

‘FAILED STATES’ IN QUESTION AND THE CASE OF SUB-SAHARAN AFRICA

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CONTEXT

This paper is about ‘failed states’ and how we might understand them. The term has come to refer to states that have difficulty imposing civil order; where social provision has markedly deteriorated; where mortality rates are increasing; where movements of a more universalist sort, as notably with the jihadists, can find fertile conditions for recruiting and for their activities more generally; and continually, it seems, the state has difficulty managing the national economy and achieving balance both externally and with respect to its own spending. Resort to the IMF for a bailout is, accordingly, a common index of ‘failure.’

The idea of a ‘failed state’ is a relatively recent one; certainly post-colonial and part of the semantic landscape of the most recent phase of globalization. Prior to 1980 references are rare. To talk about the post-colonial states as ‘failed’ seemingly required their independence. The idea that their colonial antecedents might somehow be wanting from the standpoint of the colonized was never an issue, though the fact of movements for independence suggests that they might well have been depicted in that way, but that would have required a different definition of ‘failure.’ Since 1990 the list of so-called failed states has seemingly grown from one year to the next and at a very rapid pace.¹

¹ For some supporting evidence, do a Google Books Ngram analysis, inserting as the key expression ‘failed state’:
https://books.google.com/ngrams/graph?content=failed+states&year_start=1800&year_end=2000&corpus=15&smoothing=3&share=&direct_url=t1%3B%2Cfailed%20states%3B%2C0 (last accessed January 7, 2017.)

It is, though, and emphatically, a Western concept,² born of the security concerns of government and of multinationals, nuanced as their definitions of failure might be. For governments it has provided cover for military intervention. For the multinationals it has provided a filter as they survey the world for places to invest their money; places, that is, with what is elsewhere referred to as a favorable ‘business climate.’ And where the investment attractions are otherwise particularly juicy, as in those with oil, government intervention will be spurred on by corporate interests. But this means that the prevailing view of ‘failure’ is only that and that there are many ways of judging states as ‘failed.’ In many ways the states that have led the charge can be defined as ‘failed’: in many respects they are hardly paragons of democratic virtue and nor are their multinationals set on a mission of bringing riches to the rest of the world. Emphatically the world of ‘failed states’ is a view *from* the West and *for* Western interests.

That said, and within the limits of a particular definition of state failure, this does not mean to say that there is no material basis for Western concerns. The ability of some central governments to make people into citizens and to, at the very least, pacify, to counter attempts to make them into platforms for attacks on Western interests both there and in the West itself, and then to provide the social infrastructure of law and separation of the public from the private sought by investors does indeed vary.

² An alternative conception to that of the failed state is the fragile state: an attempt to encapsulate similar shortcomings but in a semantically less provocative, less stigmatizing way. See Nay (2013.)

A common explanatory view is what might be called internalist; failed states are a result of conditions internal to particular countries. These might include clan and tribal rivalries, corrupt civil services, and a fragmented state, and the diversion of state revenues to private purposes.³ A major objective of this paper is to correct that view; not to reject claims like those of tribal rivalry or corruption, but to place them in a much larger geohistorical context. Rather the answer to the fact of the 'failed state', and as the timing of use of the term might indicate, lies to a greater degree in conditions of a more global nature. These include colonialism and the difficulties that the post-colonial states encountered as a result of the downturn of the global economy after the early 1970s – difficulties for which, as will be argued, responsibility largely lay outside their control. The collapse of the Soviet bloc would then generate further symptoms. Displacement of the Cold War by Huntington's (1996) supposed 'clash of civilizations' or Barber's 'McWorld vs Jihad' (1995) meant that the inherited weaknesses of a number of states would be vulnerable to exploitation by the opposing forces: as recruiting grounds and as targets for Western interventions, often as part of a mistaken attempt to install 'democracy' and this rationalized by the claim that strong states are democratic ones.

In this paper these ideas are explored as they apply to a part of the world particularly stereotyped as classic 'failed state' territory: Sub-Saharan Africa. On any map of 'failed states', and they are readily available on the web,⁴ this is a part of the world that typically looms large. As I argue in the first major section of the paper, this needs to be seen against the background of more general considerations; in particular a colonial history; and more recently the restructuring of relations with the developed world in a new globalizing or neo-liberal world order. Attention then turns to the case of Sub-Saharan Africa and the light it can

³ A classic set of statements along these lines can be found in a collection edited by Robert Rotberg (2003.)

⁴https://www.google.com/search?q=failed+states&rlz=1C1GGGE_US641US641&espv=2&biw=1280&bih=875&source=lnms&tbn=isch&sa=X&ved=0ahUKEwiNgP3b2uLRAhVClwKHcbbBW8Q_AUICCGD (last accessed January 27, 2017.)

shed on the question of the 'failed state' more generally.

Crucial to understanding the failures of states there to achieve the norms proposed by the advanced capitalist countries of the West is the fact that unlike Western states they are *not* capitalist states, and for the very good reason that capitalism there has very weak roots. Pre-capitalist production relations still prevail over much of sub-Saharan Africa and this has had decisive effects on the form of the state. This is the patrimonial state which, unlike the Western version continues to depend for its legitimacy on patronage and clientelist ties. The weakness of capitalism means that the state is a major source of patronage and contested vigorously, often violently, for that reason. In consequence, and unlike in the West, public and private are not separate spheres, which means that what are called corruption and nepotism there do not receive the same opprobrium. Meanwhile, and in virtue of the weakness of capitalism, access to land remains crucial and is a major site of patronage and violence. All these features of the failed state à l'Afrique are on display in the two case studies – the Ivory Coast and Kenya – which comprise the final section of the paper.

'FAILED STATES': SOME GENERAL CONSIDERATIONS

The idea of a 'failed state' is obviously part of a more all-embracing global imaginary. The implicit contrast is with 'successful states.' And it is, of course, the 'successful states', the think tanks based in those countries, their media, and state officials, elected and appointed, who choose the terms by which states will be defined as 'failed'; and who then publicize and try to normalize these claims. It is, therefore, a designation that works for Western interests, and in particular, for corporate ones, and for those anxious to promote the cause of internal security. There are other designations according to which the developed countries would not look quite as 'successful' as they might think, but the power to define obviously plays into this story. In other words, in defining what is 'failed' and what isn't, positionality is crucial.

