Land Reform in the Time of Neoliberalism: A Many-Splendored Thing

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Abstract: Over the past 20 years, land reform – defined here as the redistribution of land from large to small properties – has emerged as an important political issue in the Global South. Actors with widely differing ideological perspectives have claimed land reform as central to their political, social and economic platforms. In this paper, I compare reforms championed under the neoliberal auspices of the World Bank (the so-called Market Led Agrarian Reforms) with those supported by popular grassroots actors such as the Movement of Landless Workers (the MST) in Brazil. I argue that although these two approaches to land reform are often considered antithetical to one another, they share a common theoretical foundation. Both are rooted in a labor theory of property that attributes the fruits of one’s labor to the laborer. Where the two differ is in their interpretation of the “original sin” through which land and labor came to be misaligned: neoliberal actors see the state as the key source of land-related inefficiency while popular grassroots actors identify the market as the key source. I analyze case material from northeastern Brazil and suggest that the institutionalization of the labor theory of property (across civil society, state and market in the region) has generated insecurities for new land reform beneficiaries who must protect their property rights with visible evidence of their productivity.

Keywords: land reform, property, labor, commodification, Brazil, John Locke.

Introduction
Although it may have seemed unlikely just twenty years ago, the issue of land reform – defined here as the redistribution of land from large to small properties – has re-emerged as an important political issue in the Global South.1 After a widespread hiatus in the 1970s and 80s, actors from different ends of the ideological spectrum now claim land reform as central to their political, social and economic platforms. The two dominant approaches to land reform can be imperfectly labeled neoliberal and populist.2 Neoliberal land reforms (often referred to as Market-Led Agrarian Reforms or MLAR) attempt to create or restore private rights to property for the purpose of improving the smooth functioning of rural markets (usually markets in land, credit and agricultural inputs) and increasing efficiency and production through security of title (Borras jr. 2003; Deininger and Feder 1998; van Zyl, Kirsten and Binswanger 1996). Populist reforms, on the other hand, attempt to create...
or restore the connection between peasant communities and the land, improving social justice by distributing resources to the poorest who will then contribute to balanced development and food sovereignty (freedom from dependency on world food trade, see Edelman 2002, 2003; Rosset, Patel and Courville 2006; Wright and Wolford 2003).

In this paper, I compare these two very different land reform projects to make three arguments. First, I argue that land reform has re-emerged as a relevant policy for neoliberal and popular actors in large part because underlying both of these very different perspectives is a labor theory of property that ideally attributes the fruits of labor to the laborer: land reform is all things to all people (even people on radically opposed sides of the ideological spectrum) because it is fundamentally about labor. Land is a good that appeals to some people and not to others, but all people work: the recurring struggle for land throughout the twentieth century has less to do with an agrarian idealism where land is the central element of both production and social reproduction than it has to with rights to (and control over) one’s labor. This theoretical position on labor that undergirds both present-day neoliberal and populist formulations of land reform can be found in John Locke’s labor theory of property. Although Locke is most commonly associated with neoliberal governance and institutions that privilege the rational, self-maximizing individual with rights to accumulate private property in a variety of arenas (McCarthy and Prudham 2004), his work contains nuances that enable different political actors to find support for their platforms within. John Locke’s theory of property includes both the right to property produced by labor (where property is understood in the narrow sense of land and house and in the broader sense of physical goods) and property rights. This labor theory of property justifies and is justified by both the neoliberal focus on individual contractual rights to property (or, the right to use that property once it is claimed) and the populist focus on “land for those who work it” (or, the right to land on which a person labors and the subsistence produced).

Second, I argue that the difference between the neoliberal and populist perspectives then lies in their interpretation of commodification, both as a historical process and as a generalized state. Neoliberal and populist actors may both claim land reform as a strategic tool, but their interpretations of land reform’s purpose are as different as the conclusions that David Ricardo and Karl Marx drew in taking the labor theory of value (which both believed in) to its “logical” end. Ricardo’s belief in labor as a key source of value would lead directly to the liberal emphasis on individuals and the ability to efficiently transact labor power on the market, while Marx’s belief in labor as the source of all value would lead equally directly to the emphasis on the accumulation of fixed property rights as theft of labor value (at the level of the individual as well as labor in the abstract). In re-visiting the differences between neoliberal land policies
and populist demands for access to land, we are re-visiting this classic dispute between Liberal and Marxist perspectives on the process of commodification.

In regards to land reform, the neoliberal perspective assumes that the market is the optimal mechanism for allocating property to productive individuals because property rights are a reasonable reflection of labor applied: people who own property do so because they worked for it and this relationship has to be encouraged and rewarded (or, at the very least, not actively overturned) by the State. The populist perspective, on the other hand, assumes that the market is a vehicle for theft and exploitation: people who own property do so because they possess political influence (both in the present and in the past) and power that can be effectively backed up with murder and intimidation.

