

BRIEFLY NOTED

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Colin Baker and M.J. Balogun, eds., Ife Essays in Administration. Ife Ife: University of Ife Press for the Institute of Administration, 1975. 187 + viii pp.

The eight essays in this volume were written to commemorate the tenth anniversary of the founding of the Institute of Administration at the University of Ife. They deal with the theory of public administration - bureaucratic growth, management techniques, developmental expertise - and its practice - relations between legislature and executive, communications, income taxation, the foreign service, and program budgeting. Excellent as far as they go, their deficiencies appear to lie in what they omit - in what has been banished from public administration in order to give it the appearance of a technocratic science. There is nothing on: the growth of a bureaucratic bourgeoisie as a potential new elite, with its own class interests which may inhibit development as well as contribute to the continuing impoverishment of the rest of the nation (though this phenomenon may be more pronounced in East and Central Africa, which were often relatively egalitarian before, and even during, the colonial period, than in West Africa, which had indigenous patterns of stratification); corruption, which is rampant in all developing nations, and few places more so than in Nigeria; the political regime within which the administration operates - which has been a military dictatorship since 1965; tribal tensions, notorious in Nigeria, and exacerbated by competition for places in the administration, and favors from it. By ignoring these issues, administration may become exact, but it is also likely to become trivial.

W. Clifford, An Introduction to African Criminology. Nairobi: Oxford University Press, 1974. 226 + xi pp. Shs. 45/- (paperback; East Africa only).

This is undoubtedly the most exhaustive compilation of data on crime in Africa we currently possess. Unfortunately, there is not much competition; the few other contemporary surveys - Robert Seidman's, A Sourcebook of the Criminal Law of Africa, (1966); Alan Milner (ed.), African Penal Systems, (1969); Marshall B. Clinard and Daniel J. Abbott, Crime in Developing Countries: A Comparative Perspective, (1973) - are directed at a different audience (lawyers), or a more limited issue (penal policy; the ethnography of crime in a single country). Clifford is extremely thorough in his coverage of the anthropological literature and in his collection of the ephemera on this subject - occasional papers delivered

at conferences and never published; unfortunately, the scholarly value of this diligence is somewhat diminished by the absence of a bibliography - or even a list of suggested readings for the student in the introductory course at whom the book is ostensibly directed.

Clifford is also extremely well qualified to write such a book. As Commissioner for Social Affairs in what was then Northern Rhodesia, and later Principal of the Oppenheimer College of Social Service, subsequently the first constituent college of the University of Zambia, he has first-hand knowledge of crime, and conducted and published some of the earliest research on that subject in Africa. He has since been associated with United Nations activities in the area of crime control, and in particular with its Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in Tokyo.

But that background also appears to be a source of his limitations. These begin with his very traditional conception of crime, which focuses on homicide, sexual offences, property offences, and juvenile delinquency. While he recognizes the presence of "graft, corruption, and white collar crime," and its potential costs to the economy, he accords that subject only three out of two-hundred and twenty-three pages - the same space devoted to incest as a criminal problem, and less than that devoted to drug consumption. His explanation for crime is equally traditional: "crime is associated with social mobility, population densities, family instability and urban growth" (p. vii). "Dense population, increasing commerce and material possessions, all make crime easier to commit and more difficult to prevent or detect." (p. ix). Given this identification of the problem and its causes, we should not be surprised that he urges that "we need to devise now the measures which are necessary to prevent as many offences as possible, to reform offenders effectively and to ensure that measures are adequate to segregate and neutralize those criminals who are unlikely to respond to the best efforts made on their behalf." (p. xi) Therefore, "if Africa could provide itself with the elaborate crime control and prevention services common to affluent nations then it could keep its crime rates at a lower level than they are and so reduce the undesirable by-products of its struggle to advance materially." (pp. vii-ix) At which point he gives the whole game away in a footnote: "This assumes, of course, that such services are really effective preventatives in the developed countries - an assumption that rising crime rates may not support." (p. ix n. 3).