The immediate conditions for this process of defining have been twofold. The first is the heightened significance of developing countries for Western corporate interests subsequent to the start in the early 1970s of the long downturn in the global economy. It is well known that international investment on the part of multinationals based in North America, Japan and Western Europe surged as profitability in their home regions declined. Most of that investment would in fact, and oddly enough, be shared amongst themselves: so American companies investing in production facilities in Western Europe and Japanese corporations in North America, for instance. Developing countries were poor cousins but not entirely excluded and there were lots of them vying for the favors of Western corporations. In addition, as capital controls were lifted around the world during the 1970s, so banks in North America and Western Europe were free to lend to banks and governments elsewhere; something that was taken up with enthusiasm in many developing countries, particularly in the context of the oil shocks of that period.

But one of the problems was that with the downturn, their economies had suffered considerably. State tax revenues had declined and this reduced the ability of state agencies to provide services, like education and health, as well as to invest in infrastructures. In sub-Saharan Africa state regulation of the national economy, including price limits for agricultural goods, provided incentives for people to move out of the formal into the informal economy; since this wasn't taxed, state revenues were further reduced (Bates 2008.) The subsequent fiscal crisis of the state was a crisis for public officials and for the army, both. For public officials, services in exchange for a personal consideration became more prevalent. So called 'primordial' attachments (Eller and Coughlan 1993) of language, religion and clan surged to the fore in the struggle for a share of a diminishing product. This was the condition for civil disorder and the disintegration of the armed forces as different parts of them attached themselves to various challengers to state authority; or the latter might hive off various parts of the state apparatus for their own purposes. Resource discoveries – oil, cobalt, diamonds, etc. – became the target of groups, typically led by

strong men, struggling to monopolize by force the fruits of their exploitation. In other words, the idea of the 'failed state' can be traced at one level to the fallout of the long downturn.

As the multinationals considered developing countries for investment possibilities a necessary question was what sort of support they might expect: in particular, how physically secure would the investment be; to what degree was the law of private property enforced; and what sort of transparency in dealings with the state could one anticipate? The problem for banks lending money to them, was that of getting their money back. It was at this point that the idea of the 'failed state' would receive some quantitative precision, however much one might challenge the sense of certainty and lack of ambiguity that that precision conveyed. For a growth industry in the Western countries at this time and continuing to the present day has been the research company specializing in what was called 'political risk analysis.' These have had several effects. The first is, through their choices of 'variables' they have normalized what is meant by 'failed state.' The second is to give the idea a spurious scientific status and to prioritize a particular form of gaining knowledge, a form whose priority, notably among economists, has not gone uncontested. In other words, determining whether a state is failed or not is a highly political matter. But without the crisis of the global economy subsequent to the early 70s and which, in terms of diminished growth rates is still with us, they would almost certainly not exist. Western corporations needed some evaluation and it emerged to give a sense of certainty that is highly misleading.⁵

To this particular source of 'state failure' and Western anxiety was added another subsequent to the breakup of the Soviet bloc and the ending of the Cold War. In place of the old cleavage between the so-called 'free world' – even while it included countries like South Africa and Taiwan along with numerous dictatorships in Latin America, like that of Pinochet in Chile – and the 'unfree ones' emerged a new one. The talk now

⁵ And incidentally part of a much broader industry of so-called 'risk analysis' which has flourished in the context of the highly financialized form assumed by capitalism over the past thirty years or so.

was of a clash of civilizations (Huntington 1996) and of McWorld vs Jihad (Barber 1995): instead of the old free market / communist division, therefore, this was one that positioned a secular West against the benighted masses of the Muslim world. This gathered pace in particular after the attack on the World Trade Center in 2001. The weakness of the state in many developing countries was now seen as having additional implications; additional, that is, to threats to Western investments.

The issues here have been, overtly at least, largely cultural in character. They date back to the hijacking of the Iranian revolution of 1979 by reactionary forces of Islam, even while it had been initiated by a strong, anti-imperialist working class movement. They too were anti-imperialist and wanted to topple the monarchy that had been installed by the Americans and the British twenty-six years earlier, but their reasoning was quite different. Instead of contesting the slim pickings that the Western oil majors were leaving for the Iranian people it was a matter of ‘West-toxification’: the threat to gender hierarchy, to the authority of the mullahs, of old over younger, and to contravention of the religious proscription of alcohol.

The Soviet invasion of Afghanistan in the same year would empower the forces of reaction further. On the one hand, the invasion was in support of a modernizing government that wanted to do away with an ancien regime of patriarchy and clan loyalties that was legitimated by religious authorities. On the other, it encouraged, in effect, American support for the reactionaries and the spread of weapons and a military training that would then be turned against it. The Soviets would withdraw but for the West it would turn out to be a pyrrhic victory.

The formation of a succession of movements targeting symbols of Western dominance was not then far behind. The innovation of the suicide attack transformed their ability to strike at their enemies. In that regard the attacks of 9/11 on the World Trade Center and the Pentagon – a significant choice of targets – were a watershed. Since then there has been a pattern of American-led, Western intervention that has, on the one

hand, strengthened Islamic fundamentalism, generating new movements like the Taliban in Afghanistan and the Islamic State in Mesopotamia, and on the other, facilitated its spill-over into other countries, like Pakistan and Mali and the Horn of Africa; which has in turn generated further interventions and an upward ratcheting of the struggle against what the West refers to as ‘terror.’

In this context, ‘state failure’ has assumed new dimensions. In addition to the limits of some states to provide a hospitable environment for the investments of Western multinationals and the loans of Western banks, have been added their inability to cope with the Islamic fundamentalists in their midst and to eject them and eliminate the threat that they pose to domestic political balances. ‘Failed states’ are now seen as providing safe refuge for the insurgents, sources of recruitment and bases for jihad.