For the neoliberals, if there is a need for land reform, it is because the market has been insufficiently developed and has not yet incorporated some portion of the rural and urban poor. The market thus needs to be expanded to include them. For the populists, on the other hand, reforms that go through the market are thus likely to be plagued by its very historical mal-development. In this perspective markets have been sufficiently developed, but in ways that supported the privileges of the wealthy landowning class. The state thus needs to be mobilized to carry out land reform. This is not to say, of course, that market and state are mutually exclusive. On the contrary, the state is an important institutional actor in the neoliberal vision, but it is there primarily to buttress the actions and activities of the market (for an elaboration of this argument in regards to neoliberalism more generally, see Wendy Brown 2003). Likewise, the market is a necessary aspect of populist reforms: most grassroots social movements envision a complex marketing system for land reform beneficiaries that would allow local communities to compete successfully in regional markets. But here the state is required to provide the means of production and subsistence, and its support of the market is secondary.

Third, and finally, I argue that in my case study country of Brazil both the neoliberal and the populist project have generally created conditions conducive to the execution of land reform, and they have done so in ways that emphasize a labor theory of property (a theory already present in the country’s Constitution but relatively moribund until now). This emphasis on labor creates unexpected ambiguities for people who obtain access to new properties. Land reform beneficiaries who have won access to land based on a labor theory of property find it difficult to feel secure in their own ownership – unless they use their land in ways that are consistent with collective social norms regarding productivity and productive-ness. How then are those social norms defined and demonstrated, and at what point should property rights be privileged over labor rights? Drawing on material gathered from land reform settlements in northeastern Brazil
over the period 1999 to 2003, I show how populist struggles for land in that country have brought into sharp relief the pre-existing legal tensions of the labor theory of property. I argue that although the boundaries of the settlers’ land are made relatively clear, the appropriate boundaries (or guidelines) for the application of their labor are not. New land reform beneficiaries are accordingly compelled to produce and police their own boundaries, arguing over the “proper” use of their land. In this way, they have become active participants in their own surveillance and the surveillance of those around them.

In the rest of this paper, I describe the labor theory of property and then outline the ways in which it influences both the neoliberal and the populist projects for land reform. Then I use material from Brazil to explain how land reform has been promoted by both neoliberalism and populist struggles for land. Finally, I conclude by showing how these two projects have emphasized a labor theory of property and created ambiguities on the land reform settlements of northeastern Brazil, ambiguities that the settlers have partially resolved by actively producing and policing each other’s boundaries.

The Labor Theory of Property

John Locke’s writings on property have been extremely influential in both political and academic arenas. His influence extended well beyond the context of his time and place (late 17th century England) to provide fuel for Liberal Enlightenment thinking more generally. Today, John Locke - like Adam Smith - is read in a rather one-sided way (on Adam Smith, see Emma Rothschild 1992). He is generally presented, particularly in critical political economies, as the father of private property and the person who advocated for the constitution of the state as a means to oversee and control the juridical elements of property ownership. As James McCarthy and Scott Prudham (2004) write, “This Lockian discourse of an atomistic society of free, equal, landed individuals, governed by a state whose main purpose is the protection of their property rights, resonates strongly with neoliberalism and a host of contemporary schemes for saving or managing nature via its commodification” (277). While it is true that Locke’s writings provide theoretical support for neoliberal property reforms, his work is also marshaled by subaltern actors throughout the world. Grassroots movements have organized around Locke’s argument that “land belongs to those who work it.”

In his Second Treatise on Government, Book Two, Chapter Five, Locke explained this theory of property in deceptively simple terms:

“Though the water running in the fountain be everyone’s yet who can doubt but that in the pitcher is his, only who drew it out? His Labour hath taken it out of the hands of nature, where it was common, and belonged equally to all her children, and hath thereby appropriated it to himself. [...] And even amongst us, the hare that any one is hunting, is thought
his who pursues her during the chase: for being a beast that is still looked upon as common, and no one’s possession” (Locke 2002, para. 29, 30).

This theory of property suggests that people are the “workmen” (Tully 1980) of God’s bounty on earth: people apply their labor to the land and reap its rewards. As simple as the labor theory of property seems to be – and as widely as it is held – it lends itself to the ambiguity described throughout the paper. The two aspects of property (labor and ownership) were not inherently contradictory for Locke (and indeed most nation-state Constitutions include provisions for both5 ), because he assumed a natural state in which abundant land existed and all persons were equal.6 In this natural state, a person had an uncontested right to both the means and the product of his (sic) labor.

The complexities within a Lockian labor theory of property become politically explosive, however, with the development of a market - or hereditable ownership rights - in situations characterized by either extreme inequality or resource scarcity (the two may be mutually reinforcing). As Richard Pipes (2000) writes: “As attractive and self-evident as it may appear, the labor theory of property is a two-edged sword, for it can also be used to assail property. How is one to justify inherited wealth which requires no personal effort, or the fact that farm laborers and factory workers do not own what they produce?” (p. 36). It was the market, or exchanges mediated by money, that Locke argued enabled some men to accumulate more than they could use. For Locke, fixed property lines (or rights) were “unnatural” because they did not exist in a state of nature. They could be legally upheld by the state but were not necessarily legitimate if applied to land the owner did not work. As he said, “if either the grass of his enclosure rotted on the ground or the fruit of his planting perished without gathering...this part of the Earth notwithstanding his enclosure was still to be looked on as waste, and might be the possession of any other” (Locke 2003, para. 38, cited in Ashcraft 1981). Locke believed that “the right which all men have to the things necessary for subsistence [is] ‘property’ and this is, in some sense, distinguished from ‘property in’ some thing which a person ‘comes to have” (cited in Tully 1980: 3).

