



COLONIAL LAND LEGACIES IN THE PORTUGUESE-SPEAKING WORLD

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ISBN 978-1-77385-633-9

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INTRODUCTION

Colonial Portuguese Land Legacies in Comparative Perspective

Susanna Barnes and Laura S. Meitzner Yoder

How were colonial land interventions implemented and transformed across time, geographies, and local contexts, and through what means did they leave their traces up to the present day? Where and how are historical connections drawn among groups of people, their land uses, and differential land access or control evident? This volume draws on case studies of land relations primarily in five former Portuguese colonies—Brazil, Angola, Mozambique, Flores, and Portuguese Timor—to address the enduring effects of colonial land policies and their legacies in post-colonial contexts worldwide.¹ Drawing on ethnographic, historical, and legal methods and analyses we highlight the legacies of colonialism and their ongoing influence on contemporary issues of pressing concern such as access to land, bureaucracies of resource control and social exclusion, and land policy mobility.²

Locating Portuguese Land Policy Priorities and Principles across Time and Space

Research on the persistent effects of colonial land governance in the Portuguese-speaking world requires us to consider how knowledge about people, places, and things produces laws and policies governing land resources in specific contexts,³ and also to trace how these laws and policies then “travel,” resurfacing later and elsewhere. In tracing these so-called colonial legacies we are mindful to “avoid the assumption that they [colonial histories] should appear in the same locations and with the similitude of easily identifiable forms.”⁴ The chapters in this volume push us to consider the notion of Portuguese *colonialisms*, acknowledging the differential experiences of people across time and space; together they emphasize

the (dis)continuities and afterlives of colonial land governance principles and practices in the present. Contemporary land and property regimes are deeply entangled in and with the colonial project. Taken-for-granted meanings and socio-legal conventions that underpin present-day land and property regimes are indeed the “imperial debris” or “the rot that remains,” as discussed in Tania Murray Li’s contribution to this volume—that is, colonial remnants embedded in everyday practices.⁵

What sets Portugal’s imperial history apart from that of other European powers is its exceptional duration, spanning from the Conquest of Ceuta in 1415 to the transfer of Portuguese sovereignty over Macau to China in 1999. Throughout the long course of the imperial enterprise, Portuguese colonizers sought to acquire, dominate, and rule over people, places, and things, including land, from Asia to the Americas. Nevertheless, the process of empire building varied across both time and space and was as dependent on political circumstances and economic priorities back in Portugal as it was on the local realities, societies, and institutions encountered on the ground worldwide.

Typically characterized as comprising three distinct phases, the first Portuguese Empire was short-lived but had a significant impact on Portuguese identity and the country’s perception of its global position.⁶ From 1415 to 1580, the sphere of Portuguese interest was predominantly Asia, with a focus on the establishment of a powerful trading network in the Indian Ocean. Key ports such as Goa, Malacca, and Macau were crucial hubs in this expansive trade network, facilitating the trade in spices and other lucrative commodities. The second Portuguese Empire, from 1580 to 1822, centred on the development of sugar plantations and, later, gold and diamond mines in Brazil, which was integrated as a vital part of the empire. The political and social organization of Portugal and its overseas territories during this period took the form of a feudal and monarchical system deeply rooted in traditional hierarchical structures, privileges, and economic practices. Despite the economic potential, the rigid social hierarchy and reliance on slave labour created systemic inefficiencies and social tensions.

The third and final Portuguese Empire marked a significant transformation from the *ancien régime* to liberalism. Spanning Brazil’s independence in 1822 to independence in most Portuguese regions of Africa and Asia by 1975, this phase saw the gradual dismantling of feudal relations and the consolidation of control over colonial territories, particularly in Africa. This period included efforts to modernize the economy and to integrate colonial possessions more directly into the global capitalist system. Despite the formal end of the slave trade in the Portuguese Empire in 1869, colonial economies remained heavily reliant on forced labour and extractive practices. The colonies, particularly Angola,

Mozambique, and Guinea-Bissau, became primary sources of wealth for the Portuguese state. However, the economic benefits were unevenly distributed, and the persistence of colonial exploitation and resistance movements eventually led to the decolonization process, accelerated by the 1974 Carnation Revolution in Lisbon.⁷

In Portugal, and as the Portuguese Empire expanded, the meaning and value of land changed as feudal land relations gave way to commercialism, agrarian capitalism, and market capitalism.⁸ As noted by Roque in the afterword to this volume,⁹ these changing values and meanings were reflected in changing language. For example, while the Portuguese word for land, *terra*, was once understood to refer almost exclusively to “coastal land,” and thus juxtaposed to “hinterland,” by the early twentieth century the emphasis was on *terra* as “the soil that produces.” The meaning and value of land thus transformed from a feature of the landscape to a productive asset. These changing meanings also reflected a change in the way Portugal regarded its overseas possessions. While the emphasis in the fifteenth and sixteenth centuries was on capturing ports and trading routes to advance commerce and trade in Asia, by the late seventeenth and early eighteenth centuries the focus was on plantations and mines in Brazil and central Africa. By the turn of the twentieth century, this shifted again toward consolidating territorial control and exploiting natural resources, particularly in Angola and Mozambique, while integrating these colonies into the global capitalist economy through infrastructure development and forced labour systems.¹⁰ In a mutually constitutive process, changes in the meaning and value of land brought about changes in the way the colonial authorities from Portugal, as elsewhere, sought to govern land relations.

