

Property Rights, Land and Territory in the European Overseas Empires

Direitos de Propriedade, Terra e Território nos Impérios
Ultramarinos Europeus

Edited by José Vicente Serrão
Bárbara Direito, Eugénia Rodrigues
and Susana Münch Miranda

© 2014 CEHC-IUL and the authors.

All rights reserved.

Title: Property Rights, Land and Territory in the European Overseas Empires.

Edited by: José Vicente Serrão, Bárbara Direito, Eugénia Rodrigues, Susana Münch Miranda.

Editorial Assistant: Graça Almeida Borges.

Year of Publication: 2014.

Online Publication Date: April 2015.

Published by: CEHC, ISCTE-IUL. Avenida das Forças Armadas, 1649-026 Lisboa, Portugal. Tel.: +351 217903000. E-mail: cehc@iscte.pt.

Type: digital edition (e-book).

ISBN: 978-989-98499-4-5

DOI: [10.15847/cehc.prlteoe.945X000](https://doi.org/10.15847/cehc.prlteoe.945X000)

Cover image: “The home of a ‘Labrador’ in Brazil”, by Frans Post, c. 1650-1655 (Louvre Museum).

This book incorporates the activities of the FCT-funded Research Project (PTDC/HIS-HIS/113654/2009)
“Lands Over Seas: Property Rights in the Early Modern Portuguese Empire”.

Contents | Índice

Introduction

- Property, land and territory in the making of overseas empires 7
José Vicente Serrão

Part I Organisation and perceptions of territory Organização e representação do território

1. Ownership and indigenous territories in New France (1603-1760) 21
Michel Morin
2. Brazilian landscape perception through literary sources (16th-18th centuries) 31
Ana Duarte Rodrigues
3. Apropriação econômica da natureza em uma fronteira do império atlântico português: o Rio de Janeiro (século XVII) 43
Maria Sarita Mota
4. A manutenção do território na América portuguesa frente à invasão espanhola da ilha de Santa Catarina em 1777 55
Jeferson Mendes
5. Urbanística e ordenamento do território na ocupação do Atlântico: as ilhas como laboratório 67
Antonieta Reis Leite
6. Do mar à serra: a apropriação do solo na ilha da Madeira 81
Nelson Veríssimo
7. Cartografia de uma propriedade na ilha de São Miguel: as Furnas de José do Canto (século XIX) 89
Pedro Maurício Borges

Part II European institutions in colonial contexts Instituições europeias em contextos coloniais

8. Bens, direitos e rendimentos no reino e na América portuguesa: o morgado e a capitania (século XVI) 99
Maria Leonor García da Cruz
9. Capelas e terras de ónus de missa na ilha do Fogo, Cabo Verde (séculos XVI-XVIII) 115
Maria João Soares
10. Valorização e exploração do património vinculado em São Miguel (séculos XVII-XVIII) 123
José Damião Rodrigues
11. História da propriedade eclesiástica nos Açores: o património do convento de São João de Ponta Delgada (século XVII) 135
Graça Delfim
12. A exploração da terra sob o regime da *colônia* no arquipélago da Madeira 145
João Palla Lizardo
13. A persistência dos sistemas tradicionais de propriedade fundiária em Damão e Baçaim (século XVI) 155
Luís Frederico Dias Antunes
14. Property rights and social uses of land in Portuguese India: the Province of the North (1534-1739) 169
Susana Münch Miranda

Part III Colonial land policies
Políticas de terras coloniais

- | | | |
|-----|--|-----|
| 15. | The Portuguese land policies in Ceylon: on the possibilities and limits of a process of territorial occupation
<i>José Vicente Serrão</i> | 183 |
| 16. | Influência política, ocupação territorial e administração (in)direta em Timor (1702-1914)
<i>Manuel Lobato</i> | 197 |
| 17. | A expulsão dos jesuítas e a secularização da propriedade da terra no Pará do Setecentos
<i>José Alves de Souza Junior</i> | 211 |
| 18. | Conquest, occupation, colonialism and exclusion: land disputes in Angola
<i>Mariana Pinho Candido</i> | 223 |
| 19. | Labour exploitation and the question of land rights in colonial Malawi (Nyasaland)
<i>Davemonie Sawasawa</i> | 235 |
| 20. | Regime de terras e cultivo de algodão em dois contextos coloniais: Uganda e Moçambique (1895-1930)
<i>Albert Farré</i> | 245 |
| 21. | African access to land in early 20th century Portuguese colonial thought
<i>Bárbara Direito</i> | 255 |