In short, and in sum, a large number of the states in the developing world have been found wanting; ‘failed.’ It is, though, seemingly important to control what is going on there. Through conditionality the IMF hopes to induce reform and make them safe for investments and continuing incorporation into the capitalist world. Through forcible interventions into particular countries, the hope is that governments can be propped up to carry on the fight against Islamicism or changed so that they will act as bulwarks against the toxin.

This is a global imaginary currently dominant in policy-making circles in North American and in Western Europe. There is though, an important continuity which goes back many, many decades and deep into the nineteenth century, if not before (Hill 2005; Jones 2013.) For the ‘failed state’ label is part and parcel of a more general and enduring stigmatization of large parts of the world and their populations by interests in Europe and North America; a depiction of it as wanting, deficient, needing help. Accordingly, European empires were always justified by ideas of spreading civilization among the barbarians. An early version of this was Christianization of the pagans and certainly missionaries were in evidence everywhere in the European colonies. Much later the British

would take refuge in the white man's burden and the French in *la mission civilisatrice*.

The relationship would be reflected in what has been called 'Orientalism.'⁶ This is depicted in the first place by the way in which the Orient was represented in the West (or 'Occident') in terms of literature, historical writings, architecture and works of art. These were representations of ways of life as stagnant, irrational, inflexible and culturally inferior. The benchmark, of course, was a Western culture that was supposedly rational in its practices, dynamic and therefore culturally in the vanguard. In other words, underneath Western representations lay a desire to justify a dominant position with respect to peoples elsewhere; which then added further fuel to the idea that without contact with the West, without its missionaries, its cultural ambassadors, its academics, and the transfer of its institutions, if necessary by force, they would remain as they were. And this, in light of the cultural absolutes defined in Western centers of learning, was not desirable or even to be tolerated.

The imaginary has shifted in its concrete form. As reference to the 'white man's burden' indicates, for a long time it drew sustenance from ideas of race and of an unalterable racial hierarchy. This is now taboo. A more acceptable form has been the distinction between the modern and the traditional. In Southern Africa, tribal authorities are now traditional authorities. The process of development – itself a loaded word – is also defined as one of modernization. The modern is presented as more desirable than the traditional. In order to mediate the transition to the modern, you have to have the right sort of state. This, according to the orthodoxy is the problem. Get the state right and everything else will follow.

The 'right' sort of state adheres, of course, to the Western form. It provides for the physical security of all, including their property. This is achieved by a police force and a judiciary, backstopped by an army, which are independent of the succession of – presumably elected – governments. The authority of the state in the form of the rule of law

extends across the whole country. It is a state which provides for the social needs of its citizens, albeit within the constraints of the national product: so a public health system, and public education which will expand in terms of its reach across the age groups as the economy grows – which it will, it is confidently argued, so long as you have the right sort of state! The right sort of state is also democratic. Authoritarian government is suspect because of its potential for contravening the rule of law and therefore of private property – its ability to distance itself from the capitalists who otherwise make it a capitalist state; which means in turn that if a state has nevertheless had good neo-liberal credentials that can mean that it is 'successful' rather than 'failed.' (The doctrine of state failure has never been noted for the rigidity of its judgments!) Democracy, the rule of law, maintaining high standards of social provision are supposed to condition one another. Everything then depends on the independence of the state from civil society and the separation of public from private. The state is a public resource and not a private one; it cannot be turned to private purposes in which (e.g.) tax revenues are diverted for the benefit of public officials, in which state hiring practices privilege kin, or in which private property can be expropriated to the advantage of members of the government. Just how much this idealized form actually applies to Western states must, of course, be in question. For in a world where citizens are treated as customers of the government, where states are subordinated to the pressures of corporate interest, and where social provision is unequal, and often, as in the US, quite appallingly so, it has to be.

Among other things, colonialism was not seen as a matter of exporting Western state institutions. Initially it was more about the rule of law so as to provide a secure business environment. Only later with the development of the anti-colonial movement would the bequeathing of democratic institutions emerge as a priority albeit in ways carefully stage managed so that power would be transferred to people who could be relied on to keep their countries safe for capitalism. The commodity boom of the 60s and into the early 70s then allowed for a period of some stability, but it would not last. How these arguments apply to

⁶ The term is Edward Said's and the classic statement is his book of 1978.

Sub-Saharan Africa is the topic to which we now turn.

THE AFRICAN CASE

The Capitalist State

The theory of state failure can be defined as a statist one: the essential precondition for social development is getting the form of the state right. And the right form is the Western one of democracy, the separation of powers, the rule of law, and a strong, professional civil service. If you can introduce that, all will be well. In short: This is something that can be exported and gladly received in the benighted societies of developing countries. The hubris is impressive since history demonstrates that this doesn't work.⁷ The latest failure was the American attempt to export these institutions to Iraq. The problem is that the theory of state failure gets things back to front: it makes development dependent on the form of the state; whereas, as we will now see, it is development that conditions state form. The countries of Africa south of the Sahara, with perhaps a very few exceptions like Botswana or South Africa, provide exquisite examples.

What needs to be put in the center of our understanding is capitalist development – or rather the difficulties in getting it going and then sustaining it. The form of state that government circles and their advisors in North America and Western Europe want to see transposed elsewhere in the world has the characteristics that it does – separation of powers, democracy, the rule of law, its exclusively public nature in which officials act in their legally defined public rather than private capacities – because of a sustained process of capitalist development and the social struggles that it unleashed going back many years (Therborn 1977; Cox 2004.) To make states 'successful' in Western terms, that process of development has to be replicated. This is because of the way in which it transforms the totality of social relations and through it, its politico-institutional forms. But the conditions for capitalist development over most of Sub-Saharan Africa are missing and this, in turn, is fundamental to understanding the

failure of states there to achieve Western norms of 'success.'

The Capitalist Form of Development

Capitalist development is, simply put, the production of commodities with commodities. All that is necessary to production – workers, raw-materials, tools and machines – requires outlays of money. The ability of workers to work – their labor power – is bought for the duration of the workday or week in a labor market by someone with accumulated money wealth. Raw-materials and machinery are bought and sold. Once the act of production is terminated then what has come out of it has, in turn, to be sold; otherwise the owner of the money wealth who initiated the process is out of pocket.

