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CONTEMPORARY AFRICA AND THE LEGACY OF LATE COLONIALISM

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For Mira and Zohran

CHAPTER ONE

Introduction: Thinking through Africa's Impasse

DISCUSSIONS on Africa's present predicament revolve around two clear tendencies: modernist and communitarian. Modernists take inspiration from the East European uprisings of the late eighties; communitarians decry liberal or left Eurocentrism and call for a return to the source. For modernists, the problem is that civil society is an embryonic and marginal construct in Africa; for communitarians, it is that real flesh-and-blood communitites that comprise Africa are marginalized from public life as so many "tribes." The liberal solution is to locate politics in civil society, and the Africanist solution is to put Africa's age-old communities at the center of African politics. One side calls for a regime that will champion rights, and the other stands in defense of culture. The impasse in Africa is not only at the level of practical politics. It is also a paralysis of perspective.

The solution to this theoretical impasse—between modernists and communitarians, Eurocentrists and Africanists—does not lie in choosing a side and defending an entrenched position. Because both sides to the debate highlight different aspects of the same African dilemma, I will suggest that the way forward lies in sublating both, through a double move that simultaneously critiques and affirms. To arrive at a creative synthesis transcending both positions, one needs to problematize each.

To do so, I will analyze in this book two related phenomena: how power is organized and how it tends to fragment resistance in contemporary Africa. By locating both the language of rights and that of culture in their historical and institutional context, I hope to underline that part of our institutional legacy that continues to be reproduced through the dialectic of state reform and popular resistance. The core legacy, I will suggest, was forged through the colonial experience.

In colonial discourse, the problem of stabilizing alien rule was politely referred to as "the native question." It was a dilemma that confronted every colonial power and a riddle that preoccupied the best of its minds. Therefore it should not be surprising that when a person of the stature of General Jan Smuts, with an international renown rare for a South African prime minister, was invited to deliver the prestigious Rhodes

Memorial Lectures at Oxford in 1929, the native question formed the core of his deliberation.

The African, Smuts reminded his British audience, is a special human "type" with "some wonderful characteristics," which he went on to celebrate: "It has largely remained a child type, with a child psychology and outlook. A child-like human can not be a bad human, for are we not in spiritual matters bidden to be like unto little children? Perhaps as a direct result of this temperament the African is the only happy human I have come across." Even if the racism in the language is blinding, we should be wary of dismissing Smuts as some South African oddity.

Smuts spoke from within an honorable Western tradition. Had not Hegel's *Philosophy of History* mythologized "Africa proper" as "the land of childhood"? Did not settlers in British colonies call every African male, regardless of age, a "boy"—houseboy, shamba-boy, office-boy, ton-boy, mine-boy—no different from their counterparts in Francophone Africa, who used the child-familiar *tu* when addressing Africans of any age? "The negro," opined the venerable Albert Schweitzer of Gabon fame, "is a child, and with children nothing can be done without authority." In the colonial mind, however, Africans were no ordinary children. They were destined to be so perpetually—in the words of Christopher Fyfe, "Peter Pan children who can never grow up, a child race."[1]

Yet this book is not about the racial legacy of colonialism. If I tend to deemphasize the legacy of colonial racism, it is not only because it has been the subject of perceptive analyses by militant intellectuals like Frantz Fanon, but because I seek to highlight that part of the colonial legacy—the institutional—which remains more or less intact. Precisely because deracialization has marked the limits of postcolonial reform, the nonracial legacy of colonialism needs to be brought out into the open so that it may be the focus of a public discussion.

The point about General Smuts is not the racism that he shared with many of his class and race, for Smuts was not simply the unconscious bearer of a tradition. More than just a sentry standing guard at the cutting edge of that tradition, he was, if anything, its standard-bearer. A member of the British war cabinet, a confidant of Churchill and Roosevelt, a one-time chancellor of Cambridge University, Smuts rose to be one of the framers of the League of Nations Charter in the post–World War I era.[2] The very image of an enlightened leader, Smuts opposed slavery and celebrated the "principles of the French Revolution which had emancipated Europe," but he opposed their application to Africa, for the African, he argued, was of "a race so unique" that "nothing could be worse for Africa than the application of a policy" that would

"de-Africanize the African and turn him either into a beast of the field or into a pseudo-European." "And yet in the past," he lamented, "we have tried both alternatives in our dealings with the Africans."

> First we looked upon the African as essentially inferior or sub-human, as having no soul, and as being only fit to be a slave. . . . Then we changed to the opposite extreme. The African now became a man and a brother. Religion and politics combined to shape this new African policy. The principles of the French Revolution which had emancipated Europe were applied to Africa; liberty, equality and fraternity could turn bad Africans into good Europeans.[3]

Smuts was at pains to underline the negative consequences of a policy formulated in ignorance, even if coated in good faith.

> The political system of the natives was ruthlessly destroyed in order to incorporate them as equals into the white system. The African was good as a potential European; his social and political culture was bad, barbarous, and only deserving to be stamped out root and branch. In some of the British possessions in Africa the native just emerged from barbarism was accepted as an equal citizen with full political rights along with the whites. But his native institutions were ruthlessly proscribed and destroyed. The principle of equal rights was applied in its crudest form, and while it gave the native a semblance of equality with whites, which was little good to him, it destroyed the basis of his African system which was his highest good. These are the two extreme native policies which have prevailed in the past, and the second has been only less harmful than the first.

If "Africa has to be redeemed" so as "to make her own contribution to the world," then "we shall have to proceed on different lines and evolve a policy which will not force her institutions into an alien European mould" but "will preserve her unity with her own past" and "build her future progress and civilization on specifically African foundations." Smuts went on to champion "the new policy" in bold: "The British Empire does not stand for the assimilation of its peoples into a common type, it does not stand for standardization, but for the fullest freest development of its peoples along their own specific lines."

The "fullest freest development of [its] peoples" as opposed to their assimilation "into a common type" required, Smuts argued, "institutional segregation." Smuts contrasted "institutional segregation" with "territorial segregation" then in practice in South Africa. The problem with "territorial segregation," in a nutshell, was that it was based on a policy of institutional homogenization. Natives may be territorially separated from whites, but native institutions were slowly but surely giving

way to an alien institutional mold. As the economy became industrialized, it gave rise to "the colour problem," at the root of which were "urbanized or detribalized natives." Smuts's point was *not* that racial segregation ("territorial segregation") should be done away with. Rather it was that it should be made part of a broader "institutional segregation" and thereby set on a secure footing: "Institutional segregation carries with it territorial segregation." The way to preserve native institutions while meeting the labor demands of a growing economy was through the institution of migrant labor, for "so long as the native family home is not with the white man but in his own area, so long the native organization will not be materially affected."

> It is only when segregation breaks down, when the whole family migrates from the tribal home and out of the tribal jurisdiction to the white man's farm or the white man's town, that the tribal bond is snapped, and the traditional system falls into decay. And it is this migration of the native family, of the females and children, to the farms and the towns which should be prevented. As soon as this migration is permitted the process commences which ends in the urbanized detribalized native and the disappearance of the native organization. It is not white employment of native males that works the mischief, but the abandonment of the native tribal home by the women and children.[4]

Put simply, the problem with territorial segregation was that it rendered racial domination unstable: the more the economy developed, the more it came to depend on the "urbanized or detribalized natives." As that happened, the beneficiaries of rule appeared an alien minority and its victims evidently an indigenous majority. The way to stabilize racial domination (territorial segregation) was to ground it in a politically enforced system of ethnic pluralism (institutional segregation), so that everyone, victims no less than beneficiaries, may appear as minorities. However, with migrant labor providing the day-to-day institutional link between native and white society, native institutions—fashioned as so many rural tribal composites—may be conserved as separate but would function as subordinate.

At this point, however, Smuts faltered, for, he believed, it was too late in the day to implement a policy of institutional segregation in South Africa; urbanization had already proceeded too far. But it was not too late for less developed colonies to the north to learn from the South African experience: "The situation in South Africa is therefore a lesson to all the younger British communities farther north to prevent as much as possible the detachment of the native from his tribal connexion, and to enforce from the very start the system of segregation with its conservation of separate native institutions."

The Broederbond, however, disagreed. To this brotherhood of Boer supremacists, to stabilize the system of racial domination was a question of life and death, a matter in which it could never be too late. What Smuts termed institutional segregation the Broederbond called apartheid. The context in which apartheid came to be implemented made for its particularly harsh features, for to rule natives through their own institutions, one first had to push natives back into the confines of native institutions. In the context of a semi-industrialized and highly urbanized South Africa, this meant, on the one hand, the forced removal of those marked unproductive so they may be pushed out of white areas back into native homelands and, on the other, the forced straddling of those deemed productive between workplace and homeland through an ongoing cycle of annual migrations. To effect these changes required a degree of force and brutality that seemed to place the South African colonial experience in a class of its own.

