# THE DESTRUCTION OF BLACK CIVILIZATION

GREAT ISSUES OF A RACE FROM 4500 B.C. TO 2000 A.D.



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When, if ever, Black people actually organize as a race in their various population centers, they will find that the basic and guiding ideology they now seek and so much need is embedded in their own traditional philosophy and constitutional system—simply waiting to be extracted and set forth. And while the work in this field has yet to be advanced further, some of the most fundamental principles of African political science and philosophy of life are to be found in the pages which follow.

#### CHAPTER VI

# The African Constitution: Birth of Democracy

IN OUR INTRODUCTORY PREVIEW OF AFRICAN HISTOry references were made to the common origin of the people the white world prefers to call "Negro." That we are here studying a single race, not races; and a single people, not peoples, is a major theory and fact of Black history and one of our principal guidelines. We are, therefore, primarily concerned only with those things which were characteristically African, practically universal among them from one end of the continent to the other and which thereby indicated an ancient common culture in a common center of Black civilization. On this we stand.

In this light the African Constitution is discussed as a body of fundamental theories, principles and practices drawn from the customary laws that governed Black African societies from the earliest times. The first task was to divorce traditional African institutions from those influenced by later Asian and European incursions; to determine what is truly African in origin and what is in fact either Asian or European or a reflection of any kind of external influence. Another task was to determine whether an institution called "African" was in fact African in the sense of being

universal among the Blacks—a continent-wide institution in contradistinction to something peculiar to one or more tribes, nations or African regions. This distinction is important here, for too often things are characterized as "African" which apply only to certain societies. These represent the development of the whole complex of cultural variations about which Western writers declaim in emphasizing the "great ethnic differences" among the people. (This is not accidental or without design. Caucasian fears about the possibility of Blacks developing a sense of oneness and unity of action is deep and centuries old. Many subtle schemes are used to maintain divisiveness—and with success.)

A student of comparative history can see without difficulty that various peoples scattered all over the world often develop similar institutions without ever having had any contacts whatsoever. This is equally true of the most isolated groups. Similar circumstances may produce similar ideas and culture patterns—all of which may confirm the Cartesian theory about the equal distribution of common sense among all mankind. By simply "doing what comes naturally," one society may evolve a life system not unlike another society ten thousand miles away across distant oceans. Therefore, neither the "External Influence" theory nor that of the common origin of a widely segmented people should be hastily affirmed. We hold this to be true even in the study of one race in the generally same environment of one continent. The evidence must still be conclusive.

#### ORIGIN OF AFRICAN DEMOCRACY

The foregoing observations suggest that the Constitution of any people or nation, written or unwritten, derives from its customary rules of life; and that what we now call "democracy" was generally the earliest system among various peoples throughout the ancient world. What was a relatively new development was absolute monarchy.

Among the Blacks, democratic institutions evolved and functioned in a socio-economic and political system which Western writers call "Stateless societies" or "Societies without chiefs." When these societies were referred to as "primitive" democracies, the writers are in fact doing the very opposite of what they intended. Because, far from being just a descriptive term for backward peoples, "primitive" also means "the first," the beginners. Moreover, many of these "stateless societies" were states in fact without necessarily conforming to a predetermined Western structural pattern of a state. Indeed, what is called a "stateless society" in Africa would hardly be classified as such in the West, for the Western definition of a state does not include the requirements of one man as its executive head—a state being any collection of people occupying a given territory, and living under their own government independently of external control.

These facts are set forth at the outset because both the constitutional system and its offspring, African democracy, originated in "chiefless societies." And, what is even more significant, democracy reached its highest development here where the people actually governed themselves without chiefs, where self-government was a way of life, and "law and order" were taken for granted.

The basic structural outline of these states remained the same throughout Africa. There were the usual variations and exceptions. The amazing thing was and is the uniformity—amazing how the most basic elements of ancient Black civilization could have been held on to, continent-wide, by all of these dispersed and isolated groups in spite of the continuing impact of unimaginable forces of destruction.