Part IV Property, society and conflict
Propriedade, sociedade e conflito

- | | | |
|-----|---|-----|
| 22. | Traders, middlemen, smugglers: the Chinese and the formation of colonial Timor (18th-19th centuries)
<i>Paulo Jorge de Sousa Pinto</i> | 267 |
| 23. | As repercussões do elitismo colonial português na exploração da terra em Moçambique (século XX)
<i>Martinho Pedro</i> | 279 |
| 24. | Direito à terra e ao território em Moçambique no período colonial e após a independência
<i>José Gil Vicente</i> | 291 |
| 25. | Land law and polygamy in the Bamiléké tribe in Cameroon
<i>Mathurin Clovis Tadonkeng</i> | 305 |
| 26. | As dívidas do açúcar na capitania de Pernambuco (século XVIII)
<i>Teresa Cristina de Novaes Marques</i> | 313 |
| 27. | Territorialidade e sentidos da posse da terra na Zona da Mata de Pernambuco
<i>Ana Luísa Micaelo</i> | 325 |
| 28. | The transformation of the property regime in 19th century Argentina
<i>Federico Benninghoff Prados</i> | 335 |

Introduction

Property, land and territory in the making of overseas empires

José Vicente Serrão¹

This book revolves around three keywords – property, land, and territory. Along with others, such as glory, honour, conquest, commerce and religion, these words constituted some of the most powerful driving forces that pushed European peoples and rulers to the colonial and imperial venture. However, these words, or the notions behind them, are as powerful as they are difficult to define, given the breath of their meanings, and the reader will probably be wondering what is the meaning assigned to them in this book and why are they put side-by-side in the title. At first glance, they are even of a seemingly different nature – property is an immaterial notion, whereas land and territory are material, tangible things. This distinction, notwithstanding, might be somewhat illusory. It is true that the concept of property does not refer to a “thing” in itself (the one that is the object of ownership), but instead to the relationship between someone and that thing, a relationship that consists in a bundle of rights of use and of disposal over such thing (lands, goods, cattle, persons, houses are examples of “things”). Moreover, since those rights, in order to be effective, have to be somehow socially acknowledged, we can also say that property is not a relation between an individual and the thing, but instead a relationship between individuals with regard to the thing (Gray and Gray 1998; Merrill and Smith 2001). Thus, property is mostly about rights rather than about things. Nevertheless, and now giving some materiality back to the concept of property, it always supposes the existence of some things to be possessed or owned, being land and territory definitely among the most ambited in past societies.

In what regards land, its definition should be more simple: a physical thing, an area of ground, a natural resource, in use or not. However, in economics, for instance, land is primarily defined as a factor of production, which already supposes its use with the purpose of producing value. Besides, land has an economic value also in the sense that it can be transacted, mortgaged, rented, bequeathed, and so on. In this sense, land is no longer a simple material thing and becomes an asset, something that has, and that is in itself, a value. Moreover, its value is not only economic, but also symbolic, cultural and political, as any anthropologist, sociologist or political scientist would hasten to demonstrate. Still, in order that the land may be a value for someone, he or she has to have some rights in it. Thus, it is hard to think about land without taking into consideration property rights and land rights at large (Ellickson 1993).

As for territory, it is much more than a geographical concept of physical and material space. Conceptually, territory is first and foremost a political space, the space over

¹ ISCTE-IUL (University Institute of Lisbon), History Department and CEHC-IUL, Portugal, jvserrao@iscte.pt.

José Vicente Serrão, Bárbara Direito, Eugénia Rodrigues, Susana Münch Miranda (eds.). *Property Rights, Land and Territory in the European Overseas Empires*. Lisbon: CEHC-IUL, 2014. ISBN: 978-989-98499-4-5.

© 2014 CEHC-IUL and José Vicente Serrão. Chapter DOI:10.15847/cehc.prkteoe.945X00i.

which jurisdiction and sovereignty are exercised or claimed. Territory can be understood as a “political technology” (Elden 2010), but, above all, it is a social and political construct, in the sense that it needs to be conquered, defended, occupied, demarcated, inventoried in its resources, organised and represented (for example, through maps). Territory is, therefore, a material concept, although inseparable from the notion of the exercise of rights. For instance, the right of disposal over a territory was a *sine qua non* condition for the exercise of sovereignty. These principles acquired even greater significance in the framework of the formation of empires, marked by the incorporation of new territories, the expansion of frontiers, the denial (or claiming) of territorial rights to native polities and peoples, the overlapping and competing jurisdictions, and the intra- and inter-imperial rivalries.