But neither institutional segregation nor apartheid was a South African invention. If anything, both idealized a form of rule that the British Colonial Office dubbed "indirect rule" and the French "association." Three decades before Smuts, Lord Lugard had pioneered indirect rule in Uganda and Nigeria. And three decades after Smuts, Lord Hailey would sum up the contrast between forms of colonial rule as turning on a distinction between "identity" and "differentiation" in organizing the relationship between Europeans and Africans: "The doctrine of identity conceives the future social and political institutions of Africans as destined to be basically similar to those of Europeans; the doctrine of differentiation aims at the evolution of separate institutions appropriate to African conditions and differing both in spirit and in form from those of Europeans."[5] The emphasis on differentiation meant the forging of specifically "native" institutions through which to rule subjects, but the institutions so defined and enforced were not racial as much as ethnic, not "native" as much as "tribal." Racial dualism was thereby anchored in a politically enforced ethnic pluralism.

To emphasize their offensive and pejorative nature, I put the words *native* and *tribal* in quotation marks. But after first use, I have dropped the quotation marks to avoid a cumbersome read, instead relying on the reader's continued vigilance and good sense.

This book, then, is about the regime of differentiation (institutional segregation) as fashioned in colonial Africa—and reformed after independence—and the nature of the resistance it bred. Anchored historically, it is about how Europeans ruled Africa and how Africans responded to it. Drawn to the present, it is about the structure of power and the shape of resistance in contemporary Africa. Three sets of questions have guided my labors. To what extent was the structure of power

in contemporary Africa shaped in the colonial period rather than born of the anticolonial revolt? Was the notion that they introduced the rule of law to African colonies no more than a cherished illusion of colonial powers? Second, rather than just uniting diverse ethnic groups in a common predicament, was not racial domination actually mediated through a variety of ethnically organized local powers? If so, is it not too simple even if tempting to think of the anticolonial (nationalist) struggle as just a one-sided repudiation of ethnicity rather than also a series of ethnic revolts against so many ethnically organized and centrally reinforced local powers—in other words, a string of ethnic civil wars? In brief, was not ethnicity a dimension of both power and resistance, of both the problem and the solution? Finally, if power reproduced itself by exaggerating difference and denying the existence of an oppressed majority, is not the burden of protest to transcend these differences without denying them?

I have written this book with four objectives in mind. My first objective is to question the writing of history by analogy, a method pervasive in contemporary Africanist studies. Thereby, I seek to establish the historical legitimacy of Africa as a unit of analysis. My second objective is to establish that apartheid, usually considered unique to South Africa, is actually the generic form of the colonial state in Africa. As a form of rule, apartheid is what Smuts called institutional segregation, the British termed indirect rule, and the French association. It is this common state form that I call decentralized despotism. A corollary is to bring some of the lessons from the study of Africa to South African studies and vice versa and thereby to question the notion of South African exceptionalism. A third objective is to underline the contradictory character of ethnicity. In disentangling its two possibilities, the emancipatory from the authoritarian, my purpose is not to identify emancipatory movements and avail them for an uncritical embrace. Rather it is to problematize them through a critical analysis. My fourth and final objective is to show that although the bifurcated state created with colonialism was deracialized after independence, it was not democratized. Postindependence reform led to diverse outcomes. No nationalist government was content to reproduce the colonial legacy uncritically. Each sought to reform the bifurcated state that institutionally crystallized a state-enforced separation, of the rural from the urban and of one ethnicity from another. But in doing so each reproduced a part of that legacy, thereby creating its own variety of despotism.

These questions and objectives are very much at the root of the discussion in the chapters that follow. Before sketching in full the outlines of my argument, however, I find it necessary to clarify my theoretical point of departure.

BEYOND A HISTORY BY ANALOGY

In the aftermath of the Cuban Revolution, dependency theory emerged as a powerful critique of various forms of unilinear evolutionism. It rejected both the claim that the less developed countries were traditional societies in need of modernization and the conviction that they were backward precapitalist societies on the threshhold of a much-needed bourgeois revolution. Underdevelopment, argued proponents of dependency, was historically produced; as a creation of modern imperialism, it was as modern as industrial capitalism. Both were outcomes of a process of "accumulation on a world scale."[6]

Its emphasis on historical specificity notwithstanding, dependency soon lapsed into yet another form of ahistorical structuralism. Alongside modernization theory and orthodox Marxism, it came to view social reality through a series of binary opposites. If modernization theorists thought of society as modern or premodern, industrial or preindustrial, and orthodox Marxists conceptualized modes of production as capitalist or precapitalist, dependency theorists juxtaposed development with underdevelopment. Of the bipolarity, the lead term—"modern," "industrial," "capitalist," or "development"—was accorded both analytical value and universal status. The other was residual. Making little sense without its lead twin, it had no independent conceptual existence. The tendency was to understand these experiences as a series of approximations, as replays not quite efficient, understudies that fell short of the real perfomance. Experiences summed up by analogy were not just considered historical latecomers on the scene, but were also ascribed a predestiny. Whereas the lead term had analytical content, the residual term lacked both an original history and an authentic future.

In the event that a real-life performance did not correspond to the prescribed trajectory, it was understood as a deviation. The bipolarity thus turned on a double distinction: between experiences considered universal and normal and those seen as residual or pathological. The residual or deviant case was understood not in terms of what it was, but with reference to what it was not. "Premodern" thus became "not yet modern," and "precapitalism" "not yet capitalism." But can a student, for example, be understood as not yet a teacher? Put differently, is being a professional teacher the true and necessary destiny of every student? The residual term in the evolutionary enterprise—"premodern," "preindustrial," "precapitalist," or "underdeveloped"—really summed up the "etc." of unilinear social science, that which it tended to explain away.

A unilinear social science, however, involves a double maneuver. If it tends to caricature the experience summed up as the residual term, it

also mythologizes the experience that is the lead term. If the former is rendered ahistorical, the latter is ascribed a suprahistorical trajectory of development, a necessary path whose main line of development is unaffected by struggles that happened along the way. There is a sense in which both are robbed of history.

The endeavor to restore historicity, agency, to the subject has been the cutting edge of a variety of critiques of structuralism. But if structuralism tended to straitjacket agency within iron laws of history, a strong tendency in poststructuralism is to diminish the significance of historical constraint in the name of salvaging agency. "The dependent entry of African societies into the world system is not especially unique," argues the French Africanist Jean-Francois Bayart, "and should be *scientifically* de-dramatised."[7] On one hand, "inequality has existed throughout time, and—it should be stressed *ad nauseum*—does not negate historicity"; on the other hand, "deliberate recourse to the strategies of extraversion" has been a "recurring phenomenon in the history of the continent." Dependency theory is thereby stood on its head as modern imperialism is—shall I say celebrated?—as the outcome of an African initiative! Similarly, in another recent historical rewrite, slavery too is explained away as the result of a local initiative. "The African role in the development of the Atlantic," promises John Thornton, "would not simply be a secondary one, on either side of the Atlantic," for "we must accept" both "that African participation in the slave trade was voluntary and under the control of African decision makers" on this side of the Atlantic and that "the condition of slavery, by itself, did not necessarily prevent the development of an African-oriented culture" on the far side of the Atlantic.[8] It is one thing to argue that nothing short of death can extinguish human initiative and creativity, but quite another to see in every such gesture evidence of a historical initiative. "Even the inmates of a concentration camp are able, in this sense, to live by their own cultural logic," remarks Talal Asad. "But one may be forgiven for doubting that they are therefore 'making their own history.'"[9]

To have critiqued structuralist-inspired binary oppositions for giving rise to walled-off sciences of the normal and the abnormal, the civilized and the savage, is the chief merit of poststructuralism. To appreciate this critique, however, is not quite the same as to accept the claim that in seeking to transcend these epistemological oppositions embedded in notions of the modern and the traditional, poststructuralism has indeed created the basis of a healthy humanism. That claim is put forth by its Africanist adherents; scholarship, they say, must "deexoticize" Africa and banalize it.

The swing from the exotic to the banal ("Yes, banal Africa—exoticism be damned!")[10] is from one extreme to another, from seeing the flow of events in Africa as exceptional to the general flow of world history to seeing it as routine, as simply dissolving in that general flow, confirming its trend, and in the process presumably confirming the humanity of the African people. In the process, African history and reality lose any specificity, and with it, we also lose any but an invented notion of Africa. But it is only when abstracted from structural constraint that agency appears as lacking in historical specificity. At this point, abstract universalism and intimate particularism turn out to be two sides of the same coin: both see in the specificity of experience nothing but its idiosyncrasy.

The Patrimonial State

Whereas poststructuralists focus on the intimate and the day-to-day, shunning metatheory and metaexperience, the mainstream Africanists are shy of neither. The presumption that developments in Africa can best be understood as mirroring an earlier history is widely shared among North American Africanists. Before the current preoccupation with civil society as the guarantor of democracy—a notion I will comment on later—Africanist political science was concerned mainly with two issues: a tendency toward corruption among those within the system and toward exit among those marginal to it.

The literature on corruption makes sense of its spread as a reoccurrence of an early European practice: "patrimonialism" or "prebendalism."[11] Two broad tendencies can be discerned.[12] For the state-centrists, the state has failed to penetrate society sufficiently and is therefore hostage to it; for the society-centrists, society has failed to hold the state accountable and is therefore prey to it. I will argue that the former fail to see the form of power, of how the state does penetrate society, and the latter the form of revolt, of how society does hold the state accountable, because both work through analogies and are unable to come to grips with a historically specific reality.