The lineage ties and responsibilities and the age-grade or ageset system were the earliest institutions through which the African constitution functioned, and out of which its democracy was born. It was a network of kinsmen, and alleged kinsmen, all of whom descended from the same ancestor or related ancestors. All might live in the same community or state, but they were often scattered far and near in separate and independent societies.

The ancestor from whom they claimed descent was always "great" because of some outstanding deed or extraordinary achievements. These generally grew in magnitude as time and the generations passed, thus causing the true achievements to be overlaid by the false claims growing out of praise songs. Each generation of poets and storytellers gave the imagination full range in Romantic

glery. Myths were born in this manner, and the later concepts of both royalty and divinity gained support from the same source. In contiguous independent chiefdoms the lineage was the powerful factor in providing the basis and incentive for the later formation of kingdoms and empires. No people in African history used the concept of kinship ties more effectively than the Lunda in the remarkable expansion of their empire. Even more remarkable than the territorial expansion of the Lunda empire was their idea of a nation as one big brotherhood. Accordingly, instead of first attempting to conquer and annex by force, they would approach independent states and seek to demonstrate from oral history that all of them were merely segments of a common lineage-all brothers in fact. It appears that the majority of states believed in the principle of a common ancestry and readily became members of the empire; some required more facts before they were convinced; still others were not convinced or preferred to remain separate and independent anyway. These were generally conquered and given a lower status in the nation than those who united voluntarily.

But we are considering lineage before the rise of kingdoms and in particular, the lineage as the governing and organizing force in states without chiefs or kings, where community consensus was the supreme law that anyone could ignore only at his peril.

There were interesting aspects to the many situations where a large number of these chiefless states were scattered over a wide territory, each independent of the others, yet all fully aware (and unlike those in Lundaland, had to be convinced) that they belonged to a common lineage. Kinship found expression in trade and in temporary confederations when attacked by external foes (those not considered to be members of their lineage).

There were quarrels and warfare between these member states of the common lineage. The highly humane aspect of African warfare that puzzled many Western visitors doubtlessly developed from the widespread recognition of lineage or kinship ties. For in the much heralded "tribal wars" the main objective was to overcome or frighten away the adversary, not to kill at all if it could be avoided. Hence the hideous masks and blood-curdling screams as they charged. Even when the enemy was defeated or completely surrounded, escape routes were provided, the victors pretending not to be aware of them. Indeed, there are reports of "rest periods,"

called when neither side seemed to be winning. At such times the warriors on both sides might meet at the nearest stream to refresh themselves, kid each other, and laugh at each others' jokes until the drums, gongs or trumpets sounded for the resumption of the battle. This was traditional Africa. How did it change to warfare to kill each other, lineage or no lineage? How did it happen that even now in our modern and "advanced" civilization some of the most murderous and inhuman of wars are fought by Blacks against Blacks-and this in the face of their increasing awareness that they are in fact one people? It is quite clear that in early Africa "war" was not much more than a frightful game when among themselves. Was the radical change brought about by the deathdealing incursions from Asia and Europe? This raises other questions of great urgency: Are we really civilized today? Have we not substituted the trappings of civilization—our triumphs in science, technology, and the computer "revolution"-for civilization itself? Suffice it is to say here that the steady weakening of lineage ties and its spirit of unity was also a weakening of the sense of brotherhood and unity among the Blacks. Today it really finds little expression except in various language or tribal groups, and these maintain it more and more as a cohesive force to be used against all others.

Lineage, then, was the most powerful and effective force for unity and stability in early Africa, and this was so true that a state could be self-governed without the need for any one individual as ruler, chief or king. Everyone was a lawyer because just about everyone knew the Customary laws.

The age-grade or age-set (also called "class") was the specific organizational structure through which the society functioned.

Classification was determined by the period in which one was born. All persons born in the same year, or within a general but well-defined period before or after a given year, belonged in the same age-grade. Each grade covered a block of years: Age-grade one might include all children up to age twelve; grade two, from thirteen to eighteen; grade three, nineteen to twenty-eight; grade four, twenty-nine to forty; and grade five, forty and above. There was seniority within each grade according to age and intelligence. Intelligence and wisdom were supposed to match one's age. Stated another way, the African philosophy that accorded so much defer-

being equal, those who were living in the world and experiencing life before others were born should know more than these others. This qualification is important because it was later applied in the election of chiefs and kings. Being an heir to the throne was not enough. One had to meet other qualifications or be passed over. Therefore, being older or the oldest in one's group did not command the usual respect if one was lazy, a trouble-maker, or a fool.

