

waren überhaupt nicht darum bemüht, die chinesische Auffassung zu verstehen, während die Chinesen noch eher bereit waren, Unterschiede in der Auffassung bilateraler Beziehungen als gegeben hinzunehmen. Vielfach entstanden Mißverständnisse durch Unkenntnis und mangelnde Bereitschaft, eine vielleicht von der eigenen abweichende Denkweise des anderen zu berücksichtigen⁸.

J. K. Fairbank behandelt schließlich in Fortführung eines früheren Aufsatzes⁹ das frühe chinesisch-abendländische Vertragssystem nach 1840 im Rahmen der chinesischen Weltordnung (S. 257—275). Er vertritt hier entgegen der weitgehend üblichen Auffassung mit guten Argumenten die Meinung, daß der Opiumkrieg 1840 nicht eigentlich den Beginn einer neuen Ära darstellt, sondern daß das chinesische Bemühen um die Integration der neuen Gegebenheiten in die traditionelle chinesische Weltordnung das charakteristische Element dieser Zeit bis in die 90er Jahre ist, auch wenn dieses Bemühen sich schließlich als vergeblich erwiesen hat. Erst die endgültige Abkehr von der traditionellen Weltordnung um die Jahrhundertwende bedeutet den Beginn einer neuen Epoche.

Den Abschluß des Bandes bildet noch einmal ein grundsätzlicher Beitrag von Benjamin I. Schwartz über den chinesischen Begriff der Weltordnung in Vergangenheit und Gegenwart (S. 276—288). Schwartz kommt zu dem Ergebnis, daß in der Gegenwart grundsätzlich alle Verbindungsfäden zur Vorstellung von der traditionellen chinesischen Weltordnung abgerissen sind, wenn auch vielleicht noch manches aus der Vergangenheit in die Gegenwart herüberwirkt. „Am Ende mag sich freilich das westliche System internationaler Ordnung als ebenso vergänglich erweisen wie die traditionelle chinesische Auffassung der Weltordnung. In der Gegenwart indessen scheint diese mehr den Gegebenheiten der Weltpolitik zu entsprechen als alles, was aus der chinesischen Vergangenheit kommt“ (S. 288).

Die wenigen in dieser Besprechung berührten Punkte können nur einen oberflächlichen und unvollständigen Eindruck von der Reichhaltigkeit des angesammelten Materials und der angesprochenen Probleme geben. Wenn auch vielleicht nicht jede Feststellung und Folgerung als endgültig zu betrachten ist, so bringt doch der vorliegende Band unsere Erkenntnis auf einem so wichtigen Gebiet wie Chinas Stellung zu seiner Umwelt um ein gutes Stück voran. Dafür gebührt den Organisatoren der Tagung von 1965, insbesondere ihrem Spiritus rector Professor J. K. Fairbank, sowie allen Beteiligten Dank und Anerkennung.

Wolfgang Franke

PHILIP FOSTER and ARISTIDE R. ZOLBERG (Eds.)

Ghana and the Ivory Coast: Perspectives on Modernization

Chicago: University of Chicago Press, 1971, Pp. 303

Ghana and the Ivory Coast obviously invite comparisons: both experienced colonial rule, are wealthy, depend on export of agricultural commodities, have similar occupational and social structures and are, above all, neighbours, with some of the ethnic groups along their frontiers being closely related. But the main ground for comparing the two countries in recent times has been the different policies pursued

8 Vgl. hierzu E. Zürcher, *Dialog der Misverständen*, Leiden 1962 wo auch einige Beispiele aus den frühen holländisch-chinesischen Beziehungen angeführt sind. Englische Übersetzung (ohne die Beispiele): „Dialogue of Misunderstandings“, *Higher Education and Research in the Netherlands* VII, 2, 1963, pp. 17—25; ferner W. Franke, *China und das Abendland*, Göttingen 1962.

9 „Synarchy under the Treaties“, *Chinese Thought and Institutions*, Chicago 1957, pp. 204—231.

by them since independence. The papers collected in this volume deal with various aspects of development in the two West African countries.