In the sixteenth and seventeenth centuries, the *sesmaria* system in Brazil and Angola and its *prazo* counterpart in Portuguese possessions in Asia (India and Goa) and Mozambique were initially premised on existing feudal land relations in Portugal.¹¹ *Sesmarias* were a Crown grant that can be broadly described as a conditional right to control land in return for cultivating it. However, while in Portugal the *sesmaria* system was established in order to stimulate cultivation, in Brazil it was used to regularize colonial settlement.¹² The appropriation of land and people was strongly supported by notions of the right to conquest and the expansion of Christianity enshrined in the so-called Doctrine of Discovery.¹³ Similarly, *prazos* were large land grants given by the Portuguese Crown to settlers, typically of Portuguese or mixed Portuguese and African descent, designed to encourage settlement and development in the region while consolidating Portuguese control.¹⁴ Land grants or leases, often linked to a suite of other privileges, were given to Portuguese settlers and traders in exchange for goods or

services to the Crown—a reward for allegiance given or expected. Similar in principle and purpose, *sesmarias* and *prazos* were aimed at assuring control over territory and access to resources in the name of the Crown. However, in the process of implementing these systems of land grants in different territories, agents of the Crown (and later, of the state) had to contend with existing and developing land uses and relations. In many cases the process involved violent replacement of the social practices of Indigenous populations; in others, colonial agents were forced to coexist and compromise, not only with powerful Indigenous authorities,¹⁵ but also with other settlers and even enslaved labourers¹⁶—thus creating new *colonial* forms¹⁷ that reflected the entangled and enmeshed nature of relations between colonizer and colonised.¹⁸

In Angola, *sesmarias* gave way to vassalage treaties aimed not at occupation of territory but expropriation of people and finally straightforward land expropriation in the nineteenth century.¹⁹ It was enslaved African labour enabling the exploitation of resources and the development of agriculture in Brazil that bolstered the Portuguese economy in the seventeenth and early eighteenth centuries. The official abolition of slavery in 1869 and the general decline in the slave trade thereafter coincided with a rise in demand for raw materials such as cotton, ivory, and wax. With the loss of Brazil in 1822, the appropriation of land and labour thus became an issue of central concern to the colonial authorities in what is now Angola and Mozambique.²⁰ Agriculture and the development of cash crops drove land appropriation and redistribution, and both were justified as essential to the civilizing mission of colonialism. Indeed, land ownership and agricultural production were markers of an individual's "civilized status."²¹ Indigenous people could aspire to own land as long as they cultivated it. But failure to successfully demonstrate continuous agricultural use of land left people's rights to land vulnerable. For example, in Angola, the Portuguese authorities refused to recognize the seasonal and migratory nature of local agricultural practices or the fluidity of the political boundaries recognized by local rulers, or *sobetas* as they were known.²² By failing to conform to colonial standards of land ownership and use, local rulers and their populations found themselves dispossessed of their land and dependent on others for protection and resources.

Liberal reforms in the nineteenth century, influenced by Enlightenment ideas and revolutions across Europe, sought to dismantle the entrenched feudal system in Portugal and its overseas possessions. Under the *ancien régime*, much of the land was held by the nobility and the church as Crown land grants, such as *prazos* and *sesmarias*, embedded within a complex hierarchy of obligations and rights. The shift to liberalism brought about a transition to private property,

where land could be owned outright by individuals. This was a significant change that laid the groundwork for a capitalist economy.

A central mechanism of land dispossession became the land concession, a land use form that has endured and become associated with widespread deforestation and plantation agriculture worldwide.²³ From the mid- to late nineteenth century the concept of *concessão* (pl. *concessões*) was used to describe formal grants of land given by the colonial government to individuals, companies, or organizations to exploit for agricultural, mining, or other productive economic activities. In Portuguese Timor, the move toward concessions emerged over time and resulted from changes starting in the 1860s, first emulating an extractive economic system that governors had deemed a Dutch success in Java, then borrowing legal innovations to bolster state claims to land, making state-owned lands alienable and giving colonial governors the authority to make concessions at the turn of the twentieth century.²⁴ In 1900, land was seized and privatized, granted as concessions for plantations to Lisbon-based men with plantation holdings elsewhere in the Portuguese Empire, alongside well-connected men in Timor, setting the stage for control of land by external individuals and entities. The imposition of liberal land policies in Timor, as elsewhere, often clashed with local land tenure systems, leading to resistance and social upheaval.²⁵ Thus, while liberalism modernized property relations and integrated colonial economies into the global capitalist system, it also introduced new challenges and conflicts, reshaping the socio-economic fabric of the Portuguese Empire.

Access to land, economic exploitation, and maintenance of sovereignty were top priorities for Portugal at the turn of the twentieth century.²⁶ Yet, following the Berlin Conference of 1884, and more specifically article 6 of the General Act of 1885, the Portuguese were also under pressure to demonstrate their commitment to bringing “the blessings of civilization,” ensuring the “protection of the native populations” and “the improvement of the conditions of their moral and material well-being,” and more generally reaffirming their aim to “abolish slavery, and especially the slave trade,” in these territories.²⁷ Portuguese land policy at the time reflected an inherent contradiction between the promotion of capitalist processes and the demonstration of concern for the “improvement” of “native peoples.” Based on paternalistic and racist arguments, clearer legal distinctions were established between “native” and “non-native,” “uncivilized” and “civilized,” and different policies and laws were developed in relation to each.²⁸