But markets that embrace all that goes into the production process cannot be taken for granted. They have their historical conditions. Most fundamental of all, the sorts of relation to the land and other means of production enjoyed by those who do the producing – the immediate producers – have to be dissolved. This pre-capitalist relation to the land is one of possession. People have rights to land, mediated by a community, and these are rights that cannot be taken away. But of course, at a certain point in history and in certain parts of Western Europe, those rights *were* taken away. Feudal lords evicted people from their land and rented it out to tenant farmers; people were forcibly dispossessed. Meanwhile the immediate producers, now divorced from the land, were available for hire. Capitalism was getting under way. The immediate producers had been separated from the land making way for markets in land and in labor power.

It is on this basis that the wonders of capital accumulation, technical development, the piling up of wealth then proceed. Those who have thrown money into production, hired workers, bought raw-materials and so forth want a return. But where there are others of their sort doing the same thing, there is no assurance that they will succeed. Reducing costs by enlarging the scope of production, developing new, labor-conserving technologies, revolutionizing the division of labor so as to compete becomes the immediate goal. The fact that people of money have the power to

⁷ See, for example, Rodrik's pessimistic review. India is the great exception and puzzle.

hire workers or not to hire them, and can at least for a time simply consume their wealth if those workers resist the terms offered, gives them the capacity to extract from the workers more value than they get back in wages. Competition means not only that that exploitation is possible, however; it is necessary. And as machinery is introduced to replace workers, so the unemployed act as a further drag on wages. The process, though, is a highly contradictory one. Workers resist their exploitation, go on strike and in boom times or when serious radicalism threatens the capitalist class, will extract higher wages and improved conditions of work; which is why capitalist development results in improved standards of living for the masses, unequal as those standards might still be.

Meanwhile, what is happening to the state and how does it get to assume the form we associate with it: a state that is capitalist in the sense that it acts in such a way, or more accurately entails governments acting in such a way, as to facilitate the accumulation process; which means in turn resisting or defusing the most radical demands of the working class? First of all, of course, it has to be a state that facilitates exchange of a capitalist sort. This is exchange which always starts with and returns to production. Exchange is subordinated to production and capitalist production needs to find everything it requires on markets, including labor power and land. In short, they have to be private property. Land and other means of production have to be available for purchase. Workers have to have rights in their own labor power that they can alienate in the act of contracting to work for someone; they have to be able to treat their labor power as their private property rather than that of another who has a claim on it like a feudal lord or slave owner. The capitalist state is one that defines and enforces private property rights. Historically, of course, in the colonies the state also acted to evict the natives from the land and convert it into private property that it would then sell to settlers. This is what happened in North America and Australasia though to a much lesser degree in Africa south-of-the-Sahara, as we will see, and this will be important.

Second, and quite apart from securing the institutional conditions for exchange, states have also ensured the material conditions: not least, the creation of shared infrastructures like highways, railroads, ports and cities, but also control of the money supply and ensuring that it is proportional to the advance of social labor and so threatens neither deflation or inflation. None of these can be provided by capitals alone as their competitive relation one with another would result in either failure to provide or under-provision: so (e.g.) landowners unwilling to give up land for railroad rights-of-way or banks that in a rush to generate business create too much money risking bankruptcy as people shun their paper. Similar issues of market failure apply to the reproduction of the labor force. Certainly the wage sustains the worker but there are also issues of public health, an educational system attuned to the needs of the expanding and changing economy, and a social safety net to maintain the unemployed at a very basic standard of living before the labor market experiences another uptick.

Central to this process of state formation is class struggle. Initially there are the pressures of the rising bourgeoisie as it moves to transform pre-capitalist institutions; to gain access to the offices of the absolutist state and introduce parliamentary forms which will make the state responsive to the needs of a growing capitalist economy: the rule of law, the regulation of commerce, legislation that reduces the costs of exchange and which, incidentally, exposes the working class to the full force of capitalist exploitation.⁸ With the concentration of a growing working class in factories, mines and towns the labor movement then develops and makes its own demands on a state that is increasingly assuming capitalist forms: the extension of the franchise and a welfare state. Accordingly the revenue needs of the state absorb an expanding share of the total product but needs which, in the context of a steadily expanding product as production is continually revolutionized, can for the most part be accommodated. But while the capitalist state can be rationalized *post facto* in abstracted terms of market failures and natural monopolies, it is struggle that makes the difference; struggle against

⁸ K Polanyi (1944.)

an ancien regime and then the struggle of the working class against the employers. This is essential. To have the first, you need a capitalist class independent of the state; to have the second you need a working class. In Sub-Sahara Africa both of these are poorly developed and so too, therefore, is the state.

Problems of Capitalist Development in Sub-Saharan Africa

For the most part, the social property relations that would enable the formation of the labor and property markets so crucial to the capitalist form of development just do not dominate in the social formations of sub-Saharan Africa. There are certainly enterprises of a clearly capitalist character which hire wage labor, buy their raw-materials and so forth on markets and then sell their product, typically by exporting it to some developed country. The mining companies are examples and lumber companies and plantation agriculture follow the same logic. Mineral and lumber concessions are granted by governments in exchange for royalties. Land may be privately owned and in those parts of Africa where there were significant settler populations, this was more common. But aside from South Africa, wage labor has not been the predominant form assumed by immediate producers and land has not been private property. Rather access to land has been what is called 'customary' or 'communal', and typically mediated by a tribal chief. On marriage a male has the right to some land and access to common resources for grazing, hunting and the collection of firewood. This has been hugely problematic for the development of capitalism.

It does not mean that there is no production for exchange. What are called 'cash crops' can be and often are planted alongside those intended for subsistence. But the barriers to expansion of the exchange portion of production and at the expense of the subsistence component are significant and widely recognized. Expanding the amount of land cultivated would be one way of enhancing production but land, by definition, is not for sale. That has not precluded the formation of informal land markets (Peters 2007) for renting land or its transfer. Legal documents are absent but written documentation witnessed by the 'buyer', the 'seller' and the tribal chief are

increasingly common. On the other hand, these practices, in a context of increasing land scarcity, have generated conflict and a sharper drawing of group boundaries so as to, for example, exclude 'immigrants' from outside the tribal area acquiring land. But the problem remains: such informal documents do not represent exclusive rights of ownership that would be recognized in a court of law. This in turn limits what a person can do with larger areas of land under his control.⁹ Ideally, he would be able to go to a bank and obtain a loan to purchase the necessary seed, fertilizer, water pumping equipment, fencing and the like. The problem is that the land cannot be offered as collateral. This also puts a limit on intensifying production regardless of farm size.

