

BOOK REVIEW

E. A. B. van Rouveroy van Nieuwaal and A. K. Améga, eds.
La Réforme agro-foncière dans les Pays du Conseil de l'Entente
en Afrique de l'Ouest (African Perspectives, 1, 1979). 181 pp.
Leiden: Afrika Studiecentrum.

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An international conference was held in Lama-Kara, northern Togo, from 23-29 October 1978 on agrarian reform in the franco-phonetic West African countries belonging to the Conseil de l'Entente. It was organised by E. A. B. van Rouveroy van Nieuwaal of the Afrika Studiecentrum, Leiden, and A. K. Améga, president of the Togolese section of the International African Law Association. The Conseil de l'Entente, USAID, the Dutch Ministry of Foreign Affairs, and the Afrika Studiecentrum provided financial support. Conference participants met in plenary sessions and four specialised commissions to discuss papers on the Ivory Coast, Niger, Togo, Upper Volta, and Benin, as well as two non-member countries, Senegal and Mali. An introduction by the chief organiser, a selection of the papers, and brief reports of the commissions are published in this volume.

As in most conference volumes, the papers here differ greatly in quality, subject, and approach. Van Rouveroy's introduction identifies several reasons for agrarian reform often advanced by African states, questions the possibility of using uniform legislation as an instrument of development, and argues in favour of detailed studies of the application and operation of new laws. Verdier discusses the difficulties of implementing state legal reforms and criticises some effects of agrarian reforms on rural communities. In the only paper that ranges across all Entente countries, Jouve examines the ways in which different reforms are treated in constitutional doctrines. The other papers are primarily case studies, though some authors draw out the wider implications of their material. LeBris, Tschä-Tokey, and van Rouveroy present instances from Togo; Apaloo and the Benin Delegation discuss examples from Benin; LeRoy, Niang, and van der Klei consider Senegal; and Rochegude analyses the role and limitations of law in agrarian reforms in Mali. The volume includes no papers concerned specifically with Niger, Upper Volta, or the Ivory Coast.

The diversity of these case studies virtually insures that this collection will offer something of value to almost every specialist in African land law and agrarian relations. I found several papers to be of special interest. LeRoy gives an incisive

analysis of the evolution of Senegalese agrarian reform schemes, showing clearly their relationship to the processes of class formation. Tscha-Tokey's paper on agricultural tenancies and the Benin Delegation's discussion of development corporations contain a great deal of useful, detailed information on the legal forms through which peasants are integrated, by coercion or otherwise, into different forms of production under the aegis of colonial or post-colonial states. African states and many academic writers have continually fostered the myth of an all-encompassing, all-transforming state law, but the papers by van Rouveroy and Apaloo demonstrate the continued vivacity of rural conceptions and norms concerning land. In a detailed study of historical changes in social relations involving land in a densely populated area in southeast Togo, LeBris disposes of several commonly held misconceptions and also aims explicitly to place legal ideas in their broader historical and economic context.

These papers contribute different elements to the elaboration of a general conception of the contemporary transformation of rural African social relations. I would describe this transformation as the subsumption of agricultural producers within capitalist relations of production. During the past century African rural communities have been decisively integrated into the world capitalist economy. Integral to this process were the formation of colonial and neo-colonial states and a number of legal changes, including the transformation of rural legal ideas and the creation of 'customary law' as a historically specific legal form. Such themes underlie the more explicitly theoretical papers in this volume and are touched upon by others.

Many of the papers in the collection, however, do not give much attention to this particular conception of historical change or to showing the relationship between specific case studies and any more abstract theoretical explanation. Thus, Jouve hardly mentions the ways in which African constitutions have been influenced by the different positions of African states within the world economy or by the particular conjunction of international and domestic social forces which resulted partly from colonial domination. Niang reifies an essentially static, functionalist interpretation of 'customary law,' conceived simply as indigenous African law rather than as a general conception of African oral legal systems and a set of more specific legal forms that were articulated through the state. More generally, many of the papers accept more or less at face value the various rationalisations proposed by African states and the classes which compose or control them as a point of departure for analysing agrarian reforms.

Indeed, the theoretical convergence that I note among several

from a framework advanced by individual authors or even expressly recognised by many of the contributors. It does not, of course, constitute a logically complete theoretical statement, nor is it intended to suggest that these authors would all agree with each other or even with my view of the extent to which their ideas overlap or converge. But the ease with which such a view may be teased from several otherwise disparate papers suggests that these contributors to the conference differ sharply from some of the others in their presuppositions and conclusions about African agriculture, law, and the state. Such disagreements must have been apparent at the conference, but unfortunately they are given little attention in the somewhat bland reports of the commissions. These concern comparisons among Entente countries, relations between land law and socio-economic change, the impact of 'customary law' on agrarian reforms, and the implementation of state reforms concerning land--surely issues about which there is considerable controversy! The reader must also regret that an unavoidable accident, the loss of tape recordings in transit, prevented any report of the plenary discussions, in which the different viewpoints of the conference participants would undoubtedly have been expressed.

Despite these shortcomings, which are especially noticeable in the only published report of a major conference on African agrarian reform, a number of the papers raise crucial questions as to the ultimate beneficiaries of contemporary state policies towards agriculture in Africa. Moreover, though they often leave to the reader the task of providing an overall theoretical explanation, they provide useful information concerning relations between peasants and the state in different countries. Furthermore, many contributions, including the commissions' reports, embody a profound scepticism, if not disbelief, concerning the very possibility of a droit du développement. It is heartening to note that such diverse writers now generally share this view of the "law and development" enterprise, since widespread academic acceptance of the fundamentally misleading idea that dependent, peripheral capitalist states could or would use state law to promote "development" in the interests of all citizens has already obscured our understanding of legal changes in African countries and elsewhere for almost two decades. Viewed as a whole, this collection indicates the general range of current research by francophonic scholars on African land systems and shows, at least implicitly, some main lines of disagreement. It is therefore a useful contribution to the literature on African agrarian reforms.