Direito has argued that the 1901 Carta de Lei (Legal Charter) that was promulgated for seven Portuguese overseas possessions indicates the position of Portuguese legal scholars of the time.²⁹ Underpinning the Carta de Lei was, firstly, a nominal respect for native land holdings. While this was presented as

an ethical obligation in line with Portugal's purported "civilizing mission," it was also used as a means of assuaging the growing critique of and even overt resistance to colonial power.³⁰ For example, articles 2–6, dealing with "native property" (*Da propriedade dos indígenas*), recognized Indigenous property rights to land that they habitually cultivated, as well as to residential areas. What constituted "native land," however, was ultimately defined by the colonial power and did not take into consideration Indigenous social, economic, spiritual, or political connections to land.³¹ Rights to "native property" were predicated on economic exploitation. Land that was not usefully and continuously cultivated was therefore considered "vacant" and available for exploitation.³² Accordingly, the Carta de Lei outlined ambitious and detailed procedures of land classification, valuation, and demarcation in administering state land concessions. Under these procedures, eligibility for land concessions was limited to the following entities: Portuguese citizens with the ability to make contracts, naturalized foreigners or qualified residents, Portuguese companies, administrative corporations, and Catholic missions.

Secondly, the prevalence of what colonial authorities determined to be "communal" land use arrangements was seen as a sign of "primitive" land tenure systems. Within a broad evolutionary framework, collective rights and use of land were considered "inferior" to individual "property" rights. Indigenous populations could aspire to, but were often deemed "not ready" for, individualization, and therefore required "protection" from non-natives acting in bad faith.³³ Special rules regarding land were applied to colonized peoples and settlers. In Angola and Mozambique, natives and non-natives were not permitted to compete freely for the same lands. Indigenous populations were offered "protection" on "reserves" or *aldeamentos* (settlements) apart from "white" settlers, or settlers from other parts of the Portuguese Empire such as the Azores and Goa, and commercial enterprises. Often more fertile and productive parcels of land were granted to non-natives.³⁴ In Portuguese Timor, the Carta de Lei guaranteed property transmission through succession according to non-specified local custom but required prior state administrative authorization for native land transfers to non-native people.³⁵ Later in the 1910s a distinctive *alvará indígena*, or native title, was created to provide native Timorese with the opportunity, "individually and optionally, [to] formalize their right to land by registering them, and obtaining a formal land use right (*aforamento*)."³⁶ Almeida has written how the preamble to the regulation establishing this new form of title exemplifies a "paternalist view of them [Timorese] as prodigal and incapable to navigate 'modern' formal land tenure systems, and therefore the need for state protection."³⁷

And thirdly, for Portuguese colonial administrators to successfully implement the preceding points, local populations, customs, and land relations had to be studied and codified. Here, the example of the Dutch East Indies but also British colonies in Africa had a strong influence on the Portuguese. Codification was a political act, often fixing boundaries and identities that were previously flexible and dynamic. Codification became a useful tool to reward allies and punish enemies. For example, in Portuguese Timor, the Carta da Lei established that all land not held by Portuguese title was deemed to belong to the state. A map of Portuguese Timor was produced dividing land held by loyal *liurai* (local kings) and land “without a master.” The latter was vested in the Portuguese state and therefore could be the subject of land title.³⁸ Similarly, in Mozambique the process of granting titles and recognizing the authority of local chiefs lends legitimacy to contemporary claims to jurisdiction over people and land.³⁹

Central to the ideas or principles outlined above was a racial concept of the human, which determined who could own land and under what conditions.⁴⁰ The 1901 Carta da Lei established *indígena* (natives) in a separate legal and economic category regarding land, giving some recognition to customary practice while mandating state regulation of their land transactions. The distinction between *indígena* and *não-indígena* (non-natives), first developed in the African context, became a fundamental feature of an imperial model in which Indigeneity implied a priori “uncivilized” status.⁴¹ In the 1930s, with the advent of the Salazar regime, these distinctions became institutionalized by law; however, reflective of the social evolutionary thinking of the time, Indigenous subjects could strive to transcend their *indígena* status through the civilizing mission of the colonial state assisted by the Catholic Church.⁴² In Portuguese Timor, defining who was indeed Indigenous, or native Timorese, and who was not proved problematic, with officials noting that some people were claiming “native” legal status to sell land to other native Timorese while refusing it in order to avoid paying the head tax.⁴³

After World War II, as a new global order emerged and anti-colonial movements gained momentum, the Portuguese government faced mounting pressure to decolonize and recognize subject peoples’ right to self-determination. The “Estado Novo” (New State) government led by António de Oliveira Salazar (1933–74) responded to these pressures by implementing various reforms aimed at retaining Portuguese control over colonial territories and resources. This included altering the official title of colonies to “overseas provinces” (*províncias ultramarinas*), outlawing forced labour, and granting Portuguese citizenship to Indigenous individuals. These adjustments were also evident in land-related laws that afforded additional protection to customary land rights and eased the

process of obtaining formal recognition for these rights through administrative procedures that allowed oral presentations. Despite these changes, the process still required a significant amount of time and knowledge about the importance of formalizing land rights. In some cases, payments were also necessary. Consequently, this limited the number of individuals and communities that were able to formalize their rights. In addition, legal protections were often limited to housing and cultivation, and did not extend to other significant aspects of customary tenure such as grazing, hunting, foresting, sacred areas, and areas reserved for future use. Ultimately, the main focus of the formal land tenure policy in the late colonial period was similar to previous legislation—the concession of land for economic exploitation.⁴⁴

It is evident that the land policies and classifications enacted on the ground in various arenas of the Portuguese Empire bore imprints of the socio-economic models borrowed from other colonial powers, as well as legal principles circulating within the European colonial ideologies of the time. The allocation of land through *sesmarias*, *prazos*, and concessions laid the foundation for enduring inequities in landholding through the dispossession of Indigenous peoples. As discussed in the following chapters, these colonial land governance structures created patterns of land ownership and use that privileged colonial elites and marginalized local populations. As these colonies transitioned to independence or subsequent regimes of control, the legacy of these land policies persisted, contributing to ongoing land disputes and socio-economic inequality. The remnants of the *sesmaria* and *prazo* systems can still be seen today in the persistence of corporate institutional forms, the concentration of land ownership among an elite, and the struggles for land rights by Indigenous and rural communities. Understanding the historical context of these policies is essential for addressing the contemporary challenges they have created and for promoting more equitable and sustainable land governance practices in these former Portuguese colonies.