#### EARLY EDUCATION

The interlocking responsibilities of the various grades accounted for the smooth functioning of the chiefless states. Each grade had its own social, economic and political role. The children's set covered the years of game and play. Around the ages of six and seven, however, general training and some little jobs began to be mingled with play. Primary education included story-telling, mental arithmetic, community songs and dances, learning the names of various birds and animals, the identification of poisonous snakes, local plants and trees, and how to run and climb swiftly when pursued by dangerous animals. Child training also included knowing and associating with members of one's age-group as brothers and sisters, and to regard them as brothers and sisters until death and beyond. Little chores around the house became routine, such as gathering sticks of wood for fuel, bringing water, tending the cattle, feeding the chickens or, if a girl, looking after baby or younger ones, imitating mother at cooking and trying to learn how to sew and knit. The nearest thing to the boys' political role in childhood was when he carried his father's or uncle's stool to village council meetings and listened to the interminable debates.

The next grade above childhood was teenage through age eighteen. (These periods, of course, varied in different societies). Now both training and responsibilities were stepped-up. Play time was either over or very much limited. Education and training became more complex and extensive. Upon their performance at this age level the youths' entire future depended. He or she was marked for success or failure in this second age-set that began at age 13. The boy was now required to learn his extended family history and that of his society, the geography of the region, names

of neighboring states and the nature of the relations with them, the handling of weapons, hunting as a skilled art, rapid calculation, clearing the bush for planting, the nature of soils and which kinds grew what best, military tactics, care and breeding of cattle, the division of labor between males and females, bartering tactics, rules of good manners at home and abroad, competitive sports, leadership examples for the childhood age group below and responsibilities to the age-group above. The apprenticeship system in which one became a skilled craftsman was one of the most important of the Second level age-set activities. This is another reason why this age-grade was the most crucial of all. At its end one went through the initiation rites for the exalted level of manhood. The girls age-grade periods differed from those of the boys. Introduction to womanhood, roles, for example, was earlier. They had the same intellectual training as the boys: history, geography, rapid calculation, poetry, music and dance. The training in child care, housekeeping, gardening, cooking, marketing, social relations with particular stress on good manners-these were some of the essentials in the age-grade education and training of young people at this level. Housekeeping, mentioned above, does not reveal the important kind of training that came under that heading, for its most important training aim was "how to be a successful wife"an everlastingly desirable wife. In many societies, this training, by older women away from the community, included the art of exciting sexual intercourse, position variations, cleanliness in the relationship and, in short, the do's and don't's in intimate relations. These early Black societies were in many ways far in advance of the modern.

The first two grades may be designated as A and B, the third as C, the fourth as D, and the final and highest as grade E. Grade C, ages 19 through 28, was the manhood and first-line-of-action group. Its members led in the hunting, community construction, preparing the fields for planting, forming the various industrial craft guilds (secret societies, each of which guarded the processes of its art), protecting the far-ranging grazing cattle, the upkeep of roads and paths between villages, policing areas when necessary, and forming the bulwark of the fighting force. The young women in grade C, were generally wives. They were responsible for the planting and care of the farms (the heavy work of bush clearing, etc.,

having been done by the men), the operations of the markets (hence the stress on mental arithmetic in their training), visiting and care of the sick and the aged, formation of women's societies (the media for women's social, economic and indirect but very real political influence), and they were responsible for and in supreme control of all matters concerning the home. In those societies that had female fighting forces, the women's armies were formed almost entirely form age-grade C.

In terms of constitutional rights and duties (the two were inseparable in early Africa), there was not much difference between age-group C and age-group D. Seniority was the significant difference, since D was from age 29 to 40. If otherwise qualified, members in this class upon reaching the age of 36 were eligible for election to the most highly honored body in the society, the Council of Elders—an honor and privilege specially reserved for those 40 years old and above, group E.