The reasons for the predominance of customary or communal tenure return us to European colonialism and how it laid the foundations for what we now know as 'failed states' in sub-Saharan Africa. Except where there were significant numbers of white settlers, as in South Africa¹⁰ Kenya or the former Southern Rhodesia, or alternatively Western mining operations, the colonial authorities recoiled from the privatization of land. Even then significant areas were reserved for the indigenous peoples and customary tenure retained. There was a mix of motivations.

Indirect rule by the colonial powers was, as Mamdani (1996) has described, general throughout sub-Saharan Africa. European representatives of the imperial countries on the ground were very few and there was a problem of governing the indigenous peoples. This was the justification for indirect rule by those the colonial governments selected as tribal leaders. They would rule 'tribes' on behalf of the colonial government, in accordance with what was defined as 'customary law' answering to a European district commissioner, and in exchange for certain powers of their own; notably those of allocating land on a customary basis and collecting taxes. As Mamdani has described, this practice entailed numerous constructions by the imperial countries of a

⁹ Apart from widows, it is always a 'he.'

¹⁰ Even while an independent country from 1910 onwards, South Africa adhered to the typical features of the colonial state, as Mamdani (1996) has emphasized.

notably dubious sort and these would reverberate into the future. These included the way in which the despotic powers given to the chiefs were defined as in some sense 'customary'; traditionally, and according to Mamdani, African social life was constituted on principles of a much more democratic nature. The idea of a tribe and fixing it to a particular geographic area also involved breaks with the past. Tribes might have existed before the arrival of the Europeans but many, consisting of loosely associated patriarchal lineages, were given an identity for the first time. Likewise the idea of a sharply delimited, bounded area within which a tribal chief had the right to allocate land was new. It would have implications later on as migrants moved in from outside, perhaps initially welcomed, as in the case of the Ivory Coast, but then reviled as competition for land increased. But the bottom line as far as customary forms of land tenure are concerned is that they were an artefact of indirect rule: authority over land allocation was an important chiefly power and one that later would often assume more commodified forms. It has also been an institutional form, therefore, that they have tried to protect when post-colonial states have moved to reform land tenure and shift to private forms of land ownership. Meanwhile, the fact of an assured subsistence base in the countryside has limited the availability of that wage labor on the basis of which capitalist development occurs.

This emphasis in European administration on the tribe, even while it might be a figment of the colonial imagination, then helped to frame anthropological investigation which went on to demonstrate its significance for African life and the dangers of what was termed 'detrribalization.' This would play into fears of the effect that urbanization might have on that social fabric. If land was privatized and a process of capitalist development unleashed in the countryside, then, it was believed, urbanization would occur and the erstwhile tribesperson would be socially adrift, lacking the sort of certainty that tribal values and conventions had provided. As Anne Phillips (1977), has argued, in the years leading up to the Second World War the creation of an African proletariat shorn of its connections to countryside and tribe was something feared by the colonial authorities. In the mind of the colonial

administrator, the land question and that of detribalization were closely connected. In this context the semi-proletarianization offered by migrant labor rooted in access to the land was the more attractive alternative. The fact of a subsistence base in the countryside where the family of the migrant worker could reproduce itself had the added advantage of helping to moderate wage demands: a consideration that would be central to the politics of migrant labor in South Africa (Wolpe 1980.)

Somewhat different as arguments in favor of customary land tenure were those coming from a more left-radical direction. These saw the imperial relation to colonized peoples as one of trusteeship. As Cowen and Shenton (1991) have explained, this was of some significance in the British colonies. There had certainly been voices in favor of aggressive, large scale development there which would have required wage labor. One such was Joseph Chamberlain at the turn of the nineteenth century who argued for it as a measure that would help counter Great Britain's increasingly threatened economic position in the world. There were also arguments though, particularly in the Labour Party, that peasant forms of proprietorship should be retained as a means of protecting Africans from the depredations of large scale agriculture. This was part of a broader conception of imperial responsibility in which the imperial power was seen as a trustee for native populations and towards that end it was its duty to protect what it saw as their social, political and economic interests.¹¹

The Neo-Patrimonial State and its Social Basis

Meanwhile the dominance of customary or communal forms of land tenure has been an important condition for failures of capitalist development and this has had repercussions for

¹¹ On the other hand, Chamberlain's position was also weakened by the pressures of the gold standard. According to Phillips (1977: 18) this generated a struggle for export markets and a positive trade balance with the result that "... at the slightest hint of recession, any development plans would be radically retrenched, so as to ensure that whatever else came about, at least there would be no deficit in the balance of payments."

dominant state forms in sub-Saharan Africa. These are what are known as ‘neo-patrimonial.’ The neo-patrimonial form is a hybrid of: i) a centralized, legal-bureaucratic state bequeathed by the colonial powers, appropriate to a capitalist form of society, and dependent for its adequate functioning on a sharp separation of the public from the private; and ii) notions of government, rooted in a pre-capitalist society, where that separation is constantly ignored (Médard 1996.) This is, in other words, a state form of a highly contradictory sort.

In the post-colonial state in sub-Saharan Africa, what is public turns out also to be private.¹² To hold public office, regardless of its position in the state hierarchy, is to have access to a resource that can be turned to private advantage. At the highest levels, oil royalties can be siphoned off into private bank accounts; or someone is appointed to head a parastatal with the understanding that it will be looted for private purposes. Lower down, to be appointed to the office of police man puts a person in a position to extract money in the form of bribes. Accordingly, the search for state office, depending on what the office is, turns out to be a search for wealth and prestige. These are societies in which one makes money less through a business, since aside from some sort of commercial activity, capitalist forms of developing face big obstacles having to do with production relations, and more through some position in the state.

