

## The Effect of the African way of production Upon the Connection Between State and Society

With some delay, the recognition in modern literature on state law is becoming more and more definite as to interpret the development of statehood of countries freshly liberated from colonialism together with problems of the Asian way of production. This delay can hardly be interpreted since debates about the Asian way of production growing into a more generalized discussion of general theory of formation had already been going on much earlier. The consequences were attempted to be built in scientific results by writers on state law only in the eighties in spite of the fact that these offer a re-interpretation of some basic problems of state law in several aspects. The process of formation of a statehood, the analysis of the relation between state and society can be enriched with new attitudes, the basic categories of the system of states can be changed in the light of the Asian way of production. Up to this time Hungarian state law in general neglected the study of statehood of developing countries both as an attempt to adapt the theoretical considerations coming from this and on the level of a concrete analysis as well.

It is rather difficult to insert relatively new problematics stepping over the previously mentioned approach into the thematics of a state theory, with a normativist view as a basis, which mainly prefers structural relation of the state. For a long time the theory of state dominated in the vulgar materialistic view of history regarding social formations as there are slave holder, feudal and bourgeois class societies. Consequently the state of the Asian way of production has not undergone any analysis, the speculative category of Chinese feudalism being applied instead.

We can state in general that the whole system of principles in the theory of state is characterized by a special "Europecenteredness" — however, on this basis no processes going on in other geographical regions can be exactly interpreted. Thus inserting this problem into the theory of state is a marked change of views, an enrichment of topics furthermore it means a more marked and rapid application of the results of philosophical, economic and sociological resarches. The first steps on this way have already been taken in the special literature on the theory of state in Hungary.<sup>1</sup>

Carrying on these statements one has to attempt to answer some freshly arising questions. Namely, which of the developing countries are influenced by the correlation of the theory of state and the Asian way of production, furthermore, when this is not wholly applicable to interpret the problem of statehood, where are we to start form? In our contribution we are trying to emphasize the consequences in the theory of state, but naturally the catego-

<sup>1</sup> On the deductions of Asian way of production in theory of state: *Varga Sobján* László—*Visegrády Antal*: Az állam keletkezésének kérdései az ázsiai termelési mód kapcsán. *Állam és Igazgatás*. 1978. 3. sz., *Samu Mihály*: Bevezetés az állam- és jogtudományba. Tankönyvkiadó. Bp. 1982. 212. p.; *Antalffy—Samu—Sztódczky*: Állam- és jogelmélet. I. K. Tankönyvkiadó. Bp. 1987. 416. p., *Visegrády Antal*: Az ázsiai termelési mód államelméleti összefüggései. Valóság. 1987. 2- sz.

ries, deductions having been shaped in detail in other branches of social sciences are being taken as a principal basis.

Already in the sixties when debates in connection with the Asian way of production flamed up in marxist theory it was recognized that the scheme of development in primitive community, slavery and feudalism can hardly be applied e.g. for Africa.<sup>2</sup> There is a chance to describe the development of society in Africa by adapting the Asian way of production to Africa. However, analyses stressed that the historical way of development of African societies, besides main characteristics of the Asian one, shows some specificity, so the Asian societies described by Marx represent one, the African another variety of the same way of production. Some views have also appeared (Sair and others) that any society must go through three consequent stages of development; it gets to the period of realization of communism via primitive communism, then taxing and capitalist ways of production. Thus the taxing way of production has grown into a general category. This social formation is regarded by Amin as a basic way of production, which can be characterized by phenomena like a marked development of the forces of production, an agricultural production ensuring rich surplus of products, a more developed distribution of work, a social division formed on an economic basis, and a well-developed state growing out of the villages.<sup>3</sup> Therefore the taxing way of production is a much wider category than the African or Asian way of production, moreover, in this respect Amin ascribed only a minor role to the slave holder way of production and regarded the feudal one only as a variation. This category has not been widely accepted since the particular characteristics could not appear as a whole in all the regions and formations.

After a long period of discussion the conception of the African way of production appeared in Hungarian and international special literature.<sup>4</sup> It seems logical to suppose that differences existing in the model of this way of production serve as a basis for differences in the formation and development of state and among others these interdependences make for us possible to deduce on the characteristic phenomena of the political system and state of the African society.