Zolberg's essay (pp. 9-31) is primarily a study of political development in the Ivory Coast since independence. He emphasizes that the key problem in the country has been the establishment of the legitimacy of the ruling party, Parti Démocratique de Côte d'Ivoire (P.D.C.I.) which is constantly having trouble with the youth, especially the university trained graduates who feel they are denied access to the more prestigious posts and resent the presence of the great number of French citizens in the administration. Although the government of Houphouët-Boigny has so far been spared most of the upheavals common in other African countries, Zolberg is not sure that this stability will last for long: ". . . the safest prediction is that sooner or later, in the medium run, discontinuous change of political incumbents will occur in the Ivory Coast as it has elsewhere" (p. 31).

Kraus, who is concerned with political development in Ghana (pp. 33—72), does not make any predictions since he is writing about a country which has already had its share of coups and counter-coups. His views on pre-coup politics are interesting but I do not accept his interpretation of opposition movements, such as the Togoland Congress (T.C.). Though the initial call for Togo re-unification may have been strengthened by ethnic relations, we would like to suggest that the T.C. was to a great extent kept alive more by opposition to Nkrumah than by desire for re-unification. It is otherwise difficult to explain why the leaders of T.C., as Kraus correctly states, have not called for separation from Ghana since the 1966 coup (p. 52).

Stryker (pp. 73—107) and Kilson (pp. 103—123) consider the relationship between the political centre and local institutions in Ghana and in the Ivory Coast. It appears that not much progress has been made in the Ivory Coast to connect the centre and the localities in such a way as to enable the former to obtain reliable information from the localities and to permit the latter to exert influence on policy at the centre. The centre-localities relationship seems to be equally bad in Ghana and in addition, Kilson has noticed that „in structural crises entailing the legitimacy of leadership, African regimes display a deeply rooted propensity to vacillate between secular and sacred criteria of political choice" and that "not infrequently, the need for such a distinction is not even perceived by political actors" (p. 113). The author's explanation of the political struggle between the Convention Peoples Party (C.P.P.) and the National Liberation Movement (N.L.M.) as involving a failure to distinguish the sacred from the secular seems to me to be wrong. It is an insult to the Ghanaian elite when he declares that the central government was unwilling to allocate funds to local councils in Ashanti "not merely because the councils were dissident but because the Ashanti might interpret concessions from the center in sacred terms" (p. 106). The author's way of thinking reminds one of the view formerly held by many European scholars that in African societies law and religion were hardly distinguished. It is a pity that in an otherwise useful contribution prejudice should be raised to the level of fact.

Dorothy Vellenga examines the various attempts to change marriage laws in Ghana and in the Ivory Coast (pp. 125—150). She tries to explain why a conservative Ivoirian government was able to pass a "revolutionary" marriage law when a "revolutionary" Ghanaian government failed to get a moderate bill through. The author examines the possible influence of political parties, the churches and the

press. Missing from the list is, to our surprise, the legal profession. The differences between the Common Law and Civil Law conceptions of the role and function of the law may offer some explanation for the differences in approach to law reform in Ghana and in the Ivory Coast¹. It may be that Vellenga, a sociologist, does not see much difference between the Common Law and Civil Law traditions and does not attribute any importance to legal traditions in the question of law reform. Alain Levasseur examines family law reform in the Ivory Coast (pp. 151—160) and comes to the conclusion that African countries which desire to modernize have no choice but to superimpose a new legal system on the existing social structure (p. 152). Moreover, they would do better to borrow a ready made code from another country instead of creating a new one. The author mentions „historical precedents for the successful ‘export’ of the French Civil Code, B. G. B. or the Swiss Code” (p. 152). Here one may like to express a different view. If one examines the borrowings which have so far been made, one realises that family law has always presented troubles to law reformers who prefer to borrow laws instead of creating their own. In many cases the imported law is quite often not observed (e. g. in various parts of Turkey) or has to be considerably modified². Whilst it may be easy to agree with Levasseur that law may be an instrument of policy designed for promoting social progress and for aiding economic development by removing obstacles found in private law, it seems incredible that he should, without further explanation, mention a broad concept of the family and traditional land tenure as obstacles to development (p. 153). The author’s examination of Ivoirian marriage law is on the whole competent but some of his general views are quite astonishing. For instance, he thinks the Ivoirian legislator should be congratulated for enacting “revolutionary” laws without providing the means for their enforcement and indeed for having no intention to do so (p. 153). We are inclined to believe that such practices are more likely to bring the law into disrespect and to defeat the purpose of law reform.