The different perspectives on property in neoliberal and populist perspectives originate in the context and evaluation of the so-called “original sin” (Marx 1977: 873) of commodification: the initial transformation of labor, land and money into commodities for sale on the market (Polanyi 1980). Whereas liberal and neoliberal political economists see this as a natural and necessary evolution of man’s desire to truck, barter and trade (Smith 1997: 507-520), critical political economists (including Marx and the contemporary agrarian populists) have argued that rather than exposing the true nature of production and exchange, the development of the capitalist market mystified both: far from allowing for the just distribution of rent, profit and wages, the market unfairly extracted...
surplus from the only commodities that themselves produced value: labor and land (Marx 1972, 1977: 873-908; Perelman 2001; Polanyi 1980). This was the history of primitive accumulation that Marx argued was “written in the annals of mankind in letters of blood and fire” (1977: 875).

In this way, although liberal/neoliberal and Marxist/populist philosophers share a focus on labor as the source of value, their different interpretations of commodification (both the “original sin” and ongoing primitive accumulation) lead them to very different policy and political positions.

The Neoliberal Version of Land Reform: Life, Liberty and the Right to Property

Over the past 15 to 20 years, land distribution and land tenure reform have come to form part of the (post)Washington Consensus. In countries across Latin America, Asia and Africa, international monetary and lending agencies have entered into the debate over distribution and attempted to influence the path that distribution will take. The World Bank, particularly, has advocated with vigor for the establishment of secure tenure rights and distribution of land, usually through a market-mechanism referred to as “willing buyer-willing seller” or Market-Led Agrarian Reform (or MLAR) to contrast it to the state-led reforms of both an earlier period and those demanded by increasingly visible peasant organizations (Borras jr. 2003). This description of market-based agrarian reforms is not intended to be comprehensive or to critique the interventions of the World Bank. It is intended to describe the ideologies governing MLAR such that it will become clear how they are both similar to and contrast with the ideals embedded in the demands made by grassroots’ movements for agrarian reform.

The World Bank’s lending portfolio for land tenure projects has increased dramatically over the past 15 years, and bank officials believe it will continue to rise. From 1990 to 1994, the Bank funded only three “stand-alone land projects.” This increased to 19 and then 25 in the 1995-1999 and 2000-2004 periods respectively. In 2004, the Bank committed approximately 1$billion to land-related projects (a larger group than the “stand-alone projects”). These projects have been taken up and replicated across the so-called Third World, from Eastern Europe (where a majority of the Bank’s funding projects are currently located) to China, Mexico, and South Africa. In the latter, observers of the ANC’s initial attempts to implement agrarian reform argued that the debate over how best to restitute and redistribute land was dominated by “technically superior and excellent lobbyists” from the World Bank (Weideman 2004: 223). Bank officials pushed for a market-based approach to reform that focused on individual property rights (van Zyl, Kirsten and Binswanger
1996), and the ANC subsequently adopted an even more narrow approach on willing sellers and willing buyers (Lahiff 2005: 1).

The World Bank has promoted attention to secure property rights as key elements of functioning markets and economic growth. As the World Bank itself maintains, reasonable people now understand that land reforms – meaning both distribution of idle land and tenure security – are necessary for the proper functioning of markets and democracy: “Few will disagree that inappropriate land policies can constitute a serious constraint on economic and social development: Insecure land tenure, outdated regulations, and dysfunctional land institutions constrain private investment and undermine local government’s ability to raise taxes in many countries.” 9 That these projects are as much about labor as they are about land is clear from the principles underlying their execution. First, the most widely-accepted justification for land reform in World Bank documents is the argument that secure tenure will allow people to invest productively - and for the long term. That is, people will be able to more effectively “bank” their labor as both profit from investments and as collateral. Improving the conditions of property titles will thus improve conditions for the application of labor. As Klaus Deininger and Hans Binswanger say in an articulate and well-argued paper that summarizes thirty years of World Bank land policy (1999), “Providing farmers with residual rights to production, even if these are only temporary, will increase the incentive to clear and cultivate land, as illustrated by the tremendous increases in output and productivity associated with the transition from collective to individual (usufruct) rights in China” (p. 250; see also Feder and Feeny 1991: 140).

The logic is clearly articulated and simple: if self-interested maximizing land users are given title to their land without state intervention, they will respond rationally by improving their land and more efficiently allocating resources to work it (Borras jr. 2003: 369). Echoing Adam Smith, property rights are labor returns/rights. As Smith said of the new tenant farmers in England in the 1700s, “A small proprietor, however, who knows every part of his little territory, who views it all with the affection which property, especially small property, naturally inspires, and who upon that account takes pleasure not only in cultivating but in adorning it, is generally of all improvers the most industrious, the most intelligent, and the most successful” (Smith 1997, Book 3, Chapter 4, para 19).