In present time Africa the problem of statehood, the relation of state and society comes afore extremely strongly. To illustrate this it is enough to mention that while before the second World War there were only two independent states on the Continent: Ethiopia with her thousand years of tradition and Liberia founded in the XIX century now Africa has 53 sovereign states and there are hardly other bigger territories lacking independence with the exception of Namibia. In the majority of countries the formation of statehood happened nearly in the same period: at the end of the fifties and in the early sixties or in the mid-seventies following the collapse of the Portugal colonial state. From this follows that in most of these countries the problems of statehood appear simultaneously and in a concentrated form. In later phases of development there happened a marked differentiation in the young states embodied in their different choices how to alter society. Besides countries on the continent with a definite and overwhelming capitalist orientation there appeared a group of states working on a socialist re-shaping of society and another group representing the so

<sup>2</sup> Jean-Suret *Canale*: A Trópusi-Afrika hagyományos társadalmi. (Az ázsiai termelési mód a történelemben.) Gondolat. Bp. 1982. 537—562. p.

<sup>3</sup> Samir, Amin: Osztály és nemzet. Fejlődés—Tanulmányok. 2. k. Bp. 1983. 542. p.

<sup>4</sup> The different theoretical approaches on the issue are introduced in detail as by: *Katona* Emil: Társadalmi-gazdasági formációelméletek és érvényesülésük Kelet-, Délkelet-Afrikában. Egyetemi Szemle, 1984. 4. sz. 77—78. p. Továbbá: Történelmi átmenetek és átmeneti társadalmi. Fejlődés—Tanulmányok. 2. k. Bp. 1983. 542. p. Östársadalom és az ázsiai termelési mód. Szerk. *Tőkei* Ferenc. Bp. Magvető. 1982. 729. p. *Agh* Attila: Afrikai termelési mód? Valóság. 1969. 10. sz. 18—29. p.; *Agh* Attila: Kereskedők és misszionáriusok Afrikában. Világosság. 1980. 11. sz. 689—695. p.

called noncapitalist development. However, it seems that in spite of political aims and programs with quite different content, in most of the states we can experience mostly similar general characteristics as to the connection between state and society.

In his monography on African states of the elements determining the political, legal system of contemporary African society Professor Gonidec first of all emphasizes the far-reaching effect of the colonial system.<sup>5</sup> Perhaps it is more reasonable to look for deeper roots, to go back to the basis how the African social structure was formed. A good tool here is to interpret the way of production in Africa coming from the disentangling of the primitive communism, because the influence of this upon the structure of African societies largely is to be felt even today in the correlation of state and society.

This observation is mainly valid when we examine the continuity of the development of state structure. In this respect we can say with large degree of certainty that for further development the period colonisation has not had lasting effect. Colonial administration had worked as a rationally organized, centralized, unified mechanism although there were some differences in the practice of the particular colonial states. In 1937 in French West Africa there worked 385 colonial officers in a territory with 15 million people.<sup>6</sup> In the colonial period mostly the higher level of directing the society was formed while, on the contrary, on lower levels, especially in the British colonial administration traditional forms and frames of social organisation prevailed, that is, the state had not invaded the basic units of society. Therefore some extremely important characteristics in the connection between state and society formed already in the period earlier than colonisation. The fact that this could be felt for such a long time does not mean at all that the African societies are unchanged, hard to move but testifies that the main elements of the basic structure of this connection have not been modified even today. That's why one has to return when examining the present time state development of the African states to the peculiar way of production serving as a basis of the formation of states.

From the point of view of society, pre-colonialized Africa could boast with the agricultural village community as having the highest developed structure. The central element of the social structure is land, what is also the most important tool and object of work. Under these conditions forces of production had direct social character. This is what also determined the main features of appropriation, thus instead of property the central category was possession expressing the appropriation of Nature by men, the human societies. These relations were uniquely combined with the power, administrative form of the society and together ensured the reproduction of society. These were the conditions under which in precolonial Africa the class- and political relations began to form, the antagonistic social relations, exploitation appeared while the agricultural village communities were preserved. But this process took place under peculiar conditions and relations. At the beginning the status of a man in a village community was not determined by his wealth, but it was a so called social status, namely his place held in the power relations. These latter in society were realized in human contacts as a peculiar kind of oppression but this was not yet exploitation — only its rather important precursor. The appearance of exploitation was evoked by the accumulation among the upper circles of society according to which the material values were obtaining a more and more important place in the value order of the society. The possibilities of accumulation were widened by the territorial expansion. To extend the power of larger communities over ethnically alien ones resulted in a double effect. A peculiar African form of slavery had been formed. Among its main characteristics it was important that under

