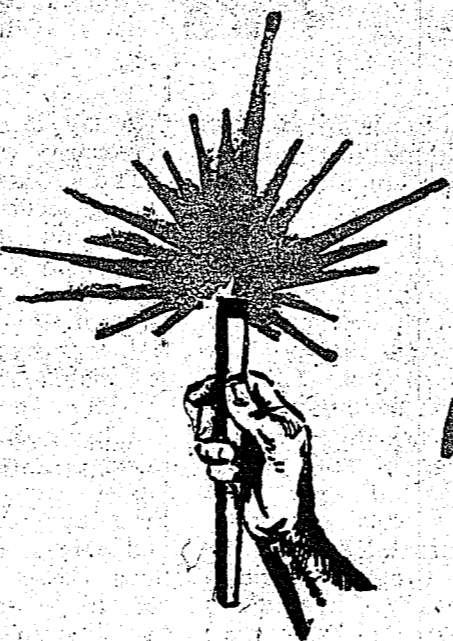


THE SPARK



A SOCIALIST WEEKLY OF THE AFRICAN REVOLUTION

(Registered at the G.P.O. as a Newspaper)

No. 113

2d.

FRIDAY, FEBRUARY 12, 1965

EDITORIAL

What Zik Should Know

ON the occasion of the death of J. B. Danquah his friend and former collaborator, Dr. Benjamin Nnamdi Azikiwe, President of the Federation of Nigeria, has taken the opportunity to deliver himself of some comments on Ghana and Kwame Nkrumah. He cannot but be aware that as he still occupies the position of the Head of a State his remarks can scarcely be regarded as private comments or even limited to the particular event which has occasioned them.

It appears to him an irony of history that the late Dr. J. B. Danquah should have been in detention and out of political office. He should by now be aware of the obvious fact that the early stages of the national liberation movements of any country unite quite diverse elements in the course of the struggle against foreign rule and occupation. As the possibility of success approaches, differences of estimate, of perspectives, arising from fundamental philosophical cleavages, inevitably appear. This is not peculiar to Ghana but characteristic.

The essence of the split in Ghana was to be found in long term perspectives. Danquah was one of those nationalists who were prepared to accept political and constitutional forms from the British Government which would have led inevitably to political instability, to splits based on tribal and regional rivalries. We should have fallen back into imperialist clutches. Either he was too short-sighted to see this or he was prepared to accept it.

POLITICAL INSTABILITY

Kwame Nkrumah saw the dangers and desirous as he was for unity saw that on the question of principle regarding the future character of independence there could be no compromise. If any experiences have proved Kwame Nkrumah to be correct it is Nigeria's present political instability. It had instability built into its constitution by the British Government.

It is not our business to preach to Nigeria's leaders about what they ought to have done in their country any more than it is Dr. Azikiwe's business to use the death of Dr. J. B. Danquah as an excuse for attacking Ghana.

Kwame Nkrumah saw through the proposals of the British Government, he saw the dangers for Ghana because Ghana already had broken free from the ideology and methods of thought which British imperialism had successfully instilled into men like Danquah who uncritically accepted, as Zik appears to do, the empty slogans of British capitalist democracy, which are valid only so long as nobody tries to do anything which will lead to real change. Danquah was a part of the general upsurge for independence which swept through the British Empire in the 1920's, it was not his personal creation any more than it was Zik's. Unable to break through the bonds of the education he had received, (that of the British) he was unable to see

that freedom for his country could be won and guaranteed only by fundamental, radical change in its social, political and economic life.

FATE OF REFORMERS

The fate of all limited reformers and compromisers overtook him, history put him aside. It was not personal malice, or political manoeuvring, from which Danquah suffered, it was his inability to realise that his solutions for Ghana's problems were the wrong solutions. His opposition to the C.P.P. inevitably led him to take up positions and activities which had their scope outside as well as inside Ghana. His alliances changed in face of his hostility to the basic changes and developments which the people of Ghana are trying to achieve.

It is a pity that he was not able to understand the logic of history, or the seriousness of his actions, that once having been warned, he proceeded to repeat the same acts and allowed himself to be entangled with those who want to stop Ghana from building socialism.

No leader can expect to rest on his laurels of past achievements. No matter what contribution has been made in the past, if he tries to hold up the advance of the very forces which he has previously helped to release, the people will sweep him aside because he stands as an obstacle to their achievement of a better life.

HUMAN RIGHTS

Zik expounds for our benefit the view that every person should enjoy fundamental human rights and that the rule of law should prevail. We can all agree to these phrases in the abstract. The problem comes in their practical application. They are in fact familiar catch phrases. Fundamental human rights change as society changes.

Any thinking person knows that to allow rights to some groups, which they might regard as fundamental, would mean the denial of rights to

another group. The freedom of the capitalist to exploit labour, regarded by some as a fundamental human right, constitutes the denial of the rights of men and women to enjoy full fruits of their own labour. The 'right' of the Unilever brothers to carry out their operations in Africa is a denial of the right of the African worker to take part in the control of the economic life of his own country. One fundamental human principle in a democracy is that the rights of the majority are as important as the rights of minorities. Some liberal thinkers are so anxious about minority rights, which of course are important, that they seem to assume that the rights of majorities are either tyrannical or misguided. Those who choose to flout the duty to abide by majority decisions must do so aware of the consequences of their actions.

RULE OF LAW

The rule of law by its very nature consists in one group defending itself through the apparatus of state against the attacks of another group. The rule of law is not an unchanging, static, 'true-for-all-time-and-all-societies' concept, the rule of law is 'somebody's law' to be used against those who violate it.

Those who do not hang in the air know that freedom is not the simple question of removing all restrictions upon behaviour. They know that freedom for the majority means restriction of freedom for the minority. To increase the freedom of the Ghana people, the people of Ghana know that it is necessary to restrict the freedom of a minority to speculate and corrupt. They know that freedom is the presence of opportunity. For people who have nothing but their own labour for their own salvation, freedom is the creation of the conditions in which they can harness their collective labour to the achievement of ends decided by the majority. Democracy rests upon the right of the majority to assert that their ends shall be followed, if necessary at the expense of the privileges of a minority. Only in a society where the advancement of all is the condition for the advancement of each individual can this conflict be resolved, where there is no privileged minority. Such a society is a socialist society, which Ghana is attempting to construct.

FREEDOM IN NIGERIA

When observers visited Nigeria during the recent elec-



*"All are architects of fate
Working in these walls of
Time,
Some with massive deeds and
great
Some with ornaments of
rhyme"*

tions they were hardly impressed by the rule of law and order there, and it would be interesting to have the observations of Chief Obafemi Awolowo and Chief Anthony Enahoro, about fundamental human rights and the rule of law in Nigeria. As we cannot ask them for their views, the comment of the judge, who heard the Awolowo case might be adequate; "If you were the only one brought before me I would have discharged you. To get yourself involved in this thing is enough shame, but this is a political trial... I am sorry I cannot do anything because my hands are tied. Whatever happens I have to pass a sort of sentence."

Rule of Law and Respect for fundamental human rights are not respected in the Federation of Nigeria over which Zik presides. Coming out of his own mouth during the recent "general election" in Nigeria Dr. Azikiwe admits:

"The evidence before me shows that there were refusals of permits for peaceful assembly in a supposedly free and fair election; curfews were imposed in many towns thereby violating the objective of a free and fair election; road blocks were mounted and trenches dug to prevent entry of political opponents in many towns; there were mass arrests and intimidation of political opponents; many political opponents had been imprisoned and several others killed; the embers of tribal hatred had been fanned into a rolling flame and political opponents had been forcibly prevented from filing nomination papers.

"The fact that as many as 81 or more out of a total of 312 seats have been returned unopposed casts a big doubt on the nature of our brand of parliamentary democracy."

KNOWLEDGE

Dr. Azikiwe's sense of fair play is blurred by Dr. Danquah's "vast knowledge". To us, knowledge must be social knowledge, and social knowledge is based on the practice, upon the actual experience of actual, real human beings i.e., upon social activity. Knowledge is not achieved by contemplation in the study apart from the practical activity of society. Theory is a summary of experience gained by activity; it is based upon and verified by activity. No greater disservice has been done to society, than the view that knowledge is achieved by thought alone. For this disservice consists in asserting that the clever man in the study can be wiser than society's experience. The knowledge of any one man is partial, one sided. Only collective knowledge hammered out of the collective many-sided experience of a large number of people, can correct this falling. When therefore one says that the view of the majority should prevail, this is not because of some principle of abstract justice, but because there is no other satisfactory way to knowledge. Since only in a socialist democratic society will those who perform intellectual labour accept as valid the experience of the vast majority of their fellows who perform manual labour, it is only in such a society based upon mutual respect of manual and mental workers that the latter can achieve true knowledge. It is because almost all intellectual labour hitherto had been performed in class divided societies where the majority of the people were denied all but limited access to mental labour, where this became the sphere of a privileged minority, based not on some superiority of intellect, but upon the opportunities provided by a privileged class position.

WHO KILLED JIBOWU?

Zik regrets the death of Danquah in detention. He forgets how Jibowu, the member of the Action Group died without trial. Perhaps Jibowu is not important. He does not belong to Zik's intellectual school. Zik assumes that Danquah was not to be brought to trial. He has no evidence to support such an assumption and he himself knows that the collection of evidence and the preparation of a case of this nature takes a long period of time and must be carefully and painstakingly sifted. This appears to have been a problem too for those British officers in Nigeria police force who accumulated the evidence on which Awolowo was prosecuted. It took them not less than 15 months! Evidence

for a trial was in fact being collected. Danquah's family are themselves aware that he was offered the most considerate and skilled hospital treatment, that they were allowed to visit him, that there was no inhuman treatment of him as Zik perhaps would like to suggest.

Zik is free to express his sorrow at the death of a figure in Ghana's political life and send his condolences to the family, but it is scarcely fitting that he should exploit this to attack our country.