Levasseur displays the usual civilian prejudice against traditional law and is at times quite unfair. He declares that traditional law “emphasizes the rights of the husband over his wife and, conversely, the duties of the latter towards the former” (p. 161). This is calculated to reinforce the view held by some that the African wife is slave to her husband. When he comes to write about the new law which introduces community of property between spouses and puts the husband in control of the property of the wife, the author fails to point out that traditional law was fairer to the wife on this point: it insisted on separation of property and the wife could do as she liked with her property without having to obtain the consent of the husband. The explanation for the change of law in this respect is said to be the need to create common pecuniary interests between husband and wife. Another explanation may be that having opted for a capitalist system, the Ivoirian legislator came to view separation of property as dispersal of capital and therefore not conducive to accumulation of capital, a most necessary condition for development. Pooley’s examination of modernization of law in Ghana (pp. 167—186) is an excellent study. Unlike the other writers on law reform, he pays attention to lawyers and their mentality. His characterization of the average common lawyer

1 See, Opoku “Reform of Marriage and Divorce Laws in Francophone West Africa” (1970), 7 *University of Ghana Law Journal*, 107—124.

2 See, Max Rheinstein, *Marriage Stability, Divorce, and the Law*, Chicago: University of Chicago Press, 1972, 109—125.

in Ghana is probably applicable to lawyers elsewhere in the English-speaking world: “. . . it is perhaps important to realize that lawyers whose intellectual and professional underpinnings were strongly linked to the preservation of the British system (and whose natural professional conservatism was further emphasized by wealthy aristocratic origins in many cases) would not react favorably to, still less initiate, ideas which would professionally invalidate their qualifications and experience” (p. 172). Polley found that despite the Marxist rhetoric of the C.P.P., little was done to adjust Ghanaian law to the new direction in economic development. Moreover, much of the post-independence reform has been confined to improving the inherited English law, usually by borrowing the latest English innovation rather than creating new laws responsive to Ghanaian conditions.

The strategies adopted by Ghana and the Ivory Coast to improve their economies constitute the subject-matter of the contributions by Berg (pp. 187—230) and Green (231—264). Whether a radical transformation of the economy, with emphasis on industrial development, reduction of dependence on private capital, such as Nkrumah attempted in Ghana or whether the gradualist approach, with emphasis on private investment, such as practised by the Ivory Coast, is more suitable for African countries is still an open question. Both authors, however, agree that the Ivory Coast has performed better than Ghana in the post-independence period. Berg believes that Ghana's failure is due to the transformationist approach whereas Green argues that this approach is basically sound and suitable: “. . . Ghana's deteriorating performance and, to significant extent, the 'unsoundness' of her 1961—65 international economic and financial policy stemmed directly from world market conditions for her exports” (p. 233). Both authors provide figures to support their points. Now, as we all know, statistics are not easily available and where available, are often unreliable, and in most cases only give a distorted view of the reality. This general suspicion of figures is reinforced by Berg's criticism of the use of figures by Samir Amin³. In the end, whether one favours the gradualist or the transformationist approach will be largely determined by non-economic factors. Those who believe that systems which tolerate unequal distribution of benefits, especially where those who get the least produce the most, are unjust, will be inclined to dislike Ivoirian capitalism. On the other hand, those who measure economic development in terms of the profit made by the various private enterprises and how much foreign investment has been attracted, will not be enthusiastic about the radical transformationist policy of Nkrumah's Ghana.