Although I will return to the society-centrists, the present-day champions of civil society as the guarantor of democracy, it is worth tracing the contours of the state-centrist argument. Overwhelmed by societal pressures, its institutional integrity compromised by individual or sectional interest, the state has turned into a "weak Leviathan,"[13] "suspended above society."[14] Whether plain "soft"[15] or in "decline" and "decay,"[16] this creature may be "omnipresent" but is hardly "omnipotent."[17] Then follows the theoretical conclusion: variously termed as the "early modern authoritarian state," the "early modern absolutist state," or "the patrimonial autocratic state," this form of state power is likened to its ancestors in seventeenth-century Europe or early postcolonial Latin America, often underlined as a political feature of the transition to capitalism.

What happens if you take a historical process unfolding under concrete conditions—in this case, of sixteenth- to eighteenth-century Europe—as a vantage point from which to make sense of subsequent social development? The outcome is a history by analogy rather than history as process. Analogy seeking turns into a substitute for theory formation. The Africanist is akin to those learning a foreign language who must translate every new word back into their mother tongue, in the process missing precisely what is new in a new experience. From such a standpoint, the most intense controversies dwell on what is indeed the most appropriate translation, the most adequate fit, the most appropriate analogy that will capture the meaning of the phenomenon under observation. Africanist debates tend to focus on whether contemporary African reality most closely resembles the transition to capitalism under seventeenth-century European absolutism or that under other Third World experiences,[18] or whether the postcolonial state in Africa should be labeled Bonapartist or absolutist.[19] Whatever their differences, both sides agree that African reality has meaning only insofar as it can be seen to reflect a particular stage in the development of an earlier history. Inasmuch as it privileges the European historical experience as its touchstone, as the historical expression of the universal, contemporary unilinear evolutionism should more concretely and appropriately be characterized as a Eurocentrism. The central tendency of such a methodological orientation is to lift a phenomenon out of context and process. The result is a history by analogy.

The Uncaptured Peasantry

Whereas the literature on corruption is mainly about the state in Africa, that on exit is about the peasantry. Two diametrically opposed perspectives can be discerned here. One looks at the African countryside as nothing but an ensemble of transactions in a marketplace; the other sees it as a collection of households enmeshed in a nonmarket milieu of kin-based relations. For the former, the market is the defining feature of rural life; for the latter, the intrinsic realities of village Africa have little to do with the market. The same tendency can appear clothed in sharply contrasting ideological garb. Thus, for example, the argument that rural Africa is really precapitalist, with the market an external and artificial imposition, was first put forth by the proponents of African socialism, most notably Julius Nyerere. Largely discredited in the mid-seventies, when dependency theory reigned supreme, this thesis was resurrected in the eighties by Goran Hyden,[20] who echoed Nyerere—once again relying on empirical material from Tanzania—that the "intrinsic realities" of "Africa" have little to do with market relationships. Instead, he argued,

they are a unique expression of a premarket "economy of affection." Market theories were championed by IMF theorists who claimed that the rationality of ground-level markets was being simultaneously suppressed and distorted by clientele-ridden but all-powerful states. The argument was given academic respectability by Robert Bates's widely circulated study *Markets and States in Africa*. Whereas the latter tendency continues to enjoy the status of an official truth in policy-making circles, the former survives as a marginal but fashionable preoccupation in academia.

My interest is in the method that guides these contending perspectives. With market theorists, the method is transparent. They presume the market to exist, as an ahistorical and universal construct: markets are not created, but freed; African countries are market societies, like those in Europe, period. Goran Hyden, however, claims to be laying bare the intrinsic realities of Africa. Yet he proceeds not by a historical examination of these realities but by formal analogies. Searching for the right analogy to fit Africa, he proceeds by dismissing, one after another, those that do not fit. In the process, he establishes his main conclusion: Africa is *not* like Europe, where the peasantry was "captured" through wage labor; nor is it like Asia or Latin America, where it was "captured" through tenancy arrangements. But this search stops at showing what does *not* exist. "It is the argument of this book," writes Hyden, "that Africa is the only continent where the peasants have not been captured by other social classes."[21] In hot pursuit of the right historical analogy—the point will become clear later—Hyden misses precisely the relations through which the "free" peasantry is "captured" and reproduced.

In this book, I seek neither to set the African experience apart as exceptional and exotic nor to absorb it in a broad corpus of theory as routine and banal. For both, it seems to me, are different ways of dismissing it. In contrast, I try to underline the specificity of the African experience, or at least of a slice of it. This is an argument not against comparative study but against those who would dehistoricize phenomena by lifting them from context, whether in the name of an abstract universalism or of an intimate particularism, only to make sense of them by analogy. In contrast, my endeavor is to establish the historical legitimacy of Africa as a unit of analysis.

Civil Society

The current Africanist discourse on civil society resembles an earlier discourse on socialism. It is more programmatic than analytical, more ideological than historical. Central to it are two claims: civil society exists as a fully formed construct in Africa as in Europe, and the driving force of

democratization everywhere is the contention between civil society and the state.[22] To come to grips with these claims requires a historical analysis, for these conclusions are arrived at through analogy seeking.

The notion of civil society came to prominence with the Eastern European uprisings of the late 1980s. These events were taken as signaling a paradigmatic shift, from a state-centered to a society-centered perspective, from a strategy of armed struggle that seeks to capture state power to one of an unarmed civil struggle that seeks to create a self-limiting power. In the late 1980s, the theme of a society-state struggle reverberated through Africanist circles in North America and became the new prismatic lens through which to gauge the significance of events in Africa. Even though the shift from armed struggle to popular civil protest had occurred in South Africa a decade earlier, in the course of the Durban strikes of 1973 and the Soweto uprising of 1976, the same observers who tended to exceptionalize the significance of these events eagerly generalized the import of later events in Eastern Europe!

For the core of post-Renaissance theory,[23] civil society was a historical construct, the result of an all-embracing process of differentiation: of power in the state and division of labor in the economy, giving rise to an autonomous legal sphere to govern civil life. It is no exaggeration to say that the Hegelian notion of civil society is both the summation and the springboard of main currents of Western thought on the subject.[24] Sandwiched between the patriarchal family and the universal state, civil society was for Hegel the historical product of a two-dimensional process. On one hand, the spread of commodity relations diminished the weight of extra-economic coercion, and in doing so, it freed the economy—and broadly society—from the sphere of politics. On the other hand, the centralization of means of violence within the modern state went alongside the settlement of differences within society without direct recourse to violence. With an end to extra-economic coercion, force ceased to be a direct arbiter in day-to-day life. Contractual relations among free and autonomous individuals were henceforth regulated by civil law. Bounded by law, the modern state recognized the rights of citizens. The rule of law meant that law-governed behavior was the rule. It is in this sense that civil society was understood as civilized society.

As a meeting ground of contradictory interests, civil society in Hegel comprises two related moments, the first explosive, the second integrative; the first in the arena of the market, the second of public opinion. These two moments resurface in Marx and Gramsci as two different conceptions of civil society. For Marx civil society is the ensemble of relations embedded in the market; the agency that defines its character is the bourgeoisie. For Gramsci (as for Polanyi, Talcott Parsons, and later Habermas) the differentiation that underlies civil society is triple and

not double: between the state, the economy, and society. The realm of civil society is not the market but public opinion and culture. Its agents are intellectuals, who figure predominantly in the establishment of hegemony. Its hallmarks are voluntary association and free publicity, the basis of an autonomous organizational and expressive life. Although autonomous of the state, this life cannot be independent of it, for the guarantor of the autonomy of civil society can be none other than the state; or, to put matters differently, although its guarantor may be a specific constellation of social forces organized in and through civil society, they can do so only by ensuring a form of the state and a corresponding legal regime to undergird the autonomy of civil society.

The Gramscian notion of civil society as public opinion and culture has been formulated simultaneously as analytical construct and programmatic agenda in Jürgen Habermas's work on the public sphere.[25] Habermas accents both structural processes and strategic initiatives in explaining the historical formation of civil society. In the context of a structural change "embedded in the transformation of state and economy," the strategic initiatives of an embryonic bourgeois class shaped "an associational life" along voluntary and democratic principles.[26] At first, this "public sphere" was largely apolitical, revolving "around literary and art criticism." The French Revolution, however, "triggered a movement" leading to its "politicization," thereby underlining its democratic significance.

Critics of Habermas have tried to disentangle the analytical from the programmatic strands in his argument by relocating this movement in its historical context. Thus, argues Geoff Eley, the "public sphere" was from the very outset "an arena of contested meanings," both in that "different and opposing publics maneuvered for space" within it and in the sense that "certain 'publics' (women, subordinate nationalities, popular classes like the urban poor, the working class, and the peasantry) may have been excluded altogether" from it. This process of exclusion was simultaneously one of "harnessing . . . public life to the interests of one particular group."[27]

The exclusion that defined the specificity of civil society under colonial rule was that of race. Yet it is not possible to understand the nature of colonial power simply by focusing on the partial and exclusionary character of civil society. It requires, rather, coming to grips with the specific nature of power through which the population of subjects excluded from civil society was actually ruled. This is why the focus in this book is on how the subject population was incorporated into—and not excluded from—the arena of colonial power. The accent is on incorporation, not marginalization. By emphasizing this not as an exclusion but as another form of power, I intend to argue that no reform of

contemporary civil society institutions can by itself unravel this decentralized despotism. To do so will require nothing less than dismantling that form of power.

