigns, meetings, airport welcomes for Eyadema when the dictator returned from diplomatic visits, etc...) were rewarded. Piot (2010) recalls how, during the 38 years of the Eyadema regime, the quality of the relations between the dictator and any particular local political authority (not only village chiefs, but also recalcitrant prefects) could be judged by the condition of their roads: local state spending depended strictly on the degree of an area's proximity to the regime.

Eyadema, following the example of his "friend" Mobutu, took up the rhetoric of authenticity (for example by banning the use of European names) and introduced himself as a defender of village chiefs in their role of "guardians of tradition." Unlike during the colonial period, the village chiefs were relieved of their tax collecting duties (the boom in exports of phosphate allowed Eyadema to repeal the colonial taxes), and gradually lost the power to exploit their subjects' labour arbitrarily.

The dual legal system established by colonialism continued to permeate the post-colonial institutions. Eyadema tried to unify the legal system, starting in 1978, but nothing was achieved except to confirm the village chiefs' exclusive role as conciliators in civil and commercial matters. Although operating within "an ideology of legal centralism" (Griffith, 1986), these reforms hid the fact that the role of *chefferies* in conflict resolution went beyond mere conciliation, as they also dealt with cases concerning access to land and with witchcraft

trials (in which the use of the oracle is still current practice, as we shall see later, despite the colonial regime's efforts to eradicate it).

While it is understandable for people accused of witchcraft to go to the courts of village chiefs (because Western jurisprudence does not recognise witchcraft)⁸⁷, in the case of conflicts over land we need to remember both that the state courts are frequently absent, often replaced by arbitrary decisions of the army, and that - given the failure of the colonial and post colonial policies on registration of land titles - "only old people know the limits of the fields", as the Prefect of Agou told me.

The relative lack of courts of first instance led to an increased incidence of conflict management by the military forces. Their arbitrary violence and corruptibility helped to intensify distrust of the central state under the iron-fisted regime of General Eyadema and created scenarios of privatization of conflict management. For example cases in which a lender promises a soldier a percentage of the money if he can quickly 'convince' the borrower to pay a debt - even with violence or threats - are still frequent.

The so-called democratisation process - started in the 1990s with the opening up of the system to multiparty elections and exaggerated in the governmental rhetoric after the death of the General and the seizure of power by his son Faure Gnassingbe in 2005 - did not in fact change the situation. The RPT, and the Eyadema clan did not give up power and it is still well known that the only way to enforce one's rights in the offices of the state is via knowing the right people in the administration, the party or in the armed forces. Similarly the ancillary role of village chiefs in the government has not changed. During my fieldwork, in November 2009, on a market day at Agou Gare, a rumor was spread that president Gnassingbé was about to visit the Prefecture. The village chiefs were promptly convened, the boys were let out of school and a "folk-singing group" was immediately asked to welcome the president, according to the ritual imposed over 38 years of Eyadema's regime. The local prefect, visibly agitated, was walking about frenetically, giving orders to several military officers. Having been informed at short notice, he didn't have time enough to prepare everything properly.

The village chiefs, along with many notables, the students, and the crowd, gathered together under the orders of the army, while the group sang "traditional" songs to honour the son of the *Timonier National*. Time went by, the sun was setting and the President was nowhere to be seen. It was only after three hours that four convoys, two big cars with darkened windows and fifteen gendarmes on their motorbikes were seen. They dashed past at high speed and

⁸⁷ See also Rouveroy van Nieuwaal 1990

without showing signs of slowing down disappeared in the direction of Kpalimè. The children were the only ones evidently satisfied, as they had just missed a day of school. As underlined by Comi Toulabour (1986): «L'animation politique n'est pas l'exclusivité des groupes constitués pour chanter et réciter l'apologie du chef de L'Etat. Apparemment, elle a embrasé l'ensemble du système politique, qui est devenu un immense hymne national à la gloire d'un homme »⁸⁸. In these celebrations, village chiefs were nothing but an apparatus whose job was to provide the head of the state with a "traditional" legitimisation.

Although now a space for criticism of the regime has been opened up, in contrast to a few years ago when to openly criticize the government could bring arrest or physical violence, *chefferies* still have to show support for RPT policies. A few months before the event just outlined, opposition candidate Kofi Yamgnane, formerly a socialist deputy under the Mitterand government, who returned to his place of birth intending to run for the presidential office, had come to Agou to talk to the whole *chefferie*. All the notables were there, with the exception of the village chief, who probably feared retaliation by the RPT for having hosted a candidate of the opposition.

The ancillary role played by the *chefferies* has often exposed them to accusations of collusion. Many young people I interviewed in Agou asserted: "The village chiefs are all part of RPT and have not lifted a finger against Eyadema", which is not entirely true if we think of those village chiefs who explicitly criticized the Eyadema regime in the 1990s.

The members of the *chefferie*⁸⁹, however, while agreeing in general terms with the allegations, seek to distance themselves from the regime by stating that the politicisation of traditional institutions has emptied them of meaning and authority: the chiefs and elders (*tɔgbui*) are no longer respected. One of them told me: "Chiefs were obliged to obey the regime. In Ghana, however, chieftaincies still have power and have not forgotten the traditions".

These positions tend to hide the active and often ambiguous role played by village chiefs against the regime (van Rouveroy van Nieuwaal 1996), while they show how the concept of "tradition", whose meaning and construction are at the center of local political discussion at least since the colonial period, involves the interplay between many contradictory meanings. For some it is nothing more than the rhetoric of colonial and post-colonial power (invented,

⁸⁸"The *animation politique* is not the sole prerogative of groups organized to sing and recite the praise of the head of State. Apparently, it has engulfed the entire political system, which has become a huge anthem in praise of one man". (my translation)

⁸⁹ Interviews with members of the royal family and the *chefferie* of Agou Koumawou Place: Koumawou. 15/11/2010

manipulated or betrayed), for others it represents an alternative (moral, political, ideological, utopian, located in an ahistorical mythical past but thought of as relevant for the future) to the hegemonic structures introduced by Eyadema and by a state that has never given what it promised. This point helps to explain why turning to the so-called "traditional authorities" to resolve a conflict is perceived as not only a more effective alternative, but also morally a more appropriate one than exposing an opponent to the "savagery" of the state.

At the same time, *chefferies* no longer have to negotiate their role with only the central state. Given the emergence in the last twenty years of new institutions and new transnational actors in the contemporary political scene (NGOs, programs for "development", Pentecostal churches, private companies) which call into question the monopoly of the state's sovereignty by undertaking roles in fields normally under the control of the state, such as the medical, scholastic and economic systems (Piot 2010), *chefferies* have to renegotiate their position skillfully as privileged partners, able to mediate between the local and the global.

This fact has in part changed the criteria for the selection of village chief who, in addition to belonging to lineages of the royal quarter (lineages that have had a village chief among their ancestors, even if chosen by the colonial administration) and to having to show calm, balanced, and - particularly - reluctance to accept the job (when the death of a chief becomes known, the candidates try to escape and have to be captured and "forced" to accept against their will), must now also have a good knowledge of French and some experience in the field of development aid. Often professors or former officials are chosen in the hope that they are able to attract the largest number of NGOs or individuals willing to invest in the region, such as by building schools, dispensaries or internet cafes.

Conflict of Interest and Interest in Conflicts

Having outlined the general framework of the contradictory relationships between central state and local authorities, we shall now concentrate on the local dynamics of conflict management in order to cast light on how - within a context where several different subjects are legitimized as responsible for the resolution of social conflicts - spaces emerge where it is possible to consolidate and strengthen one's own position via the ability to achieve the role of conciliator.

Generally, it is the structural distance between contending parties and the gravity of the offence that defines who to turn to in order to settle a conflict: if it is two members of the same lineage (*fome*), then one must turn to the lineage chief (*fomedzikipɔla*: "the one

watching over the family”) or to a delegate, who will manage the matter. If however the adversaries belong to different families, but within the same quarter, then the parties will have to turn to the quarter chief (*kɔmefia*). As for problems between husbands and wives (fights, domestic violence, insults, arguments) it is more common to go to each other's family to make a complaint: the person’s family tries to convince him/her to change their attitude by reminding them of the promises made during the wedding about respect and mutual aid.

Cases where it is required to turn to the village chief (*dumefia*) are usually those involving parties from different quarters, or those dealing with problems which couldn’t be settled in the above mentioned places, or matters whose protagonists are village chiefs or members of the royal court from other villages.

The cases mainly concern debts, minor thefts, brawls or disputes, insults, adultery, witchcraft and - increasingly so - issues concerning land. People go to the gendarmerie directly in cases of murder, whereas for thefts it is considered more “human” to go to the village chief: since, unfortunately, the gendarmerie is known for its brutality, the defendant’s family often get the matter dealt with in the village courts, so as to avoid the thief’s being imprisoned (or beaten arbitrarily by the army) for the return of the ill-gotten gains and payment of a financial penalty.

In recent decades, the increasing number of conflicts concerning land - conflicts historically determined in the long term by the privatization processes brought in by the introduction of cacao, by speculation on the part of the large European plantations, by the settlement of migrants coming from the north and by the increase of population density - has thus strengthened and brought further legitimacy to the position of those figures delegated to solve such conflicts, above all “traditional authorities”.

We might apply in these cases the concept of *forum shopping*, while bearing firmly in mind that not all courts are equivalent in dealing with any particular matter. In Togo for specific problems (witchcraft, adultery, land ownership), turning to “traditional” authorities is often necessary. All murder cases are dealt with by the gendarmerie and by state courts exclusively. The court of a village chief may refuse to accept a case, and hand it over to someone else, either because some steps in the process haven’t been followed correctly, or because one of the parties in the case has insulted a member of the court personally. It is then possible for the defendant to choose a particular court, in a case where doubts arise concerning the impartiality of the “judge”. In this sense, if we accept the concept of *forum shopping*, it needs to refer not only to the possibility of turning either to “traditional”

authorities or to state courts, but also to evaluating which out of the several *tribunaux coutumieres* to apply to.

An example of the possibility of turning to a different court from the usual one because of concerns about impartiality arises in a case that I personally followed in 2009, which lasted many days and which had unexpected implications.

Case 2

One of the wives of the chief of the royal quarter in the village of Koumawou noticed that somebody had thrown salt into the water jar. Fearing a witchcraft attack or poisoning, she reported the matter to her husband who, after some enquiries, found that the culprit was a young man, originally from a neighboring village, who was under the guardianship of an old woman of the royal quarter.

The young man admitted he had thrown the salt, not to poison but to “bewitch” via a “*grisgris*” the daughter of the chief of the royal quarter, with whom he had fallen in love. Beside this, the old guardian woman had been seen entering the chief’s home without permission, to pick up some medicinal herbs. The case was brought to the chief of the Koumawou village, but since he had a very good relationship with the quarter chief, the old woman doubted his impartiality and requested the case be dealt with by the chief of the neighboring village of Apegamè. The trial held in Apegamè sentenced both of the parties to a financial penalty, heavier for the old woman because she had entered the chief’s home without asking permission and because she didn’t guard the young man. The chief received a penalty for using offensive words against the old woman. But the chief of the royal quarter, for no apparent reason, was not satisfied and demanded another trial be held and that the young man’s father be summoned. After three months the father’s presence was confirmed, but the man came with the chief of his village of origin, Kati, who is a Mathematics teacher in the city of Kpalimè. At this point another problem arose: which court could hold the trial? Etiquette demanded that the trial be held in the village of Koumawou, out of respect of the chief of Kati “on a diplomatic visit”, but the old woman disagreed. It was not possible anymore to apply to Apegamè, because its court had already declared itself on the matter. The *chef canton* was not present because, having found a job in France, he had left Togo.

It was then agreed to choose Koku, a member of the royal quarter, with no official position as a notable, but recognized by both the parties as impartial and as an expert in conflict resolution. Moreover, Koku was considered by everybody to be the reincarnation of the village chief Dzakpata I (who, in the 1940s, had been tortured by the French because he had

opposed a measure of theirs) and had previously been one of the candidates for the position of village chief.

Koku, an original inhabitant of the village, was just in his forties. During his studies, as his father couldn't afford the tuition fee, he had worked as *boy* in the service of a rich Togolese businessman, doing the housework in return for board, lodging and the possibility of finishing high school. Following his master, he moved first to Atakpamè and then to Lomè, staying in his service for 13 years. He then enrolled for a specialist course at the agriculture school of Notsè, after which he returned to the village. Thanks to his acquaintance with the headmaster of the neighboring high school, he managed to obtain a position as school secretary. At the same time he was active in a folk music group and started to follow closely the events in the village, gaining respect thanks to his evident rhetorical qualities and qualities of sound judgement in decision-making. He actively collaborated with several associations and local NGOs and was increasingly involved in the regulation of minor conflicts, first in his lineage and subsequently in the quarter.

Thanks to such resourcefulness and to the multiplicity of fields of action (social recognition for being the reincarnation of a village chief, kinship relationships with the “traditional authorities” and friendly relations with the prefect, school appointments and positions of responsibility with both Togolese and European volunteer associations, member of the Catholic church and, at the same time, faithful to the local voodoo celebrations and to the cult of the ancestors), Koku started to emerge as one of the best-known and most respected members of the village, although this was not translated into a higher standard of living than the average: this latter fact, as he likes to repeat, smiling, protects from envy and witchcraft attacks. He accepted the task of dealing with the conflict with pleasure (since this helped to increase his prestige locally), but he found himself in the embarrassing situation of stepping over the head of his village chief, to whom he reported and apologized immediately after the trial, accompanied by the chief of Kati.

After the trial the young man was given a heavy sentence, not for witchcraft but for insulting the quarter chief of the village who was hosting him and for having got bad marks at school. The trial also sentenced the father for having waited three months before he answered the summons.

The chief of Kati, who represented them, skillfully proved the salt to be a precious and useful material, surely not usable for evil purposes (“Who has ever heard of *dzò*⁹⁰ made with salt?”),

⁹⁰ The ambiguous concept of *dzò* designates a series of acquired mystical powers, normally used for protective or curative purposes, but which can also partially indicate the concept of *adze*: “witchcraft”.

but he severely admonished the young man, forcing him to kneel down throughout the trial. He then invited the court to show forgiveness and, as a gesture of atonement, he offered a number of gin and *soqabi*⁹¹ bottles (upon whose number he had previously agreed with the “judge”).

A first analysis of the case, based purely on what has been “said” and seen in the trial, does not take into account the events which were not evident during the trial but which were its fundamental cause. How to justify the royal quarter chief’s discontent, following the trial held in Apegamè? Was such stubbornness really justified by the fear of being attacked by a boy’s witchcraft? The total absence of cases of illness in the family would seem to deny such a hypothesis, and this was a thesis upheld by those who defended the boy.

A deeper investigation revealed the context, explaining such self-serving stubbornness: for years a conflict had been going on between the royal quarter chief and the old woman, over land which she had inherited from her patrilineal grandfather and that she had personally administered, since her younger brothers or cousins were too young to claim their property rights. One of these cousins was the chief of the royal quarter himself, who, for years, had been trying to regain the ownership of the hard-fought land which, in the meantime and thanks to the work of the “sister”, had become extremely productive. This backstage intrigue was no secret: everybody knew and the chief of Kati himself was made aware of it before the trial begun. Even the chief of Koumawou was aware of the facts and, not willing to be involved in the matter, didn’t complain when he was not immediately asked.

Complex problems arise when tensions last for so many years: many factors can make it inevitable that a series of matters remain open, reappearing in new ways and thus continuing to feed long-lasting conflicts and tensions. These can be the absence of clear property registry documents or written wills, or, conversely, the recent proliferation of fake pre-dated wills, contradictory documents produced by different subjects claiming rights over the same piece of land through the official bureaucratic procedures, or the death of many of the witnesses of old verbal agreements. In 2011, during a subsequent fieldwork, I learned that the woman had died in the meantime, without the conflict over land between her and the chief of the royal quarter being resolved. Koku, discussing the case, pointed out that the stubbornness

⁹¹ *Soqabi* is distilled palm wine.

of the chief of the Royal quarter in not wanting to reach an agreement with his "sister", now deceased, was now exposing him to a possible accusation of witchcraft. In fact, some members of the lineage, more closely related to the woman, began to circulate the rumor that her death was caused by an attack by witchcraft by the chief of the royal quarter.

This case demonstrated how it is possible, through conflict regulation, to increase one's social prestige, by being careful not to question the *chefferie*'s role but, rather, by moving within its folds and among its power vacuums, such as in the case of Koku. Moreover, it needs to be pointed out that the village chiefs are not paid by the state, and therefore have other forms of income (the chiefs of Kati and Apegamè are high school professors, that of Koumaow is a farmer), for which they at times have to leave the village, delegating the management of the conflicts to others.

In other words, the existence of a choice between different courts and institutions to which to apply for the resolution of a problem implies the existence of opportunities to increase one's own authority by entering the field of the regulation of conflicts. Consequently, while it is important to analyze the conflicts between opposed interests, groups or individuals, it is also crucial to take note of the interest in the conflicts, which offer the reward of enhanced legitimacy in the local political field. It is by virtue of this fact that *chefferies* have preserved their credibility even in the face of accusations of collusion with the regime.

Composition of the court and structuring of the trial

As noted previously, trials are the main arena in which *chefferies* can see their local authority being reinforced. This happens mainly because they are configured as spaces in which to reestablish the moral and political order. At the same time, throughout the trials, a range of power relations are all renegotiated: between the contending parties, between the patronage and the parental networks, between mutual obligations and landed properties, between those living, and between the living and the dead, between material worlds and invisible forces.

Although much attention has been given to the role of village chiefs, the previous example showed how the field of conflict regulation involves a wider set of actors. In other words it is not possible to reduce the court to the chief of the village alone, rather it comprises quite a large number of people in different positions of power, sometimes competing with each other. This emerges clearly from an analysis of how conflicts are resolved during a trial.

Unlike the courts of the lineage chief (*fomedzikipɔla*), or the quarter chief (*kɔmefia*), who manage the trials individually or at most accompanied by some other member of the family -

in the descendant group (*fome*) and in the quarter respectively - the court of the village chief (*Wonudrofe o kodzodife*) consists of a plethora of leading local figures (*dumemetsitsi*- “old person of the village”; or *dumega*- “great person of the village”).

The village chief (*dumefia*) often has no fundamental role in the decision-making or in the interrogation. Certainly there are important exceptions: much depends on the personality of the chief and on the issues addressed in the process. I met village chiefs who intervene more forcefully, others who maintain a stance of extreme detachment, leaving others the task of settling the issue. In general, however, it is the court as a whole which takes the decision, after lengthy discussions. This also serves to reproduce the paternalistic rhetoric of the village chief as non-partisan, interested not so much in punishing as in reconciling his "children". Many village chiefs I interviewed feared attacks by witchcraft by people who believed they have been wrongly convicted or had not had a fair trial.

In general, however, village chiefs prefer to exercise control over the ritual formalities and to repress any violations of etiquette: there exists, indeed, a series of postures to be held, as well as several rules to respect, ranging from the prohibition on crossing one's legs, to having to maintain a calm demeanour, to not interrupting, not shouting, speaking only when asked to, not invoking the intervention of spirits, not cursing, and not beating the palm of the hand against the soil so as to “call the lightning”. At the beginning of every trial a notable reiterates all these interdictions. Any violation of them can expose the person to severe fines. Self-control, circumspection in both gestures and words, a certain reluctance to speak, at least at the beginning, and an implicit posture of submission, are all qualities which are not only appreciated socially, but are also formally required and demanded in the context of a trial and, more generally, at any time when approaching someone of a higher status. These Ewe proverbs illustrate the point: “Who holds back the words, is a wise man, and who is calm in spirit, is an intelligent man”, “Who speaks thoughtlessly wounds like a sword, but the language of the wise brings recovery”, “Like a defenseless and stormed city, so is the man who is not master of himself”. Behavior openly violating these rules can lead to the immediate end of the trial and represents a severe offence to the village chief and his court, to which it will not be possible to turn again for other needs in the future. If this happens it is only the mediation of a relative (often the mother) that can mitigate the offence⁹².

Those who actually lead the interrogation are more often the *tsami* (the chief's spokesman) - who tells people when they should step forward and when can speak - or the chief of the

⁹² Interview with notables of Agou Koumawou. Place: Koumawou. 15/10/2010 and 12/12/2010.

royal quarter, who also takes the role of regent in the period between the death of a village chief and the enthronement of his successor. For example the trials registered by the Koumawou *chefferie* and held between 1995 (Chef Atama II's death) and 1997 (the enthronement of the current chief, Dzakpata II), were regulated by the chief of the royal quarter in his role as regent.

The secretary sits at the side of the *tsami* and transcribes the trial in the register. The transcript allows the parties to eventually appeal the case in another court, an action which may require the presentation of the written records of the previous processes. In the past the records of a trial were sent to the colonial administrators of the region.

Between the *tsami* and the audience sits a notable of the royal family whose role is to bring any documents from the witnesses to the court, to severely discipline those who violate the rules of the trial and to manage the debate. This last task is called *Gbesea*, from the question “*gbe se a?*” (“Has the word been heard?” “Was what has been said understood?”) asked by the delegate at the end of each intervention, before asking the next witness to come forward.

Among the court members, there are at times the *dutɔ* (“village father”, or the direct descendant of the village founder), the *asafo* (“war chief”), the youth chief, the quarter chiefs of the village and the other notables of the *chefferie*, each of whom can ask questions or express their opinions on the case. If the process involves a “foreigner”, such as a Kabié or Nawdeba, the local chiefs of these groups are also summoned. Thus, at least in small villages where I stayed, the rather large number of members of the court, who are often related by kinship or friendship with the parties concerned, should (note the conditional) provide a balanced decision.

The person(s) filing a complaint (*samato*) normally go to the village chief, who then sends a notable to inform the accused (*amesi wosama*) that he needs to show up on the fixed date for the trial. It is not permitted not to attend, but one may request on that day a postponement of the trial on the grounds of extreme circumstances preventing the physical presence of the defendant. At the beginning of the trial, one can request that the case be solved *à l'amiable*, if the prosecutor agrees, and this permits a substantial reduction both of the sentence and of the expenses. The money gained from the trials is usually split among the court members, but it doesn't amount to substantial revenue, being a few hundreds of CFA per session and a number of gin bottles. Village chiefs and notables alike have other jobs and the regulation of conflicts, despite being a fundamental part of the guarantee of the legitimacy of the so-called “traditional” authority, does not entail a substantial improvement of their economic situation. Before the sentence is announced, the notables withdraw to deliberate. The metaphorical

expression used is “to go to consult the *Amegakpui*” (the small man), a spirit which is said to assist the trial and give the sentence.

This description, which corresponds roughly to local representations, runs the risk, however, of presenting the court as a homogeneous and undifferentiated entity. Often the opposite is true: between the members of the court, who are often linked in various ways with the contending parties in the trial, there are frequently conflicts, dislikes, veiled tensions. Each village is criss-crossed by tensions between groups - for the control of political positions, over land conflicts, over old and new grudges - which are reflected in the relations between members of the court, although often not directly spelled out in trials, where the court should instead present itself as coherent and able to achieve a unique and harmonious judgment.

The problems arise when the court retires to deliberate. The discussions, which take place in secret (consultation of the *Amegakpui*), are sometimes much more inflammatory than the actual trial. It is therefore vital in these situations to refer to members of the court who are not directly implicated in the affair. Because of this, members of the court who usually hold minor positions in the decision making sometimes play key positions in issuing a judgment.

The case of Koku discussed previously is a clear example of these dynamics. The village chief of Koumawou knew that the prosecution brought forward by the chief of the royal quarter was in some ways a pretext and that the problem really involved the division of an inheritance. He also knew that a trial in his court would not lead to the result desired by the chief of the royal quarter and, as a village chief, he would not take responsibility for causing offence to the chief of the royal quarter. In the past between the two, there had been some disagreements (remember that the chief of the royal quarter, as well as being the grandson of a past chief of the village, was regent for several years before the current village chief) and now, having to work together frequently, the two moved with great care, cool courtesy and mutual respect. Therefore, the village chief gladly welcomed Koku taking charge of the matter in his place, as did the two contending parties, who valued Koku's evident impartiality.

Moreover, if one of the litigants thinks the court is too partisan, they can turn to a different *chefferie*, which can lead to reduced legitimacy for the *chefferie* not consulted. By making Koku responsible, the village chief could both avoid being personally involved in the affair, and also ensure that the issue was resolved within the village.

How to solve a conflict?

The above discussion allows us to understand how the resolution of a conflict often comes to appear as a complex process, consisting of a range of different and often competing demands, of hidden transcripts, of rhetorical and social strategies, in all of which it is necessary to bear in mind a large amount of information, on past and present social relations, on power structures, on moral principles, and on the interlocked strategies of individual micro policies. This is an ever-changing and dynamic field requiring, according to members of the *chefferies*, the application of a set of principles in order to keep the case under control. These principles represent the norms which reinforce the morality of a decision, as well as a strategy to manage (and reduce) the complexity of cases that arise. This does not mean that they describe how things really are, as an approach anchored in legal reductionism would tend to claim. If anything, they throw light on the rhetoric used by the so called “traditional” institutions to legitimize their position despite not always being able to solve conflicts that present themselves.

A first principle followed by the courts is, so to speak, “methodological” and it is well summarised by the Ewe proverb: “If you try to sharpen the stick too much, you risk breaking it”. People are well aware that many conflicts conceal several origins - problems connected with the land, certainly, but also past rivalries for the achievement of a title, amorous disputes, envies, illnesses and deaths secretly imputed to someone, but for which there is not enough proof to win the trial. Therefore, within a trial, it is strategically advisable not “to go off topic”, that is, one should focus on those points that will be discussed. A particular exchange of offensive words, instances of antisocial behavior, an offence witnessed by others, a non-reciprocated greeting, an illness in the family, the suspicion of an attack with the *grisgris*, a *bokɔno*⁹³ verdict required by an individual or by a group of relatives, are just a few of the elements taken into consideration before the final sentence. That is, unless the real cause of the contentious is not explicit from the beginning: for problems connected to landed properties, witnesses are brought together early on, and one needs to go out in the field as soon as possible to study the *wɔmi*⁹⁴ (*womi*) positions and eventually fix new boundaries,

⁹³ *Bokɔno* are ritual specialists capable of consulting the oracle and, more generally, they reside very far away from the village, so that their response is not influenced by personal matters.

⁹⁴ *Womi* or *womiti* are particular plants locally used to define the boundaries of fields between several owners; see Chapter 5. They are chosen for their resistance to drought.

according to the principle “you don’t discuss the fields in a room”. Often this proves to be less easy than expected, given the fact that the *wɔmi* can be, more or less inadvertently, set on fire during the dry season or, as seen in the case relating to Gbagbasi, can be used as support for the yams, generating ambiguities about boundaries between properties. The evidence of the owners of neighboring fields and the memories of previous divisions and trials are therefore crucial.

Moreover, the “pedagogical principles” which are reaffirmed and transmitted by the sentences have great importance. For example, someone who steals manioc can be punished with more severe fines than someone who steals corn, despite the latter having both higher value and production costs than manioc. The paradox is explainable by recalling that the manioc cultivation is very simple, not so tiring and within everybody’s capability; so anyone stealing it proves himself to be particularly lazy and is therefore punished more severely than someone who steals corn.

Another crucial principle followed is not so much about the punishment, but rather the reparation of the broken social bond. This is done largely by exploiting the rhetoric of family, which invites peace among “brothers and sisters”, as well as re-proposing generational structures of power on which the chiefs’ position is based, legitimizing their function as “fathers” in whose free judgement one should trust over the resolution of the conflict (independently of whether or not the conflict is solved).

In the case managed by Koku, discussed above, the court of Apegamé found that both the woman and the chief of the royal quarter were blameworthy, albeit in differing degrees, by virtue of the fact that both parties were in some way offended. Courts try wherever possible to distribute the responsibilities, so as not to generate any desire for revenge directed against the court, whose members often confessed to me the fear of being under witchcraft attacks by those unsatisfactorily condemned. In fact, during my stay in 2010 the *chefferie* restored a series of ceremonies in honor of the ancestors and the royal stool, invoking their protection because it felt that the increase in cases of disease in the royal quarter was attributable to attacks of witchcraft by unhappy residents of the village.

This approach also introduces proportionality to the penalty, varying not only according to the gravity of the offence and to the position taken by the offender, but also according to the defendant’s financial circumstances. By following this principle, it is believed, the “traditional” courts are more human than the state’s justice, which in fact is most often

administered by military officers. Someone accused of theft and arrested by the military, is often - especially if young - detained arbitrarily and subjected to beatings and violence in order to obtain a confession. It is common in such cases for the relatives of the accused to go to the village chief and ask his intercession for the release of the accused and to have this issue resolved in his court. The problem is often solved by the return of the stolen goods and an exemplary punishment beating given to the offender by a senior member of his family. It is important to note that the rhetoric of "reconciliation among brothers" refers in fact to conflicts between adults. If a quarrel involves two people in an evidently asymmetrical power position, such as a young person against an elder for example, the rhetoric is rather that of the respect that younger must give to the elder. In general, it is rare to see a "young person" (this term refers to a person in a position of direct dependence upon another) summoning his father, his mother, or his professor to court because they have given him a beatings or for any other offence. If anything, the opposite is true: there are parents who come to the court (but often to the military station) to impart a lesson to the disobedient sons and daughters⁹⁵. For example in 2011 a man of Koumawou told me how he led his sixteen year old daughter to the police in order to let her be punished by the military. The girl was guilty of having a secret love affair with a boy from a neighbouring village against the wishes of her father. The military punished the girl with ten lashes. Following this she decided to leave the village and go to live with her divorced mother in Lomé.

Even here there are a number of rather important exceptions: I was told by the village chief of Koumawou that, following an altercation between a father and son, the father requested his intervention in order to punish the boy. The "boy" in question was a man of thirty years old, married with two children, who could not stand the insistent demands for money from his father, a feared and respected elder in the village, known for his hardness and his numerous *grisgris*, and who for these reasons appeared many times in the records of trials held at Agou Koumawou's *chefferie*. The elder has always opposed the current village chief, believing the role belonged to his lineage (if not to himself) and so never misses an opportunity to attack, in public and in private, the village chief himself. How to handle the issue? The village chief and other witnesses have told me that the "boy" was asked to apologize to his father and to pay a fine. The fine however, was not so large and it was reduced due to "the obduracy of the old man". The elder immediately read this reduction as proof of the mutual antipathy which existed between him and the court.