NIGERIAN CRISIS

If Zik had died two years ago there would have been sentimentalists who looking at the present Nigerian crisis would have claimed that it would never have happened if Zik had been alive but the Nigerian crisis has taken place and Zik now stands exposed as one of the architects of its causes. He has least of all any moral or political right to lecture others and especially Ghana who under the skilful guidance of Nkrumah and the C.P.P. has avoided the anarchy and chaos which now threatens Nigeria and which reigns in the Congo. The imperialist Press attacks Ghana for her actions in defending herself against sabotage and subversion from inside and outside in the same terms as Zik uses. They are the ones who are trying to forget that a few short months ago they were holding up Nigeria as the model of democracy, as the African country that would succeed by modelling herself on the lines of British Parliamentary Democracy. Events have shown what a sham that claim has been. If the Ghanaian people had not been wise enough to reject the policies of Danquah and the United Party, they too would have invited the same terrible

problems of political instability which their near neighbours now face under Zik's leadership.

EMPTY PHRASES

Empty phrases culled from bourgeois capitalist philosophy are not adequate to solve either Ghana's problem or Nigeria's. This is a lesson the C.P.P. learned and that Danquah and Zik have failed to learn.

After all one cannot be too hard on Zik. He has had a comparatively smooth-sailing political career. Unlike Kwame Nkrumah, Kenyatta, Banda and Ben Bella, Zik did not see the inside of a prison cell before his country attained independence; it has all been a bed of roses—Premier, Eastern Nigeria, Governor-General by bargain, and Federal President by Act of Parliament.

How can such a man appreciate a situation where, in their struggles to break away from colonial past, a people find themselves faced with neo-colonialist intrigues, confessed conspiracies, attempted assassinations and bomb outrages.

Of course there is an easy way out of these difficulties—by capitulating to neo-colonialism and recoiling into a comfortable shell and allowing the status quo to remain. Such a solution Kwame Nkrumah considers as a betrayal of the people and too costly a price to pay for personal security and luxury.

The verdict of history will show that our Party and its leader were right to fight imperialism uncompromisingly and to set out to reconstruct our society on socialist principles. History will prove that only defeat, disillusionment and disaster can flow from ideological confusion, compromise and opportunism.

NEXT ISSUE

What does it mean
to belong to the
RIGHT?

The Spark answers

Socialism and Civil Liberty

THE whole question of Civil Liberty in Socialist countries is of considerable importance, not merely because all forms of liberty (of which civil liberty is but one) are vital to human happiness and progress, but on a smaller scale because the allegation that there is no civil liberty in socialist countries, and in particular in the U.S.S.R. is one of the more insidious and successful—and of the more insolent and shameless—of the anti-Soviet propaganda lines put about among intellectuals and right-wing Labour circles in Britain. It is thus worth while to make a serious study of civil liberties in the U.S.S.R., which we may take as the prototype of a Socialist State.

NO DISCRIMINATION

It is idle to try to formulate a definition of civil liberty. It is a somewhat loose description; it is indeed somewhat easier to recognise civil liberty when one sees it than to describe it. Here one can do little more than give examples of what is generally regarded as Civil Liberty. It covers the right to hold and express political or religious opinions; to suffer no persecution, discrimination or disadvantage on account of one's opinions, religious beliefs, colour, sex or race; to be free to live where one will, to travel and to cross frontiers where one will; to hold public meetings, processions and demonstrations; and not to be imprisoned except after conviction at a criminal trial honestly conducted in which one has had full opportunity to know and to answer the accusations, and to have defence counsel.

There are necessarily very wide differences of approach between capitalist and socialist countries on problems of liberty in general and of civil liberty in particular. What is surprising, indeed, is not that there should be differences, but that the actual liberties specifically proclaimed—as realities or objectives—in both worlds have such a large degree of outward resemblance.

THE RULING CLASS

A capitalist state of the democratic type (and there are only a few of them of this type) proclaims and seeks the liberties which seem good to that small minority of its citizens who form its ruling class; the freedom to trade, to employ or not to employ, to work if someone will employ you; to strike or to lock-out; to exploit, to invest, to own property in land and in the means of production, to buy or sell such property freely, and to live idly on the labour of others if your property permits; to express opinions, to exercise (if you can) monopoly rights and powers in relation to the public expression, distortion and suppression of opinion, whether in the press or over the air; to travel if you can afford; to live where you can afford. Such a state, if of the democratic type aforesaid, will further proclaim, but will not strive officiously to establish, freedom from discrimination on the ground of opinion, belief, colour, or race. (Héte I ignore for the moment the question whether there exists the material basis for the fulfilling of these civil liberties).

THE DOCTRINE

Moreover, in a capitalist state civil liberties tend to be regarded—it is perhaps their best feature—as something which the citizens possess as a shield against governments which (being executive committees of the minority ruling class) are thought of as prima

facte hostile to the majority of the citizens. There is a profound historical reason for this. The doctrines of civil liberty in England, for example, were first asserted and fought for on a large scale by the bourgeoisie in their struggle against the strifling tyranny of the feudal state in its final, absolutist form of the Stuart monarchy. The modern working class, directly it began to come into existence in the second half of the 18th century, took up the fight against the far more efficient tyranny of the bourgeois oligarchy—the Pitts and Castlereags, the Disraelis and Salisburys; and really all our present-day civil liberties, so far as the mass of the people are concerned, have been won by the struggle of the working class over the last 150 years.

FREEDOMS AND ADVANTAGES

A Socialist state proclaims and seeks the liberties which seem good to its ruling class, that is, to the whole community; the freedom to work, and live, and eat; to develop one's own personality; to have work congenial to one's desires; to have education, leisure, holidays; to preserve one's own national cultural and linguistic characteristics and peculiarities; to be cared for in illness, incapacity and old age; to have the reality of all these freedoms secured to each citizen by all the wealth and power of the community; to be free completely and for ever from any disability of any kind due to one's opinions, beliefs, sex, race or colour; and to express opinions freely, with as full access as anyone else to the means of public expression.

Moreover civil liberty tends to be regarded in a socialist state not as a shield against the government, which is the government of all citizens except a tiny proportion of subversive elements, but as something inherently good in itself, alike for the citizens and for the government, and maintained willingly and as a matter of principle by the government, whose conscious purpose is to work for the betterment of the lives of all its citizens, free of the tasks of capitalist governments to uphold one side of the class struggle against the other and the interests of the minority against those of the majority.

To these statements of the attitudes of the two worlds, there must of course be added, for each of them, the deep and important qualification that no regime, feudal, capitalist, or socialist, or of any other existing category, can or will ever allow and citizen or group of citizens to use their liberties for the purpose of destroying the state. Be the state liberal or reactionary, predominantly rural or highly industrialised, backward or highly developed, capitalist, transitional, or Socialist, it will inevitably, when its existence, or even its power, is threatened, take measures to defend itself, and will suspend temporarily or permanently any civil liberty which might help subversive elements to work against it, as surely as an army in the field will blow up a building, regardless of its architectural value, if it gives cover to the enemy.

THE ENCROACHMENTS

One has only to recall the attitude of the British Government in Ireland, Kenya, Malaya, British Guiana, or Cyprus, of the Prussian and many other European governments in 1848, and of the Soviet government in 1918, when counter-revolution raised its ugly head against the newborn state, to realise what happens, and must happen, in such events.

It is indeed, worth noticing the significance of the history of civil liberty in Britain and its colonies, and in the U.S.A. as illustrations of the way in

which civil liberty has to be won and maintained, and of the encroachments upon it made by capitalist governments in times of weakness or fear. In Britain we have the example of oppressive legislation like the Six Acts, and warlike action like the Peterloo massacre, whenever the ruling class has felt insecure; and only public opinion has restored, after a time, some measure of civil liberty. In the Colonies, relatively unchecked by public opinion in the distant homeland, and conscious of their minority position, British rulers have

by

D. N. Pritt

almost always done their utmost to hold civil liberty down to an irreducible minimum. And in the U.S.A. in the last decade civil liberty and the right to dissent have been largely destroyed under the neo-Fascism associated with the name of McCarthy; the situation in Britain is not deteriorating so strikingly, but is bad enough.

It must not be overlooked that Capitalism is always creating greater tensions, always threatening the human dignity and happiness, the very existence even of the majority of its citizens with unemployment, under-employment and crisis, and always moving nearer to Fascism and War. It would be astonishing if in such a system civil liberty were not under constant attack. That the upholders of such a system should talk of the 'free world', 'Western values', 'Western civilisation' and democracy, is really so maddening to honest men that it amounts to what the policeman would call abusive language likely to cause a breach of the peace.

SOCIALIST OUTLOOK

But Socialist states are, and must be, different. How should we expect the first Socialist state to behave in the field of civil liberty? And how has it in fact behaved?

It is easy to see what one should expect. The Socialist world seeks to establish real freedom, freedom from exploitation and all the other evils that have unnecessarily tortured the world for so long. It is freer than the 'free world' (called 'free', I suppose, in the same way as the Kings of England were called Kings of France until early in the last century), more Christian than the Christianity known as 'Western values'. Civil liberty, normally distasteful to a capitalist government, is to the Socialist outlook a natural part of man's advancement to true and full freedom. It is in this context that one can fully understand the assertion of Professor Bernal that Communists are the heirs of the liberal tradition.

We thus expect a Socialist state (subject to the imperfections and mistakes which are inevitable in human development) to develop civil liberty in a high degree; but we expect it at the same time to defend its Socialist advance against all its enemies, external or internal (including internal elements that may be subverted from outside), and in that defence to abrogate civil liberties so far as may from time to time be necessary.

That is what we should expect. How has the Soviet State, in fact, behaved? It has, subject to imperfections and mistakes, behaved exactly as one should expect. The fullest liberty of the press and other liberties were conceded from the very start of the new regime in 1917. Tsarist generals were set at liberty, on promises of course, promptly broken; and old-regime civil servants were left in their offices.

It was only when it became clear that these liberties were being abused, to the peril of the new state; it was only when the monarchists and landlords, the army generals, the capitalists, the civil servants, not only sabotaged the new government in every way open to them, but also took armed action against it, invited foreign armies to invade Soviet territory, and plotted the murder of prominent Bolsheviks (plots and treasons, unfortunately for the credit of the old Socialist International, participated in by nominally socialist parties) that the Extraordinary Commission was set up, and many civil liberties were, inevitably, abrogated in order that the Socialist state should be kept alive.