THE BIFURCATED STATE

The colonial state was in every instance a historical formation. Yet its structure everywhere came to share certain fundamental features. I will argue that this was so because everywhere the organization and reorganization of the colonial state was a response to a central and overriding dilemma: the native question. Briefly put, how can a tiny and foreign minority rule over an indigenous majority? To this question, there were two broad answers: direct and indirect rule.

Direct rule was Europe's initial response to the problem of administering colonies. There would be a single legal order, defined by the "civilized" laws of Europe. No "native" institutions would be recognized. Although "natives" would have to conform to European laws, only those "civilized" would have access to European rights. Civil society, in this sense, was presumed to be civilized society, from whose ranks the uncivilized were excluded. The ideologues of a civilized native policy rationalized segregation as less a racial than a cultural affair. Lord Milner, the colonial secretary, argued that segregation was "desirable no less in the interests of social comfort and convenience than in those of health and sanitation." Citing Milner, Lugard concurred:

> On the one hand the policy does not impose any restriction on one race which is not applicable to the other. A European is as strictly prohibited from living in the native reservation, as a native is from living in the European quarter. On the other hand, since this feeling exists, it should in my opinion be made abundantly clear that what is aimed at is a segregation of social standards, and not a segregation of races. The Indian or the African gentleman who adopts the higher standard of civilization and desires to partake in such immunity from infection as segregation may convey, should be as free and welcome to live in the civilized reservation as the European, provided, of course, that he does not bring with him a concourse of followers. The native peasant often shares his hut with his goat, or sheep, or fowls. He loves to drum and dance at night, which deprives the European of sleep. He is skeptical of mosquito theories. "God made the mosquito larvae," said a Moslem delegation to me, "for God's sake let the larvae live." For these people, sanitary rules are necessary but hateful. They have no desire to abolish segregation.[28]

Citizenship would be a privilege of the civilized; the uncivilized would be subject to an all-round tutelage. They may have a modicum of civil rights, but not political rights, for a propertied franchise separated the civilized from the uncivilized. The resulting vision was summed up in Cecil Rhodes's famous phrase, "Equal rights for all civilized men."

Colonies were territories of European settlement. In contrast, the territories of European domination—but not of settlement—were known as protectorates. In the context of a settler capitalism, the social prerequisite of direct rule was a rather drastic affair. It involved a comprehensive sway of market institutions: the appropriation of land, the destruction of communal autonomy, and the defeat and dispersal of tribal populations. In practice, direct rule meant the reintegration and domination of natives in the institutional context of semiservile and semicapitalist agrarian relations. For the vast majority of natives, that is, for those uncivilized who were excluded from the rights of citizenship, direct rule signified an unmediated—centralized—despotism.

In contrast, indirect rule came to be the mode of domination over a "free" peasantry. Here, land remained a communal—"customary"—possession. The market was restricted to the products of labor, only marginally incorporating land or labor itself. Peasant communities were reproduced within the context of a spatial and institutional autonomy. The tribal leadership was either selectively reconstituted as the hierarchy of the local state or freshly imposed where none had existed, as in "stateless societies." Here political inequality went alongside civil inequality. Both were grounded in a legal dualism. Alongside received law was implemented a customary law that regulated nonmarket relations, in land, in personal (family), and in community affairs. For the subject population of natives, indirect rule signified a mediated—decentralized—despotism.

Even historically, the division between direct and indirect rule never coincided neatly with the one between settler and nonsettler colonies. True, agrarian settler capital did prefer direct rule premised on "freeing" land while bonding labor, but indirect rule could not be linked to any specific fraction of capital. It came to mark the inclination of several fractions of the bourgeoisie: mining, finance, and commerce. The main features of direct and indirect rule, and the contrast between them, are best illustrated by the South African experience. Direct rule was the main mode of control attempted over natives in the eighteenth and early nineteenth centuries. It is a form of control best exemplified by the Cape experience. The basic features of indirect rule, however, emerged through the experience of Natal in the second half of the nineteenth century. The distinction is also captured in the contrast between the

experience of the nineteenth-century coastal enclaves (colonies) of Lagos, Freetown, and Dakar and the twentieth-century inland protectorates acquired in the course of *the Scramble*. The Cape-Natal divide over how to handle the native question was resolved in favor of the Natal model. Key to that resolution was the emergence of the Cape as the largest single reserve for migrant labor in South Africa, for the dominance of mining over agrarian capital in late-nineteenth-century South Africa—and elsewhere—posed afresh the question of the reproduction of autonomous peasant communities that would regularly supply male, adult, and single migrant labor to the mines.

Debated as alternative modes of controlling natives in the early colonial period, direct and indirect rule actually evolved into complementary ways of native control. Direct rule was the form of urban civil power. It was about the exclusion of natives from civil freedoms guaranteed to citizens in civil society. Indirect rule, however, signified a rural tribal authority. It was about incorporating natives into a state-enforced customary order. Reformulated, direct and indirect rule are better understood as variants of despotism: the former centralized, the latter decentralized. As they learned from experience—of both the ongoing resistance of the colonized and of earlier and parallel colonial encounters—colonial powers generalized decentralized despotism as their principal answer to the native question.

The African colonial experience came to be crystallized in the nature of the state forged through that encounter. Organized differently in rural areas from urban ones, that state was Janus-faced, bifurcated. It contained a duality: two forms of power under a single hegemonic authority. Urban power spoke the language of civil society and civil rights, rural power of community and culture. Civil power claimed to protect rights, customary power pledged to enforce tradition. The former was organized on the principle of differentiation to check the concentration of power, the latter around the principle of fusion to ensure a unitary authority. To grasp the relationship between the two, civil power and customary power, and between the language each employed—rights and custom, freedom and tradition—we need to consider them separately while keeping in mind that each signified one face of the same bifurcated state.

Actually Existing Civil Society

The rationale of civil power was that it was the source of civil law that framed civil rights in civil society. I have already suggested that this idealization—also shared by contemporary Africanist discourse on civil

society—reminds one of an earlier discourse on socialism. More programmatic than analytical, more ideological than historical, its claims call for a historical analysis. Thus the need—as I have already suggested—for an analysis of actually existing civil society so as to understand it in its actual formation, rather than as a promised agenda for change.

To grasp major shifts in the history of the relationship between civil society and the state, one needs to move away from the assumption of a single generalizable moment and identify different and even contradictory moments in that historical flow. Only through a historically anchored query is it possible to problematize the notion of civil society, thereby to approach it analytically rather than programatically.

The history of civil society in colonial Africa is laced with racism. That is, as it were, its original sin, for civil society was first and foremost the society of the colons. Also, it was primarily a creation of the colonial state. The rights of free association and free publicity, and eventually of political representation, were the rights of citizens under direct rule, not of subjects indirectly ruled by a customarily organized tribal authority. Thus, whereas civil society was racialized, Native Authority was tribalized. Between the rights-bearing colons and the subject peasantry was a third group: urban-based natives, mainly middle- and working-class persons, who were exempt from the lash of customary law but not from modern, racially discriminatory civil legislation. Neither subject to custom nor exalted as rights-bearing citizens, they languished in a juridical limbo.

In the main, however, the colonial state was a double-sided affair. Its one side, the state that governed a racially defined citizenry, was bounded by the rule of law and an associated regime of rights. Its other side, the state that ruled over subjects, was a regime of extra-economic coercion and administratively driven justice. No wonder that the struggle of subjects was both against customary authorities in the local state and against racial barriers in civil society. The latter was particularly acute in the settler colonies, where it often took the form of an armed struggle, but it was not confined to settler colonies. Its best-known theoretician was Frantz Fanon. This then was the first historical moment in the development of civil society: the colonial state as the protector of the society of the colons.

The second moment in that development saw a marked shift in the relation between civil society and the state. This was the moment of the anticolonial struggle, for the anticolonial struggle was at the same time a struggle of embryonic middle and working classes, the native strata in limbo, for entry into civil society. That entry, that expansion of civil society, was the result of an antistate struggle. Its consequence was the

creation of an indigenous civil society. A process set into motion with the postwar colonial reform, this development was of limited significance. It could not be otherwise, for any significant progress in the creation of an indigenous civil society required a change in the form of the state. It required a deracialized state.

Independence, the birth of a deracialized state, was the context of the third moment in this history. Independence tended to deracialize the state but not civil society. Instead, historically accumulated privilege, usually racial, was embedded and defended in civil society. Wherever the struggle to deracialize civil society reached meaningful proportions, the independent state played a central role. In this context, the state–civil society antagonism diminished as the arena of tensions shifted to within civil society.

