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By Beverly Grier

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African Studies Center
Boston University
270 Bay State Road
Boston, MA 02215

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By Beverly Grier

The Nature of "Underdevelopment"

Considerable advances have been made in the theory of underdevelopment over the last fifteen years. In the early 1970s, the most influential theoretical framework for analyzing the origins and nature of Africa's contemporary crisis were those that grew out of the Latin American dependency school. Of the dependistas, the work of Andre Gunder Frank was the most popular. Frank located the origins of Latin America's contemporary economic, social, and political crisis in the global expansion of Western European capitalism beginning in the sixteenth century. The subordination and incorporation of the non-European world into the expanding European-dominated economic system resulted in a hierarchical chain of metropoli and satellites that expropriated surpluses upward and outward, regionally, nationally and internationally. For Frank, then, underdevelopment is an historical process involving appendagization and distortion and, as a consequence, Third World societies that appear to be "traditional," "backward," and isolated are, in fact, integral parts of the global capitalist system. They are the products of the development of that system. Neither their structure nor their dynamic can be understood outside the framework of an all-encompassing single world capitalist system. For Frank, as for Wallerstein later, both core and periphery, metropolis and satellite, are capitalist, even though the relations of production of the latter take on a variety of seemingly pre-capitalist or non-capitalist forms. The new linkage with capitalism meant the immediate total destruction and/or restructuring of what existed before, to serve the accumulation needs of core capital.

To extract the fruits of their labour through monopoly trade - no less than in the times of Cortez and Pizarro . . . the metropoli destroyed and/or totally transformed the earlier viable social and economic systems of these societies, incorporated them into the metropolitan-dominated world-wide capitalist system, and converted them into sources for its own metropolitan capital and accumulation and development. The resulting fate of these conquered, transformed or newly acquired established societies was and remains their decapitalization, structurally generated unproductiveness, ever-

increasing misery for the masses - in a word, their underdevelopment.¹

In the meantime, an alternative view of the historical process of underdevelopment was emerging, almost completely unnoticed by American Africanists. A debate raged over the nature of the modes of production in Indian agriculture (was it feudal, capitalist, in transition to capitalism, or forever distorted and doomed to a "colonial" or "post-colonial" mode?), and a body of anthropological literature emerged in France concerned with reconstructing the modes of production of particular pre-colonial African societies and the specific ways in which these were transformed or distorted by capitalism during the colonial era.² What did attract the attention of a few American Africanists was Ernesto Laclau's closely related critique of Frank.³ Laclau argued that something far more complex and subtle than the total transformation of pre-existing societies took place when capitalism was introduced by a colonial or imperial power. While there is indeed an "indissoluble unity" between what appears to modernization theorists as a duality of traditional and modern sectors or societies, this unity has usually come about through a deliberate process of preserving aspects of pre-existing "feudal" or precapitalist modes of production. Other scholars at the time were writing of a process of simultaneous dissolution and conservation as capitalism combines or "articulates" with precapitalist modes of production, of precapitalist forms of production "being undermined and perpetuated at the same time."⁴ The focus, then, was increasingly on questions relating to the actual relations of production of a given social formation, how capitalism "makes use of" precapitalist or non-capitalist modes of production, and

¹ Andre Gunder Frank, *Latin America: Underdevelopment or Revolution?* (New York, 1970), 255. See also Immanuel Wallerstein, *The Modern-World System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century* (New York, 1974); *The Modern-World System II: Mercantilism and the Consolidation of the European World-Economy, 1600-1750* (New York, 1980), and articles.

² The debate occurred in the *Bombay Economic and Political Weekly* from 1969 to 1973. See especially Jairus Banaji, "For a Theory of the Colonial Mode of Production," 7, 52 (1973), 2498-2502. See also D. McEachern, "The Mode of Production and Socio-Economic Formations," *South Asia Marxist Review*, 1, 2 (1975), 444-57; Hamza Alavi, "India and the Colonial Mode of Production," *Socialist Register* (1975), 59-81. The French Marxist literature, much of it anthropological in discipline, is immense. Essential are: Emmanuel Terray, "Historical Materialism and Segmentary Lineage-Based Societies," in his *Marxism and "Primitive" Societies* (New York, 1972); Claude Meillassoux, "From Production to Reproduction: A Marxist Approach to Economic Anthropology," *Economy and Society*, 1, 1 (1972), 93-105; and Pierre-Philippe Rey, *Colonialisme, neocolonialisme, et transition au capitalisme* (Paris, 1971). See also the excellent review article by Aiden Foster-Carter, "The Modes of Production Controversy," *New Left Review*, 107, 44-74.

³ Ernesto Laclau, "Feudalism and Capitalism in Latin America," *New Left Review*, 67 (1971) 19-38. For a critique that focuses on the way Frank and Wallerstein conceptualize capitalism and, hence, capitalist transformation, see Robert Brenner, "The Origins of Capitalist Development: A Critique of Neo-Smithian Marxism," *New Left Review*, 104 (1977) 25-92.

⁴ Meillassoux, "From Production to Reproduction," 103, and Charles Bettelheim, "Theoretical Comments," Appendix I in Arghiri Emmanuel, *Unequal Exchange* (New York, 1972), 297-298. See also Rey, *Colonialisme* and *Les Alliances*; and Nicos Poulantzas, "The Capitalist State: A Reply to Miliband and Laclau," *New Left Review*, 95 (1976), 63-83.

how and why social relations of production change over time. Central questions to be asked and answered were: How is surplus labor appropriated? What role do property relations play in the appropriation of the production? How does the product circulate? How is the division of labor organized?⁵

With the increasing amount of attention being paid to the ways in which capitalism combines or articulates with precapitalist modes of production, fundamental disagreements were bound to emerge over both the short- and long-term outcomes of the process in Africa and elsewhere in the non-European world. The most fundamental of these disagreements is between those who adhere to the specificity of the nature of capitalism's development in the Third World and those who argue that while the transition to capitalism may be characterized by a "prolonged crisis," the long-term outcome - complete transition - is not in doubt.⁶ The latter could draw on the long period of articulation between feudalism and capitalism in the original West European transition and the variety of forms of non-free labor that the ascending capitalist mode of production made use of and strengthened in the short run.⁷ But it is here also where the former see the basis for the uniqueness or the specificity of the Third World's historical experience. Although there exists considerable diversity of opinion among them on other points, these theorists point to the role of imperialism and colonialism in introducing the capitalist mode of production into non-European social formations in the first instance as the distinguishing feature and decisive factor in the development of underdevelopment. As Foster-Carter put it in an important synthesis of the controversy over underdevelopment:

the "extraverted" nature of the Third World's original insertion in the capitalist world economy is not just of historical interest: it is a *continuing* and *defining* feature, not to be abstracted from, of the very essence of what we mean by "underdevelopment." Certainly we may see the thrust of, and indeed accept, Rey's basic claim that at one level the action of capitalism must be homocentric. . . . But this must be complemented by analysis at the level of social formations and *their* interrelationships, in a *world system*, which gives analytical pride of place to what Rey blithely grants *en passant*: that capitalism comes to the "Third World" from the outside, as foreign capitalism, indeed as *colonial* capitalism; and the extraversion thus created persists, defining the character of contemporary underdevelopment, viz, as an externally

⁵Barbara Bradby, "The Destruction of Natural Economy," *Economy and Society* 4, 2 (1975), 130. See also Meillassoux, "From Production to Reproduction," 98.