EQUAL RIGHTS

As the years went by, the danger of subversion lessened, and alas! increased again, from time to time especially following the growth of fascism in the centre and west of Europe; and with these changes civil liberties fluctuated, never being as full as Socialists would have wished it possible to make them, and never, of course, as bad as anti-Soviet propagandists pretended. But the aim was always to restore and reinforce liberties whenever the danger of subversion (always gravely underestimated by even friendly observers in the outer world) diminished; and it is significant that as early as 1936 the new Constitution expressly proclaimed the independence of judges, the right to work, the right to rest and leisure, the right to maintenance in old age, sickness, and loss of capacity, equal rights of women in all spheres of life, equal rights for all citizens, freedom of conscience and religious worship, freedom of speech, of the press, of meetings, of street processions and demonstrations.

And, of course, the Socialist state sought to make all these freedoms a reality; the paragraphs of the Constitution which provide the machinery for that purpose make interesting reading, but are too long to be quoted here. And the remarkable institution of the Procuracy (often misdescribed as 'chief Prosecutor's office') is a striking testimony to the reality of freedom and of the desire and intention to secure and extend the reality of freedom and the rule of law, subject always and only to the overriding necessity to preserve the state from subversion. (The Procuracy, established in the early days of the state, has the duty to secure, by the use of its extensive powers of interference and supervision over every organ of the state, that all such organs do their work not only efficiently but also in full accordance with the law. Exceptional measures are provided in the Constitution to make the Procuracy independent and all-powerful, and to the extent to which it works properly every citizen's liberties are safeguarded against abuse by any organ of the government).

SUBVERSION

The development towards fuller civil liberty in the Soviet Unions was a healthy one for many years, particularly when one remembers the incessant and wide-spread efforts of Western Powers to subvert the state from within, after they had learnt that they could not destroy it from outside. But we know now that, for a time, from 1935 onwards till early 1953, the development went wrong and that there were tensions, hardships, rigidities, grave cruelties and injustices, and undue suppression of liberties,—undue in the sense that it was greater than required for the security of the state. How did this come about? There was a combination of causes.

One lay in the very nature of 'security' organs.

Those charged with maintaining security, and anxious above all things to avoid risks, tend to think departmentally of security as an end in itself, to become dictatorial, to forget the importance of maintaining always the maximum possible degree of healthy civil liberty, to demand or usurp power over bodies designed—like the Procuracy—to check them, and even to override the law. Such things are, alas! only too likely to happen; they have happened in almost every country and almost every period of history. It is easy for

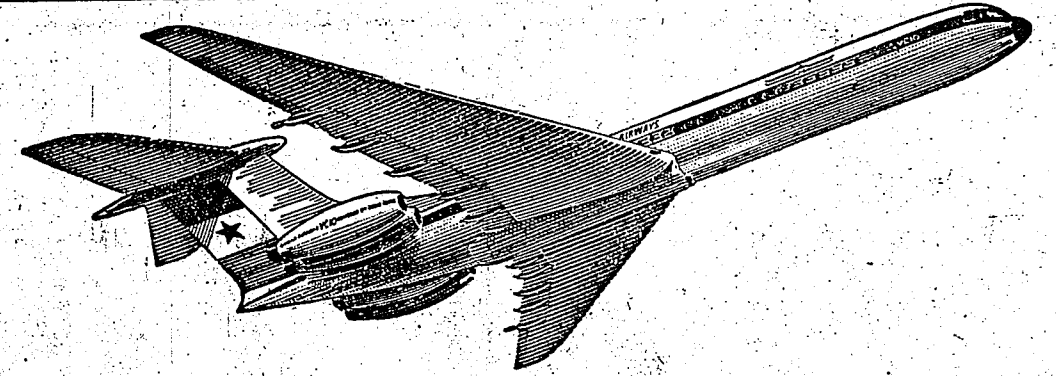
the enemies of the state to disguise subversive activities as legitimate criticism; and it is correspondingly easy for zealous and anxious security forces to mistake honest and legitimate criticism for subversion. And all these evils and dangers are intensified, when subversion is financed and developed and carried on a vast scale by powerful enemies from outside.

COLLECTIVE LEADERSHIP

The danger of abuse in such circumstances is very great. The only true safeguard lies in vigilant collective lead-

ership, in the efficient working of an alert Communist Party, in a lively and well-educated public opinion, and in the provision and use of good machinery for enforcing the law. All these benefits were provided and for a long time fully maintained. But there was nevertheless imperfection and failure with tragically grave results. They came about mainly because Stalin, burdened by immense responsibilities, and carried away by the very successes of the struggles over Socialist policy which he led, departed from the true and proper conduct of state business through the machinery and with the safeguards I have described. He substituted to a considerable extent individual decision for collective leadership; and then, seeing (after the

Continued on page 5



PROGRESS IN THE AIR IN GHANA



From February 15th you can fly direct to London and Europe in daylight and in the world's most powerful, most comfortable jet airliner, the incomparable VC.10. The superiority of this sleek giant is matched by the excellent service for which GHANA AIRWAYS is renowned. Instant attention to your every need by Ghanaian hostesses, superb international cuisine, and a hand-picked, fully experienced crew to guide you smoothly across three continents. Always keep handy a GHANA AIRWAYS timetable. Copies are obtainable from your local travel agent or from:
GHANA AIRWAYS

FLY

Ghana Airways

Ghana Airways Corporation
P.O. Box 1436
Ghana House, Accra.
Telephone: 64850 (10 lines)

THE GREAT AIRLINE OF AFRICA

Law in the Building of Socialism: Part (3)

The Role of the Judiciary

by Robert Seidmann
(Formerly Senior Lecturer in Law,
University of Ghana)

THE law of a socialist state must simultaneously serve as a tool for social engineering, in order to outline the structure of the new society, and as the guarantee of socialist legality, by ensuring that state power is invoked only in accordance with stated generalized rules. What ought to be the role of the judiciary in accomplishing this dual, and seemingly paradoxical, function of law?

In no area relating to the law is there greater confusion than with respect of this question. Practically all laymen, and even many lawyers, will confidently state that the judge merely applies fixed general rules of law to specific facts, and grinds out an answer for all the world like a jurisprudential calculating machine.

Even a casual examination of a common-law system such as Ghana's suggests that the judicial process here is rather more complex than that.

Law constitutes the descriptive rules of society. By its very nature, these rules must be written in generalized language, applicable to a vast number of factual situations. Where a specific factual situation is plainly and unequivocally within a reasonably certain rule of law, no doubt it is not too inaccurate to describe the judge as a mere calculating machine, applying a clear rule of law to the facts. This may be described as the administrative function of the judiciary.

SOURCE OF AMBIGUITY

But difficulty arises in at least two ways. In the first place, a vast amount of the law is vague. The common law, which supplies probably the majority of the descriptive rules affecting personal legal relationships, in Ghana is inherently, indeed, studiously ambiguous. The rules of common law are contained in a vast corpus of decisions of previous cases, not only from Ghana, but from all the other common-law jurisdictions as well. These cases contain a mixed bag of descriptions of specific factual situations, discussions of earlier precedents, policy arguments, and similar material. The process of synthesizing the cases in order to formulate a workable rule of law is itself an art of a high order, in which a nice balance must always be struck between the limits imposed by authority of the decided cases, and the views of the judge as to what the law ought to be.

A second source of ambiguity in the law lies in the inherent nature of words. Because laws are generalized norms, they have to use a great number of words of general application. If a statute, for example, uses the word "table", does it include a typewriter's desk? Does it include a low coffee table—or is that a bench or a stool? At the margins of any generalization there are factual situations which are only doubtfully covered by the generalization.

DUAL FUNCTION

As society changes, wholly new factual situations arise, of which the framers of the law never dreamed. A statute in England provided a penalty for the "furious driving" of a "carriage". Later the bicycle was invented. A man drove a bicycle furiously. Was he guilty of driving a "carriage" furiously? (The court held that he was.)

In every case which reaches an appellate court—which considers only disputed points of law—and in many which do not, the rule of law is ambiguous as applied to the facts in hand. In all such cases, the court must formulate the rule of law by resolving the ambiguity. Thus in the very process of seemingly applying a pre-existing rule of law to the facts, the court is actually creating the rule.

This process may be described as the law-making function of the judiciary. Courts and judges therefore have a dual function: An administrative function to

apply clear law to the facts, and a law-making function to resolve unclear law.

The judges' contribution to law-making is limited but extremely important. The judge may only resolve ambiguities in the law, whether common or statute; he may not cut new law out of whole cloth. In resolving these ambiguities, however, the judge's theory about the law will determine what considerations he will take into account, and hence determine the result.

If the judge's theory about the law is that the law contains its own immutable principles of mystical validity, he will try to solve problems in terms of these principles. For two reasons, this leads usually to conservative solutions.

In the first place, the existing law patterns a capitalist society. Whatever over-arching generalizations may be made about it, therefore, will be appropriate to a capitalist organization of society. Any solution based upon such generalizations, more likely than not will match capitalist notions of a proper social order.

IMMUTABLE PRINCIPLES

In the second place, the search for an immutable principle, like the search for God, reveals more about the searcher than about the immutable principle. When a judge tries to find an overriding principle upon which to decide a case, he is bound to extract the principle which he believes to be all-important. Thus the process of extracting immutable principles upon which to decide specific cases gives a fairly loose rein to the prejudices of the individual judge.

Judges become judges because they are chosen by the people in power. Occasionally, liberals are chosen for the bench, even in capitalist states, for specific—and usually temporary—political reasons. But by and large, the person chosen for judicial office are tried and true legal servants of the power structure. Since the bourgeoisie has controlled the government of England for two hundred years and more, the judges chosen to serve both in England and in the colonies have usually been men of whose loyalty to their class there could be no doubt. Is it any cause for wonder, that the decision made by such judges under the guise of resolving legal ambiguities by immutable principles drawn from the pre-existing corpus of the law, here in the main reflected "immutable principles" of a conservative sort?

On the other hand, if the judge views law as a sort of social engineering, then he will necessarily take into account the effect of the proposed rule upon society. That requires that the judge has a wide knowledge of the social and economic facts of his society; in Ghana, it demands of the judge's deep insight into Ghanaian society as it is and as, hopefully, it will become.