<sup>5</sup> *Gonidec P. F., A. Bockel: L'Etat africain. Paris. Librairie général de droit et de jurisprudence. 1985. 362. p.*

<sup>6</sup> *W. Tordoff: Government and politics in Africa. 123. o. MacMillan. London. 1984. c42. p.*

the conditions of a lower level of productivity the captured enemy had the same rights as any other member of the community: he was first of all a new work-force for group community. Where productivity was higher the situation basically differed; the surplus product was taken away from them for the community — they got only a minimum value to secure maintaining their lives. As a new social power the aristocracy appeared; privileged groups began to be formed, whose legal status was somewhat similar to that of the feudal aristocracy in the Middle Ages.

As a result, besides relations characterizing natural social communities, which relations have further remained dominating for the whole of society, there appear new relations, quite alien, expressing an antagonistic form of combining labourers and means of productivity<sup>7</sup>. The full development of social antagonisms was hindered by the geographical conditions of the Continent, since the gain of surplus products depended on the ecological system of conditions; all these taken together had an influence on the formation of a state.

Were the inner factors of development of the African society enough and did these consequently lead to the formation of conditions required by the appearance of a state? This is a point where the African and Asian ways of state formation departed. In the classical forms of the Asian way of production the surplus product taken as taxation direct from the labourers yielded a lasting material basis for the formation and preservation of the state, of the state authorities. The existence of the state depended on the incessant reproduction of the material basis, thus the state not only safeguarded but itself organized production, in this way exploitation. Together with geographical factors of the Asian societies the organising function of the state a despotic form and structure of exercising power became widespread.

The question asked somewhat earlier gets — in the case of the African development — a categoric no-answer by scholars of social sciences. In regions south of the Sahara inner sources of surplus production did not make possible, the organization of village communities did not demand, the formation of a state. This statement is in dependence on the ecological conditions of the African continent according to Attila Ágh, since these relations formed such conditions under which it was easy to reach a level of maintaining life but very difficult to get rich surplus product. We are speaking of conditions which did not make possible in Africa an arable economy to be formed — similar to the valleys of the big Asian rivers. This is the fact which hindered the formation of centralised states like in Asia.

The possibilities of a developing agriculture were lessened by a hard soil in the savannah territories and by the running wild flora in the jungles. The characteristic form of African agrarian production has been the method of burning and deforesting, and due to lack of big animal breeding this could not grow into a ploughing way of production yielding larger productivity. The development or rather the underdevelopment of African agrarian society was basically determined by this, the weak distribution of labour for a longer time and the backwardness to be felt even today must be explained this way.

As there had been inadequate inner sources, besides the inner differentiation of the society the impulses required for the formation of a state were: commerce, subduing, expansion. In Africa the economic role of the state was centered first of all on organizing and protecting trade, mainly goldselling. Here as well the material basis of its work and maintaining is exploitation through taxation, but its source is the gain of surplus coming from long-distance trade.

The geographical place, the distance of a given region from the main routes of trade were important factors of the formation of statehood in Africa. Ancient Ghana, one of the

<sup>7</sup> *Kiszjeljev, G. Sz. : O formacionnoj prirode dokolonial'nih obscesztv Trepicseszkej Afriki. — Narodü Azii i Afriki 1986. No 2. 66—74. p.*

strongest states of the X—XIII centuries, besides having a well organized administration and army also worked out a developed method of taxation. Owing to her distinguished place in the Trans-Sahara trade routes, the state treasury regularly got a customs income. Mali state was fairly stable largely owing to — besides flourishing trade — gold mines in the southern part of the country.<sup>8</sup> Expansion, conquering had similar role since dominating some regions, nations also meant increasing sources of taxation.

The model of the African way of production was shaped by these conditions and its essence, its main point was the twofoldness as described by some researchers. This means that one pole was the state, controlling trade and drawing taxes from it, and the material basis of its existence was gaining as much as possible from incomes coming from trade. On the other level of society the agricultural village community, hardly earning its living from natural economy lived on undisturbed. This polarisation of the society was somewhat stirred by a capitalist way of production appearing with colonisation, but it could not be basically changed.

The main elements of this way of production: the land being a common property, the village community has been maintained almost unchanged for centuries. The existence of the African way of production is a reality of our time. From this follows that the social composition of African societies hardly changes. In 1980 66,8% of the economically active African population worked in agriculture. This percentage was still 76,6% in 1960. But changes vary according to countries and regions.<sup>9</sup> The social composition is quite different in the North-African and South-African regions from e.g. in Tropical Africa where the African way of production has deep roots.