⁶In the first group are Frank and Samir Amin, "Theoretical Model of Capital Accumulation," *Review of African Political Economy*, 1 (1974), 9-26; *Accumulation on a World Scale: A Critique of the Theory of Underdevelopment*, Vols. 1 and 2 (New York, 1974); and *Unequal Development: An Essay on the Social Formations of Peripheral Capitalism* (New York, 1976).

⁷See Perry Anderson, *Lineages of the Absolutist State* (London, 1974), 397-431, and Rey, *Les Alliances*.

oriented, distorted and indeed disarticulated "part-economy" subordinated (now, as ever) to metropolitan capital.⁸

"Disarticulated 'part-economy,'" "dependent capitalism," "peripheral capitalism," and "backward capitalism" are just a few of the terms used to give expression to the short- and long-term nature of capitalist development outside Western Europe and Japan and those lands settled by Western European immigrants.⁹ There are also a few who maintain that the world system is constituted of a single mode of production - the "colonial mode" - rather than by several articulating modes of production within each social formation.¹⁰

At one level, the variety of opinion that now exists among Marxist scholars on the nature and meaning of underdevelopment reflects our still poorly developed understanding of the structure and dynamic (including the dynamic of contradiction) of precapitalist modes of production and of capitalism, both separately and together. At another level, however, this variety of opinion reflects the variety of historical experiences in the Third World - a definite advance over earlier tendencies to group together radically different social formations across time and space. The passage from Frank quoted above is a good example of those earlier tendencies. It is becoming increasingly clear, however, that not only do non- or precapitalist modes of production vary from one social formation to another and from one historical period to another, but that capitalism itself has different needs and technical capabilities during its different phases of development.¹¹

The State and the Social Relations of Underdevelopment

To a certain extent, then, the question of articulation is best addressed in terms that are historically and geographically specific. But peripheral capitalist development is also a question that cannot be addressed separately from the question of the development of the capitalist state, for a mode of production constitutes several levels of social reality - economic, political, juridical, ideological - none of which can be understood outside the context of their relationship with the others. Noticeably absent from the debate over the mode of production in the capitalist periphery is a rigorous and integrated theoretical treatment of the role of the state with consequences for the total picture of the social relations of underdevelopment. Failure to examine the role of the state in the development or underdevelopment of capitalist relations - the state's legal, bureaucratic, institutional, and repressive apparatus - and the state's historically changing or developing "forms," also has consequences for objectives and strategies involved in transforming those relations.

Marxist scholars concerned with the crisis in the Third World have been heavily influenced by the way in which European Marxists view the state in

⁸Foster-Carter, "Modes of Production Controversy," 62-63; emphasis in the original.

⁹Amin, *Accumulation and Unequal Development*; Banaji, "Backward Capitalism."

¹⁰Alavi, "India," and Banaji, "Colonial Modes."

¹¹See Bradby, "Natural Economy."

their particular national settings. The view that predominated in Europe from the late 1920s until the late 1960s was that the state played no specific role in the development of capitalism, that levels of social reality other than the economic were reducible to the economic base.¹² A specific study of the state was, therefore, redundant, since the actions of the state flow more or less directly out of the requirements of capital. In response to historical conjunctures in Europe in the late 1960s and in response to the inadequacy of existing Marxist views in explaining the complex role of the state in all spheres of society, the state underwent a revival as a specific object of study. The most influential state theorist to emerge was, of course, Nicos Poulantzas. Poulantzas is not without his critics or self-acknowledged weaknesses.¹³ However, his views have shaped the way in which Africanists and many others studied the state in the late 1970s and early 1980s and it is for this reason that his arguments deserve a brief (and admittedly over-simplified) review here.

For Poulantzas, a specific or "regional" study of the state and political power is essential because of Marx's tendency to concentrate on the economic level of the capitalist mode of production and because grave strategic errors are inevitable unless the state's specific role in the development of capitalism is understood. A regional theory of the state is made possible by the fact that the capitalist mode of production has the distinction of removing coercion (and, hence, the "site" of the class struggle) from the economic sphere and locating it in the purely political sphere. The capitalist state is, then, the "factor of cohesion" between all levels of the social formation. It is the structure in which the contradictions of the various levels of the social formation are condensed. Because the state is the cohesive factor and the condensation of contradictions, it is the objective of the political struggle. The capitalist state has the function of organizing the hegemony of the dominant class (and herein lies part of the explanation for the "relative autonomy" of the state in relation to this class; it is not its mere instrument) and of disorganizing the dominated classes. It seeks to maintain the fundamentally unstable equilibrium of the classes present through "a whole range of political organization and particular ideological functioning, by which it manages to present itself as the representative of the general interest of the people and the embodiment of the unity of the nation".¹⁴

Responding also to specific conjunctures in Africa (the mounting economic crisis and the growing concentration of power in the bureaucratic and military apparatuses in the 1960s and 1970s), to the inadequacy of the dominant

¹²See Poulantzas, *Political Power and Social Classes* (London, 1978); John Holloway and Sol Picciotto, "Introduction," in Holloway and Picciotto, eds., *State and Capital: A Marxist Debate* (Austin, 1978), 1-31; and Bob Jessop, "Recent Theories of the Capitalist State," *Cambridge Journal of Economics*, 1 (1977), 353-373.

¹³See Holloway and Picciotto, "Introduction"; Ralph Miliband, "The Capitalist State: Reply to Nicos Poulantzas," *New Left Review*, 59 (1970), 53-60 and "Poulantzas and the Capitalist State," *New Left Review*, 82 (1973), 83-96; Laclau, "The Specificity of the Political: The Poulantzas-Miliband Debate," *Economy and Society*, 4, 1 (1975), 87-110; Stuart Hall, "Nicos Poulantzas: State, Power and Socialism," *New Left Review*, 119 (1980), 60-69. See also Poulantzas, "The Capitalist State: A Reply to Miliband and Laclau," *New Left Review*, 95 (1976), 63-83.

¹⁴Poulantzas, *Political Power*, 283.

modernization paradigm, and to the tendency of Marxist theorists of underdevelopment to ignore the state's role in underdeveloped countries, Africanist social scientists began to turn their attention to an examination of the specific role of the state within the context of African crisis. As Saul put it:

With the recent work of Samir Amin and others, Marxist understanding of African economies has begun to progress; political analysis has lagged far behind, however. For too long the ground has been ceded, by default, to the ideologues of establishment political science and to their various permutations on the themes of "political modernization" and "one-party states" The problem of "the state" as it presents itself in the context of "underdevelopment" has been undertheorized and little researched.¹⁵

Along with Shivji, Swainson and (earlier) Murray and Meillassoux, Saul seeks to explain the growing "centrality" of the state in the economic and social life of post-colonial Africa and the continuing subordination of Africa to Western capital.¹⁶ By the "state" they mean the administrative-bureaucratic and military-coercive apparatuses and other institutions of government installed during the colonial period and inherited by indigenous classes at independence. Their argument is by now well-known. Our task here is to outline its general features before going on to point out some of its weaknesses, the most serious of which, in my view, is its failure to link the development of the state to the development of the social relations of production.