FIXED RULES

The doctrine of judicial independence is also a function of theory about law. After all, if the judge has only an administrative function in applying fixed rules to facts

like a judicial calculating machine, it is beyond argument that he should be insulated from political pressures, so that he can accomplish his task in Olympian detachment. On the other hand, if the judge is a law-maker, then he should presumably be subject to democratic control just as are all the other law-making institutions in a democratic society. As might be expected, ideas about judicial independence have varied as theories about law have varied.

JUDICIAL INDEPENDENCE

Common law legal institutions started with the early English kings, who sent judges into the countryside to try cases according to the King's law, at the expense of the feudal law of the great nobility. In this effort, the Crown was supported by the burgesses of the towns, whose interests were also opposed to the great feudatories. The judges, of course, were servants and agents of the Crown. They were expected and encouraged to protect the Crown's interests.

In the early seventeenth century the pattern changed radically. Now the Crown was asserting a Divine right to rule. James, supported by the aristocracy, was at odds with the new middle classes born out of Tudor England. The common law judges, all sons of the middle classes, asserted that they were the repository of the immutable and divinely ordained common law, which was "locked in the breasts of the judges."

It was but natural that the middle classes, who supported the common-law judges, would raise the cry of judicial independence, both because it helped to insulate the judges from kingly interference, and because it was required by the logic of a law believed to be immutable and inherently just. When Parliament seized control of the State, such notions were quickly forgotten, only to be resurrected during the Restoration, when the Crown again and again sought to compel the judges to do its bidding.

INDUSTRIAL REVOLUTION

The long pulling and hauling between Crown and Parliament was compromised in the Act of Settlement of 1701. That Act gave the Crown the power to appoint the judges, but Parliament the power of removal. Consistently with the ideology which Parliament had espoused over the years, even Parliament could remove a judge only for misbehaviour. The period from the Act of Settlement to the Reform Bill of 1832 were years of an aristocratic government of landed gentry and mercantile grandees. Judicial appointments were naturally made by governments from barristers of the same political persuasion as themselves. Nevertheless, many of the appointees had quite ordinary social origins, and had made their way by their ability to win cases.

Some of these judges faithfully adhered to the now established notion that judges were supposed to be wholly independent. The whole thrust of the aristocratic constitution was to maintain the status quo, and the judges did little to alter this tendency. But occasionally some of them stood firmly against attempts by the executive to pervert clear law in order to interfere with accepted liberties of the subject. These firm stands by the

judiciary, as it happened, largely favoured the new capitalist class born from the Industrial Revolution. Small wonder that that class, despite its allegiance to reform in the law, saw in the independence of the judiciary a strong bulwark against the aristocrats who were their principal antagonists. Hence when the new capitalists joined the ruling elite in 1832, they supported the notion of the independence of the judiciary.

Since 1832, however, the doctrine of the independence of the judiciary, which served first the seventeenth century middle classes in their struggle against the Crown, and then the rising industrial capitalists against the eighteenth century landed gentry, has been put to new uses. In that earlier period, by the endless paradox of history, the doctrine had served as an ideological weapon of the rising classes. Now it was put to work by the ruling groups in England as a weapon to beat down the social revolutionary fires which have been breaking out spasmodically in England for a century. During this period, the whole doctrine has become an instrument designed to persuade social revolutionary forces that radical legal change is unthinkable—and if there can be no radical changes in law, there can be no radical changes in society.

REMOVAL OF JUDGES

Perhaps no place was the propaganda in favour of the independence of the judiciary stronger than in the colonies. Is there any Ghanaian who studied British Constitution in secondary school who was not taught that independence of the judiciary was the cornerstone of freedom? So strong was the dogma that when Nigeria's constitution was first written, it contained a most elaborate system for the removal of judges even for misbehaviour. It actually provided for appeal to the Privy Council on the removal of a judge, which would thus have to make the final decision about judicial competence in independent Nigeria! (This provision was changed in the Republican Constitution of 1963).

The anomalous and revealing fact, however, is that whatever the tenure of judges in England, judges in the colonies in fact held their office at the pleasure of the Crown. There was no independence in the colonial judicial service, and no nonsense about it.

The mystique of an immutable law and an independent judiciary plays a significant role in preventing social change in many common-law jurisdictions today. In the South of the United States, or example, the Federal judiciary in recent years has frequently invoked State power on behalf of the civil rights of Negroes. Yet certain white-supremacist judges have so notoriously been pro-segregationist in their decisions, that they were recently the subject of a critical article in TIME magazine, identifying three of the worst of these judges by name, and describing their anti-Negro activities in some detail. So strong is the doctrine of judicial independence, however, that these judges are probably safe from any attempt to dislodge them. Their blatant racism may well continue to dirty the stream of American jurisprudence for the rest of their professional careers.

SOCIALIST LEGALITY

This is not to say, of course, that the dogma of the independence of the judiciary is in its entirety a bit of bourgeois propaganda. The long struggle for bourgeois-democratic libe-

ties is not without meaning for a socialist society.

Upon analysis, we have seen that the theoretical justification for the doctrine of the independence of the judiciary lies in the assumption that the judges merely apply clear, ascertainable law to the facts. To the extent that this is the case, it seems apparent that the security of the subject, which is based upon assurance of fair and equitable treatment, requires that the judge applying the law be unbiased and uninfluenced by political or bureaucratic power. But if the norms of law are not clear, then the judges make law. To shield their law-making behind the barrier of judicial independence may place an important law-making function beyond the reach of social revolution.

Now judges in fact do engage in both these functions. They have an administrative function of applying rules of law in those cases in which the rules are unambiguous. They also have a law-making function, arising as they resolve the ambiguities in cases of unclear law.

These two functions of the judiciary obtain in every common law system, whether socialist or non-socialist. In a socialist society, socialist legality requires that when applying an unambiguous rule of law, a court will fearlessly determine the facts and apply the letter of the law without regard to political or personal favour. This is especially true in cases where the conflict is directly between the State and the individual, either in criminal law, or in any one of the manifold administrative functions of the State.

In determining the civil or criminal liabilities of an individual, the judiciary in the final analysis determines whether state power is to be applied against him. In making that determination, so far as the rule of law is unambiguous, socialist legality demands that the judge make his decision, so far as humanly possible, without permitting the thumb of prejudice to weigh the scales. The rule of law in a socialist society requires that in such a case the sole determinants of the decision be the letter of the law as applied to the facts proven in evidence.

CLASS BIAS

On the other hand, the law-making function of judges demands the very opposite of judicial independence. A judge, in deciding a narrow case between two private parties, can, by his construction of the law, make or unmake governmental programmes. In thus making law, a judge ought to be required to construe the statute or common law rule in a way which is consonant with the national goal of socialism. Thus the doctrine of judicial independence under socialism is seen to have a dual aspect. In so far as the judge exercises his administrative function, socialist legality requires complete judicial independence. In so far as the judge exercises his law-making function, the social engineering function of the law demands that the judge be subject to control by the People acting through their chosen representative.

Judicial independence as construed in non-socialist law frequently negates, paradoxically, both desired objectives. The rationale of the independence of the judiciary is that a judge in applying clear rules of law ought to be unaffected by any considerations except the language of the rule of law. When a judge negates clear law for reasons of class bias, he violates the principal purpose of giving him independence. When a white-supremacist judge in Mississippi, U.S.A. frees the

alleged murderers of three civil rights workers prior to trial in violation of every accepted rule of pre-trial proceedings, she has violated clear law for reasons of race prejudice, not law. Yet she is protected by the dogma of the independence of the judiciary. In such cases the independence of the judiciary serves to protect a judge who takes into account the very matters which the dogma was designed to prevent her from taking into account. Since there are undoubtedly far more conservative judges on the bench than liberal ones, judicial independence more frequently protects reactionary judges from popular indignation than liberal judges from reprisals from the power elite. Judicial independence, popularly believed to protect liberty from interference by the power structure, most frequently serves to protect reaction.

IN GHANA

When the Republican Constitution was drafted in 1960, the provision governing tenure of judges was adopted from the British model. Parliament was given power to remove a judge for "stated grounds of misbehaviour" in office, or for physical or mental disability.

This is essentially the same standard that has obtained in England since 1701. Originally, judges held their office "during behaviour" as determined by Parliament. At first this probably meant little more than that the judges held office only so long as they did nothing too violently against the Parliamentary interest.

But, by the historical paradox which we have described, for over two and a half centuries the dominant ideologies in England, for varying reasons, have favoured an increasingly strict doctrine of the independence of the judiciary. Conformably with that doctrine, the phrase "during good behaviour" has come to mean that judges could only be removed for venality in office.

When the draftsmen of the Ghanaian Constitution chose to follow the British model, they used a phrase which fairly stated what had come to be the content of the phrase "during good behaviour", that a judge could be removed only for "stated misbehaviour in office."

In 1964, conditions in Ghana were radically different from the conditions which in England had served to foster the dogma of the independence of the judiciary. In England, where judges are appointed by the Crown—i.e., by the party in power in Parliament—all the judges have been chosen by the representatives of the ruling elite. In Ghana, on the other hand, the judges, especially the more senior ones sitting in the appellate courts, in the main were appointed by the imperial power during colonial times. In England, radical legal reform has not occurred for many generations. In Ghana, radical legal reform is the order of the day. In England, the judges do not have the power of constitutional review of legislation. In Ghana, under a written constitution, they have power to declare legislation unconstitutional. To limit control over the judges in their law-making function to cases of outright venality was to hazard the socialist reconstruction of Ghana. What was required was a device to insure democratic control over the judiciary in its law-making function.

At the same time, the requirement of socialist legality demands that the judges approach cases where the rule of law is ambiguous, completely free of bias, whether deriving from political or class

position, or otherwise. It demands, therefore, true judicial independence in such cases.

It is in the light of these requirements that the 1964 amendment must be construed. That amendment gave the President power "for reasons which seem to him to be sufficient to remove from office a judge of the Supreme Court or a Judge of the High Court.

POWER OF THE PRESIDENT

If the amendment meant that the President had the power to remove a judge for any reasons whatsoever—even for reasons of personal pique of whim—the amendment would have completely destroyed that element of judicial independence which is necessary to socialist legality. But a consideration of the precise wording of the amendment against the background of the other amendments to the Constitution which were enacted simultaneously with it suggests that it in fact was designed simultaneously to assure democratic control over judicial law-making, and judicial independence in deciding specific cases under unambiguous rules of law.