This theoretical framework takes little or no account of the critical criminological literature of the last decade, which has fundamentally challenged most accepted notions. At base, the limitations in Clifford's conception of crime may derive from an overly simplistic view of society and development. The problem of development, for him, is "to augment and generalize economic improvements - to increase production and to give the majority of the people a greater share of a higher national income." (p. viii) While few would differ with his objectives, they might be surprised at his failure to acknowledge our growing awareness that economic growth is not synonymous with more equitable distribution of wealth, and indeed, seems to be antagonistic to that goal, at least in the developing nations. It seems to be untrue that "concentration on the improvement of living standards can also be regarded as a vast programme to prevent that amount of crime which has its roots in ignorance and deprivation" (p. ix) because development has generally meant the improvement of the living standards of the few at the expense of the many - and therefore an aggravation of that stratification which is a major cause of crime. In this view, crime is not a mere "undesirable byproduct" of development, but it inevitable concomitant. Unless we realize this, our conception of crime, and therefore our response to it, is going to be facile and futile.

Adebayo Adedeji and Goran Hyden, ed., Developing Research on African Administration: Some Methodological Issues. Ile Ife: University of Ife Press, 1974. (Management and Administration Series No. 4). 199 + xiii pp.

These ten essays deal with such topics as : cross-national comparison, case studies, participant observation, quantification, documents, historiography, and Francophone Africa. They were stimulated by an awareness of the flood of literature on public administration in Africa (eighty titles a year between 1970-74), and an awareness that much still remained to be done. They will undoubtedly be useful to students of public administration, and yet I remain skeptical about the value of methodological essays: does public administration have a methodology all its own, distinct from that of the social sciences generally? Does anyone read such essays, except those who are about to engage in research? And are the latter helped by the "how-to" books, or do they try to forget those strictures as soon as possible? Could it be that scholars engage in methodology because they don't have anything more important to say? As Poincare jeered: "Physicists have a subject matter, but sociologists only study methods."

Jacques Vanderlinden, An Introduction to the Sources of Contemporary African Laws - Independent Sub-Saharan African. Belgrade: Institute of Comparative Law and the International Association of Legal Sciences for UNESCO, 1975. 137 pp.

This is an invaluable introduction to the sources of law in Africa: treaties, legislation, case law, and legal writing. It is fully bi-lingual (French/English), and indexed by country (and trans-national region), and source of law. For those countries with which I am familiar it seems quite comprehensive, including both a listing of journals published in the country, and bibliographies of scholarly writings about the legal system of that country. It will be a useful companion tool to Allott's Judicial and Legal Systems of Africa (2nd ed.), and Rubin and Cotran's Annual Survey of African Law. It should be in every library. Hopefully, it will foster intra-African cooperation in legal scholarship.

Philip M. Mbithi and Carolyn Barnes, The Spontaneous Settlement Problem in Kenya. Nairobi: East African Literature Bureau, 1975. 192 pp.

The phenomenon of squatters - here referred to as spontaneous settlement - is one of considerable magnitude in Kenya, as in many other African nations, and developing countries elsewhere. The authors of this book estimate that in 1969 there were approximately 300,000 squatters in Kenya. Furthermore, there are presently 150-200,000 potential squatters - persons without land or jobs who, in the future, may be compelled to seize land in order to survive. And finally, the educational system is turning out an additional 15,000 unemployed persons each year, many of whom will contribute to the problem.

This is not a new problem, nor are squatters a homogeneous group. Arab and Swahili landowners along the coast have long leased land under customary law to members of coastal tribes, who thus become tenants-at-will. And of course it is notorious that the white settlers in the Kenya highlands sought squatters as an extremely cheap source of labor for their farms. The residue of both of these institutions remains, and to it has been added new varieties. The program of land consolidation and registration has created another landless category, and will continue to do so, unless the minimum acreage requirements are relaxed, as may already be happening. The governmental policy of favoring large-scale "progressive" farmers, and of providing them with cheap labor, also requires the creation of a landless class - whose members are compelled to look for land for their own support if the "progressive" farmer turns out to be ill-equipped to

use their labor profitably. And finally, neither urban nor rural employment is growing as rapidly as had been expected, partly because it appears to be in the interests of both foreign investors and the small unionized sector that industry be labor-intensive.

The authors, the head of the Department of Sociology at the University of Nairobi, and a Ph.D. candidate at Michigan State University, discuss all of these issues thoroughly. In addition, they have conducted three careful case studies of spontaneous settlements in Ukambani, Eastern Province, which give flesh to the statistics. They conclude, not surprisingly, that the problem is not going to vanish, and will certainly get worse. Some commentators have emphasized the poor distribution of people to land in Kenya, and argued that the nation can comfortably support a much larger population. It is certainly true that some areas are underutilized. But against this, other evidence must be considered. Most of the land in Kenya is arid: no more than 17% can be used for farming without irrigation. Some areas are presently carrying much more than their long-term capacity (parts of Central and Western Provinces). Mbithi and Barnes are convinced that optimum reallocation of the existing population, mainly to the Rift Valley and the Northern Coast (where many may not want to go), would still leave some persons landless, and that in a generation this situation will become far more acute.