⁹⁵ See Perry 2009 for similar dynamics in Senegal.

The so-called principles are therefore adapted to the specific context and, rather than emerging as timeless values, are subject to renegotiation, demonstrating a high degree of malleability. Through copious use of "common sense", their aim is to reproduce the moral values and the power structures that give legitimacy to the work of the courts.

Finally it should be remembered that the rhetoric of reconciliation is not the sole prerogative of the *chefferies*, but informs the whole framework of the discursive power of the state and is loaded therefore with ambiguous values that allow us to see the reality of oppression on which it rests. On August 30, 2009 I attended the fortieth anniversary of the birth of the RPT in Kpalime. President Faure Gnassingbe, though absent, sent a message⁹⁶ that was read out to the crowd, in which the words "peace" and "reconciliation" assumed a central role in the genesis of the party and played a legitimizing role for the bloodshed of which Eyadema – both father and son - were guilty. Recalling the tensions that marked the period immediately following independence, which saw the first coup in African history launched by Eyadema in 1963, the current president ("the son of his father," as he is sarcastically called) reconstructs the story as follows:

« Le Pays était plongé dans une situation délétère qui ne permettait pas au togolais de travailler ensemble et en toute tranquillité. Ce climat angoissant conduira l'armée à intervenir par deux fois dans la vie politique du pays en 1963 et en 1967.

Dans le souci de mettre les Togolais ensemble pour entreprendre la reconstruction d'un Togo nouveau, uni, réconcilié et apaisé, une commission de réflexion, appelée « Groupe des Dix » a été mise en place, par le Père de la Nation, le Président EYADEMA, avec pour mission de proposer des voies et moyens devant permettre aux togolais de repartir sur de nouvelles bases. Après avoir sillonné le pays pendant plusieurs semaines, la commission a rendu un rapport dans lequel elle proposait la création d'un grand mouvement pour rassembler les Togolais afin de construire leur pays dans la paix et la stabilité.

En homme avisé, pragmatique et visionnaire, le Président Fondateur du Rassemblement du Peuple Togolais lancera, ici même, du haut des plateaux du Grand Kloto, le 30 Août 1969, un appel pathétique et émouvant à toutes les togolaises et à tous les togolais pour qu'ils enterrent la hache de guerre et se donnent la main pour la reconstruction d'un Togo nouveau »⁹⁷.

⁹⁶ It is possible to read all the speech on the website: www.rpt.tg

⁹⁷ "The country was plunged into a pernicious situation which did not allow the Togolese to work together in peace. This harrowing climate led the army to intervene twice in the political life of the country, in 1963 and 1967. In order to get the Togolese to undertake together the reconstruction of a new Togo, united, reconciled and peaceful, a 'committee of deliberation' called the 'Group of Ten' was set up by the Father of the Nation, the

Along the same lines, the opposition movements of the 1990s are held responsible for both the clashes and the nation's lack of economic development. The RPT, now as then, presents itself as the advocate of national reconciliation:

« Au delà de tout bilan, l'histoire retiendra que pendant 15 ans, de 1990 à 2005, nous nous sommes querellés, nous nous sommes entredéchirés. Notre pays en a énormément souffert. Nous subissons au jour d'aujourd'hui les terribles conséquences de ces querelles politiques intestines qui n'ont fait que retarder le pays de nos aïeux dans sa marche vers le développement et le progrès. »

« Les togolais méritent de retrouver la joie de vivre ainsi qu'une nouvelle espérance à travers l'unité que notre parti symbolise au Togo. En effet, le Rassemblement du Peuple Togolais est le parti des citoyens de tous les âges, de toutes les couches sociales et de toutes les contrées. Il demeure en effet la formation au sein de laquelle le peuple togolais, dans sa diversité, a senti le besoin de s'accepter, d'être en harmonie avec lui-même et de construire son avenir; un avenir pour lequel nous estimons que les actes que nous posons aujourd'hui doivent tenir compte du bien-être et de l'épanouissement intégral auxquels les générations futures auront, elles aussi, droit.

Ce souci de stabilité, d'harmonie et de continuité dans toute action politique doit guider demain notre choix. Nous devons assurer une victoire éclatante au candidat du RPT. Notre soutien doit être total. Nous devons tout mettre en œuvre pour privilégier la paix, la cohésion et l'unité, afin d'aller en rangs serrés à cette élection dont les enjeux n'échappent plus à personne. »⁹⁸

President EYADEMA, charged with the task of proposing ways and means of enabling the Togolese people to make a new start on new foundations. After crisscrossing the country for several weeks, the committee issued a report in which it proposed the creation of a great movement to rally the Togolese people towards the building of their country in peace and stability. As a wise, pragmatic and visionary man, the Founder and President of the *Rassemblement du Peuple Togolais* (Rally of the Togolese People) launched here, from the top of the highlands of the Grand Kloto, in August 30th 1969, an inspiring and moving appeal to all Togolese to bury the hatchet and join hands to rebuild a new Togo". (my translation)

⁹⁸ "... history will record that for 15 years, from 1990 to 2005, we quarreled, we tore each other to pieces. Our country suffered enormously. We are still suffering today the terrible consequences of political infighting that have only delayed the land of our forefathers in its march towards development and progress".

"The Togolese people deserve to find again their *joie de vivre* and a new hope through the unity symbolized by our party in Togo. Indeed, the *Rassemblement du Peuple Togolais* (Rally of the Togolese People) is the party of citizens of all ages, all social classes and all regions. It remains in effect the organization in which the Togolese people, in all its diversity, has felt the need to accept itself, to be in harmony with itself and to build its future, a

A very frequent comment is that "the government talks of reconciliation, and beats its opponents". The establishment of various commissions to shed light on the bloody events that have marked recent history, acclaimed by the international community, is greeted locally with cynical smiles, it being public knowledge that their members are mostly chosen by the RPT itself. The term "reconciliation", when used by the state, is increasingly meaningless to the extent that it has become synonymous with "submission".

While there is at the macro-political level a widespread and growing sense of disillusionment around the state's attempts at "national reconciliation" whose only functions have been to keep the Eyadema clan in power and to secure them the (hypocritical) support of an international community satisfied generally with the so-called project of "democratization", it is interesting to note how at the micro-political level *chefferies* - although they are often thought to collude with the regime - have managed to maintain and sometimes increase their room for manoeuvre by using the role, imposed on them by colonial and post-colonial legislation, of "conciliators" par excellence.

*Oracles, witchcraft and conflicts*⁹⁹

One of the main reasons people go to the courts of *chefferies* and not to the courts of the state, is that *chefferies* recognize and judge cases involving witchcraft attacks, especially through the counsel (paid for by the accusing party) of *bokno*, ritual specialists who are able to consult the oracle (*Afa*)¹⁰⁰. The *Afa* oracle is a highly specialized divinatory practice consisting of the reading and the interpretation of 256 different configurations of 16 half nut shells (disposed in 4 lines of 4 half nutshells each). Every half nutshell can fall either on the concave or convex side, giving (16 x 16) 256 configurations. With each configuration there are associated histories, rich patterns of symbols, proverbs and advice that the specialist learnt after a long training. Moreover, every configuration has a different "internal weight"

future for which, we think, the actions we are taking today must take into account the well-being and total fulfillment to which future generations have right. This concern for stability, harmony and continuity in all political action must guide our future choices. We need victory for the RPT candidate. Our support must be total. We must all work to favour peace, cohesion and unity, to go in serried ranks in this election where the stakes are known by everyone" (my translation)

⁹⁹ This is part of an Author's Original Manuscript of an article whose final and definitive form, the Version of Record, has been published in the *Journal of Legal Pluralism* [2013] [copyright Taylor & Francis] .

(on the right or on the left) that can be used to ask specific question whose answer could be alternatively “yes” or “no” (de Surgy 1981, 1988; Hounwanou 1984).

Considered a sign of irrationality and superstition, the use of the oracle was one of the practices that colonial administrators attempted to eradicate with great vigor, but without success. As has been pointed out by Rowland and Warnier (1988: 129): "... in the colonial period and at early independence, administrative and judicial authorities often confused witches and anti-witchcraft specialists, all of them being lumped under the category of sorcerers".

In their fight against anti-witchcraft practices, the colonial powers were often accused of implicitly favoring sorcerers. At the same time the fact that Christian missionaries often believed that local religions were demonic cults in itself reinforced, in the local representation, the effectiveness and the power of vodu (Meyer 1999). At the same time, however, as we said in the first chapter, too sharp a distinction between a morally legitimate vodu and one devoted to harming others is not likely to give an account of the moral ambiguity that the spirits - owners of generative and destructive powers at the same time - have in local representations. Since the 1990s several scholars, embracing the renewed anthropological interest in matters related to witchcraft and the occult, have shown that, far from being the legacy of a traditional past, African conceptions of witchcraft have been readjusted and reproduced in the new global context in the light of new forms of social inequality, new political configurations and new methods of enrichment. Many of my interlocutors were strongly convinced that the phenomenon of witchcraft was increasing, that the identification of those responsible had become more complex and that having forgotten the "traditions" exposed more people to these types of attacks. In Togo, as in many other African countries, the workings of the occult and mystical powers are deeply intertwined with the local political narratives. In local representations, power (be it political, economic or traditional) has an ambiguous and twofold nature: to the public, visible manifestations has to be added a "shadow" in which are found the mystical powers acquired or inherited from, and the relations maintained with, an invisible world full of hungry spirits. This shadow often represents its true origin. For example Toulabor (1986) and Piot (1999, 2010) have shown how Eyadema himself skillfully exploited these narratives, as well as the advice of specialists in various vodu rituals, in order to enhance his aura of invincibility, both personal and political. For many Togolese, Eyadema was deeply tied to the special relationship that he had with the spirits, which protected him from the airplane accident in Sarakawa, from various attacks (real or imagined) to his person and from the opposition attempts to remove him from

power in the 1990s. Charges and countercharges of witchcraft between political elites and subordinate groups are a common theme in anthropological reports and testify to all the ambiguity of witchcraft. In fact, as many authors have shown, witchcraft can be read both as a criticism of the "politics of the belly" (Bayart, 1989) of the elite, accused of being witches, and of stealing the health, money and resources of the country for their own personal gain, or as an indictment by these same elites of the "backwardness of the villagers", accused of using mystical forces to stop the development of the country or of being envious of their wealth (Bayart, 1989; Geschiere, 1995, Rowland and Wernier, 1988). Therefore the political importance of anti-witchcraft practices is understandable. The case of Gbagba (Chapter 1) exemplifies the macro-political level. The use of oracles in trials is an illustration at the micro-level.

Normally in the Agou region, it is customary to refer to *bokɔno* living a long way from the village so that their response is not influenced by personal factors. The further away the *bokɔno* is, the more the results are considered credible. Often, if there is enough money, various *bokɔno* are consulted at the same time and the results are compared. Considered to be specialists not only of *Afa*, but also of many *grisgris*, *bokɔno* are generally ambiguous figures in local representations. One could secretly use their services to harm someone else and, for this reason, it is strictly forbidden to invite a *bokɔno* into the village for consultation without the authorization of the chief. Moreover, if chiefs want to reinforce their role in conflict resolution and in maintaining public order, they must avoid the oracle verdicts being used to legitimize private vengeance. For this reason they must exercise a certain degree of control of the use of and, more importantly, of the interpretation of oracles. Oracles never have the last word.

The use of the oracle seems of vital importance in clarifying the causes of death or of prolonged illness that hospital treatment has not been able to cure. In fact, as we saw in chapter 1, the causes of the disease may be different: a prohibition not respected, the vengeance of a forgotten ancestor, the signs of election by a god, an evil fate, a mystical attack by someone (not necessarily a witch and perhaps even accidental) through *grisgris* (*dzo*), an attack by a witch (*adzeto*).

The use of the oracle is central in providing evidence where there is an accusation of witchcraft which, if unfounded, would cause the reversal of the situation: the accusing person would be considered guilty of defamation. In fact many of the cases I have had the opportunity to follow are not directly witchcraft accusations, but trials for libel, because the life of the village life is full of low voices, whispered suspicions, rumors and malicious

implied accusations, and no one is immune. Not everyone has the desire, the interest or the money to pay a *bokɔno* to unmask the guilty or enter into open conflict with someone, summoning them to court, if there are no good reasons for doing so. People wait, even if they suspect someone of witchcraft, until they have evidence - and can thus convert the rumor into an explicit accusation - because they face penalties and fines for defamation if they do not have evidence. It is very important to quash any rumours early, calling to trial those who implicitly or explicitly state that the person concerned is somehow responsible for someone's death or illness.

Nonetheless, the oracular response, if it can spot the culprit, is always sufficiently vague that it leaves the court a wide degree of choice between the charge of being an *adzeto* or the less serious accusation of accidental mystical attack or use of *grisgris*. Moreover, the oracular responses on the same issue tend to be quite different, allowing the court, ultimately, to develop a highly independent judgment. In the case of serious charges of witchcraft, the issue is often solved through the strengthening of the social bond between the parties, the restatement of the crucial values of respect for the ancestors and for the authority of the village's old people as responsible for sacrifices.

Case 3

In a case I followed in 2009, a woman accused her brother of being responsible for her children's death; the man had for many years had an ongoing dispute about a piece of land that the sister's husband received as *kolonyigba* (see chapter 3), and, worried by the accusations charged against him, he had turned to a *bokɔno* to carry out a ceremony for the recovery of the ill nephew, in which the sister didn't take part. The court found the brother to be responsible and the blame for the illness was laid on the conflict among the two. The sentence then required a sacrifice to the ancestors be carried out by both of them in order to avoid any future upset.

In cases like these, the oracle's responses have an important role, but this doesn't mean they are determined beforehand.

Case 4¹⁰¹

Between February 23rd 2009, and March 3rd 2009, a boy was accused by the *chef canton*'s father of making his niece ill following a dispute because she had refused to marry him. Some time before, during a fight with the girl's lover, he had, without realising it, hit her and she became ill shortly afterwards. The oracle consulted her destiny (*gbetsi*)¹⁰² and declared that the boy was responsible for having used his mystical force (*sese o edzo*) in order to damage her. It was to the boy's disadvantage that he had previously boasted of having such power with the aim of increasing his prestige. Nevertheless, the intervention of the father, who was skillful in discussing the subtle differences between the various local concepts of mystic force, and the fact that the defendant proved he had managed to pay for the hospitalization expenses for the girl, led to a sentence which held the boy only partially responsible (he had only hit the girl accidentally: her lover was his real target). Therefore a ceremony was held on behalf of the defendant, in order to thwart the inauspicious effects of his *dzo*.

This case shows quite well how the chieftaincy has the last word on the oracle's verdicts. Despite the oracle's response, the court in this case preferred a conciliatory solution. This was possible because of the highly negotiable pattern of witchcraft accusations: the plurality of different powers that could eventually harm someone and their ontological ambiguity make it possible, and necessary, for the court to analyse the motivation of the people involved and the relations between them. The father of the accused boy, arguing with the diviner, tried skilfully to avoid his son being accused of being an *adzetɔ*. The boy, by playing with the moral ambiguity of the mystic powers (which are feared and respected at the same time)¹⁰³ managed not only to escape a severe sentence, but also to come away from the trial with his power socially recognized and his prestige increased. What is important to underline here is that the oracle's response, once pronounced, is not the end of a process, but the beginning. The response is not uncritically assumed to be true, it becomes the arena of new

¹⁰¹ Trial 23/2/2009 and 2/3/2009. Records of *Chefferie Agou Koumawou*

¹⁰² For a more detailed explanation of the terms *gbetsi*, *dzo*, *ese* see Meyer B. 1999, Rivière C., 1981. In general, as we discussed in chapter 1, *gbetsi* can be translated by the concept of "personal destiny", often inauspicious; *dzo* can be understood as magic, an acquired mystical power, not necessarily evil; *ese* is strength, including physical strength and *adze* is witchcraft with a negative connotation.

¹⁰³ For an analysis of the ambiguity of the witchcraft discourse and its relation with contemporary political and social scenarios, see Geschiere 1995.

renegotiations of meanings during the trial, making crucial the role of the courts and the strategies activated by the people involved.

A few months later, a new witchcraft case had very different consequences:

Case 5¹⁰⁴

An old notable of the village was accused by his own family of being responsible for the death of some members of the lineage, including that of his own brother. The underlying conflict between the old notable and his brother was provoked because the notable had sold a part of the family land without asking the opinion of other members, and his brother vehemently opposed the sale and had been informed only during the transaction. After that, the brother became ill and was treated in the neighboring hospital, where he died. The old notable never went to visit him and the other family members went to consult four different *bokɔno*, before submitting the case to the village chief. As frequently happens, all the *bokɔno* attributed the sickness to tensions among family members and two of them made clear reference to the fact that conversions to Christianity (and then the “rejection of the traditions”) expose people to possible attacks of witchcraft. These discourses clearly represent the counter-narrative that *bokɔno* use against the demonization of “traditional cults” that Christian churches have carried out since colonial periods. This is part of the transcription of the trial:

The trial began with the chief asking for the accusations and the results from the Afa oracle. A member of the family reported the responses of four *bokɔno* from different villages in the region:

– “There is a sickness in the family. This sickness is not produced by a vodu or an ancestor shrine. Rather it comes from the family itself, from one of the patrilinear cousins. More particularly from one who has darker skin. He is not so tall, he is thin, he has a corn field near the road. He hasn't *grisgris*, but rather he asked a *bokɔno* to provoke sickness in the family. There is a paternal aunt in the family with lighter skin who creates problems in the family”

– “I sent my spirit to see the village and the house in particular. When it came back, it told me it had seen sickness, poverty, quarrels and bad omens (*busu*). It saw that there are no magical defences (*agbo*), thus everything can enter and break things. You are claiming to be

¹⁰⁴ Trial 30/5/2009. Records of *Chefferie* Agou Koumawou

baptized and you go to the church. You have forgotten tradition (*tɔgbui nuwo*, the things of ancestors”). This is why wild beasts come to break your things. When your ancestors were living nothing could enter and touch your things. It is the mouse of the house who calls the mouse of the forest. You are Christians and you pray, but these wild beasts are among you. Your ancestors are angry with you, because you do not do things respecting traditions. If someone dies you do not ask the *bokɔno* for the causes of the death. Why? This is the reason why you have bad luck.”

– “Quarrels, disunion, you don't speak with one other, these are the causes of sickness, death and poverty in the family”

– “You have consulted others, you know the answer. Why you are here? Anyway, all of this comes from a man, not a vodu. Someone took the spirit of the sick to throw it away in the river. This is the reason the man died. The person responsible put the quarrel among you to avoid his name being revealed. Someone else is sick among you and soon he will die. It is more than a year and a half ago that the dispute began. In the quarter, there are two people who do these things. The first goes and comes back often, the other is stable in the village. The spirit who protects the house (*kpossi*) is not there anymore. The person responsible uses the Bible to harm his brothers. Do the traditional ceremonies. Someone, because of Christianity, refuses the ceremonies, and this brings damage to the family”.

Given the gravity of the accusations and the important role of the notable, the case was discussed in the public square, with the help of village chiefs coming from neighbouring villages. The old notable was found guilty, was publicly humiliated and then obliged to leave the village, where he returned two years later. It was to the old notable's disadvantage that he had never visited his ill brother at the hospital and that all the relatives had agreed on accusing him. Moreover, some members of the court told me that the man quite often quarreled before the trial with other notables, who obviously took the opportunity to remove him from his position. It seems that the decision of the court was motivated more by these facts than by the accusations of the several *bokɔno*, which, however, have in any case been taken as evidence, to reinforce the judgement. The oracle's response is often a necessary, but not a sufficient tool to charge someone with witchcraft. In cases like these, the oracle's responses have an important role in supporting particular accusations and in giving “evidential support” to mystical forces, but this does not mean that they necessarily determine the result of the trial.

These three cases show how the intervention of the oracle is not decisive in a judgement, though it can have an important role in strengthening a specific argument and it is still present despite the colonial efforts to eradicate it. The individual's ability to mobilize his/her own social networks and to point to evidence of behaviors that don't cause suspicion of malevolent intentions is fundamental. Nonetheless, the oracle provides a fundamental support in reinforcing particular accusations and in producing specific pieces of evidence, rooted in etiologies not recognized as valid or true by the state legal system but legitimized (and renegotiated) by chieftaincies in their everyday practice of conflict resolution.

From this point of view, chieftaincies have managed to preserve, reinvent and strengthen their crucial role in conflict resolution, by emerging as the principal institution that can handle witchcraft accusations. For this reason it is fundamental for them to exercise a certain degree of control in the interpretations of the oracles and in the avoidance of the legitimization of private vengeance by oracular intervention. At the same time, though, by virtue of their institutional use by *chefferies*, oracles emerge as a useful and legitimate instrument of conflict resolution, making their analysis relevant not only to an anthropology of religion, but also to an account of the different epistemologies generated by, and reinforcing, legal pluralism.

Chefferies and land frauds

It has been repeatedly said that frauds relating to land transaction are a major problem in Togo and conflicts over ownership issues often intertwine with other issues. In this context, *chefferies* are often called upon to rule on cases which are extremely complex.

The following case¹⁰⁵ deals precisely with a land transaction, and casts light on some of the risks incurred when buying a piece of land. In the first place, it is often hard to be sure that the seller is the effective holder of the rights of alienation of the land, secondly it often happens that a piece of land is sold twice, which is one reason why the buyer starts building on it immediately, so as to signal that the land is no longer vacant. Moreover, this example shows how a series of factors, both moral and linked to the activation of social capital, become crucial for the purposes of the final judgment.

¹⁰⁵ Records of trials of Agou Koumawou 30/9/2004

Case 6

As attested in the records of the Agou Koumaow *chefferie*, the trial starts in September 30th 2004, when Esi (a woman from Koumawou, daughter of Adokri, an old and much feared vodusi of the village, and married to Yovoto, an Akposso living in the neighboring village of Gadzepe) asks to summon Koenya (a young girl living in their home and helping Yovoto who has been bedridden for years), suing her for libel. Koenya is charged with having declared that Esi was responsible for the husband's illness.

Koenya defends herself claiming that Yovoto had asked her to get the receipt for a plot of land he had purchased in the village of Gadzepe. Once there, she discovered that Esi had also paid money for the same plot in order to donate it to her children, and that she also asked for a receipt of the purchase. Moreover, Yovoto told her that he became ill after Esi had washed him during a ceremony. Koenya takes to the stand saying that the landowners did not agree to issue her with a receipt, because both Esi and Yovoto had required it to be in their names. At this point Adokri (Esi's father) declares that he was the one who paid for his daughter's plot and that he had the receipt, while Esi claims that Koenya had threatened her saying "You'll settle it with the Akposso" (implicitly referring to the stronger mystical powers Ewe habitually ascribe to the people who live further North) and also that another woman, Abouya, had insulted her by saying she wanted to kill her husband.

The court postpones the trial to the following week and asks to discuss the issue with the witnesses, but Abouya does not attend, sending her husband instead, who declares that a certain Kossi (who will be discovered to have been Esi's lover for seven years) had tried to corrupt her in order to make her give false testimony against Koenya.

The trial was adjourned again. Finally Abouya appeared and, after having sworn before God and on the Vodou, tells the court how Esi has betrayed Yovoto with Kossi for years. The court finds Esi guilty of adultery and condemns her to pay a stiff fine.

But the story's twists and turns are not over yet. In March 2005 Yovoto summons Esi after she refused to cook for him for three months, saying that she wanted to leave him. He commands her to leave the house. Esi replies that she had stopped preparing food for him since Koenya had accused her of poisoning him. She also affirms that she wants to leave him for Kossi, but she points out that, the house being hers, it is him who has to leave.

At this point, land becomes the central issue. The court asks to see the receipts and both of them bring them along. The trial is again adjourned and the landowner is summoned. It is then that court realizes that, the owner being ill, three descendants have been acting in his place, his brother and two of the owner's sons, who all start accusing each other, declaring

that there had been no clarity: they accepted the money from both the parties not knowing about the tensions existing between Esi and Yovoto. The strong suspicion arose that they are all lying and that they had attempted to sell the land twice.

In the end, ascertaining that they could not be sure of all the facts and that they could not charge the owners with fraud because of lack of proof, the court's members declare Yovoto's receipt valid as it was issued before the other one. Esi is not satisfied, asks for a copy of the trial and threatens to take it up with the Prefecture.

The different matters discussed during this case (adultery, tensions among Ewe and Akposso, charges and counter-charges of witchcraft, attempted land embezzlement) show clearly that the problem of land is not reducible simply to its strictly economic aspects, but it also involves an entire social and moral order which becomes part of the dispute.

The impossibility of certainty in defining the landowner as conceptualized within the European legal tradition, and the possibilities that this opens up at the level of each single actor, trigger dynamics of profound social tensions. The trial ends by clearly showing the impossibility for the court of settling the case, but at the same time a verdict is reached on the basis simply of the dates of issue of the receipts, a verdict that damages Esi, already previously charged with adultery.

Many trials come to an end clearly by showing the impossibility for the courts of settling the case, given their complexity. Often *chefferies*, despite knowing that an accusation of offensive behaviour could conceal previous tensions between two parties regarding the possession of a piece of land, prefer to judge only the "offense" without going deeper in the matter, since "if you sharpen the stick too much, the stick breaks".

What does not emerge from the trial in itself, although it is vital to an understanding of the trial, is the bulk of social networks that are activated in order to win a case. Esi finds it difficult to get her rights recognized not only because she is a woman and adulterous, but also because she is the daughter of Adokrì, who, as I discovered later on, had been in competition with the local *chefferie* for years and was driven out by the notables after he publicly criticized the current village chief's election, claiming that the *chefferie* should have been assigned to his lineage. Yovotò, on the contrary, despite not being born in Agou, manages to activate stronger social networks, among them the *chefferie* of the village of Agou Gadzepè and the witness Akposo, who is in the army.

Many cases show that *chefferies* in Togo do not necessarily favour the autochthonous more than migrants. Some chiefs reported that the reason for this was that many Kabié, Nawdeba

(but also Akposso) have relatives in the army or in the ruling party. Piot (1999) reported that 80% of the armed forces is soldiers of Kabié origins and a great many of these come from the same village as Eyadema. Thus the expulsion of a “migrant” can be dangerous for chiefs themselves. Moreover, many “migrants” were born in the south (and therefore are not necessarily regarded as newcomers) and are able to maintain and consolidate important social networks of friendship, marriage or business with the Ewe. In addition, the social field of the so-called autochthonous is fraught with underlying tensions, personal rancour, rumoured or explicit accusations of witchcraft and accumulated hatreds. All these reasons make the outcome of any land conflict highly unpredictable; each case is specific, which makes it difficult to generalize by following a single line of social differentiation.

Conclusion

This chapter has provided an overview of the internal and external exercise of power by the *chefferies*, given the central role they have in conflict management, in particular regarding land issues. Although not directly guardians or owners of the land, nor responsible for the allocation of land rights, *chefferies* have the indirect but vital power to reinforce or contest certain rights of access to land when they are challenged, converting practices of social exclusion into norms, or otherwise recognizing the rights of individuals located in minor positions in the local hierarchies (for example recognizing or not the descendants of migrants as owners of the land or otherwise securing the inheritance rights of daughters or widows).

Chefferies are associated with the state in an ambiguous and sometimes contradictory relationship. They are clearly not relics of the past composed as they are of individuals who move daily between identities, roles, registers and different positions. Village chiefs are simultaneously former officials, retired teachers, farmers, merchants, masons, district leaders, civil servants or members of NGOs; there are *tsami* and *asafo* politically active in the local parties, or smugglers of gasoline. In other words, the individuals involved are not reducible to romantic stereotypes that the expression "traditional authorities" tends to convey.

The *chefferies*, thanks to their versatility in moving between different registers of legitimacy, have been able to renegotiate their position in the face of changing political contexts, relying on state institutions to secure recognition, but knowing at the same time that they must distance themselves to avoid accusations of collusion with the regime and to adjust legal issues that either the state does not recognize (like witchcraft) or is not fully able to cope with (such as conflicts over land). Moreover, the fact that accusations of witchcraft and tensions

related to access to land are deeply interwoven, to the extent that the former are often the main language used to discuss the second, only confirms the essential role that *chefferies* have in the local political context.

Skillfully exploiting the ambiguous rhetoric of "tradition", *chefferies* have managed to embody an ideal of justice and balance that connotes a positive and legitimate moral value (at least for those who refer to them), unlike state institutions, which, in the local representations are characterized as the main instrument of the violent power of Eyadema clan. At the same time, the morality attributed to *chefferies* - which actually derives from the greater scope for a subject to influence a judgment by mobilising his social networks and thus strongly affecting the work of the court - often repeats and reinforces the structures of power inside the village, particularly the power of the notables, the village, quarter and family chiefs. As discussed in the previous chapter, however, these power structures, seem less and less able to exercise direct control over young people, women and migrants, in a context characterized by an increase in mobility, high rates of divorce, reduced numbers of formal marriages, migration, Pentecostal churches, NGOs, and new models for enrichment and personal fulfillment. The management of conflicts, therefore, represents for the *chefferies* one of the main modes through which to reassert their authority (and their relative autonomy *vis-à-vis* the state). This authority seems to be increasingly contested and the *chefferies* run the constant risk of seeing their power hollowed out, of being reduced to a mere tourist attraction or to a mere cog of central power.

At the same time, conflict management may expose *chefferies* to criticism specifically questioning their ability to deal with complex issues and may expose their members to the risk of reprisals from those who have lost a case. In other words, the procedures of the management of social tensions are the main areas in which to test, criticize or strengthen the legitimacy of *chefferies* as fair and balanced institutions. Moreover, not all cases of conflict come to court, sometimes because a certain degree of violence between the subjects concerned is considered "normal" or "legitimate" (such as the domestic violence of parents on children, or by teachers at school) or, conversely, the disputes involve subjects who are "untouchable" by reason of their economic and political positions (business elites of the country, senior members of the RPT or the government) or their role (the military). I am not aware of any case in which a parent has called a teacher to a trial for beating his children, or because the teacher forced them to work in his fields (if anything, there are frequent cases of children, once grown, taking revenge on a particularly sadistic teacher, waiting at night along the teacher's way home and beating him). And it is rare in a trial managed by *chefferies* to

hear discussion of the systematic exploitation of boys, apprentices or junior members of the domestic group or to see a soldier called to a trial for violence against a civilian, all these types of violence now being considered "normal" according to a process of naturalization of arbitrariness which has a long history, as we saw when discussing the colonial and post-colonial "policies of the whip". The *chefferies* act on a limited range of issues: adultery (but not divorce), accusations of witchcraft, exchanging of insults or beatings among "equals", access to land, and land transactions, but not on issues regarding the exploitation of labour, nor on the violent practices of the military. As has been argued, those who are able to afford the costs of the formal registration of land titles tend to turn to state courts and to exploit their economic position to secure exclusive rights to land, although formal sales are not immune to the risk of fraud, in which case "traditional authorities" are called in to give advice. In other words the analysis of conflicts managed by *chefferies* appears to be an indispensable tool in the analysis of modes of access to land, but does not completely cover the range of social tensions, power structures and forms of violence that shape the relationships between subjects regarding the land and its work.