The first corollary to this argument is that the goal of land reform is to transfer land away from unproductive people to productive ones. Again, citing Deininger and Binswanger (1999) “A third benefit is that written records of landownership improve the transferability of property. By reducing asymmetric information about landownership and quality, land transactions are less costly to implement, thus increasing the liquidity of the land market and making it possible to transfer land from
less productive to more productive individuals” (p. 250). The second corollary to this argument, of course, is that secure property rights will allow people to profit from their labor - in fact, if markets work well, then property rights should be an indication of having labored. It is this argument that appears to discourage the use of state-based tools, such as expropriation, for land redistribution. According to World Bank documents, market transactions will allow for the appropriate connection between property and labor – where there is inequality, it is most often an indication of inappropriate “political” or state-based policies.

According to Deininger and Binswanger, market reforms will correct problems created by “non-market” forces. They stress “the positive impact of an egalitarian asset distribution and the scope for redistributive land reform where non-market forces have led to a highly dualistic ownership and operational distribution of land, that is, a distribution characterized by very large and very small holdings” (ibid: 248). Ultimately, the market should be used to create new property rights because the “political” expropriation of property sends the wrong signal to productive owners who may feel that the connection between property and labor has been severed. As an article by Klaus Deininger and Gershon Feder (1998) for the World Bank states, “markets in which to exchange rights to land can provide a low-cost means to effect transactions that would bring this factor of production to its most productive use” (p. 1). Markets can replace alternative forms of economic transaction and governance: “Improved access to markets, infrastructure, and financial intermediation, are alternative ways to provide the benefits - in terms of insurance, diversification, and access to funds for investment-associated with communal forms of land ownership” (Ibid. 5).

All of these are arguments with which many populist actors would agree – except for the assumption that capitalist markets allow for the appropriate and non-exploitative distribution of just rewards to labor. It turns out that this exception – this alternative reading of commodification and history - is ideologically, politically and materially very important.

The Populist Version of Land Reform: Land for Those Who Work It

Even as these so-called “neoliberal land reforms” have been implemented in various places around the world, a very different sort of land reform has also been pursued as part of a growing grassroots demand for social and economic justice. Throughout the late 20th and early 21st century, new rural actors from Brazil to India to South Africa have mobilized to demand radical changes in their relationship to property and the land: landless people’s movements have formed most notably in Brazil (the Movimento dos Trabalhadores Sem Terra, or MST), Bolivia (Movimento Sin Tierra), Paraguay (Movimento dos Sin Tierra),
the Philippines (Kilusang Magbubukid ng Pilipinas, or KMP) and South Africa (the Landless Peoples’ Movement, or LPM). Land reforms are also at the center of new left-leaning governments in Latin America: in 2005, Hugo Chavez put into motion a land reform that projected titling 100,000 new small-holders as part of a “land revolution,” and in November 2006, a newly-elected Evo Morales successfully directed a radical land reform through the Bolivian Congress.

These movements and politicians are increasingly connected by umbrella organizations such as the Via Campesina, a movement begun by the radical French cheese-maker and goat farmer, José Bové. This “new revolutionary peasantry” has influenced national policies in areas ranging from agricultural production to human rights; they have created transnational networks; and they have politicized transnational “politics as usual,” taking part in highly visible protests at meetings of the G8, the World Economic Forum, and the World Trade Organization.

For these movements, existing land tenure regimes – and therefore the whole concept of land ownership – are illegitimate because land was not historically acquired through the honest and equitable application of labor. When the Brazilian MST was formed in 1984, the movement’s first slogan was: land for those who work it (Wright and Wolford 2003). The movement argued that both feudalism and capitalism had allowed land to be taken from the poor for and by the wealthy. When the Zapatistas declared the beginning of an armed insurgency on January 1, 1994, they did so in the name of a territory they considered theirs because of a historical attachment to both its cultural and productive aspects. Likewise, Thabo Mbeki, elected president of South Africa in 1999, said in an address to his people, “Ninety years after the passage of the 1913 Land Act, we are on the way towards meeting the demand contained in the Freedom Charter, that the land shall belong to those who work it.”

The connection between land and labor is so fundamental for these groups that bringing the two (land and labor) into just alignment (land for those who work it) is the key to building coherent local communities, new mechanisms of food sovereignty, and sustainable forms of economic, political and social development. As a group of national and international movements wrote in their final declaration to a 2002 International Seminar on the Negative Impacts of World Bank Market-Based Land Reform Policy, titled Land For Those Who Work It, Not Just For Those Who Can Buy It: “We are members of peasant, research, environmental, religious and human rights organizations that have met in Washington, DC from April 15-17. We share the struggle for a world and a society in which the guiding principle will be the human being and the full enjoyment of all human rights for all people and communities; in which the right to land of rural communities is recognized; the food sovereignty of all countries is guaranteed; the environmental
sustainability of the planet is preserved and the cultural integrity of all peoples is assured.”

The groups who signed the above document singled out the World Bank and particularly the World Bank’s focus on the market for attack. They argued that far from being “imperfect,” markets had done their job perfectly: commodification allowed for the transfer of properties from a “state of nature” and the poor to the wealthy. In this perspective, property is not a “thing.” It is a norm, or a social relation - what Katherine Verdery (2003) calls a “native construct”: one person’s property is made possible by others either agreeing (consenting) or being coerced into accepting the distribution of rights and claims. If property is a norm that enables the social construction of a set of rights, then it is influenced by the rules of the game (the political-institutional structure), by culture, by custom, and by historical contingency (Verdery and Humphrey 2004: 2).