The key policy instrument in that struggle was what is today called affirmative action and what was then called Africanization. The politics of Africanization was simultaneously unifying and fragmenting. Its first moment involved the dismantling of racially inherited privilege. The effect was to unify the victims of colonial racism. Not so the second moment, which turned around the question of redistribution and divided that same majority along lines that reflected the actual process of redistribution: regional, religious, ethnic, and at times just familial. The tendency of the literature on corruption in postindependence Africa has been to detach the two moments and thereby to isolate and decontextualize the moment of redistribution (corruption) from that of expropriation (redress) through ahistorical analogies that describe it as the politics of patrimonialism, prebendalism, and so on. The effect has been to caricature the practices under investigation and to make them unintelligible. Put back in the context of an urban civil society encircled by a countryside under the sway of so many customary powers—thus subject to the twin pressures of deracialization and retribalization—patrimonialism, as we will see, was in fact a form of politics that restored an urban-rural link in the context of a bifurcated state, albeit in a top-down fashion that facilitated the quest of bourgeois fractions to strengthen and reproduce their leadership.

There is also a second contextualized lesson one needs to draw from that period. The other side of the politics of affirmative action was the struggle of the beneficiaries of the colonial order—mainly colons in the settler colonies and immigrant minorities (from India and Lebanon) in nonsettler colonies—to defend racial privilege. This defense, too, took a historically specific form, for with the deracialization of the state, the language of that defense could no longer be racial. Racial privilege not only receded into civil society, but defended itself in the language of civil rights, of individual rights and institutional autonomy. To victims

of racism the vocabulary of rights rang hollow, a lullaby for perpetuating racial privilege. Their demands were formulated in the language of nationalism and social justice. The result was a breach between the discourse on rights and the one on justice, with the language of rights appearing as a fig leaf over privilege and power appearing as the guarantor of social justice and redress.

This is the context of the fourth moment in the history of actually existing civil society. This is the moment of the collapse of an embryonic indigenous civil society, of trade unions and autonomous civil organizations, and its absorption into political society. It is the moment of the marriage between technicism and nationalism, of the proliferation of state nationalism in a context where the claims of the state—both developmentalist and equalizing—had a powerful resonance, particularly for the fast-expanding educated strata. It is the time when civil society–based social movements became demobilized and political movements statized.[29]

To understand the limits of deracialization of civil society, one needs to grasp the specificity of the local state, which was organized not as a racial power denying rights to urbanized subjects, but as an ethnic power enforcing custom on tribespeople. The point of reform of such a power could not be deracialization; it could be only detribalization. But so long as the reform perspective was limited to deracialization, it looked as though nothing much had changed in the rural sphere, whereas everything seemed to have changed in the urban areas. We will see that wherever there was a failure to democratize the local state, postindependence generations had to pay a heavy price: the unreformed Native Authority came to contaminate civil society, so that the more civil society was deracialized, the more it took on a tribalized form.

True, the deracialization of the central state was a necessary step toward its democratization, but the two could not be equated. To appreciate what democratization would have entailed in the African context, we need to grasp the specificity of tribal power in the countryside.

Customary Authority

Late colonialism brought a wealth of experience to its African pursuit. By the time the Scramble for Africa took place, the turn from a civilizing mission to a law-and-order administration, from progress to power, was complete. In the quest to hold the line, Britain was the first to marshal authoritarian possibilities in native culture. In the process, it defined a world of the customary from which there was no escape. Key to this was the definition of land as a customary possession, for in nonsettler Africa,

the Africa administered through Native Authorities, the general rule was that land could not be a private possession, of either landlords or peasants. It was defined as a customary communal holding, to which every peasant household had a customary access, defined by state-appointed customary authorities. As we will see, the creation of an all-embracing world of the customary had three notable consequences.

First, more than any other colonial subject, the African was containerized, not as a native, but as a tribesperson. Every colony had two legal systems: one modern, the other customary. Customary law was defined in the plural, as the law of the tribe, and not in the singular, as a law for all natives. Thus, there was not one customary law for all natives, but roughly as many sets of customary laws as there were said to be tribes. The genius of British rule in Africa—we will hear one of its semiofficial historians claim—was in seeking to civilize Africans as communities, not as individuals. More than anywhere else, there was in the African colonial experience a one-sided opposition between the individual and the group, civil society and community, rights and tradition.

Second, in the late-nineteenth-century African context, there were several traditions, not just one. The tradition that colonial powers privileged as the customary was the one with the least historical depth, that of nineteenth-century conquest states. But this monarchical, authoritarian, and patriarchal notion of the customary, we will see, most accurately mirrored colonial practices. In this sense, it was an ideological construct.

Unlike civil law, customary law was an administratively driven affair, for those who enforced custom were in a position to define it in the first place. Custom, in other words, was state ordained and state enforced. I wish to be understood clearly. I am not arguing for a conspiracy theory whereby custom was always defined "from above," always "invented" or "constructed" by those in power. The customary was more often than not the site of struggle. Custom was often the outcome of a contest between various forces, not just those in power or its on-the-scene agents. My point, though, is about the institutional context in which this contest took place: the terms of the contest, its institutional framework, were heavily skewed in favor of state-appointed customary authorities. It was, as we will see, a game in which the dice were loaded.

It should not be surprising that custom came to be the language of force, masking the uncustomary power of Native Authorities. The third notable consequence of an all-embracing customary power was that the African colonial experience was marked by force to an unusual degree. Where land was defined as a customary possession, the market could be only a partial construct. Beyond the market, there was only one way of driving land and labor out of the world of the customary: force. The day-to-day violence of the colonial system was embedded in customary

Native Authorities in the local state, not in civil power at the center. Yet we must not forget that customary local authority was reinforced and backed up by central civil power. Colonial despotism was highly decentralized.

The seat of customary power in the rural areas was the local state: the district in British colonies, the *cercle* in French colonies. The functionary of the local state apparatus was everywhere called the chief. One should not be misled by the nomenclature into thinking of this as a holdover from the precolonial era. Not only did the chief have the right to pass rules (bylaws) governing persons under his domain, he also executed all laws and was the administrator in "his" area, in which he settled all disputes. The authority of the chief thus fused in a single person all moments of power: judicial, legislative, executive, and administrative. This authority was like a clenched fist, necessary because the chief stood at the intersection of the market economy and the nonmarket one. The administrative justice and the administrative coercion that were the sum and substance of his authority lay behind a regime of extra-economic coercion, a regime that breathed life into a whole range of compulsions: forced labor, forced crops, forced sales, forced contributions, and forced removals.

ETHNICITY AND THE ANTICOLONIAL REVOLT

To understand the nature of struggle and of agency, one needs to understand the nature of power. The latter has something to do with the nature of exploitation but is not reducible to it. I started writing this book with a focus on differentiated agrarian systems on the continent. From the perspective that has come to be known as political economy, I learned that the nature of political power becomes intelligible when put in the context of concrete accumulation processes and the struggles shaped by these.[30] From this point of view, the starting point of analysis had to be the labor question.

I began to question the completeness of this proposition when I came to realize that the form of the state that had evolved over the colonial period was not specific to any particular agrarian system. Its specificity was, rather, political; more than anything else, the form of the state was shaped by the African colonial experience. More than the labor question, it was the native question that illuminated this experience. My point is not to set up a false opposition between the two, but I do maintain that political analysis cannot extrapolate the nature of power from an analysis of political economy. More than the labor question, the organization and reorganization of power turned on the imperitive of

maintaining political order. This is why to understand the form of the state forged under colonialism one had to place at the center of analysis the riddle that was the native question.

The form of rule shaped the form of revolt against it. Indirect rule at once reinforced ethnically bound institutions of control and led to their explosion from within. Ethnicity (tribalism) thus came to be simultaneously the form of colonial control over natives and the form of revolt against it. It defined the parameters of both the Native Authority in charge of the local state apparatus and of resistance to it.

Everywhere, the local apparatus of the colonial state was organized either on an ethnic or on a religious basis. At the same time, one finds it difficult to recall a single major peasant uprising over the colonial period that has not been either ethnic or religious in inspiration. Peasant insurrectionists organized around what they claimed was an untainted, uncompromised, and genuine custom, against a state-enforced and corrupted version of the customary. This is so for a simple but basic reason: the anticolonial struggle was first and foremost a struggle against the hierarchy of the local state, the tribally organized Native Authority, which enforced the colonial order as customary. This is why everywhere—although the cadres of the nationalist movement were recruited mainly from urban areas—the movement gained depth the more it was anchored in the peasant struggle against Native Authorities.

Yet tribalism as revolt became the source of a profound dilemma because local populations were usually multiethnic and at times multireligious. Ethnicity, and at times religion, was reproduced as a problem inside every peasant movement. This is why it is not enough simply to separate tribal power organized from above from tribal revolt waged from below so that we may denounce the former and embrace the latter. The revolt from below needs to be problemized, for it carries the seeds of its own fragmentation and possible self-destruction.

I have already suggested that the fragmentation is not just ethnic. Rather, the interethnic divide is an effect of a larger split, also politically enforced, between town and country. Neither was this double divide, urban-rural and interethnic, fortuitous. My claim is that every movement against decentralized despotism bore the institutional imprint of that mode of rule. Every movement of resistance was shaped by the very structure of power against which it rebelled. How it came to understand this historical fact, and the capacity it marshaled to transcend it, set the tone and course of the movement. I will make this point through an analysis of two types of resistance: the rural in Uganda and the urban in South Africa.