Wherever in the world capitalism dominates, there is a sharp separation of the political and the economic. The economic is the private sphere, where people dispose of their property – their ownership of the means of production, their labor power – and then put them to work, as they see fit: they are private persons. The political is a matter for the state which can certainly regulate the economic and which it does through the law, enforced by the state’s executive branch. Among other things it enforces contracts and arbitrates disputes about ownership. But in pre-capitalist societies the economic *is* political: the feudal lord

¹² In addition to Médard (1996), Bayart (1993) and Chabal and Daloz (1999) are also very helpful. But see the critique of Bayart and Chabal and Daloz in Cox and Negi (2010.)

extracts the surplus by the threat of violence; the patriarch in the kin-based forms of society of pre-colonial Southern Africa is in a similar position (Guy 1987.) Under capitalism violence or the threat of violence is expelled from the economic sphere and transferred to a separate political one; i.e., the state (Wood 1981.) Meanwhile the law governs the governors so as to ensure that the public remains separate from the private. The state becomes part of a wider division of labor, underpinning accumulation in the private sphere. But this poses the question of why and how the public is separated from the private and how that separation gets reproduced?

As Marx demonstrated, the rule of money that is, in effect, the generalized commodity exchange of capitalism, also induces certain ideas of equality. Money is the great leveler: it exchanges for other commodities regardless of any pre-capitalist forms of status – gender, noble birth, traditional hierarchy – that those of said status might try to bring into play. The only discrimination that occurs is in favor of those who have more money and who are able to outbid in a particular exchange. But the freedom of the marketplace means that accumulation is open to all: as bourgeois apologists are keen to assert, those who lack money have only themselves to blame. While this equality of the world of money has then been an important ideological support for the democratizing pressures of the working class it has never been completely accepted in its original form since it contains within it an inequality which is self-reinforcing; as Marx put it, equality turns into inequality. This is why equality under the law and the idea of citizenship have been such important institutional forms, even while ultimately contradictory.

This, though, is limited in its explanatory power. The key to the separation of state and society is, to put it in very general terms, the subordination of governments to the accumulation process; to a logic of which they are a part, but a subordinate part. Separate from the economy, a government’s revenues depend on its ability to facilitate the accumulation process: to provide the necessary infrastructural support, to manage the money supply and to generally maintain business confidence. This means that, among other things,

government tendering procedures must be transparent; that civil service hiring is in accord with the results of competitive exams whose conduct is, again, transparent; and the interpretation and application of its laws and the conduct of its personnel is subject to the rulings of a judiciary chosen, again, according to strict criteria of competence which are widely recognized as such. Lacking this sort of business confidence, a government risks investment strikes and even flight. Formal democracy also works to ensure the continuing separation of public from private. Capitalist democracy reflects the class basis of its origins (Cox 2004; Therborn 1977): a push on the part of the working classes for some ability to influence government in a way that accords with its interests. Through the way in which the political parties of the labor movement have found their energies channeled in moderate, redistributive directions, it is a democracy that does not challenge the rule of capital. Nevertheless, it introduces an element of competition into government and election campaigns in which government malfeasance of various sorts can be an issue.

CASE STUDIES

Two particular instances now put some concrete flesh on the arguments made so far: how state failure manifests itself; and what the underlying mechanisms of state implosion have been. There are, of course, numerous instances that could have been chosen. The Ivory Coast, after a long period of growing internal tension, descended in 2002 into civil war between rebel forces in the north and government forces concentrated in the south. This was quickly followed by a cease fire and the drawing of a line to separate the two parts of the country, a line patrolled by French and UN forces. The Kenyan instance has not been quite so dramatic but internal security is highly questionable. The national police struggles to assert its authority over ethnic militias, vigilante groups and armed criminal gangs. Land claims have been a major condition for the violence. The mortality rate has been quite staggering. Between 2000 and 2014 an average of 330 deaths per year were attributed to their activities, in many instances the result of pogroms against hated ethnic groups (Attah-Asamoah 2015.) Nevertheless, and despite differences of form,

there are some striking similarities between the two instances; all the more so given their different colonial heritages.

From the standpoint of all the different markers that have led to the attribution of 'failed state' – and both countries are regularly up there in the rankings – what is missing in these two cases is a strong radical Islam presence. There have been atrocities in both countries but launched from outside, from the Muslim north in the Sahara and the Horn of Africa respectively. Only in the Kenyan case has there been any evidence of local cooperation. On the other hand, the conditions are there and both countries have Muslim populations and quite sizeable in the case of the Ivory Coast.¹³

The two countries achieved independence at approximately the same time: the Ivory Coast in 1960 and Kenya three years later. Both experienced post-independence honeymoons which would last until the latter part of the 1970s. Subsequent economic constraint has been an important part of the background to the difficulties experienced in asserting state authority. But without enduring patterns of land allocation and contestation, joined with the sort of patronage politics associated with the neo-patrimonial state, the results might have been different.

*THE IVORY COAST*¹⁴

The colonial legacy seemed to be a promising one. The French had promoted the establishment of coffee and cacao plantations in the southern half of the country. Much of the labor consisted of migrants from other French colonies, notably what is now Burkina Faso and Mali, as well as from the north of the country, reflecting an uneven development of the national space economy that would continue. And to be sure, growth in the early years of independence was largely in the south on the back of expanding exports of coffee and cacao and urban growth. This included a new frontier of cacao production in the southwest of the country, pulling in workers

¹³ Almost 39% in the case of the Ivory Coast, and 11% in Kenya.

¹⁴ Particularly useful sources for this section included: Beauchemin (2005); Boone (2007); Chauveau (2000); and Meehan (2011.)

from elsewhere and not just from the north. Optimism in state circles ran high. Expanding state revenues created the scope for regional redistribution to mitigate north-south inequalities. To avoid ethnic rivalry the government pursued a policy of ethnic quotas. Ministerial posts, civil service jobs, loans, posts in the parastatal sector, export licenses, and foreign scholarships were allocated to political loyalists on the basis of an informal quota system. The coalition of forces assembled in this way seemed to be at least proto-national in scope. Meanwhile migrants from outside the country were encouraged by the government to put down roots. Those who cultivated land that was unoccupied gained rights of occupancy. An informal land market emerged in which those native to the area traded part of the land they had access to, to the newcomers. For those non-Ivorians who wanted it, citizenship was expedited.