Influenced heavily by Hamza Alavi's study of the post-colonial state in Pakistan and Bangladesh, Saul and others writing in the 1970s traced the origins of the state's central role to the "bourgeois revolution" in the colonies "in so far as that consists of the establishment of a bourgeois state and the attendant legal and institutional framework."¹⁷ The metropolitan bourgeoisie had the double task in the colonies of replicating the superstructure of the metropolitan state and creating an apparatus through which it could dominate all indigenous social classes to the requirements of capitalism. While the colonial state in Asia had the task of exercising dominion over "strong" indigenous social classes, in East Africa, at least, it had to subordinate "pre-capitalist, generally non-feudal, social formations to the imperatives of colonial capitalism."¹⁸ In both cases, the colonial state was "over-developed" with respect to colonial society because its social base was not in the colony but back in the metropole. Those indigenous people

¹⁵John S. Saul, "The State in Post-Colonial Societies: Tanzania," *Socialist Register* (1974), 349.

¹⁶Issa Shivji, *Class Struggles in Tanzania* (London, 1976); Nicola Swainson, *The Development of Corporate Capitalism in Kenya: 1918-1977* (Berkeley, 1980); Roger Murray, "Second Thoughts on Ghana," *New Left Review*, 42 (1967), 19-33; Meillassoux, "A Class Analysis of the Bureaucratic Process in Mali," *Journal of Development Studies*, January 1970, 97-110.

¹⁷Alavi, "The State in Post-Colonial Societies: Pakistan and Bangladesh," *New Left Review*, 74 (1972), 61.

¹⁸Saul, "Tanzania," 353.

who found themselves at the top of the hierarchy of the colonial state apparatus at independence - upper-level bureaucrats and military officers in Asia - inherited a powerful apparatus for continuing the subordination of indigenous social classes in the interests of extending the capitalist mode of production and in their own interests as well. The "military-bureaucratic oligarchy" acquired a certain autonomy in relation to the three dominant classes in Pakistani society - the metropolitan bourgeoisie, the emerging indigenous bourgeoisie, and the native landed classes - based on its role as mediator (Poulantzas' notion of the state organizing the hegemony of the fractions of the capitalist class in the interests of the capital relation as a whole) and on its new (i.e., post-colonial) economic role of directly appropriating a large part of the surplus and deploying it "in bureaucratically directed economic activity in the name of promoting economic development."¹⁹

For some Africanists (Saul, Murray, and Von Freyhold, for example), the orientation of the class that inherits the state apparatus at independence is not a foregone conclusion.²⁰ The "petty bourgeoisie" is an unstable class, a class still in formation, they argue. The "wing" of this class that gains control of the state apparatus at independence can use "state power" to further capitalist or socialist aims. Murray expresses this view most eloquently when he writes that it is important

to comprehend the contradiction inherent in the accession to *state power* of unformed classes. The essence of the matter is that the post-colonial state (the "political kingdom") has simultaneously to be perceived as the actual instrument of a continuing anti-imperialist and socialist revolution. In this setting, the "relative autonomy" of the ruling "petty bourgeois" . . . stratum becomes a critical issue, whose import has to be examined in its *modus operandi* of state power.²¹

The weaknesses of these formulations in terms of what they tell us about the state within the context of underdevelopment are many. To begin with, it is ironic that Saul, in particular, conceptualizes the post-colonial state in a way fundamentally similar to the Marxists theorists of underdevelopment he criticizes. While the latter view the state as epiphenomenal, as a mirror reflection of economic relations, Saul views the state as a tool or instrument of the locally dominant class. In both cases, the state lies outside the historically developing system of social relations, capitalist, peripherally capitalist, or "colonial." There is nothing unique or specific about this level of the capitalist mode of production (e.g., the kinds of social relations it seeks to reinforce by its legal and coercive systems, or the particular kinds of tensions or contradictions that are reflected in its institutions and apparatuses) that makes it unsuitable for seizure in tact and

¹⁹Alavi, "The State in Post-Colonial Societies," 62.

²⁰Michaela von Freyhold, "The Post-Colonial State and its Tanzanian Version," *Review of African Political Economy*, 8, (1977), 75-89.

²¹Murray, "Second Thoughts," 25; emphasis in the original.

manipulation in the direction of some other (presumably, socialist) mode of production. All that is sufficient is for the "ideologically correct" wing or fraction of the petty bourgeoisie - a stratum, it is argued, which lacks "a determinant class standpoint grounded upon its site in the process of production,"²² which is inherently unstable, ambivalent and, therefore, socially autonomous, not shaped at all by the development of social relations during the colonial period - to take the ball (i.e., the historically-shaped colonial state apparatus) and run in any direction it chooses.

Second, these theorists take for granted the very historical processes they seek to illuminate - underdevelopment and continuing subordination by external capital in the post-colonial era. The question of what underdevelopment means never arises because of the acceptance of the distinction between the economic and the political spheres and the implicit assumption that underdevelopment is the preserve of the economic sphere (and economists, such as Amin) only. Poulantzas admitted that in his own work he had "bent the stick too far" in this respect. The consequences were grave for his treatment of the problem of historically-changing forms of the capitalist state in relation to the crises and contradictions of capitalism.²³

This is where the insights of the modes of production approach come in. As noted earlier, relations of production during the colonial and post-colonial periods are characterized by a combination of capitalism with preexisting precapitalist modes of production. Capitalism makes use of precapitalist modes of production in certain stages of its development, placing a considerable portion of the costs of the reproduction of labor on the precapitalist modes. The partial preservation of these modes (or the creation of new noncapitalist forms of social organization which did not exist before) makes possible low wages (or, alternatively, low cash crop prices) to workers whose families meet their subsistence needs from their continuing rights to lineage lands and from the use of unpaid, primarily female, labor. The semi-proletarianized worker "retires" to his home in times of unemployment, sickness, and old age. As we shall see later with respect to a number of colonial societies, it was the specific role of the state to resist or prevent the emergence of a fully proletarianized wage labor force, often times against the very actions of capitalism itself. The state did this by modifying the legal system (including laws pertaining to indigenous "custom" and "traditions"), by adapting the bureaucratic-administrative apparatus, and if need be, by intensifying coercion (as in South Africa from 1948). The state was not always successful or successful in exactly the ways it sought; it had to deal with the consequences of this as well.

Far from carrying out a fully-fledged "bourgeois revolution" in the colonies, therefore, with its attendant legal and institutional framework, the colonial state had a rather different task as reflected in the nature of colonial law relating to land tenure, marriage and inheritance, in the jurisdiction of village or customary courts, and in the power and authority subscribed to chiefs and appropriated by colonial administrators who exercised administrative,

²²*Ibid.*, 24.