Orienting Reflections and the Thematic Organization of the Chapters

In Tania Murray Li's orienting charge to the chapter authors, reproduced in the foreword to this volume, she noted the close link Brenna Bhandar drew between what Li described as "a kind of person, a kind of land use, and the quality of their property rights."⁴⁵ As detailed in the cases presented here, people's identities—as political elites, Indigenous, enslaved, and freed labourers, traders, cultivators, customary authorities, settlers—had profound impacts on their land relations. This was true not only in their influence on official processes, but also in how we see multiple actors disregard, subvert, manipulate, and transgress the land

governance mechanisms set in place. The types of people, range of land uses, and property rights (or land access and ownership) evolved through the period examined here. We see the advent of new legal persons in the form of corporations and state enterprises, new landforms, including monoculture plantations, and the marked development of legal regimes. For this reason, it is helpful to have a set of anchoring questions that we can use to understand land governance in different contexts across time and space. Tania Murray Li provided us with three in her contribution to this volume:

First, to *what ends* do authorities attempt to govern land relations? Do the ends include increasing production to raise revenues or taxes? Order, pacification, and the administration of populations? The demonstration of territorial control vis-à-vis internal opponents or external competitors? The generation of profits for shareholders? Native improvement? The attraction of settlers or the reward of allies?

Second, through *what means* is land government exercised? Is there direct control over territory or indirect rule through local elites or native chiefs? Are natives addressed as individuals or as members of communities? Are they fixed to the land or detached to form a “free” proletariat? Are they targets of productive investment or treated as irritants to be swept aside?

Third, *what is the rationale* under which land government proceeds? What narrative or authoritative body of knowledge links problems identified to solutions proposed? How is a given rationale defended from counternarratives and critiques? Under what conditions does it morph and realign?

These questions inform the three thematic sections of this volume, “Administrative Practices and Governance Strategies,” “Indigenous-Settler Entanglements,” and “Economic Imperatives and Global Articulations.” While we highlight these thematic sections to facilitate comparative analysis, readers will see many common threads and recurrent topics, characters, and regulations running throughout the chapters. By examining these interconnected themes, this volume offers a comprehensive understanding of the multi-faceted issues surrounding land governance and Indigenous-settler relations. Chapter authors used a range of methods appropriate to their topics and disciplines: archival analysis, ethnographic field research, oral histories, descriptions of transnational networks, historical map analysis, in-depth case studies, and historical overviews.

Our first thematic section focuses on *administrative practices and governance strategies*, which were intricately linked to the broader objectives of maintaining colonial authority and facilitating economic exploitation. Land administration practices included establishing bureaucratic systems and institutions to systematically manage land distribution, enforce colonial regulations, and monitor compliance with legal frameworks, such as the *sesmaria* grant system in Brazil (Alveal). Governance strategies involved large-scale infrastructure development projects and population management programs, including constructing roads to enhance mobility and control (deGrassi), establishing reserves to segregate and manage Indigenous populations (Direito), and implementing villagization programs to reorganize and concentrate communities for easier oversight and economic exploitation (Direito and deGrassi). Together, these administrative practices and policy mechanisms served to define who could access land, for what purposes, and under what conditions. Supported by colonial language and prevailing ideologies (Almeida), they were crucial in conceptualizing, regulating, and controlling land while at the same time remaining open to interpretation, manipulation, transgression, and subversion.

Through a detailed case study of the Guedes-Brito family, Carmen Alveal brings to life the complexity of the *sesmaria* system in Brazil. *Sesmarias*—Crown land grants established in fourteenth-century Portugal to incentivize the repopulation of plague-ravaged agricultural areas—were introduced to Brazil to ensure defence and cultivation of the vast territory to which the Portuguese laid claim. However, inconsistent Crown policy regarding management of *sesmaria* land grants in Brazil, involving multiple actors and levels of government, coupled with an entitled social elite seeking to consolidate their rights over land, led to conflict and complexity. Alveal's study reveals how powerful elites took advantage of slow, convoluted bureaucracies and incomplete legal processes to gain and retain control over vast areas, manipulating the *sesmaria* system for territorial control and sovereignty. The *fidalgos* (members of the noble class) often did not feel the need to cultivate the land themselves, but used their power to evict renters and squatters, consolidating their holdings and reinforcing their socio-economic status. The *sesmaria* system became a tool not just for land management, but for maintaining and reinforcing the social hierarchies that favoured European descendants and marginalized Indigenous and mixed-race populations. This chapter underscores the ongoing effects of these colonial processes, how they were open to manipulation by self-interested parties, and the enduring legacy of colonial land policies and their role in shaping contemporary social and economic inequalities in Brazil.