The buoyant economy of the early years would not last. By the early 1980s the state was experiencing the full force of a combination of fiscal crisis and trade deficits. On the one hand, oil prices had greatly increased since the early 1970s and the Ivory Coast has to import all its needs. On the other, the prices of commodities fell as the global economy continued a downturn that had started in the early 70s. To bridge the gaps, money was borrowed but then there were difficulties paying it back. This was the point at which the IMF was called in to bring emergency financial support but in exchange for the notorious package of conditions that were supposed to reassure private lenders. The result was a contraction of the national economy. Salaries in the public service were halved. Investment in health and education was cut so as to further reduce government spending.

Popular unrest would then result in a seeming political opening. Opposition parties were allowed for the first time. The results, however, would be far from the optimistic expectations generated in the West when the word 'democracy' is used. For in the context of the Ivory Coast, its economic difficulties, and an intensified struggle for access to the resources that election would provide, it would result in a sharp ethnicization of politics. Votes would henceforth be fought for around the

issue of what was called 'Ivoirité' and what to do about those in the Ivory Coast who did not achieve its supposed distinguishing criteria (Meehan 2011.) In other words, a long dependence on migrants from the north and from outside the country would come to bear bitter fruit. Migrants were seen as the problem; the obstacle to retrieving individual livelihoods. The distinction between northerners and those from outside the country became blurred; something facilitated by their linguistic homogeneity. The tensions were particularly evident in the countryside where fathers now looked for land for sons and daughters retrenched from work in the cities; something that had now become difficult as the frontier was exhausted. Discrimination against immigrants ensued. Land access became dependent on Ivorian citizenship, which made migrants susceptible to land grabs. At the same time, earlier efforts to spread state largesse across all ethnic groups gave way before a 'baoulisation'¹⁵ of the economy and polity with systematic discrimination in favor of southerners. Attempt to disarm northerners in the army would then lead to mutiny and civil war. But the mix of land and migration would create difficulties in Kenya too.

*KENYA*¹⁶

Unlike the Ivory Coast, Kenya had been a white settler colony and this is important for the concrete details of the story, even while the general tendencies have been very similar. The parts of Kenya that were attractive to British settlers were those that, in virtue of altitude enjoyed a cooler climate: what would come to be known as 'the white highlands.' Volcanic soils made for productive farming. It was here that the colonial capital of Nairobi was established; a center for settler social life as well as of administration. The area happened, moreover, to coincide with the heartland of what would later be recognized as an ethnic or tribal grouping. These were the Kikuyu who, while badly affected by the

¹⁵ After the Baoulé ethnic group which had already emerged in the post-independence period as the most educated and economically successful in the Ivory Coast.

¹⁶ In developing this case study, I have relied extensively on: Atta-Asamoah (2015); Kamunga (2009); Kanyinga (2009); Nyongesa (2017); Rutten and Owuor (2009.)

appropriation of land by British settlers, would nevertheless come to enjoy economic advantages in virtue of their proximity to the capital and access to the same sort of land as the British, even while much of it had been taken away from them. The colonial administration encouraged this. It was also an area, again in virtue of its climate, that was attractive to missionaries. So the Kikuyu acquired advantages of education lacking to indigenous peoples elsewhere in the country. By accident, an ethnic stratification was beginning to emerge. For the Ivory Coast comparison, the Baoulé have played a similarly preponderant role and for similar reasons.

Kikuyu worked on white farms as labor tenants. This provided them with access to land in exchange for working for the white landowner. After the Second World War, though, the terms of labor tenancy became more onerous and mechanization reduced the need for many of them. The displaced, who believed that, and in accordance with tribal custom, they had acquired rights to the land through occupation would then form, along with the more educated of the Kikuyu, the basis of the independence movement. Subsequent to independence they would be rewarded – by a Kikuyu- dominated government – for the hardships suffered during the independence struggle by awards of land. This was land that had been purchased from British settlers in what was known as the Rift Valley, first by the British colonial government and then by an independent Kenyan one. But this would bring them into conflict with indigenous Masai.

As in the Ivory Coast, the early years of the newly independent country brought a measure of prosperity and for some Africans, upward mobility. There were some one-time events like the transfer of ownership of land that had been occupied by British settlers and the Africanization of a civil service that had included a large number of Indians. Kenya also benefited from rising prices for its raw-material exports, including tea and coffee. But this would pass and economic horizons for the mass of the population would

become more and more constrained. The politics of land would then surge to the fore.¹⁷

This politics has been at its most aggravated in that part of Kenya known as the Rift Valley (Kanyinga 2009.) The Kikuyu who had been evicted from white farms were the first in line for land purchased by the government from the white settlers but only if they were selected by state officials. Those chosen were granted mortgages on the land but slow rates of paying them off and subsequent lack of title laid the foundations for the development of patronage networks making the African settlers dependent on government officials.¹⁸ Other land was sold to land companies, often headed by political notables close to the government. Those who settled the land then became political clients of those owning the land. Meanwhile, those whose land had been appropriated by the British for white settlers during the colonial period felt that their claims should have taken precedence over government allocations to the non-indigenous who had no similar ancestral claims: this has been the basis of Masai antagonism to the Kikuyu but this is only one instance among many and the dramatis personae can and does vary.

Attempts at coalition building by national parties have then played on people's insecurities, arguing for further redistribution of land and evictions in favor of particular ethnic groups. This has created the conditions for pogroms and forced evictions, both made possible by police weakness and

¹⁷ Compare John Lonsdale (2008): "The ferocity of competition for a share of state power rose over time - as population has grown, as the fertilizing rains of the post-colonial Africanization of opportunity long ago dried up, as the terms of trade for primary commodities turned sour. It was fairly easy for Kenyatta (Kenya's first president) to ensure that all, more or less, enjoyed a turn 'to eat' in the ethnic coalitions on which a parliamentary majority relied. It was more difficult for (successors like) Moi. As the political stakes rose, so it became more tempting to attract and reward one's ethnic followers with officially-deniable opportunities for thuggery at the expense of those who were now tribal rivals in land, urban property, or petty trade."