#### THE EARLIEST JUDICIAL SYSTEM

In the chiefless states the function of the elders was wholly advisory. For this reason they rarely ever met as a council. A council meeting might be called by the Senior Elder in case of extreme emergency. Matters involving members of the same family or clan could be settled by the family council, each family or clan having its own elder. Conflicts between families or clans could be brought before any mutually acceptable elder for settlement. The elder's judgment was not binding on the parties to the dispute. This was the constitutional theory. If the case was "big" and serious and the disputants were dissatisfied with the elder's decision regarding it, they could call in one or more additional elders to hear and pass on the case. Their decision was also advisory and could be disregarded by the parties to the action. Yes, the elders' advisory judgments could be ignored under ancient African constitutional law. Yet under practical operation of that same constitution, the disputants could ignore their elders' judgment only at their peril. For to ignore the elders was considered to be ignoring the community itself. The only exception to this was in cases where the elder or elders rendered an obviously bad decision. Even then it was not left to the contestants to say whether the judgment was

good or bad. The community decided, because the community was thought to be represented in the ever-present crowd at such hearings. They, the people present, always indicated their attitude by expressions and nods of approval or disapproval of decisions reached.

The constitutional theory and principle here are especially significant because of the important form they took in all African societies in every part of the continent as they evolved from societies without chiefs to centralized states under chiefs, kings, and emperors. For in this continent-wide constitutional development the chief or king became the mouthpiece of the people and the instrument for carrying out their will. They still had no "ruler" in the Asian and European sense. On questions in dispute he was in the same position as litigants in the chiefless states. Like them, under the constitution, he had absolute power in theory, and in theory he could ignore the Council and do exactly as he pleased. But in practice, like the disputants, he did not dare to defy the Council of Elders, which also had evolved and become "the people"—their direct representatives.

Africans generally prefer to dwell on the constitutional theories and not the constitutional practices. They proudly speak of the freedom and absolute powers of the chief or king. Some will even tell you that the king "owned all the land" in the country. They are not trying to deceive. Words of another language often fail to translate the people's concepts or meaning. When they say the king is supreme or has absolute power they mean that he has absolute power to carry out the will of the people. It was so well understood that supreme power rested in the people that it was never thought necessary to state such a fact. Likewise, they would say, and say proudly, the king "owns all the land in the country" since everybody but a fool knew that he didn't, that nobody owned the land (again in the Western sense), and that the king's role was that of custodian and overseer, his principal duty being to see that the land was fairly distributed among all families.

In the chiefless society the elders were the overseers of land distribution to families. Finally, nothing contributed more to the efficiency and success of self-government without governors than

<sup>1.</sup> The Mossi were a specific example.

the system wherein each age grade was responsible for the conduct of its members, and that before any misconduct could reach one's age-grade council it was handled by his family council. This never meant leniency. It meant the very opposite, because each family was jealous of its honor and image in the community, and any of its members whose behavior reflected unfavorably on the family were in trouble with their own family first of all. The result of this was that the age-grade councils rarely ever had a case and, obviously, this self-government, beginning with the basic social unit, the family, radically reduced the number of cases that went before the elders. Stated another way, each family policed itself, each age group policed itself, so that there was little or nothing that the community as a whole had to do. Each group elected its own leaders. These met with other age grade leaders on community matters that cut across age-grade lines.

It was therefore in the societies without chiefs or kings where African democracy was born and where the concept that the people are sovereign was as natural as breathing. And this is why in traditional Africa the rights of the individual never came before the rights of the community. Individual freedom was unlimited until it clashed with the interests or welfare of the community. This is also why the evolution to a highly centralized state still found the king under communal law, not above it, and definitely unable to

do as he pleased.

These self-governing people did not have a Utopian society in any idealistic sense. Theirs was a practical society in every way. The laws were natural laws, and order and justice prevailed because the society could not otherwise survive. Theirs was, in fact, a government of the people; theirs was, in fact, not theory, a government by the people; and it was, in fact, a government for the people. That this kind of government did "pass from the earth" is another fact we now call "modern progress."

