

## **Traditional Leaders, Introduction part I**

By J. Senyonjo

Listers, in the past couple of weeks, we have seen various postings concerning the institution of traditional leaders. We have seen that traditional leadership and its role in modern affairs is being addressed, or has been addressed in various African countries. Mr. Kibuka, Mr. Kyijomanyi, Dr. Kigongo and Mr. Muwanga-Zake thanks for your contributions.

Mr. Kyijomanyi raised four very pertinent queries on the issue of traditional leaders: Are traditional institutions inconsistent with modernization? What kind of institutions are we talking about? What drives the traditional institution phobia among some people? What should the proper role of these institutions be? Are traditional institutions incompatible with modernity? I will address each of these queries in my submissions, both directly and indirectly. An anonymous lister warned us about over-emphasizing the institution of traditional leadership throughout Uganda as a key federal element, saying that the emphasis should rather be on the unit. I believe he/she has a point, if one were to prescribe a universal model of traditional leadership, or institutions on Uganda.

My exploration of this subject will not focus on any one traditional institution, leader or model of traditional leadership in Uganda, rather I will seek to lay out the role of traditional institutions in all parts of Uganda. I will not argue for a universal model of traditional leadership in Uganda, or even on a need to have a single traditional leader in each region. All societies in Uganda had some form of traditional leadership whether on a hierarchical or on a horizontal, more democratic basis. I will argue that the traditional leaders can assist in the creation of a strong, united nation. In short, I will argue that these institutions could form an effective bridge between tradition and modern political and social norms, making the task of building the nation easier, and more efficient.

### **Definition:**

The contribution by Mr. Godfrey S. Lule that Mr. Kibuka referred us to at [www.federalism.com](http://www.federalism.com) presents us with a dictionary definition of the words “traditional” and “ruler”. Traditional is “something done or respected according to custom from generation to generation.

British philosopher H.B. Acton defines tradition as “a belief or practice transmitted from one generation to another and accepted as authoritative, or deferred to, without argument.”<sup>1</sup>

Samuel Fleischacker defines tradition as “a set of customs passed down over the generations, and a set of beliefs and values endorsing those customs.”<sup>2</sup>

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<sup>1</sup> H.B. Acton, “Tradition and Some Other Forms of Order,” Proceedings of the Aristotelian Society, n.s., vol.53 (1952-53):2

<sup>2</sup> Samuel Fleischacker, The Ethics of Culture (Ithaca: Cornell University Press, 1994), p.45

Harvard educated Ghanaian Philosopher, Kwame Gyekye, recognizes the value of tradition, but argues that in practice tradition is often questioned and modified by its adherents over time, so that it remains dynamic. In line with this view, Mr . Gyekye presents a new definition of tradition as “ any cultural product that was created or pursued, in whole or in part, by past generations and that, having been accepted and preserved, in whole or in part, by successive generations, has been maintained to the present.”<sup>3</sup>

These definitions are very important for therein lies the key to understanding the importance of traditional leaders. Traditional leaders are the guardians of traditional norms that are respected in particular communities from generation to generation. These norms could be outlooks on life, ways of relating or of resolving disputes, institutions etc, and as such traditional leaders are an important channel through which social and cultural change can be realized.

According to Kwame Gyekye, “it may be said that from the point of view of a deep and fundamental conception of tradition, that every society in our modern world is “traditional” inasmuch as it maintains and cherishes values, practices, outlooks, and institutions bequeathed to it by previous generations and all or much of which on normative grounds it takes pride in, boasts of, and builds on”<sup>4</sup>

### **What kind of Institutions are we talking about?**

There are various types and levels of traditional institutions, leaders and traditions. The institutions/ leaders include such instruments of political organization and socialization such as chiefs, clan leaders, kings, clan or chief assemblies, accountability structures, and systems of dispensing justice. The traditions also encompass a society’ whole belief system.

As far traditional political institutions are concerned some communities’ political organization in Uganda was very hierarchical such as in Buganda, Bunyoro, Ankole and Toro, while in others such as Mbale and Kigezi, political organization was largely, or wholly clan based. Yet in others such as Gulu and Kitgum, there were chiefs whose jurisdictions did not cover the whole cultural community. It follows therefore that each region is best suited to decide on how to incorporate, nurture and modernize its cultural institutions for its benefit, guided of course with universal human rights standards.