²³Poulantzas, "The Capitalist State."

legislative and judicial functions simultaneously. Moreover, these administrative and legal forms were constantly changing in response to the attempts by old and newly emerging indigenous classes to make the most of, maintain some autonomy in, or merely survive under the new circumstances presented by colonization. It is the one critical weakness of most of the literature on the articulation of modes of production not to realize the pivotal role played by the colonial and post-colonial state.

In an essay criticizing the notion of the "over-developed" post-colonial state, Colin Leys raises similar questions.²⁴ He makes four points worth expanding upon here. First, Leys challenges the assertion that the post-colonial state was at all over-developed with respect to the economic structure of African countries by the time of independence. By the time of independence, "the capitalist mode of production had been introduced, and made effectively dominant, in the colonial social formation, giving rise to a new and developing structure of class antagonisms".²⁵ I would add the fact that independence - which represented a significant, though not fundamental change in the local form of the state - and the subsequent expansion of the bureaucracy were, in fact, the means by which the class antagonisms which had developed up to that point were brought under control. The new form of state and political control proved to have had only temporary effects, however, for it exacerbated old tensions and created new ones as well. It is important to add also that it is even misleading to think in terms of a superimposed colonial state that had its social basis in the metropolis rather than in the colony. While the colonial state was shaped by class antagonisms in the metropole, officials had their ears very close to the ground with respect to the way in which pre-existing modes of production and the social classes linked to them were responding to colonial social change and social engineering. Colonial law and administration were not bourgeois in form or content but were sensitive to creating, on the basis of what already existed, the kinds of social relations of production that were most advantageous to capital accumulation back in the metropole. These were what I term the social relations of underdevelopment or peripheral capitalism.

The second relevant point made by Leys is a dual one and concerns the class character of the state bureaucracy and the significance of the term "petty bourgeoisie." As already noted, post-colonial state theorists are centrally concerned not with the nature of the social relations that the state seeks to reinforce or the specific contradictions that arise out of these social relations, but with the class origins, ties, ambitions and ideological orientations of those who man the bureaucracy. Drawing on Poulantzas, Leys argues that the class interests of the bureaucracy should not be confused with the interests of the dominant class in society. "State power" is not given by the backgrounds of the bureaucrats but by the dominant class in any given mode of production. While this viewpoint should make unnecessary any discussion of the class origins or ideological orientations of the class identified as holding the reins of state power, Leys uses an

²⁴ Colin Leys, "The 'Over-Developed' Post Colonial State," *Review of African Political Economy*, 5 (1978), 39-48.

²⁵ *Ibid.*, 41.

examination of the way in which the petty bourgeoisie has been discussed by the theorists as an opportunity to make a very important point:

If this debate is misconceived anyway, it may seem unimportant whether or not their class origins are being correctly described. However, the rather casual way in which the term "petty bourgeoisie" is used corresponds to the lack of interest which some of these theorists have displayed (at least in their discussion of the state) in what I would call the historical tendencies of the capitalist mode of production in these "post-colonial" societies.²⁶

He goes on to say that the class being described by theorists as petty bourgeois is quite different from the petty bourgeoisie described by Marx. Marx's petty bourgeoisie were owners of small capital who had an interest in the preservation of private property but who at the same time were under constant erosion as a class due to competition with big capital. They were constantly being hurled down into the proletariat. The petty bourgeoisie was, therefore, "social contradiction in action," a volatile class whose actions could not be predicted beforehand. They were also a transitional class between the two great classes of Marx's time, the bourgeoisie and the proletariat. The African petty bourgeoisie is by contrast a class that is expanding. It is generally considered to consist of owners of small amounts of agricultural and non-agricultural capital and white collar workers in state and private employment. While it indeed might be an increasingly identifiable group, its political character (volatility, instability) cannot be taken for granted.

In order to know the real significance of any statement about the "petty bourgeoisie" as [theorists] use it, we need a general analysis of the development of the capitalist mode of production and its relations with petty commodity production, and thus of the development of the relations of production and the class struggle. And this is also the essential starting point for an assessment of the role of the state - and the significance of the fact - if it is significant - that its personnel are recruited from one class rather than another.²⁷

This position is very close to that adopted by the German "state derivation" school.²⁸ This school argues for the development of a materialist theory of the state, one that derives the relationship between the state and society logically and historically from the process of capital accumulation (a

²⁶*Ibid.*, 45.

²⁷*Ibid.*, 46.

²⁸See Holloway and Picciotto, ed., *State and Capital*, especially Holloway and Picciotto, "Introduction"; Elmar Altivater, "Some Problems of State Interventionism: The Particularization of the State in Bourgeois Society," 40-43; and Joachim Hirsch, "The State Apparatus and Social Reproduction: Elements of a Theory of the Bourgeois State," 57-107.

political as well as an economic process) and from the contradictions and crises generated by that process. They contend Marx's true position is reflected in a passage often quoted by instrumentalists and by others who adhere to the economic perspective:

The specific economic form, in which unpaid surplus-labour is pumped out of direct producers, determines the relationship of rulers and ruled, as it grows directly out of production itself and, in turn, reacts upon it as a determining element. Upon this, however, is founded the entire formation of the economic community which grows out of the production relations themselves, thereby simultaneously its specific political form. It is always the direct relationship of the owners of the conditions of production to the direct producers - a relation always naturally corresponding to a definite state in the development of the methods of labour and thereby its social productivity - which reveals the innermost secret, the hidden basis of the entire social structure, and with it the political form of the relation of sovereignty and dependence, in short, the corresponding specific form of the state.²⁹

The capitalist state is not all-powerful with respect to ensuring the interests of the dominant class but is bound or limited by the fundamentally contradictory nature of capitalist social relations.³⁰ We shall return to this point later.

The final point made by Leys is one that was made by Marx, Lenin, Luxemburg, Poulantzas, and others but cannot be repeated often enough. It is that it is not possible to subordinate (and eventually transform) capitalist relations of production by administrative or legislative action taken within the framework of the existing state structure. This would be to ignore the "bourgeois [or other] character of existing state (its adaptation to the task of defending bourgeois interests)".³¹ As Marx and Engels put it in their 1872 preface to the German edition of the *Communist Manifesto*, "One thing especially was proved by the Commune, viz., that 'the working class cannot simply lay hold of the ready-made State machinery, and wield it for its own purposes.'" Good or bad intentions, notwithstanding, the failure of independence to realize "mass" aims and the failure of the numerous post-independence experiments with socialism aimed at altering the systems of internal and external domination are testimony to the need to understand precisely what the state's relationship is to the ongoing system of social relations of production.

The foregoing discussion suggests that future research on underdevelopment and the state in Africa must be grounded in an analysis of the ways in which colonial capitalism and indigenous precapitalist modes of production combined and shaped each other over time; in the economic and

²⁹Karl Marx and Frederick Engels, *Capital*, Vol. 3 (New York, 1974), 791.