The educational systems of Ghana and the Ivory Coast are seen by Clignet and Foster (pp. 265—291) to reflect both colonial and post-independence policies. French colonial policy favoured a highly centralized state system of education, giving little room for private or religious schools. British policy was more flexible and permitted religious and private schools. In both systems, improvement was made only when demanded by the African elite. The independent governments followed similar policies which seem to fit their economic policies. Ghana committed to an overall rapid and egalitarian development, increased her secondary schools and universities and maintained flexible examination systems. The Ivoirian republic on the other hand favours the creation of a small elite. Rigorous examination systems which serve as *numerus clausus*, ensure that only a small percentage

³ See, *Le Développement du capitalisme en Côte d'Ivoire*, Paris: Editions Minuit, 1967.

of candidates obtain the baccalauréat or enter the University of Abidjan where French citizens form a third of the student population. Little has been done in both Ghana and the Ivory Coast to adapt the content of education to African conditions.

Ghana and The Ivory Coast is undoubtedly a very useful book and the standard of all the contributors to this volume is uniformly high. The question one may ask, if it is not too impertinent, is why there is not a single African, Ghanaian or Ivoirian, among the list of contributors. Do the African scholars have nothing relevant to say about the development of their countries? Can one imagine a collection of essays about, e. g. Germany and France, in which there was not a single contribution from a German or a Frenchman? It is all very well for "Africanists" to talk about freeing African countries from European domination. Let them start this liberation in their own field.

Kwame Opoku

HEINRICH GETZ und HEINRICH JÜTTNER

Personal in internationalen Organisationen

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Durch den Beitritt zu den Vereinten Nationen ist die künftige personelle deutsche Beteiligung in der Weltorganisation zu einem hochaktuellen Thema geworden. Die Bundesrepublik Deutschland arbeitet bereits seit längerem in Unterorganisationen der VN mit; sie ist Vollmitglied aller ihrer Sonderorganisationen. Darüber hinaus war sie von Anbeginn Mitglied der Europäischen Gemeinschaften.

Seit Jahren beschäftigen sich Bundestag, Bundesregierung, Behörden und Presse mit dem Phänomen, daß die finanziellen Beitragsleistungen der Bundesrepublik für diese Organisationen fortlaufend gesteigert worden sind, daß es aber offensichtlich Schwierigkeiten macht, den Anteil deutscher Mitarbeiter als Bedienstete dieser Organisationen in entsprechendem Ausmaß zu steigern. Den Ursachen dieser unbefriedigenden Situation nachzugehen und Überlegungen darüber anzustellen, wie die deutsche Position im internationalen Bereich verbessert werden könnte, ist der Ausgangspunkt der vorliegenden Studie.

Über die Voraussetzungen und Eigenarten einer Tätigkeit als internationaler Bediensteter sowie über die Unterschiede einer solchen Tätigkeit gegenüber einer nationalen Verwaltung ist in der Bundesrepublik nur wenig bekannt. Der erste Teil der Studie füllt diese Informationslücke und gibt eine umfassende Darstellung des internationalen Dienstes in Zahlen und Daten, wie sie bisher weder im Inland noch im Ausland vorhanden war. Sie ist daher ein unentbehrliches Informations- und Nachschlagewerk für diesen Themenkreis.

Der Untersuchung wurde eine Auswahl von 30 staatlichen internationalen Organisationen zugrunde gelegt (die VN und sieben ihrer Unterorganisationen, 15 VN-Sonderorganisationen, sechs Organe der Europäischen Gemeinschaften und die OECD in Paris). Auf diese 30 Organisationen entfallen etwa 64 Prozent der deutschen Finanzbeiträge zu insgesamt 155 internationalen Organisationen; sie beschäftigen rund 75 Prozent aller bei staatlichen internationalen Organisationen beschäftigten Mitarbeiter des höheren Dienstes, auf den sich die Studie im wesent-