### **Why is there phobia of traditional leaders / institutions (Part II)**

Various people are averse to traditional institutions for a variety of reasons, some see them as backward instruments of social oppression and lack of progress, in such areas as political organization, women’s rights, social mobility, and economic rights. To others, as in parts of Ankole, traditional institutions are seen as instruments of domination or

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<sup>3</sup> Kwame Gyekye, “Tradition and Modernity”, Philosophical Reflections on the African Experience, P.221

<sup>4</sup> *ibid*, p. 217

lordship by one social or ethnic group over others. And yet others see them as instruments of exclusion. The underlying fears in all these tendencies is the assumption that traditional institutions are static, frozen in time, and cannot be modified. I will argue and show through some historical examples that this is not the case, even though some ultra conservative voices in any culture may give such an impression. In fact, I believe that in order to reform undesirable, or anachronistic elements of a culture, reformers and government leaders would be more effective if they cultivated the cooperation of traditional leaders through concerted education and incentives, where necessary.

### **Tradition is not static**

I agree with Mr. Gyekye's statement that "the inadequacies, shortcomings, or imperfections of a tradition are to be attributed to the limitations of the human intelligence, foresight, and experience. These limitations make it impossible for a generation to see far into the future and so be able to create, values, practices, and beliefs all of which will be absolutely free from defects or imperfections and continuously hold the attraction of future generations."<sup>5</sup>

Consequently, it is clear that traditions need re-examination from time to time, with view to modernization and or refinement. Indeed institutions in all cultures evolve over time as a result of lessons garnered from experience, or through interactions with other cultures.

A tradition often controls, conditions, or influences the life of a people, and it is appropriate that, for this function of tradition to have the expected salutary effect on the life of the people, it be revitalized: a present generation will have to convince itself that it is satisfied with that the entire tradition it has inherited constitutes a viable cultural framework for its functioning. This conviction does not of course foreclose the possibility of its adding novel features to the inherited tradition.<sup>6</sup>

Traditions change over time either through experience or through contact with an alien tradition the good aspects of which are incorporated into a pre-existing culture. All major civilizations have had the capacity to question inherited traditions, and to borrow good elements from other cultures. Institutions in all cultures evolve over time as a result of lessons garnered from experience, and occasionally through lessons learned as a result of interactions with other cultures.

A close examination of Ugandan traditional institutions such as those of Buganda will clearly indicate that they had a capacity to internalize new ideas, and change provided the cultural leaders whose influence was immense were persuaded or saw a need for the reforms. Once they endorsed the new ideas, the population quickly followed. And once the population experienced the benefits, not even the traditional leaders could stop the forward momentum; the spread of the foreign religions in Buganda--at the expense of the

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<sup>5</sup> Kwame Gyekye, "Tradition and Modernity," *Philosophical Reflections on the African Experience*, p.222

<sup>6</sup> Ibid

traditional religions -- and futile, subsequent attempts by the kings to suppress these alien faiths, is a case in point.

### **Traditional Institutions are not incompatible with modernity**

At this juncture, it is proper for us to ask what is modern? The Heritage Illustrated Dictionary of the English language defines 'modern' this way:

1. Of pertaining to recent times or the present; not ancient
2. Characteristic of recent times or the present; modish; contemporary

Now while traditional institutions' roots are ancient, they are a repository of the history and the collective experience of a people. The history and the experience are the foundations on which solid modern institutions are built. Nothing emanates from a vacuum. Modern political ideas of democracy in Europe emanated from traditional European institutions with their systems of thought, organization and belief. Through constant re-examination and refinement of received European traditions by philosophers such as Plato, Aristotle, John Locke, Adam Smith, Marx Engels, John Stuart Mill, and Machiavelli, among others, modern ideas of democracy, justice, and efficient government were devised. However, the process of modernization was not a smooth one.