³⁰See also E. Olin Wright, *Class, Crisis and State* (London, 1979).

³¹Leys, "The 'Over-Developed' Post-colonial State," 47.

political ways in which old and newly emerging classes accommodated themselves to and/or resisted changing circumstances; in the obstacles to core capital accumulation presented by the structure and the dynamic of indigenous modes of production (and the classes belonging to those modes) and by the development of capitalism itself; and in the ways in which the state responded to these problems in the interests of the accumulation of capital in the metropolis. This latter is not to be equated simply with the interests of the dominant capitalist class in the metropolis since this class must be seen in relation to its ongoing struggle with other classes and class fractions there. The above discussion also suggests that the most appropriate starting point for an assessment of the contemporary crisis in Africa and of the role of the post-colonial state is not the post-colonial period but the colonial period. Because Alavi, Saul and others were not concerned with colonial relations of production (at least in their discussions of the state), and, hence, with the tensions and contradictions that emerged out of those relations, they were not in a position to see how those tensions and contradictions were embedded in the inherited colonial state apparatuses and institutions. The military-bureaucratic oligarchy inherited more than a state apparatus, it inherited a set of tensions and contradictions that were only partially and temporarily relieved by the granting of independence. The contemporary crisis and the "forms" of state we find in Africa today trace their origins to earlier crises and the ways in which the state sought to resolve them. In the second and final section of this chapter, we shall look at the insights and examine the weaknesses of a body of literature that attempts to address the issue of colonial social relations and the colonial state.

The State in Colonial Africa: Emerging Themes

The literature on colonial social relations and the colonial state is still quite small, although it shows signs expanding. The greatest advances, theoretically and empirically, have been made with respect to the state and capitalism in settler Africa, South Africa and Kenya, in particular.³² In this section, we shall focus narrowly on some recent attempts to theorize the state in settler Africa (South Africa and colonial Kenya) and in peasant Africa (Ghana). Before doing this, however, at least three other relevant bodies of literature deserve mention. The first is the diverse literature on the colonial period as a whole, written by historians, economists, political scientists and anthropologists over the years. This literature is too broad and diffuse to lend itself to scrutiny here for what it says about the state and social relations specifically, although I

³²See Simon Clarke, "Capital, Fractions of Capital and the State," *Capital and Class*, 5 (1978), 32-77; Kenneth Good, "Settler Colonialism: Economic Development and Class Formation," *Journal of Modern African Studies*, 14, 4 (1976), 597-620; John Lonsdale and Bruce Berman, "Coping with the Contradictions: The Development of the Colonial State in Kenya, 1895-1914," *Journal of African History*, 20 (1979), 487-505, and "Crisis of Accumulation, Coercion and the Colonial State: The Development of the Labor Control System in Kenya, 1919-1929," *Canadian Journal of African Studies*, 14, 1 (1980), 55-81; E. A. Brett, *Colonialism and Underdevelopment in East Africa* (New York, 1973) and "Relations of Production, the State and the Ugandan Crisis," *West African Journal of Sociology and Political Science*, 1, 3 (1978), 248-84. See also Geoffrey B. Kay, ed., *The Political Economy of Colonialism in Ghana: A Collection of Documents and Statistics, 1900-1960* (London, 1972).

draw from it for illustrative purposes. The second body of literature comes from those who were engaged in either theory or practice or both during the colonial period and here we include the work of Lugard, Cameron, Hailey, Meek, Buell and Perham. Included here also are the many lesser-known contributors to quasi-official British colonial journals such as the *Journal of African Administration*. These officials and advisors were involved in trying to shape social relations in the colonies and in containing the contradictions of colonial social change. Many had had previous experience in India (Lugard and Hailey, for example), where Britain had been trying to come to grips with the periodically violent effects of the disintegration of village economy and society in the second half of the nineteenth century. The British experience in India had a profound effect upon the shape of colonial policy later on in Africa³³ and helped to prepare officials for the task of grappling with the contradictory effects of the "expansion of the modern economy in the backward parts of the world." As Lonsdale and Berman intimate, Lugard was very much aware of the need simultaneously to conserve certain aspects of the precapitalist modes of production in Northern Nigeria while undermining others when he wrote *Dual Mandate in British Tropical Africa*.³⁴ Many of these officials also had experience elsewhere in Africa by the middle of their careers and those who went from South Africa to East Africa and on to West Africa carried with them a keen awareness of the effects of European capitalism and how these effects were not always in the interests of the metropole. Fear about the growth of a landless peasantry (and the word "proletariat" crops up again and again in official writings) was uppermost in the minds of officials in colonial Ghana as the cocoa economy expanded and efforts to prevent such developments formed the core around which "native policy" (indirect rule) was fashioned after about 1910. The third and final body of literature emerges out of the colonial documents of the time: the invaluable district officers' reports, Legislative Council *Debates*, governors' addresses, sessional papers, departmental reports, and the reports of the special committees and commissions of enquiry sent out from London. It is also important to pay close attention to the details of the laws, regulations and orders-in-council of the period (or periods within periods, to be more accurate) to get an idea of the kinds of social relations that were considered most suitable for colonial "development" and for the kinds that had hitherto emerged and made legal, coercive and other action necessary. What is interesting about the still under-explored and under-theorized area of legal history across British Africa, at least, is the strikingly similar nature of the process by which indigenous law was rewritten to conform with British notions of precapitalist forms of social organization, forms which, not coincidentally, favored British interests.

Five closely related themes emerge from the most recent literature on the state and social relations in colonial Africa and from the much older literature just mentioned. These themes are discussed as they relate to the colonial period but, as theoretical guidelines, they are just as relevant for the state and social relations in the period since independence. They are: (1) that an analysis of the

³³See D. A. Low, *Lion Rampant: Essays in the Study of British Imperialism* (London, 1973).

³⁴Lonsdale and Berman, "Coping with the Contradictions," 490.

articulation of modes of production must form the basis of the analysis of the development of colonial social relations; (2) that the dynamic of contradiction is central to the process of articulation; (3) that the colonial state - a branch of the capitalist state in the core - is not the tool of the metropolitan bourgeoisie or the local settler class but has the specific task of grappling with the contradictory tendencies of the development of the capitalist mode of production in the colony; (4) that the evolution of colonial law reveals much about the evolution of colonial social relations, the contradictory nature of those social relations and the historical process we have been calling underdevelopment; and, (5) that it was "pressure from below"³⁵ - the responses and actions of the lower classes of precolonial and colonial social formations, as they sought to resist the impoverization that accompanied incorporation into the world capitalist system - that was at the core of the historically changing legal forms, forms of state and conditions of capitalist accumulation in the colony. Some of these themes are only weakly articulated in the literature while others receive more extensive treatment. By exploring the significance and the interrelatedness of these themes and by raising questions about them, it is hoped that future research and thinking will be generated.