The implications of this fact, and of the likely increase in spontaneous settlements, are numerous and depressing. Overpopulation will lead to poor land use. One result will be a waste of scarce natural resources, and a depletion of the soil. The land will not produce as much food as it could, aggravating food shortages and contributing to a fall in exports. New settlements will aggravate tribal tensions between immigrants and those with a "traditional" claim to the land (as has already happened in many areas), and between an increasingly rigid landed class and the growing body of the landless. Those unable to find places to settle will move to the cities, creating situations common in Asia and Latin America, if not yet in Africa. The authors have no simple solution to propose. But they do favor the recognition and legalization of existing settlements, and the provision of social and technical services - an approach increasingly common in other areas of the economy as international advisors and national planners come to appreciate the vitality and "rationality" of the "informal" sector.

J.A.M. Khumalo, Civil Practice and Procedure in all Bantu Courts in Southern Africa. Cape Town: Juta, no date (c. 1969). 241 + xxii pp. Rand 25.00.

The title of this book is completely descriptive: it is a gloss on practice and procedure in the Chiefs' and Headmen's Civil Courts, the Bantu Commissioners' Courts, the Bantu Appeal Courts, and the Bantu Divorce Courts. Its model is an apparently well-known treatise on Magistrates' Courts in South Africa, and its sources are the rules of court (which are reproduced), relevant statutes, and innumerable judicial decisions. The author is presently judge of the High Court of Swaziland, and has been a Magistrate, Bantu Affairs Commissioner, and Clerk of the Durban Bantu Affairs Commissioner's Court. It gives every appearance of being thoroughly exhaustive, and provides the user with forms, a table of cases, and an index. It will undoubtedly be invaluable to any practitioner in these courts (although no information is given on how often lawyers appear in them), and to the clerks and judges.

Perhaps the most illuminating commentary on the book is contained in the Foreward by E.J.H. Bates, President of the North-Eastern Bantu Appeal and Divorce Court: "This publication is all the more praiseworthy for, so far as I am aware, it is the first legal work to be written by a Bantu and Mr. Khumalo is to be commended for his initiative and industry." (p. v)

Bennie Goldin and Michael Gelfand, African Law and Custom in Rhodesia. Cape Town: Juta, 1975. 325 + xvi pp. Rand 17.50 (soft covers).

This book exhibits great dedication to a goal I find totally obscure. The table of contents give some notion of its substance and character: Introduction (a brief survey of African history and political structure); Recognition and Application (the sources of law); Tribal Courts (judicial structure and procedure); Family Law; Actionable Wrongs; Contracts; Criminal Law; and Succession. It possesses all the accoutrements of a mature work of scholarship: table of cases, thorough citation of statutory and judicial authority for points of law, an exhaustive index, and a glossary of African words and phrases.

But what is it? Who are the Africans referred to in the title? It is hardly obvious that all Africans living in Rhodesia have the same law. And what is meant by law and custom? What the courts decide? which courts? What is recognized as law by other institutions not officially recognized by the Rhodesian government? What people actually do? Again, these are not necessarily the

same, certainly not in contemporary Africa. The actual source of the rules stated in the book is the judgments of tribal courts - but no cases are given which would allow the reader to judge for himself what the court actually decided. The tone of the book did not exactly leave me reassured that the authors were free of bias: "the practice of witchcraft and belief in witches do result in persecution, violence and irrational behaviour and attitude. It often helps to explain customary law." (p. 13) Nor do we know whether any court in Rhodesia follows the decision of the tribal courts - least of all those courts themselves. Once more, this can hardly be taken for granted - a recent major study of African law was entitled "Law Without Precedent."