In this chapter, we have also shown how the political dynamics which affect *chefferies* must not be reduced simply to the role they play *vis-à-vis* the national and transnational institutions (which is obviously a crucial role, but there is the risk of presenting them as internally undifferentiated entities). In order to understand *chefferies*, we have to consider the micro politics of everyday life. In this perspective, *chefferies* are not only institutions for settling conflicts, but also chequer-boards of social tensions. In order to win a trial it is essential to know how to juggle between the variables in the field – which are manifold and fluid - through the deployment of a series of tactics, key pieces of knowledge and social resources. From this point of view both the activation of symbolic and social capital and the strengthening of relations with members of the courts are often decisive. The next chapter will examine precisely these sets of strategies, in particular those designed to be most effective in gaining recognition of rights to access to land.

CHAPTER 5

How to win a trial:

Strategies to strengthen local land rights

The third and fourth chapters, respectively, discussed the modes of access to land and the crucial role of the *chefferies* in conflict management, in order to present the historical, social and political background to the analysis of the cases that will now follow. Through the analysis of specific cases of conflict over land, partly followed personally by myself and partly extracted from the records of trials held by a *chefferie* of Agou, this chapter accounts for the many strategies used by people to strengthen their rights of property or usufruct when they are challenged. Conflicts are seen as privileged contexts for the renegotiation of the modes of access to land and of social relations. As highlighted by Chauveau and Colin (2010: 100):

“The lesson to draw is that it is illusory to try to secure land rights independently of the socio-political embeddedness of these rights, and therefore of the local issues of citizenship, governance and accountability of authorities”.

The role of institutions in enhancing or denying certain rights has been emphasized in the anthropological debate (Chauveau 2006; Amanor 2006; Lund 2008). In their "Theory of Access", Ribot and Peluso (2003) pointed out that if property can be viewed as bundles of rights, access is always mediated by "bundles of power", namely the different institutions and authorities which through their micro / macro daily political practices give legitimacy to particular claims and strengthen certain rights. In the previous chapters, we have argued for the importance of considering *chefferies* as the main institutions that govern the resolution of land conflicts. We have also mentioned some of the strategies for obtaining access to land: production of stories of first arrival, manipulation of the criteria for membership of descent groups, witchcraft accusations, activation of social capital, forum shopping, planting trees, and registration of land titles. These practices have been observed also in other African countries and are becoming more crucial in contexts where the reduction of available land has led to increasing land-grabbing. Here we will show how these strategies are interlinked with each other and are specifically activated in the course of the trials managed by *chefferies*.

The cases discussed relate to conflicts between "migrants" and "natives", men and women, and elders and young people. It will be shown how the mutual positioning of social actors proves not to be a good predictor of the outcome of a trial (the result is unpredictable in many ways); rather, it is often crucial to defining the best strategy, even rhetoric, to be used. Indeed, although the differences of origin, age and gender have an undeniable importance (determined by a different capacity to expand and use social and symbolic capital), they do not cover all the variables involved in the process of decision making. Beyond the principles that the court declares are to be applied, the praxis of decision making consists of delicately adjusting the rules to the facts, sometimes taking into consideration aspects not directly related to the trial itself. Trials are not necessarily won by those expected to win, and do not necessarily restore the *status quo ante*.

In other words, court cases cannot be reduced to appropriate illustrations of some structural principles, but are starting points in giving an account of the ambiguities, the uncertainties, and the renegotiations that characterize the relative fluidity of social relationships (Mitchell 1983; Evens and Handelman 2006). As Kapferer (2006: 313) wrote:

“...the point of the situational extended-case method was not to use events and practices as mere illustrations. That is, they were not engaged simply to exemplify already established analytical or theoretical assumptions or general, descriptive opinions. Ideally, events and practices were to be intertwined with analysis in such a way that the assumptions engaged to the analysis (those of the anthropologist as well as those of the subjects of the inquiry) were apparent in the process of the construction of the event and in the description of practice.”

Adopting this perspective, this chapter attempts to emphasize the relationships between the contending parties, and those between the litigants and the court, in order to highlight the interests at stake and to explain both the rationality that guides the judgment of the court, and the strategies used by the participants to exploit their social capital. In order to achieve this goal, some brief methodological clarifications are needed, particularly because a case never appears as a given, but is the result of a process of constructing and reconstructing the ethnographic material. First, a trial consists not only of the verbal and explicit charges and countercharges (recorded in the registers), but also of hidden and unspoken aspects, such as silences, glances, gestures, postures, the history of past relationships between the contending parties, and the objectives that each of the parties is pursuing, not necessarily explicitly, for the future. In other words, there is a hidden historicity that is crucial for the understanding of

each trial. A trial, in fact, cannot be analyzed outside of its temporality: it represents a moment (though important and often critical) of a wider continuum, consisting of the relations that the parties have previously woven and of those that follow, which must be taken into account (Mitchell 1983). Selecting the trial as the only relevant moment of the analysis is undoubtedly an arbitrary act and it is not very profitable from a theoretical and analytical point of view. To overcome this problem, I have given preference to the analysis of cases of which I knew the background and where I could observe the consequences, triangulating the different interpretations that the protagonists and witnesses gave of their own behavior and that of others. Some of the trials (in particular those between Ewe and non Ewe) were discussed in French. For others, I was helped by one translator during the trial and by another in translating the recordings.

Second, we need to note that the cases here have been managed by the village chief's court and involve individuals who have agreed to find a peaceful solution and/or believe they have a good chance of winning. This presents a considerable advantage in terms of our discussion: in fact, having arrived at this "judicial stage" implies that the protagonists in these cases have previously attempted to settle the conflict in other locations (among themselves, or speaking to the respective families chiefs or quarter chiefs) without obtaining satisfactory results, and that they then come to the chiefs' court somewhat prepared, having had the time and the experience to improve their strategies. We will begin the discussion with an analysis of the concept of 'social capital', as we have used the term several times and we have stated that its activation is crucial to the recognition of people's rights.

Social Capital and Membership

According to Bourdieu, social capital is: "the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance or recognition" (Bourdieu 1986: 248). As Portes (1998) has shown, discussing the crucial importance of the concept of social capital in sociological thought, the fact that people are socialized – that is built up as social beings - is a fundamental of every investigation trying to grasp the socially produced nature of subjectivity.

The definition given by Bourdieu has the advantage of recognizing the ability of active players to exploit their social relations in order to achieve certain results (a view sometimes considered by some too instrumentalist), without forgetting that not all have access to social

capital of equal effectiveness and, therefore, also recognizing the possibility of the reproduction of certain structures of power.

The ambiguity of the concept, which Bourdieu (1972) elaborated on within a theoretical framework that tried to distance itself from both objectivism and subjectivism, has in some ways contributed to its success (given that, as has often been said, the validity of a concept lies not in its ability to describe reality but to investigate reality), insofar as it helps to set limits both to perspectives that read individual behaviour simply as a reflection of rules imposed by particular configurations of power, and to those which conceive the subject as completely free from social, political and cultural constraints. In this dialectic between structure and agency there is the inherent possibility of manipulation and negotiation of local power structures and policies of membership.

A direct consequence of Bourdieu's approach is that the social capital that an individual is able to activate not only helps to ensure the achievement of specific purposes, but, to be effective, involves reciprocity, obligations, and duties. In other words, dependence, with all the implications of exploitation and subordination that conveys this concept, represents the dark side of social capital and belonging (Viti 2007: 14).

Sara Berry (1989, 2002) has repeatedly stressed that if access to land depends, to a large extent, on the ability of subjects to exploit their social relationships (a capacity not shared equally between the parties themselves), it is then understandable that rather than invest time and resources in increasing agricultural production, people prefer to use them to strengthen their social capital, which is never fixed once and for all, but needs to be "cultivated".

This goal is achieved in different ways, which as noted by Guyer (2004) introduce the problem of the classical distinction between consumption and investment. These ways include physical and economic participation in the funeral of a relative, exploitation of one's employment position (in different sectors) to distribute favours, help in farm work, support in case of illness or during a trial, hospitality, frequent visits, offers of money for sacrifices to the ancestors, gift exchange and investment in children's education, sending remittances, buying a particular good from the same seller, weddings, and religious affiliation. The list could go on, but it should be noted that in general these practices are an obligation to the extent that they often fall within a circuit of reciprocity whose breaking opens the door to accusations of anti-social behaviour and possibly of witchcraft (see the charges described in the previous chapter). At the same time, they are an investment (for the strategic use of social relations). But they are also behaviours perceived as fair and right in themselves, beyond any immediate benefit, because reciprocity can be so deferred over time that a past gift

effectively becomes "free" (which further increases the prestige and moral self-satisfaction of those who offer and places the other party implicitly in a position of indebtedness). For example, during my first stay in the village I was often reminded of the duty to greet anyone I met along the way, even a stranger. The reason given, a fascinating interweaving of morality and instrumentality was the following: "If you were to fall in the next step you take, it will be the person you just crossed who will help you". For the same reason I was often reminded to make frequent visits to my neighbours and friends and participate actively in the exchange of gifts, activities considered to be fair, useful and compulsory at the same time.

Indeed it would be wrong to consider the social relationships that individuals maintain with each other only from a strictly instrumental perspective, in discourses and practices that would flatten social behaviour to the rational geometry of a chess game, just as it would be wrong to consider them according to a romantic vision that emerges as a legacy of an assumed sense of community that Africans have by nature or culture. Returning to the example of greetings, I was also taught the short form, just as I was also shown the hidden path to get back home when I was in a hurry and did not want to "waste time" in the intricacies of local etiquette or when I wanted to escape from relational dynamics, without offending other people.

Another key element in the discussion, already noted by Bourdieu, is the observation that the degree of social capital is inextricably bound to other forms of capital: the economic position, enabling people better positioned to extend their network patronage to a greater extent than those with fewer resources, and the symbolic capital, which is a key element in the case of conflict resolution in the *chefferie* courts. As noted, during the trials people capitalize their knowledge of etiquette and of the relationships between participants. Individuals who are better positioned from an economic point of view, but who do not know the "tradition", ask for the help of friends and relatives of the village who can offer advice or speak on their behalf. Rhetorical skills, which like a jazz improvisation are based on the ability to vary scales and harmonies and reorder elements within a shared code, are not only highly appreciated but also, as the cases discussed above have shown, very useful aids to winning a trial.

Thus, in order to consolidate their position during the trials, the protagonists try to activate their social networks in the best way possible. Much of the result of a process depends precisely on people's ability to exploit these networks. Examples of this include calling the appropriate supporting witnesses, addressing *chefferie* members who are potential allies and simply making skilful use of guarantors, that are individuals who know, and know how to

use, those subtleties of speech and "traditional knowledge" which can positively influence the court: proverbs, anecdotes, past examples, postures, styles of exposure. These strategies underlie and permeate all the cases that follow, and, while showing that the use of strategies cannot be reduced simply to the manipulation of social capital, they help to shed light on contemporary modes of access to land.

Womi: the "vegetable" structures of kinship

As mentioned, one of the strategies used for reinforcing rights on land is the deployment of *womi* (or *womiti*), shrubs which, thanks to their resistance to drought, are typically used to divide the fields belonging to different descendant groups. If *womi* are set on fire, if they are forgotten, if they are planted not to divide fields but as support for yams (as in the case of Gbagbasi discussed in Chapter 3), or simply if they are no longer visible because of the thickening of the vegetation, the *aide-memoire* support which helps to clarify the boundaries between the properties disappears. Through the re-planting of the *womi*, it is possible to acquire space to the detriment of others, so it is often necessary to refer to the *chefferies* to sanction their repositioning in a socially legitimate way.

So as to understand these strategies, we need to recall briefly the forms of local agricultural production and the use of land. As discussed in chapter one, the great abundance of land that has characterized Africa for centuries is certainly to be reckoned among the factors facilitating people's flight from oppressive regimes and slave-raiding, and it has also secured the material basis for the division of lineage groups and the creation of new settlements. In the Ewe context the appropriation of land was based on the link between use rights and rights generated from the real or fictitious belonging to a descent group whose founder first cultivated a defined area. The elders and lineage chiefs had the right and duty to allocate the land belonging to the lineage to the members of the descendants group and their spouses.

The reduction of available land - brought about as we showed by the creation of colonial plantations, by the introduction of palm, cocoa and coffee, by the settlement of migrants from the north and by demographic pressure - has considerably reduced the time of the rotation cycle. This, in turn, has forced many farmers to reduce the time the fields are allowed to rest, focusing more on the cultivation of cassava than of yam, and has made it virtually impossible to acquire new land without crossing the borders with adjoining properties. Over time, the work done on particular pieces of land led to the strengthening of the rights of particular descendant lines, since very often the children were given the opportunity to work on the

same land as their fathers. In general, however, on the death of a person who had worked the land, the fields were not divided among his heirs, but were returned to the lineage, unless palm or cocoa trees were planted. In this case property rights in the trees, passing from father to son, were often converted into exclusive property rights on the land.

The land belonging to different lineages was separated by natural boundaries (a watercourse, the imaginary line between a rock and a tree) or, in the absence of clearer points of reference, by *womi*. The high degree of mobility of Ewe should also be recalled: many people owned land purchased outside of their villages from others lineages. On this land shelters were built which enabled the farmer to spend part of the week working on site and the use of *womi* was central to divide the property owned by a "non-native" from the land of the original families of the village.

The *womi* is the material (or vegetable) support which projects visibly onto the land the lines of social differentiation between groups and individuals, not only corresponding to property boundaries, but also separating different descent groups. A trained eye (which is not the anthropologist's eye, and not even the eye of a young Togolese born in Lomé) is able to capture precise boundary lines, where the non-expert does not see anything more than a confused and indistinct mass of vegetation. To walk in the fields, in the woods, in the forests surrounding the villages means to immerse oneself in a "text", socially and historically produced, which is a reification of certain principles of social organization. This reading (even locally) is never shared or unique. It becomes a field of renegotiations, politically and socially connoted, of local histories of occupation and use of a territory. It is clear how the *womi*, representing significant support (to stay with the metaphor of "text"), are treated as "the vegetable sign" around which the local interpretive disputes (far more heated than the academic ones) about rights to land are played.

The fact that this paragraph is entitled "*Womi*; the vegetable structures of kinship" (echoing the expression of Meillassoux (1975) "The alimentary structures of kinship", which in turn parodies Levi-Strauss (1949)'s "The elementary structures of kinship") stems from the fact that an expression frequently used to confirm the ties of patrilineal kinship in the region goes: "There are no *womi* between us", an indication of the high symbolic and practical value that these plants have in the local narratives. In contrast, planting *womi* (or threatening to do so) within a family's land is the most obvious way to establish a fracture within a descendant group and to split it, as shown in the following case¹⁰⁶, held in 2001 by a *chefferie* of Agou.

¹⁰⁶ Trial 22/2/2001, Agou Koumawou

Case 7

The case involved two men: Carl (48 years) and Komi (37 years), belonging to the same descendant group. Their grandfathers were brothers. Komi is accused by Carl of having occupied a field that belonged to Carl and that had been resting for five years. Komi defends himself by saying that permission was given to him by the father of Carl himself, now deceased, but no one was aware of that agreement. Komi is the son of Alphonse (72 years old), a well known vodusi in the village and lineage chief.

Alphonse and Carl have a strained relationship because, years before, Carl married a girl against the will of his uncle (who did not want to deal with her family because of an old accusation of witchcraft placed against him). Alphonse, who feels his authority has been challenged by his nephew, accuses him of wanting to make an attempt on his life by *grisgris*. Then the elder threatens to plant *womi* so as to separate the fields, thereby formally excluding him from the family. In a veiled attempt (but not so veiled as not to be understood by everyone as an explicit threat) Alphonse suggests that the consequences could be serious ...

Court (*tsami*): Carl, you asked for Komi, your brother to be called. You know that these problems must be solved by the lineage chief (Alphonse).

Carl: We also visited the chief, but the problem was not settled, then we turned to you.

Court (*tsami*): Well, state the case.

Carl: I am here because Komi came into my field.

Court (*tsami*): Komi is it true that you entered the field of Carl?

Komi: Carl's father told me to go there to cultivate the land.

Court (*tsami*): Carl, did you know that your father had given him permission to cultivate that field?

Carl: My father never told me or to my brothers anything like that. There are no witnesses. However Komi was always polite, so I'm not angry about it. But Alphonse asked for *womi* to be planted to divide the property. I wonder why, since there was never any problem between us. I ask that the *chefferie* come and see for themselves.

Komi: Actually there was never any problem between us.

Alphonse (cutting in without the permission of the court): Well, if there is no problem, then we need to ask why you asked for a summons.

Carl: You're his father, so I asked you to come.

Court (chief of the Royal Quarter): Alphonse, why did you say you want to plant *womi*? You are of the same family, Carl is your "son".

Alphonse: Carl put ribs of palm leaves in the fields, which could be *grisgris*. (To Carl) When I called you, you did not come with your brothers, but with your wife, who is not of the family. So I asked you to plant *womi*. You know that problems concerning land kill men.

At this point, the village chief speaks up and says Alphonse should be reprimanded because he directed a threat to Carl, who after what his uncle had said "bowed his head and fixed his eyes on the floor". Alphonse cleverly responds that the phrase "the problems concerning land kill men" was not a threat, but a simple statement of fact.

The village chief then makes a long speech recalling the duty of Alphonse and Carl, the mutual respect they must have for each other and that the two must keep the peace in the family. The speech ends with the village chief reminding Alphonse that the principle "the problems relating to land kill men" applies to everyone, as everyone is exposed to a possible attack.

The court then retires to deliberate, going to "see" the *amegakpui* (see Chapter Four). On their return the courts states that both sides are required to pay the costs of the process (5000 CFA each), that the land belongs to Carl and that Komi should ask him for permission to cultivate it (thus questioning the role of Alphonse and confirming Carl as owner). The court continues by saying that it will forgive the threats made by Alphonse during the trial and that Carl must show more respect for his "father" (without specifying in what way). Some time later I learned that Carl gave Komi permission to cultivate the land in question.

This case merits a series of observations. First (and contrary to expectations) the judgment strengthens the position of Carl and weakens the position of Alphonse, a sign that the social category of "elders" is not necessarily as cohesive and predisposed to mutual assistance as is usually believed. Much depends on the degree of relationships between members of the court and the elders excluded for one reason or another, by the *chefferies*, as discussed in a previous case.

Further to this, Carl (who is a teacher in an elementary school in a nearby village) does not fall into the category of dependant from an economic point of view: his income does not depend in any way on Alphonse, who, like many others of his generation, meets increasing difficulty in finding labour or forcing his nephew to help him economically (sometimes

Komi helps his father in the field with one of his sons, but in general Alphonse cultivates his fields alone or with the help of a younger wife).

Alphonse pays, on the one hand, for the fact he was unable to handle a conflict within his own family, and on the other for his impolite behaviour (he speaks when not asked to, he insinuated threats during the process, he insists on saying he wants to use *womi* in order not to recognize Carl as a member of the family). This latter stance, although considered normal with regard to his "children", appears to the court in this case as not justifiable by someone who "would have the task of healing the conflicts instead of feeding them" (personal communication with village chief after the end of the trial). Moreover, though, the court has every incentive to show themselves benevolent towards young people in order to justify itself against increasing levels of criticism - or simple indifference - from that social category.

Another interesting factor is the ambiguity of the charge of witchcraft used by Alphonse: on the one hand, the elder insists on presenting himself as a possible victim of attacks by the young man, but then covertly threatened to hit him with the same weapons, implicitly stressing that his knowledge of these issues is higher. As has been said, Alphonse is a known *vodusi* of the village, who therefore has a special relationship with the spirits, whose power - though regarded as defensive by nature as long as it is limited to the performance of sacrifices to ancestors or the invocation of their protection for the village - can possibly be used to attack. The knowledge of the "secrets", whose monopoly is in the hands of some elders, then emerges as a useful tool to impose reverence, respect and fear against young people, but can also be a double edged sword, because it exposes those who participate in these occult forces to accusations of witchcraft. In this case the court suppressed the threat evoked by Alphonse, recalling the ambiguity of the use of witchcraft as an indictment.

However, even Carl's position seems rather ambiguous. Given that he subsequently granted Komi the right to use the land (although not formally obliged to do so), why did he summon Komi in front of the *chefferie* accusing him of having taken one of his fields?

Questioned about this point, one of the members of the court (who had seen everything, but had not intervened, being a patrilineal cousin of Alphonse's first wife) told me that it "seemed reasonable to assume" that Carl, though calling Komi, actually wanted to indirectly attack Alphonse. In fact Carl knew (or hoped) that the elder would report his intention to plant *womi* (playing the card of the alleged attack of witchcraft), which would not appear in a favourable light in the eyes of the court and would expose Alphonse to criticism for not being a good mediator.

On the same question, the village chief said that he thought Carl was concerned that Alphonse would really come to plant *womi* (which would formally exclude him from the support of his group of descendants). So he turned to the *chefferie* "to seek protection."

Interestingly, the first interpretation emphasizes the strategic aspects of the trial in a Machiavellian way: Carl is represented as a skilled chess player who can manipulate his opponent and exploit the rules to achieve his own purpose. The second one, not coincidentally coming from the village chief, emphasizes the indispensable (and legal) role of the *chefferie* as "protector", and depicts Carl as animated by the intention to follow the "norm" which aims to prevent the division of family land. Apparently the debate between process analysis and normative analysis, evoked in the previous chapter, is not a prerogative only of academics, but also divides the field of local interpretations.

Planting trees and choosing the court

We have discussed in chapter 3 how modes of access to land changed following the introduction of cash crops. This did not happen because of a sudden change from a collectivist or traditional mentality to a modern and capitalist one, but because new crops, characterized as semi-permanent and income-generating, were embedded within the local logic of resources management, thus securing the enjoyment of the fruits of their labour for those who did the initial work.

If a person was legally the owner of the harvest (let us say yam or manioc) produced on land belonging to the whole group of descendants, he was equally the legitimate owner of cocoa or palm trees he planted. Of course, the fact that cash crops were semi-permanent crops gradually allowed the transformation of ownership of the trees to ownership of the land, somehow playing the principle of individual right of use against the principle of the common rights of family members to cultivate the same land, and so in effect taking land away from other members of the group.

It was discussed in chapter 3 how the possibility of permanent settlement, given by the plurality of agreements for the transfer of rights (*dibi-madibi, nana*), depended largely on whether or not the opportunity to plant trees was granted to members not belonging to the descendant groups. By virtue of the fact that migrants were required to plant cocoa and coffee, many Kabié and Nawdeba today are able to claim property rights on land in the southern regions. With the gradually reduced availability of land these kinds of agreements

have gradually declined or changed their terms, so that they no longer allow the planting of trees for fear that additional land will be taken.

Planting trees (especially palm, cocoa, coffee, teak, but also banana, mango, avocado, and coconut) has emerged as one of the main strategies used to crystallize and secure particular rights on pieces of land. The case of Kossiwa discussed in chapter three was emblematic of this tendency: after she bought the land, she immediately planted teak trees in order to secure her exclusive property rights. As a matter of fact, particular attention must be paid to preventing the planting of trees on disputed land on which someone else claims an exclusive property right, as the following case¹⁰⁷, recorded in documents of the *chefferie* of Agou Koumawou in 2003, clearly shows. To fill the gaps in the case records, I conducted discussions with various members of the court who attended the trial.

Case 8

The case involves Yao, a man of forty years, and Aku, an old woman accused of uprooting the shoots of teak that Yao had planted on land which apparently belonged to her and her family. Years before, Yao had bought from Awuga a piece of land adjacent to Aku's. Having noticed that the woman's field was unused for years, he began to extend his teak plantation. This case is not new: years before they had had a dispute about their field boundaries which was discussed by the *chefferie* of Apegamé (but the fields are located in the jurisdiction of Koumawou, as the court, which feels passed over, tends to emphasize).

In the trial the name of Papa Pus, brother of Awuga (who is now deceased) appears, but the man, although called as a witness by both, does not attend. It is clear from the exchanges that Yao is aware of planting trees on land not owned by him. Since his attempted land grab fails, he tries at least to obtain a refund for the uprooted plants; this is partly recognized by the court, which explicitly aims to "teach" Aku that she cannot "obtain justice by herself" and has to turn to the *chefferies* of Koumawou.

Yao (responding to the Court when asked to explain the problem): Aku and I embarked on a journey that has not ended. I would like her to show me how to finish it.

Aku: The way you speak about is obscure: you should explain so that we can understand.

Yao: I called Aku because she has uprooted teak that my sister Marie has planted on our land. I want explanations.

¹⁰⁷ Trial 13/3/2003 Agou Koumawou

Aku: Yao said that his sister planted teak trees on their land and I went to uproot them. It's true. I did it. But who does the land belongs to? Who is the owner? The land is mine. Why is Papa Pus his witness?

Yao: Do you want to know why Pus is my witness?

Aku: I called Pus as a witness and you too. He knows something about the land. So the problem is figuring out who owns the land.

Yao: I called Aku for the problem of teak, not of the land.

Aku: I can uproot plants on my properties, can't I? Anyway, this issue of ownership has already been discussed by the chief of Apegamé.

Court: You should not have uprooted plants on your own, you should have asked the village chief of Koumawou to call Yao.

Aku: We had already discussed the ownership issue with the chief of Apegamé and I have a copy of the judgment.

The court looks at the document.

Kodzio Eggen (Yao's guarantor): We are not here to read the copy of the judgment, but to discuss the uprooted teak.

Grace (Aku's sister): Regarding this issue of the boundaries: Awuga and my father were neighbours and there were never problems between them. Now I am asked to go back to set boundaries because Awuga has sold part of his land to Yao. Perhaps Awuga had the right to sell our father's the land. So why does Yao plant teak on our soil?

After discussion by the court (not present in the text) the judgement is issued: it is that Yao "not set foot on that land," and Aku is ordered to pay half the price of teak she has torn (8500 CFA). The reason given is that Aku, although recognized as the owner of the land, should in any case "report the matter to the village chief" without taking "justice by herself"

This case shows how *chefferies* impose themselves as arbiters of conflict management (often in competition with each other), and at the same time it sheds light on the ambiguous meaning that planting trees has assumed in shaping the local forms of access to and management of land. Yao is guilty of a fraudulent attempt to grab a field, but his work done on that land is also partially recognized by the repayment of the teak. It is probable that if Aku had not intervened in time, the presence of the teak would have progressively strengthened Yao's rights on the plot. In this sense Aku is guilty not of claiming her own land, but of not having addressed the court (of Koumawou) before acting.

Aku can prove that she owned the land thanks to the judgment of the court of Apegamé, whose legitimacy is still recognized by the court of Koumawou. The latter, however, through the fine imposed on Aku, wants to demonstrate that it is the institution empowered to resolve such issues within the village. As I was told, Aku went to the *chefferie* of Apegamé since she is native of that village and since one of her "grandchildren" was Asafo there. It is probable that Yao instead turned to the chief of Koumawou because the court of Apegamé had already expressed itself in terms favorable to Aku and he feared that his attempt to obtain reimbursement for the uprooted teak would fail.

Selecting the court that is considered more inclined to support one's own claims is certainly a strategy employed frequently, but the concept of forum shopping tends to obscure the fact that the actors are not entirely free in choosing between different courts (Klute et al. 2008). The first reason for this, as discussed in the previous chapter, is that there is a hierarchy of courts to be respected (which goes from the family to the canton chief). Secondly, the legitimacy of the court must be recognized by both sides. Thirdly there is implicit competition between courts of the same level. All this means that the courts try to respect their respective jurisdictions and that it is legitimate to reprimand those who attempt to bypass a court, applying to one at a higher level, without the lower level one having been consulted, or to one at the same level, but of another village.

Producing Documents, Renegotiating Histories

John¹⁰⁸ was born in 1960 in Agou. His father was a Yoruba migrant from Nigeria who settled in Agou in the 1950s thanks to a *dibi-madibi* agreement he established with an Ewe landowner, a descendant of the founder of the village. By virtue of the agreement he became the owner of one-third of the cocoa trees (and thus, implicitly, of the land), which he had planted for the landowner.

John has spent his entire life working on the land he inherited from his father, converting a large part of the cocoa plantation into palm trees. He lives there with his wife, his eldest son and his three grandchildren. During my stay in 2009, John was involved in a trial against the

¹⁰⁸ This part is an Author's Original Manuscript of an article whose final and definitive form, the Version of Record, has been published in Gardini, M. 2012 (a), "Land Transactions and Chieftaincies in Southwestern Togo" in *Africa Spectrum*, 47, 1, pp. 51-72.

grandchildren (André and Etienne) of the Ewe landowner who had given the land to his father.

Case 9

Tensions began in 2007, when, after losing his job in Lomé, Etienne decided to return to Agou with his wife and children and asked his older brother, André, for a piece of the family land to cultivate. André advised him to reclaim the land from John, who offered Etienne a *nana* contract. Etienne was furious (“It was my family’s land. My grandfather gave it to John’s father and now he is offering it in *nana* to me?!”), and they started to fight. After that, Etienne took John to the village chief’s court. On the day of the trial, Etienne, who was accompanied by his brother and four witnesses belonging to his lineage, was rather confident that the quarrel would be resolved in his favour, since one of his relatives (the *dutɔ*, “father of the village”) was a member of the court. Etienne asked John to renounce any right to the land and go “back to Nigeria” (where John had never set foot), or at least to cultivate only a small piece of land, providing Etienne with a third of the crop. On his behalf, one of the witnesses evoked the story of the village’s foundation in order to demonstrate that the land had “always” belonged to their family. Yet the court did not seem to be particularly receptive to the argument. The story of the founding of the village was frequently interrupted and the chief of the royal quarter, visibly annoyed, exclaimed: “Etsra (the founder of the village - see chapter 1) did not till all the fields in Koumawou. If this were true, all the villagers should ask your family for permission to cultivate.”