The development of democratic political institutions in Britain, most probably the oldest democracy in the modern west, began with the signing of the Magna Carta in 1215. But it took many centuries for those institutions to evolve into their present forms, an evolutionary process that was guided by the compass of historical and cultural circumstances. The process had to jump or knock down such hurdles as autocracies, military dictatorships, claims to divine right of power, enlightened or benevolent despotisms, strong and unyielding monarchical systems, and other impediments to the establishment of democracy.<sup>7</sup>

Clearly, modernity requires more than mere institutions. It demands an evolution in the thinking of a people. Evolution in this sense is a gradual refinement of the fundamental ways of thinking and institutions of the people. Our post-colonial leaders did not seem to understand this fact. They adopted colonial institutions wholesale without respect for the fact that the traditional institutions had alternative approaches to governance. These alternative approaches could form an intellectual reference point for the transition to new systems. These institutions represented an indigenous evolution of systems of governance which people related to socially, emotionally and intellectually. They were legitimate by virtue of history, experience and of the fact that they were indigenously conceived and had a force of the wisdom of the people. The proper approach, I submit would have been to borrow ideas from the western political systems, modify the indigenous political systems with the assistance, and in partnership with indigenous traditional leaders, and come up with a hybrid system with local legitimacy.

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<sup>7</sup> Kwame Gyekye, "Tradition and Modernity", Philosophical Reflections on the African Experience, P.134

## **The Authority and the Legitimacy of Tradition Institutions**

Traditional institutions had authority and legitimacy that post-colonial African governments are yet to attain. Three maxims below express the authority and legitimacy of African traditional leaders very well:

The Basotho in Lesotho say: “A chief is a chief by the people”<sup>8</sup>

The Lovedu of Transvaal, South Africa say: “Chieftainship is people”<sup>9</sup>

Ndebele of Zimbabwe say: “The King is the people. To respect the King is to respect oneself. He who despises our king despises us. He who praises our king praises us. The King is us.”<sup>10</sup>

Clearly one of the effective means of capturing the minds of many African peoples, is to work through their traditional institutions. The British colonialists, unlike our post-colonial leaders understood this reality so well that they co-opted the strongest of these through the system of indirect rule. Conversely, to disregard or trample on traditional institutions, is to antagonize the people and, perhaps, even earn their opposition, as the Ndebele maxim above would seem to indicate.

## **Traditional Institutions as facilitators of Modern-Post colonial governments**

The problem for post-colonial African governments seeking to attain legitimacy is two-fold: One, the institutions they are basing their authority on are foreign. Two, since there were, and is, a multitude of traditional institutions with legitimacy and authority among the different ethnic communities in any given nation, it's not efficient nor desirable, to have one uniform, blanket administrative approach in all regions. This argument necessarily leads to a federal arrangement that allows local government units flexibility in their political and administrative arrangements.

The importance of traditional institutions in facilitating modernization lies in the need for an adaptation mechanism, or a translator of new ideas through reference and contrast to pre-existing ones. The traditional institutions form the foundation on which new concepts are built. This foundation enables the people to incorporate new ideas into their body politic without losing the essential elements of their own tradition, and also makes the new concepts understandable and more amenable to taking r

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<sup>8</sup> Jack Donnelly, ‘Cultural Relativism and Universal Human Rights,’ Human Rights Quarterly 6, no.4 (November 1984):413-14

<sup>9</sup> Daryll Forde, ed., African Worlds (Oxford: Oxford University Press, 1954), p.78

<sup>10</sup> Ndabaningi Sithole, African Nationalism (Cape Town, 1959), pp. 96-97.

In the previous section, we conceptually discussed the opinion that traditional institutions are not incompatible with modernity, and that, indeed, they could form a basis on which modern African institutions with legitimacy among Africans could be built.

In this section, we examine whether African traditional institutions could be said to have possessed many of the elements of modern political systems such as the concepts of democracy, accountability and freedom of expression. We shall see that indeed many of these elements existed in traditional African institutions, albeit in rudimentary form. And that the concept of using traditional institutions as building blocks for modern African societies is not as far fetched as some -- totally immersed in western ideology, culture, and systems of thought—would think. Our case study in this section, will be the Akan group of Ghana, that includes the famous Ashanti Kingdom.

### **Democracy and Accountability in Traditional African societies**

Many scholars have written about the democratic elements of traditional African society. At the turn of the century, Adolphe Cureau, a French scholar who wrote about the people of Central Africa, observed that “over the free citizens, the chief’s authority is as valid only insofar as it the mouthpiece of the majority interests, lacking which character it falls to the ground.”<sup>11</sup>

This fact was especially true in societies that were less decentralized as were a majority of Ugandan ethnic communities.