And to what audience is the book directed? It is clearly not a work of anthropology. No anthropologists are cited, either for theoretical insights into customary law, or for ethnographies of particular societies in Rhodesia. Indeed, the total absence of ethnographic description is startling - but perhaps not surprising, for the authors are trained as a lawyer and a medical doctor. Rather, the book seems to belong to a tradition that I had thought was atrophying: the statement, or restatement, of doctrinal rules, associated with the work of Rattray, Sarbah, Schapera, Holleman, Cory, and Hartnoll, and more recently with Allott's Restatement Project. The pros and cons of their methods and objectives have been frequently, and hotly, debated. But putting these to one side, it is not clear who is to use this book for what purpose. It does not, itself, contribute significantly to our understanding of law in society, although it could conceivably be used as a source for that endeavor. Is it intended to be used by judges in tribal courts? By European judges in appellate courts? By advocates? We are given no hint.

Finally, I cannot overlook the moral irresponsibility displayed by the book's omissions - no mention of the present racist regime, its illegality under constitutional and international law, the existence of a guerilla war, and the uncertain future. What can law and custom mean in such a political vacuum?

E.K. Lumley, Forgotten Mandate: A British District Officer in Tanganyika. Hamden, Conn.: Archon Books, 1976. 178 + vii pp. \$12.00

Lumley writes in his introduction: "since ... (the) winding-up (of colonialism) in the aftermath of the second World War, many people have forgotten how it actually functioned. The founding of the British and other colonial

empires, their heyday, and their eventual dissolution have often been described in terms of high politics. In terms of administration in the field, and of contact there between two levels of progress, less has been written, although it is by this yardstick that the colonial interlude can best be judged." Like much else in this book, these statements are simply false. Colonialism has not been "forgotten" (as claimed in his title), nor has local-level administration been ignored. (The recent third volume of the History of East Africa, (D.A. Low and Alison Smith, eds., Oxford U.P., 1976), contains a twelve page select bibliography of titles.) The book therefore has to be read with caution, to say the least. But examined with a sufficiently skeptical eye, Lumley's memoirs (based on a contemporaneous diary) do offer a primary source of information on the perspective of a European local administrator in Tanganyika during the twenty years 1923-44.

The district officer was perhaps most critical to the colonial regime as a source of information. Located in a center of population, far from other Europeans, remaining at a post for two or more years, and generally learning the language, he was certainly the most knowledgeable person in the colonial system. It is somewhat shocking, therefore, to realize just how ignorant and ill-informed this DO was. He writes: "When we (the English) took over (from the Germans), scarcely any trace of traditional tribal rule through chiefs and councils remained." (p. 14) Nor was the DO much less ethnocentric than other colonial rulers:

Under African tribal custom, as in most tribal societies, chiefs, with their councils of elders, were the judges as well as the rulers of their people and before the Germans came to the country they exercised powers of life or death over their tribesmen. Obviously such extreme powers had to be curtailed.... (p. 15)

The majority of chiefs were either illiterate or of limited education. They were primitive and reactionary in their outlook and resistant to change. They were nearly all steeped in witchcraft, and usually witchdoctors were the powers behind the throne. This state of affairs could be tolerated if it were simply a matter of allowing the African to proceed along his time-honoured course of laissez-faire and stagnate in his unproductive village life, producing just enough for his daily needs and living perilously close to famine and starvation. But if we were to promote his economic and intellectual well-being by helping him to material

progress and teaching him the advantages of education, then we would have to inject energy and initiative into the Native Authorities. (p. 18)

Given these attitudes, it is not surprising that the official ideology of "indirect rule" - which mandated respect for traditional institutions and practices - was little more than a rationalization for whatever was most convenient.

Under ... (the) terms (of the Native Authority Ordinance) the direct rule of the government through the District or Provincial Commissioners came to an end. The D.C. was now legally the adviser to the Native Authorities in his District. The advice which he tendered was tantamount to an order, but it was not so described: it was not good administration to force a Native Authority into a line of action to which it strongly objected, and the good administrator contrived that his advice should on the whole be willingly accepted. Direct orders were given to the authority only in exceptional circumstances. The Native Authority had power itself to frame orders and prescribe punishments for disobedience to them, but every order of this kind had to receive prior government approval. ... But most Native Authorities had to be led by the hand or pushed; and in the development of the natural resources of the District and the production of economic wealth for the tribe the D.C. was the real driving force. In cases where the hereditary chief proved inadequate, the D.C. himself was installed as the Native Authority. (pp. 18-20)