The backwardness of agricultural production is not only an economic problem; the unchanged character leads to very rigid social and political relations. It hinders the mobilisation of society. The strikingly small number of agricultural hired labourers, which, with the exception of North Africa, Mozambique and Angola hardly reaches 10% testifies that in regions of Tropical Africa production within the frames of a family remained the typical form of production<sup>10</sup>. And this production is going on at a very low level. A good illustration of this is that according to FAO statistics in Asia 50 p.c. of the energy required by agricultural production comes from animals, while the same percentage in Africa is merely 7 per cent.<sup>11</sup> Other data are convincing as well

	Arable land	No. of tractors (10 000 ha)	Amount of manure (q per Ha)
Africa	1,8	7	4,4
Asia	28,0	45	45,4
South America	6,1	57	38,8

The survival of village communities for a longer time, what is regarded by Ferenc Tőkei inevitable for a further development of the third world as a whole, preserves the

<sup>8</sup> N.-Lante; Wallace-Bruce: Africa and International Law- the Emergence to Statehood. The Journal of Modern African Studies 1985. 4. 576—602. p.

<sup>9</sup> Afrika: enciklopedicseszkij szpravocsnik. M. 1985. „Szov. Enc.” 100. p.

<sup>11</sup> Conditions of work and the working environment ILO Geneva. 1983. 76. p.

<sup>10</sup> Development Digest vol. XIX. n. 4. Oct. 1982. 122. p.

system of correlations between state and society<sup>13</sup>. The twofold African society survives unchanged in our time, although there are formal differences.

Political scientists, theoretical researchers of the theory of state are very often looking for inner and outer causes of the inertia, weakness of the African states. The real situation of some African states due to inability to be governed, discrepancy between ethnic and political borders, economic reasons supported a view according to which — having in view the generally accepted criteria of the state — these cannot be regarded, either in the long or in the short run, as a state.<sup>14</sup>

These marks can be regarded much more as consequences, and the cause of the ineffectivity of the state are to be looked for in the basic structure of the relations of state and society, which were formed as functions of the prevailing way of production. Even today the functioning of the state hardly has any effect upon the majority of the society. In consequence of the way of production, the conserving effect of village communities there is no organic connection, no effective interaction between state and society. In this situation there is an enforced role of African states, namely, to be a motor of development in the society, to try to mobilize all the resources necessary for the development of society. However, from the point of view of a social basis for the state, this attempt seems to be a failure.<sup>15</sup>

The existing barriers of the society-shaping, modernizing activity of the state are more and more apparent. "State-centered" conceptions demanding independence, where the role of state in economic, political processes is absolutized in forming integration have been re-evaluated markedly just upon the effect of social facts. Researchers of different views and outlooks are inclined to accept the paradigm of state and society being separated. A state separated from society is unable effectively to influence the relations while the population expresses its separatedness by movements against the state, emigration or autarchic seclusion. General strivings for a marked centralization of power what equally characterizes states with different social orientation have very often opposite effect and — together with other factors — lead to unstable power.

The marked domination of state in African societies is an enforced situation coming from the lack of social grounding of the relation. Taken separated, neither economy nor state are capable to solve this situation, as is proved by facts of present time development. An evolution, also using traditional forms of social organization, is necessary, by which the two poles of society can be extinguished, a coupling mechanism between state and society formed. Traditional institutions and ideologies may play very important role here; their social importance, due to their authority, has largely increased in our time<sup>16</sup>. Modernized forms of traditional economic, social cultural structures, among them village communities with elements of self-government, can largely contribute to a deeper change of society when they exert effect together with state organizations.

<sup>13</sup> *Tőkei Ferenc*: A „harmadik világ” fejlődésproblémáinak történeti alapjairól. T. Sz. 1981. 7. 24—31. p.

<sup>14</sup> *Robert M. Jackson, Carl G. Prosberg*: Why Africa's weak states persist: The Empirical and Juridical in Statehood. *World Politics* 1982. oct. 1—25. p.

<sup>15</sup> *V. Azarya*; Charan: Disengagement from the State in Africa: Reflections on the Experience of Ghana and Guiana. *Comparativ studies in Society and History* 1987. 1. sz. 106—109. p.

<sup>16</sup> *V. Khoros*: Politics and traditions (Countries of the East: Politics and Ideology) M. 1987. 182. p.