The Articulation of Modes of Production. In spite of its many problems,³⁶ this increasingly dominant approach to the study of underdevelopment has yielded valuable insights into the ongoing economic, social and political history of Southern, Central and Eastern Africa.³⁷ Since we touched upon this theme earlier, our comments here are brief. The researcher should keep in mind that articulation can take a variety of forms or shapes across space and time and that within one social formation over time articulation may pass through several stages or phases. The shape, structure and dynamic of the process of subsumption by capitalism will depend upon: (1) the historically changing needs and technical capabilities of core capital (which reflects the level and intensity of the class struggle in the metropolis, and the nature and intensity of competition between branches or fractions of capital in the metropolis and between national capitals); (2) the internal structure and dynamic of the preexisting precapitalist modes of

³⁵See Fred Cooper, "The Problem of Slavery in African Studies," *Journal of African History*, 20, 1 (1979), 103-125.

³⁶See Foster-Carter, "The Modes of Production Controversy" and the *Canadian Journal of African Studies*, 19, 1 (1985) devoted to an overview of this literature.

³⁷See, for example, Robin Palmer and Neil Parsons, eds., *The Roots of Rural Poverty in Central and Southern Africa* (Berkeley, 1977); Robin Palmer, *Land and Racial Domination in Rhodesia* (Berkeley, 1977); Colin Bundy, *The Rise and Decline of the South African Peasantry* (Berkeley, 1978); Martin Legassick and Harold Wolpe, "The Bantustans and Capital Accumulation in South Africa," *Review of African Political Economy*, 7 (1976), 87-107; and Gavin Kitching, "Modes of Production and Kenyan Dependency," *Review of African Political Economy*, 8 (1976), 56-74, and *Class and Economic Change in Kenya* (New Haven and London, 1981). Unfortunately, except among French Marxists, this approach has not been applied to other parts of Africa. The present article and the larger work in progress seek to change that. For an early attempt, see my "Contradiction, Crisis, and Class Conflict: The State and Capitalist Development in Ghana Prior to 1948," in I. L. Markovitz, ed., *Studies in Power and Class in Africa* (London, 1987), 27-49 and *Land and Labor in Colonial Ghana* (forthcoming).

production; (3) the predominance of merchant, agricultural, or industrial capital in the colony.³⁸

In spite of the numerous and important differences separating the histories of settler and peasant Africa, what seems to unite them is the interest metropolitan or locally dominant (settler) interests had in blocking the full proletarianization of the African peasantry. At the same time, however, the actions of capitalism tended to erode the base of the peasantry so that proletarianization was always an underlying and threatening potentiality. In South Africa the "alliance of gold and maize" determined that the late nineteenth century process of African peasantization, in response to the demand for food on the mines, would be halted in favor of a process of semi-proletarianization (a structured articulation).³⁹ The Glen Grey Act of 1894, followed by the 1913 Land Act and a series of proclamations modifying customary or precapitalist land tenure law in the African reserves, were among the numerous mechanisms employed (1) to prevent Africans from competing with white commercial farmers for productive land and agricultural markets, (2) to confine African land ownership to the reserves, to the already existing purchased parcels, and to the lands held by the South African Native Trust, (3) to prevent the free exchange of land and the development of land as a generalized commodity and individual and alienable tenure as the dominant form of landholding.⁴⁰ Land allocations on the reserves were controlled by the Chief Native Commissioner who also had the power to fix maximum acreages of allotments, cancel allotments to persons who violated certain regulations and specify allotments required for public purposes or "held to interfere with the interests of convenience of other persons."⁴¹ The prohibition on the free exchange of land and the attempt to use instead a "perpetual quit-rent" system (this applying to the purchased areas and the Trust areas) had as their objectives the blocking of a process of "secondary expropriation" of Africans by Africans and the emergence of a fully proletarianized class of wage laborers. The short-term results were highly desirable: an increase in the out-migration of adult men in search of an income to subsidize the subsistence economy of the reserves where the bulk of the African people had their holdings. The "social security" functions (for the unemployed, the sick, and the old) of the African holdings subsidized capital and provided a very cheap wage labor force. As the Report of the Mine Natives Wages Commission put it:

It is clearly to the advantage of the mines that native labourers should be encouraged to return to their homes after completion of the ordinary period of service. The maintenance

³⁸On the last, see Geoffrey Kay, *Development and Underdevelopment: A Marxist Analysis* (London, 1975).

³⁹See Legassick, in Palmer and Parsons, *Roots of Rural Poverty* (1977).

⁴⁰Lord Hailey, *An African Survey* (London, 1957), 775-778. See also Harold Wolpe, "Capitalism and Cheap Labour-Power in South Africa: From Segregation to Apartheid," *Economy and Society* 1, 4 (1973), 425-456, reprinted in Wolpe, ed., *The Articulation of Modes of Production* (London, 1980), 288-319.

⁴¹*Ibid.*, 775.

of the system under which the mines are able to obtain unskilled labour at a rate less than ordinarily paid in industry depends upon this, for otherwise, the subsidiary means of subsistence would disappear and the labourer would tend to become a permanent resident upon the Witwatersrand with increased requirements⁴²

In colonial Kenya, the challenge was fundamentally the same: to fashion a wage labor force whose social welfare costs or costs of reproduction would be born in large part by the surviving (or revived or newly created) elements of the precapitalist or noncapitalist modes of production. The early practice of allowing African squatters to develop un- or underutilized white-owned land, the 1918 Resident Labourers Ordinance, and the refusal of officials in Nairobi and London to reinforce legally the individualization and commoditization of land in the Kikuyu areas and in the Masai and other areas to which Kikuyu migrated embodied tensions between "change and continuity" or "accumulation and control."⁴³ African (mainly Kikuyu) cash crop production continued to expand in colonial Kenya despite the monopolization of land, credit, certain crops, marketing facilities and political power by the settler community. African agriculture provided cheaply produced foodstuffs to the towns and contributed significantly to export earnings. but this expansion put Africans and Europeans in competition for land and labor and was accompanied by the growth of the commoditization of African land and the erosion of older forms of social and political organization and control. The British dealt with these tensions in part by refusing to acknowledge the individualized nature of precolonial Kikuyu land tenure (the *githaka*) which served a dual purpose: it justified not compensating individual Africans for expropriations and it slowed down the process of commoditization in the African areas. But the process of secondary expropriation continued, as did efforts by the settler community to discipline (i.e., regularize) and, during the Depression, streamline its labor force. This helped set the stage for later unrest.

In colonial Ghana, where, on the surface, there would appear to be few parallels with settler Africa, the aim of colonial policy became the preservation (or creation) of the precapitalist order with regard to land tenure, inheritance, marriage and chieftainship in the cocoa producing areas and also in those areas that supplied cheap migrant labor to the mining and agricultural sectors.⁴⁴ The emphasis here is on "became" because of the two major phases that can be discerned in the British attitude toward important spheres of customary or

⁴²Quoted by Isaac Shapera, *Migrant Labour and Tribal Life* (London, 1947), 204.