Barbara Direito's chapter delves into the practical implementation of colonial strategies in Mozambique, focusing on the legal status of Africans living on both European land concessions and vacant lands that were granted legal recognition. This shift marked a departure from previous policies that had severely restricted Africans' property rights and treated them as squatters. The resulting resettlement schemes involved parcelling and distributing plots to African smallholders in an effort to increase agricultural yields. Resettlement was justified by the need for higher productivity, responding to the demands for agricultural commodities and the decline in settler farming exacerbated by the Great Depression; to this end, separate plots within native reserves were allocated to individual smallholders, a move intended to boost effectiveness through technical intervention. This approach combined incentives with coercion, promoting rural differentiation while also being constrained by European farmers' fears of African competition. Despite the ostensible aim of improving African living standards, these instruments were underpinned by paternalism and coercion. The colonial authorities' strategies were designed to serve non-Indigenous interests and mitigate the economic crisis facing settler farmers. The intervention in African agricultural production thus reflected a broader tension between ideological aspirations and the pragmatic need to control and exploit African labour.

Turning to dispossession caused by infrastructure development projects and population management strategies, Aharon deGrassi examines the pervasive and often overlooked colonial practice of quotidian village concentration along newly constructed roads in Angola. This policy, significantly implemented in the early twentieth century, was designed to facilitate administrative control, resource extraction, and labour mobilization. The forced relocation, which predominantly burdened women with increased labour and limited access to essential resources like water, had profound impacts on the daily lives and socio-economic structures of rural populations. deGrassi argues that these everyday displacements, driven by colonial policies, continue to shape contemporary Angolan society and governance. By drawing on ethnographic fieldwork, colonial reports, and archival maps, he highlights the dynamic and interactive relationship between state power and spatial organization, challenging traditional theories of state power as static. The legacy of these colonial practices is evident in ongoing rural-urban inequalities and reinforces the need for re-theorizing the geographical and gendered impacts of state policies.

One element of the considerable "imperial debris" that stems from the Portuguese colonization of Timor-Leste is legal language, including the language concepts that classify, describe, and regulate land rights and the use of land. The chapter by Bernardo Almeida focuses on one specific example of such imperial

flotsam that travelled and reappeared far in space and time from its original uses or intent, the Portuguese word *baldio* (pl. *baldios*). In Portugal, the word has had multiple contradictory meanings across centuries, and the regulation of *baldios* has been one of the central ideological disputes concerning land rights in the country for centuries. Nowadays, in legal language the word is used to refer to legally protected, communally owned and used land, but in popular speech it is also used to refer to land that is abandoned, unused, unfarmed, or underused. Portugal implemented its formal land tenure system in its colonies as a way of affirming sovereignty over these territories and exploiting their natural resources; *baldios* are problematic because they do neither. This chapter discusses the possible causes and effects of the term's sudden, unprecedented appearance in a near-final 2017 draft of the first comprehensive national land law of independent Timor-Leste, bearing critically important implications for state land claims and protection of communal land rights. The incident illustrates the social boundaries of knowledge, the administrative limitations of borrowing undefined foreign legal terms that refer to land uses in dramatically different landscapes and agricultural contexts, and how the political biases of non-agrarian governing elites can render local practices invisible, deeming them unproductive relative to potential control by the state.

Our second thematic section delves into the complex and often contentious dynamics of *Indigenous-settler entanglements* across diverse colonial and post-colonial contexts. These chapters explore how colonial powers inherited and transformed land governance systems from previous regimes, integrating local land authorities and creating hybrid land practices (Hägerdal, Röhrig Assunção, Barnes, and Jossias). Across vastly different contexts colonial administrators grappled with existing systems and politico-religious institutions, facing challenges in establishing their presence (Hägerdal, Jossias, and Barnes). Socio-economic inequalities were exacerbated by colonial policies that favoured certain groups, leading to long-lasting land disputes and reconfigurations of land ownership (Röhrig Assunção and Barnes). Despite these challenges, Indigenous communities persisted in their efforts to reclaim authority over appropriated lands and maintain their cultural practices (Jossias), while newly freed populations were able to assert their new-found autonomy (Röhrig Assunção). In the case of post-Independence Brazil, the evolving mechanisms of land claims and possession highlight the strategic navigation of legal and administrative requirements during transitional periods (Röhrig Assunção). Colonial development interventions often disrupted Indigenous land practices, redefining property relations and deepening socio-economic divides (Barnes). Contemporary community-based approaches to land governance, intended to formalize customary

land rights, often overlook the colonial distribution of power and authority, leading to conflicts over territorial control (Jossias). Together, these sub-themes reveal how power dynamics and socio-economic goals shaped land policies and practices, determining land access, purposes, and conditions and their implications for contemporary land governance and Indigenous-settler relations.

Hans Hägerdal grapples with the Portuguese land legacies on Flores as inherited by Dutch colonial powers and already bearing the significant influence of various Indigenous polities—a relatively peaceful intercolonial land transfer from the Portuguese to the Dutch in exchange for land on Timor. Between the sixteenth and nineteenth centuries, when Portuguese control focused on trade rather than landholding, colonial hybridities entwined Luso and local categories of land authorities. This chapter discusses how the Dutch perceived these inherited elements of land governance and practices—including Dutch resentment toward plantations managed by Catholic clergy, frustration with the limitations on territorial control of “civilized” Luso-Catholic local rulers, and disappointment that the Dutch administrative presence was slow to surpass that of Catholic missionary stations. Dutch administrators viewed the inroads made by earlier Portuguese Christian institutions as beneficial for their own colonial penetration and access to land, as well as amenable to ongoing colonial interventions.