As we saw in the first chapter, the version of history given by Etienne’s witness is the formal one: I heard the same story reported by the chief of the royal quarter himself. Nonetheless, it is considered simplistic because it takes no account of the settlement on the territory of households not linked to Etsra. Moreover, the chief of the village himself is not a descendant of Etsra, but a descendant of a chief appointed by colonial authorities. In this case, the attempt to use history as a legitimating principle of access to land did not achieve the desired effect, but also appeared clearly manipulative to some members of the court.

Another of Etienne’s witnesses then tried to evoke a “state law” (not further specified) which he claims states that acquiring land in Togo requires “government permission”, referring to the fact that no formal bureaucratic procedures were followed for this transaction. During his speech he made an explicit reference to the politics of belonging of Côte d’Ivoire, which he considered not only legitimate, but also the only solution to what he considered a “northern conspiracy” seeking to remove the best land from “southern populations”.

The witness was trying to rely on the shared feeling of having been the subject of political domination by “the north” since the coup by Eyadema. It is clear that the attempt was to present the case as an example of the wider-scale political conflict, in the hope that the widespread anti-RPT feelings secretly shared by many members of the court would influence the decision. The link between land and membership is used once again for strictly political purposes, as a way of redefining the criteria for inclusion and exclusion on which the recognition of certain land rights are based. The argument raised by the witness is also symptomatic of the dynamic, relative and constructed nature of identity: noting that the politics of belonging to a specific descendant group does not achieve the desired results, the man broadened the criteria of inclusion such that they included members of the court while continuing to exclude the opponent. A member of the court objected, however, that the man was going off topic: John was Yoruba, not Kabié, and had certainly not enjoyed the favour of the regime. Moreover, he added, Kabié people had also been victims of Eyadema’s regime. The argument raised by the member of the court, who obviously has no interest in turning the case into a political issue of a larger scale, aims to disengage the political identity from the ethnic one, and attempts to bring back the discussion to the local level.

At this point, the *dutɔ*, noting that many members of the court seemed inclined to support John, asked him if there were any witnesses to the agreement between his father and Etienne’s grandfather who could confirm that the agreement would allow the actual transfer of ownership. John, embarrassed, replied that the witnesses were dead. Then Etienne caught the implicit suggestion of the *dutɔ* and played his best card. Since the *dibi* agreement concerned the cocoa trees, and since John had converted the fields into a palm plantation, weeding out the cocoa, John had no more right to the land. The argument was strong, and John was in trouble. Confused, he said that his father had shown him a “document” signed by him and Etienne’s grandfather, proving the change of ownership, and promised he would try to find it at home. The court decided to postpone the trial until the following week.

The next day, John made an informal visit to the house of another member of the royal family (Koku) who had been his friend since childhood and was also, coincidentally, my host. John told his friend that he “had not found the document” and he feared being expelled from the land where he was born. Koku brought both of us to visit the chief of the royal family and the three of them began to discuss the best way to “save John”. They concluded that “the surest way to ensure that the intention of the old contract will be respected is to correct John’s loss of the document” – namely, by producing a fake one.

From their point of view, the production of documents by John is no different from the production of stories by Etienne: Both reconstruct a past in pursuit of specific objectives, both are fictitious and restrictive, both need to be socially believable to be effective, and both are configured as legitimate interpretations of the will of the ancestors.

Even though there are deep similarities between the two strategies, they are not homologous. The “document”, being a fetish of modernity, evoking the bureaucratic procedures of the state, seems to have greater legitimacy than oral storytelling, a legitimacy which is indicative of the impact of the colonial and postcolonial state in changing - even in the so-called “traditional courts” - the symbolic and practical frameworks upon which the exercise of authority, legitimacy and the construction of (legal) evidence are based. Moreover, while it is true that the production of documents responds to the need of the state to make legible a social reality in order to better control the population (Scott 1998), it is also true that the falsification, manipulation, appropriation "from below" of documents rather creates effects of illegibility (Das and Poole 2004) which, as discussed in chapter two, makes the relationship between state and society much more detailed and complex.

John was able neither to mobilize a strong network of social relations (as Etienne was) nor to use stories of first arrival, nor to exploit political narratives of oppression to his advantage. Therefore, the production of a document and the request for Koku’s help were the only ways to retrieve his position. On the day of the second session, John presented the document to the court, which allowed it into evidence, despite Etienne’s protests. Nonetheless, the court could not reach an agreement. The *duto* and another person took Etienne’s side, while the other members of the court sided with John. After two hours, the court announced it was postponing its decision until the following week.

During that week there was an intense series of meetings, mediations and insults between the members of the chieftaincy. The topic began to be debated throughout the village, bringing out the internal divisions within the so-called autochthonous. Some Ewe with similar problems made use of the case to renew their accusations against not only Kabié but also other Ewe who cultivate land not belonging to their lineages. Others believed that anyone who had been working on the land for years, even if not Ewe, could not be driven away by “lazy people (*kuviatɔ*) who have always lived in Lomé and after no longer being able to eat there, come back to eat in the village”, referring critically to those who perhaps had never financially supported their relatives in the village and had come back years later to reclaim land as family members. The atmosphere became heated, and the issue reached the attention

of the prefect, who requested that the village chief resolve the conflict as equitably as possible.

After a long mediation, the court took a decision: John was declared the exclusive owner of the land he had inherited from his father, but he would still have to hand over a part (though not a particularly large one) and a certain sum of money to Etienne, who had to bear the cost of the trial.

In 2011, during subsequent fieldwork in Agou, I became aware that a set of charges and counter charges of witchcraft had occurred subsequently between Etienne and John. Despite the chieftaincies' attempts to manage the social tensions produced by the reduction of available land, it seems rather optimistic to believe that chieftaincies can bring about a complete conflict resolution. Managing the social tensions as long as possible might be the best that can be attempted since the problem becomes ever more complex due to the reduction of the available land.

It is important to emphasize that John's rights are recognized, despite the considerable social and symbolic capital that Etienne is able to activate. This happens not only because John himself is able to use his own social capital in order to produce a document, but also because the *chefferie* as a whole takes into account the wider political context. To exclude John would create a dangerous precedent which would open the doors to the cancellation of the rights acquired through *dibi-madibi*, which in turn would generate and attract the attention (not neutral) of the state and its repressive apparatus. The *chefferies* would prove themselves inadequate in their role of mediators and lose prestige and influence. Needless to say, part of their legitimacy derives from being thought of as alternatives to the state: they appear as conciliatory while the state is repressive, as cheap while the bureaucratic procedures are the prerogative of only the elites, as "traditional" (and therefore deemed to be "authentic") while the state is represented as imported from "outside". This clearly shows the ambiguous relationship between the roles of the state and the *chefferies*, noted by von Rouveroy von Nieuwaal (1999). On the one hand, they are players who compete in a "zero sum game" in which the expansion of the one in conflict management would reduce the power of the other. On the other hand, they are historically linked by the need to legitimize each other to secure their respective positions and their control over the population. In addition, a deletion of *dibi* will expose not only migrants' descendants, but also many Ewe who settled in lands belonging to other descent groups, which would entail an exponential increase in conflicts.

Exploiting the State

In the second chapter of this work it was shown how some people have cleverly exploited the colonial policies in order to obtain certain rights of access to land, such as Kabié groups that settled in the central and southern regions of the country following the colonial resettlement programmes, or village chiefs who used colonial cartography to claim as "traditional" their right of occupation of particular pieces of land.

In the third chapter it was stressed how the economic and political elites of the country have benefited from programmes of land title registration and the case discussed above has shown that while the ethnicization of the army and the administration encouraged by Eyadema protected those Kabié and Nawdeba able to activate their relationships with members of the army and administration, it also created the possibility of interpreting any local conflict as metonymic of a wider national conflict, simplistically reading local tensions over access to land as ethnic conflicts and exposing the descendants of migrants to violent criticism of collusion with the regime.

In general we can say that the policies of the state have been contradictory and have sometimes had unexpected effects, often generating conflicts. Indeed, these policies became useful and effective tools for land grabs, or conversely allowed the strengthening of certain rights for those who have had the opportunity to exploit their position in the administrative apparatus. As was seen regarding the production of documents, such strategies have a considerable degree of effectiveness and are often covered by a stronger aura of legitimacy than other strategies, given the authority that the legal framework of the state is able to exert, at least from a symbolic point of view.

In a sense, the long shadow of the state (with its sets of practices and discourses, but also a style of clothing, a specific language, and a *habitus*) is projected on an area where it is not necessarily directly involved or from which it withdrew as a result of privatization programmes imposed by the World Bank in the 1990s. The village courts mimic practices and discourses of "modern courts" and produce documents during the "traditional" trials; the laws of the state are evoked (the right of women to inherit land, the inability of "foreigners" to buy land without prior state authorization); the boundaries between fields belonging to different villages and imposed by the colonial state are reaffirmed (or challenged) in case of conflict, although the state does not directly handle these issues.

In presenting the following case I want to show not only how active state policies have been locally re-appropriated, but also how, when the state is "missing" or has "retired", how they are invoked in support of certain claims. These practices from below contribute to strengthening the legitimacy of the state itself.

Case 10

Philippe¹⁰⁹ was born in Agou and is a Nawdeba who resides with his wife and daughters on a piece of land that was part of the colonial plantations established during the German colonial period. His grandfather had migrated there as a labourer in the 1930s and had been granted a small plot of land for his family livelihood by the owner. He was also chosen as the "chief" of the community of Nawdeba labourers used as cheap labour in plantations, a position he passed to his eldest son, and which now Philippe holds. Over time the man and his descendants were able to exploit this position to cleverly extend their plot and plant trees for their private use, informally "privatizing" the state-owned land.

Philippe is aware that the rights of use which his family acquired over the land cannot become exclusive property rights: he cannot sell their land, since the owner is in fact the state and his own right of use, not guaranteed by any official document, is extremely precarious in strictly legal terms. For this reason he bought, following the legal and bureaucratic procedures and requiring the intervention of local *chefferies* as witnesses, another piece land in a nearby village where he planted palm trees. Nevertheless, for the moment there does not seem to be any intention on the part of the state to sell the land. Therefore, Philippe continues to exercise his rights of use on the piece inherited from his grandfather.

The problem however arises in respect of "newcomers", Ewe coming from Voghan who were granted the right to cut palm plantations to produce *soqabi* and settled themselves in temporary shelters near the home of Philippe, who confesses his concern: "Before there were so few, only men. Then they were joined by wives and children. Their huts have started to increase and they grow maize and yam and their fields are getting closer to my boundaries. There will be problems."

Part of the problem also lies in the fact that the land is outside the jurisdiction of local *chefferies* and, if a conflict for the rights of use breaks out, Philippe would not know where to turn. To apply to the state courts in this case would only show that the rights to the land

¹⁰⁹ Interviews with Philippe, farmer. Place: Agou Sonaph. 5-6-7/12/2010

claimed by Philippe are the fruits of oral agreements between his grandfather and the former administrator of the plantation and thus have no legal value.

To understand the current situation of Philippe we have to take a step back. In chapter 2 it was discussed how the German plantations, after the First World War and after the brief interlude of British control, became part of the heritage of the *Territoire* and were administered by Gasparin who was not really able to make them productive. After independence, the plantations remained the property of the state and were administered first by the state company COPRAH, then by SONAPH. They both failed. In the late 1990s the factory for the production of palm oil, established in 1980 by Eyadema to replace the then useless one built by the Germans, was privatized and the plantations, while remaining state-owned, were given to a local *groupement* to manage. The *groupement* was composed mainly of inhabitants of the canton of Agou Tavié, who recently sold the palms to other Ewe from Voghan, who have settled in makeshift shelters in the plantation¹¹⁰. In addition, they also started to grow maize, a sign of the tendency for the provisional settlement to become permanent.

Meanwhile the people living on Mount Agou have repeatedly sought, unsuccessfully, to obtain the underlying lowland plantations. It is also rumoured, though I did not obtain more detailed information, that "the Chinese" have asked the government to take part in the management of plantations and to use them for the cultivation of cassava for export, but that the project has not gone ahead due to lack of available labour.

Apart from China, which for now is more interested in handling most of the import market in Lomé and cooperating with the government in strengthening the infrastructure (building schools, paving of roads), the stakeholders that have an interest in the Agou plantation area are:

- The Malian private individual who manages the factory production of derivatives of the palm, who has an interest in receiving nuts at low prices
- The local *groupement* composed of Ewe of Tavié who made their palms available to the Ewe migrants from Voghan, who in the meantime settled on the plantations
- The Ewe of Kebou (on the sides of the mountain) who have been excluded (for over a century) from the best land in the area and are often accused of theft in the area or of the illegal cutting of trees.

¹¹⁰ Interview with the chief of the *groupement* of Tavié. Place: Koumawou. 6/12/2010

- The descendants of Kabié and Nawdeba labourers (like Philippe) who were exploited in the colonial plantations and who are, paradoxically, the only ones who can claim a first arrival (at least in respect of the Ewe from Voghan), after the appropriation of the land at the end of the nineteenth century made a *tabula rasa* of the preceding rights of the people of Agou. It has to be remembered that returning the land to the legitimate owners was already problematic in the '50s and could potentially generate conflict.
- Finally, the state, which is the formal owner of the land, but does not seem to be clear about its intentions, and lets the seeds of a conflict arise.

Tensions (which have not so far turned into open conflict, but are expressed in malicious comments and sometimes lead to the trading of insults or threats between groups and individuals) are centred in particular around the new arrivals Ewe and the Nawdeba resident for at least two generations on the land. Among these there is Philippe, who watches with concern the increase of "huts" of the newcomers, and the increase in the spread of their fields year on year.

Newcomers¹¹¹ from Voghan claim their Ewe membership (and their common origin from Notsé) in order to justify their occupation of the land, although they are more than a hundred miles away from their area of origin. The inhabitants of Agou are divided between those who share the same concerns of Nawdeba and those, usually closest to the *groupement*, who claim to have given the use of the land to their Ewe brothers of Voghan as a necessary act of generosity.

If the state is characterized by its absence, the fact remains that it is evoked by all the protagonists as the institution that had legitimized at different historical moments everyone's rights and which remains the "owner" of land, which in fact is a kaleidoscope of ambiguous property claims of different legal value.

From this point of view the stories of first arrival are not linked only to an ancestral past, as in the case of the exodus from Notsé discussed in chapter one, but also to the long and complex relationship of the local population with the state. To reclaim certain rights over land evokes a relationship with the state not so different from that which is evoked regarding the relationship with the ancestors who first cleared the land. In both cases we see a process of reconstruction of history which legitimize those power structures that claim the status of first settlers, even if this status was achieved through force and power abuse by advocating

¹¹¹ Interviews with three farmers from Voghan. Place: Agou Sonaph. 6/12/2010

land rights for them and then transmitting them to others subjects. Both state and ancestors are sufficiently close to be thought of as able to act through the discursive and practical everyday activity of their representatives. At the same time, they are sufficiently distant not to be able to directly impose their will, which is, rather, interpreted by the subjects in order to reinforce certain forms of access to land. We are not arguing that the state has replaced the ancestors in the local representations (although this is partly true for someone like Philippe, who told me that he can hardly reclaim his family's land in the north), but the two levels are so deeply intertwined that it is difficult to separate them. One example is given by the office of village chiefs who, under the principle of descent conceived as "traditional" do not mention the fact that the ancestor from whom they receive their rights was chosen as chief by the colonial state. Another example, emblematic of the opposite process, is the "traditionalisation" of the state. This goes beyond the fact that Eyadema liked to present himself as a supporter of tradition and that vodu ceremonies and witchcraft are part of national policies. The state itself provides a discursive framework of legitimacy, which, although characterized as "modern", after more than a century of existence, in fact has become traditional in the way it has been used. The rights of Nawdeba settled on the land of the former colonial plantations are considered traditional by both some Ewe of Agou and Nawdeba, although explicitly recognized as generated by government policies of the past.

Conclusion

The cases discussed so far show the diversity of strategies used in order to win a case, and their relative effectiveness. These appear as extremely dynamic and multifaceted, hardly susceptible to simplifications. As shown, it often seems that the initiative to summon someone to the court is taken by those who, being equipped with more "power" in the local political dynamic (the elderly compared to young, the native vs. the migrant, the man vs. the woman), try to use the *chefferie* to strengthen a fragile position at the expense of potentially even more vulnerable subjects. Individuals in a worse position in the power structures of gender, generation, class and origin are also those most exposed to charges brought before the *chefferie*, which does not always have an interest in protecting them. The *chefferies* themselves can be easily circumvented, for example, by turning directly to the repressive institutions of the state, which exercise a degree of summary (and violent) conflict management, or, where there are no institutions to turn to because either absent or perceived as corrupted, simply by making one's own justice.

The axes of gender, origin, age, and class emerged as crucial in explaining the variations in access to resources and the practices of social exclusion, but they do not automatically determine the outcome of a conflict. They must be considered in their mutual interconnections and in their links with a wider political framework. In other words, the connections between bundles of rights and bundles of powers, between norms and practice, between different regimes of legitimacy and concrete decisions on a macro and micro political level, must be taken into account to understand how subjects in subordinate positions of power are able to secure access to land, making skillful use of a wide range of strategies.

Of course, the balance that ensures access to resources for those people in the weakest position is extremely unstable. A wide range of factors contribute in general to the increase in the marginalization and the vulnerability of a large part of the population, and in particular entail more serious consequences for those subjects for whom access to land is not sufficiently guaranteed. Among them are an increase in population, the political legitimization of practices of social exclusion, political crisis, repressive regimes, unemployment, rising prices of products, and land grabbing.

In the 1990s, for example, as a result of the dramatic economic situation generated by structural adjustments and by the violently repressive measures that Eyadema introduced in order to survive the democratization process, many cases were reported in the region of Klouto (but not in Agou) in which Kabié settlements were destroyed and many were forced to flee to avoid violence by Ewe who claimed their land, a sign that the unstable equilibrium that partially protects minorities consisting of descendants of immigrants is easily overturned following a political and economic crisis. The tendency to read every local conflict over land either in terms of ethnic conflict or as an example of a wider conflict at the national (or international) level is strengthened in times of political crisis, when every Kabié came to represent the oppression perpetrated by the army and the Eyadema clan.

A case in point is the village of Bodje where, in 1991 following a minor altercation between two elementary school teachers, a violent conflict arose which saw the deaths of many Kabié, while others (about 300) were forced to leave the village and the lands on which they had been settled for generations¹¹². It is commonly believed that the case of Bodje has been

¹¹² See the acts of the "Commission Vérité, Justice et Réconciliation", created by the President Faure Gnassingbe in 2009. The documents are available on www.cvjr.togo.org. The establishment of the Commission appears to have been a response more to the need to restore the regime's positive image at the international level than to a real desire of "justice". "Reconciliation" is the magic word that is used in Togo since the killing of Olympio and now seems to be nothing but a bloody prop that keeps the regime in power. However the

widely exploited by the government to justify the violent military repression that marked the history of Togo from the 1990s onwards, and has ensured the continuity of the Eyadema clan and its legitimacy, as the government presented itself as the only authority able to avoid an ethnic clash in Togo. However, beyond these high-profile cases which in Togo are fortunately rare, the great majority of land conflicts are solved by the *chefferies* and cannot be reduced to ethnic conflicts, as the cases discussed above have shown.

Commission's final report (2012), drawn from the testimonies of victims, does not conceal the government's responsibility and is highly critical of the work of the government itself. This is a key document for understanding some of the most dramatic moments in the history of the country.

CHAPTER 6

Beyond Land?

So far, this work has focused on the forms of land appropriation and on the management of conflicts around land rights, and has shown the central role that land has in the productive activities and in the representations of the inhabitants of the south-western region of Togo. However, the concept of “land” has repeatedly emerged in all its ambiguous meanings. On the one hand people fight for it and activate strategies to strengthen their rights of ownership, on the other hand many try to free themselves from agricultural activities, seeking alternative sources of income, migrating or contesting the forms of exploitation that are often deep-rooted in agriculture. Such different ideas are not necessarily alternative or opposite: as stated in the previous chapters, the renegotiation of agreements with migrants’ descendants is not always intended to obtain their expulsion, but to have a rent (an annuity, in cash or in kind, to replace and crystallize the *nana* or the *dibi-madibi*) which can be invested in other more profitable activities.

In Chapter 3, we discussed how work on the land is valued differently by young people, women and elders, involving the renegotiation of the power relations between subjects. The discussion has shown how working the land is often perceived by the elders as an ennobling activity, as opposed to other practices often described as morally ambiguous though still necessary, given the small profits to be earned from agriculture. Therefore if we want to account for the value of the land or the meanings that it takes, it is now time to place land issues within a broader economic context. Conflict analysis, though it is of fundamental importance in the understanding of these dynamics, can nonetheless run the risk of overstating the role of land in the local representations. Several times, indeed, many of my interlocutors, while recognizing the importance of the land, claimed that they did not want to be farmers, but migrants, traders, *zemidjan*, taxi drivers, artists and sculptors.

In addition, there is a long tradition of studies that have analyzed the connections between the different productive activities in local economies. Profiting at best from the long debate¹¹³

¹¹³ There is no space here to discuss in detail the varied and complex debate on the issue, which has been widely analyzed by others (Hart et Hann 2011, Tentori 2009, Sybil 1996). Simply put, we merely note that, after the distinction between substantive and formal approaches was established by Polanyi in 1957, the field of economic anthropology was split between on the one hand those who claimed that the economic processes of non-capitalist societies, “primitive” or “non-market”, could not be understood using concepts like “profit maximization, scarcity, individual choice, economic calculation, currency” (Bohannon, Dalton, Kaplan) or who argued, more generally, that different societies corresponded to different economic systems, and on the other hand those who accused those positions of lacking historicity, of romanticism, of normativism and of not being able to account for the processes of social change (Firth, Cook). In this debate the positions of Meillassoux and

between formalists and substantivists which has enlivened economic anthropology since the 1960s (a debate in many ways modeled on that between universalism and culturalism), several recent studies have pointed out that it is not possible to isolate the economic factor from its social and cultural dimensions. From this perspective, the universalizing concepts derived from classical economics tend to flatten the specificities of local exchange systems. At the same time, these studies have realized that it is reductive to oppose simplistically market societies to (ahistorical) societies of self-subsistence, or “the West and Rest”, as the economic systems in Africa for centuries were at the centre of dense networks of long-distance exchange that led to mutual historical adjustments (Lovejoy 1980; von Oppen 1994; Aime 2002; Guyer 2004; Saul 2004; Hann and Hart 2011). Believing that there are societies outside the market, or not fully integrated, is all the more paradoxical today, since, following the crisis in the public sector and in agriculture, commerce - licit or illicit - has become one of the major sources of income for many African families and individuals. In fact, as argued by Guyer (2001: 197):

“The cover story of the Economist of 13-19 May 2000, entitled 'A Hopeless Continent'-without even a question mark at the end-points to Africa. And yet half a billion people do make some sort of living there, and markets are a critical component of their economic lives. Parastatals have been privatised; migrants are still moving in search of opportunities in agriculture and the mineral economy; urban areas are still expanding, stimulating regional markets in provisions; and goods from all over the world are funneled into the consumer market. As industry, export agriculture, and civil service employment have stalled there is no doubt that commerce has surged forward as a major source of income and livelihood. In a sense, markets may have become even more pervasively important in Africa than elsewhere, although obviously in a different configuration”.

In order to understand local representations of land fully, the following pages consider a set of other elements that have an impact on how agriculture is perceived: the nearby presence of the border with Ghana and the broader economic context in which agricultural activities are situated. In particular, here, we will focus on smuggling, tourism and markets, as much as on the social contradictions that arise between groups, genders and generations around agriculture work. In this regard, we will look at those activities through which men and

other Marxist theorists represented a synthesis which analyzed the strengthening or weakening of particular structures of power at the local level in the face of changes in the structures of production and exchange.

women sought and seek, sometimes with poor results, to “emancipate” themselves from agricultural work. Some of the people I met are old smugglers of cocoa or young smugglers of gasoline, migrants who move to live in the city or abroad, merchants of diverse origins who organise two, three, sometimes five markets in the region (including Lomé), unemployed young people who become taxi moto drivers, farmers who invest part of their income, often obtained by selling the land, in other activities perceived as more profitable. What emerges is a scenario that enriches the object of our analysis: It sheds light on unexpected dimensions - often contrary to the common representations of economists and the World Bank - about the category of peasants to which, according to the statistics, the majority of Togolese belong. The World Bank, like the state and various development agencies, represent most Togolese as farmers, devoted to methods of traditional cultivation and there is a strong emphasis on subsistence, presenting an extremely reductive, ahistorical picture which is not very different from that asserted in the colonial era (Chapter 2). The state’s development programmes in Togo follow this plot: the peasants should introduce "modern" methods of cultivation and the state should encourage the privatization of land. These projects have clear affinities with the rhetoric and programmes of the "Green Revolution" promoted by Eyadema in the 1970s.

What follows attempts to analyze the broader framework of economic activities that have led to an emancipation - more often partial, but sometimes complete - from farm activities. First we will analyze the urban / rural connection, in order to deconstruct the representations that consider the two areas as alternative and opposite and to account for how both are crossed by global processes that reconfigure social relations. Secondly an overview will be presented of the role played by borders and smuggling, tourism, and markets in increasing the number of sources of income for many domestic groups and individuals. At the end of the chapter, we will discuss the ambiguous moral value that these activities seem to take on when compared with farm work.

Beyond the Urban / Rural dichotomy

The representations of the Togolese economy built up by the experts of the World Bank, the FAO and other international organizations do not take into account the diversity of economic activities that domestic groups carry out to maintain their livelihoods, or the dynamics of change which can be observed locally. Moreover, the quantitative data, although they provide a more structured image of the demographic dynamics in the region and may be

useful in outlining some trends, usually say very little about the role that land assumes compared with other economic activities. An example is the importance of migrant remittances. Many of the households of my interlocutors frequently depended on the help of relatives or migrants abroad who were contacted requesting support for medical expenses or school fees, funerals or, in the case of some older people more or less alone, money to pay for the labour used in the fields. Or let us think of the central role of women in local markets, which is often the only monetary income for poorer families, or even the number of activities engaged in by young people so as not to have to depend entirely on agriculture. That is not a novelty: throughout the course of the twentieth century - and even before, if we think of the slave trade or the palm oil economy- a number of strategies were developed with the aim of facilitating emancipation from agricultural work. The very introduction of cash crops has responded to this need: the profits were often invested in the education of children, in the hope that they would find jobs as officials or employees.

According to data from the last general population census, (2010)¹¹⁴ the total population of Togo has more than doubled in the space of twenty years, (from 2,719,567 in 1981 to 6,191,155 in 2010). In the region of Plateaux, the population density has increased from 38 inhabitants per square kilometer to 81. At the same time, however, due to the strong migratory movement to the cities, the percentage of the population living in rural areas has decreased (from 74.8% in 1981 to 62.3% in 2010). However the distinction between the urban and rural contexts, on which these population surveys are based, tends to evoke the equally arbitrary dichotomy between "traditional" and "modern" contexts and hides a series of processes of "cross-over" that call this dichotomy into question. One of these is the ruralization of urban centres: as shown by Schilter (1991), inside Lomé there are fields of corn, cassava, and vegetables and palm trees, a sign that urbanization does not necessarily involve a shift away from agriculture. The city / countryside distinction is even more tenuous in the smaller urban centers. As in the villages, most of the urban streets are not paved and a domestic water supply is the prerogative only of a small elite. Most of the rural newcomers use their family or village networks to find accommodation, and often employment, in the city, so recreating groups of *ressortissants* that reproduce (and reinvent) in the urban context social relationships based on a common rural origin, for as long as those living in the towns invest in their social relations in the village, in order to preserve the possibility of a return.

¹¹⁴ Direction Générale de la Statistique et de la Comptabilité Nationale, 2010 « Recensement General de la Population et de l'Habitat »

Ferguson (1990) has rightly warned against those modernist narratives that are part of a vision of urbanization as an inevitable and definitive process.

The urban / rural dichotomy also hides the opposite process: the so-called urbanization of the countryside, that is the involvement of the so-called rural population in productive activities and practices normally considered as urban. There are many examples: the extension of the urban settlements at the expense of agricultural land, the rapid spread of *zimidjan* all over the country, which has enhanced mobility by using tracks linking villages not served by taxi, the flourishing of internet cafes, kiosks, bars, dance halls in small and medium-sized villages, even off the paved roads, and the spread of (Chinese) radio, television and mobile phones¹¹⁵ in the countryside. There are obviously some large regional differences: the region of Agou, crossed by one of the main axes of communication in the country (the road that connects Kpalimé to Lomé), is much more "urbanized" from the point of view of mobility, internet access and widespread wealth than other regions of the interior (especially in the North). The military repression in the 1990s and in 2005 saw a considerable number of city dwellers returning to the villages in search of refuge, in addition to the return to the villages (actual or planned) of subjects urbanized (or migrated to Europe and the United States), who, depending on their budget, build houses equipped with all the comforts of "modernity" (electricity, running water, a bathroom in the house, satellite dish), and try to repossess part of the family land.

In a study of young rural people in Ivory Coast, Chauveau (2005) has shown that migration from rural areas to the city and *vice versa* is the norm and contributes to the reconfiguration of generational relations and the dynamics of exploitation, both urban and rural. According to the author the causes of the broad participation of young people in various protest movements against the government or against migrants settled on lands of which they wanted to regain possession, as well as in the violent conflicts that have inflamed West Africa in recent years, can be traced in the disfranchisement of young people caused by the current economic climate in both urban and rural areas.

Although urban and rural contexts are equally subject to global scale economic dynamics, and show more similarities than differences, the city and the village continue in many local representations to symbolize two distinct areas, in the wake of a tradition that sees one as a symbol of social change and the other as a symbol of conservatism. As rightly pointed out by

¹¹⁵ According to the World Bank, the number of owners of phone cards increased from 1% in 2000 to 41% of the population in 2010, with 2,452,433 registered cards. If we exclude people under the age of 16, which represents 40% of the total population (Togo has a total of more than 6 million inhabitants) and who, at least in rural areas are not yet owners of mobile phones, it is clear that almost all the adults own a card.