Eminent British anthropologist, Meyer Fortes, and E.E. Evans-Pritchard wrote: “the structure of an African State implies that kings and chiefs rule by consent. A ruler’s subjects are as fully aware of the duties he owes to them as they are of duties they owe to him, and are able to exert pressure to make him discharge his duties.”<sup>12</sup>

This statement can be debated, but we will see later that despite the abuses by some powerful, centralizing kings bent on asserting their authority, what the anthropologists describe was generally true.

### **Traditional Akan Political Institutions**

Every Akan town or village is made up of several clans. Each town or village constitutes a political unit. A great number of such towns and villages form a paramountcy, a state (oman) such as the Asante state. Each town or village has a chief and a council of elders, these elders being the heads of clans. The chief presides at the meetings of the council. In the conduct of its affairs, each lineage in a town, or each town in a paramountcy, acts autonomously, without any interference from either the chief (in the case of purely lineage affairs) or the paramount chief (in case of purely town affairs). A decentralized political system

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<sup>11</sup> Adolphe L. Cureau, *Savage Man in Central Africa: A study of Primitive Races in the French Congo*, trans. E. Andrews (London: T. Fisher Unwin, 1915), p.279

<sup>12</sup> Meyer Fortes and E.E. Evans-Pritchard, *African Political Systems* (Oxford: Oxford University Press, 1940), p.12

is thus an outstanding feature of the traditional Akan political culture. Just as each town or village has a council, so does the state have a state council. The state council, presided over by the Omanhene, draws its membership from the chiefs of the towns and villages constituting the state.<sup>13</sup>

This view of the Akan traditional institutions re-enforces an important point: even the most sophisticated African traditional political systems have kinship units --such as the family, the clan, and the lineage – at the core of their organization and authority. And since Africans' sense of identity and their early socialization are a function of these kinship units, traditional institutions are potentially among the most useful instruments through which policy makers can effect social change in Africa.

### **Election of the Chief**

The chief, who is the political head of an Akan town or village, is chosen from the royal lineage by the head of the lineage in consultation with the members of that lineage. It is necessary that the person chosen be acceptable not only to the councilors, who represent their clans, but also to the Asafo company of young men or “commoners” who are in effect, the body of citizens. The paramount chief is chosen in the same way, except that his election has to be acceptable to the chiefs of the constituent towns and villages. Thus, never is a chief imposed upon an Akan community.<sup>14</sup>

What is important to note here is that despite the restrictions inherent in hereditary office, the concept of political choice and the consent of the governed was firmly rooted in many African political systems.

According to Mr. Gyekye, unlike most monarchies in the world, the Akan system has no obvious next candidate for Chief as there are several eligible men in the royal lineage, each with just about equal claim to the throne:

In deciding whom to choose and present to the people, the kingmakers have to exercise the greatest judiciousness and wisdom. The political history of many an Akan town or state teems with constitutional disputes arising either out of the lack of consensus among the electors – that is, the kingmakers – themselves on who would be the most suitable candidate, or out of the unacceptability of their choice to the majority of the people. But the point to be noted, for the moment, is that in putting a person forward for the position of chief, the electors have to convince themselves that their choice will be acceptable to the people as a whole. Thus, insofar as the people have a say in the suitability of the person chosen to rule them, it may be said that the traditional Akan political system makes it possible for the people to choose their own rulers, even if the initiative is taken by some few people, namely, some members of the royal lineage.<sup>15</sup>

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<sup>13</sup> Kwame Gyekye, “Traditional and Modernity”, *Philosophical Reflections on the African Experience*, p.121

<sup>14</sup> *ibid*

<sup>15</sup> *ibid*, p.125

## **Oath of Office**

Having been accepted by his subjects, the chief must take a public oath on the occasion of his formal investiture of power before his councilors and the body of citizens, promising that he will rule in accordance with the laws, customs, and institutions of the town or state and that should he renege on the oath he stands condemned and will be liable to deposition. At the formal investiture of power, a series of injunctions are publicly recited before the new chief. These injunctions define his political authority and the political relationship that is expected to be maintained between him and his subjects.<sup>16</sup>