Not only were these three concepts not that different in their nature after all, but also they would be actually articulated by early modern Europe’s legal and political discourse when it came to legitimize its overseas expansion. For this purpose, as it has been acknowledged, this discourse used the fundamentals of Roman law as a kind of common “working language”, regardless of the specificities of each country’s legal culture (MacMillan 2006; Benton and Straumann 2010). Roman law made indeed a distinction between the private possession of lands and the public possession and rule of territories, using the concept of *dominium* for the former and the concept of *imperium* for the latter (concepts that, in Western thought, would later evolve into ownership and sovereignty respectively). But the fundamental title of acquisition of property, which could be applied to lands as well as territories, rested on the principle of occupation (*occupatio*). This way, Roman law precepts concerning property, ownership, possession and occupation, both of land and territory, became all interconnected to a certain degree; such interconnection would be further developed by early modern European thinkers to justify territorial occupation, land ownership and sovereignty rights in overseas territories.

In fact, it could hardly have been otherwise. The difference that exists between the exercise of rights in land and the exercise of rights over a territory (the first apparently belonging to the realm of private law and the second to the realm of politics and international law) never corresponds to an absolute divide. Not even today, let alone in the colonising process. In territories that were newly incorporated into the European political and legal order, often without previously defined frontiers, land and territory went hand in hand. On the one hand, access to land by individuals presupposed as an *ex-ante* condition the possession of and the dominion over the territory (sovereignty) by an imperial ruler. Only such primordial or supreme title conferred him the power to grant lands to his subjects, or later to legally confirm the lands these subjects had occupied *de facto*, as well as the power to collect taxes and to regulate the other rights and obligations. On the other hand, the territory itself was a fluid geographical notion and the progress in its construction, though being a political purpose, largely depended on the private occupation of specific lands by the subjects of that particular sovereign state. In short, property rights in land presupposed a territory, the same way a territory did not go without lands.

We can therefore conclude that the three keywords of our analytical proposal, despite their conceptual differences, are deeply interrelated. Meanwhile, since this book is not strictly about property, land and territory, but mostly about the role these elements played in the making of overseas empires, this is a fourth element that needs to be briefly defined and put into equation in its due terms. According to the widely accepted view, overseas empires were those imperial formations created by some

European nations from the 15th century onwards through the occupation of distant territories, separated from (or connected to) their metropolises by large bodies of water. During the early modern period, these imperial projects had as protagonists Portugal, Spain, France, England, the Netherlands and, to a lesser extent, Denmark and Sweden. Later on, in the 19th and 20th centuries, other nations, such as Germany, Belgium and Italy, also created their own overseas empires (for an overview, see Abernathy 2001). There are, therefore, two main features to be underlined: it was a long-term phenomenon, and one that was essentially European in its foundations. But it was not a single and unified process. European nations followed different patterns of empire-building across time and space, varying not only according to their own motivations and cultural backgrounds, but also according to the pre-existing realities, societies and institutions they encountered on site, from North America to Australasia.

Consequently, neither the relevance of property, territory, land and related issues, nor the way they were dealt with, were the same everywhere, every time and in every empire. Where and when Europeans were only interested in trade opportunities (for example, in gold, spices, fur and slaves), the control of maritime routes, complemented with a few trading and military footholds, was a better and cheaper option if compared with the effective occupation of large tracts of land. Differently, when the purpose was to get a direct control over the production of e.g. raw materials, agricultural commodities and precious metals, or when overseas territories became spaces for a massive settlement of European populations, or even when the domination over those territories became a goal of military strategy or geopolitics – these were all situations that, sooner or later, in a higher or lesser extent, were eventually observed in almost every empire –, then, the occupation of territories, the rule over land and the definition of property rights became issues of primary concern.

In some circumstances, this kind of issues were of an obvious importance *per se*, especially in all those cases of settler colonialism, with a clear territorial foundation and high levels of competition for land, since there “*land was life or, at least, land was necessary for life*” (Wolfe 2006). But these issues were important also in an indirect and cross-cutting manner, in the sense that they were strongly interrelated in a variety of ways and degrees with other key aspects of the empire-building process, such as, first of all, the fundamental questions of acquisition, dominion and sovereignty over distant (and distinct) territories, peoples and powers. They also played a role in matters like taxation, power relations, social mobility, labour organisation, economic development, indigenous rights and the whole relationship between colonisers and colonised. Hence, it is not surprising that all parts involved in the colonial venture – imperial governments, colonial authorities, first and later generations of settlers, native peoples and their elites – wished to play a role in the definition of land and territorial rights; something which they actually did, either by making rules, claiming rights, fighting, resisting or bargaining. Thus, the interplay between these different actors, whose views and interests regarding such matters were naturally different (and frequently divergent), gave rise to active processes of negotiation and conflict, both within each imperial formation and between imperial powers.