It is noteworthy that the amendment did not employ the traditional phrase, which had originally initiated all the conflict between Crown and Parliament in England, that the judges would hold office "at the pleasure" of the sovereign, even as British judges in the colonies held office "at the pleasure" of the Queen. The President, on the contrary, is carefully given power to act upon sufficient reasons.

It is a truism of the common law, that where a discretion is given to a public official, it must be exercised in his capacity as a public official, not by personal whim. Many people have held that this rule implies that where an official is given a discretion to be exercised when he is personally satisfied that reasons for the action exist, he is not given discretion to act on any reasons whatsoever, but only upon reasons which are germane to the purposes for which the discretion is given. The amendment to the Constitution, therefore, construed in the usual way, does not give the President power to dismiss a judge at his pleasure. Rather, he must determine that the facts which constitute the basis of the dismissal are actually so, and that together these facts constitute reasons which are logically related to the purposes for which the discretion is granted the President by the amendment.

SOCIALIST OBJECTIVE

The Constitutional amendment with respect of the removal of judges was enacted simultaneously with other amendments, all of which were plainly designed to forge new institutions appropriate to the building of a socialist society in Ghana. The amendment concerning the tenure of judicial office was drafted to achieve the same objective. As we have already seen, the socialist objective requires the removal of a judge from office who is likely, in the exercise of his law-making function, to obstruct the building of socialism. At the same time, socialist legality requires the independence of the judiciary with respect of its administrative function. The Constitutional amendment, therefore, gives President power to remove judges from office consistently with these objectives of socialist law.

This obviously places great

(Continued on page 4)

Planning in an Import-Sensitive Economy

THE developing countries, taken as a whole, are facing a severe "trade gap": the average annual rate of growth of their exports has been lagging far behind the rate of expansion of imports. During the years 1953-60 the developing countries increased their imports at a rate of 5.5 per cent per annum, i.e. faster than the growth of national income, which may be put at 3.5-4.0 per cent, while exports hardly kept pace with the national income, faring 3.5 percent per annum.

Exports from developing countries cover at present only about 90 per cent of their imports, leaving an uncovered gap of 10 per cent of merchandise imports without mentioning the heavy deficit on the remaining items of the balance of payments.

by
Ignacy Sachs

Such a situation arises fundamentally from the combined effect of two factors:

(1) lack of a sufficient demand on the world capitalist market for several traditional export goods produced by the developing countries, which accounts also for the adverse trend in the terms of trade, and

(2) the mounting pressure on the import bill of developing countries, on account of development programmes as well as of unsatisfactory internal supply of food and fuels magnified by the high rates of population increase.

It should be noted that up to now no significant transfers of capital from the developed to the less developed countries have taken place; the so-called "net flow of long-term capitals" (which includes also re-ploughing of profits made by foreign companies) hardly matches the outflow of capital from the less developed countries in form of expatriated profits of foreign capitalists, losses suffered on account of adverse terms of trade and placements made by capitalists from under-developed countries in banks abroad.

TRADITIONAL DIVISION OF LABOUR

The situation described above has all the features of a structural disequilibrium. The traditional division of labour, evolved in the past century, proved to be a trap for the former colonial and dependent countries. They were forced into a narrow specialization, which made them heavily dependent on foreign trade in primary commodities. Such a trade never really succeeded to play the role of an "engine of growth". At best it led to phases of lopsided development, alternated with periods of depression and crisis.

Theoretically, during the years of plenty, imports of capital goods could have been stepped up and industrialization carried over, but the relative abundance of foreign currency would rather induce the ruling elites to spend lavishly on luxury goods or to invest in the expansion of monocultures for export thus paving the way to future crisis of superproduction, which were to hit them back through the price effect.

Now that those countries are facing an inelastic world demand for their traditional exports, the need for industrialization has a much wider appeal, but foreign currency to pay for imports of capital goods is in short supply. This former "export-economies", with the exception of a handful of producers of oil and some strategic materials (which are not of our concern in this paper) became "import-sensitive economies".

FOREIGN CURRENCY

Industrialization is the only effective answer to their problems, as we shall see, and the only way to break through the strait-jacket of the unilateral division of labour which has been forced upon them. But to achieve it they have to start by increasing imports of capital goods; the foreign currency shortage becomes thus the most dangerous bottleneck, slowing down the overall rate of growth. The whole strategy of development must be subordinated to ease this bottleneck.

The planner has first to consider all the possibilities of increasing the earnings from exports. We shall assume the existence either of stocks or of unutilized production capacity within the range of goods traditionally exported. An export drive will not require therefore additional investment as long as the commodity pattern of exports remains unchanged. But *ex definitione* (we are speaking of import-sensitive economies) the demand on the world market is inelastic. Two possibilities must be examined, however:

Even if the demand is inelastic, it is still possible to increase the volume of sales in the traditional markets by reducing the unit-price. This operation cannot be carried on, however, beyond the point when the losses on unit-price are bigger than the earnings obtained through the increase of the volume of sales.

For a wide range of goods produced by less developed countries, the actual market situation is such that it is preferable to protect the level of prices and renounce bigger sales, rather than to step up sales by depressing prices still more.

Some scope for increasing traditional exports exists by making headway into new markets. This is particularly true of the socialist countries. The trade between the socialist countries and the developing ones has been expanding at the rate of about 10 per cent per year during the years 1957-60, but it started some years ago almost from nil, so that the share of the socialist countries in the trade of the less developed countries does not exceed as yet 5 per cent.

PRODUCTION PATTERN

As for the intensification of commercial exchanges within the area of less developed countries themselves it is bound to grow mainly in the field of non-traditional goods; the striking parallelism of production pattern in many less developed countries does not offer much room for an expanding mutual trade in traditionally exported primary goods.

On the whole, the possibilities of immediate expansion on new markets with traditional export goods, through very commendable, as it does not require special investments, are rather limited.

Some gains can be obtained by taking proper organizational steps, namely by establishing an effective state monopoly for sales of main export products. Such a measure—when properly executed—strengthens the bargaining power of the exporter, makes easier the framing of long-range policies and the co-ordination of the foreign trade sector with the rest of the economy. In particular, the utilization of trade profits as a source of capital formation, or the granting of subsidies to exports (and for this case also imports) are better operated through state monopoly.

Finally mention should be made of some measures of international co-ordination and planning. Developing countries are vitally interested in the stabilization of prices for primary goods (strictly speaking, of the stabilization of terms of

trade). But up to now all the multilateral schemes proved rather deceptive, as the leading industrial powers and the big monopolies feel very reluctant in giving up the profits made by manipulating the primary commodities prices.

As for the so-called compensatory financing schemes, they do not offer any protection against a long-run falling trend in primary prices. While efforts to make some progress in this field should not be abandoned, in the shorter run developing countries still have a less spectacular but quite effective means of achieving some degree of stabilization and planning in the realm of exports of primary goods by entering into long-term bilateral agreements and contracts.

When combined with imports of capital goods on a credit basis, such agreements and contracts provide a very useful framework for the operation of foreign trade within a developmental plan.

We can now glance at the case of exports of non-traditional goods. We shall assume, for the sake of simplicity, that they require investment as no free capacity is available.

The capital available for investments in an underdeveloped economy being limited, the allocation of funds to an export-oriented project reduces the scope of investment oriented towards import-substitution. While no fixed rules can be drawn, it would seem that in equality of conditions (e.g. the same gestation period, identical capital-output ratio and equivalent foreign-currency effect) an import-substituting scheme should be preferred to an export-oriented one, as it strengthens the economic independence of the country, while the export-oriented project, on the contrary, increases its dependence on the fluctuations of prices and volume of trade on foreign markets.

UNDERDEVELOPED ECONOMY

This observation should not be understood, however, as a plea for autarchy. We are discussing the case of an "import-sensitive economy" which struggles against difficulties in foreign trade so that it is bound to reduce its degree of dependence on it, while exploring to the utmost limit all the rational possibilities still open in the field. Moreover, in practice many export-oriented projects will prove more economical than alternative import-saving ones and then the choice will be obvious.

The probable net impact of an export-oriented project on the balance of payments should be carefully examined. Many mining investments, carried out by foreign private companies, prove e.g. self-defeating in this respect, as after having paid for the imports required by the company and its foreign staff and the profits expatriated by it, hardly any foreign currency is left for the exporting country.

Once more one should point in this connection to the pattern of trade referred to above; a mine equipped with foreign machinery imported on credit and rapid through deliveries of part of the current output of the mine, agreed upon in a long-term contract, might

prove a very satisfactory deal to the developing country, mostly so if the newly extracted mineral was in short supply on the local market.

PRIMA FACIE

The scope for opening new quick-profit yielding lines of primary production for export being limited in the majority of countries by the availability of natural resources "easy" to explore and by the huge amount of necessary investment, the question arises to what extent developing countries could turn their attention to the production of industrial goods for export.

Prima facie such a goal should rather follow than precede the implantation of import-substituting industry. But several exceptions should be made:

1. in the case of a very small and rather backward country the dimensions of the internal market are so tiny that no modern industrial plant could be set without engaging in selling part of its output on foreign markets. This calls for a close co-ordination between the developing countries of their blueprints for industrialisation: the future of regional "common market" in Latin America, Africa and Asia (or perhaps of broader schemes of economic co-operation between developing countries of different geographical areas) depends on the ability of the countries interested to find ways of establishing an effective international division of industrial labour, while mere taking of commercial measures, reducing or abolishing of customs tariffs etc. will not do;

2. a few large developing countries, already engaged in a drive to build on their territory heavy industries may find it easier, for reasons of economics of scale, to plan from the very beginning plans with an output capacity exceeding the current demands of the local market, and turn at an early stage of industrialisation to exports of heavy

expansion of exports of the so-called "cheap labour goods" from the developing countries to the highly industrialised ones. It would seem, however, that such possibilities have been greatly over-estimated.

The textiles and the light engineering goods industries are mushrooming all over the world in spite of excess capacity already existing both in developed and underdeveloped countries and there is hardly any room left for new Japan in the present international division of Labour. On the other hand, one has to take a very careful view of the import content of exported industrial goods. It may so happen e.g. that engineering goods shipped abroad and exchanged for non-essential goods have a high import content paid for in hard currency; in such a case part of the non-essential imports is actually paid for in hard currency.