The injunctions which are declared to the chief through his spokesman –the okyeame— and acknowledged by him include the following:

We do not wish that he should curse us.  
We do not wish that he should be greedy.  
We do not wish that he should be disobedient [or, refuse to take advice].  
We do not wish that he should treat us unfairly  
We do not wish that he should act on his own initiative [that is, acting without reference to the views or wishes of the people.]  
We do not wish that it should ever be that he should say to us, “I have no time,” “I have no time.”<sup>17</sup>

The injunctions above clearly indicate that the notion of accountability was not foreign to African traditional institutions. “It is noteworthy that these constitutionally binding declarations are all preceded by the words ‘We do not wish that’. The political significance of the words is enormous: the people are in effect, telling the chief how he should govern them: the chief is thus not expected to govern his subjects the way he wishes.”<sup>18</sup> And according to Mr. Gyekye and others, the Asafo companies could, and sometimes did, force the chief to be ‘de-stooled’ either directly, or through the electors, if he did not live up to his oath.

## **The Chief’s Council**

The chief’s council is the real governing body of the town. The members of this governing council are usually the heads of the various clans. The council is presided over by the chief. The councilors are the representatives of the people, and, as such, have to confer with them on any issue that is to be discussed in the council. The councilor is obliged to act on the advice and with consent of his councilors, whom he has to summon regularly. The councilors freely discuss all matters affecting the town or state. And, in any such atmosphere of free and frank

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<sup>16</sup> *ibid*, p.122

<sup>17</sup> R.S. Rattray, *Ashanti Law and Constitution* (Oxford:Clarendon Press, 1929), p.82, with some translation changes from the original by Kwame Gyekye

<sup>18</sup> Kwame Gyekye, *Tradition and Modernity*, p.122

expression of opinions, disagreements are inevitable. But in the event of such disagreements the council would continue to listen to arguments until a consensus was achieved with the reconciliation of opposed views. ... And so it is that every command, every move that is adopted by the chief has been discussed and agreed upon by his councilors (who must have previously sounded popular opinion).<sup>19</sup>

We see that in the Akan tradition, no important decision was passed by the councilors without first consulting the people. The councilors and the people had a symbiotic relationship. The councilors did not operate like 'elite' parliamentarians who knew best what the 'peasants' want, as is the case now in most, if not all, modern African parliaments. The government's decision-making process was not far removed from the people. And since the people were involved throughout much of the process, the decisions taken by the councilors were most likely to be endorsed by the community as legitimately representing their interests.

The active participation of the community in its own political affairs in traditional African society was not unique to the Akan of Ghana. In many non-decentralized societies, elders would sit and discuss clan or state affairs in open view of everyone. Such participation and ownership of the political system is arguably the essence of democracy.

## **Democracy**

In the previous paragraphs we have seen various elements of traditional African institutions that can be considered democratic. In this section we examine the concept of democracy in its broadest sense, with the aim of showing that African governments that do not take into account traditional African ideas and institutions cannot be considered truly democratic. One of the popular definitions of democracy in America comes from President Abraham Lincoln's Gettysburg address: "government of the people, by the people, for the people". By this definition, one can argue, as I believe Mr. Gyekye does, by implication, that most modern African political systems are not democratic in as much as they are not derivations of the African peoples themselves, but are rather --almost completely-- derivations of the European peoples, and cannot be said to be 'of' the Africans.

Kwame Gyekye interprets the expression 'of the people' in the above definition of democracy as meaning that it is the people who (should) govern, "or, at the minimum, it is the people who not only choose those who are to rule but also find ways to control the rulers and see to it that the way they are ruled conforms to their wishes. But he argues that democracy is much more than that, it is:

A system of government born of the hopes and aspirations of a people and in the shaping of which the people have a real say and commitment to; a political structure to which people, in consequence, have intellectual, ideological, and

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<sup>19</sup> ibid

emotional attachments; a system of government that is considered by the people as their own and which they are prepared to protect and defend to the hilt. In fine, a government of the people is one that has its roots in the people—in their goals, values, ideals, experiences, and aspirations: thus rooted it is not a type of governmental system the nuances of which can be imposed on the people from outside, though some aspects of those nuances can be influenced – even borrowed—externally; but it is a system of rule that is nurtured, refined, and modified by people to reflect their wishes, desires, and experiences. The lack of all these desiderata makes a people’s appreciation of, and attitude toward, a particular form of democratic practice merely tentative and tinkering.<sup>20</sup>