⁴³Lonsdale and Berman, "Coping with the Contradictions," 487-492. See also C. K. Meek, *Land Law and Custom in the Colonies* (London, 1946); and Great Britain, Colonial Office, *Report of the Kenya Land Commission*, H.M.S.O., 1934.

⁴⁴On British policies in the North designed to create a migrant labor force, see Roger Thomas, "Forced Labour in British West Africa: The Case of the Northern Territories of the Gold Coast, 1906-1927," *Journal of Modern African Studies*, 14, 1 (1973), 79-103 and Nii-K Plange, "'Opportunity Cost' and Labour Migration: A Misinterpretation of Proletarianisation in Northern Ghana," *Journal of Modern African Studies*, 17, 4 (1979), 655-676.

precapitalist law and social relations. The first phase lasted from the 1820s until about just before the First World War and was epitomized by the actions of the colonial courts where, particularly under the tenure of Chief Justice Sir William Brandford Griffith (1895-1911), every opportunity was taken to reinforce the erosion of the lineage-based land tenure forms in favor of individualized and commoditized forms. Individual and alienable tenure was beginning to assume a dominance in those areas of the colony where oil palm had been planted in the nineteenth century and cocoa in the late nineteenth and early twentieth centuries. When officials discovered the magnitude of the disintegration of the lineage-based forms of tenure - the widespread mortgaging and sale of land in the cocoa districts by Africans to other Africans - a commission was set up to investigate the alienation of African lands.⁴⁵ Its findings, combined with the very rapid increase in the number of chiefs being deposed in the rural cocoa-growing districts from about 1900 onward and sign of increased dependence of rural producers on purchased and imported food items, brought about a radical reorientation in the judicial and administrative apparatuses in favor of the strengthening of what was called "pure native tenure" and the power of the chiefs. As in Kenya, the British refused to acknowledge the existence in precapitalist law of the provision for the outright sale of land by lineage heads and chiefs, thereby redefining in a way that suited imperial interests the nature of precapitalist social organization. Why was it in colonial interests to reinforce noncapitalist forms of social organization? The answer was given in part by the director of agriculture in 1918 when he pointed out that cocoa was produced by peasants in Ghana more cheaply than any other country with which he was familiar because of the peasant's access to free lineage land, his use of family (unpaid) labor, and his continuing production of subsistence food crops.

The ideal to be aimed at in my opinion is moderately sized plantations which can be maintained for the most part by the individual peasant proprietor with his own labour and that of his family; with the further reservation that all his eggs should not be placed in one basket - a doctrine which has been preached by my Department for many years without any appreciable result.⁴⁶

⁴⁵Great Britain, Colonial Office, West African Lands Committee, *Draft Report, Evidence, and Correspondence*, London: H.M.S.O., 1916-1917. This was preceded by an enquiry by Sir H. Conway Beifield into the alienation of land to gold mining companies. Alienation to Europeans was assumed to have been the problem rather than alienation to other Africans. Officials found it difficult to accept that African society had become sufficiently differentiated for Africans to be expropriating other Africans. See Gold Coast, *Report on the Legislation Governing the Alienation of Native Lands in the Gold Coast Colony and Ashanti with Some Observations on the "Forest Ordinance", 1911* (London, H.M.S.O., 1912).

⁴⁶Gold Coast, *Enquiry into the Gold Coast Cocoa Industry: Interim Report*, Sessional Paper No. II (1918/19). W. S. D. Tudhope, Director of Agriculture. Accra: Government Press, October 1918 [reprinted September 1919], 7. See also Tudhope's *Final Report*, Sessional Paper No. IV, 1918/19 (Accra, March 1919) [reprinted November 1919], 12.

Contradictions. It should be clear by now that things did not always work out exactly as metropolitan interests would have had them. In connection with this, it is useful to distinguish two levels of contradiction. The most fundamental (within the colonial context) was the tendency for the actions of capital (proletarianization and semi-proletarianization) to undermine the accumulation needs of settler capital or metropolitan capital as this tendency set up the confrontation or struggle between capital, which sought to maximize its accumulation potential, and labor which sought to resist exploitation.⁴⁷ The second level involved the state's actions. The state's role under circumstances of struggle was to maintain or create the conditions favorable to continued accumulation. More will be said about this shortly. Here it is only necessary to point out that in attempting to resolve the tensions of capitalist development in the colony, old tensions and contradictions were often exacerbated and new ones created. It is becoming increasingly clear, at least to this writer, that at the core of the historical process we have been calling "underdevelopment" lay the specific contradictions of capitalist development in the colonial context, the specific ways in which the state sought (or seeks) to grapple with these, and the distortions that resulted. This requires some elaboration through concrete example.

While the immediate or short-term results of state actions in South Africa were desirable in that they helped to yield up a cheap and only partially proletarianized labor force, by the 1920s and 1930s, highly undesirable effects were beginning to rear their heads.⁴⁸ So overcrowded were the African reserves and so exhausted and eroded was the soil that by this time that they provided not even a subsistence for the populations that resided there. More and more income was needed to subsidize the rural economy, to prevent the further impoverization of the people. Moreover, in spite of laws and regulations designed to prevent the secondary expropriation by small African capitalists on the land, this process was continuing. Much to the alarm of whites, officials found after the Second World War that more Africans were living off the reserves than on them and that residence off the reserves was becoming permanent for many. The 1940s was, not coincidentally, a period of intensified labor unrest and nationalist militancy among Africans in South Africa as the wage earner's wage had to cover an increasing percentage of the costs of reproduction of not just his labor-power but that of his family on the reserves. Increasing rural poverty intensified urban poverty, in other words, and, as Wolpe points out, "This twofold effect of capitalist development tends to generate conflict, not only about wages, but about all aspects of urban and rural life and to bring into question the structure of the whole society."⁴⁹

The transformation of the South African state's form of political and ideological control and domination, from "segregation" to "apartheid," was an attempt to come to grips with the contradictory tendencies of the South African form of capitalist development. In order for capital to continue to accumulate, it

⁴⁷See Lonsdale and Berman, "Crises of Accumulation," 58.

⁴⁸Wolpe, "Capitalism and Cheap Labour-Power," 301-307.

⁴⁹*Ibid.*, 308.

was essential that a variety of social and economic relations be adjusted. This included tighter controls on the mobility and residence of men and the introduction for the first time of controls on the mobility and residence of African women who were also now fleeing the impoverished rural areas in search of wage employment. The Tomlinson Commission (1956) would later report that only a massive infusion of capital into the African reserves would prevent the further deterioration of agriculture and the impoverization that made migration necessary. Its recommendations were rejected not because of the money that would have been necessary to reverse the decline of African agriculture but because of the necessary transformation of social relations in African agriculture and in the larger South African economy the implementation of the recommendations implied. If, as the Commission recommended, half the African population was to be resettled permanently off the reserves and integrated fully into industry and commerce, and if those who remained on the land were to be given the wherewithal to expand agricultural production, a radically different set of conditions for capitalist accumulations would have been established that would have unleashed precisely those kinds of tension that capital and the state were attempting to avoid - a powerful African wage labor force in confrontation with capital.