Moore (2004 (1994): 78) the classical anthropological studies on urbanization in Africa (from the debates of the 1960s on the processes of detribalization, to the well-known formulation of Gluckman 1961 "an African who lives in the city is a citizen, an African miner is a miner")¹¹⁶ have often reinforced this opposition. The concept of the city as the centre and source of colonial modernity influenced, by contrast, the way the 'tribal' or rural was theoretically constructed. The fact is, of course, that the conditions in rural areas changed in step with the growth of cities, often in tandem. In addition, as pointed out most recently by Gugler (2002) in an article aiming to deconstruct the categories of "urban" and "rural", the prediction of Coquery-Vidrovitch (1991) - that "Very soon, half the young population will live in African cities, more and more disconnected from their rural cultural background. [...] in most instances the rural connection is barely alive. Within a generation, if not less, it will have ended"- seems not to have come true.

One evening in 2009 I witnessed a mock debate on the subject between a young university student (born and raised in Lomé, and who went to Agou – the place of origin of his mother - for the summer holidays), and his uncle (a farmer of Koumawou). The debate revolved around the question: "Is it more comfortable to live in Lomé or in Agou?" The young man listed the elements of "modernity" that characterized the capital, while the elder pointed out that they were also present in Agou and reminded the young man that the streets of Lomé were not in a better condition than those of the village. Indeed, given the recent flood that had swept through whole districts of the capital, "*Lomé c'est la brousse*". The young man replied ironically that Lomé had become, during the flood, "the new Venice of Africa" and that the "fashions" (music or clothing) are born in the capital and certainly not in Agou. At this point, the partner of his uncle stepped into the conversation. Years before, she had left the village to live alone in Kpalimé, where she was running a small liquor bar. The woman came to the defense of the boy and accused the man of being "too much in love with the village and keen to gossip". Living in the city, according to the woman, was the best way to get rid of the weight of social control exercised by neighbors and relatives, always ready to "talk behind your back."

Despite the crossovers, the processes of urbanization and ruralization, and the similarities increasingly evident in lifestyles and practices, the dichotomy between urban and rural areas seems to continue to play an important role in the local representations. The city, as a symbol of independence and greater proximity to the "outside world", is idealized beyond the harsh

¹¹⁶ See also Epstein (1967)

conditions in which urban subjects are actually living, and the village is represented as an oasis of peace and solidarity despite the conflicts that criss-cross it.

Beyond easy simplifications, however, the days are now gone when the "fashion" came exclusively from Lomé, although it is true that the capital continues to have the charm of novelty (and a certain freedom of morals) for those young people who have never visited it. The regions of Agou and Kpalimé are the most affected by the growth of NGOs and transnational voluntary associations (to an even greater extent than in the capital), and they represent a significant source of business for many domestic groups and for young people in particular. In fact, many of these associations have partners in Europe (Germany and France, in particular) working to recruit groups of young European volunteers, who are usually hosted by local families for periods that vary from a few weeks to several months, in exchange for a considerable amount of money, which is officially intended simply to cover the cost of meals and lodging for the volunteers, but is partly taken by project managers and also provides a profit for the families providing the hospitality. Sometimes these dealings are unbeknownst to the volunteers, who, having little knowledge of local prices, tend not to notice until it is too late exactly where the money has gone.

In some cases projects fail precisely because of this lack of transparency or because the young European volunteers realize that the food that the host family provides them is much poorer than what they expected from the money they gave¹¹⁷. To overcome these problems, which can have a negative impact on their relationships with partners in Europe, associations seek to monitor the host domestic groups so that, for example, the diet is as varied as possible and rich in animal protein. The fact that the host domestic groups and the heads of associations make extra income from the presence of European volunteers is not generally perceived negatively by the European (Italian, French and Germans) volunteers I met (who are often motivated by charitable and paternalistic conceptions typical in many ways of activism in West Africa), as long as they do not exceed certain limits, i.e. as long as it is evident that a considerable part of the money is actually spent in the project. The range of negotiations is opening wide and deserves a wider space for reflection and discussion. For the sake of our analysis, however, the point to be stressed is that to establish an NGO or association and find a partner in Europe that recruits volunteers is an opportunity for many young people and local domestic groups to substantially increase their incomes. In many cases, the relations of friendship (and sometimes love) that are then created between

¹¹⁷ The volunteers who complain of diet, however, seem to take little account of the extra work, particularly for women, that their presence often leads to in the domestic groups that host them

European volunteers and members of associations lead to networks of reciprocity that continue after the "field work" period and beyond national borders, providing financial support in case of need for the participants in the project.

In general, the associations of this type provide an opportunity for educated young people (mostly men) to increase not only their economic capital, but also their social prestige at the village level. As Presidents or Directors of associations that are dedicated to "development projects" and due to their ability to attract capital and "white people", they are able to set themselves against local *chefferies* in ways that substantially weaken the classical subordination of the young to the elders. Village leaders recognize the opportunity that comes from hosting European volunteers and are happy, where they are not themselves the founders of an NGO, working with the young Togolese who can attract these resources.

Social change, therefore, is not the prerogative of the urban areas, but affects cities and countryside in equal measure. The plurality of forms of accumulation and production and the diversification of sources of income are urban and rural at the same time. The urban-rural dichotomy itself says very little about the social processes that are in place and conceals more than it reveals, especially if we look at the deep connection between the two areas and if it is placed within a context of transnational flows of goods, technology, ideas and people. Not that these processes are peculiar to contemporary contexts. Contrary to the assumptions of functionalism, urban and rural settings were for some time spaces for social change characterized by the dynamics of deep and mutual interrelation. As we shall see, throughout the course of the twentieth century in the region of Agou a range of alternative economic activities have developed, albeit often related to agriculture.

Borders, smugglers and check points

In a confidential letter to the *Commissaire de la République*, the *Comandant du Cercle de Klouto* in 1948 wrote:

« Dans la nuit du 16 au 17 Novembre vers 1h. du matin et à 1,5 km. du village d'Assahun Fiagbé, soit à 24 kms environ de la frontière e du poste de douane de Dzoukpé, une patrouille composée des agents de 5° classe B. Dankou et E. Gabriel rencontra une caravane de porteurs chargés de cacao. Les gardes frontière tirèrent 3 coups de feu en l'air. Les porteurs affolés s'enfuirent en abandonnant leurs charges. Aucun d'eux ne fut appréhendé. Il est indéniable, bien que les intéressés puissent avoir beau jeu de prétendre le contraire, qu'il

s'agissait là du début de la réalisation d'une tentative de fraude douanière. [...] Si l'on sait l'inutilité pratique du cordon douanier, il peut paraître sans intérêt de provoquer ainsi de remous politiques intenses et une recrudescence du mouvement d'unité éwée (en faveur de nos voisins dont la position est privilégiée). Le bruit de cette saisie n'a fait qu'une traînée de poudre [sic...] dans le Cercle et j'ai pu apprécier un certain changement d'attitude dans une population de tempérament frondeur mais depuis quelques temps de bonne disposition. Le chef du village des fraudeurs (Alensou d'Apégamé) prétend que 160 charges ont été abandonnées. La douane en détient 55. L'enquête se poursuit».¹¹⁸

Ironically the investigation continued: I myself met, in January 2011, 63 years after the events narrated, in the village of Koumawou, not far of Apegamé, one of the cocoa smugglers discovered that night on the way to the Gold Coast. The narrative I collected from this old woman¹¹⁹ unearthed events omitted (deliberately or out of ignorance) in the official version.

In the first place the woman was part of a group of carriers paid to take into the Gold Coast cocoa purchased by a Togolese buyer in Togo who regularly bribed customs officers to ignore the smugglers. It was a regular trade which lasted three or four years, and had been carried out when the price of cocoa in Togo was lower than in the neighbouring colony. People received a fixed payment which was often used to buy commodities in the Gold Coast (textiles, soaps, import goods) to be resold in Togo on their return, making the trip doubly beneficial. In addition, some Togolese traders of cloth, not unlike the buyers of cocoa, exploited the return trips of the carriers, ordering goods in the Gold Coast and having them brought illegally into Togo.

¹¹⁸ Togo National Archives, Lomé. *Répertoire des Archives du Cercle et de la Circonscription administrative de Klouto 1914-1977*. 2APA- 134. « Lettre confidentiel du 20/11/48 au Commissaire de la République par le Comandant du Cercle de Klouto »

“During the night of November 16th -17th at about 1am and at a distance of 1.5 km from the village of Assahun Fiagbe, roughly 24 km from the border and from the Dzoukpé customs post, a patrol composed of the 5th class agents B. Dankou and E. Gabriel met a column of cocoa porters. The border guards fired three shots in the air. The porters, frightened, fled, abandoning their loads. None of them was arrested. It is undeniable, though the people involved might get away with claiming the contrary, that this was the beginning of an attempted customs fraud. [...] If the practical uselessness of the customs barrier were to become known, it may seem that intense political turmoil could easily be renewed and a new vitality given to the movement for the Ewee unity (which would be to the advantage of our neighbours whose position is privileged). The news of this seizure was quickly spread in the region and I sensed a change of attitude in a population with rebellious temperament, but that has shown a good disposition more recently. The fraudsters' village chief (Alensou of Apégamé) claims that 160 loads were dropped. Customs hold 55 loads. The investigation continues.” (my translation).

¹¹⁹ Interview with old cocoa smuggler. Place: Koumawou 8/1/2011

Before and after the three years of smuggling cocoa (with four or five trips per month), the woman, along with others, regularly went to the Gold Coast carrying palm oil, palm nuts, manioc, cassava flour, yams. She was depending on fluctuations in the market prices on both sides of the border and taking advantage of the hospitality of a brother who had emigrated there some years before. The woman explained to me that, in all those years spent smuggling cocoa and other commodities, only on one occasion (the one mentioned in the document above) was she discovered. But that did not bring serious consequences: in fact there were two groups of carriers that went different ways, so the other group arrived at their destination. It also seems that the cocoa cited as lost in the letter had been stolen, partly by the people of the village where they were stopped and partly by the soldiers themselves, and resold later.

This story demonstrates well both the porosity of the border, and its productivity in terms of the economic opportunities it offered. It is interesting to note, comparing the two versions, that the administrator seems to have been – or to have wished to seem - unaware of the frequency and intensity of the illegal trade. To admit otherwise would have meant admitting the high level of corruptibility of the customs officers, a position not easy to sustain in a letter to a superior. But the interesting point of the letter is the deep sense of unease that pervades it: the fear that the population was aware of the inability of the colony to control the borders and that this could have political consequences. Such a fear was well-founded, since the border was easier to cross than might be imagined by the Commandant, who presumably assumed that the border was actually controlled. This was contrary to any historical reality, since from its establishment it was crossed both by flows of goods and by people fleeing: first from German taxation and then from the French administration.

The research of Nugent (2002) has demonstrated how the border between Ghana and Togo, demarcated in 1919-20 after the division of German Togoland between France and England and validated in 1927-28, far from being simply a colonial imposition which the population naturally had resisted or attempted to sabotage, has historically become a space which the people of the region have contributed to reinforce, forging it both as a zone that has generated economic opportunities (such as smuggling) and as an arena for the reshaping of local and national identities. This has resulted in its being an extremely productive space from various points of view.

In the first place, as underlined several times (Nugent 2002; Lawrance 2002), the border has been of fundamental importance in the process of the creation of the local ethnic identity promoted by the pan-Ewe movement. Rather than pre-existing the institution of the border,

as the work of Amenumey (1989) implies, the Ewe identity (which represented in the long term more a failed political plan promoted by the local economic élite than a shared sense of belonging to a “community” that transcends the various local realities), was a product of the imposition of the border itself.

On the other hand, the strategic re-appropriation of the border by the local inhabitants of the region is demonstrated by the high number of conflicts linked to the land examined by Nugent (2002). Given the rise in the value of the land generated by the impact of the cocoa economy, many groups denied access to the land to those who had stayed on the other side of the border. The latter in turn took possession of the land of the former on their side. This has certainly contributed to the undermining of the basis of the reunification plan backed by the pan-Ewe movement, reinforcing more than ever the respective rhetorics of national belonging.

The colonial authorities feared that if local people had "discovered" the inability of the administration to control the border, this would have resulted in the strengthening of the pan-Ewe movement in Togo that was openly supported by the party of Sylvanus Olympio, CUT, which took up strongly anti-French positions and would in a few years win the election and lead the country to independence. Besides the strictly political nature of the problem, there were sufficient reasons for colonial regimes to suspect smuggling. The borderland regions of Klouto and Agou became, after the construction of the railways and the road between Lomé and Kpalimè in 1907 by the German administration (utilising for the most part forced labour from the north), the richest area of Togo. Thanks to this infrastructure it managed to send cocoa from the Gold Coast via the port of Lomé, causing serious damage to the English who based a considerable part of their income on the customs duties. The German administration severely punished cocoa smuggling into the Gold Coast, as did the French, while encouraging the illegal flow of goods inward-bound, which would benefit Togolese revenues.

From the German colonial period onwards, Kpalimé, only 20 km from the border, progressively became one of the richest cities of the hinterland. Many European businesses established themselves there, just as did groups of Hausa and Kotocoli traders of the north.

While a large part of the British Togoland cocoa passed through here, the city also supplied imported goods to regions far beyond the border. The construction of the railways and the road, besides contributing to a draining of resources towards the port of Lomé, led to the establishment of numerous markets along these axes.

In 1951, to deal with the economic situation in which, contrary to the past, cocoa was being carried to the Gold Coast, the French authorities sought to stimulate inward trade, abolishing import taxes on cocoa and coffee and prohibiting their export to neighbouring colonies¹²⁰. It was not just the cocoa and coffee: in 1947 the head of a French company of palm oil merchants wrote a letter to ask the commander of the region to ban the sale of palm oil product at Agou to the women of the Agotime region (near the border with the Gold Coast) who bought the oil at an even higher price than the official one (14000 francs per tonne, compared to 11150) to re-sell it in Gold Coast¹²¹.

The border has thus long ensured a series of economic opportunities for men and women seeking alternative sources of income to farm work. Of course, these opportunities have always been strongly influenced by economic and social conditions: the old cocoa bearer did not of course earn as much as the buyer, who - apart from greatly enriching himself - was not exposed to the dangers of the crossing. Both the colonial and the postcolonial state have maintained a highly ambiguous stance toward smuggling and corruption, by virtue of the fact that, contrary to what we usually think, these two elements have been central in its constitution and in the ways in which it continues to renegotiate and to exercise its social and economic control. In other words, an arbitrary imposition - the border - imposed from above was reinstated at the local level and exploited beyond what anyone could have foreseen by a range of practices (more or less legal) that, paradoxically, have had the effect of strengthening both the arbitrary imposition, and the legitimacy of the institution (the state) which created it.

In addition, as suggested by Gupta (1995), rather than thinking of corruption as a dysfunctional practice in the state organization, we should consider it as a mechanism through which the state itself is constructed discursively. As Roitman (2004: 192) argues:

“Generally interpreted as beyond the state or even anti-state, these activities are often quite misleadingly called ‘the informal economy’. However, while they often share the characteristic of circumventing state economic regulation, these economic activities cannot be described or understood as marking out a realm distinct from state power, either in terms of their organization or their functioning”.

¹²⁰ Togo National Archive. *Repertoire des Archives du Cercle et de la Circonscription administrative de Klouto* (1914-1977). 2 APA 134 (1938-1954)

¹²¹ Togo National Archive. *Repertoire des Archives du Cercle et de la Circonscription administrative de Klouto* (1914-1977). 2 APA 134 (1938-1954) n°643/0

Moreover as Brenda Chalfin (2001: 203 – 204) adds in her study about smuggling in the border region between Ghana, Togo and Burkina:

“... illicit cross-border trade contributes not only to the discursive constitution of the state but even more so, I suggest, to its practical and experiential realization. [...] Cross border trade in northern Ghana instantiates the state in new and unexpected ways, some of which reproduce official conventions of rules, some of which alter and challenge them”.

Yet the border preserves the role of generator of possible sources of income as well as the ability to guarantee an “*exit option*” when faced with a political crisis in the region. During the bloody military repression in 2005, following the death of Eyadema which had brought his son Faure Gnassingbe to power, many thousands of Togolese (more than 30,000 according to Amnesty International¹²²) crossed the border, seeking refuge in Ghana or in Benin, as they did during the military repressions of the 1990s. Thus, being both “good to think about” and “good to cross over”, the border has generated a term of comparison on which the local representations of the state are built. The regions which for historical reasons became part of contemporary Ghana have for the Togolese a sense of being richer and more secure. Ghana represents one of the principal emigrant destinations and the positive point of comparison for every Togolese who wants to criticise his own national regime¹²³.

In 2009 a student¹²⁴ in Kpalimé told me: “In Ghana the streets are in good conditions and there are no power failures...Arriving in Accra is like arriving in a European capital”. His friend sarcastically added: “Lomé, which was once called “*la plus belle*”, now is the “*poubelle*”, while Accra is clean and tidy”. None of them had ever been to Ghana, but they were trying to convince their parents to give them the money necessary to migrate. Ghana is also thought of as a better point of departure than Togo to Europe or USA, mainly by young people who dream of emigrating. These representations are also shared by the oldest people, but with different emphases. An old notable¹²⁵ of a *chefferie* in Agou outlined how: “In Ghana there is democracy ... In Ghana the traditional authorities are respected while here

¹²² Amnesty International, 2005. *Togo. Will history repeat herself?*

¹²³ Interestingly, Brown (1980) reported the same representation in Ghana during the 1960s, but reversed: Togo was perceived as richer than the ex-British Togoland

¹²⁴ Interview with two university students. Place: Kpalimé 18/11/2009

¹²⁵ Interview with notable of Koumawou. Place: Koumawou 15/11/2010

they are only puppets of the RPT (*Rassemblement du Peuple Togolaise*)". Ghana is represented as more "modern" and more "traditional" at the same time.

This is only an apparent contradiction. An old woman¹²⁶ near Kati explained: "Do you want to know why? Because they (Ghanaians) haven't forgotten the traditions and how to call the spirits. Their *vodou* is stronger. This is the reason why they are wealthier and richer than Togo". Real or supposed economic or military superiority was often read by my Togolese interlocutors through the grammar of spiritual forces, witchcraft and ritual powers.

In order to understand why for many people of the region "Ghana is better" we have to remember that the more the supposed superiority of Ghana is emphasised, the more a criticism to the Togolese government is implied, in a contest where often it is better not to criticize the regime explicitly. During the repression many people were arrested, beaten and killed just because someone told the soldiers that they were "against Eyadema". A cynical comment on the situation, spoken during a trip in a taxi or in a market, could sometimes lose you your life, given the high number of the regime's informers and spies. In this context, if you wished to criticise Togo, it was wiser to overvalue neighbouring countries.

As Piot (2010) has rightly noted, Togo is the African country with the largest number of candidates for the *visa lottery*, organized by the American embassy, which allows people to try to obtain the *green card*. In Togo, the number of applications is ten times higher than that of Benin, a state of around the same size. *Visa lottery* has also created an informal system of "experts" which offer, for a fee, consultancy in order to help the lottery winners pass the embassy exam. Forty years of ferocious military dictatorship and no hope for the future have structured the *exit strategies* as the only possibilities for having guaranteed rights and achieving improved economic conditions.

A visible example which sustains the debate about the "underdevelopment" of Togo compared with its neighbouring countries was given to me by an ex-petrol smuggler with whom I travelled along the border, and whom I will call Mark. Between the Togolese villages of Nyivé and Nyitoé, the border is represented by the river Tодjet. From Nyitoé there are two roads that lead to Ghana: one of these houses Togolese and Ghanaian customs controls while the other is free from custom inspection (and is often used for petrol smuggling). This latter road crosses the river thanks to two bridges positioned side by side: one built by the Togolese government made from two tree trunks, the other, recently built by

¹²⁶ Interview with cloth seller. Place: Kati 19/11/2009

Ghana, is a large steel bridge. This example is enough to feed the well-known Togolese irony in relation to the incompetence of its own government.



The bridge built by Ghana



The bridge built by Togo

Mark is now 38 years old and works as a *zemidjan* (motorbike taxi driver). Occasionally he farms on family land and sells pork meat. From 2001 to 2003 he devoted himself to the smuggling of petrol along with two other friends in the village, making 3-4 trips per month. The petrol was brought at night by Ghanaian sellers (friends of a brother of his first wife) near the border. Mark went to the agreed place in a rented truck and bought about a thousand litres for 300 CFA per litre, which were sold at 500 CFA in Togo to retailers who dot the main roads of the region. Togolese guards turned a blind eye for 5000/10000 CFA per trip,

but often Mark managed to avoid checks by hiding the truck and crossing the river at uncontrolled points. In the end each of the smugglers earned between 60,000 and 80,000 CFA per month, a figure comparable to the earnings of a high school teacher or a minor official. When the price of petrol balanced on both sides of the border, Mark ceased to engage in smuggling and reinvested the money earned in the purchase of a motorcycle imported from China, which today allows him to work on his own as a *zimidjan*.

The Togolese government, just as did its former colonial counterpart, has maintained an exceptionally ambiguous attitude towards petrol smuggling: the convictions have been severe and there have been frequent acts of repression towards the small traders at the roadside, but it is widely known that some soldiers (as well as state officials who have cars), fill their petrol tanks from the traders to cut down on travelling expenses. Very often the soldiers exploit the government-ordered confiscation of petrol to fill their own motorcycles and cars, rather than restore the law. The state administration is well aware of the fact that smuggling generates a source of income that placates discontented underpaid soldiers and this can prevent revolts, especially now that the regime of Faure Gnassingbé seems less close to the army.

In other words, like cocoa smuggling in the past, the more recent trade in petrol, far from being a practice that escapes the control of the state, subverting the arbitrariness of the borders or representing “weapons of resistance of the weak” (as per the famous work of Scott 1985), appears concretely linked to state interests and, at the same time, brings about productive action in structuring, confirming and at times renegotiating the border itself and the power that the state has exercised on it.

Far from representing a marginal zone, the border is thus a privileged arena of production and reproduction of the state itself, of its economic and political structures and of the narratives linked to it. The capital of Togo itself, Lomé, which sprang up on the border with Ghana, had its roots in European businesses which wanted to escape from the taxes imposed by the British administration at the end of the nineteenth century and continued, thanks to the smuggling, to supply the internal markets (Marguerat 1992). In a foucaultian sense, the productive role of the border, far from being peripheral, is in this case central to the construction of the state. In addition, even the Weberian definition of state refers to its boundaries, as does the work of Kopytoff (1987) which points out that a frontier is the privileged space of reproduction of the political structures and discourses that legitimize them. Rather than give in to the “charm of resistance” (Lila Abu-Lughod 1990), reducing each practice to a resistance of the weak against an unspecified Power, the interesting point is

to analyze how particular political, economic and social scenarios have been re-appropriated, re-used, and transformed into areas of strategic action by different groups of subjects. What apparently looks like an "anti-system" practice can be instrumental to the consolidation of existing power structures or to their reconfiguration in new scenarios (Chalfin 2001, 2004; Nugent 2002; Nugent and Asiwaju 1996).

The "informal" traffic across the Togo-Ghana border has generated an overproduction of improvised road blocks (for example a rope tied across the middle of a road or a fallen tree trunk) with soldiers intent on extorting money from passers-by. Along one of the main routes between Kpalime (Togo) and Ho (Ghana), initially covered in tarmac, now reduced almost to a rough track, there are on the Togolese side more than five road blocks, two of which are permanent and the others are mobile structures which appear and disappear randomly. This does not occur only on the main streets leading to Ghana, but also on many less used tracks, where it is normal to encounter the soldiers, dozing along the roadside, who stop passers-by in order to carry out their "checks". To escape from this type of abuse of power requires for the most part having acquaintances in the army or in the administration and to be able to "use" these social relations when confronted by the poorly paid soldiers on duty.

Road blocks, as a matter of fact, are common along every route in the southern part of the country. The region of Kpalimé is known to be traditionally linked to the opposition parties and the road linking it to Lomé is one of the busiest in Togo thanks to the huge amount of freight in transit. Therefore it is not surprising that the concentration of such road blocks there is higher than in other regions of the country.

Some of these are fixed and require bribes, whose level tends to become stabilized over time and depends on the number of passengers and the volume of goods transported. Taxi-drivers get out of the car and hand the money directly to a soldier. Obviously this practice inflates the price of the trip. Other road blocks disappear after a few weeks, only to reposition themselves at other locations, usually collecting higher amounts of money which are difficult to negotiate. These checkpoints follow a tradition established by the Eyadema regime to repress and terrorize the population during the revolts of the 90's. They symbolize the omnipresent *regime of exception* that characterized his dictatorial power, being places where the highest level of arbitrariness and violence is exercised on the part of the soldiers. There are many well known cases where soldiers have beaten all the passengers in a vehicle because they had protested (Bayart, 2008). As Veena Das and Deborah Poole (2004, p.19) say:

“Borders and check-points are spaces in which sovereignty, as the right over life and death, is experienced in the mode of potentiality- thus creating affects of panic and a sense of danger even if “nothing happens”. Paradoxically, these spaces of exception are also those in which the creativity of the margins is visible, as alternative forms of economic and political action are instituted”.

The “creativity” of check-points is clear if we consider that permanent check-points, both at the border and in the interior, have a noteworthy economic meaning, not only for the soldiers, who hope to work there as long as they can to benefit from the bribes, but also for the people who live nearby. The fact that all the taxis have to stop at the check points creates the opportunity for young women or children to sell bread, boiled eggs, grilled bananas or maize, water, candies, and fruits. A little market is present at any permanent check-point, and a little market could mean a possible increase in the value of the nearby land. For those who work there, checkpoints have a fundamental meaning: a village on the Lomé-Kpalimé road strongly opposed the proposal to remove “their” check-point. A woman of that village explained: “Without the check-point no more cars will stop here and it will be difficult to sell our products”.

Road-blocs for the tourists

The checkpoints are not a monopoly of the military. In recent years, in some areas of Togo indicated by Lonely Planet and Routard as deserving the attention of tourists, associations of young men have formed to patrol the streets and the tracks and control access to certain areas. These associations, following the model of the military, pull ropes and chains along the road, stop taxis and *zemidjan* carrying "whites" in order to impose both a toll on the tourists who visit the site (a waterfall, a mountain, a historic building, a particular village, a forest trail along which you can see various species of butterflies) and a guide who, for a fee, escorts visitors to the destination. This type of checkpoint duplicates those of the military, which exploit the same flow of tourists to supplement their income. The associations are composed almost entirely of young men native to the area who use the tourist value attributed to certain parts of the territory in order to raise money. In some cases they move independently of the *chefferies*, in others, especially where tourist flows are more intense, they are subordinate to the village authorities, who collect the money and distribute it to the guides or to the “native” families of the village. In general, Togo does not attract many

tourists (often they are European volunteers on weekends dedicated to visiting the country) and the prices tend to be quite high. Often these associations, in order to attract visitors, are dedicated to so-called "responsible tourism": a quick search on the internet allows us to realize the proliferation of these initiatives since the late 1990s. The forms of accommodation are reminiscent of NGOs (often the same associations organize both labour camps and responsible tourism) and present an attractive and tourist friendly image of sites to visit, built on the combination of "nature" and "tradition" to satisfy the taste of Western tourists attracted to the exotic. The various associations then tend to help each other economically, to the extent that the tourists of an association are taken to visit the sites managed by others. In the region of Plateaux the sites visited usually include: Mount Agou (where as a matter of fact an association of protection has not yet formed and so there are no checkpoints, except for the soldiers' ones), the crafts and sculpture centre in Kpalimé, the waterfalls at Kpime and adjacent to Badou, the hills above Kpalimé, and Chateau Vial. We can add here the various villages where the so-called traditional festivals are performed, including that of Gbagba discussed in the first chapter.

As in other contexts affected by tourism, culture becomes a commodity sold on the international market, a resource generating economic opportunities. It is much the same for the territory: it becomes more valuable not so much because of its productive capacity, but by virtue of the cultural and historical meaning built on the border, mutually negotiated, between local and global.

This process is highly selective. There are few areas to which tourist value is attributed. There are many more places to which, on the other hand, is attributed the need to get "volunteers for development" and this is well illustrated by the larger number of NGOs that engage in such programmes rather than in tourism. In both cases, whether it represents the land as in need, or as fascinating, the ultimate goal is to attract capital from abroad that allows a minimum of economic improvement for some young people who seek to escape, with varying results, the structures of power and hardships related to agriculture. Contradictory representations are thus created about the roadblocks: to the inhabitants of the affected villages, often located in areas traditionally linked to a cocoa economy in recession, such practices are a good source of income, which they consider their due as owners, natives, indigenous and guardians of the land, while for other Togolese from regions not included in the tourist circuit, the presence of these checkpoints (which, while not directly affecting them, being specifically targeted at "white" tourists) is illegal (and immoral) financial harassment.

During a short stay in one of these sites in 2010, I happened to attend a heated discussion between members of the local association and an old Togolese accompanying a Belgian couple. When young people at the checkpoint asked for money from the tourists, the elder first pretended to be a native of the village, but none believed him. He then blurted out: "You, lazy children! The street belongs to everyone, don't they? Even to the tourists! They have already paid the visa to the state and therefore they have the right to use the streets".

The young people, with all due respect, insisted that the state (read: the soldiers of the previous road block and the tacit approval of the Prefect) had assured them the right to demand money. After a long negotiation, a discount was applied and the couple paid, while the Belgian man wondered if it was worth "losing an hour to save 3,000 CFA (about EUR 5)".

But there was more at stake than money. Under discussion was the local version of the concept of "belonging", which does not necessarily coincide with that of "citizenship", but has certain characteristics in common with it. As "natives" of a village, the young group claimed a privileged right and legitimate control of the territory, and they were also replicating such practices of privatization of state powers as checkpoints along the roads and the collection of "taxes."

The principle of legitimacy based on autochthony, which allows getting a rent from those who use (or go through) a piece of land not their own, closely recalls the one evoked several times when discussing conflicts over property. The fact that land is perceived as a means of production, a commodity or a site to visit, does not change the fact that the right to enjoy it is subject to a constant process of renegotiation. On the one hand the *chefferies* attempt to participate in the revenues of such associations, and on the other the associations are able to create a space of autonomy by virtue of their ability to manage the relationship with the "outside." Clearly, not only the proceeds of this type of business are at stake but also the right to claim authority over a particular territory. As in the case of agreements relating to access to land for agricultural purposes, discussions over the right to establish touristic road blocks are deeply connected with the reconstruction of autochthony as a legitimizing principle and with the exercise of power over young people at local level.