Another point of interest in the study of these issues concerns the dynamics of cultural and institutional change (institutions being here understood as the set of formal and informal norms) fostered by the need of regulating property, land and territorial rights in the colonial settings. The colonisers, both at the official and individual levels, tended to reproduce and enforce overseas the repertoires of legal norms, political concepts, institutions, ideologies and social practices that they brought from their countries of

origin. However, in many cases, they found in the places of their destination societies with their own institutional systems, based in cultural backgrounds that were very different from the European ones. The results of these “encounters” were highly variable, depending, above all, on the power relations (including the demographic balance) between colonisers and colonised. In some cases, the European models simply replaced the native ones; in some other cases, they coexisted and overlapped; and in still other cases, they evolved into more or less hybrid formulae that blended elements from the different cultures in presence. In the settler colonies, where colonisers did not have to compromise with the indigenous cultures, simply because they marginalised them, the original institutional framework brought from the European metropolises still entered a process of change, adapting, in this case, to the specific needs and the specific realities (in economic, social and cultural terms) of these “neo-European” societies. The only possible conclusion that we can deduct from all of this is that the transfer of property rights and other institutions from Europe to colonial contexts could take many forms and generate different outcomes.

This statement about the diversity of forms and outcomes can also be applied to the other aspects under consideration. As a matter of fact, and this is one of our main findings, what we observe is a variety of solutions and situations across empires, periods and geographies that do not follow linear and well-defined patterns. Each “solution” was the product of the unique conjunction of a variety of factors in each colonial setting, factors that were of different types (cultural, environmental, economic, geographical, and societal). In that conjunction, also the comparative weight of external elements (those that were brought by European colonisers) and of internal elements (those that were characteristic of the colonised societies) was variable from case to case.

This brings me to a last point in this short introduction to our book’s subject matters. I am referring to the hotly debated and controversial issue of the “legacies of colonialism”. The way in which land, territory and property issues were dealt with during the colonial era, surely left long lasting effects on the post-colonial societies, be it Canada, Brazil, Argentina, Cameroon, Mozambique, Sri Lanka, Australia or any other. It should have affected property regimes, the social distribution of land, the types of agriculture and economy, the identity formation of several communities, their rights and political weight, and so on. It also probably played a role, for whatever it was, in the making of the great and little divergences among nations and regions of the world. However, to go beyond these findings either by making judgemental assessments of historical processes or by offering linear explanations about who was responsible for what – that is something that falls outside the possibilities of historical analysis.

What does not leave room for doubt is how important the core themes of this book – property, land and territory – were for the making and long-term development of European overseas empires. It is also clear from the pages above that these topics, even if interconnected, do not constitute a single, specific and coherent field of studies. Instead, they can, they should and they have been addressed from several perspectives of historical analysis. There is indeed a large and diversified amount of literature dealing with these matters, directly or indirectly, to which I will now briefly refer. The prolific scholarly field of settler colonial studies (on this concept and its historiographical evolution see Veracini 2013) has recently produced some of the contributions more closely related with these topics in their several aspects (e.g. Lloyd, Metzger and Sutch 2013; Ford 2010; Moses 2008). A number of other works that have been published on the wide-ranging subject of colonial settlement – either adopting a large-scale perspective (Lorimer 1998; Weaver 2006) or a spatially zoomed one (e.g.

Guha 1996; Kaufman and La Croix 2005) – also necessarily explore the issues of land occupation, land (dis)possession and land use. The occupation of overseas territories and their administration by means of non- or semi-official institutions, making them a sort of “proprietary colonies”, is another close and interesting field of inquiry (Roper and Van Ruymbeke 2007).

Meanwhile, a large body of scholarship has elaborated on the central issues of the present book as an extension of different primary concerns, for instance addressing them in close association with the fate of indigenous rights and indigenous peoples (e.g. Seed 2001; Russell 2001; Banner 2005; Hickford 2011). Some authors have put them in the context of wider problems such as the making of colonial territories and the definition of “frontiers of possession” between competing empires, as is the case of the most recent book of Tamar Herzog (2015) on the Portuguese and Spanish cases. Similar lines of inquiry are those that put land rights in relation with sovereignty (Engerman and Metzer 2004) and the both in relation with their legal foundations (MacMillan 2006; Tomlins 2010). The connections between law, colonisation and the claims for sovereignty, as they intertwined in the occupation of overseas territories by the Europeans, make one of the most important research fields regarding the key topics of our book – they have been developed by several scholars (most prominently Benton 2009; Benton and Ross 2013; Pagden 2008). The dispute over land rights as a source of conflict, as well as the interplay between land, property rights and politics, are worth noting topics too (Boone 2013; Roberts and Worger 1997). Imperial ideology and discourse involving property and territorial rights in one way or another have been analysed by many (for instance, Pagden 1995; Armitage 2000; McCarthy 2005; Cañizares-Esguerra 2006). Regarding the concept and theories of property, especially property in land, as they evolved in the context of colonial societies, there are some interesting works (e.g. the compilation of Ely Jr 1997), but such topics have not been explored as they probably should be. However, the very recent contributions of Nicole Graham (2011), Allan Greer (2013) and Andrew Fitzmaurice (2014), the latter with a global geographical scope, make us believe that things are definitely changing.