Understanding this perspective on the market and property helps to explain why movements like the MST argue against the practice of providing land reform beneficiaries with definitive title. They argue that titling land re-creates the dynamic of commodification that allowed (necessitated) theft in the first place: the poor gain title in order to lose it (see Mitchell 2004). Instead, the MST privileges usufruct rights guaranteed by the power of the state: the populist perspective on land reform thus relies on local communities and the state to address the historical inequalities of property ownership.

**Neoliberalism, Land Reform and the Labor Theory of Property in Brazil**

In Brazil, both neoliberalism (as a set of economic and political policies) and the populist struggle for land created the space for a dramatic increase in land reform. Fernando Henrique Cardoso – the neoliberal president in Brazil (de Onis 2000) - distributed land to approximately 580,000 families, a number higher than all of the previous administrations (generally counted from 1964 on with the creation of land reform as government policy) combined (Deere and Medeiros 2005: 20). Neoliberalism as a historical moment (coming to fruition in the 1990s, the “decade of neoliberalism” in Brazil) had five important features in Brazil that facilitated (and subsequently characterized) the implementation of land reform. The five features are divided into conjunctural, substantive, and policy. In terms of conjunctural features, there was first the twinning of neoliberalism and democracy in Brazil (Dagnino 2002; Weyland 2004). The country returned to civilian rule in 1985, and as democracy was strengthened through party formalization, new presidents from Fernando Collor de Mello (1990-2) to Fernando Henrique Cardoso (1994-2002) implemented neoliberal economic policies such as the privatization of public sectors, withdrawal of various forms of
social support, reduction of trade regulations and protection and liberalization of the economy (Cardoso 1995; see also Alimonda 2000). This democratic opening led to a second conjunctural feature of neoliberalism, the rise of grassroots movements fighting for access to land, most importantly the MST. The MST’s formation is of course a complex combination of events, relations and people in different regions/places of Brazil (Wolford 2004), but it was firmly articulated with the increase in political space available for resistance and civil (society) expression.

In terms of substantive features, neoliberal economic policies reduced subsidies and other protections to agricultural producers, increasing the level of competition in a globalized agro-food market. This heightened level of competition combined with a dramatic fall in inflation in 1994 (due to the new currency plan, the Plano Real, introduced by Cardoso) to reduce land prices by nearly 50 percent from 1994 to 1995. As land became less effective as a speculative asset, something fostered by high levels of inflation, large landholders began shedding properties and the state or national agrarian reform agencies were often the best “market.”

Finally, land reform received increased attention in the 1990s as a viable land management policy in part because it fit with the broader set of neoliberal land policies being introduced or refined worldwide (Deere and Medeiros 2005: 13-20). In 1997, the World Bank provided the Brazilian government with a loan of $90 million to begin a pilot project of market-led agrarian reform. This “new model of land policy [was to be] integrated into the market and independent of the government at each stage of the process” (Cardoso 1995). The bank-led land reform was aimed towards people who had previously worked in agriculture and whose annual income did not exceed US$15,000. These self-identified and – importantly – self-organized “rural producers” were provided with loans of up to US$40,000 to help them purchase land. They were required to form association with other willing buyers and to negotiate a price for a property with a landholder. The beneficiaries then had twenty years to pay back their loan. In 1998, the Land Bank became an official program, organized in collaboration with Federal and State government funds.

The World Bank’s MLAR was the immediate precursor to a new governmental policy implemented in Brazil in 1998 called O Novo Mundo Rural (the new rural world). This policy – implemented in part to challenge the popularity of the MST’s populist approach to land reform (Deere and Medeiros 2005) - introduced what Leonilde Medeiros (2002) has called a “new institutionality” for agrarian reform where even settlers who won access to land through state-led expropriations were expected to conform to market-based measures of performance and tenure. This new rural world was introduced in the hopes that tenure reform would lead to expected reforms in efficiency, transparency, and free exchange.

At the same time, even with all of these features of neoliberalism, land reform would not have registered on the national political agenda without
the mobilization of powerful populist interests, primarily (though not exclusively) the MST. Neither Collor nor Cardoso originally intended to carry out land reform – even though the latter had campaigned on the promise that he would settle 280,000 families in his first term (Deere and Medeiros 2005; Ondetti 2006). It was the substantive and conjunctural opportunities provided by the “populist forces” that would push through the agrarian reforms that Cardoso later took credit for.

The MST was formed in 1984 as the military government that had ruled since 1964 was gradually relinquishing power to civilian actors. The movement began as a coalition of individual squatters groups primarily in southern Brazil (Wright and Wolford 2003) and by the mid-1990s was arguably the largest and most well-organized grassroots social movement ever to have national representation in the country’s history. Movements activists have encouraged a widening of protests for land by mobilizing among the rural and urban poor, informing them of their rights to land under the Federal Constitution. Today the movement counts its membership at nearly 2 million people, who together have carried out thousands of land occupations. The spike in settlements – when land occupations began to turn more reliably into settlements – occurred in the late 1990s after two separate massacres of landless squatters turned national and international attention on to the plight of the rural poor in Brazil (Ondetti 2006).