IMPORT-SENSITIVE ECONOMY

The cursory examination of export possibilities made above leads to conclusion that for the great majority of "import sensitive economies" they are quite limited in the realm of primary goods and, in the short and medium run, also in the field of industrial goods (except perhaps for substituting semi-processed materials for raw materials, e.g. pressing oil and selling oil and de-oiled cakes instead of oil seeds). This calls for a realistic and cautious assessment of the targets for increasing exports.

Once all the possibilities of increasing exports have been taken into consideration and the capacity to import evaluated, the only way of increasing overall rate of growth of an economy consists in reducing as much as possible the import coefficient. Actually, it becomes a major criterion of evaluation for the planner who has to frame the developmental plan in such a way as to achieve a fair measure of import substitution.

At this stage we should once more turn to organisational aspects of the problem and point to the necessity of establishing strict control of imports (preferably through state monopoly of foreign trade) in order to simply eliminate unessential imports of luxury goods (the range of items banned from import lists being defined according to the standards of living of the working population and the capacity of the country to import). Banning unessential imports constitutes, however, for the planner a "reserve" which can only be used once.

Besides observing the rules of extreme austerity in imports of unessential goods, rigorous screening of all investment projects is called for, having in view:

1. the choice, *ceteris paribus* of the project with the lesser foreign component. It is even admissible to increase the actual cost of the project, if effective cuts in imports are within sight. For instance, a country with unlimited supply of labour should choose traditional techniques of road construction rather than to import expensive road building machines. But considerations of shortening the gestation period of investment may arise and, on the other hand, the scarcity of wage-goods (food-grains) may put a check to the policy of increasing national income through extensive (and import-substituting) employment of local labour.

(Continued on page 5)

Pragoexport

Exports all kinds of Tailors' requisites from Czechoslovakia

The famous mark WICO proves the best quality and prompt delivery.

Represented by
MESSRS CONTINENTAL AGENCIES
P.O. BOX 4109 — TEL. 64743
ACCRA

... Import-Sensitive Economy

(Continued from Page 4)

2. anti-import oriented technological processes should be just the same preferred and local raw materials and skills utilized whenever available. In a longer and dynamic view, the reduction of the import coefficient implies, however, a sustained effort to create and expand the capacity of the economy for import substitution.

We shall first look at the possibility of achieving import substitution in different categories of goods imported.

For several underdeveloped countries food is a major item of imports. While it is possible to ban without any serious consequence the imports of spirits, expensive canned products etc. (the alternative being to put on them prohibitive duties), imports of grain cannot be avoided as long as local agriculture is unable to meet the barest needs of the population. The lower is the economic condition of a country the higher is the income elasticity of demand for grain; this elasticity can be assumed in many cases to fall within the range 0.6-0.8; setting an overall rate of growth of 5 per cent per year, if inflation is to be avoided, implies that supplies of grain should increase therefore at a rate of 3.5-4.0 per cent per year. The rate of growth of grain production should be still higher, if imports are to be eliminated at the same time.

Thus import-substitution of grains is but an aspect of a broader problem, viz., that of achieving a fair rate of progress in agriculture and co-ordinating the rates of growth of the industry and of the whole economy with these of agriculture. Without going into this subject, we shall limit ourselves to point that for a great number of developing countries this is the most difficult problem and that a deficient agriculture, hampered by absolute institutional conditions, proves often to be the most serious bottleneck, jeopardizing the industrial drive and the whole developmental process.

IMPORT SUBSTITUTION

Fuel resources are very unevenly distributed over the surface of the earth; while some of the developing countries are leading exporters of oil, others lack it (at least up to now production has not been started) and import substitution in this particular field requires important preinvestment activities and afterwards huge investment with a relatively long period of gestation. No immediate import substitution is therefore possible, but several measures can be envisaged:

(1) a proper commercial policy aimed at reducing the monopolistic position of the big oil-companies may be instrumental in reducing the unit-price paid for oil;

(2) in some countries it might be advisable to start refineries, even if local oil is not as yet available;

(3) in countries with short supply of oil careful attention should be given to the proper choice of means of transport. In any case, imports of motor-cars for private use should be restricted (they certainly should fall under the category of luxury imports in many countries).

Industrial consumer goods offer the broadest scope for a relatively quick import substitution, and therefore, should find a place of pride in the initial five-year plans of many developing countries. The planner should, on one hand, provide for "maintenance imports" of raw materials and spare parts necessary for the

existing industries often having idle capacities and, on the other, for investments in light industries, yielding a high import-substitution effect, and relatively easy to master from the technical point of view. Three pitfalls should be avoided, however:

(1) while collaboration with foreign firms might be considered as a transitory stage from assembling to setting into motion of the complete production, it is necessary to establish a rigorous time-table for the nationalization of production, otherwise the cost of foreign components, the royalties paid to the foreign firms and the profits expatriated by foreign associates might well nullify the whole import substitution effect of the investment. The import substitution effect should be evaluated in terms of prices prevailing on international markets:

(2) if import-substitution concerns unessential goods (considered as luxury goods at the given stage of development of a given country) this effect is purely apparent but not real. Setting a factory producing luxury goods leads to "insidious growth" which hampers economic development instead of promoting it in spite of the fact that industrial output and employment go up: excessive employment in production of superfluous goods may be assimilated with employment in domestic services for the elite, increasing the demand for food and wage-goods without contributing a useful equivalent for it, while the drawing upon scarce capital goods, building materials, as well as raw materials prevents their utilization in a more productive way and slows down the rate of growth of essential industries. This is a phenomenon quite common in developing countries and should be paid careful attention by the planners.

(3) the emphasis in the first five-year plans on consumer goods industries bringing a quick improvement of the balance of trade should not be assimilated to a long-run strategy of development, perpetuating the dependence of developing countries on the heavy industries of leading economic powers. Such an attitude would amount to accept a new pattern of unequal economic relations between the fully and the incompletely industrialised countries, as a substitute for the colonial pattern of relations between the industrial powers and the primary goods producers.

ECONOMIC DEVELOPMENT

On the long run, continuous and effective reduction of import coefficient depends on the ability of a country to set up its own industry of producer goods. Only a strong capital goods industry, mainly machine-building industry and still more so machine-building industry turning out machines to build other machines—makes the rate of investment (and therefore the economic development) relatively independent of the contingencies of the world market. Thus considerations of balance of payments, besides those of employment, economic independence etc. give powerful support to the view that industrialisation, as complete as possible, offers the only lasting solution to the problems of underdevelopment. Laying of foundations for expansion of producer goods industries should therefore be envisaged in any developmental plan, while the choice and the timing of different projects should be made dependent on such considerations like the size of the country, its natural endowments, the degree of development of productive forces already achieved, the availability of skilled and semi-skilled labour etc. Generally speaking, certain big countries should engage as soon as possible in an intensive drive towards

Economy

large-scale machine manufacturing, and whenever natural conditions are suitable—towards production of iron and steel, while smaller countries with large supply of labour could well start by setting certain machine industries. The sequence of different projects should be carefully weighed. For instance, machine-tools industries should rather precede than follow automobile plants etc.

INVESTMENT PROGRAMME

A mixed strategy is thus necessary for the allocation of the import capacity and setting the investment programme aimed at import-substitution. The planner has to recommend imports of raw materials, spare parts and certain single machine items for the existing industries working beyond full capacity and thus achieve immediate and real import-substitution effects if the industries concerned do not turn out luxury goods. But this is a reserve which can (and certainly should) be used once.

If such industries of essential consumer goods do not exist yet, they should be started in close relationship with the study of the changing pattern of consumption. It should be borne in mind, however, that after a period of five to ten years, the possibilities of achieving substantial import-substitution in the range of consumer goods will be nearing exhaustion, while the increasing rate of investments, (which start from a very low point), coupled with the inexistence of capital goods industries, gives continuous and expanding scope for import-substitution in the realm of producer goods.

Most certainly the planner will be shifting emphasis from one goal to another as the plan progresses and attaching different "weights" to them, according to the size and the potentialities of the country as well as to the degree of acuteness of foreign currency shortages. The alternatives he is concerned with are but a specific case of the choice between higher immediate consumption at the expense of the long-range rate of growth and higher future consumption made possible through a higher rate of investments in the time-horizon envisaged by the plan. But the consideration of import-substitution provides another relevant dimension applicable also to the choice between two projects which in a closed economy would be identical from the point of view of short—and long-range effects on the national income. In an "import-sensitive" economy a project bringing more import-substitution should be *ceteris paribus* always preferred.

COMPARATIVE COSTS

The argument of comparative costs is frequently invoked in attempts to dismiss the case for import-substitution and, for that matter, the industrialization of developing countries. Such an attitude is based on two misconceptions:

(1) the whole doctrine of comparative costs is static in its very essence. It fails to take a dynamic view of country's endowments and also of costs of production. How can we speak of comparative advantages with relation to developing countries, if the bulk of their natural resources still lies idle or is even unknown? Going back to the example quoted previously, it might so happen that the cost of production of a given item is today twice as high in a factory just set in Africa, as in West-

ern Europe, but tomorrow this gap may diminish or even disappear.

(2) besides, the argument of comparative costs may be applied as a criterion for short-run choice only to the extent to which the primary producer faces an elastic demand on world market for its traditional export goods, and this condition does not hold true, as we have seen, for the "import-sensitive economies". There is no point, for the group of coffee-exporting countries to ascertain whether it would be more economical to increase coffee exports and to buy more machinery or to start to produce that machinery. An increased offer of coffee on the world market would depress still more the coffee prices, while the average costs of production could even increase on account of bringing under cultivation less fertile grounds.

The real choice is therefore to start to produce machinery even at a high initial cost or to reduce the rate of investment even beyond the rate of saving by lack of available capital goods on the market. For an "import-sensitive economy" the consideration of absolute marginal cost of production of essential import-substituting goods (and of export goods) becomes secondary to that of availability of these goods (provided of course that they are obtained at the lowest possible cost under given circumstances).

MAIN CONCLUSIONS

The main conclusions emerging from this paper may be summarized as follows:

1. For an "import-sensitive economy", where the lack of foreign currency limits the essential imports and indirectly the overall rate of growth, promotion of import-substitution becomes a major goal to be pursued by the planner. The lower the overall import coefficient, the higher becomes the rate of growth compatible with a given import-capacity.