We shall note later the impact of some of the developments previously mentioned on the traditional constitution, particularly as it operated in the reestablished, centralized "migratory" states. Meanwhile, it might be well if we single out some of the key provisions of that constitution; for, again, the aim is to set forth—and set forth in specific terms—the actual all-African institutions that all Africans lost and of which their descendants do not have

even a memory. One of the world's greatest constitutional systems was one of their tragic losses.

# SOME POLITICAL THEORIES AND PRINCIPLES OF ANCIENT AFRICAN CONSTITUTIONAL LAW

#### AND

#### THE FUNDAMENTAL RIGHTS OF THE AFRICAN PEOPLE

(Drawn from African Traditional Constitutional and Customary Laws. Different versions and modifications of the same laws occurred in different societies)

I. The People are the first and final source of all power.

II. The rights of the community of people are, and of right ought to be, superior to those of any individual, including Chiefs and Kings (a) The Will of the People is the supreme law; (b) chiefs and kings are under the law, not above it.

III. Kings, Chiefs and Elders are leaders, not rulers. They are the elected representatives of the people and the instruments for executing their will.

IV. Government and people are one and the same.

V. The family is recognized as the primary social, judicial, economic and political unit in the society; the family council may function as a court empowered to try all internal (non-serious) matters involving only members of the Extended Family Group.

VI. The Elder of each Extended Family or Clan is its chosen repersentative on the Council.

VII. Decisions in council are made by the Elders. The Chief or King must remain silent: Even when he announces the Council's decision it is through a Speaker (Linguist). Decrees or laws are issued in the same manner to assure that the voice of the Chief or King is the "voice of the people." (This is an example of a provision that had wide variations.)

VIII. The land belongs to no one. It is God's gift to mankind for use and as a sacred heritage, transmitted by our forefathers as a bond between the living and the dead, to be held in trust by each generation for the unborn who will follow, and thus to the last generation.

IX. Each family, therefore, has a right to land, free of charge, sufficient in acreage for its economic well-being; for the right to the opportunity and means to make a living is the right to live.

- (a) The land, accordingly, cannot be sold or given away.
- (b) The land may be held for life and passed on to the family's heirs, and so on forever.
- (c) The Chief is the Custodian of all land, the principal duty being to assure fair distribution and actual use.

X. All moneys, gifts, taxes and other forms of donations to Chief or King still belong to the people for relief or aid to individuals in times of need.

XI. Every member of the state has the right of appeal from a lower to higher court. (In some states appeals could be taken even from the King's Court to the "Mother of the Nation").

- (a) The procedure was from the Chief's Village Court to the District Court, to the Provincial Court, to the King's Court.
- (b) Such appeals were allowed in serious or major crimes only (those affecting the whole society).

XII. Fines for offenses against an individual went to the victim, not the court.

- (a) Part of money received from the loser was returned to him as an expression of goodwill and desire for renewal of friendship;
- (b) Another part was given as a fee to the trial court as an appreciation of justice.

XIII. "Royalty" in African terms means Royal Worth, the highest in character, wisdom, sense of justice and courage.

- (a) He who founded the nation by uniting many as one must be the real leader, guide and servant of his people.
- (b) The people, in honor of the founder of the nation, thereafter will elect Chiefs from the founder's family (lineage) if the heirs meet the original test that reflected the Founder's character, whose spirit was supposed to be inherited.

XIV. The trouble of one is the trouble of all. No one may go in want while others have anything to give. All are brothers and sisters. Each is his "brothers' or sisters' keeper."

XV. Age grades, sets, and classes are social, economic, political and military systems for (1) basic and advanced traditional education (formal). (2) Individual and group responsibility roles. (3) Police and military training. (4) Division of labor. (5) Rites of passage and social activities. In chiefless societies the age grades are the organs of social, economic and political action.

XVI. Bride Price or Bride Wealth is the gift that signifies mutual acceptance on the part of both families and is intended as a family security bond which may be returned in part if the wife turns out to be worthless or utterly unsatisfactory. (Bride Wealth tended to stabilize the institution of marriage. This was not "Wifebuying").