The increased push for and attention to land reform in Brazil gave life to a labor theory of property that was already inherent in the country’s legal system. Brazilian land law supports both the “social function” of land and rights to private property. Since 1946, the Brazilian Constitution (the highest law of the land) has included the protection of land as a social good (land for the benefit of the people). This protection was strengthened in 1964 by the military government in the Estatuto da Terra (Land Statute), which provided more detailed instructions for land expropriation and distribution. Although this 1964 statute never led directly to a progressive agrarian reform, it did uphold the right of the federal government to expropriate land as well as the responsibility of landholders to utilize their property in a way that satisfied the social good. In 1988, this social function was listed both as a fundamental right of Brazilian citizens (under Article 5 of the 1988 Constitution) and as a means to promote agrarian reform (under Article 186). This is the legal measure that groups like the MST call on when they occupy land and demand that the state expropriate the land for the purposes of distribution to the rural poor.

In all of its various guises, however, the “social function of land” comes into direct conflict with Statutory Law (the Codigo Civil, or the Civil Code), which until 2003 had only limited protection of the social function, protecting first and foremost the traditional liberal rights of private property—owners could use, enjoy, and dispense with their
property. Adjudicating localized land struggles, judges decided on a case-by-case basis which legal system to apply, and effectively leaves resolution of the contradiction in the hands of the most notoriously conservative social group in Brazil. Judges in small rural towns are usually connected by blood, marriage, and affinity to the local land-owning elites. Because local judges who adjudicate property disputes tend to be affiliated with the landed elite, it is the Civil Code tends that is privileged at the local and state levels (Meszaros 2000).

Within both the Civil Code and the Constitution, there is a second area of ambiguity: the contradiction between squatters’ rights (posseiros) and property-holders’ rights (possuidores). Both bodies of law grant property rights to squatters who productively occupy 50 hectares or less of land in good faith for 5 continuous years. But property owners have the clear right to defend themselves against squatters and even to eject them violently if necessary. The disjuncture between squatters’ rights and ownership rights creates a situation conducive to violence because social actors involved in land reform know that it is in their interest to generate sufficient attention—media attention, political attention, and social attention—such that the federal government will become involved and invoke Constitutional law (Alston et al. 1999).11

**Land Reform and Property Rights in Northeastern Brazil**

Even as the push for agrarian reform received support from both neoliberal and populist actors in Brazil, life on the land has been complicated for the settlers because of the ambiguities inherent in the labor theory of property. In what follows, I show how land reform beneficiaries in the northeastern town of Água Preta were forced to personally negotiate the way in which they “owned” their land: the idea that land belonged to those who worked it spilled over into the settlements to mean that land was only yours if you worked it in accordance to community norms of “proper” work input. The sense that demonstrable labor input was necessary to secure permanent property rights led the rural settlers to police their own labor as well as the labor of others around them. Social interaction around property rights now incorporated the gaze of the state in the form of both the Bank of Brazil, their primary lender, and the government land reform office.

In the town of Água Preta, about 50 kilometers from the coast and 200 from the state capital, Recife, land reform settlements were created through the expropriation of unproductive (and usually highly indebted) sugarcane plantations. These were settlements the MST occupied in the mid-1990s, although almost as soon as the settlers received their usufruct titles (1997), agrarian reform as a whole was subsumed under the *Novo Mundo Rural*. On these settlements, the aforementioned contradictions within Brazilian land law are heightened by the way in which the settlers acquired their land and their historical relationship to both land and
labor on the sugarcane plantations (Wolford forthcoming). Most of the new settlers had previously worked on the plantations or on plantations in neighboring towns. Becoming settlers fundamentally changed the former rural workers’ relationship to the land, but because norms are less malleable than rights, the meanings that rural workers attached to their new status as property-holders were deeply embedded in the historical construction of property as the vehicle for political, economic, and social control over their labor. For the rural workers, their own labor had been considered someone else’s property even though they were active participants in the contract, with recourse (at least in theory) to the political system and to their own mobility if property norms regarding their labor were transgressed. Land “ownership” in the sugarcane region was the means to wielding political, economic and social power, to excluding others and to enforcing one’s own interpretation of the law.

On the plantations, access to land was considered a “gift” dispensed at the discretion of the owner. And it was a coveted gift, coveted as simultaneously a mark of good favor from the “master” and a source of labor stability and subsistence provision. Many settlers remembered the plantation owners who had provided them with land as “good owners” and those who did not as “bad” ones (what Lygia Siguad, 2004, describes as having “honor”). But however benevolent the plantation owner was, the contradictions of Brazilian land law were evident: the rural workers were occasionally allowed to plant annual subsistence crops on their land, but they were regularly kept from planting any crops with “long roots” that might constitute a worker’s legal claim to that land. As one rural worker said, “This sugar mill where we were working never gave anyone land to plant, no, never. Even the trees that the workers planted, the mill-owner would knock them all down. They planted cane and threw the workers out. The mill didn’t want to give anything to the worker because they thought that the worker would take over the land.” One of the crops regularly singled out for prohibition on the plantations was bananas. Planting bananas was rarely allowed, even when the land was not being used for sugarcane. As one settler said when asked if he had planted food crops while working for the former mill owner, “We were free to plant, he just didn’t want us to plant bananas. If a person planted bananas, the administrator would pull them up, so we had to plant them in secret.”