It is no wonder then that most African constitutions are not quite worth the paper they are written on. Most start with an underlying premise that the people’s indigenous traditions, including their wisdom in matters of local governance, are best suppressed in favor of poorly understood foreign models. Most African countries have not made serious attempts to build modern political systems on the foundations of their various people’s institutions. And by this, I do not mean that all indigenous institutions could find expression at the national levels, only that at the local levels, modernization could be translated in local terms, in reference to the people’s own cherished institutions.

Certainly all traditional institutions could, with modifications, be accommodated in national constitutions with strong bills of rights. The bills of rights would stipulate, that where necessary, local practices be modified to ensure compliance with universal human rights standards. Carrot and stick approaches could be employed by policy makers to ensure compliance, but compliance explained, and implemented, on the basis of locally understood concepts. I believe, for instance, that each culture has some conception of the importance of justice; this can be used as a starting point to address such issues as women and children’s rights. And in this endeavor, traditional leaders could be indispensable, especially in the countryside.

**If elements of democracy, accountability and checks and balances indeed existed in African traditions, why have most African post-colonial governments failed the democracy test?**

I cannot pretend to have a comprehensive answer to this question. I can only attempt to shade light on it in the context of our discussion here. I believe the answer lies in three factors:

- First, neglecting all aspects of indigenous institutions, in favor of wholesale adoption of foreign models, which were poorly understood.
- Second, the lack of an adaptive capacity -- due to the destruction of traditional institutions through which new ideas could be assessed, critiqued, and adapted.

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<sup>20</sup> ibid p.134

- Third, the adoption of corrupt, non-democratic colonial models of governance.

I will not deal with the first point, as we have already addressed it in the sections above. We will only discuss the lack of an adaptive capacity, and the corrupting influence of colonial models of governance.

### **The Lack of An Adaptive Capacity**

As we saw in the introduction, the destruction of the Africans' adaptive capacity\*-- which was encapsulated in traditional institutions -- rendered Africans less able to internalize and build on foreign ideas due to lack of a legitimate frame of reference. Not even the governing 'elites' that trashed African traditional institutions fully internalized the new European systems of governance, and thus Africa's miserable post-colonial governance record. This situation can be illustrated by an example of students in school: students tend to build new knowledge --in a particular subject -- on top of concepts learned in earlier, less advanced classes in the same category. Unless, a student were a genius, he or she would stumble through calculus, if the concepts he /she learned in Algebra or geometry could suddenly not be relied upon for reference. Further, in learning a foreign language, students normally understand new ideas and expressions of a foreign language by relating them to expressions and concepts of their own language. The same, I believe, is true for political systems. African societies like the Akan's in Ghana, had developed many of the concepts cherished by modern societies today. Many of these concepts were, of course, still evolving, but they could have formed a solid foundation on which modern models of governance, democracy, human rights and accountability could be referenced, in terms that African people could relate to. Perhaps Africans would then be less willing to tolerate undemocratic and abusive government.

### **Corrupt Colonial Models of Governance**

The destruction of the Africans' adaptive capacity left them less able to distinguish bad and corrupt, colonial administrative practices from the good ones. And since the destruction was largely premised on an assumption that nothing in African traditional institutions had redeemable value, the colonial models of governance became the de facto standards. Unfortunately, colonial governments, concerned as they were with subjugating 'natives' through repressive laws and practices, were not good models to follow. In Uganda, force was used by colonialists to settle disputes, kings were exiled for dissenting, and the people largely had no say in colonial policies.