We are now in a position to answer the question, What would democratization have entailed in the African context? It would have entailed

the deracialization of civil power and the detribalization of customary power, as starting points of an overall democratization that would transcend the legacy of a bifurcated power. A consistent democratization would have required dismantling and reorganizing the local state, the array of Native Authorities organized around the principle of fusion of power, fortified by an administratively driven customary justice and nourished through extra-economic coercion.

In addition to setting the pace in tapping authoritarian possibilities in culture and in giving culture an authoritarian bent, Britain led the way in fashioning a theory that claimed its particular form of colonial domination to be marked by an enlightened and permissive recognition of native culture. Although its capacity to dominate grew through a dispersal of its own power, the colonial state claimed this process to be no more than a deference to local tradition and custom. To grasp the contradiction in this claim, I have suggested, needs the analysis of the institutions within which official custom was forged and reproduced. The most important institutional legacy of colonial rule, I argue, may lie in the inherited impediments to democratization.

VARIETIES OF DESPOTISM AS POSTINDEPENDENCE REFORM

Clearly, the form of the state that emerged through postindependence reform was not the same in every instance. There was a variation. If we start with the language that power employed to describe itself, we can identify two distinct constellations: the conservative and the radical. In the case of the conservative African states, the hierarchy of the local state apparatus, from chiefs to headmen, continued after independence. In the radical African states, though, there seemed to be a marked change. In some instances, a constellation of tribally defined customary laws was discarded as a single customary law transcending tribal boundaries was codified. The result, however, was to develop a uniform, countrywide customary law, applicable to all peasants regardless of ethnic affiliation, functioning alongside a modern law for urban dwellers. A version of the bifurcated state, forged through the colonial encounter, remained. Whereas the conservative regimes reproduced the decentralized despotism that was the form of the colonial state in Africa, the radical regimes sought to reform it. The outcome, however, was not to dismantle despotism through a democratic reform; rather it was to reorganize decentralized power so as to unify the "nation" through a reform that tended to centralization. The antidote to a decentralized despotism turned out to be a centralized despotism. In the back-and-forth movement between

a decentralized and centralized despotism, each regime claimed to be reforming the negative features of its predecessor. This, we will see, is best illustrated by the seesaw movement between civilian and military regimes in Nigeria.

The continuity between the form of the colonial state and the power fashioned through radical reform was underlined by the despotic nature of power. For inasmuch as radical regimes shared with colonial powers the conviction to effect a revolution from above, they ended up intensifying the administratively driven nature of justice, customary or modern. If anything, the radical experience built on the legacy of fused power enforcing administrative imperatives through extra-economic coercion—except that, this time, it was done in the name not of enforcing custom but of making development and waging revolution. Even if there was a change in the title of functionaries, from chiefs to cadres, there was little change in the nature of power. If anything, the fist of colonial power that was the local state was tightened and strengthened. Even if it did not employ the language of custom and enforce it through a tribal authority, the more it centralized coercive authority in the name of development or revolution, the more it enforced and deepened the gulf between town and country. If the decentralized conservative variant of despotism tended to bridge the urban-rural divide through a clientelism whose effect was to exacerbate ethnic divisions, its centralized radical variant tended to do the opposite: de-emphasizing the customary and ethnic difference between rural areas while deepening the chasm between town and country in the pursuit of an administratively driven development. The bifurcated state that was created with colonialism was deracialized, but it was not democratized. If the two-pronged division that the colonial state enforced on the colonized—between town and country, and between ethnicities—was its dual legacy at independence, each of the two versions of the postcolonial state tended to soften one part of the legacy while exacerbating the other. The limits of the conservative states were obvious: they removed the sting of racism from a colonially fashioned stronghold but kept in place the Native Authorities, which enforced the division between ethnicities. The radical states went a step further, joining deracialization to detribalization. But the deracialized and detribalized power they organized put a premium on administrative decision-making. In the name of detribalization, they tightened central control over local authorities. Claiming to herald development and wage revolution, they intensified extra-economic pressure on the peasantry. In the process, they inflamed the division between town and country. If the prototype subject in the conservative states bore an ethnic mark, the prototype subject in the radical states was simply the rural peasant. In the process, both experiences reproduced one part of the dual legacy of the bifurcated state and created their own distinctive version of despotism.

SOUTH AFRICAN EXCEPTIONALISM

The bittersweet fruit of African independence also defines one possible future for postapartheid South Africa. Part of my argument is that apartheid, usually considered the exceptional feature in the South African experience, is actually its one aspect that is uniquely African. As a form of the state, apartheid is neither self-evidently objectionable nor self-evidently identifiable. Usually understood as institutionalized racial domination, apartheid was actually an attempt to soften racial antagonism by mediating and thereby refracting the impact of racial domination through a range of Native Authorities. Not surprisingly, the discourse of apartheid—in both General Smuts, who anticipated it, and the Broederbond, which engineered it—idealized the practice of indirect rule in British colonies to the north. As a form of rule, apartheid—like the indirect rule colonial state—fractured the ranks of the ruled along a double divide: ethnic on the one hand, rural-urban on the other.

The notion of South African exceptionalism is a current so strong in South African studies that it can be said to have taken on the character of a prejudice. I am painfully aware of the arduous labor of generations of researchers that has gone into the making of South African studies: someone new to that field must tread gingerly and modestly. Yet we all know of the proverbial child who combines audacity with the privilege of seeing things anew; perhaps this child's only strength is to take notice when the emperor has no clothes on. My claim, simply put, is that South Africa has been an African country with specific differences.

The South African literature that has a bearing on the question of the state comprises three related currents. The first is a body of writings largely economistic. It focuses on the rural-urban interface and the diminishing significance of the countryside as a source of livelihood for its inhabitants. Its accent is on the mode of exploitation, not of rule. With its eye on an irreversible process of proletarianization, it sees rural areas as rapidly shrinking in the face of a unilinear trend. Because it treats rural areas as largely residual, it is unable fully to explain apartheid as a form of the state. It is only from an economistic perspective—one that highlights levels of industrialization and proletarianization one-sidedly—that South African exceptionalism makes sense. Conversely, the same exceptionalism masks the colonial nature of the South African experience.

The point is worth elaborating. It is only from a perspective that focuses single-mindedly on the labor question that the South African experience appears exceptional. For the labor question does illuminate that which sets South Africa apart more or less in a category of its own: semi-industrialization, semi-proleterianization, semi-urbanization, capped by a strong civil society. This is why it takes a shift of focus from the labor question to the native question to underline that which is African and unexceptional in the South African experience. That commonality, I argue, lies not in the political economy but in the form of the state: the bifurcated state. Forged in response to the ever present dilemma of how to secure political order, the bifurcated state was like a spidery beast that sought to pin its prey to the ground, using a minimum of force—judicious, some would say—to keep in check its most dynamic tendencies. The more dynamic and assertive these tendencies, as they inevitably were in a semi-industrial setting like South Africa, the greater the force it unleashed to keep them in check. Thus the bifurcated state tried to keep apart forcibly that which socioeconomic processes tended to bring together freely: the urban and the rural, one ethnicity and another.

There is a second body of scholarship, which is on the question of chiefship and rural administration. It is a specialized and ghettoized literature on a particular institutional form or on local government, whose findings and insight are seldom integrated into a comprehensive analysis of the state. And then, finally, there is a corpus of general political writings that is wholistic but lacks in depth and explanatory power. This is the literature on "internal colonialism," "colonialism of a special type" and "settler colonialism." No longer in vogue in academia, this kind of writing has tended to become increasingly moralistic: it is preoccupied with the search for a colonizer, not the mode of colonial control. With a growing emphasis on non-racialism in the mainstream of popular struggle in South Africa, it appears embarrassing at best and divisive at worst. As a failure to analyze apartheid as a form of the state, this triple legacy is simultaneously a failure to realize that the bifurcated state does not have to be tinged with a racial ideology. Should that analytical failure be translated into a political one, it will leave open the possibility for such a form of control and containment to survive the current transition.

The specificity of the South African experience lies in the strength of its civil society, both white and black. This is in spite of the artificial deurbanization attempted by the apartheid regime. The sheer numerical weight of white settler presence in South Africa sets it apart from settler minorities elsewhere in colonial Africa. Black urbanization, however, has

been a direct by-product of industrialization, first following the discovery of gold and diamonds at the end of the nineteenth century, then during the decades of rapid secondary industrialization under Boer "nationalist" rule. One testimony to the strength of black civil society was the urban uprising that built wave upon wave following Soweto 1976 and that was at the basis of the shift in the paradigm of resistance from armed to popular struggle. The strength of urban forces and civil society–based movements in South Africa meant that unlike in most African countries, the center of gravity of popular struggle was in the townships and not against Native Authorities in the countryside. The depth of resistance in South Africa was rooted in urban-based worker and student resistance, not in the peasant revolt in the countryside. Whereas in most African countries the formation of an indigenous civil society was mainly a postindependence affair, following the deracialization of the state, in South Africa it is both cause and consequence of that deracialization. Yet civil society–based movements in apartheid South Africa mirror the key weakness of similar prodemocracy movements to the north: shaped by the bifurcated nature of the state, they lack an agenda for democratizing customary power gelled in indirect rule authorities and thereby a perspective for consistent democratization.