Focusing on the Maranhão Province of northern Brazil in the nineteenth century, Matthias Röhrig Assunção examines land registers to understand how various actors claimed land by possession. Ownership of land and the control over coerced labour were central to Portuguese colonization, as subsistence agriculture and communal ownership or possession competed with cotton and rice plantations relying primarily on enslaved labour and other forms of agrarian enterprises. The *sesmaria* royal land grants had created a class of powerful landowners who held vast swaths of land through Brazilian independence in 1822 to the abolition of the transatlantic slave trade in 1850. Many Indigenous groups and formerly enslaved people (*quilombos*) acquired land during this time, often in collective holdings around the unoccupied edges of plantations and agrarian frontiers, creating new classes of landholding and blurring the boundary between ownership and possession. Landowners employed strategic variability in registration details during the 1850s, often subverting or sidestepping administrative requirements to maintain control over their holdings. Drawing on archival research and fieldwork, including the examination of land registers, Röhrig Assunção reveals the evolution of land uses by various groups and highlight the complex interplay of ownership and labor within Maranhão’s agrarian landscape. This dynamic period saw the re-codification of land use and ownership

within the post-/neo-colonial framework of Brazil, and the continued existence of a peasantry that developed in the interstices of the plantation economy.

The chapter by Susanna Barnes examines how Portuguese development strategies during the Estado Novo period reshaped land access and use in Timor-Leste. The colonial shift toward modernization and economic development introduced policies that favoured lowland irrigated rice farming over traditional upland shifting cultivation, leading to significant reconfigurations of land ownership in the long term. These policies often privileged local elites and those with ties to the colonial administration, exacerbating inequalities and creating long-lasting land disputes. By detailing the specific case of rice development on the Nunura plain of Maliana sub-district, the chapter illustrates how colonial land interventions disrupted Indigenous land practices, redefined property relations, and entrenched socio-economic divides between Indigenous communities and settler authorities. This analysis underscores the enduring impact of colonial land policies on contemporary Indigenous-settler relations, highlighting the deep-rooted challenges involved in resolving land claims and achieving equitable land governance in post-colonial contexts.

Looking specifically at the enduring effects of colonial interventions on contemporary land policy, Elissio Jossias discusses the implementation of “community land delimitation” processes in Mozambique between 1997 and 2006. Community land delimitation was conceived as the better way to mobilize communities for protecting communal natural resources, including land, and to promote local development. Jossias explores how the land delimitation process led to moments of competition over territorial hierarchies between local chiefs. This ethnographic account from Cóbue region shows how an emphasis on community approaches to land governance and territorial organization can create the potential for conflict and disputes between chiefs in the process of claiming control over political territories. In such a situation, the land delimitation process did not only represent the formalization of customary land or communal property rights, as stipulated in the 1997 land law. Rather, this process was incorporated in a historical contestation of hierarchies and statutes among traditional chiefs and the corresponding territories.

Our third and final thematic section focuses on the *economic imperatives and global articulations* that transformed land policy from the late nineteenth century. Portugal needed its overseas possessions to provide income for the state, so establishing land policies and mechanisms that yielded income was an increasingly urgent priority. To accomplish this, Portuguese sought models and forged alliances with a range of external entities that could produce commodities for profitable export: borrowing peasant taxation models from neighbouring

colonizers (Kammen and Meitzner Yoder) and leasing vast territories to other European corporations (Adalima, Gerken). Transnational political and corporate actors have had outsized economic, political, and legal influence in land use for over a century, and tracing their involvements through time demonstrates the gradual and multi-step processes of introducing administrative and policy elements that accompany an evolving economic strategy. Alongside new land laws that transformed land rights for citizens, independent states continued foreign investments in plantations by continuing land concessions, prompting Adalima to query how modern World Bank processes represent continuity with the mechanisms of the colonial state.

Studying the French-owned Madal copra plantation in northern Mozambique, José Laimone Adalima demonstrates continuity from colonial land governance to modern agribusiness, highlighting land policy contradictions and the role of the political elite in developing plantations. With the failure of Portuguese private investment, Portugal leased two-thirds of Mozambique to the corporate entities of other European powers, which were henceforth given broad mandates to exploit and manage their territories. This chapter traces the development of the company through political changes resulting from Mozambique's 1975 independence through to the 2000s, by which time Madal was the largest private landholder in the nation. Adalima notes that plantations met the desired criteria of effective occupation and economic development through resource and labour exploitation, creating an enduring ecological and economic model that dispossesses local people to produce monoculture plantations.

Laura Gerken brings a modern perspective to large-scale land acquisition in Mozambique, focusing on the period since 2000, when international organizations began to give more attention to land and tenure security. This chapter traces the development of land laws that assign legal recognition based on continuous land use and focuses on popular resistance to two large-scale agricultural projects for irrigated rice and maize and soy production in Mozambique. In both cases, transnational activists' rejection of plantation projects yielded either a reduction in the size of a given project, or caused it to be paused altogether, prompting consideration of legal instruments as tools of resistance to large-scale mechanisms of land acquisition for export agriculture.