Mr. Gekye illustrates this point well in the following quote:

--even though the British system of government, for instance, was itself democratic, the colonial system of rule was not democratic: the colonial governor, who headed the colonial government, ruled by issuing decrees (all or some of which may have originated from the colonial metropolis), and the people (i.e. the

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\* To be fair the Africans' Adaptive capacity was first compromised by colonialists, but post-colonial African governments completed the process.

governed) had no share in the making of the laws to which they were subjected or in making decisions that affected their own lives. Thus the colonial government derived its legitimacy, not from the governed, but from the colonial metropolis. It was almost a century later, and well into the twilight of colonialism following demands of African nationalist movements for political independence, that legislative councils and assemblies that included members elected by the native people in general elections. Long before then, the colonial system of rule was undoubtedly a single-party or autocratic government.<sup>21</sup>

While the colonial administrators undoubtedly brought about a lot of good reforms that improved the lot of Africans, some of their practices were clearly regressive. While in traditional political systems, Africans were intimately involved in their affairs, colonialism rendered politicians and government remote.

-- the colonial system of government created a distance between the government and the governed and that same pattern of governing seems to have been followed by postcolonial African governments. This, in turn, has engendered attitudes of unconcern and insensitivity to the affairs of state on the part of the governed. Consequently, the general attitude of the citizen has been that it is possible to injure the state without injuring oneself, an attitude that opens the floodgates of bribery, corruption, carelessness about state property or state enterprise, and other unethical acts deleterious to the development and welfare of the state. Traditional ideology, however, positively maintains that any injury done to the community or state as a whole directly injures the individual. Thus, the traditional system generates sentiments of personal commitment to the community that the modern state has yet to create in its citizens.<sup>22</sup>

In summary, elements of the Akan traditional institutions exhibit many modern democratic norms including consultation, accountability, choice and freedom of expression. Such values were to be found in many traditional institutions elsewhere in Africa. It has been my argument that Africa's dismal record in democratic governance has been a function of a combination of colonial malfeasance, and rootless post-colonial leaders that neglected their own peoples' institutions in favor of corrupt, colonial models. This tragedy has culminated in states, the citizens of which have little or no emotional, and intellectual commitment to them. They are states in which anything goes—illegitimate, bastardized states. In the next section, we will examine institutions of governance, justice and checks and balances, using the Buganda kingdom's ancient institutions as a case study.

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<sup>21</sup> *ibid*, p.137

<sup>22</sup> *ibid*, p.136

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This fact was especially true in societies that were less decentralized as were a majority of Ugandan ethnic communities.

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<sup>24</sup> Meyer Fortes and E.E. Evans-Pritchard, *African Political Systems* (Oxford: Oxford University Press, 1940), p.12

is thus an outstanding feature of the traditional Akan political culture. Just as each town or village has a council, so does the state have a state council. The state council, presided over by the Omanhene, draws its membership from the chiefs of the towns and villages constituting the state.<sup>25</sup>

This view of the Akan traditional institutions re-enforces an important point: even the most sophisticated African traditional political systems have kinship units --such as the family, the clan, and the lineage – at the core of their organization and authority. And since Africans' sense of identity and their early socialization are a function of these kinship units, traditional institutions are potentially among the most useful instruments through which policy makers can effect social change in Africa.

### **Election of the Chief**

The chief, who is the political head of an Akan town or village, is chosen from the royal lineage by the head of the lineage in consultation with the members of that lineage. It is necessary that the person chosen be acceptable not only to the councilors, who represent their clans, but also to the Asafo company of young men or “commoners” who are in effect, the body of citizens. The paramount chief is chosen in the same way, except that his election has to be acceptable to the chiefs of the constituent towns and villages. Thus, never is a chief imposed upon an Akan community.<sup>26</sup>

What is important to note here is that despite the restrictions inherent in hereditary office, the concept of political choice and the consent of the governed was firmly rooted in many African political systems.

According to Mr. Gyekye, unlike most monarchies in the world, the Akan system has no obvious next candidate for Chief as there are several eligible men in the royal lineage, each with just about equal claim to the throne:

In deciding whom to choose and present to the people, the kingmakers have to exercise the greatest judiciousness and wisdom. The political history of many an Akan town or state teems with constitutional disputes arising either out of the lack of consensus among the electors – that is, the kingmakers – themselves on who would be the most suitable candidate, or out of the unacceptability of their choice to the majority of the people. But the point to be noted, for the moment, is that in putting a person forward for the position of chief, the electors have to convince themselves that their choice will be acceptable to the people as a whole. Thus, insofar as the people have a say in the suitability of the person chosen to rule them, it may be said that the traditional Akan political system makes it possible for the people to choose their own rulers, even if the initiative is taken by some few people, namely, some members of the royal lineage.<sup>27</sup>