XVII. The community as a whole is conceived of as One Party, opposition being conducted by leaders of various factions.

- (1) Factions of opposition are usually formed by the different age-groups.
- (2) Debates may go on indefinitely or until a consensus is reached.
- (3) Once a consensus is reached, and the community's will determined, all open opposition to the common will must cease.
- (4) Those whose opposition is so serious that they are unwilling to accept the new law may "splinter off" either individually or in groups under a leader (to form a new state or the nucleus for it).

XVIII. In warfare the object is not to kill the enemy, but to overcome him with fear if possible, such as screaming war cries, loud noise, hideously masked faces, etc. Where killing is unavoidable it must be kept at a minimum. In case of defeat there must be some kind of ruse to enable the enemy to retire in honor.

XIX. The African religion, not being a creed or "articles of faith," but an actual way of thinking and living, is reflected in all institutions and is, therefore, of the greatest constitutional significance;

- (1) Politically, the role of the Chief as High Priest who presents the prayers of the people to his and their ancestors in Heaven, is the real source of his influence, political or otherwise.
- (2) Socially, the "rites of passage," songs, and the dances (to drive away evil, etc.), as well as the purification and sacrificial rites for the atonement of sins—are important.
- (3) The economy was directly affected by setting aside certain areas of land, groves, lakes and rivers as sacred (not to be used, and innumerable religious festival days).

XX. Since religious and moral law must prevail and the race survive, a man may have more than one wife; for he is forbidden to sleep or cohabit with his wife either during the nine months of pregnancy or during the suckling period of one or two years thereafter. (1) The wife may not prepare meals for the husband or family during the menstrual period. (2) The husband is strictly forbidden to have any kind of relationship with one wife during the set period that belongs to another wife.

XXI. The supreme command of the fighting forces is under the Council, not the King. If the King becomes the Commander-in-Chief it is through election by the Council because of his qualification as a general or field commander. This position ends with the war and the armed forces return to former status under the Council or, more directly under the respective Paramount chiefs. There were no standing armies.

# THE FUNDAMENTAL RIGHTS OF THE AFRICAN PEOPLE

The following is a representative number of human rights, also drawn from customary laws or traditional constitutions:

Every member of the community had-

- (1) The right to equal protection of the law.
- (2) The right to a home.
- (3) The right to land sufficient for earning livelihood for oneself and family.

- (4) Right to aid in times of trouble.
- (5) The right to petition for redress of grievances.
- (6) The right to criticize and condemn any acts by the authorities or proposed new laws. (Opposition groups, in some areas called "The Youngmen," were recognized by law.)
- (7) The right to reject the community's final decision on any matter and to withdraw from the community unmolested —the right of rebellion and withdrawal.
- (8) The right to a fair trial. There must be no punishment greater than the offense, or fines beyond ability to pay. This latter is determined by income and status of individual and his family.
- (9) The right to indemnity for injuries or loss caused by others.
- (10) The right to family or community care in cases of sickness or accidents.
- (11) The right to special aid from the Chief in circumstances beyond family's ability.
- (12) The right to a general education covering morals and good manners, family rights and responsibilities, kinship groups and social organization, neighborhoods and boundaries, farming and marketing, rapid mental calculation, and family, clan, tribal and state histories.
- (13) The right to apprentice training for a useful vocation.
- (14) The right to an inheritance as defined by custom.
- (15) The right to develop one's ability and exercise any developed skills.
- (16) The right to protect one's family and kinsmen, even by violent means if such becomes necessary and can be justified.
- (17) The right to the protection of moral law in respect to wife and children—a right which not even the king can violate.
- (18) The right of a man, even a slave, to rise to occupy the highest positions in the state if he has the requisite ability and character.

(19) The right to protection and treatment as a guest in enemy territory once one is within the gates of the enemy's vil-

lage, town or city.

(20) And the right to an equal share in all benefits from common community undertakings if one has contributed to the fullest extent of his ability, no matter who or how many were able to contribute more.

. . .

These constitutional principles and practices were held on to and carried by the migrating Blacks to every part of the African continent. This fact is one of the most remarkable parts of the Black man's story—most remarkable because even those societies that sank to barbarism held on to the fundamentals age after age as though they were clutching the last threads of life itself. Even in Egypt, where the Asian and Euorpean impact was greatest, African constitutionalism could not be completely blotted out.

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