This history of land and labor relations on the plantations in northeastern Brazil (and it can be generalized to other regions, although I am specifically referring to the Northeast in this example) generated a very particular relationship between settlers and their land. Their experience on the plantation legitimated a labor theory of property, simultaneously justifying the “taking” of unproductive land and establishing a legal right to property. What the settlers were not sure of was how to interpret the historical process of commodification. They did not know whether to
accord priority to property ownership or to labor on the land. What fol-
lows is a brief exchange between a land reform settler in Água Preta and
myself. This was a middle-aged woman who became affiliated with the
MST when the movement occupied the plantation she was living on and
helped to usher through its relatively rapid expropriation. She insisted
that she was given her land by the government as her right; she would
not have invaded the property because that was not right. At the same
time, she agreed that the landless were in their rights to invade.

*Researcher*: How did you find out that this plantation would be ex-
propriated?

*Settler*: Because first there was an invasion, and so I got land because
I lived here in the mill. I had the right, because I was working legally
and so I got the land by right. I tried not to invade land or anything, it’s
just that this invasion came and then the government bought the land.

*Researcher*: And what did you think of the idea?

*Settler*: I liked it; I don’t know, on the one hand it was good because
a lot of people wanted to work and they didn’t have land.

What all of this means is that access to land has been predicated on
and encouraged considerable ambiguity – and even tension - in property
rights. Because property rights were so ambiguous on the settlements, the
settlers began to take it upon themselves to actively police these rights.
They sensed that access to property was open to interpretation and so
they engaged in unsolicited surveillance of their neighbors’ properties
(or what the World Bank might call participatory surveillance). One more
brief illustration of an incident on a settlement called Flora highlights
these points.

*July 18, 1999.*

This was the date of a general meeting on the settlement. One of the
key issues to be discussed was a complaint brought to the settlement
association by one of the settlers: he had discovered that a man from the
nearby town was planting several rows of crops and grazing a cow on the
upper edge of his land. The settler was not actually using that land at that
time, but he was very worried that if this person continued to plant, he
might be able to demonstrate productive use of the land and eventually
win rights to that area. This fear came out of the historical context in
which the Brazilian legal system articulated with the moral economy
of the plantation to uphold both private property rights and use rights:
theoretically, if a worker on the plantation – or a squatter – could show
that they had planted “root crops”, crops that have long roots and take a
significant amount of time to mature, on a plot of land, they could win
rights to that land. These were difficult claims to make against large and
powerful landowners, but the MST’s actions had shown the power of
re-working idle property as illegitimate and casting laboring landscapes
as legitimate.
On the settlements, then, these historical ideas of root crops as signifying a laboring claim to property persisted, heightened by the MST’s re-working of property rights. And so even though there has never been a case where a land reform settler lost their land – or even part of their land - because of a squatter’s claim, this did not stop the settlers from worrying that their land could be taken away.

The following description of the episode is from my field notes, written only about a month after I had arrived in the region, and before I had begun interviewing any of the settlers. While these field notes do not make me appear to be a particularly sympathetic or even astute observer, I think they illustrate well the nature of the event as well as the difficulty I had in understanding how different the settlers in Água Preta were to settlers I had previously lived with and interviewed in southern Brazil (Wolford 2004).

“We went to [one of the settlers’] house today, about 15 of the men from the settlement, including Antônio and [...] the president of the settlement. Antônio and the president thought that Caio [my research assistant] and I should go because it would be good for us to see what they had to deal with and how they did. I didn’t understand what was going to happen and was pretty annoyed because I haven’t gotten any work done. It turns out that there is a man from the town who lives on the very edge of the settlement (between the settlement and the city) who has been planting a few crops and grazing two cows on the land of one of the settlers. The settler who owned the land had already gone to talk to the man who replied only that he needed the land to work on and it wasn’t being used, so why couldn’t he use it? This, of course, is the same justification that the MST makes in occupying unproductive land. The irony was pretty lost on the settlers. The settler whose land it was (I didn’t catch his name well) said that it was time to scare the guy off his land and that he could go to [the National Agrarian Reform Agency, INCRA] to get official help. Now there’s an irony if ever there was one. It gets more interesting - the man who was grazing cows actually has a brother who is settled on a land reform settlement not too far away. When this was pointed out to the man, apparently he argued that the plot was too far away from his house. A pretty reasonable argument about the cattle, harder to make for the crops. The group of settlers was divided about whether they should get guns and just go up to the man’s house and force him off the land or whether they should get INCRA, or give the guy more time. Antônio, the settlement’s agricultural extension agent [and MST leader] seems to be a calming force in the group – at least when he begins to talk, this has a soporific effect on the rest. As we waited by Sr. Mariano’s house, the culprit in question came down – he was alone which I thought was either brave or foolhardy given the tendency towards violence that the settlers sometimes display. He was not wearing any shoes and seemed to go back and forth between
treated the settlers like friends and treating them like enemies. He used their arguments of idle land right back to them and they were unfazed. After a fair bit of discussion (maybe a half an hour), Antônio promised he would visit the man the next night and they would talk more calmly. The settlement president got red in the face and argued that they should take care of the situation right now. [He] is much more basic about showing his feelings and acting on them. It began to rain hard. Everyone stood under the eaves of the house that [the settler] has almost finished building. I stepped out to take a picture and everyone looked at me like I was crazy.”