¹⁸ Allowing Kikuyu squatters on to state forest land redesignated for other uses would then provide a further patronage resource.

corruption. As a result election campaigns are times of great tension and often bloodshed, opposition politicians fomenting anxieties over land.

There are clearly some parallels between these two cases. The early years of independence happened to coincide with a relatively buoyant period in the history of the global economy. Relatively high prices for their commodities meant steadily increasing government revenues and an ability to fashion a coalition of forces that was fairly all embracing, at least in terms of the various elites and tribal groupings. Since the late 1970s, though, economic conditions have seriously worsened, particularly in the Ivory Coast. This has had two effects. First, it has reduced the scope for patronage. The privatization of state enterprises urged by the IMF and state cutbacks in general intensified this effect. This narrowing of the possibilities of patron-client relations has reduced the degrees of freedom in constructing a political base and is one of the reasons for playing the ethnic card.¹⁹ Second, contracting economies have increased the importance of access to a subsistence base in the countryside. Demand for land has then been intensified by relatively high rates of population increase, as in much of sub-Saharan Africa: in 2015 Kenya's population was growing at an annual rate of 2.6% and that of the Ivory Coast, at a rate of 2.4%. Accordingly the politics of land has become still more aggravated.

¹⁹ Compare Boone (2007: 66): "In most African countries, an ethnic political grid was institutionalized in the structures of territorial administration and in the politics of incorporation and representation at the national level. This kind of state- and nation-building created ethnicized regional constituencies. In many countries, it nurtured the rise of a national-level elite of ethnic brokers who mediated the downward flow of state resources to their constituencies. 'Ethnic arithmetic' structured a kind of power sharing among regions and divvied up positions within the national elite. With the shrinking of the distributive capacity of the central state, erosion of its capacity to intervene in provincial political economies, and diminution of central rulers' ability to discipline factions of the national elite, the ethnic arithmetic of the earlier era is often proving to be subversive of the national unity it originally helped promote."

Fundamental to how this has occurred is the legacy of indirect rule in sub-Saharan Africa. This created distinct and separate areas in which access to land was subject to the allocations of a tribal chief and dependent on tribal membership. This did not mean that those of different origin were not allowed access to land. In fact in the Ivory Coast they were officially welcomed. A change in land law in most African countries has further enhanced this possibility by making the state the ultimate owner of the land, even while customary forms of tenure continue. Under straitened economic circumstances, though, migration of those of a different tribal affiliation and subsequent occupation of land could be and has been a touchstone of antagonism and something that could be easily turned to political purpose; as indeed it has been in both Kenya and the Ivory Coast. In the Ivory Coast it was migrants from the northern part of the country and from outside it who have been the targets of antagonism. In Kenya, it was the resettlement of Kikuyu on land purchased from British settlers that has been important. This is because those displaced by the British believed that they had a prior right to the land.

CONCLUDING COMMENTS

The literature on failed or fragile states emerged in the course of the downturn in the global economy that started in the 1970s and then prolonged after the ending of the cold war by rise of radical Islam. There are many standpoints from which one can address the topic. As a trope and associated discourse it can be understood as part of a broader attempt by the advanced capitalist states to discipline the rest of the world into practices and structural changes that will make the world safe for their multinationals and protect their citizens from what have become known as terrorists. Historically it is one more instance of that Western conceit that goes back to the beginning of empire and colonialism: a division of the world into successful and failed states is consistent with, and to some degree overlaps with, previous binaries of civilization / barbarism and, in a somewhat more emollient way, modernity / tradition.

This assumes that a position in the West has come to govern how the world gets defined, which in

turn raises the question of a more universalizing view of the state. The patrimonial states of sub-Saharan Africa are hybrids caught between a capitalist and a pre-capitalist world, and this helps us understand practices there which Western observers find wanting. But capitalist states are also subject to failure; just different sorts of failure including the moral corruption that always follows the rule of money, and this has in turn allowed the idea of failure to be turned against them. Capitalist states are inevitably contradictory, which means that in practice their democracy will always be a disappointment just as much as the adequacy of their social provision. Capitalist governments have their priorities and the welfare of the populace is subordinated to that of accumulation.

The emphasis in this paper has been different. If indeed there are failed states in the world, albeit according to the criteria of Western institutions like the IMF, the World Bank and the various think tanks of North America and Western Europe, why are they failures? The assumption in the West has been one of endogeneity; that the sources of failure – and emphatically failure on its terms – are to be found within the territorial boundaries of the states themselves: bad policy, corrupt leaders, separatist tensions, ethnic rivalry, and seduction by nostrums now seen as obsolete, like those of the left. In contrast, I have argued in this paper that the fundamental failures are more appropriately those of the West: notably failure to radically transform production relations. On the one hand, this has placed severe limits on capitalist development and, therefore added to the intensity of struggles over land. On the other, it is the reason for the difficulties encountered in state formation, and in particular separating the public from the private. This has been the basis of the neo-patrimonial state and its reliance for building political support on patron-client relations, corruption, and nepotism.

This, at least, is how things have played out in sub-Saharan Africa, if nuanced: in the two cases reviewed above, the fact that Kenya was a settler colony made a difference. The variations are stronger when one takes into account the fact that lists of failed states typically include ones elsewhere in the world; notably in Southeast Asia and to a lesser degree in Latin America. The

obvious difference is vigorous and sometimes aggressive Western intervention and more exclusively American in Latin America, which has combined with local ruling classes to turn back challenges to their rule. This has then made the Western power into an object of animus less evident in sub-Saharan Africa. Whether it is Central or Latin America, though, or Southeast Asia, the less-than-capitalist nature of the social formation and a subsequent land question, has been an important condition for ongoing struggle around the state, impeding its authority, and a source of political instability every bit as daunting as that experienced in sub-Saharan Africa.

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