Property rights, as such, besides the many contributions of legal scholars, has been a hot topic especially among economic historians, following (though not necessarily affiliated to) the challenging views of Douglass North and the New Institutional Economics school on the role of property rights and institutions at large in economic development. Bringing the discussion on this relationship to the field of colonialism and its long lasting effects, a lively debate has been going on for more than one decade. Briefly, and considering only the three most influential contributions to the debate, we could say that some authors (La Porta *et al.* 2008) stress the exogenous character of institutions and put the weight of responsibility on the side of colonising powers, whose diverse cultural and legal backgrounds led them to transpose either “good” or “bad” institutions to their colonies. Conversely, other authors sustain that it was the characteristics found in the colonised areas that determined the resulting institutions and the way they shaped long-term economic development. These characteristics were either different factor endowments, like climate, geography and natural resources (Engerman and Sokoloff 2005), or the different “disease environment” for European settlers (Acemoglu *et al.* 2001). These would have been crucial elements in the making of novel, endogenous, institutions. Apart from these three most representative propositions, a great deal of theoretical and empirical literature has been produced on the role of institutions and property rights in colonial and post-colonial settings (e.g. Brule 2009; Alston *et al.* 2009). In a different vein, social and economic historians have also produced, as it

would be expected, a considerable body of research on topics with a direct relevance to the issues under review, such as agriculture and land tenure (Assadourian 2006; Banerjee and Lakshmi 2005), plantation economy (Schwartz 2004), land, credit and labour markets (Swami 2011; Boomgard 2009), and fiscal issues (Travers 2004; Grafe and Irigoien 2006), just to mention a few.

Many other references could be cited, but it is not the purpose of these introductory pages to make an extensive review of the available literature. The preceding notes are only intended to give an overall prospect of the interest that the themes covered by our book have been raising within international scholarship and of the variety of topics and analytical perspectives that they have been providing. They also reflect the main guidelines proposed for an international conference that took place in the University Institute of Lisbon (ISCTE-IUL) in the past 26th-27th June 2014, under the title “*Property Rights, Land and Territory in the European Overseas Empires*”. Organised as the final conference of the FCT-funded research project “*Lands Over Seas: Property Rights in the Early Modern Portuguese Empire*”, the conference brought together about 70 scholars from a dozen of different countries, who gave an invaluable contribution to the discussion on these topics. The collection of works assembled in this volume has its origin in that conference, although publishing a book was not an anticipated decision. However, given the interest and the debate raised by many oral presentations, as well as the request of several colleagues to make them available to a wider audience, we have decided to invite all participants who so desired to submit revised versions of their conference papers in order to publish them in an edited book. After a first evaluation and a peer-reviewing process, the selected papers were still subject to an intense work of revision and editing in close interaction with the authors. The final result is this set of 28 essays that we are now publishing.

They are mostly case studies, covering a timespan that stretches from the first overseas colonisation experiences in the 15th century until almost our present day, thus including also some reflections on the post-colonial legacy of European imperial ventures around the world. These studies also cover an extremely varied geography, from Canada to East Timor, passing through Brazil, Argentina, the Atlantic islands, the Indian subcontinent and Africa – Africa that, proportionally, gathers a great number of studies, probably reflecting the renewed interest that this continent is currently evoking in international scholarship. As to the imperial experiences, the former Portuguese overseas empire is, as expected, the most represented. We actually believe that this book may offer an important contribution to a deeper understanding of the history of this empire in its regional diversity, namely in what concerns the topics that are privileged here, while simultaneously placing it in a broader comparative perspective.

Regarding the organisation of this book, the studies now published are grouped into four sections of sufficiently wide scope, representing the chief problems under discussion. The first section refers to the uses, perceptions and representations of the territory. It begins with a discussion on the differing conceptions of territory between French settlers and indigenous peoples in New France (present-day Canada) and the way in which both parts managed those differences. This study is followed by three chapters that are all focused on Brazil – the first one deals with the perceptions of Brazilian landscapes as they are reflected in literary sources, the second one analyses how those landscapes were subject to an economic appropriation, and the third one seeks to understand how Portuguese sovereignty over that territory was challenged and defended in a period of intense inter-imperial rivalries (18th century). The remaining texts of this section deal with the Portuguese Atlantic islands, from the 15th century,

when they were used as “laboratories” for the early experiments of colonisation, settlement and urbanism, until a later time when the 19th-century new techniques of cartographic representation were used to serve economic and landscape projects.