Markets and agriculture

While the border has offered new opportunities of income for local people, it has also played an indirect but crucial role in establishing and strengthening local markets over a larger area

than might be expected. The history of the three main markets of the region (Kpalimé, Agou Gare and Adeta), which I summarize here, clearly reflects this process. Kpalimé's quick transition from a small village to a city was in a large part due to its strategic position near the border and the investment of the colonial trading companies in the early years of the twentieth century. In the first chapter we explained how Kpalimé was already in the pre-colonial era on the important commercial route that connected Lomé to Salaga and on from Salaga to the Sahelian trade routes. Among the first settlements of the interior under the German colonial control, which aimed to remove it from the area of British influence and to control access to the Volta, Kpalimé soon became the terminus of the railway line from Lomé, home of the commander of the region and residence of the leaders of many European trading companies that were engaged in the export of agricultural products from the region. Kpalimé is still the most important regional economic centre, where it is possible to buy imported products from Lomé (not just electronics or clothes from Europe and China, but also rice from Vietnam and South East Asia, couscous from Morocco, spaghetti from Italy, wine from France, etc ...), to be resold in the smaller markets or small shops in the villages. But Kpalimé is not only important for its privileged connection with markets outside of Africa: it has been the centre of commercial traffic involving neighbouring countries, often managed by migrant Hausa and Fulani, Ashanti, Yoruba, groups from Niger and Nigeria, Benin, Burkina Faso and Ghana and settled in the city since the colonial period. There are also many shops run by Indians and Lebanese.

The market of Agou Gare, 15 km. from Kpalimé was also established in the period of German domination. The name "Agou Gare" refers to the very origin of this settlement and the market associated with it. In 1907 the German administration inaugurated the Lomé-Kpalimé railway line, built by the massive use of forced labour from the North and crucial to the transport of agricultural products for export to the port of Lomé, especially from the rich region surrounding Mount Agou. A train station was built in the village of Agou Gadzeje (*Gadzeje* means "red fire" in Ewe), that, during the subsequent period of French administration, was renamed "Agou Gare".

The importance of the station was dictated by the interests of the owners of the large plantations who settled in the region in the late nineteenth century. Due to the station they saw an increase of ten times in the value of the land they had bought from the local village chiefs for a small amount of money. Agou Gadzeje (Gare) quickly saw the construction of impressive colonial homes and became one of the most important economic centres in the region.

The nearby market of Apegamè found itself cut off from the line and so was transferred to Agou Gare, a process common to most local markets: the construction of roads led to a shift and to an alignment of the markets along the main road which ran alongside the railway. Furthermore, this process is never-ending: during the crisis of the 1990s the train across the country was withdrawn and never reintroduced, so the market of Agou Gare was moved again to near the road, where it still stands. The market, which comes alive every Friday, is known for the large amount of fruit produced in the region (bananas, avocados, oranges, pineapples, mangoes, papaya, coconuts) and even sees customers coming from Benin. It is also one of the markets that cater to Lomé and Kpalimé for yam, cassava, rice, maize, palm derivatives (nuts, oil, soap, wine and spirits), beans and coal. From the cities come fabrics, clothing and imported goods (Chinese and European), batteries, pens, notebooks, medicines, dishes; from Ghana dried fish, salt, jewelry, fertilizers and herbicides; from the Sahelian regions shea butter, cola nuts, millet.

The train never came to Adeta (halfway between Kpalimé and Atakpame), however, and the importance of this market, held on Monday, can be explained by two main factors. The first concerns the massive settlement of Kabiè populations in the region around 1920-30, organized by the French in order to have the labour needed for the construction and maintenance of the Kpalimé-Atakpame road and to give value to lands in that region. Still, today, the market of Adeta is known for its yam and corn, which feeds both the nearby Kpalimé and Atakpame (each about 20/30 km. away), and also Lomé.

The second reason lies in its geographical location: Adeta is at the start of the road going to the plateau of Danyi, near the border with Ghana. Danyi was until the 1980s the most important centre of coffee production in Togo, and is now one of the centres of production for lettuce, carrots, tomatoes, cabbage and salad products, which reflect a change in the diet of the local elite following the Western model. Danyi is also one of the gateways for the import of smoked fish from Ghana and has recently been linked to the production of organic pineapples for export to the United States. The market development of Adeta and the large scale production of yam and maize have progressively reduced the production of these products in Danyi, whose markets sell products purchased in Adeta. As in the case of Agou, imported products come from Lomé (via Kpalimé) and there is a massive increase of Chinese products.

Lomé, thanks to its low tariffs, has long been one of the main entry ports of West Africa for imported goods, feeding the Sahelian country markets and attracting customers from Nigeria, Ghana, Cameroon, Gabon, Congo, Mali, and Burkina Faso. The *Asigamé* (Big Market) is full

of shops run by Syrians, Lebanese and *nana-benz* and in recent years there has been a massive increase in the numbers of Chinese. The port of Lomé, managed by the Eyadema clan for a long time, has been able to exploit skillfully the crises in neighbouring countries (Ivory Coast, Nigeria), ensuring access to cheap imported goods, both legal and illegal. The port is known as the main entrance for transiting weapons, drugs and diamonds. This traffic is controlled by the “neo-liberalist Mafia” of the Eyadema clan (Labarthe 2005), the basis of that "criminalization of the state" (Bayart et al. 1999) in which the "politics of the belly" of the groups in power is rooted (Bayart 1993, 2006).

These historical details show how the genesis of local markets has precise historical roots and how broader political and economic scenarios influenced their creation and still guarantee their success. The "theatre of opportunity" that has been historically constituted through the construction of the infrastructures, the presence of the border and the flourishing of markets secured a number of economic opportunities for young men and women who were able to cleverly exploit changing economic circumstances in order to escape from agricultural activities.

Today, the flow of goods crossing the border does not appear to be very important (except at the customs post at Aflao in Lomé, the main entry point to Ghana, which is located on the coastal road joining Accra to Lagos). So the villages immediately on the border are not among the country's major markets due to the fact that the roads crossing the border are generally difficult-to-use tracks. Colonial and post-colonial governments had no interest in investing in improving such roads, which would increase outward smuggling. In the region of Agou there are no routes leading into Ghana by taxi with the exception of the Kpalimé-Ho road. There are few taxis making the journey and meeting a *zemidjan* is rare. For example, during a market day in Kpalimé, the largest town in the region, I counted only ten taxis coming from Ho, the main market on the other side of the border: a small number when we consider the constant traffic of taxis and trucks everyday carrying goods along the Kpalimé to Lomé road. Moreover if it is not a market day, it is customary to wait a whole day for the taxi in Kpalimé direct to Ghana to become full and able to leave.

Instead, the government invested in the construction of roads linking these rich regions to the capital, the better to direct resources to the exporting ports. This radically changed both the position of the markets, and their timing. In the region of Klouto the vast majority of the weekly markets (before the colonial period the cycle was shorter, four, five, six days depending on the size of the market) are all located along the roads created in colonial times, running parallel to the border, rather than through it. Along the road that connects Lomé and

Kpalimé every village of any size has a market on a different day of the week: Agou Gare on Friday, Avetonou on Wednesday, Amoussokopè on Thursday. From Kpalimé to Atakpame it is possible to witness a similar phenomenon, where the main market is the one of Adeta on Monday, as on Monday the market of Kati, along the track that connects Agou to Notse, takes place. The Kpalimé market takes place formally on Saturday, but actually it is extremely animated every day. In Lomé, *Asigamé* (“The Big Market”) is held daily.

Each of the major markets in turn feeds the smaller markets of neighbouring villages, which are often reduced to clusters of a few tables where you can stock up on daily condiments, bread, tomatoes, nuts, cooking, batteries, and cigarettes. Until a few years ago the markets were under the direct management of the Prefecture, which collected taxes for the selling spaces and was in charge of maintenance, but now, as a result of the liberalization policies pursued by the government and encouraged by the World Bank, the sector has been privatized: the organisation of the markets, and the money, are in the hands of a private company whose owner is related to the Eyadema clan and who regularly gives a fixed amount of money to the Prefectures. The change was justified to me by local authorities using the rhetoric of anti-corruption. According to the neoliberal *doxa*, private companies would be able to better control the actual payment of taxes and prevent frauds by collectors, who often gave false permits and appropriated the money. In fact many sellers have told me that, apart from an increase in the price of permits, nothing has changed from the point of view of corruption. But markets are not just places where goods are transited and exchanged, they are mostly public arenas, places of encounter and confrontation, centers of social life in which a number of meanings and imageries are concentrated and thus are not reducible to their economic aspects, important though they are. Most importantly, they are female spaces par excellence.

The role that businesses have in the autonomy and emancipation of women has long been discussed. Historical examples abound in Togo: from the famous *nana-benz*, the wealthy textile merchants (many of whom are part of the Afro-Brazilian elite that made up the Togolese bourgeoisie) who were the first to be able to afford a Mercedes, to the fundamentally important participation of female traders in the anti-colonial movements of the '30s (Lawrance 2003b) and the role they played in supporting both the government of Olympio, and that of Eyadema (Heilbrunn 1997).

During my research I had the opportunity to meet skilled traders (not *nana benz*) who also attended five markets a week, returning to Lomé to their husbands only on weekends, owners of village shops who over time have accumulated sufficient resources to acquire large tracts

of land planted with teak (as Kossiwa - Chapter 3), sellers of beer who made their husbands pay if they wanted a drink, and women who rented trucks to supply Kpalimé with yams cultivated by Kabiè in the centre of the country¹²⁷. Women's work in the markets is sometimes the only source of income for domestic groups: therefore they often pay their children's school fees and the medical expenses, and buy imported items. This female entrepreneurship, where it brings wealth and it rebalances certain internal family power structures, is often perceived by many people as immoral and generates discourses that are articulated in the gendered grammar of witchcraft. Successful women are accused of using *grisgris* to enslave their men, who are no longer able to impose their will on their wife and appear drained of their energy and virility. Rumours describe insatiable women overturning the social role commonly attributed to them, women who renounce motherhood to achieve success in business, rich merchants who become *Mamito*, surrounding themselves with young men who offer themselves in exchange for money, practicing the same game that their male counterparts, the *Papito*, have enjoyed since the days of Eyadema.

I have been told many times of the ways in which someone becomes a "witch", *adzetɔ*, explicitly referring to the market activities. The reasons why in local representations the *adzetɔ* are mostly women is that most of the small and large businesses are run by women: in order to achieve greater success in business and being particularly lazy in agricultural works, some women would make a pact with the spirits in exchange for frequent sacrifices. If they are no longer able to calm the craving of the spirit when they get older and no longer have the strength to go to the market, they have to use mystical powers to steal vital energy from humans and fields to feed the spirits. Despite this, gender roles are also repeated in the dark world of the invisible: there are few men *adzetɔ*, but they have greater power and more control over the spirits than their female counterparts. Radio *trottoir* reports cases of men who through special ceremonies sacrifice their reproductive capacity in exchange for economic well-being, believing that the secret of Europe's wealth can be traced to its low birth rates.

All these discourses, these logics of the invisible, refer to the ambiguities of the market (local and global), to the underlying power structures in conflict and to tensions between genders and between generations. They are attempts to revive moral values to justify or deny certain forms of social control and to represent the grammar through which to bring out particular conceptions of power.

¹²⁷ Interviews with women traders in the markets of Agou Gare, Kapi, Kpalimé, Adeta 4/11/2009, 17/11/2009, 19/11/2009, 30/12/2010, 4/1/2011, 5/1/2011, 15/1/2011, 17/1/2011, 18/1/2011.

But it is also true that the *nana benz* or enterprising merchants of whom I have spoken are exceptions: in fact, it should be remembered that many women who sell at the market do not have control over revenue, having to hand over the income to their husbands and, above all, the vast majority of products produced for sale generally bring in a limited income (corn, yams, horticultural products, cassava). Moreover, as already pointed out, the more time women spend on child care, on the domestic processing of certain products (beer, palm oil) and on working in the fields, the less they can dedicate themselves to trade.

In general, crops for export (cocoa and coffee) are controlled by men, as men are the buyers and sellers of mobile phones, radios, appliances, computers, metal tools for farming, and herbicides. Most of the shops that deal in imported articles (batteries, biscuits, rice, flashlights, cards for mobile phones, oil, alcohol, couscous, chargers, and cigarettes) and flourish in every village in the region are managed by Kotokoli men. Even if fabrics are female articles par excellence, the clothing import trade is often a male-dominated domain, where Nigerians often control the market of clothes produced in China, while Ewe men control the sale of second hand clothes from Europe. The large scale trade in cattle meat is in the hands of the "Hausa" (although within this term the Ewe include most groups from the Sahel) or Fulani residents in the region. In other words, at a closer look, the market is a female space only for certain well-defined fields of commerce, linked to local agricultural production or some imported goods. As Aime (2002) wrote, the rule is often: "Tell me what you sell and I'll tell you who you are". The market becomes the social arena, the "common place" in which ethnic, national and gender identities are articulated, structured, and reproduced. In addition, only a few women can go to more than one market a week, having to look after their children and work in the fields. Not all villages holding weekly markets can be reached by taxi and this forces many women to undertake exhausting journeys to reach the nearest market, if they do not have the money to use a *zemidjan*. Moreover whoever produces palm oil and cassava flour for sale must take into account the long preparation times, which reduce the possibility of devoting herself exclusively to trade. Those who are able to do so are usually young or unmarried women who often travel between Lomé and villages in the interior (sometimes to more than a hundred km away) exchanging imported articles for food and earning on a monthly basis roughly the same as a secretary of high school (40,000 CFA, but which is reduced to 30,000 CFA after the deduction of travel expenses, as told me in an interview in 2009 by a twenty year old trader¹²⁸ of candies and handbags who works between

¹²⁸ Interview with young trader. Place: Agou Gare. 04/11/2009

Lomé and Agou Gare), or they are women whose children are old enough to replace them in the housework, giving them more time for business.

In addition, the burden of agricultural work on the shoulders of women has increased significantly, due especially to the reduced willingness to work the land of young people, who are attracted by other, less tiring and more profitable, sources of income. If, therefore, the link between the fields, as a place of production of resources, and markets, as a place of production of capital, is women's work, it is also true that the more a woman has to spend time working in the fields, the less chance she has of improving her economic status. In addition, the increase in female participation in the work of the fields does not necessarily imply a reduction of the vulnerability of many women regarding property rights on the land: there are many cases in which female rights of land ownership are challenged by male kin interested in getting their hands on land made productive by women. Moreover, it is not easy to be a good trader: it requires significant knowledge of markets, the flow of goods, the opportunities offered by the price fluctuations at the macro level and the differences in soil quality between different regions. Frequently, returning to the village after a trip to the market some distance away, I was asked by the women of my neighborhood about what I had seen: how much corn and yams, at what prices were the questions I was most frequently asked. Knowing the regions where rain started early, allowing them to produce corn before the others, being able to assess the fertility and the qualities of the fields that make the cultivation of one plant more advisable than another, knowing the price of transport to reach areas of production and how to occupy competitive market niches: these are the basic items of knowledge needed in order to engage in any profitable activity. But having access to this kind of information is not a given. Much depends on the social networks that people are able to activate and from which it is possible to quickly get accurate information, on being able to attend markets far away from each other, to find accommodation for the night away from home, to negotiate favourable prices with truck drivers and taxis and to build a loyal customer base even at the cost of deep discounts. In light of all these factors, the concept of "de-territorialization" is somehow misleading even in practices that at first glance appear as fluid and mobile as commerce over short and long distances. The latter depend, on the contrary, on an accurate knowledge of the territory and a clever use of local social networks.

Conclusion

As shown so far, other economic activities, often more profitable and considered "less strenuous" than agricultural work, have contributed to reshaping local representations of land and the work associated with it, which seem to oscillate between the refusal of farm work and the need to strengthen land rights in the face of the mutability and insecurity of other economic activities. This becomes evident if we think about how the gains obtained by these non-agricultural activities are often reinvested in land or the building of houses or in the "bureaucratisation" of land rights, or, how, conversely, revenues derived from agricultural activities are reinvested in increasing the stock of social and symbolic capital that could be used to multiply the sources of revenues.

As we have seen, these activities include starting and running NGOs, smuggling cocoa or gasoline across the border, military or touristic check points, trade over long or short distances and *zimidjan* work, but also work as officials of the state or private companies, joining the army, and migrating. These economic activities do not only supplement farm work, but, if compared with it, are imbued with ambiguous moral values. In order to understand this point, it is interesting to reconsider some of the observations made in the previous chapters with regards to accusations of laziness that cross local society. In chapter 2 and 3 we discussed the emphasis on the educative aspects of farm work in the view of the colonizers and the fact that that emphasis contributed to the structuring of the moral framework that legitimizes the exploitative relations permeating agricultural production. Accusations of laziness tell us something about the dynamics of re-appropriation at a local level of a colonial hegemonic discourse which is now used to reinforce or contest particular power structures of labour exploitation. In these dynamics, labour emerges as central to the construction of social identities and personal subjectivities (Jiménez 2003): working the land (or not) appears as a fundamental term of reference for the construction of generational, ethnic, class and gender identities in a context of increasing economic and political uncertainty, and as a grammar through which moral values and power relations, as much as individual projects of self realizations, are contested, reinforced, and imagined. Today, those who are accused of laziness and lack of discipline are principally those who refuse to work the land, but the charges of laziness can also easily be directed at those who try to exploit the labour force of their dependants, and they tell us something about the power relations between groups, genders and generations. For the colonial administrators the lazy were the colonized people, because they were reluctant to increase production and perform forced

labour. The lazy today are those refusing to follow the "development programmes". The lazy, for those Kabié who worked under sharecropping agreements on the lands of the Ewe, are those same Ewe who, profiting from cocoa income, were partially able to avoid agriculture activities and to improve the upward mobility of their children. The lazy for the elders, who are struggling to find cheap labour and to reinforce their power position on young people, are now the young moto taxi drivers (*zemidjan*). The lazy, for women who in addition to trade activities, domestic work and raising children, must increasingly work in the fields without the help of their husband and sons, are men; and, vice versa, for men, the lazy are women who spend too much time in trade. The lazy - and punishable - are those students who refuse to work in the fields of their teachers. The members of the economic and political elites that illegally "eat" the resources of the country are lazy, but enviable. Laziness in local representations seems therefore linked to the refusal to work the land for someone else and follows the differences of class, origin, gender and generations in a manner not dissimilar to that of the accusations of witchcraft. As Piot has recently shown, the moral value of work (linked not only to agriculture, but to a wider range of economic activities) is currently reinforced in Togo by the spread of charismatic churches where "Believers are expected to be hardworking, honest, frugal, sexually chaste, abstemious, and - textbook Weber - to see evidence of their faith as success within the new economy" (Piot 2010: 55).

The accusations and counteraccusations of laziness emerge as good entry points to the analysis of the changing and ambiguous moral value that land and agricultural activities historically assumed. On the one hand, the moralization of agricultural activities is indeed rooted on the romantic assumption that sees land as a space of political and economic autonomy, and which follows a long established rhetorical tradition (from colonial period to the Green Revolution) which conceals the local micro dynamics of exploitation inside the domestic groups, reinforcing the power of elders and local political authorities, both the national and the so called "traditional" ones. On the other hand, this moralization could represent a critic from below to the optimistic neoliberal view of an "emancipation from land" that could free the individuals from these dynamics of exploitation, but which in reality collides with the hard reality of unemployment and the other forms of exploitation which characterize a global market that needs flexible, mobile and de-territorialized labourers. The well-being promised by the "magnificent and progressive" fate of structural adjustment programmes and the newest recipes of economists from the IMF and the World Bank has long been proved illusory at the local level. The so-called "emancipation" from agricultural work is often unsuccessful and going back to the land will at least ensure the minimum for

survival. Land is necessary - though often not sufficient - because it allows a safe investment, offering both the elite and the poorest an income less volatile than other forms. Claiming ownership of a piece of land often means claiming a particular social identity and belonging to a group, (re-) establishing a link with the ancestors and ensuring the survival of their offspring. It means observing a sort of agricultural morality as an alternative to the ambiguities of other forms of accumulation, which are however essential both for the satisfaction of basic needs, and to ensure the property. Building a house, and buying land, for example are for many migrants abroad ways of both avoiding severing a relationship with their country of origin (and thus opening a possible return) and of showing the results of a successful migration project. For many (and not only the elderly) having a piece of land means having a place to which to belong, a place to imbue with memories and affection and a place to care for. It is not surprising, therefore, that the increase in land grabbing in other parts of the continent is viewed with great concern locally.

Therefore "emancipation" from the land does not mean people will "give up" their land: it means diversifying their resources in order to meet the contemporary crises, to guarantee a space of safety and reasonable comfort in the face of an economic environment which, like the *adzetɔ*, is characterized by invisibility, anti-sociality, and the ability to drain the life force of its victims from a distance. Here, the opposition between the forces of fertility and of private accumulation, already described at the beginning of this work to discuss the Gbagba ceremonies, is again significant. Land appears in its dual nature of "thing" and "container of all things" and emerges as the fertile ground of confrontation and conflict between groups, powers, world views, values, and work ethics.

CONCLUSION

Via an analysis of land conflicts in south western Togo, this study has shown how modes of land appropriation have changed throughout the last century following the rise and decline of cocoa economy, which strategies people have developed to strengthen their rights over land, and which implications these processes have had in renegotiating local power structures and in reshaping the cultural and social values of land. The following paragraphs will summarize the main results of this research and will show their relevance for a more general discussion about land and power. First, I would like to emphasize how land conflicts in Togo are crucial for the renegotiation of the legitimacy of political and social authorities at both the national and the local level. This is fundamental to understand how norms and power structures are challenged or reproduced and how people strategically make use of these norms to claim their rights over land. Secondly, I will recall the cultural and social dimensions of the changing relation between property and the value of the land. The Togolese case allow us to criticize reductionist perspectives that see individualization and commodification as an inevitable fate of the local modes of land ownership and to shed light on the multiplicity of moral and symbolic values of land.

Land, conflicts and political legitimacy

The objective of this work was to investigate two themes that legal history (Schmitt 1991), philosophy (Prospero 2009; Costa 2003), and geography (Pase 2011) see as strongly interrelated, that is, land ownership and political authority. Land ownership becomes the privileged arena of conflict between groups and individuals not only as it relates to the land as a means of production, but also because it conveys the political legitimacy of the social institutions, which sanction the exercise of their powers and authority over a given territory via the redefinition of land rights and conflict management.

As we have seen in the course of this work, southwestern Togo presents both similarities with and differences from the historical trajectories of other West African countries affected by cocoa economy. Analyzing the cases of Ghana and Ivory Coast, Sara Berry (2008) pointed out that the extension of the cocoa frontier changed the forms of land access and allowed the settlement of migrants in the southern regions. In these contexts, as a result of the reduction in land availability, of the collapse of international cocoa prices and of the crisis

that followed the structural adjustments in the 1990s, the renegotiation of past agreements between migrants (and their descendants) and the “autochthonous”, and thus the redefinition of the criteria for membership, has become a fertile ground for social conflict. Despite the similarities, Berry outlines that the link between land ownership and conflict has worked itself out differently in contexts of diverse political trajectories. Her study offers us an opportunity to extend the comparison to the case of Togo.

As we discussed in chapter 3, in the Agou and Kpalimé regions the rise and fall of the cocoa economy have profoundly reshaped the forms of access to land and labour recruitment. This has affected the dynamics of migration and made the redefinition of the criteria of social inclusion and exclusion a central theme in the internal political debate of the last twenty years. Although the first agreements of settlement (*dibimadibi, demε*) made in the region of Agou were an adaptation of those of the Gold Coast, locally they did not involve the village chiefs directly. As in Ivory Coast in fact, village chiefs were not recognized by the French government as owners of the land and migrants negotiated their settlement directly with individual lineage heads. Unlike in Ivory Coast, however, the agreements between immigrants and “natives”, at least at the beginning of the cocoa boom, did not present themselves in terms similar to the *tutorat* (Chauveau 2006; Chauveau and Colin 2010). As has been discussed, the *dibi* included – at least at the beginning of the cocoa boom – a permanent transaction of rights over the cocoa trees, and consequently of the land, once the plantation created by the migrant had yielded. *Nana* agreements are a rather different category: because they provide a continuous relationship between landowner and tenant, they in many ways resemble the *tutorat*, although none of my interlocutors have ever used this term to define the relationship between an owner and a tenant. Nevertheless, as in the Ivorian case, these arrangements are today open to new renegotiations, generating an increase in land conflicts.

As in Ivory Coast, the French administration and that of Eyadema supported the settlement of migrants in the southern regions of the country and the conflicts between immigrants and “natives” were instrumentally read as metonymic of a conflict at the national level between northern and southern Togo. But, except for some rare - although violent - exceptions (e.g. the case of Bodje mentioned in chapter five), the conflict has not become as severe as in Ivory Coast, where the division between North and South led to a long political and military crisis. This can be explained by the fact that unlike Ivory Coast, Togo experienced a great stability of government. The RPT and Eyadema’s clan remained in power despite the introduction of the multiparty system, thanks to their firm control of the army, the careful and

systematic repression of all dissidents, the support of France and United States, and the divisions within the opposition. This explanation, although it contains a certain degree of truth - to the extent that it recognizes the limited space of dissent there is in Togo and the fact that the opposition to Eyadema has found no international support such as Ouattara in Ivory Coast - runs the risk of paradoxically legitimizing the regime. In fact Eyadema and his son were able to instrumentally use the spectre of civil war, which would split Togo in two and would transform the country into a second Rwanda, against their external and internal critics. They presented themselves as the only lifeline that could prevent the country giving way to the 'tribalism' they themselves had helped to create. Such a self-legitimizing narrative contains the seed of an insidious idea, that is that only strong and authoritarian regimes can maintain peace in Africa. A young university student from Lomé I met in 2010 commented the political situation of Togo with a quotation from Tacitus: "They create a desert and they call it peace". This work has revealed another order of reasons that can explain the fact that land conflicts in Togo have not yet assumed a strong ethnic connotation. As we have seen in Chapter 3 and 5, transactions of land rights outside of descent groups involved both the migrants from the north, and Ewe from other villages, other regions and other lineages. Therefore the redefinition of the terms of the agreements involved not only Kabié and Nawdeba, but also a very large number of Ewe, who, given the migratory movements between rural areas next to urban areas, can hardly be called autochthonous, except by reference to a common Ewe identity. Claiming a particular ethnic belonging to reinforce land rights is often an ineffective strategy for winning a case, as shown in the fifth chapter. To restrict the analysis of land conflict to mere Ewe / Kabié relations, as often the government did, runs the risk of reproducing the ethnicist stereotype that it is fundamentally important to deconstruct. It should be remembered that the Ewe identity, as discussed in the first chapter, has never been able to mobilize a strong movement from below. The macro-category Ewe groups together people who call themselves Adja, Mina, Ouatchi and who see themselves Ewe only in opposition to northerners. As mentioned several times in the course of this work, the most deep-rooted stereotypes between different groups in Togo are often mitigated by the recognition that everyone, not only the Ewe, suffered during the military regime of Eyadema. My Togolese interlocutors often remarked that the ethnicist paradigm could not explain the inequalities in Togo, as differences of class, gender, age and relations mattered as well. Lineage and village identities, as much as gender, employment, political and religious affiliation played an equal if not greater part than the ethnic dimension. However, for the Togolese government is much more useful to reduce the conflict only to the Ewe/Kabié

conflict, in order to legitimize its own (repressive) authority and to hide behind the rhetoric of peace and reconciliation the social inequalities it generates.

Land conflicts are spaces where not only the legitimacy of state is strengthened, but also where the authority of chieftaincies is reproduced. As shown in this work, by exploiting the ambiguity of their position in relation to the central state and the inability of the state to manage land issues, the *chefferies* emerged as the main institutions to turn to in cases of conflicts over property (chapter 4). This has strengthened the legitimacy of chiefs in the eyes of the populace, a legitimacy not formally recognized by the state. As they do not either own the land or get income from migrants, their judgments could be considered in many ways more balanced than in Ghana, where, as Boni (2008) has shown, village chiefs, being custodian of allodial rights, are in such privileged position that they are often a party in the trial that they are judging. Obviously this does not mean that village chiefs in Togo are necessarily impartial, but it is in their interest to ensure a certain degree of fairness in the judgment. As shown by the cases discussed in this work, this is evident for two main reasons: On the one hand to prevent the outbreak of social unrest that would force the state and the army to intervene, rendering their role meaningless and considerably reducing their relative autonomy; on the other hand to avoid criticism or attacks (or accusations) of witchcraft from below which would delegitimize their role. The fact that the court is composed of a relatively large number of notables who discuss the problems, that the penalties are imposed according to the economic possibilities of the individual, that there is a possibility to apply to another court and that they wisely avoid going too deep into complex issues, provides a degree of thoughtfulness and balance to the judgments. In addition, if the population continues to prefer the so-called traditional authorities, this is partly because they are faster, more effective and cheaper than the state courts, but also because they are recognized as fair and relatively balanced. Nevertheless, dissatisfaction, resentment and favouritism are present in every *chefferie* and certain social categories (women, migrants' descendants, and young people) are more exposed to challenges to their established rights than others. The outcome of a trial often depends on the quality and quantity of relationships that can be entertained with influential members of the court. The most vulnerable categories from the point of view of land rights, in particular women and descendants of migrants, can have certain rights guaranteed thanks to the clever use of their relationships with the *chefferies*, thus reinforcing the role and legitimacy of notables and chiefs.

The case of Togo reminds us that the multiplicity of laws and institutions allows individuals to develop a range of strategies to reinforce or question certain land rights. The cases

presented have shown some of these: redefinition of criteria of belonging, renegotiation of kinship structures, production of stories, planting trees, repositioning of *womi*, investment in social relations, accusations of witchcraft, reconstruction of the content of the customary rules, producing documents, registration of land titles, and the strategic use of forum shopping offered by legal pluralism. Though some local claims rest on the ‘politics of belonging’, this does not exhaust the profusion of effective strategies that people activate in their attempts to be recognized as holders of land rights.