2. The situation is somewhat analogous to that of capital-output ratios; by lowering them by means of relying on social efforts, utilizing within certain limits traditional techniques, shortening the gestation period, reducing the volume of construction by simplifying building structures, etc. it is possible to achieve a higher rate of investment with a given amount of capital.

3. While it is common practice among planners to fix import coefficients just like the capital output ratios and to use them as constant parameters in models of growth, the methodological approach should be reserved: rather than to accept the import coefficients on the basis of previous experience, international comparisons etc. their maximum reduction should be sought for and erected into a criterion of evaluation of the plan, as well as of current economic policies.

4. In an "import sensitive economy" all the major bottlenecks of growth reflect themselves in the foreign trade position and, reciprocally, the lack of sufficient import capacity sharpens all the contradictions of the economy. A careful consideration of foreign trade implications of the proposed path of development provides, therefore, an opportunity for a cross-examination of the soundness of the whole plan.

SOCIALISM AND CIVIL LIBERTY

(Continued on page 2)

assassination of his colleague and closest friend (Kirov) greater dangers to the security of the state than its enemies (furious indeed, but ever weaker in numbers and power) represented in reality, permitted or directed stronger and wider and more rigid security measures than were necessary or useful.

It is tragically easy for leaders who cease to maintain intimate and sustained contact with the people, and thus no longer consciously depend upon and trust in them, to put their confidence in security forces instead, and to distrust people who in truth deserve the fullest confidence. And one of the most tragic aspects of such a situation is that it can be taken advantage of—by those in charge of the security organisation—as a screen for pursuing their personal ambition by illegal and inhuman methods. Honest and legitimate criticism by outstanding men and women with a long Socialist record was, by 1937-8, often misrepresented as subversion to serve those ambitions.

The errors and abuses that resulted were very grave but no thoughtful socialist expected that this great Socialist state would be built in the face of its many and powerful enemies without mistakes and set-backs and troubles, and we can now look forward with confidence to a new advance—which has indeed already begun—in the fields of civil liberty and liberty generally. True to the tradition of the widest and truest liberty with which the Socialist state must be imbued because it is Socialist, the U.S.S.R. can now surpass or overtake other countries in that field as it is surpassing or overtaking them in so many other fields, cultural and material.

Beginning with July, 1953—when the activities of the security organisation began to be subjected to searching review—a series of important measures to promote this was taken. All extra-judicial

machinery for trying and sentencing citizens was finally swept away. Thousands of cases dealt with by that machinery began to be reviewed, and the persons concerned rehabilitated and, if alive, compensated. The Procurator's Office was given new powers (and duties), for the protection of individuals under investigation or already sentenced. Parallel with this there was developed—during the two and a half years before the XXth Congress of the Communist Party of the Soviet Union—an intense campaign exposing the evils of the "great-man cult", and encouraging people to criticise and question without fear, high and low. All this has begun to bear fruit.

One interesting example of the way in which the work of correction and improvement has begun is to be found in a little-publicised decision of the Supreme Soviet of the U.S.S.R. made on the 7th April, 1956, to tighten control over the activities of Security organs by establishing a special division in the Procurator's office to supervise the investigations of the state security organs. (On April 19 there followed the formal repeal of the draconic laws of December 1, 1934, and September 14, 1937).

This means that the officials of the Procuracy, invested with great powers of inspection, interference and investigation, and rendered by Constitution itself independent of any organ whatever of government except only their own Procurator-General, will be entitled to check over and control all the work of every security organ; in the same way as the check over and control the work of every ministry, factory, hospital, prison, and all the "rest" of the manifold activities of the great Socialist state.

In the light of the new developments, we can look forward confidently to a new flowering of liberty in the U.S.S.R. Mistakes and abuses may, of course, still occur;

but the education, the philosophy, the principles, and the machinery which serve the cause of liberty and human dignity in the Socialist state must now be stronger and clearer than ever, and Socialists can, and must, feel that the danger of error is smaller than ever before, and the forces of human freedom can resume their triumphal march. Civil liberty suffered set-backs, but never disaster, whilst it lived in the context of capitalist encirclement; the Socialist states are no longer isolated but form part of a great system embracing nearly half the world, it will soon flourish more freely and more widely than would have been thought possible even a few years ago.

The situation is, of course, greatly improved both in the U.S.S.R. and in the new democracies, not only by the recognition and exposure of past errors but still more by the return of the first socialist state of the correct path of collective leadership and contact with the people. The new developments are also of great help to us in Britain, in the struggle, now more important than ever, for unity of the Labour forces. The greater and more general friendship with the U.S.S.R. makes friendly contact with Communists easier; those who have sincerely found obstacles to friendship in the measures of security employed in the U.S.S.R. are now reassured; and those anti-Soviet propagandists who used accusations of lack of civil liberty as one of their more successful propaganda weapons will at any rate lose that weapon.

It is perhaps fortunate that we have a tradition of civil liberty in Britain. Whether we deserve that tradition or not, it will help us not only to look forward to an advance towards Labour unity but also to be confident that our own transition to Socialism will follow a course that permits the maintenance at all stages of a pretty high degree of civil liberty.

Every morning



Razor Blades and Safety Razors

Pragoexport

PRAGUE, CZECHOSLOVAKIA

represented by

MESSRS CONTINENTAL AGENCIES

P.O. Box 4169

ACCRA

Telephone 64743

BRITAIN AND COLOUR

IN many respects the Labour Government has out-toried the Tories. Sir Frank Soskice, Labour's Home Secretary has announced that stricter controls are to be exercised to prevent "illegal" immigration. This follows a speech of Sir Alec Douglas Home, leader of the Tory Party which called for more stringent applications of the Immigration Act and for its extension.

BRITISH LABOUR GOVERNMENT

It was the last Tory Government which passed the Immigration Act seeking to restrict the flow of immigrants from the Commonwealth into Britain. Dancing, apparently to the tune of the Tories, Labour now moves in to announce that it will do as Douglas Home asks and will make sure that the Act is more firmly operated than before. This is a curious not to say deplorable change of life on the part of Labour. While they constituted Her Majesty's Opposition they opposed the Bill and they declared during the General Election Campaign that they would repeal it. Why have they now decided to operate the Act?

Perhaps they think that Patrick Gordon Walker was defeated at Leyton as well as Smethwick because the electorate at Leyton resented their gerrymandering of the seat, they were angry because Labour had broken its pledge to

the old age pensioners and were not in general carrying out a militant policy.

The British ruling class is launching an all out attack on the Labour Government, on every issue ranging from education, the Trade Unions, defence right through the political spectrum to the Immigration Act. This racist campaign is being used to try and conceal the Tories' responsibility for the housing and other social problems which Labour has inherited from 13 years of Tory rule. Ignoring their own incompetence the Tories claim that if Labour were to restrict the entry of coloured immigrants into Britain from the Commonwealth, these acute problems would disappear. They then accuse the Labour Government of being soft on race, and fill the electorate with unwarrantable about housing, jobs and education.

That the campaign is well organised is to be seen in the fact that Home's speech coincided with the publication of a series of articles in the *London Times* called "The Dark Millions".

POSITIVE PROPOSALS

Under the guise of a detached sociological approach the circles described the conditions under which immigrants live in Britain. It purported to place the problems in a dispassionate way.

We venture to suggest that by now the problems are all too familiar and that what is

needed is positive proposals and actions to try and solve the problems of housing, jobs and education and to advance the fight for equal opportunities for all inhabitants to live their lives peacefully and with equal opportunities for themselves and their children. This is what is now needed not surveys.

The series however, gave a splendid opportunity for the backwoodsmen of the ruling class and their ignorant Tory hangers on to rush in with demands for further restriction of entry of immigrants. It is interesting to see how most of them try to disclaim racial prejudice but at the same time manage to put forward proposals based on the most blatant racial prejudices.

Dr. Ruth Glass who put forward a positive programme which would overcome these reactionary objections is attacked as being emotional. Why should we be ashamed of emotion about racial discrimination? There are noble emotions which lead men and women to fight, even sometimes to die, in the cause of racial equality and fraternity. A view that most of *THE TIMES* correspondents with their vile emotions of hatred and suspicions and chauvinism find difficult to understand perhaps.

Labour is climbing down under this onslaught of reaction. Instead of a bold positive challenge which would arouse the spirit and enthusiasm of all the finest elements of the British people to fight racism they are trying to show that they can get tougher with the immigrants than the Tories. The promise to repeal the Immigration Act appears to have slipped Mr. Wilson's memory.

Labour should repeal the Immigration Act and launch a bold counter offensive making racial propaganda illegal, outlawing discrimination and campaigning to explain to the British people what are the dangers and horrors of racialism. They should show how racialism serves to divide the people only in the interests of those who exploit them.

The Tories and Fascists would be easily defeated if the nettle were grasped boldly. Instead we see an apologetic attitude a refusal to challenge the Tories and their fascist friends. Has Labour gained electorally by this cowardly capitulation, on the contrary she has a yet smaller Parliamentary majority after Walker's defeat.

Now we see the great upholders of the British Empire and Commonwealth, the Tory Party in their true colours. They have been foremost in expounding the glories of Empire, they have preached to the peoples of Africa, India and the West Indies their pious empty platitudes about the unity of the peoples of the Empire, and Commonwealth they have tried to present themselves as the guardians of the colonial peoples.

IMMIGRATION ACT

Now that the masses of the former British Empire have thrown off colonial rule, they are revealed in their true colours as advocates of blatant discrimination. That the Immigration Act is a discriminatory measure based on race there can be no doubt.

Since the Act was passed two years ago entry vouchers were presented to 91% of the white Commonwealth applicants, and to only 43% of the coloured. It is obvious that any Government is entitled to have a policy about

who enters the country or not, but it cannot base that policy on race and colour if it claims to be the leading partner in a multi-racial experiment in democratic living, a claim so often advanced by British politicians, Tory and Labour alike.

The claim that the flow of immigration exacerbates housing and job problems is manifestly false as twice the number of people have emigrated from Britain as have in fact entered it to take up permanent work and residence.