The Role of the State. We have already indicated what we believe to be the role of the state in the development of capitalist relations of production in their various forms. Two further points can be made here. The first is that while in the beginning we can perhaps look upon the colonial state as "superimposed," as capitalist relations take hold, the state's apparatus (its administrative, judicial, ideological and coercive spheres) begin to be shaped by the specific tensions and contradictions generated by capitalism's development in that particular social formation (i.e., the class struggle or the struggle of indigenous peoples against incorporation, subordination and impoverization). Therefore, and secondly, the state is, as Lonsdale points out, "social process." It undergoes transformations and it is marked by definite historical periods when its form changes. These changes occur when previous forms of political control and domination are incapable of grappling with social tensions and crises and when the very basis of society is called into question.

In Ghana in the 1930s colonial officials searched frantically for a new form of state that would contain what were essentially pressures for democratization of rural political structures dominated by indirect rule chiefs. A resolution, or, so it was believed, was found in the incorporation of the most vocal and seemingly politically dangerous elements of the rural population into a reformed Native Authority system. This process continued into the 1940s and the Governor made quite explicit its aim:

I am a great believer in the value of Native Administrations, and feel that these administrations are strengthening themselves very greatly by introducing into their Councils and Finance and other committees a number of younger and progressive elements of the population as they have done in a large number of cases in the colony. Such a step strengthens -

not weakens - a State Council [of chiefs]. It gives those better educated persons apart from the traditional rulers, an opportunity for more direct participation in the administration of their country, and it provides a useful outlet for the constructive energies of responsible men who might otherwise take up an attitude of irresponsible opposition to the traditions of native administration.⁵⁰

The point here is that in order to contain the pressures for radical change (not just in political affairs but in the organization of rural social relations as well), the colonial state's form was altered and its apparatuses restructured. No longer was "native administration" the means by which control was sought but "representative government" and "economic development." However, so profoundly had the crisis of the 1930s altered rural social relations that nothing short of political independence would relieve some of the social and political tensions in Ghana.

Colonial Legal Forms. In recent years, legal and other scholars have turned their attention to the legal context of colonial rule, not only to what was clearly "introduced" or capitalist law but to African "customary law" as well.⁵¹ Neither legal system (like neither capitalist nor precapitalist mode of production) existed in pure form. Together they were a part of an ongoing evolution of colonial social relations of production. Some laws sought to shape or create social relations advantageous to accumulation and control while others sought to contain tendencies that were disadvantageous to accumulation and control. Customary law was redefined and reconceptualized during the colonial period and should no longer be referred to as customary but perhaps as "colonial," as Martin Chanock points out, and hence capitalist. The whole arena of colonial law in connection with the social relations they expressed or sought to express remains largely unexplored. With respect to land tenure relations, conveyance, marriage and inheritance, most African countries today operate under a legal system that generates rural impoverization and flight, agricultural stagnation, semi-proletarianization, and the exploitation of women as cheap labor-power. The extension of capitalist relations in their pure form is not the only direction in which change can possibly proceed. Marxist legal scholarship has long recognized the "homology between the logic of the commodity form and logic of the legal form" and that legal forms are not mere epiphenomena.⁵² Marxist scholars of

⁵⁰Gold Coast, Legislative Council, *Debates* (1942). Quoted by K. A. Busia, *The Position of the Chief in the Modern Political System of Ashanti* (London, 1968), 159.

⁵¹See Martin Chanock, "Neo-Traditionalism and the Customary Law in Malawi," *African Law Studies*, 5 (1978), 80-91; and Francis Synder, "Law and Development in the Light of Dependency Theory," *Law and Society*, 14, 3 (1980), 723-804, and *Capitalism and Legal Change: An African Transformation* (New York and London, 1981). See also Martin Chanock, "Making Customary Law: Men, Women, and Courts in Colonial Northern Rhodesia," in Margaret Jean Hay and Marcia Wright, eds., *African Women and the Law: Historical Perspectives* (Boston, 1982), 53-67.

⁵²See the writings of the Soviet legal scholar Pashukanis in Piers Beirne and Robert Sharlet, eds., *Pashukanis: Selected Writings of Marxism and Law* (New York and London, 1980).

underdevelopment and social transformation must also come to realize the importance of studying the role of law in systems of social relations.

Pressure From Below. This final theme is implicit in all those that came before. It is not an innovation to suggest that African history, precolonial, colonial and post-colonial, has moved forward in response to direct and indirect pressures from the poorest and most degraded for survival or advancement. We may not be pleased with the form the struggle takes and may be disappointed in the outcome of the pressure, but we must recognize the struggle nonetheless. The recent work on domestic slavery in pre-colonial Africa has yet to form the basis for systematic analyses of the history of the development of colonial (and post-colonial) social relations, yet it is clear that at the heart of most twentieth-century struggles in peasant Africa (including the struggle for independence) have been struggles against the perpetration and intensification of servile forms of labor. It was, after all, upon the precapitalist basis of the exploitation of the labor-power of slaves, pawns, and others in bondage that many cash crop economies developed. Until we begin to work forward from this basis, with all the difficulty involved in its accurate reconstruction, we will only be skimming the surface and distorting both the past and present of African history.

Concluding Remarks

An attempt has been made in this paper to wed the literature on the social relations of capitalist development in Africa with the literature on the role of the state in an effort to come to a fuller understanding of that process we call "underdevelopment." It has been argued that the state in its historically changing or developing forms must be seen as an integral part of social relations in Africa and that these social relations are characterized by a combination of capitalism with precapitalist modes of production. Sketches based on the history of capitalist development in settler and peasant Africa point to the key role of the state in "freezing" or blocking the full proletarianization of the labor force. The state has had to intervene to engineer the types of social relations deemed most suitable to local social and political control and to the accumulation needs of metropolitan capital. It has also had to intervene to cope with the consequences of the development of capitalist relations - as these often tend to proceed in spite of state intervention to block them - and with the unintended consequences of its own attempts at social engineering.

Much of the emphasis here has been upon land tenure arrangements and rearrangements during the colonial period. Officials in London and in the colonies knew how fundamental a "communal" or corporate basis of landholding was to the provisioning of a labor force that was not completely free. But they were also aware of the need to reinforce the legal powers of male elders over women and young men. It was one of the primary objectives of "indirect rule" to uphold what one member of the West African Lands Commission called the "family system." In essence this was the legal right of the elder to control the labor power of his dependents - wives, daughters, unmarried sisters and nieces, and of his sons, younger brothers and nephews, depending of course on whether the system of descent was patrilineal or matrilineal. In peasant Africa, this

dependent labor force was essential to cheap cash crop production. In settler Africa, the dependent and subordinate position of wives, in particular, was crucial to the social security functions of the reserves.⁵³ Landholding arrangements and labor relations are, of course, intertwined. The main thrust of this paper has been to point to the connection between relations of production in the periphery and in the state, and capital accumulation in the metropole.

⁵³See Hilda Bernstein, *For Their Triumphs and Their Tears: Women in Apartheid South Africa* (London, 1985).