As shown in these pages, these strategies do not only serve to legitimize land claims, but also have the crucial role of producing and reproducing, challenging or criticizing from below the institutions that produce them and their founding ideologies: lineage chiefs and myths of first arrival, *chefferies* and “tradition”, the power structures of gender and age and “customary law”, the state and its legal order, the economic elite and the free market. In other words, the legitimacy of these institutions is never given once and for all, but it is (and should be) constantly renegotiated via the constant working of the practices and discourses that intersect at the local level. In this respect land conflicts have emerged as the privileged space in which different laws, rules, institutions and ideologies are activated, reproduced and contested at both the micro and the macro political level. Alongside the state structure, there is therefore the emergence or re-emergence of local (the *chefferies* and the lineage leaders) institution which often replace the state by exerting a certain degree of sovereignty on issues of vital importance. This does not mean that the state is withering away. Its presence is felt every day by the people at roadblocks, in broadcasting radio and television, in the need for documentation, in the political control of the village chiefs, in the elections and the suppression of dissent, and the idea of the state is reproduced also by the so-called traditional courts when they apply state rules or use formal and informal written documents as evidence. It should also be remembered that if the plurality of these institutions cannot be encapsulated in a vertical structure of which the state would be the summit, it is equally arbitrary to consider them as institutions parallel with or equivalent to the central government. It is no coincidence that the economic and political elites of Togo, and those who are able to take full advantage of the bureaucratic procedures of registration of land titles, do not usually refer to *chefferies*, but go directly to the state courts to obtain support for their rights.

Property and value of land

The Western philosophical debate on land property has been often characterized by the opposition between the liberal perspective, which considers private property as a natural right that the state should guarantee if it is to govern legitimately, and critical currents that consider property the main cause of social conflict and economic inequalities. These critical currents have emphasized the fact that property, as the relationship between a subject and an object, does not exist outside of social and political relations and that private property does not represent an inevitable fate. However, as outlined several times in the recent academic debate (Harvey 2007; Patel 2012), it seems that these critical currents have been swept away in the last thirty years by the neoliberal ideology, which recommends the autonomy of the market from any kind of political and social regulation as the only way to increase collective wealth. However even the most convinced supporters of the self-regulating nature of the market need the state in order to see the legal framework of private property recognized and to use its repressive apparatus to defend their privileges, clearly showing how the ideology of the free market is the screen of smoke used by the economic elite to strengthen its political power.

One of the assumption on which neoliberal ideology rests is the evolutionary idea that land ownership could be reduced to the dichotomy between tradition and modernity, where the first term would be associated with egalitarian, but wasteful, forms of collective ownership, destined – following a unilineal perspective - to mutate over time into private property, in the wake of the expansion of capitalism, commoditization, population growth, globalization or increased competition for resources¹²⁹. “Modernity” becomes a polite expression for “capitalism”, and, as we saw in chapter 2, this narrative is often the legitimizing discourse that conceals land dispossession and colonialism. But this idea is often implicitly asserted also by those who, criticizing the increasing inequalities created by capitalism, tend to romanticize “traditional” modes of ownership, without taking into account the unequal structures of power and production that characterized also non-capitalist economies.

As anthropological reflection has long shown (but it is perhaps worth remembering) the dichotomy between modern and traditional forms of property is often based on a set of wrong

¹²⁹ The most known (and rightly criticized) example of this assumption is the article about the so called ‘tragedy of the commons’ written by Garrett Hardin (1968). Hardin thought that every shared and common resource would be inevitably exhausted by the competition of a group of rational, utility-maximizing individuals. For this reason Hardin maintained the necessity of private property and enclosure. For a critic of this theory, see Patel 2012.

assumptions. These include: that “non-Western” societies (assuming that all the societies that are not “the West” can be put in the same category regardless of their differences, thus also reducing the West itself to a homogeneous category) do not know individual ownership (because they are based on some form of “mechanical solidarity”); that they are incapable of generating change autonomously (because they are “cold” or “without history”); and that, on the contrary, the West would represent modernity, i.e. a higher degree of development, according to which others should be compared, as being at different stages of a development teleologically determined (Goody 2006). This modernity would be characterized by private property (as if ownership was not collectively and politically sanctioned) and individualism (as if the subject existed as a completely separate, non-socialized individual), and would be dominated by impersonal and socially disembodied laws of the market (as if they were not a product of the historical, political, social and cultural generated power relations between human beings) in which the economic dimension can be considered to be an independent variable, detached from any reference to social and cultural dimensions.

For socio-cultural anthropology, ownership (including private ownership) is never separable from the social relations that produce it and the power relations that enable it. This means that it can be understood only by starting from an analysis of how different groups do or do not attribute the ability to be sold or exchanged to certain “goods” (including people) and of how modes of exchange and control over resources are articulated inside a society (Appadurai 1986; Solinas 2003). Whether or not particular things can become commodities or could be appropriated in a socially legitimate way represents an arena of competition among different groups and individuals, not only in societies traditionally studied by anthropology, but also in the “West”, where, for example, the debate periodically resurfaces on the legality or not of the extension of private property to common resources like water, cultural and historical heritages, or natural reserves.

As shown so far, in southwestern Togo the commercial and symbolic value of land has radically changed over time in reaction to the interplay of both exogenous and endogenous factors, which are based on the articulation (complex, contradictory, negotiated, fought) of bundles of personal, family, ethnic and national claims. In Togo modes of access and management of land have been redesigned both from below and from above in the face of changing economic and political contexts, but these changes cannot be reduced to a linear path that goes from collective ownership of land and inalienability to private property or commoditization. New modes of access to land did not substitute the previous ones, but rather overlapped them in original ways. The rise of cash crops economies and colonial

policies increased the commercial value of land and the transfer of land rights outside lineage groups, reduced the amount of land available for food crops, reinforced the power of the elders over their dependents, allowed the exploitation and the settlement of migrants and the upward mobility of the landowners and their sons, and favored the individualization of land rights. The following decline of cash crops economies, the reduction of available land and the recurrent crises of the last twenty years increased considerably the number of land conflicts and the range of strategies used to claim rights over land. Lands transferred in the early years of the twentieth century through the *dibi* or *nana* are claimed back by the descendants of the seller who do not recognize the transaction as definitive. Neo-traditional claims of first occupation are increasingly relevant. Selling land is perceived as immoral and risky, and buying land means often being exposed to frauds. The state programmes of registration of land titles have never achieved their goals, but “traditional courts” produce and use documents testifying land rights. State laws regarding the equal inheritance rights of sons and daughters or neo-traditional arrangements (as *kolonyigba*) are used in “traditional” courts to claim land on the maternal side against patrilineal principles. Religious rituals to enhance land fertility become crucial for national and local authorities, and, for many of my interlocutors, witchcraft accusations are increasing. The politics of belonging is re-activated to legitimize that lands individually purchased through the formal procedures become family lands once again. Informal agreements as *nana* are still used to transfer use rights, although fixed rents are growing. Urban dwellings or migrants in Europe reestablish “traditional” links with their village of origins to have guaranteed a possibility of return to the land of their ancestors, while young people try to avoid to be farmers and to find new source of revenues. The commoditization of land rights, which is not a recent development, has not erased the symbolic, cultural, emotional and political values of land.

Reassuring concepts such as “modernity” and “tradition” cannot account for these contradictory dynamics. The ways southern Togolese access land continue to remind us that modes of ownership are always open to new reconfigurations and are perhaps the most visible materializations of changing social and political relations. Global phenomena (in this case the economy of cash crops, the bureaucratization of land titles, the recurring economic crises) are re-territorialized locally in new forms. Grasping these specificities without losing sight of the broader scenarios in which they are embedded is the most important contribution anthropology can make to on-going debates on the increasing commercial and symbolic value of land.

Land in Togo plays a central role in terms of symbolic meanings and social identities, for its political, economic, religious and social value. Land - as a medium between the living and the dead, as deity, as a commodity, as a mean of production, as material support on which the dynamics of lineages fission are articulated, and as a territory where different political entities of various kinds and levels exercise their authority - is a rather particular object of appropriation, involving an analysis able to account for its multifaceted and overlapping values. These values are not necessarily shared and emerge as a contested field that involves not only the redefinition of authorities and power structures, but also the identities and subjectivities of the people involved. For example, this work has emphasized how agricultural work, beyond its more direct economic importance, emerged, at least since the colonial period, as simultaneously ennobling and disciplining. It was ennobling, for the colonial administrations, as an instrument of civilization of the natives, a patriotic duty for the Green Revolution of Eyadema, and a morally legitimate form of enrichment for the generation who saw an opportunity for economic and political empowerment in the cocoa economy. It was disciplining in the ways it was experienced by many (young people, women, migrants) as a violent imposition from the top (from the central state, the elders of the village, the needs of the international market and the unemployment produced by structural adjustment), which effectively reproduces forms of oppression and exploitation of the workforce via the power they can (legitimately?) exercise on a given territory. It is not surprising therefore that the life trajectories of women and men discussed in this work show on the one hand the attempts to strengthen land rights and on the other increase efforts to find alternative sources of income. The strategies deployed by the people I met remind us that land emerges more and more as a necessary, but not a sufficient, asset in dealing with recurring crises that the new millennium is facing.

GLOSSARY

Adze: witchcraft

Adzetɔ: witch

Afalaa : Kabié male initiation ceremony

Afe : home

Agblè: field

Amegakpui: spirit who assists the trial and gives the sentence

Asafo: war chief

Avé : forest

Bokono (bokɔno): diviner, ritual specialist of *Afa* oracle

Deha: palm wine

Du or *duko* (pl. *dukowo*, *dukɔwo*): village, state

Dzo : fire, magic, medicine

Dzidzime : line of descent

Dumefia : village chief

Duto (dutɔ) : notable, descendant of the village founder

Ese: strength, power

Fia : chief

Fome : family, lineage

Fomedzikpɔla: lineage chief

Fufu: pounded yams

Gatɔ : rich

Gbetsi : destiny

Grisgris : magic, see. *Dzo*

Hanygba: land

Hanybgatɔ: landowner

Kolonygba: land received by the wife's family

Kope: farm

Kɔme: quarter

Kɔmefia : quarter chief

Kuvia: lazyness

Kuviatɔ : lazy

Liha: millet beer

Soqabi : palm wine distilled alcohol

Sokpé : axed stones of the god of thunder

Tɔ (or *Etɔ*): father, owner

Tɔgbui: elder, ancestor

Trɔn, *voodoo*: god

Tsami : spokesman

Womi or *womiti* (*wɔmi* - *wɔmiti*): shrubs used to divide fields belonging to different families

Wonudrofe: court of the village chief

Zemidjan : moto- taxi driver

Bibliography

- Ahadji, A. 1983. *Les Plantations Allemandes du Mont Agou (1884-1914)*, Université de Benin, Lomé.
- Ahadji, A. 1996. *Les plantations coloniales allemandes au Togo et leur évolution 1884-1939. These d'Etat en Etudes Germaniques*. Paris VII.
- Aime, M. 2004. *Eccessi di culture*. Einaudi, Torino
- Ali-Napo, P. 1995. *Le Togo à l' époque allemande : 1884-1914. Thèse de doctorat d' Etat en lettres et sciences humaines*, Paris I, 5 volumes.
- Amanor, K. 2006. "Customary land, mobile labor and alienation in the Eastern Region of Ghana", in Kuba R., Lentz C., 2006. *Land and the Politics of Belonging in West Africa*. Brill, Leiden, Boston.
- Amenumey, D.E.K. 1989. *The Ewe Unification Movement. A Political History*. Accra : Ghana University Press.
- Amselle, J.L. 1999. *Logiche meticcie. Antropologia dell'identità in Africa e altrove*. Bollati Boringhieri, Torino
- Amselle, J.L. 2001. *Conessioni. Antropologia dell'universalità delle culture*, Bollati Boringhieri Torino.
- Amos, A.M. 2001. "Afro-Brazilians in Togo: The Case of the Olympio Family, 1882-1945 (Les Afro-Brésiliens du Togo: l'exemple de la famille Olympio, 1882-1945)", in *Cahiers d'Études Africaines*, Vol. 41, Cahier 162 (2001), pp. 293-314
- Appadurai, A. (ed.) 1986. *The Social Life of Things. Commodities in a Cultural Perspective*. Cambridge University Press.
- Appadurai, A. 1996. *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis, University of Minnesota Press.
- Apter, A. 1993. "Atinga Revisited: Yoruba Witchcraft and the Cocoa Economy, 1950-1951", in Comaroff, J., Comaroff, J. *Modernity and its Malcontents*. Chicago, The University of Chicago Press
- Asiwaju, A. 2003. "Cross-Boundary Protest Migrations and Settlements in Colonial West Africa: The Example of the Western Yoruba Astride the Nigeria-Dahomey (Benin) Border" in Catherine Coquery-Vidrovitch, Odile Goerg, Isiaka Mande, Faranirina Rajaonah (eds) *Être Étranger et Migrant en Afrique au XXe Siècle: Enjeux Identitaires et Modes d' Insertion*, Paris: L'Harmatan 359 – 374

- Austen, R. 1993. "The Moral Economy of Witchcraft" in Comaroff and Comaroff (1993) *Modernity and its Malcontents*. Chicago, University of Chicago Press.
- Austin, G. 1987. "The Emergence of capitalist relations of production in South Asante cocoa-farming, c. 1916-1918" in *Journal of African History* 28: 259-79.
- Austin, G. 1988. "Capitalists and chiefs in the cocoa hold-ups in south Asante, 1927-1938" in *International Journal of African Historical Studies* 21 (1988), 63-98.
- Austin, G. 2005. *Labour, Land and Capital in Ghana*. Rochester, University of Rochester Press.
- Argenti, N. 1998. "Air Youth: Performance, Violence and the State in Cameroon" in *The Journal of the Royal Anthropological Institute*, vol. 4, n.4, pp.753-782.
- Argenti, N. 2001. "Kesum-Body and the Places of Gods: the Politics of Children Masking and Second-World Realities in Oku (Cameroon)" in *The Journal of the Royal Anthropological Institute*, Vol. 7, No. 1. (Mar., 2001), pp. 67-94.
- Ayina, E. 1987. « Pagnes et Politique » in *Politique Africaine*, N. 27, pp. 47-54
- Bayart, J.F. 1989 . *L'Etat en Afrique: la politique du ventre*. Paris, Karthala
- Bayart, J.F., Ellis S., Hibou B. 1999. *The Criminalization of the State in Africa*. James Curry, Oxford.
- Bayart, J.F. 2008. « Hégémonie et Coercition en Afrique Subsaharienne » in *Politique Africaine* n. 110, Juin 2008.
- Bellagamba, A. 2008, *L'Africa e la Stregoneria: saggio di Antropologia Storica*. Laterza
- Bellagamba, A., Klute, G. (eds.) 2008. *Beside the State. Emergent Powers in Contemporary Africa*. Rüdiger Köppe Verlag, Cologne.
- Benda-Beckmann, F. von 2002. "Who is afraid of Legal Pluralism?", in *Journal of Legal Pluralism*, vol. 47, pp. 37-83.
- Benda-Beckmann, Keebet von 1981. "Forum Shopping and Shopping Forums-Dispute Settlement in a Minangkabau Village in West Sumatra," in *Journal of Legal Pluralism* 19 - 117.
- Berg, A. van den 1997. *Land Right, Marriage Left. Women's management of insecurity in North Cameroon*. Leiden, CNWS Publications.
- Berry, S. 1989. "Social Institutions and Access to Resources" in *Africa: Journal of the International African Institute*, Vol. 59, No. 1, Access, Control and Use of Resources in African Agriculture (1989), pp. 41-55.
- Berry, S. 1992. "Hegemony on a Shoestring: Colonial Rule and Access to Land," in *Africa* 62,3:327-55.

- Berry, S. 2002. "Debating the Land Question in Africa", in *Comparative Studies in Society and History* Vol.44, No. 4, pp.638-668.
- Berry, S. 2006. "Privatization and the politics of belonging in West Africa", in Kuba R., Lentz C., 2006. *Land and the Politics of Belonging in West Africa*. Brill, Leiden, Boston.
- Berry, S. 2008. "Ancestral Property: Land, politics and the deeds of ancestors in Ghana and Côte d'Ivoire" in Ubink J.M., Amanor K.S., 2008. *Contesting Land and Custom in Ghana*, Leiden University Press
- Berry, S. 2009. "Property, Authority and Citizenship: Land Claims, Politics and the Dynamics of Social Division in West Africa", in *Development and Change*, 40, 1, 23-45.
- Bierschenk, T., O. de Sardan, 1997 "Local Powers and a Distant State in Rural Central African Republic", in *Journal of Modern African Studies*, Vol. 35, N.3, pp. 441-468.
- Blundo G., Olivier de Sardan, J.P. 2007. *État et corruption en Afrique. Une Anthropologie Comparative des Relations entre Fonctionnaires et Usagers (Bénin, Niger, Sénégal)*. Paris : Karthala
- Bohannan, P. 1957. *Justice and judgment among the Tiv*, London, Oxford University Press
- Boni, S. 2006. "Indigenous Blood and Foreign Labour: The Ancestralization of Land Rights in Sefwi (Ghana)" in Kuba R., Lentz C., 2006. *Land and the Politics of Belonging in West Africa*. Brill, Leiden, Boston
- Boni, S. 2008. "Traditional ambiguities and authoritarian interpretations in Sefwi land disputes" in Ubink J.M., Amanor K.S., 2008. *Contesting Land and Custom in Ghana*, Leiden University Press.
- Bourdieu, P. 1977. *Esquisse d'une théorie de la pratique précédé de trois études d'ethnologie kabyle*. Edition du Seuil, trad It. 2003 *Per una teoria della pratica con tre studi di etnologia cabila*. Milano, Raffaello Cortina Editore.
- Bourdieu, P. 1986, "The forms of capital" in J. Richardson (Ed.) *Handbook of Theory and Research for the Sociology of Education* (New York, Greenwood), 241-258.
- Bourgois, P. 2008. "Sofferenza e vulnerabilità socialmente strutturate. Tossicodipendenti senz'atetto negli Stati Uniti", in *Violenza. Annuario di Antropologia*, 9-10, 2008, pp. 113-135.
- Brivio, A. 2009. "Foreign Vodun. Memories of Slavery and Colonial Encounter in Togo and Benin" in Araujo A.L. *Living History. Encountering the Memory of the Heirs of Slavery*. Cambridge Scholars Publishing.
- Brown, D. 1980. "Borderline Politics in Ghana: The National Liberation Movement of Western Togoland" in *The Journal of Modern African Studies*, Vol.18, N.4, Dec., 1980
- Bukh, J. 1979. *The Village Woman in Ghana*. Uppsala

- Butler, J. 2005. *La vita psichica del potere*, trad. it., Meltemi, Roma 2005.
- Ceuppens B., Geschiere P., 2005. "Autochthony: Local or Global? New Modes in the Struggle over Citizenship and Belonging in Africa and Europe", in *Annual Review of Anthropology*, Vol. 34 (2005), pp. 385-407.
- Chalfin, B. 2001. "Border Zone Trade and the Economic Boundaries of the State in North-East Ghana" in *Africa: Journal of the International African Institute*, Vol. 71, No. 2, Markets in a New Era (2001), pp. 202-224
- Chalfin, B. 2004. *Shea Butter Republic*, New York, Routledge
- Chauveau, J.P. 2006. "How does an institution evolve? Land, Politics, intergenerational relations and the institution of the tutorat amongst autochthones and immigrants (Gban region, Côte d'Ivoire)", in Kuba R., Lentz C., 2006. *Land and the Politics of Belonging in West Africa*. Brill, Leiden, Boston.
- Chauveau, J.P. 2009. "La loi de 1998 sur le domaine rural dans l'histoire des politiques foncières en Côte d'Ivoire: La politique des transferts de droits entre 'autochtones' et 'étrangers' en zone forestière" in Colin, J.P. and P-Y Le Meur, É. Léonard (eds.) *Les politiques d'enregistrement des droits fonciers: Du cadre légal aux pratiques locales*, Paris: Karthala, pp. 105-140.
- Chauveau, J.P., J.P. Colin 2010. "Customary Transfers and Land Sales In Côte d'Ivoire: Revisiting the Embeddedness Issue", in *Africa*, 80, pp. 81-103.
- Colin, J.P., M. Ayouz 2006. "The Development of a Land Market? Insights from Côte d'Ivoire", in *Land Economics*, Vol.82, n.3, pp. 404-423.
- Colin, J.P. and P-Y Le Meur, É. Léonard (eds.) 2009. *Les politiques d'enregistrement des droits fonciers: Du cadre legal aux pratiques locales*, Paris, Karthala
- Comaroff, J.L., S. Roberts 1981. *Rules and Processes. The Cultural Logic of Dispute in an African Context*. Chicago, University of Chicago Press.
- Comaroff, J., J. Comaroff 1993 (a cura di). *Modernity and its Malcontents*. Chicago, The University of Chicago Press
- Comaroff, J. and Comaroff, J. 1999. "Alien-nation: Zombies, Immigrants and Global Capitalism" in *CODESRIA Bulletin*, 3/4:17-28.
- Comaroff, J.,J. Comaroff 2001. *Millennial Capitalism and the Culture of Neoliberalism*. Durham & London, Duke University Press.
- Commissariat de la République Française au Togo, 1926. *Guide de la Colonisation au Togo*. Paris, Larose

- Coquery-Vidrovitch, C. 1982. « Le régime foncier rural en Afrique noire » in Le Bris, Le Roy, Leimdorfer, 1982 *Enjeux Foncier en Afrique Noire*. Paris, Orstom-Karthala
- Coquery-Vidrovitch, C. 1991. « The Process of Urbanization in Africa », in *African Studies Review*, 34, pp. 1-98
- Cordonnier, R. 1982. *Les Revendeuses de Tissu de la Ville de Lomé (Togo)*, Paris, L'Orstom.
- Cornevin, R. 1969. *Histoire du Togo*. Paris, Editions Berger-Levrault.
- Cornevin, R. 1988. *Le Togo. Des origines à nos jours*. Académie des Sciences d'outre-mer, Paris
- Costa, P. 2003. « Proprietà e Cittadinanza nell'Europa moderna : una mappa tematica » in *Parole Chiave*, 30, 31-60.
- Crehan, K. 2002. *Gramsci, Culture and Anthropology*. London, Pluto Press
- Crowder, M. 1968. *West Africa Under Colonial Rule*, London, Hutchinson University Press
- Dantzig, A. van 1978. "Dutch and the Guinea Coast, 1674- 1742"
- Debrunner, H. 1965. *A Church between Colonial Powers: a Study of the Church in Togo*. London, Lutterworth Press.
- Decalo, S. 1996. *Historical Dictionary of Togo. Third Edition*. London, The Scarecrow Press, Inc. Lanham.
- Direction Générale de la Statistique et de la Comptabilité Nationale, 2010 « Recensement General de la Population et de l'Habitat »
- Downs, R.E., S.P. Reyna 1988. *Land and Society in Contemporary Africa*. Hanover and London, University of New Hampshire, University Press of New England
- Dozon, J.P. 1985. *La société Bété, Côte d'Ivoire*. Paris, Karthala
- Duanenyo, S. 1987. « La Révolution Verte. Discours et financement » in *Politique Africaine* N. 27, pp. 31-36
- Epstein, A.L. 1967. "Urbanization and Social Change in Africa", in *Current Anthropology*, 8 pp. 275-295
- Evans-Pritchard, E.E. 1937. *Witchcraft, Oracles and Magic among the Azande*. Oxford: Clarendon Press.
- Evens, T.M.S., D. Handelman 2006. *The Manchester School: Practice and Ethnographic Praxis in Anthropology*, New York- Oxford, Berghahn Books
- Ferguson, J. 1990. "Mobile Workers, Modernist Narratives: A Critique of the Historiography of Transition on the Zambian Copperbelt." in *Journal of Southern African Studies* 16 (3): 385-412; 16 (4): 603-21.

- Ferguson, J. 2002. "Of Mimicry and Membership: Africans and the "New World Society" in *Cultural Anthropology*, Vol. 17, No. 4 (Nov., 2002), pp. 551-569
- Ferguson, J. 2006. *Global Shadows: Africa in the Neoliberal World Order*, Duke University Press.
- Ferguson, J., Gupta A. (a cura di) 1997. *Anthropological Locations: Boundaries and Grounds of a Field Science*, University of California Press, Berkeley.
- Fiamingo, C. 2012. *Africa che cambia. Processi evolutivi in Africa subsahariana: un'antologia di analisi e studi di caso*. Milano, Edizioni UNICOPLI
- Folikpo, K. 2006. "Droit foncier coutumier, culture de rente néocolonialiste et politique politicienne togolaise portant sur le Patrimoine foncier: La multiethnicité séculaire, le Droit du sol et les liens interethniques mis à rude épreuve en pays Ewe et en pays Akposso » in *Togocity*, 20 Nov. 2006 <http://www.togocity.com/spip.php?article1669>
- Fortes, M. 1945. *The Dynamics of Clanship among the Tallensi*, London, Oxford University Press.
- Fortes, M. 1949. *The Web of Kinship among the Tallensi*, Oxford, Oxford University Press.
- Gayibor, N.L. 1997. *Histoire des Togolais, Volume I: des origines à 1884*, Lomé, Presses de l'Université de Benin
- Gayibor, N.L. 1997. *Le Togo sous domination coloniale (1884-1960)*. Lomé, Les Presses de l' UB.
- Gayibor, N. L. 2005. *Histoire des Togolais, Volume II*. Lomé, Presses de l' Université de Benin
- Gayibor, N.L. 1985. *L'aire culturelle ajatado des origines à la fin du XVIIIème siècle*, Thèse de doctorat d'Etat, Paris I- Sorbonne, 3 vol.
- Gayibor, N. L. 1992. *Les Peuples du Sud-Togo*. Lomé, Presses de l' UB.
- Gayibor, N.L. 2011. *Histoire des Togolais, Tome III. Le Togo sous domination coloniale*. Karthala- Presses de l'UL.
- Galli, C. 2001. *Spazi Politici. L'età moderna e l'età globale*, Il Mulino, Bologna
- Gallisot, M. Kilani, Rivera. 2001. *L'Imbroglia Etnico in quattordici parole chiave*. Dedalo, Bari
- Gardini, M. 2012 (a). "Land Transactions and Chieftaincies in Southwestern Togo" in *Africa Spectrum*, 47, 1, pp. 51-72.
- Gardini, M. 2012 (b). "I Problemi Irrisolti Non Marciscono Mai". *Chefferies e Gestione dei Conflitti nella Regione sud-occidentale del Togo*" in Fiamingo C. (2012) *Africa che cambia*.

- Processi evolutivi in Africa subsahariana: un'antologia di analisi e studi di caso*. Milano, Edizioni UNICOPLI, pp. 69-81.
- Gbedemah, S. Y. 2011. "Les structure institutionnelles du Togo Français de 1920 a 1960 » in Gayibor, N.L. 2011. *Histoire des Togolais, Tome III. Le Togo sous domination coloniale*. Karthala- Presses de l'UL.
- Geertz, C. 1983. *Local Knowledge : Further Essays in Interpretative Anthropology*. New York, Basic Books.
- Geertz, C. 2004. "What is a State if it is not a Sovereign?" in *Current Anthropology* Volume 45, Number 5, December 2004
- Geschiere, P. 1984. « La paysannerie africaine est-elle « captive » ? Sur la thèse de Goran Hyden, et pour une réponse plus nuancée », in *Politique Africaine*, n. 14, pp. 13-33.
- Geschiere, P. 1993. "Chiefs and Colonial Rule in Cameroon: Inventing Chieftaincy, French and British Style" in *Africa: Journal of the International African Institute*, Vol. 63, No. 2 (1993), pp. 151-175
- Geschiere, P. 1995. *Sorcellerie et Politique en Afrique*. Paris, Karthala.
- Geschiere, P. 1997. *The Modernity of Witchcraft: politics and the occult in post-colonial Africa*. Charlottesville and London, University Press of Virginia.
- Geschiere, P., Jackson S. 2006. "Autochthony and the Crisis of Citizenship: Democratization, Decentralization, and the Politics of Belonging", in *African Studies Review*, Vol. 49, No. 2 (Sep., 2006), pp. 1-7
- Gluckman, M. 1955, *The Judicial Process among the Barotse of Northern Rhodesia*. Manchester, Manchester University Press.
- Gluckman, M. 1963. "Rituals of Rebellion in South-East Africa", in *Order and Rebellion in Tribal Africa: Collected Essays*, by Gluckman. London, Cohen & West.
- Gluckman, M. 1965. *The Ideas in Barotse Jurisprudence*. New Haven, Conn, Yale University Press
- Goeh-Akue, N.A., Nabe N. 2011, "Une Economie en Transition : L'ere Bonnacarrere (1919-1931) » in Gayibor N.L., *Histoire des Togolais, Tome III. Le Togo sous domination coloniale*. Karthala- Presses de l'UL
- Goeh-Akue, N.A., Sebald P. 2011, "Productions, Infrastructures et Commerce a l'Epoque Allemande » in Gayibor N.L. 2011, *Histoire des Togolais, Tome III. Le Togo sous domination coloniale*. Karthala- Presses de l'UL.
- Goheen, M. 1996. *Men Own the Fields. Women Own the Crops*. The University of Wisconsin Press

- Goody, J. 1962, *Death, Property and the Ancestors. A Study of Mortuary Custom among the Lodagaa*, Stanford, Stanford University Press.
- Goody, J. 2006 *The Theft of History*. Cambridge, Paperback
- Gray, L- and M. Kevane 1999. "Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa" in *African Studies Review*, Vol. 42, No. 2 (Sep., 1999), pp. 15-39.
- Greene, S. 1996. *Gender, Ethnicity, and Social Change on the Upper Slave Coast*. Portsmouth, London, Heinemann and James Currey.
- Griffiths, J. 1986. "What is legal pluralism?", in *Journal of Legal Pluralism*, 24: 1-55
- Gugler, J. 2002. "The Son of the Hawk Does Not Remain Abroad: The Urban-Rural Connection in Africa", in *African Studies Review*, Vol. 45, No. 1 (Apr., 2002), pp. 21-41
- Guyer, J., 1981. « Household and community in African Studies », in *African Studies Review*, Vol. 24, No. 2/3, Social Science and Humanistic Research on Africa: An Assessment (Jun. - Sep., 1981), pp. 87-137
- Guyer, J. 1997. *An African Niche Economy*. Edinburgh University Press.
- Guyer, J., Karen Tranberg Hansen 2001, "Markets in Africa in a New Era", in *Africa: Journal of the International African Institute*, Vol. 71, n.2 pp. 197-201
- Guyer, J. 2004, *Marginal Gains. Monetary Transactions in Atlantic Africa*. Chicago and London, University of Chicago Press.
- Gu-Konu, E.Y. 1983. "Pratique foncières dans le sud est Togo. Le Dibi-madibi et son articulation au régime foncier capitaliste », in *Pratiques foncières locales en Afrique Noire. Colloque International de Saint Riquier (France). 5-9 décembre 1983. Dossier des contributions reçu*.
- Hann, C., K. Hart 2011. *Economic Anthropology*. Paperback
- Hannerz, U. 1996. *Transnational Connections: Culture, People, Places*. New York, Routledge.
- Hannerz, U. 1998. *La complessità culturale. L'organizzazione del significato*. Il Mulino, Bologna [1992]
- Hart, K. 1973 "Informal Income Opportunities and Urban Employment in Ghana", in *The Journal of Modern African Studies*, Vol. 11, No. 1 (Mar., 1973), pp. 61-89
- Hart, K. 1982. *The Political Economy of West African Agriculture*. Cambridge University Press.
- Harvey, D. 2007. *Breve Storia del Neoliberismo*. Milano, Il Saggiatore

- Heilbrunn, J.R. 1993. "Social Origins of National Conferences in Benin and Togo" in *The Journal of Modern African Studies*, Vol. 31, No. 2 (Jun., 1993), pp. 277-299
- Heilbrunn, J.R. 1997. "Commerce, Politics and Business Associations in Benin and Togo", in *Comparative Politics*, Vol. 29, No. 4 (Jul., 1997), pp. 473-492
- Herbst, J. 1990. "Migration, the Politics of Protest, and State Consolidation in Africa" in *African Affairs* Vol. 89. N. 335. Pp. 183-203
- Hyden, G. 1980. *Beyond Ujamaa in Tanzania*. London, Heidenemann Educational Books Ltd
- Hill, P. 1961. "The Migrant Cocoa Farmers of Southern Ghana", in *Africa: Journal of the International African Institute*, Vol. 31, No. 3 (Jul., 1961), pp. 209-230
- Hill, P. 1963. *The Migrant Cocoa-Farmers of Sothern Ghana. A study in rural capitalism*. Cambridge University Press.
- Hill, P. 1970. *Studies in Rural Capitalism in West Africa*. Cambridge University Press
- Hirschman, A.O. 1970. *Exit, Voice, and Loyalty*. Cambridge, Harvard University Press.
- Hobsbawm, E.J., T.O. Ranger 1983, *The Invention of Tradition*. Cambridge, Cambridge University Press
- Hounwanou, R.T. 1984. *Le Fa. Une Géomancie divinatoire du Golfe du Benin (pratique et technique)*. Lomé, Les Nouvelles Editions Africaines.
- Kapferer, B. 2006. "Coda. Recollections and Refutation" in Evens T.M.S., D. Handelman, *The Manchester School: Practice and Ethnographic Praxis in Anthropology*, New York-Oxford: Berghahn Books
- Kludze, A. K. P. 1973. *Ghana I. Ewe Law of Property*. London, Sweet and Maxwell.
- Klute, G., Embalò B., Borszik A.K., Embalò I. (eds.) 2008. *Experen?ias Locais de Gestão de Conflitos*. Inep, Bissau.
- Klute, G., B. Embaló (eds.) 2011. *The Problem of Violence. Local Conflict Settlement in Contemporary Africa*. Cologne, Rüdiger Köppe Verlag.
- Klute, G., R.M. Fernandes 2010. "Globale Herausforderungen und die (Wieder-) Entstehung neotraditioneller Landrechte. Rechtsanthropologische Untersuchungen in Guinea-Bissau", Paul, Axel / Alejandro Pelfini / Boike Rehbein (Hgs.), *Globalisierung Süd, Leviathan* (Sonderheft): 115-136.
- Koffigoh, K. 1982. « La Reforme Agrofondiere au Togo » in Le Bris, Le Roy, Leimdorfer, 1982 *Enjeux Foncier en Afrique Noire*. Paris, Orstom-Karthala
- Kopytoff, I. 1971. "Ancestors as Elders in Africa" in *Africa*, 41 :2, pp 129- 42.
- Kopytoff, I. (ed.), 1987. *The African Frontier : The Reproduction of Traditional African Societies*, Bloomington & Indianapolis, Indiana University Press.