As is evident from these notes and the above section, the settlers were extremely conscious of what they saw as their tentative position on the land. The ambiguous nature of use rights made them walk lightly around their land, and when confronted with uncertainty over the use of the land, they deferred to the officials in the government. The settlers now referred to the state in much the same way as they had referred to their former plantation bosses. They knew that the former plantation owner had lost the land – as had large farmers all over the country – by failing to work on it, and now they worried about “filling up” their own parcels. These concerns were aggravated by the constant reminders of money they owed the bank: the Brazilian government awarded loans to all land reform settlers for both production and investment, and non-payment was considered evidence of not working and grounds for removal of the settler from his or her land. As Antônio, the extension agent for the settlement said at a meeting in July of 1999, “More now than ever, we need to do our things correctly...we need to make sure that from now on things happen naturally, but also with competence. We have to produce this banana so that in the year 2000 we can pay the bank without having to sell our land. We are going to pay the bank with the money that the bank gave us, which was the investment credit to produce banana. I am going to begin to visit your land now, people. The bank itself is pressuring for everyone to plant banana and it puts us in a delicate situation: whoever doesn’t plant bananas is not going to get the second half of the investment credit.”

Conclusion
In conclusion, I have attempted to make three main arguments in this paper. First, contemporary land reforms are fundamentally labor reforms: the distribution of land appeals to people and institutions across a wide ideological spectrum because such distribution is seen as a way to effectively allocate the rewards to labor. Second, a common focus on labor can and has led to very different policy positions because of different perspectives on the process of commodification. Support for land distribution among neoliberal actors, most prominently the World Bank has
focused on MLARs that will allocate labor efficiently and support the functioning of markets. Populist actors, such as the MST, argue that the state must be involved in carrying out land distribution – expropriating land and settling the poor – because without such support the market is a tool for the exploitation of the poor and landless. Finally, I argued that the widespread emphasis on labor as the avenue to property coming from both the MLAR and populist approaches has created a context in which new land reform beneficiaries must police both their own labor efforts and the efforts of those around them.

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Endnotes
1 Many observers pronounced the end of land reform in the 1980s as “green revolution” technologies and urban industrialization worked together to reduce agricultural bottlenecks and proletarianize/urbanize a majority of the world’s population (Hobsbawm 1994, 289; de Janvry and Sadoulet 1989).
2 There are two different definitions of populism: political populism associated with charismatic politicians who claim to speak for the people, most often associated with the semi-authoritarian governments of Juan Peron and Getúlio Vargas in Latin America; and “agrarian” populism associated with grassroots efforts to promote community and a return to the local. In this paper, I use populism in the latter sense.
3 This was originally Henry Bernstein’s point (2004: 203-6; drawing on de Janvry’s conclusions from his 1981 book), but the full implications or causations of this new “agrarian question (reform) of labor” are only slowly becoming clear.
4 Fieldwork for this paper was conducted in the municipality of Água Preta, in the southern sugarcane region of Pernambuco. I interviewed all of the families on this settlement as part of field research that included interviews with approximately 200 MST settlers throughout Brazil, as well as many MST leaders, local politicians, small farmers in the regions surrounding the settlements, agrarian reform agents and agricultural day-laborers living in urban peripheries.
5 In 1789, the newly-created National Assembly of France adopted a similar provision in the Declaration of the Rights of Man. In 1791, the Fifth Amendment of the US Constitution was ratified, and the final line read: “nor shall private property be taken for public use, without just compensation.” Thus the American Constitution protects private property at the same time as it empowers the state with eminent domain, and positions both in relation to the public good. The American Convention on Human Rights (adopted in San José, CR, on November 22, 1969) went further, arguing in Article 21 that: “everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society” (section 1) and “no one shall be deprived of his property except upon payment of just compensation for reasons of public utility or social interest” (section 2).
6 Hobbes first introduced the idea of rights, which was a translation from the Latin term *jus naturale* (natural law) as ‘right of nature.’
As Marx says in his Notes to the Gotha Programme, “Labour is not the source of all wealth. Nature is just as much the source of use values (and it is surely of such that material wealth consists!) as labour, which itself is only the manifestation of a force of nature, human labour power. The above phrase is to be found in all children’s primers and is correct in so far as it is implied that labour is performed with the appurtenant subjects and instruments” (1972: 9).

8 Ibid.


10 From the News and Media section of the South Africa Embassy website, accessed on November 27, 2006: http://www.saembassy.org/usaembassy/NewsMedia/Whatsnew/The%20land%20should%20belong%20to%20those%20who%20work%20it..html.

11 Perhaps the most obvious manifestation of the ambiguous nature of rights is the dispute over land occupations/invasions. It is not clear, from a legal standpoint, whether people have the right to occupy public or private properties. The Constitution states that squatters can occupy not only public property but also up to fifty hectares of private property if they develop the property for five consecutive years, they can obtain title through adverse possession. And yet, federal decree number 2250, passed in 1997, forbids the federal agrarian reform agency INCRA from carrying out a vistoria (evaluation) of properties that have been occupied within the previous two years. The contradictions manifest at the highest levels of government: Attorney General Claudio Fontenelles has argued that “people have the right to invade properties not fulfilling their social function.”

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