On Systems of Land Tenure in Madagascar.
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The following note was communicated by Dr. Parker, subsequently to the reading of Sir Bartle Frere's paper:—

**On Systems of Land Tenure in Madagascar.**

By Dr. G. W. Parker.

As the numerous tribes which inhabit Madagascar are divisible into two distinct classes, according to their origin—Hova, or Malay, and non-Hova, or African—the former having had more European ideas infused into them than have most of the latter, it will be advisable to consider them separately.

I. Among the Hovas, *slavery* is the key to the system of land tenure. Just as a slave can do or have nothing except in accordance with the will of his owner and master, so the Hova Sovereign claims the same power over her land and subjects.

All lands, whether cultivated or not, belong to the Sovereign, whose rights are as follows:—

(1) The power to turn out a tenant at the Sovereign's pleasure, without any warning, and without any compensation for improvements made therein or buildings erected thereon.

(2) The power to refuse permission for a tenant to give up or exchange his holding, or to shift it to another place.

(3) The tenant can do nothing with his land (except build or plant) until he has first notified his intention to the Sovereign, and received permission.

There are three distinct taxes which land-tenants are obliged to pay annually, viz.:—

(a) The first-fruits of all crops, especially of rice, the chief crop.

(b) A certain quantity of rice in the husk.

(c) Spade or other manual labour, such as preparing the Queen's rice-fields, making roads, embankments, or public buildings, &c.

A slave-owner usually makes his slaves take his place in all laborious work.

Briefly stated, a Hova title rests upon possession, and that possession upon the pleasure of his Sovereign, who may resume possession at any moment. The lands are not held on the feudal condition of serving in war, nor are they subdivided among the vassals of the more powerful chiefs; but every Hova subject (unless he be a slave or incapacitated by disease or infirmity) is obliged to serve in the standing army, such service being, by a recent edict, limited to a term of five years.

Such is the purely native system of land tenure, probably brought from Africa in pre-historic times; but the following modifications have been effected in it by European influence:—
(1) The tenant is not often (at least in the town of Antanānarivo) evicted without some compensation, although the compensation may sometimes be more nominal than real.

(2) No Hova subject can sell land to a foreign subject, whether possession be given at once or promised at a future date.

(3) The Sovereign alone can sell land to foreign subjects, although Hova subjects may (and do) let land to such; and the Sovereign alone can let any of the forest or waste lands even to a Hova subject.

(4) All agreements, and renewals of agreements, must be registered; because the State now taxes the landlord to the extent of five per cent. of the rent annually.

(5) All agreements, when expired, are renewable at the pleasure of the contracting parties.

Local Modifications of Land Tenure in the Hova Dominions.

As the town of Antanānarivo is built upon an isolated cluster of hills, which form a large and irregular-shaped promontory in the midst of what are now rice-fields, but (within the present century) were only wide marshes, the home of the crocodile and the wild-boar; we should expect that when the rivers which run through these level valleys were confined to their present channels by embankments, each man who helped to build these embankments might reasonably look to be rewarded with a share in the lands thus reclaimed. From inquiries made while in Madagascar, I find that such was indeed the case, especially with the wide expanse of rice-fields, called Betsimistràtra ("so large that it cannot have drainage ditches cut through it";—but it has one or two), to the west and south of this town; indeed several persons are still living who helped to build these embankments, the last of which was finished scarcely fifty years ago, as I have heard from the late M. Laborde, French Consul at Antanānarivo, who lived in Madagascar for more than forty years. At present the owners of these lands are subject to the usual taxes already mentioned, besides the special duty of repairing any breach in these protecting embankments.

With regard to land for the sites of the Martyr-Memorial Churches in Antanānarivo, the use of the ground was given in perpetuity, free of all taxes, because the buildings would be not only memorials of persons worthy of honour, but also useful and ornamental; but the ownership of the ground on which they are built still belongs to the Hova Sovereign.

With regard to land for other missionary purposes (such as a
dwelling-house, school, or hospital)—these being for the benefit of the Malagasy as a nation, and not intended to enrich the missionaries personally—the land is often held practically rent free, “so long as it may be required for that purpose, after which the land (with everything on it) reverts to the Sovereign”; the only acknowledgment of the Sovereign’s ownership being the annual payment of a small sum of money, sometimes only one dollar (4s.), to the local governor, or other representative of the Sovereign, by the representatives of the Missionary Society which holds that land.

With regard to land for burial purposes, as there are no public cemeteries in Madagascar, and as graves are held sacred and inviolate (chiefly through fear, lest the ghost of the dead occupant be aroused to take vengeance), the ground on which a tomb stands, whether that of a Malagasy or of a foreigner, may be regarded as belonging to nobody: or, as the new Hova laws (Law 128) state the case, “Land containing a tomb cannot be sold, . . . . for . . . . he who cannot sell (i.e., the dead) is its owner.”

II. Among the non-Hova Malagasy—who occupy by far the greater part of Madagascar, and among whom fetishism and witchcraft, slavery and polygamy, are more openly practised than among the Hovas—land tenure rests only on force, and that force on possession,” to quote the words of Sir Bartle Frere when speaking of Zulu land tenure at the last meeting of the Institute. Indeed I feel that no better or more expressive words can be found, in which to close the subject of land tenure in Madagascar, than the following words of Sir Bartle Frere, substituting only the word “Malagasy” for the words “Zulu” and “Kaffir.”

“Malagasy land tenure rests only on possession, and that possession on force—force of personal strength, or of will, or of sagacity, or of great possessions. But of whatever kind, the force which will secure to a Malagasy his possession, whether it be of a single kraal” (i.e. hamlet) “or of a kingdom, must be personal force. It cannot be transmitted by inheritance without being constantly sapped by the influence of two institutions universal among Malagasy, viz., polygamy and slavery, which are always at work as dissolvents of any force which might otherwise accumulate and become the heritage of future generations. We find polygamy and slavery continually at work, dissolving the cohesion of old political institutions in the ancient civilised races of Asia and Africa. In an uncivilised society like that of Madagascar, they prevent such cohesion ever taking place: they help to keep the Malagasy tribes in perpetual unrest and barbarism, by destroying the germs of civilisation and preventing its growth.”
Besides the essential similarity in their systems of land tenure (as well as other links too numerous to mention here), there is another link between the Malagasy and some of the African tribes which Sir Bartle Frere mentioned, viz., "the traces of the cattle kraals still to be seen in every part of the country," desolated by Moselekatze. He stated that these were square enclosures, surrounded by walls of rough stones. In Madagascar, the shape of these cattle-pens, when permitted by the nature of the ground, is either square or semi-circular; when it is of the latter shape, the houses forming the village or hamlet occupy the remaining semi-circle of ground.

June 13th, 1882.

Major-General Pitt Rivers, F.R.S., President, in the Chair.

The Minutes of the last meeting were read and confirmed.

The following presents were announced, and thanks voted to the respective donors:—

For the Library.

From the Author.—The Separate System of Sewerage. By Geo. E. Waring, jun.
From the German Anthropological Society.—Archiv für Anthropologie. March, 1882.
From the Academy.—Atti della R. Accademia dei Lincei. Vol. VI, Fas. 11, 12.
From the Institution.—Journal of the Royal United Service Institution. No. 115, and Appendix to Vol. XXV.
— Bulletin de la Société Impériale des Naturalistes de Moscou, 1881. No. 3.
From the Editor.—"Nature." Nos. 656-658.
— Revue Scientifique. Tom. XXIX, Nos. 21-23.