The contemporary outcome in South Africa reflects both features, those generically African and those specifically South African. The situation leading to the nonracial elections of 1994 is a confluence of five historical developments. The first is the shift to apartheid rule in the late 1940s. Most analysts have seen this as an exception to the "wind of change" then blowing across the continent, a wind that in its wake brought state independence to nonsettler colonies. In retrospect, though, apartheid—the upgrading of indirect rule authority in rural areas to an autonomous status combined with police control over "native" movement between the rural and the urban, an attempt to convert a racial into an ethnic contradiction—was the National Party's attempt to borrow a leaf from the history of colonial rule to the north of the Limpopo. What gave apartheid its particularly cruel twist was its attempt artificially to deurbanize a growing urban African population. This required the introduction of administratively driven justice and fused power in African townships; the experience can be summarized in two words, *forced removals*, which must chill a black South African spine even today.

Second, forced removals notwithstanding, the processes of urbanization and proletarianization continued. The repression that administratively driven justice and fused power made possible—particularly in the "decade of peace" that followed the Sharpeville massacre of 1960—

created a climate of great investor confidence. As rates of capital accumulation leaped ahead of previous levels, so did rates of African proletarianization and urbanization.

Third, the decade of peace ended with the Durban strikes of 1973 and the Soweto uprising of 1976. For the next decade, South Africa was in the throes of a protracted and popular urban uprising. The paradigm of resistance shifted from an exile-based armed struggle to an internal popular struggle.

Fourth, the original and main social base of independent unionism that followed the Durban strikes of 1973 was migrant labor. The trajectory of migrant-labor politics illuminates the broad contours of the politics of resistance in apartheid South Africa. From being the spearhead of rural struggles against newly upgraded Native Authorities in the 1950s, migrant labor provided the main energy that propelled forward the independent trade union movement in the decade following the Durban strikes. But by the close of the next decade, hostel-based migrants had become marginal to the township-based revolt. As tensions between these two sectors of the urban African population exploded into antagonism in the Reef violence of 1990–91, hostels were exposed as the soft underbelly of both unions and township civics. Seen in the 1950s as urban-based militants spearheading a rural struggle—an explosion of the urban in the rural—by 1990 migrants appeared to many an urban militant as tradition-bound country bumpkins bent on damming the waters of urban township resistance: the rural in the urban.

If my objective in looking at the South African experience were simply to bring to it some of the lessons from African studies, the result would be a one-sided endeavor. If it is not to turn into a self-serving exercise, the objective must be—and indeed is—also to bring some of the strengths of South African studies to the study of Africa. For if the problem of South African studies is that it has been exceptionalized, that of African studies is that it was originally exoticized and is now banalized. But unlike African studies, which continues to be mainly a turnkey import, South African studies has been more of a homegrown import substitute. In sharp contrast to the rustic and close-to-the-ground character of South African studies, African studies have tended to take on the character of a speculative vocation indulged in by many a stargazing academic perched in distant ivory towers.

This lesson was driven home to me with the forceful impact of a dramatic and personal realization in the early 1990s, when it became possible for an African academic to visit South Africa. At close quarters, apartheid no longer seemed a self-evident exception to the African colonial experience. As the scales came off, I realized that the notion of South African exceptionalism could not be an exclusively South African

creation. The argument was also reinforced—regularly—from the northern side of the border, both by those who hold the gun and by those who wield the pen. This is why the creation of a truly African studies, a study of Africa whose starting point is the commonality of the African experience, seems imperative at this historical moment. To do so, however, requires that we proceed from a recognition of our shared legacy which is honest enough not to deny our differences.

If the reader should wonder why I have devoted so much space to South African material, I need to point out that the South African experience plays a key analytical and explanatory role in the argument I will put forth. It is precisely because the South African historical experience is so different that it dramatically underlines what is common in the African colonial experience. Its brutality in a semi-industrialized setting notwithstanding, apartheid needs to be understood as a form of the state, the result of a reform in the mode of rule which attempted to contain a growing urban-based revolt, first by repackaging the native population under the immediate grip of a constellation of autonomous Native Authorities so as to fragment it, and then by policing its movement between country and town so as to freeze the division between the two. Conversely, it is precisely because black civil society in South Africa is that much stronger and more tenacious than any to the north that it illustrates dramatically the limitations of an exclusively civil society-based perspective as an anchor for a democratic movement: the urban uprising that unfolded in the wake of Durban 1973 and Soweto 1976 lacked a perspective from which to understand and transcend the interethnic and the urban-rural tensions that would mark its way ahead.

Finally, the seesaw struggle between state repression and the urban uprising had reached a stalemate by the mid-1980s. It was as if the waters of the protracted uprising had been checked and frustrated by the walls of indirect rule Native Authorities. The uprising remained a predominantly urban affair. At the same time, the international situation was changing fast with glasnost coming to the Soviet Union and the cold war thawing. In this context the South African government tried to recoup a lost initiative through several dramatic reforms. The first was the 1986 removal of influx control and the abolition of pass laws, thereby reversing the legacy of forced removals. It was as if the government, by throwing open the floodgates of urban entry to rural migrants, hoped they would flock to townships and put out the fires of urban revolt. And so they flocked: by 1993, according to most estimates, the shanty population encircling many townships was at around seven million, nearly a fifth of the total population. Many were migrants from rural areas.

The second initiative came in 1990 with the release of political prisoners and the unbanning of exile-based organizations. The government had identified a force highly credible in the urban uprising but not born of it and sought to work out the terms of an alliance with it. That force was the African National Congress (ANC) in exile. Those terms were worked out in the course of a four-year negotiation process, called the Convention for a Democratic South Africa (CODESA). The resulting constitutional consensus ensured the National Party substantial powers in the state for at least five years after the non-racial elections of 1994. Many critiques of the transition have focused on this blemish, but the real import of this transition to nonracial rule may turn out to be the fact that it will leave intact the structures of indirect rule. Sooner rather than later, it will liquidate racism in the state. With free movement between town and country, but with Native Authorities in charge of an ethnically governed rural population, it will reproduce one legacy of apartheid—in a nonracial form. If that happens, this deracialization without democratization will have been a uniquely African outcome!

SCOPE AND ORGANIZATION

This book is divided into two parts. The first focuses on the structure of the state. Following this introduction is a chapter that reconstructs the moment of the late-nineteenth-century scramble as a confluence of two interrelated developments. The first was the end of slavery, both in the Western hemisphere and on the African continent. This shift of historical proportions both underlined the practical need for a new regime of compulsions and cleared the ground for it. The second contributory factor was the set of lessons that late colonialism drew from its Asian experience. The historical context illuminates what was distinctive about the nature of colonial power in Africa.

The political history of indirect rule, from its genesis in equatorial Africa to its completion in South Africa, is traced in chapter 3. I should perhaps clarify at this point that I do not claim to have written a book that is encyclopedic and panoramic in its empirical reach. The point of the examples I narrate is illustrative. As a mode of rule, decentralized despotism was perfected in equatorial Africa, the real focus of the late-nineteenth-century scramble. Only later did its scope extend north and south, parts of the continent colonized earlier. The examples I use from the colonial period are clustered around the period of incubation of indirect rule in equatorial Africa, with an extended discussion of South Africa, which is usually presumed to be an exception to the African experience and which I contend was the last to implement a version of decentralized despotism.

As its pioneers, the British theorized the colonial state as less a territorial construct than a cultural one. The duality between civil and customary power was best described in legal ideology, the subject of chapter 4. Legal dualism juxtaposed received (modern) law with customary law. But customary law was formulated not as a single set of native laws but as so many sets of tribal laws. Conversely, colonial authorities defined a tribe or an ethnic group as a group with its own distinctive law. Referred to as custom, this law was usually unwritten. Its source, however, was the Native Authority, those in charge of managing the local state apparatus. Often installed by the colonizing power and always sanctioned by it, this Native Authority was presented as the traditional tribal authority. Where the source of the law was the very authority that administered the law, there could be no rule-bound authority. In such an arrangement, there could be no rule of law.

This first part of the book closes with a chapter (5) on the relation basic to decentralized despotism, that between the free peasant and the Native Authority. Through an illustrative exploration of extra-economic coercion, chapter 5 sums up the distinctive feature of the economy of indirect rule. Together, chapters 3, 4, and 5 sum up the institutional triad through which this decentralized mode of rule operated: a fusion of power, an administratively driven notion of customary law, and a range of extra-economic compulsions. Each chapter also closes with a discussion of the variety and the overall limit of postindependence reform.

The second part of the book explores the changing shape of oppositional movements as they grow out of the womb of the bifurcated state. I focus on two paradigm cases to illuminate the rural and urban contexts of resistance: Uganda and South Africa. Within the context of exploring different ways of bridging the urban-rural divide, my objective is twofold: first, to counterpose the earlier discussion of authoritarian possibilities in culture (customary law) to a discussion of emancipatory possibilities in ethnicity; second, to problematize ethnicity as resistance, precisely because it occurs in multiethnic contexts.

The Ugandan material forms the bulk of case studies in chapter 6 on rural-based movements in equatorial Africa. My primary accent is on movements that seek to reform customary power in rural areas, so as to bring out both their creative moments and their limitations. The South African material in chapter 7 focuses on urban-based movements, organized the first time as trade unions and the second time as political parties. Through a combination of secondary source material and primary

interviews, mainly in some of the "violent" hostels in Johannesburg, Soweto, and Durban, I explore the dialectics of migrant politics (the rural in the urban) through the turning points of the 1970s and the early 1990s in the overall context of the politics of South Africa.