Transforming land ownership and land use were the intent of concessions, the focus of the chapter by Douglas Kammen and Laura Meitzner Yoder. Late-colonial land policy is best understood as a series of overlapping, borrowed, and phased transitions that faded and rose in succession. Focusing on Portuguese Timor, the authors show that the early practice of minimal interference in native land authority gave way to legal dispossession of Indigenous land in tandem with

gradual development of a land market; these elements often came from outside of Timor, emulating older Dutch legal and commodity production innovations or arising in response to broader international economic opportunities and norms. State plantation land concessions in the 1860s gave rise to the confiscation of Indigenous land for large-scale private concessions to prominent business leaders in Lisbon, their political allies in Timor, and others for oil and mineral prospecting, as well as for agricultural plantations. An important legacy of colonial land policy in Timor-Leste is the continued coexistence of competing land regimes.

Conclusion

Returning to Tania Murray Li's contribution to this volume, she asserts that colonial land legacies are important and that their persistence is potentially problematic because they still reflect the racial divides and hierarchies from their colonial inception. She laments "the persistence of racialism in the contemporary period in a format that is only lightly revised. It is embedded in land law, in development policy, and in everyday ways of thinking and acting," and thus can go unnoticed and unchallenged. In the words of Ann Stoler, this is part of the "imperial debris" or the "rot that remains" from colonial rule.⁴⁶ It contributes to the continuing vulnerability of rural and marginalized people, whose land claims remain precarious, limited, inequitable, and chronically subject to dispossession by more powerful actors, including the state. Li asks, "How did a (deficient) kind of person become linked to a (deficient) kind of production, worthy of a weak and inferior kind of right to land? How did this form of governing, reasoning, and acting come to be? And how does it shape contemporary configurations?"

The chapters in this volume address these questions from multiple angles as they examine the policies, interactions, and influences of a range of cases with close attention to the administrative, socio-political, and legal mechanisms of imperial formations and land legacies in diverse contexts. What they demonstrate is that the imperial debris is neither stable nor uniform; there are many forms of mutual influence. In their encounters with colonial policies, the actors involved—at various places on the power continuum—also shape the nature of the debris, making their own contributions to the composition of vestiges preserved, discarded, and repurposed. These chapters show there is scope for agency even within the constraints of governance and powerful forces' impetus toward controlling land for certain kinds of uses that benefit elites, the state, international entities, and corporations. Laws are not only enacted simply in their formal implementation, but also in their selective disregard and evasion as various parties seek to ignore, manipulate, or superimpose pre-existing norms

and practices (Alveal, Direito, Röhrig Assunção, Kammen and Meitzner Yoder, Almeida, deGrassi). Because governance is often subverted, these cases help us see in their analyses of practices and interactions how determinative power relationships persist and change over time. Multiple actors show us gradations of resistance.

Applying Tania Murray Li's three questions to such diverse circumstances can serve to open our imaginations about how land relations could be different. Once we come to readily see and name the strategic confluence of low social status, denigrated land uses, and precarious land rights, they need not remain bound together as an inevitability. We can also pose these questions to high-status entities whose uses are praised by the powerful and whose land rights are upheld and strongly protected by states (even when they rely on coerced labour). For example, when corporate concessions are not productive, what happens to their land rights? Historically, we have seen that in such instances, powerful actors may escape or ignore the expectation of productivity (Alveal), redirect blame for unsatisfactory production (Direito), or inventively switch tactics without losing land claims (Adalima) to suit their own agendas and priorities. By examining these different contexts in parallel, we came to recognize similarities that reflect the common origins of the administrative apparatus, including legal structures dictated from the metropole. These shared origins influenced how land governance systems were established and evolved in various colonies. Yet, in these chapters, we also see different trajectories in land policy, customs, and practice in Portugal, Brazil, Angola, Mozambique, Flores, and Timor-Leste. Even starting from a common administrative root, these regions developed unique adaptations and responses to local conditions and pressures. This divergence illustrates the dynamic nature of land governance, showing how local actors and contexts shape the implementation and impact of colonial and post-colonial land policies. By comparing these varied experiences, we gain a deeper understanding of the complex interplay between global influences and local realities in the realm of land relations.