It is interesting to see a newspaper like *The Times* which would claim to be a humanist paper, with a respect for human values lending itself to the expression of views which are anti-humane and vicious in their implications. "The Dark Millions" title of their series indicates that they see men and women with dark skins as simply a mass, not individuals with hopes, loves, aspirations, abilities, dreams and illusions, as dear to them and as worthy of respect as those of any other colour.

If Labour fails to combat this kind of vicious racist Tory propaganda, the results will be disastrous for them. They will allow the Tories to mobilise all the chauvinism and the uncivilised brutal attitudes which imperialism has developed in some sections of the British people for use against Labour and the British working class movement

as well as against coloured immigrants.

They will be laid open to suspicion of the worst kind of hypocrisy as immigrants, progressives and independent states in Africa, and Asia realise that Labour, no less than the Tories, basically upholds imperialism and the racist ideas which flow from it.

THE COMMONWEALTH

The newly independent states will see Labour's adherence to the Commonwealth as a continuation of British monopoly capitalist interests in the former colonies and this will link into a consistent picture with the sense of frustration at the Labour Government's failure to ban trade with South Africa or to declare a firm line with Rhodesia or to repudiate the Tory rigged elections in British Guiana. If they fail to launch a vigorous campaign against the Tories' racial policy they will contribute to their own defeat. To try and outdo the Tories in racialism will lead into their destruction and to the terrible social consequences of racialism that we see in the United States and in South Africa. The first step to discriminate against coloured immigrants will lead rapidly to the development of discrimination inside Britain in social, economic and political life against those citizens who are dark skinned.

There are forces inside Britain which combat this evil poison, last week the movement for Colonial Freedom met and discussed this new measure and the Labour Party's failure to live up to its promises. In the Midlands committees are being formed to promote good relations between people of different nations and races to combat the evil campaigns run by the Smethwick type Conservative fascists of which Mr. Peter Griffiths, M.P. for Smethwick is an outstanding example.

It is noteworthy that Home refused to disavow him in the October General Election campaign.

COLOUR DISCRIMINATION

Above all the British Trade Union and working class movement is beginning to take action. They are refusing to meet in halls which practise colour discrimination, they are campaigning in their localities against all forms of colour bar, but their activities could be developed and could succeed if the Labour Government would fulfil its election pledges. The refusal to do this will have repercussions not only inside Britain but inside the Commonwealth. How long do they think the newly independent states will stand by and allow their citizens to be insulted? The tragic consequences of the operation of

this law were to be seen recently when a Nigerian student, refused entry into Britain, committed suicide on the plane in which he was shipped back into Nigeria. This is the kind of human tragedy which such regulations bring on individuals. The continuation of these restrictions will encourage every fascist in Britain who will agitate for more and more repressive measures against the coloured population. The racist views of the Nazis in Germany begin to be re-echoed in one of the very countries whose men and women gave their lives to ensure that these disgraceful views would never again be heard. The shades of Hitler must be looming over the British Isles deriving comfort from the campaign of the Tory Party long racist lines and from the feebleness of the Labour Government in refusing to challenge this filthy activity by boldly stamping it out. Africa, Asia, and the rest of the world is watching Labour closely, its ability to fight racialism and to live up to its bold claims to support the noble principles of racial equality while it was in opposition are now on trial. Wilson must act now or be condemned by millions.

by
Ama Bampo

Letter to Editor on Habib Niang

DEAR Editor,

Please would you allow me a little space in your columns to raise a question connected with Mr. Habib Niang's articles on "Conscientism". I must confess that I find them very difficult to understand because of the highly individual and idiosyncratic language which is employed and the curious level of obstraction which appears to be reached. Up to now I have refrained from writing to you because the practical effects of this mode of thinking had not been evident. However it seems that Mr. Niang interprets the resolution of contradictions to mean in every case open violence and applies (as a rare practical example) his theory of dialectics to the problems of the Israeli and Arab peoples in Israel.

Not only are Mr. Niang's abstractions rather curious but his approach to politics and to the real life which is led by people seems to be distinctly unprogressive. Life does not exist as an illustration of dialectics. On the contrary dialectics is a means to an understanding of problems and a guide in helping us to resolve them. It seems to me that imperialism has left, as usual, a legacy of difficulties and problems in Israel based on the usual pattern of splitting people on racialist lines. Unfortunately many Israeli citizens, seeking refuge themselves from racial persecution fail to understand that they must establish a real multi-national state in which both

racism, Jewish and Arab can live together in peace and co-operation. The present economic system of Israel which is not socialist, and which is maintained by large subventions from the United States, leads like any capitalist system to splits and divisions between ordinary people, and these are fostered by imperialist interests. It is to the credit of the Israeli Communist Party which has both Jewish and Arab members that it is far sighted enough to see that the contradiction between the Arabs and Jews is not a basic contradiction or an irreconcilable contradiction. The major, antagonistic contradiction is between imperialism and its yes on one hand and anti-imperialists of all races on the other. Unless this is understood then we shall have the spectacle of so-called dialecticians, presumably socialists, recommending policies, in the name of the abstract working out of contradiction, which can lead to world war. Of course perhaps Mr. Niang regards the possibility of world nuclear conflict as the classic example of the resolving of antagonistic contradiction and no doubt it would be interesting for a dialectician to see it working out. The only difficulty is that he would not be alive to appreciate it. There is after all the dialectical difference between life and death which Mr. Niang might devote some thought to.

Ofori H. Odoom.

EDITOR'S NOTE:

A very interesting discussion has developed between Dr. Wolf Ehrlich of Israel and Habib Niang, a writer of repute. *THE SPARK* is interested in views on the subject. We shall draw our conclusions later.

United State and Africa

SOMEWHERE among the Rocky Mountains of the western part of the United States, there is a newspaper of whose existence Africa is barely aware. Yet this paper, which parades under the name of "Rocky Mountain News", has become the instrument of invidious attacks on Africa and her people.

About three weeks ago we felt constrained to call attention to one such attack in the 7th January issue of that paper by a Mr. Henry Taylor, a self-styled expert on African affairs. This has been followed by yet another attack in the 29th January issue, this time by a Mr. Robert Ruark.

These attacks can be examined from two angles: firstly the motives and objectives of the writers and secondly the interests of the publishers or owners of the newspaper in these attacks. In our comments on Mr. Taylor's article we examined the motivation and the purpose of that article.

THE COMMUNIST BOGEY

The objective of Mr. Ruark's article is the same as Mr. Taylor's: namely, to discredit the leaders, governments and peoples of Africa in the eyes of the American public and, therefore, justify the American rape and exploitation of the continent such as is going on now in the Congo. But the tactics they employ are different. While Mr. Taylor resorts to the use of the communist bogey, by fastening communist labels on all the progressive leaders and countries of Africa, Mr. Ruark revives the old arguments by which the early capitalist entrepreneurs and imperialists sought to justify the slave trade and colonialism, namely, that the African is a sub-human species and, therefore, does not need to be treated with the same human consideration as other human beings.

Mr. Ruark begins his article like this: "There is no such thing as a rebel army

in the Congo. There is no such thing as a regular army in the Congo. There is a Congo geographically, but the people in it are hyenas feeding on each other. He continues: "We cannot call it anything but a war of beast against a first beast... They are all a bunch of savages busy eating each other, and the time has come for the world to realise that what they are eating has still some with panthers, some without panthers." Towards the end he adds: "The really means nothing in Africa, nor does human dignity".

THE AFRICAN PERSONALITY

What Mr. Ruark is trying to tell the American public is that the people of the Congo are not human beings but hyenas and, therefore, Americans should not worry about any inhuman acts that the U.S. Government or anybody else, for that matter, may commit against them. There is only a Congo, "geographically" which is no man's land, and which might as well become the property of the U.S.A. [These outbursts are not different from the excuses given by the founders of the American and Caribbean States to justify the Slave Trade, Mr. Long in his "History of Jamaica" writes thus about the Negroes:

"We cannot pronounce them unsusceptible of civilisation since even apes have

been taught to eat, drink, repose and dress like men. But of all the human species hitherto discovered, their natural baseness and mind seems to afford the least hope of their being (except by miraculous interposition of Divine Providence) so refined as to think as well as act like men. I do not think that an Orang Outang husband would be any dishonour to an Hotentot female". (An orang outang is a species of ape).

The strategy is the same: depersonalisation of the African people and their equation to some animals lower down the evolutionary tree—apes and hyenas. When this has been done, any inhuman act committed against them can conveniently be disregarded.

THE SADISTIC KILLING

For whom does Mr. Ruark speak? Mr. Ruark is certainly speaking for the American government and the American capitalists who have vested interests in the Congo. He is trying to provide justification for the wanton destruction of human life by the U.S. in that country. He wants to justify the sadistic killing of men, women and children by American planes armed with rockets.

Mr. Ruark himself is a small fly. He is only being used because he makes pretensions to knowledge in African affairs. It is interesting how both Mr. Taylor and Mr. Ruark claim they are experts on African affairs. The one claims to have visited almost all the countries of Africa and to have written the chapter on Africa in the Book of Knowledge Encyclopaedia, and the other claims "long knowledge

of Africa—East, West and Central", and to have written two books on the continent.

These claims, which the authors so immodestly make, are meant to serve a purpose; they are meant to lend some credence to the stories they are writing. And if the claims are true, then the authors must have been picked upon for this assignment because of this "qualification".

We turn now to the interests of the owners of the newspaper in these attacks. Under normal conditions, one would wonder why an obscure newspaper in a remote part of the United States should so deeply interest itself in the affairs of the African continent. But in this era of international finance capitalism and collective imperialism it is easy to understand. Most of the large capitalist enterprises of the world today are interlocked in an intricate system of cartels and when the link connecting them is cut or disturbed anywhere a long series of chain reaction is set in motion, the effect of which may be manifested in unsuspected quarters. Of such is the interest of the "Rocky Mountain News" in the affairs of the Congo and Africa. The assertion of the Congolese people's right to the natural resources of their country is seen as a threat to the interests of the owners of the "Rocky Mountain News".

It is a pity that the U.S. imperialists and their agents have not yet realised that the African revolution has reached a point where no force can halt its advance, and that its successful consummation is inevitable. They will wake up to this realisation when it is too late, and then they will have to pay dearly for their short-sightedness.