- Kuba, R., Lentz C. 2006. *Land and the Politics of Belonging in West Africa*. Brill, Leiden, Boston.
- Labarte, G. 2005. *Le Togo, de l'esclavage au libéralisme mafieux*, Marseille, Agone.
- Lawrance, B. N., 2000. "Most Obedient Servants: The Politics of Language in German Colonial Togo", in *Cahiers des Etudes Africaines*, Vol. 40, Cahier 159, pp.489-524.
- Lawrance, B.N. 2002 *Shaping States, Subverting Frontiers : Social Conflict and Political Consolidation among the Ewe duk?wo in the Togoland Mandates, 1919-1945*, Stanford University.
- Lawrance, B.N. 2003a. "En Proie à la Fièvre du Cacao: Land and Resource Conflict on an Ewe Frontier, 1922-1939", in *African Economic History*, No. 31 (2003), pp. 135-181.
- Lawrance, B.N. 2003b. "La Révolte des Femmes: Economic Upheaval and the Gender of Political Authority in Lomé, Togo, 1931-33" in *African Studies Review*, Vol. 46, No. 1 (Apr., 2003), pp. 43-67
- Lawrance, B.N. (ed.) 2005. *The Ewe of Togo and Benin*. Accra: Woeli Publishing Services.
- Laver, M. 1976. "Exit, Voice, and Loyalty" Revisited: the strategic production and consumption of public and private goods" in *British Journal of Political Science* 6, pp. 475-476.
- Lavigne Delville, P. 1998. *Quelles politiques foncières pour l'Afrique rurale?*. Paris, Karthala
- Lavigne Delville, P., Toulmin C., et al., 2002. *Negotiating Access to Land in West Africa: A synthesis of Findings from research on Derived Rights to Land*. London, IIED.
- Le Bris, E. 1984. *Les Marchés Ruraux dans la Circonscription de Vo. République du Togo*. Paris : ORSTOM.
- Le Bris, Le Roy, Leimdorfer 1982. *Enjeux Foncier en Afrique Noire*. Paris, Orstom-Karthala
- Lentz, C. 2006. "First-comers and late comers: indigenous theories of land ownership in the West Africa savanna", in Kuba R., Lentz C. 2006. *Land and the Politics of Belonging in West Africa*. Brill, Leiden, Boston.
- Levi-Strauss, C. 1949. *Les Structures élémentaires de la parenté*, Paris, PUF
- Lovejoy, P.E. 1980. "Kola in the History of West Africa", in *Cahiers d'Etudes Africaines*, nn. 77-78, XX, nn.1-2, pp. 97-134
- Lucien-Brun, B., A.M. Pillet-Schwartz 1987. *Les Migrations Rurales des Kabyè et des Losso (Togo)*. Paris, Orstom
- Lund, C. 2007. *Twilight Institution. Public Authority and Local Politics in Africa*. Paperback.
- Lund, C. 2008. *Local Politics and the Dynamics of Property in Africa*, Cambridge University Press

- Lund, C. 2011. "Property and Citizenship. Conceptually Connecting Land Holdings in Africa", in *Africa Spectrum*, 46, 3, 71-75.
- Macé, A. 2004. "Politique et démocratie au Togo. 1993-1998: de l'espoir à la désillusion" in *Cahiers d'Études Africaines*, Vol. 44, Cahier 176 (2004), pp. 841-885
- Mamdani, M. 1996. *Citizen and Subject. Contemporary Africa and the Legacy of Late Colonialism*. Princeton, Princeton University Press
- Marcus, G.E. 1995, "Ethnography in/of the World System : The Emergence of Multi-Sited Ethnography" , in *Annual Review of Anthropology*, Vol.24, 95-117
- Marguerat, Y. 1992. *Lomé: une brève histoire de la capitale du Togo*, Lomé Paris, Edns Haho Karthala.
- Marguerat, Y. 1993. *Dynamique Urbaine, Jeunesse et Histoire au Togo*, Lomé, Presses de l'UB
- Marguerat, Y., Nyassogbo G.K. 2011, « L'urbanisation et les Villes » in Gayibor N.L. 2011, *Histoire des Togolais, Tome III. Le Togo sous domination coloniale*. Karthala- Presses de l'UL.
- Mehler, A. 2004. *Oligopolies of Violence in Africa South of the Sahara*, Hamburg, Institut für Afrika-Kunde.
- Meillassoux, C. 1975. *Femmes, Greniers, Capitaux*. Paris, Maspero.
- Meyer, B. 1999. *Translating the Devil. Religion and Modernity among the Ewe in Ghana*. African World Press.
- Mitchell, J.C. 1983. "Case and Situational Analysis" in *Sociological Review* 31, n.2: 187-211
- Mizzau, G. 2001. *La Terra degli Antenati. Il regime fondiario tradizionale dei coltivatori africani*. Milano, Franco Angeli
- Moore, S. F. 1973. "Law and Social Change: the semi-autonomous social field as an appropriate subject of study", in *Law and Society Review* 7, 719-46.
- Moore, S. F. 1978. *Law as process*, London, Routledge and Kegan Paul.
- Moore, S.F. 1986. *Social Facts and Fabrications: "customary" law on Kilimanjaro 1880-1980*. Cambridge, University Press.
- Moore, S.F. 2004, *Antropologia e Africa*, Milano, Raffaele Cortina Editore, trad. it. 1994 *Anthropology and Africa*, University of Virginia.
- Moore, S.F. 2005. *Law and Anthropology. A reader*. Blackwell Publishing.
- Moore, H. 2007. *The Subject of Anthropology. Gender, Symbolism and Psychoanalysis*. Cambridge, Polity Press
- Mudimbe, V. 1988. *The Invention of Africa*. Indiana University Press,

- Murray Li, T. 2005. "Beyond the State and Failed Schemes" in *American Anthropologist* Vol. 107, Issue 3, pp. 383–394, September 2005
- Nabe, B. 2011, « Le Maintien de l'Ordre et la Paix Coloniale » in Gayibor N.L. 2011, *Histoire des Togolais, Tome III. Le Togo sous domination coloniale*. Karthala- Presses de l'UL.
- Nukunya, G.K. 1969, *Kinship and Marriage among the Anlo Ewe*. London, Athlone Press
- Nugent, P. 2002. *Smugglers, Secessionists and Loyal Citizens on the Ghana Togo Frontier*. Ohio University Press.
- Nugent, P. 2005. "A Regional Melting Pot : The Ewe and Their Neighbours in the Ghana-Togo Borderlands", in Lawrance, B.N. (ed.) 2005. *The Ewe of Togo and Benin*. Accra, Woeli Publishing Services.
- Nugent, P. (ed). (2007) *Citizenship in Africa: Creating Nations, Making Strangers* Co-edited with Sara Dorman and Dan Hammett, Leiden, Brill.
- Nwajiaku, K. 1994. "The National Conferences in Benin and Togo Revisited" in *The Journal of Modern African Studies*, Vol. 32, No. 3 (Sep., 1994), pp. 429-447
- Nyassogbo, G.K. 2011. « La Population Togolaise : Mutations Quantitatives et Spatiales » in Gayibor, N.L. 2011. *Histoire des Togolais, Tome III. Le Togo sous domination coloniale*. Karthala- Presses de l'UL.
- Olivier de Sardan, J.P. 1999. "A Moral Economy of Corruption in Africa" in *Journal of Modern African Studies*, vol.37 : 25-52.
- Oppen A. von, 1994. *Terms of Trade and Terms of Trust: The History and Contexts of Pre-colonial Market Production around the Upper Zambezi and Kasai*. Studien zur afrikanischen Geschichte 6, Munster and Hamburg: Lit Verlag.
- Ortner, S. 2005. "Subjectivity and Cultural Critique" in *Anthropological Theory* 5 (1) 31-52
- Patel, R. 2012 *Il Valore delle Cose e le Illusioni del Capitalismo*. Milano, Feltrinelli
- Pavanello, M. 1995. "The Work of the Ancestors and the Profit of the Living: Some Nzema Economic Ideas" in *Africa: Journal of the International African Institute*, Vol. 65, No. 1 (1995), pp. 36-57
- Pavanello, M. 2007. *Il Segreto degli Antenati. Un Etnografo nel Cuore del Ghana*. Torrazza Coste (PV), Edizioni Altravista
- Piot, C. 1999. *Remotely Global. Village Modernity in West Africa*. The University of Chicago Press.
- Piot, C. 2010. *Nostalgia for the Future. West Africa after the Cold War*. The University of Chicago Press.

- Platteau, J.-P. 1996. "The evolutionary theory of land rights as applied to sub-Saharan Africa: a critical assessment" in *Development and Change*, 27, pp. 29–86.
- Portes, A. 1998, "Social Capital: Its Origins and Applications in Modern Sociology" in *Annual Review of Sociology*, Vol. 24. (1998), pp. 1-24.
- Prospero, M. 2009. *Filosofia del diritto di proprietà. Vol.1-2*. Franco Angeli
- Quaranta, I. 2006. *Corpo, potere e malattia. Antropologia e AIDS nei Grassfield del Camerun*. Meltemi Editore, Roma
- Quesnel, A. and Patrice Vimard, 1987. « Système de production et dynamiques de populations en économie de plantation. Un exemple : le plateau de Dayes (Sud-Ouest Togo) » in *Cah. Sci. Hum.* 23 (3-4) 1987 : 483-503.
- Quesnel, A. and Patrice Vimard, 1988. *Dynamique de Population en Economie de Plantation. Le Plateau de Dayes au Sud-Ouest du Togo*. Paris, Orstrom
- Remotti, F. 1996. *Contro l'identità*. Laterza, Roma-Bari.
- Ribot, J.C., N.L. Peluso 2003. "A Theory of Access", in: *Rural Sociology* 68(2): 153-81.
- Rivière, C. 1981. *Anthropologie Religieuse des Evé du Togo*. Lomé, Les Nouvelles Editions Africaines.
- Rivière, C. 1990. *Union et Procréation en Afrique. Rites de la vie chez les Ewe du Togo*. Harmattan, Paris
- Roitman, J. 2004. "Productivity of the Margins. The Reconstitution of State Power in Chad Basin" in Das, V., Poole, D. (ed.) 2004. *Anthropology in the Margins of the State*. School of American Research Press. Santa Fe
- Rouland, N. 1988. *Anthropologie juridique*. Paris, Presses Universitaires de France.
- Rouveroy van Nieuwaal E. A. B. van 1987 « Modern State and Chieftaincy in Africa », *Journal of Legal Pluralism*, n. 25-26
- Rouveroy van Nieuwaal E. A. B. van 1990. « Sorcellerie et justice coutumier dans une société togolaise : une quantité négligeable ? », in *Journal of Legal Pluralism* , vol. 29, pp.137-162.
- Rouveroy van Nieuwaal E. A. B. van 1992. "The Togolese Chiefs : caught between Scylla and Chariddis?" , in *Journal of Legal Pluralism*, vol. 32, pp.19-46.
- Rouveroy van Nieuwaal E. A. B. van 1994. « Et toujours ce chef coutumier : résistance au pouvoir étatique au Sud-Togo sous tutelle française », in W.J.G. Mohlig et T. von Trotha (eds) *Legitimation von Herrschaft und Recht*, Rudiger Koppe Verlag, Cologne, pp.129-157
- Rouveroy van Nieuwaal E. A. B. van 1996. « State and Chiefs: Are Chiefs mere Puppets ? », in *Journal of Legal Pluralism*, vol. 37, pp.39-79.

- Rouveroy van Nieuwaal, E. A. B. van. 2000. *L'Etat en Afrique face à la Chefferie. Le cas du Togo*. Paris, Karthala.
- Rouveroy van Nieuwaal, E. A. B. van, van Dijk, R. 1999. *African Chieftaincy in a New Socio-political Landscape*. Hamburg: LIT .
- Rowlands M., Warnier J. 1988. "Sorcery, Power and the Modern State in Cameroon", in *Man, New Series*, vol. 23. No.1, pp.118-132
- Şaul, M. 2004. "Money in Colonial Transition: Cowries and Francs in West Africa" in *American Anthropologist New Series*, Vol. 106, No. 1 (Mar., 2004) pp. 71-8
- Schatzberg, M. 2000. « La sorcellerie comme mode de causalité politique » in *Politique Africaine*, n.79, pp. 33-47.
- Schilter, Christine, 1991. *L'Agriculture urbaine à Lomé: approches agronomique et socio-économique*, Paris, Karthala
- Schmitt, C. 1991. *Il nomos della terra nel diritto internazionale dello « Jus publicum Europaeum »* Milano, Adelphi.
- Schwartz, A. 1989. « Révolution Verte et autosuffisance alimentaire au Togo » in *Politique Africaine* N. 36, pp. 97-108
- Scott, J.C. 1985. *Weapons of the Weak : Everyday forms of Peasant Resistance*. New Haven & London, Yale University Press.
- Scott, J.C. 1998. *Seeing like a State: How Certain Schemes to Improve Human Condition Have Failed*. New Haven, Yale University Press
- Shipton, P. et M. Goheen 1992. "Introduction. Understanding African Land-Holding: Power, Wealth and Meaning", in *Africa: Journal of the International African Institute*. Vol.62, N°3, pp. 307-325.
- Sibilla, P. 1996. *La Sostanza e la Forma. Introduzione all'antropologia economica*. Torino, UTET
- Solinas, P.G. 2003. "Proprietà: un concetto antropologicamente incompiuto". In *Parole Chiave*, 30, pp. 159-167
- Soto, H. de, 2000. *The Mystery of Capital*, Basic Books Perseus Books Group
- Spieth, J. 1906. *Die Ewe-Stämme*. Berlin: Dietrich Reimer, trad. Franc. 2009 *Les Communautés Ewe*. Lomé, Presses de l'UL
- Spittler, G 1983. "Administration in a Peasant State" in *Sociologia Ruralis* Vol. 23, Issue 2, pages 130–144, August 1983
- Stoller, P., 1995. *Embodying Colonial Memories: Spirit Possession, Power and the Hauka in West Africa*. New York, Routledge.

- Surgy de, A. 1981. *La Géomancie et le Culte d'Afa chez les Evhé du Littoral*. Paris. Publ. Orientalistes de France.
- Surgy de, A, 1988. *Le Systeme Religieux des Evhé*. Paris, L'Harmattan
- Sutton, I. 1983. "Labour in Commercial Agriculture in Ghana in the Late Nineteenth and Early Twentieth Centuries" in *The Journal of African History*, Vol. 24, No. 4 (1983), pp. 461-483
- Tentori, T. 2009. *Elementi di Antropologia Economica*. Roma, Armando Editore
- Toulabor, C.M. 1986. *Le Togo sous Eyadema*. Paris, Kartala.
- Trotha, T. von. 1996. "From administrative to Civil Chieftancy. Some Problems and prospect in African Chieftancy" in *Journal of Legal Pluralism*, n. 37-37, pp. 79-107.
- Ubink, J.M., Amanor K.S., 2008. *Contesting Land and Custom in Ghana*, Leiden University Press
- Verdier, R., Rochegude, A. 1986. *Systèmes fonciers à la ville et au village. Afrique noire francophone*. Paris, L' Harmattan
- Verdon, M. 1981. "Political Sovereignty, Village Reproduction and Legends of Origin: A Comparative Hypothesis" in *Africa: Journal of the International African Institute*, Vol. 51, No. 1 (1981), pp. 465-476
- Verdon, M. 1980. "Re-Defining Pre-Colonial Ewe Polities: The Case of Abutia" in *Africa: Journal of the International African Institute*, Vol. 50, No. 3 (1980), pp. 280-292
- Verdon, M. 1983. *The Abutia Ewe of West Africa: a chieftdom that never was*. Berlin, New York, Amsterdam: Mouton
- Viti, F. 2007. *Schiavi, Servi e Dipendenti. Antropologia delle forme di dipendenza personale in Africa*, Milano, Raffaele Cortina Editore.
- Vivier, J-L. 2007. *L’Affaire Gasparin. Un scandale colonial oublié*, Paris, L’Harmattan
- Yngstrom, I. 2002. "Women, Wives and Land Rights in Africa: Situating Gender Beyond the Household in the Debate Over Land Policy and Changing Tenure Systems" in *Oxford Development Studies*, Vol. 30, No. 1, 2002
- Zimmerman, A. 2005. "A German Alabama in Africa: The Tuskegee Expedition to German Togo and the Transnational Origins of West African Cotton Growers" in *The American Historical Review*, Vol. 110, No. 5 (December 2005), pp. 1362-1398

Archival Sources
Togo National Archive. Lomé

« Rapport Annuel du Gouvernement Français sur l'administration sous mandat des territoires du Togo, pour l'année 1924 ». Paris, 1925, Imprimerie général Lahure

Gruner. « Droits et Obligations des Chef du Cercle de Misahohe ». Translation in Napo Ali (1995).

Dossier 7, 2 APA « Cercle de Klouto Affaires Politique (1928-1935) Lettre 21/4/1935 ».

Dossier 12, 2 APA (1936-1966). "Chefs".

Dossier 134, 2 APA « Lettre confidentiel du 20/11/48 au Commissaire de la République par le Comandant du Cercle de Klouto. Répertoire des Archives du Cercle et de la Circonscription administrative de Klouto 1914-1977 ».

Dossier 134 APA (1938- 1954), n°643/0 « Répertoire des Archives du Cercle et de la Circonscription administrative de Klouto (1914-1977) » .

Dossier 171, 2 APA Cercle Klouto.

Dossier 137, 2APA Cercle de Klouto.

Dossier 216, 2 APA Cercle de Klouto « Certificat ».

Dossier 287, 2 APA.

- « Contrat du 24 décembre 1931 avec Mr. Gasparin pour location du domaine d'Agou e Convention du 24 octobre 1930 entre Bonnacarrère et Mr. Gasparin, Député de la Réunion ».
- « Extrait de la lettre 2375/dom du 26 Novembre 1948 de Monsieur le Commissaire de la République au Togo à Monsieur L.D. Gustave- Conseiller de la République »
- « Note sur les terres d'Agou et Gadja. Rapport Confidentiel. Commandant de Cercle, 1953 ».

Dossier 287, 2 APA « Cercle de Klouto. Carte».

Dossier 287, 2APA « Note sur les terres d'Agou et Gadja. Rapport Confidentiel. Commandant de Cercle, 1953 ».

Dossier 370, 2 APA Klouto, « Letter 6/2/1959 ».

Unpublished sources

Register of trials of the *chefferie* of Agou Koumawou

- Court-chaired by Togbui Atama II

17/4/89 Object: Dispute over land rights

7/11/89 Object: Violation of property boundaries

14/11/89 Object: Scam sale of palm oil / Debt

28/11/1989 Object: Debt outstanding

13/2/1990 Object: Debt outstanding

27/2/1990 Object: Accusation of witchcraft and Land Conflict

8/5/1990 Object: Adultery (postponed to 05/29/1990)

4/9/1990 Object: Insults

1/6/1991 Object: Accusations of witchcraft and land conflict

12/05/1992 Object: Land conflict

12/5/1992 Object: Debts outstanding

26/5/1992 Object: Adultery

2/6/1992 Object: Threats and land conflict

14/6/1992 Object: Beatings

21/7/1992 Object: Insults

28/7/1992 Object: Debts

16/2/1993 Object: Debts

5/10/1993 Object: Theft

4/10/1994 Object: Threats

15/10/1994 Object: Threats and theft of wood. Violation of fields' boundaries

7/2/1995 Object: Conflict on land ownership

21/2/1995 Object: Debts

4/7/1995 Object: Theft

4/7/1995 Object: Conflict on land ownership

-Court-chaired by the head of the royal quarter as regent

22/7/1995 Object: Accusations of witchcraft and defamation

21/10/1997 Object: Violation limits of property

18/11/1997 Object: Conflict of property

Court-chaired by Togbui Djakpata II

16/10/1999 Object: Accusation of theft

17/2/2000 Object: Accusation of theft

22/6/2000 Object: Debts

25/1/2001 Object: Debts

22/2/2001 Object: Accusations of witchcraft and land conflict

10/5/2001 Object: Theft

7/6/2001 Object: Debts

12/7/2001 Object: Land Conflict

26/6/2001 Object: Insults

2/8/2001 Object: Brawl

15/11/2001 Object: Accusations of witchcraft

6/12/2001 Object: Quarrel between spouses

7/2/2002 Object: Brawl and theft

28/02/02 Object: Adultery

20/6/2002 Object: Conflict on fields' boundaries

17/10/2002 Object: Land Conflict

23/1/2003 Object: Land Conflict

13/3/2003 Object: Land Conflict

3/7/2003 Object: Fraud

26/9/2003 Object: Land Conflict

16/10/2003 Object: Theft

8/1/2004 Object: Insults and Brawling

8/4/2004 Object: Accusation of witchcraft

30/09/2004 (7/10, 14/10, 3/3, 10/3) Object: Land conflict

08/04/2005. Object: Accusations of Witchcraft

01/09/05 Object: Contested Paternity

20/10/05 Object: Insults

02/16/06 Object: Land Conflict

29/6/2006 Object: Insults

13/7/2006 Object: Adultery

2/2/2009 Object: Delay in payment of rent
Object: Insults
23/2/2009 Object: Brawl between husband and wife
Object: Debt
23/2/2009 and 2/3/2009 Object: Accusations of witchcraft
9/3/2009 Object: Threats
20/4/2009 Object: Debt
4/5/2009 and 5/18/2009 Object: Land Conflict
18/5/2009 Object: Insubordination towards the village chief
30/5/2009 Object: Accusations of Witchcraft (old land conflict)

Interviews

07/07/2007 Interview with notable of *chefferie* of Koumawou, employee, 53 years. Place: Agou Koumawou
18/08/2007 Interview with architect based in Lomé, 45 years old. Place: Agou Koumawou
26/08/2007 Interview with Gbagbasi, farmers, 38 and 71 years old. Place: Apegamé
17/06/2009 Interview with Apetofiasi, farmer, 39 years old. Place: Agou Koumawou
25/07/2009 Interview with Louis, 45 years old. Member of the royal family of Agou Koumawou. Place: Koumawou
26/07/2009 Interview with tour guide and farmer, 22 years old. Place: Badou
05/08/2009 Interview with farmer of Koumawou, 59 years old. Place: Agou Koumawou
08/08/2009 Interview with workers of Sonaph / Banamba factory. 38 and 42 years old. Place: Agou Sonaph
08/08/2009 Interview with guardian of Sonaph / Banamba factory and farmer, 45 years old. Place: Agou Sonaph
25/08/2009 Interview with elder of Nyogbo, 78 years old. Place: Agou Nyogbo
13/09/2009 Interview with notable of Agou Apegamé, a member of the royal family. 62 years old. Place: Apegamé
12/10/2009 Interview with Professor of Elementary School in Agou Koumawou and farmer, 42 years old, Place: Koumawou
04/11/2009 Interview with seller of candies, 20 years old. Place: Agou Gare
04/11/2009 Interview with seller of cloth, 27 years old. Place: Agou Gare

17/11/2009 Interview with seller of yam and farmer, 56 years old. Place: Kpalimé

18/11/2009 Interview with two university students, 22 and 25 years old. Place: Kpalimé

19/11/2009 Interview with cloth seller, 33 years old. Place: Kati

04/12/2009 Interview with three brothers in Lomé. 35 years old (Employee in petrol pump), 28 years old (Math teacher), 25 years old (University student). Place: Lomé

15/11/2010 Interview with notable of the *chefferie* of Agou Koumawou, farmer, 58 years old. Place: Koumawou

15/11/2010 Interview with chief of royal quarter of Agou Koumawou, former bricklayer, now farmer, 68 years old. Place: Koumawou

15/11/2010 Interview with a member of the royal family of Agou Koumawou, farmer. 50 years old. Place: Koumawou

01/12/2010 Interview with Louis, 45 years old. Member of the royal family of Agou Koumawou. Place: Koumawou

02/12/2010 Interview with village chief of Koumawou, former employee, now farmer. Place: Koumawou

5-6-7/12/2010 Interviews with Philippe, farmer, 42 years old. Place: Agou Sonaph

6/12/2010 Interviews with three farmers from Voghan, 36-22-38 years old. Place: Agou Sonaph

6/12/2010 Interview with chief of the *groupement* of Tavié, 45 years old. Place: Koumawou

12/12/2010 Interview with notable of Koumawou, farmer, 47 years old. Place: Agou Koumawou

30/12/2010 Interview with merchant of yams, 52 years old. Kpalimé

31/12/2010 Interview with head of the royal quarter of Koumawou

31/12/2010 Interview with Ewe farmer, 64 years old. Place: Tomegbé

03/01/2011 Interview with Kossiwa, merchant. Place: Agou Plantation

04/01/2011 Interview with seller of shea butter. Kati market.

05/01/2011 Interview with Ines, farmer 35 years old. Place: Koumawou

05/01/2011 Interview with trader of imported clothes. 37 years old. Place: Avetonou

07/01/2011 Interview with university student, 33 years old. Place: Kpalimé

07/01/2011 Interview with Paul, *zemidjan*, 23 years old. Place: Agou Gare

07/01/2011 Interview with Paul's father, farmer, 56 years old. Place Agou Koumawou

8/1/2011 h. 10:00 Interview with old cocoa smuggler, more than 80 years old. Place: Koumawou

08/01/2011 h.20.00 Interview with hairdresser, Lomé. 32 years old. Place: Lomé

11/01/2011 Interview with former petrol smuggler, trader, zemidjan, farmer, 38 years old.
Place: Nytoe

12/01/2011 Interview with cocoa farmer, 67 years old. Place: Agrippa Todzi

13/01/2011 Interview with the Prefect of Agou. Place: Agou Gare

15/01/2011 Interview with student, 24 years old. Place: Kpalimé

15/01/2011 Interview with trader of fabrics, 35 years old. Place: Kpalimé

15/01/2011 Interview with seller of alcohol and farmer, 44 years old, Place: Kpalimé

16/01/2011 Interview with student Lomé instructed by his uncle (in France) to follow the bureaucratic procedures for the purchase of land in Agou. Place: Koumawou

17/01/2011 Interview with seller of yams and farmer, Place: Adeta

17/01/2011 Interview with trader of clothes and farmer. Place: Adeta

18/01/2011 Interview with trader of dried fish and farmer, 47 years old. Place: Apeyeme, Plateau Danyi

19/01/2011 Interview with responsible of NGO, farmer, 37 years old. Place: Apeyeme, Plateau Danyi

20/01/2011 Interview with cocoa farmer, 68 years old. Place: Apeyeme, Plateau Danyi

25/01/2011 Interview with Congolese trader. Place: Lomé

25/01/2011 Interview with employee of Chinese wholesalers. Place: Lomé

10/02/2011 Interview with teacher of Elementary School Koumawou and farmer. Place: Apegamé

14/02/2011 Interview with former smuggler. Place: Koumawou-Nytoe Agou-Gare