NOTES TO INTRODUCTION

- 1 While we focus on key territories such as Brazil, Angola, Mozambique, Flores, and Portuguese Timor, it is important to acknowledge the limitations of this focus. The exclusion of regions such as Goa and São Tomé, despite their significant roles in the development of the Portuguese plantation system in the nineteenth century, does not diminish their importance. This approach is not intended to offer a comprehensive coverage of all former Portuguese colonial spaces, but rather to highlight specific examples that illuminate broader patterns and consequences.
- 2 Jan Michiel Otto, "Rule of Law Promotion, Land Tenure and Poverty Alleviation: Questioning the Assumptions of Hernando de Soto," *Hague Journal on the Rule of Law* 1, no. 1 (2009): 173–94; Toon Van Meijl and Franz von Benda-Beckham, *Property Rights and Economic Development: Land and Natural Resources in Southeast Asia and Oceania* (Routledge, 2012); Daniel Fitzpatrick, "'Best Practice' Options for the Legal Recognition of Customary Tenure," *Development and Change* 36, no. 3 (2005): 449–75.
- 3 See Li, this volume.
- 4 Ann Stoler, *Duress: Imperial Durabilities in Our Times* (Duke University Press, 2016), 32.
- 5 Stoler, *Duress*. See also Li, this volume.
- 6 See Roque in this volume on seafaring imaginaries. On the stages of the Portuguese Empire, see W. G. Clarence-Smith, *The Third Portuguese Empire, 1825–1975: A Study in Economic Imperialism* (Manchester University Press, 1985).
- 7 Clarence-Smith, *The Third Portuguese Empire*, chap. 1.
- 8 See also Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Duke University Press, 2018), 8.
- 9 Roque, this volume.
- 10 Vicente Serrão, Bárbara Direito, Susana Münch Miranda, and Eugénia Rodrigues, eds., *Property Rights, Land and Territory in the European Overseas Empires* (CEHC-IUL, 2014, 2014).
- 11 While *sesmarias* and *prazos* were present in both Angola and Mozambique, they were unequally represented there.
- 12 Márcia Motta, "The Sesmarias in Brazil: Colonial Land Policies in the Late Eighteenth Century," *e-Journal of Portuguese History*, no. 2 (Winter 2005): 2.
- 13 Papal "Bulls of Discovery" (Doctrine of Discovery): *Romanus Pontifex* (1455), issued by Pope Nicholas V, and *Inter caetera* (1493), pronounced by Pope Alexander VI. The 1455 bull explicitly authorized King Alfonso of Portugal to conquer and subjugate the territories and people of Africa and beyond.
- 14 Mariana Pinho Candido, "Conquest, Occupation, Colonialism and Exclusion: Land Disputes in Angola," in Serrão et al., *Property Rights*, 223–35. See also Adalima this volume.
- 15 For example in Goa, see Luis Frederico Dias Atunes, "A persistência dos sistemas tradicionais de propriedade fundiária em Damão e Baçaim (século XVI)," in Serrão et al., *Property Rights*, 155–68; Hägerdal, this volume.
- 16 See Alveal, Röhrig Assunção, both this volume.
- 17 Or mutations, see Roque, this volume.
- 18 Serrão et al., *Property Rights*, 10; Ricardo Roque, "Mimesis and Colonialism: Emerging Perspectives on a Shared History," *History Compass* 13, no. 4 (2015): 201–11.
- 19 Mariana Pinho Candido, *Fronteiras da escravidão: Escravidura, comércio e identidade em Benguela, 1780–1850* (Universidade de Katavala Bwila/Ondjiri Editores, 2018), 224. See also Pinho Candido, "Conquest, Occupation, Colonialism and Exclusion.
- 20 Serrão et al., *Property Rights*.
- 21 See António de Saldanha da Gama, *Memória sobre as colônias de Portugal: Situadas na costa occidental d'África* (Casimir, 1839), 30–2, in Pinho Candido, *Fronteiras*, 227.
- 22 Pinho Candido, *Fronteiras*, 228.
- 23 Tania Murray Li and Pujo Semedi, *Plantation Life: Corporate Occupation in Indonesia's Oil Palm Zone* (Duke University Press, 2021).
- 24 Kammen and Meitzner Yoder, this volume.
- 25 René Pélissier, *Timor en guerre: Le crocodile et les Portugais, 1847–1913* (Orgeval, 1996).
- 26 Bárbara Direito, "African Access to Land in Early 20th Century Portuguese Colonial Thought," in Serrão et al., *Property Rights*, 255–66.

- 27 Miguel Bandeira Jerónimo and António Costa Pinto, "A Modernizing Empire? Politics, Culture, and Economy in Portuguese Late Colonialism," in *The Ends of European Colonial Empires: Cases and Comparisons*, ed. Miguel Bandeira Jerónimo and António Costa Pinto (Palgrave Macmillan, 2015), 11.
- 28 Clarence-Smith, *The Third Portuguese Empire*, 139.
- 29 Direito, "African Access to Land." See also Laura S Meitzner Yoder, "Genealogy of Colonial Land Registration and State Land in Portuguese Timor," *European Legacy* 25, no. 5 (2020): 519–34; Bernardo Ribeiro de Almeida, *A Sociolegal Analysis of Formal Land Tenure Systems: Learning from the Political, Legal and Institutional Struggles of Timor-Leste* (Routledge, 2022).
- 30 Almeida, *A Sociolegal Analysis*.
- 31 Direito, "African Access to Land," 261. See also Almeida, *A Sociolegal Analysis*.
- 32 Meitzner Yoder, "Genealogy," 524; Almeida, this volume.
- 33 See Meitzner Yoder, "Genealogy"; Almeida, *A Sociolegal Analysis*; Li, this volume.
- 34 See Direito, this volume.
- 35 Meitzner Yoder, "Genealogy," 524.
- 36 Almeida, *A Sociolegal Analysis*, 61.
- 37 Almeida, 61.
- 38 Daniel Fitzpatrick, Andrew McWilliam, and Susana Barnes, *Property and Social Resilience in Times of Conflict: Land, Custom and Law in East Timor* (Routledge, 2016), 216. Later, in 1910, the governor of Timor issued a decree enabling him to make grants of up to 2,500 hectares of "unoccupied" land; to establish native tenure the occupier had to have built up or cultivated at least half the area.
- 39 Jossias, this volume.
- 40 See also Bhandar, *Colonial Lives*.
- 41 Douglas Kammen, "Progress and Propaganda in Timor-Leste: Visions of the Future in Comparative Historical Perspective," in *The Promise of Prosperity: Visions of the Future in Timor-Leste*, ed. Judith Bovensiepen (ANU Press, 2018), 29–42.
- 42 Susana Barnes, "Customary Renewal and the Pursuit of Power and Prosperity in Post-Occupation East Timor: A Case Study from Babulo, Uato-Lari" (PhD diss., Monash University, 2017).
- 43 Meitzner Yoder, "Genealogy."
- 44 Almeida, *A Sociolegal Analysis*, 62.
- 45 Bhandar, *Colonial lives of Property*.
- 46 Ann Stoler, "Imperial Debris: Reflections on Ruins and Ruination," *Cultural Anthropology* 23, no. 2 (2008): 191–219; Stoler, *Duress*.