The conclusion (chapter 8) is a reflection on how oppositional movements and postindependence states have tried to come to terms with the tensions that the structure of power tends to reproduce in the social anatomy. My point is that key to a reform of the bifurcated state and to any theoretical analysis that would lead to such a reform must be an endeavor to link the urban and the rural—and thereby a series of related binary opposites such as rights and custom, representation and participation, centralization and decentralization, civil society and community—in ways that have yet to be done.

Part One

THE STRUCTURE OF POWER

Notes

Chapter I
Introduction: Thinking through Africa's Impasse

1. Christopher Fyfe, "Race, Empire and the Historians," *Race and Class* 33, no. 4 (1992): 22. A number of examples in this paragraph are taken from this particular article.

2. Allister Sparks, *The Mind of South Africa* (New York: Ballantine Books, 1991), p. 184.

3. Gen. J. C. Smuts, *Africa and Some World Problems, Including the Rhodes Memorial Lectures Delivered in Michaelmas Term, 1929* (Oxford: Clarendon Press, 1929), pp. 76–78, 92. I am thankful to Bernard Magubane for first suggesting to me that I would benefit from a reading of this text.

4. Ibid., pp. 99–100.

5. See Lord Hailey, *An African Survey* (London: Oxford University Press, 1936), p. 150.

6. Samir Amin, *Accumulation on a World Scale* (New York: Monthly Review Press, 1974).

7. Jean-Francois Bayart, *The State in Africa: The Politics of the Belly* (London: Longman, 1993), pp. 31, 21.

8. John Thornton, *Africa and the Africans in the Making of the Atlantic World, 1400–1680* (New York: Cambridge University Press, 1992), pp. 125, 182; for a critical review, see Jacques Depelchin, "Lumumba, Braudel and African History: Dismantling or Reproducing the Colonial Paradigm?" (African-American Studies and History, University of Syracuse, 1994, mimeographed).

9. Talal Asad, *Genealogies of Religion, Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993), p. 4.

10. Bayart, *The State in Africa*, p. 268.

11. On "patrimonialism," see Richard Sandbrook, *The Politics of Africa's Economic Stagnation* (Cambridge: Cambridge University Press, 1985); and Thomas Callaghy, *The State-Society Struggle: Zaire in Contemporary Perspective* (New York: Columbia University Press, 1984); see also Patrick M. Boyle, "A View from Zaire," *World Politics* 40, no. 2 (January 1988): 268–87. On "prebendalism," see Richard M. Joseph, "State and Prebendal Politics in Nigeria," in *State and Class in Africa*, ed. Nelson Kasfir (London: Frank Cass, 1984); and Richard Joseph in *Perestroika without Glasnost*, report of the Inaugural Seminar of the Governance in Africa Program of the Carter Centre (Emory University, 1989, February 17–18), p. 12.

12. For a review, see Mahmood Mamdani, "A Glimpse at African Studies, Made in USA," *Codesria Bulletin* (Dakar, Senegal), no. 2 (1990): 7–11.

13. See Thomas Callaghy, "The State as Lame Leviathan: The Patrimonial-Administrative State in Africa," in *African State in Transition*, ed. Zaki Ergas (London: Macmillan, 1987).

14. See Goran Hyden, *Beyond Ujamaa in Tanzania* (London: Heinemann, 1980), and *No Shortcuts to Progress* (London: Heinemann, 1983).

15. Donald Rothchild, "Hegemony and State Softness: Some Variations in Elite Responses," in *African State in Transition*, ed. Ergas.

16. Crawford Young and Thomas Turner, *The Rise and Decline of the Zairean State* (Madison: University of Wisconsin Press, 1985).

17. Naomi Chazan, "State and Society in Africa: Images and Challenges," in *The Precarious Balance: The State and Society in Africa*, ed. Donald Rothchild and Naomi Chazan (Boulder, Colo.: Westview, 1988).

18. In a section entitled "New Historical Parallels" in his introductory chapter, Hyden underlines the significance of the transition to industrialism in Europe for "more important leads" to understanding the African experience: "It is likely that observations on the early phases of class formation in industrial society may contain more important leads to an understanding of African development today than contemporary parallels from other parts of the world, be it India, China, the Soviet Union or the United States" (Hyden, *No Shortcuts to Progress*, p. 22).

19. Callaghy, "The State as Lame Leviathan."

20. Hyden, *Beyond Ujamaa in Tanzania* and *No Shortcuts to Progress*. For a critique, see Mahmood Mamdani, "A Great Leap Backward," *Social Science Research Review* (Addis Ababa) 1, no. 1 (1985).

21. Hyden, *Beyond Ujamaa in Tanzania*, p. 9.

22. Both claims are implicit in Andrew Arato and Jean Cohen, *Civil Society* (Cambridge, Mass.: MIT Press, 1993).

23. In a bibliographical survey of the subject, John Keene has stressed the marginal character of the view that civil society is a timeless and ahistorical condition: in the words of its most prominent advocate, Thomas Paine, a "natural condition of freedom" that is a legitimate arena of defense against state despotism. John Keene, *State and Civil Society* (London: Verso, 1988).

24. For a discussion of mainstream views in contemporary North American political science that have failed to exorcise "the ghost of Hegel," see Robert Meister, *Political Identity: Thinking through Marx* (London: Basil Blackwell, 1990), pp. 222–36.

25. Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge, Mass.: MIT Press, 1991).

26. Jürgen Habermas, "Further Reflections on the Public Sphere," in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge, Mass.: MIT Press, 1992), pp. 430, 453–54, 423, 424.

27. Geoff Eley, "Nations, Publics and Political Cultures: Placing Habermas in the Nineteenth Century," in *Habermas and the Public Sphere*, ed. Calhoun, pp. 325–26.

28. F. D. Lugard, *The Dual Mandate in British Tropical Africa* (London: Frank Cass, 1965), pp. 149–50.

29. For a detailed discussion, see Mahmood Mamdani, "State and Civil Society in Contemporary Africa: Reconceptualising the Birth of State Nationalism and the Defeat of Popular Movements," *Africa Development* (Dakar, Senegal) 15, no. 3/4, 1990, 47–70.

30. From this perspective, there could be no better starting point than Samir Amin's classic statement of 1970. See Samir Amin, "Underdevelopment and Dependency in Black Africa: Origins and Contemporary Forms," *Journal of Modern African Studies* 10 (1970).

Chapter II
Decentralized Despotism

1. "The King's Speech," 1904, quoted in Cyril Ehrlich, "The Marketing of Cotton in Uganda" (Ph.D. diss., London University, 1958), p. 32.

2. Catherine Coquery-Vidrovitch, "The Political Economy of the African Peasantry and Modes of Production," in *The Political Economy of Contemporary Africa*, by Peter C. W. Gutkind and Immanuel Wallerstein, eds. (London: Sage, 1976), p. 91, quoted in Kwame Anthony Appiah, *In My Father's House* (London: Methuen, 1992), pp. 203–4.

3. Christopher L. Miller, *Blank Darkness: Africanist Discourse in French* (Chicago: University of Chicago Press, 1985), p. 5.

4. Basil Davidson, *The Black Man's Burden: Africa and the Curse of the Nation-State* (New York: Times Books, Random House, 1992), pp. 60–61, 86.

5. Ifi Amadiume, "Gender, Political Systems and Social Movements: A West African Experience," in *African Studies in Social Movements*, ed. Mahmood Mamdani and E. Wamba-dia-Wamba (Dakar, Senegal: CODESRIA, 1995).

6. George Padmore, *Africa: Britain's Third Empire* (London: Dennis Dobson, 1948), p. 113.

7. See Radhakrishnan Mukherjee, *The Problem of Uganda: A Study in Acculturation* (Berlin: Akademie-Verlag, 1949), ch. 2.

8. On Karamoja, see Charles Ocan, "Pastoralism and Crisis in North-Eastern Uganda: Factors That Have Determined Social Change in Karamoja," working paper no. 20, Centre for Basic Research, Kampala. 1992.

9. The democratic character of tribal organization was stressed by Mukherjee in his 1949 study of Uganda. In subsequent research concerning the "lineage mode of production," Rey has argued that elders constituted an exploiting class. Mafeje, following Meillessoux, has contended that elders were really custodians of patrimony/matrimony; they could not be considered a class, since they were under a kinship obligation to surrender power to juniors when the time came. Although Mafeje's observation has merit, it still remains partial: not all juniors graduated to being elders in time. Also, was not the social category "elders" predominantly if not exclusively male? See P. P. Rey, *Les Alliances de classes* (Paris: Maspero, 1973). Claude Meillessoux, *Maidens, Meal and Money: Capitalism and the Domestic Economy* (Cambridge: Cambridge University Press, 1975). Archie Mafeje, *The Theory and Ethnography of African Social Formations: The Case of the Intralacustrine Kingdoms* (Dakar, Senegal: CODESRIA, 1991).

10. Mukherjee, *The Problem of Uganda*. Mafeje, *Theory and Ethnography*.