



Land Rights Fraud in Peru

FRED HARRISON

"By assuming that the *curacas* were landowners, the Spaniards could buy 'their' land from them, and thereby claim that their titles were legitimate."

KEITH'S book, *Conquest and Agrarian Change*,* should more accurately have been called *Conquest and Exploitation*. For although he set out to describe the emergence of the *hacienda* system on the Peruvian coast, what he has executed is an excellent account of alternative methods by which élites extract economic surplus from the producers—in this case, the Indian peasants west of the Andes. Their changing experiences under colonial rule afford an excellent opportunity for studying the way in which the forms of economic surplus extraction change in response to other factors, such as technical innovation and shifts in population.

All societies above the level of simple nuclear groups relying on hunting and gathering for their food have operated under systems in which part of their economic surplus has been transferred to a small group within their ranks. They, in return for providing socially-necessary services of a specialist kind, have had to be supported with the necessary provisions of life. This was a reciprocal arrangement; the priest or witchdoctor or chief made his religious, medical or political skills available to others, in return for food, clothes or shelter.

The trouble, the friction, the "exploitation" (the word beloved by Marxists) entered when part of the surplus was extracted in return for no services. The most obvious example is of conquering armies which, having displayed their superior skills in warfare, proceed to extract tributes from their victims. The two forms of exploitation can be classified into *indirect* and *direct* models. Both are exemplified in the Peruvian case.

Before the highland Incas invaded in the fifteenth century, the Indians recognized the need to make special provision to support the offices of bureaucrats and chiefs (*curacas*), whose main responsibilities were the maintenance of the irrigation canals and the fair allocation of water on which depended a flourishing coastal agriculture. To support those who discharged these duties, special allocations of land and goods (food and clothing) were made.

After the brief Inca rule, the Spaniards took over. At first, they employed the indirect method of exploiting natural resources: the *encomienda* system. Groups of Indians owed tribute—in the form of goods and labour services—to Spaniards, the *encomiendas*. This system eventually broke down; the

Indian population was severely decimated by European diseases. The economic structure was collapsing, and if former life-styles were to be maintained, an alternative approach had to be adopted. So the Spaniards adopted the direct method—they appropriated the land and ran their own plantations.

At this point, we witness one of the earliest examples of a convenient European misunderstanding (which was to be repeated in later centuries right round the world, not least by British colonial administrators).

Keith writes: "Few European settlers in the New World, regardless of their nationality, showed much ability or inclination to understand the indigenous systems of land tenure. Coming from countries where land was bought and sold, and hoping to acquire estates of their own, they found it easier and more practical to assume that the land they wanted was 'owned' by certain individuals, who could then sell it to them, than to accept the fact that there was no real tradition of private landownership among the Indians of the western hemisphere."

The break-down in customary norms offered prospects for self-advancement among the Indians, especially for some of the chiefs, the *curacas*. They were not landed nobility, although some European observers interpreted them as such (as did the British in India, who misunderstood the status of the *zamindars*, the tax collectors, a misunderstanding highly congenial to them: they were promoted to the status of landowners).

By assuming that the *curacas* were landowners, the Spaniards could buy "their" land from them, and thereby claim that their titles were legitimate. But as Keith points out, the lands of the *curacas* were traditionally linked to the *office* (held by virtue of a service rendered to the community) and not to the individual who filled it. (This was the point made



by the subordinate chiefs, or *principales*, of Carebaylo, who complained in 1575 when their *curaca* tried to sell some of his land.) Spanish intervention

*Robert G. Keith, *Conquest and Agrarian Change*, 1976, Harvard University Press, £13.15.

in the Indian culture had the effect of creating a new category of privately-owned Indian land.

Interestingly enough, the viceregal government did, eventually, try to protect the landed interests of the Indians, to help them avoid being swindled. But under the system adopted, the local "protectors" (in areas outside Lima) were usually Spanish land-owners! Keith places considerable emphasis on the official measures, finally taken, to protect the Indians. At first sight, this altruism seems curiously at odds with the later experience of European colonialism (the natives of Africa and Asia were not accorded any systematic protection for their communal rights

in land). My scepticism was well-founded.