The second part of this volume considers the transfer of institutions of European matrix to the overseas territories, where they were reconstituted and adapted to the new contexts. All case studies included in this section refer to the Portuguese empire, but they make clear the differences between its various parts, namely between the Atlantic and the Indian Ocean. In the former, the Portuguese found either “empty”, unpeopled territories, as was the case in the islands, or territories whose native peoples had a fragile political and social organisation, as was the case in Brazil. In both cases, these were territories where the imperial power wanted to establish a mass of settlers and to develop an agriculture-based economy. There, the process of settlement and colonisation was initially developed with direct recourse to institutions and other legal norms directly extracted from the metropolitan tradition – as was the case of *sesmarias* in the distribution of lands, or the seigneurial-like donatary captaincies in the organisation of territory –, without any incorporation of native rights or institutions, when they existed. However, its subsequent evolution within these settler societies would reveal surprisingly contradictory results, leading whether to innovative formulas (the *colônia* that is studied in chapter 12 is an example), or to the crystallisation of some of the most archaic formulas of the metropolitan tradition, like the entails. On the other hand, in the eastern flank of the empire, although territorial occupation was not a priority, it ended up by happening in some places, namely in the so-called Province of the North, which is the subject of chapters 13 and 14. There the Portuguese found well-organised societies with their own concepts, laws and languages of property. Their simple replacement by the Portuguese ones, rooted in the Roman law and the European culture at large, could have been an option, but it was not. The Portuguese institutions were actually reframed when transposed to those colonial settings, because not only did they accommodate in conceptual and legal terms to the indigenous ones, but also they were appropriated and modified by the social actors. The outcome of this process was the birth and development of what we should call the “Indo-Portuguese” property institutions. The same, in its general lines, would happen in Ceylon when it was under Portuguese rule, between the 1590s and the 1650s.

However, the more ambitious project of colonisation designed for that island would demand a broader land policy. This is why the chapter on Ceylon (15) is included in the third section, which gathers a set of studies that are focused, in one way or the other, on the land policies developed by colonial powers, on the impacts of those policies and on their local reception. While Lobato analyses the case of East Timor and Souza Junior discusses the effects of the confiscation of the Jesuit priests’ properties in Brazil, the remaining studies of this section all deal with Africa. Hence, chapter 18 offers an overview of Angola’s colonisation process in the long run, while the following chapters address the late developments of colonialism in the 19th and 20th century, elaborating on topics such as the exploitation of indigenous labour, the cotton plantations and the political thought on native rights in the East African colonies of Malawi, Uganda and Mozambique.

The forth and last part of the book is concerned with what we could call a social construction of property in imperial contexts, as well as with the related processes of negotiation and conflict, either between authorities and communities, or between communities themselves. Most of the studies included in this part tend to discuss the relations between the colonial past and its post-colonial effects. The much-debated

legacies of colonialism – be it the Spanish in 19th-century Argentina, the Portuguese in Brazil and Mozambique, or a blend of the German, French and British colonialism in Cameroon, where it interfered in the relations between land rights and polygamy – find their place in this section of the book. With different preoccupations and an earlier chronological focus, Pinto examines, in chapter 22, the very much-neglected role of the Chinese community in the territorial and economic development of Timor, while Teresa Marques studies the mechanisms of debt and credit in the sugar plantation economy of 18th-century Brazil.

In a book with features such as these, composed mainly, as it was already mentioned, of case studies, each chapter is of interest by itself, but it also benefits from being considered for its specific contribution to a wider panorama, characterised by a thematic, chronological and geographical diversity. In the meantime, and in defence of the authors, it is important to stress that, for editorial reasons, what was requested to them was short-length texts (3,500-5,500 words) with relatively little scholarly apparatus, as well as some sacrifice of the analytical demonstration in the benefit of the raising of questions and the presentation of synthetic perspectives. As it is usual, many authors would have liked to present more detailed studies, but (now in defence of the editors and readers) this would have meant a much longer time to prepare this book and it would have also forced us to sacrifice more texts for reasons of space.

Lastly, it is important to clarify the language policy we have adopted for this book. Following the policy of bilingualism (English and Portuguese) already adopted in the conference, the authors were offered the option to publish their papers in one of the two languages, according to their preferences (and being of course responsible for the use they made of the chosen language). In any case, each chapter begins with an abstract in both languages. We believe that, this way, what is eventually lost in terms of cohesion in the whole of the book, is compensated by what is gained in its diffusion, since it simultaneously embraces readers of the Portuguese language (the fifth most spoken in the world today) and those that use the English as their native language or as *lingua franca*.