Fortunately, although direct rule by the DO was frequently arbitrary (see, e.g., the "trial" described on pp. 89-90), two factors lessened its impact. First, the paramount principle of colonial rule was that it pay its way. Since little money could be extracted from Tanganyika at this time, little was expended on administration: "the D.C. had to travel his entire district at least three times a year. ... For these 'safaris' the D.C. was granted an allowance of 8 shillings per night. In the days of retrenchment around 1930 this allowance was withdrawn and only the more dedicated men carried out the duty of touring their districts." (p. 11) A second principle, of only slightly lesser importance, was that of "rationalizing" administration, rendering it more efficient. A good example is the impact of introducing automobiles into administration. Before its introduction, because the DO

made a series of these journeys on foot the inhabitants would have got to know their white administrator and could talk freely to him. Many abuses might thus be brought to light, and the knowledge he acquired from these contacts with the ordinary men and women of the tribe was a useful background to his discussions with the chief and elders. When motor roads began to appear, as they did after a few years, these contacts were lessened: the traveller sped along in his car from one headman's village to the next. The chats by the wayside were lost, and the only contacts with the people were at the more formal gatherings in the precincts of the Native Courts. (p. 12)

The book also offers some insight into the contemporary debate over development and underdevelopment in Africa (although Lumley is clearly unaware of these issues). Proclaiming that the administration accepted responsibility for economic development, he acknowledges that most African farmers were worse off at the end of colonial rule than they had been at its beginning.

The coastal belt from Tanga to Mikindani was heavily studded with sisal plantations. In the coastal hinterland rubber plantations were numerous, and when the bottom dropped out of the rubber market, these were converted to sisal. As no estate, sisal or rubber, of less than 2,000 acres was economically viable, a very extensive area was absorbed by these European holdings, and little land was left for African development. There was a heavy demand on the African to supply the labour for these enterprises. Every estate carried at least 1,000 workers on its books—this number being necessary to cover sickness, desertion and other causes of absenteeism. A minimum of 300 men per day was required to keep an estate in production. Except for the processes of decorticating the sisal leaf, cleaning the fibre and compressing it into bales, every operation was done by hand.

The extensive coffee and tea estates in the highlands of the Territory also required labour in plenty for cultivating, weeding and picking the crops. The local African was under constant pressure to work on the estates near his village. He had little chance to develop his own land, and often he could only do so if he bound himself to work for the European owner whenever called upon. This state of affairs smacked of the feudalism that Europe had known in the fifteenth century.

There was little we could do about it. The Mandatory Power was obliged to honour these leaseholds and offer them by auction to potential purchasers as ex-enemy property. Many of them were re-purchased by their former German owners who had succeeded in returning to the Territory under a variety of non-German passports. Others were purchased by people of Greek, Italian, British, Australian and other nationalities. Having accepted cash for these properties the Tanganyika Government felt itself morally obliged to help the new owners with their labour problems - help that could only be given at the expense of our policy of developing an independent African economy. Serious possibilities of friction existed between a Planters' Association determined to secure an adequate supply of labour for its members and the offers of an administration equally determined to honour the principle of the Mandate and promote the cause of the African producer. In the skirmishes between planters and District Commissioners the former were not always the losers. The Tanganyika Planters' Association, as we have seen, carried great weight and, in collaboration with its Kenya counterpart, could exert strong pressure on East African governments, locally and through financial interests in London. More than once, plans to increase African production had to yield to the labour requirements of certain big estate-holding companies. Some of these estates represented large financial interests in London and elsewhere, which it required courage amounting to rashness to oppose. ...

The African was the main contributor of direct taxation through the Hut-and-Poll Tax. The Europeans had paid no direct tax of any kind before the war. If, therefore, a large proportion of the Poll Tax revenue were to come from wages earned on European estates, this revenue would remain stagnant or even be threatened if prices fell. This happened in the early 1930s. Wages on the sisal estates were slashed by 30 per cent, African labourers had serious difficulties in paying their taxes, and there would have been a calamitous drop in tax revenue if we had not devised the card system of payment by instalments. Even so, a number of planters did not operate the system honestly, and the Government was for a long time financially embarrassed.

Under the reduced wage system an African was paid 12 shillings for thirty days' work or 144 shillings for a year's work. Since no African would ever work a full thirty-day month, his annual earnings never exceeded 100 shillings. On the other hand an African spending two months on his own cotton plot could bring back 100 shillings from a cotton market, as we proved in Korogwe and elsewhere.
(pp. 169-70)

Perhaps Lumley's naivete and lack of self-consciousness are, in the end, a virtue, for they allow him to tell us a great deal which a more sophisticated apologist for colonialism might conceal.