Control of land, as Keith notes, had always been less important than control of water. For the coastal agricultural system relied on irrigation from canals dug out of arid land. And it comes as no surprise to learn that the protection of Indian land rights was not equally matched with preservation of water rights. Unfortunately, the discussion on water rights—such a crucial aspect of the whole economic (and therefore social) system—is restricted to seven pages; this is a critical weakness in an otherwise very informative, well written book.

Land Speculation in Canada

A LAND SCANDAL has blown up in Winnipeg that has all the familiar aspects—land speculation, windfall profits, accusations, justifications, government threats and high moral indignation. And, as is to be expected, the government is to try the old familiar remedies—betterment levies, etc.

To set the scene here are some quotes from Winnipeg newspapers which also have that familiar ring:

♦"These companies . . . they make you an offer, and you just can't afford to say no When you consider that they are going to hold on to that land for years before they develop it, then the land is going to be worth a heck of a lot more than when they bought it."

♦"They have bought up all the land. A small developer today can't buy affordable land, and if they do, they cannot afford to hold the land."

♦"A royal commission will be set up very soon to study land development economics in Winnipeg, Urban Affairs Minister Saul Miller said. The purpose will be to look at the cost of land, both raw land and serviced land, and the price that is paid by the consumer today. Mr. Miller said, 'it isn't enough to say simply, here is a villain, isn't he terrible.' How do you cope with him?"

♦"Mr. Handler, a senior executive officer of a giant land development and construction empire, has resigned from the company because of his personal involvement in quick roll-over land deals He said that his land speculation paid off because as an engineer he saw that the properties had a

potential nobody had recognized."

A Bill passed at the last session of the provincial legislature gave municipalities power to impose taxes on the transfer of land but first, the city must pass a bye-law, which would then be referred to provincial cabinet for approval.

Councillors are urging the City of Winnipeg to give prompt consideration to a land-speculation tax. A land-transfer tax is already in force in Ontario which taxes twenty per cent of realised gains.

Perhaps Winnipeg will do the same and if that fails to work, introduce a Land Commission and when that fails, try our Community Land Act. There is a whole field of land legislation to explore, including Lloyd George's land duties, before they give up trying. It is unlikely they will try yet awhile an annual tax on all land whatever its use or state of development, for this would be to jump ahead of time. As with all governments, right remedies are rarely implemented until all the wrong ones have been exhausted.

DON'T COMPLAIN!

NOBODY should complain about the computer that demanded payment of an unpaid balance of \$000.

When the farmer who received the demand observed that nothing was owing, he ignored the demand. But the computer continued to send the same demand for the next three months, and then sent him a registered letter threatening to turn his unpaid account over to a collection agency. So the farmer sent it a cheque for \$000 and soon received a letter from the computer thanking him for having paid in full.

Unthinking persons may rashly

react with sneering or derisory remonstrations against the fallibility, futility and rigidity of electronic bureaucracy. But wiser observers, after a little calm reflection, will surely conclude that what the incident vouchsafes to us is the model of perfection that ought to be followed universally in matters of bureaucracy.

What is one of the most legitimate complaints concerning our advanced society? Surely it is that bureaucracy is impinging increasingly on all aspects of our real affairs, and is all too often doing so in a hamfisted and bungling manner.

But in this incident, the computer performed with flawless efficiency. Every statement it made was accurate, and every proposition logical and reasonable. There was none of your human bureaucrat's bungling or miscalculation. And instead of dealing with real—and therefore dangerous—matters, the computer busied itself entirely with harmless nothingness. Furthermore, when it received a logical response it politely and courteously went away and left the farmer in peace.

So, don't complain about the behaviour of the computer in this case. Is this not the very ideal—that bureaucracy, electronic or otherwise, should function flawlessly, tirelessly, punctually and politely but should confine itself to dealing exclusively with the non-existent, while leaving our real lives and real affairs untouched and unnoticed?

What a mercy to be able to look forward to saying that the computer—like the House of Peers in Iolanthe—did nothing in particular, but did it very well.

Edmonton Journal, Alberta Canada