To conclude, the indispensable and fully justified words of acknowledgement, expressed in my name and on behalf of my co-editors Bárbara Direito, Eugénia Rodrigues and Susana Münch Miranda. First and foremost, we would like to thank each and every one of the authors for their availability in contributing to this volume, both in the elaboration of first versions and in the subsequent revisions, often requested and always with very tight deadlines. Secondly, we would like to thank the members of the conference's scientific committee (Allan Greer, António Hespanha, Bas van Bavel, Jorge Flores, Rosa Congost, Rui Santos, Sanjay Subrahmanyam and Vera Ferllini) for their collaboration and encouragement. A very special thanks to Graça Almeida Borges, our editorial assistant, to whom we owe the bulk of the work of material organisation, graphic design, and particularly the very demanding tasks of copyediting and proofreading. We would also like to thank Joana Paulino for her collaboration in the initial phase of contacts with the authors and in the collection of the first manuscripts. The publication of this e-book would not have been possible without the material and logistical support of CEHC-IUL (the History research unit of the University Institute of Lisbon), which is also our publisher, and we thus wish to express our acknowledgement to its director, Professor Magda Pinheiro, and to its secretary, Ricardo Cordeiro. Finally, we are thankful to the Portuguese governmental agency for science and technology (FCT) for having financed this book.

References

- Abernathy, David B. 2001. *The Dynamics of Global Dominance: European Overseas Empires, 1415–1980*. New Haven: Yale University Press.
- Acemoglu, Daron; Johnson, S.; and Robinson, J. 2001. “The colonial origins of comparative development: an empirical investigation”. *American Economic Review*, vol. 91: 1369–401.
- Alston, L.; Harris, E.; and Mueller, B. 2009. *De Facto and De Jure Property Rights: Land Settlement and Land Conflict on the Australian, Brazilian and U.S. Frontiers*. Cambridge MA: NBER Working Paper 15264.
- Armitage, David. 2000. *The Ideological Origins of the British Empire*. Cambridge: CUP.
- Assadourian, Carlos Sempat. 2006. “Agriculture and Land Tenure”. In *The Cambridge Economic History of Latin America*, ed. V.B. Thomas *et al.*, Cambridge: CUP, 275–314.
- Banerjee, Abhijit V.; and Lakshmi, Iyer. 2005. “History, Institutions, and Economic Performance: The Legacy of Colonial Land Tenure Systems in India”. *American Economic Review*, vol. 95.04: 1190–1213.
- Banner, Stuart. 2005. *How the Indians Lost Their Land: Law and Power on the Frontier*. Cambridge, MA: Belknap Press of Harvard University.
- Benton, Lauren. 2009. *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900*. Cambridge: CUP.
- Benton, Lauren; and Ross, Richard (ed.). 2013. *Legal Pluralism and Empires 1500–1850*. New York: NY University Press.
- Benton, Lauren; and Straumann, Benjamin. 2010. “Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice”. *Law and History Review*, 28: 1–38.
- Boomgaard, Peter. 2009. “Labour, land, and capital markets in early modern Southeast Asia from the fifteenth to the nineteenth century”. *Continuity and Change*, 24: 55–78.
- Boone, Catherine. 2013. *Property and Political Order in Africa: Land Rights and the Structure of Politics*. New York: Cambridge University Press.
- Brule, Rachel. 2009. *Land Rights without Laws: Understanding Property Rights Institutions, Growth, and Development in Rural India*. CDDRL Working Papers.
- Cañizares-Esguerra, Jorge. 2006. *Puritan Conquistadors: Iberianizing the Atlantic, 1550–1700*. Stanford: Stanford University Press.
- Elden, Stuart. 2010. “Land, Terrain, Territory”. *Progress in Human Geography*, 34: 799–817.
- Ellickson, Robert C. 1993. “Property in Land”. *Yale Law Journal*, 102: 1315–1400.
- Ely Jr, James W. (ed.). 1997. *Property Rights in the Colonial Era and Early Republic*. New York and London: Garland Publishing.
- Engerman, Stanley L.; and Metzer, Jacob (ed.). 2004. *Land Rights, Ethno-Nationality and Sovereignty in History*. London: Routledge.
- Engerman, Stanley L.; and Sokoloff, Kenneth L. 2005. *Colonialism, Inequality, and Long-Run Paths of Development*. Cambridge, MA: NBER Working Paper 11057.
- Fitzmaurice, Andrew. 2014. *Sovereignty, Property and Empire, 1500–2000*. Cambridge: CUP.
- Ford, Lisa. 2010. *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788–1836*. Cambridge, MA: Harvard University Press.
- Grafe, Regina; and Irigoín, Maria. 2006. “The Spanish Empire and its legacy: fiscal redistribution and political conflict in colonial and post-colonial Spanish America”. *Journal of Global History*, 1.02: 241–267.
- Graham, Nicole. 2011. *Landscape: Property, Environment, Law*. New York: Routledge.
- Gray, Kevin; and Gray, Susan Francis. 1998. “The Idea of Property in Land”. In *Land Law: Themes and Perspectives*, ed. Susan Bright and John K. Dewar, Oxford: OUP, 15–51.

- Greer, Allan. 2013. "Land, Property and Colonization: Some Conceptual Issues". Paper delivered to the Workshop *Property in the Making of the Portuguese Empire* (Lisbon, 13 November 2013).
- Guha, Ranajit. 1996. *A Rule of Property for Bengal: an Essay on the Idea of Permanent Settlement*. Durham: Duke University Press.
- Herzog, Tamar. 2015. *Frontiers of possession: Spain and Portugal in Europe and the Americas*. Cambridge, MA: Harvard University Press.
- Hickford, Mark. 2011. *Lords of the Land: Indigenous Property Rights and the Jurisprudence of Empire*. Oxford: Oxford University Press.
- Kauffman, Kyle; and La Croix, Sumner J. 2005. *Company Colonies, Property Rights, and the Extent of Settlement*. UC Irvine: Department of Economics.
- La Porta, Rafael; Lopez-de-Silanes, F.; and Shleifer, A. 2008. "The Economic Consequences of Legal Origins". *Journal of Economic Literature* (AEA), vol. 46.02: 285-332.
- Lloyd, Christopher; Metzger, Jacob; and Sutch, Richard (ed.). 2013. *Settler economies in world history*. Leiden: Brill.
- Lorimer, Joyce (ed.). 1998. *Settlement Patterns in Early Modern Colonization, 16th-18th Centuries*. Brookfield, Vermont: Ashgate Publishing.
- MacMillan, Ken. 2006. *Sovereignty and Possession in the English New World: the Legal Foundations of Empire, 1576–1640*. New York: Cambridge University Press.
- McCarthy, Kate. 2005. "Agrarian Discourse in Imperial Context: Landed Property, Scottish Stadial Theory and Indigenes in Early Colonial Australia". *ANZLH e-Journal*: 60-69.
- Merrill, Thomas W.; and Smith, Henry E. 2001. "What Happened to Property in Law and Economics?". *The Yale Law Journal*, vol. 111.02: 357-398.
- Moses, A. Dirk (ed.). 2008. *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History*. New York: Berghahn Books.
- Pagden, Anthony. 1995. *Lords of All The World: Ideologies of Empire in Spain, Britain and France, 1500-1800*. New Haven: Yale University Press.
- Pagden, Anthony. 2008. "Law, colonization, legitimation and the European background". In *The Cambridge history of law in America*, vol. 1, ed. M. Grossberg and C. L. Tomlins, Cambridge: CUP, 1-31.
- Roberts, R.; and Worger, W. 1997. "Law, colonialism and conflicts over property in Sub-Saharan Africa". *African Economic History*, 25: 1-7.
- Roper, L. H.; and Van Ruymbeke, B. (ed.). 2007. *Constructing Early Modern Empires: Proprietary Ventures in the Atlantic World, 1500–1750*. Leiden: Brill.
- Russell, Lynette. 2001. *Colonial Frontiers: Indigenous-European Encounters in Settler Societies*. Manchester: Manchester University Press.
- Schwartz, Stuart B. (ed.). 2004. *Tropical Babylons: Sugar and the Making of the Atlantic World, 1450–1680*. Chapel Hill: University of North Carolina Press.
- Seed, Patricia. 2001. *American Pentimento: The Invention of Indians and the Pursuit of Riches*. Minneapolis: University of Minnesota Press.
- Swami, Anand V. 2011. "Land and Law in Colonial India". In *Law and Long-Term Economic Change: A Eurasian Perspective*, ed. Debin Ma and Jan Luiten van Zanden, Stanford: Stanford University Press, 138-158.
- Tomlins, Christopher. 2010. *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580–1865*. Cambridge: CUP.
- Travers, T. R. 2004. "The Real Value of the Lands: The Nawabs, the British and the Land Tax in Eighteenth-Century Bengal". *Modern Asian Studies*, 38:3: 517-558.
- Veracini, Lorenzo. 2013. "Settler Colonialism: Career of a Concept". *The Journal of Imperial and Commonwealth History*, vol. 41.02: 313-333.

- Weaver, John C. 2006. *The Great Land Rush and the Making of the Modern World, 1650-1900*. Montreal: McGill-Queen's University Press.
- Wolfe, Patrick. 2006. "Settler colonialism and the elimination of the native". *Journal of Genocide Research*, vol. 8.04: 387-409.