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<sup>25</sup> Kwame Gyekye, “Traditional and Modernity”, *Philosophical Reflections on the African Experience*, p.121

<sup>26</sup> *ibid*

<sup>27</sup> *ibid*, p.125

## **Oath of Office**

Having been accepted by his subjects, the chief must take a public oath on the occasion of his formal investiture of power before his councilors and the body of citizens, promising that he will rule in accordance with the laws, customs, and institutions of the town or state and that should he renege on the oath he stands condemned and will be liable to deposition. At the formal investiture of power, a series of injunctions are publicly recited before the new chief. These injunctions define his political authority and the political relationship that is expected to be maintained between him and his subjects.<sup>28</sup>

The injunctions which are declared to the chief through his spokesman –the okyeame— and acknowledged by him include the following:

We do not wish that he should curse us.  
We do not wish that he should be greedy.  
We do not wish that he should be disobedient [or, refuse to take advice].  
We do not wish that he should treat us unfairly  
We do not wish that he should act on his own initiative [that is, acting without reference to the views or wishes of the people.]  
We do not wish that it should ever be that he should say to us, “I have no time,” “I have no time.”<sup>29</sup>

The injunctions above clearly indicate that the notion of accountability was not foreign to African traditional institutions. “It is noteworthy that these constitutionally binding declarations are all preceded by the words ‘We do not wish that’. The political significance of the words is enormous: the people are in effect, telling the chief how he should govern them: the chief is thus not expected to govern his subjects the way he wishes.”<sup>30</sup> And according to Mr. Gyekye and others, the Asafo companies could, and sometimes did, force the chief to be ‘de-stooled’ either directly, or through the electors, if he did not live up to his oath.

## **The Chief’s Council**

The chief’s council is the real governing body of the town. The members of this governing council are usually the heads of the various clans. The council is presided over by the chief. The councilors are the representatives of the people, and, as such, have to confer with them on any issue that is to be discussed in the council. The councilor is obliged to act on the advice and with consent of his councilors, whom he has to summon regularly. The councilors freely discuss all matters affecting the town or state. And, in any such atmosphere of free and frank

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<sup>28</sup> *ibid*, p.122

<sup>29</sup> R.S. Rattray, *Ashanti Law and Constitution* (Oxford:Clarendon Press, 1929), p.82, with some translation changes from the original by Kwame Gyekye

<sup>30</sup> Kwame Gyekye, *Tradition and Modernity*, p.122

expression of opinions, disagreements are inevitable. But in the event of such disagreements the council would continue to listen to arguments until a consensus was achieved with the reconciliation of opposed views. ... And so it is that every command, every move that is adopted by the chief has been discussed and agreed upon by his councilors (who must have previously sounded popular opinion).<sup>31</sup>

We see that in the Akan tradition, no important decision was passed by the councilors without first consulting the people. The councilors and the people had a symbiotic relationship. The councilors did not operate like 'elite' parliamentarians who knew best what the 'peasants' want, as is the case now in most, if not all, modern African parliaments. The government's decision-making process was not far removed from the people. And since the people were involved throughout much of the process, the decisions taken by the councilors were most likely to be endorsed by the community as legitimately representing their interests.

The active participation of the community in its own political affairs in traditional African society was not unique to the Akan of Ghana. In many non-decentralized societies, elders would sit and discuss clan or state affairs in open view of everyone. Such participation and ownership of the political system is arguably the essence of democracy.

## **Democracy**

In the previous paragraphs we have seen various elements of traditional African institutions that can be considered democratic. In this section we examine the concept of democracy in its broadest sense, with the aim of showing that African governments that do not take into account traditional African ideas and institutions cannot be considered truly democratic. One of the popular definitions of democracy in America comes from President Abraham Lincoln's Gettysburg address: "government of the people, by the people, for the people". By this definition, one can argue, as I believe Mr. Gyekye does, by implication, that most modern African political systems are not democratic in as much as they are not derivations of the African peoples themselves, but are rather --almost completely-- derivations of the European peoples, and cannot be said to be 'of' the Africans.

Kwame Gyekye interprets the expression 'of the people' in the above definition of democracy as meaning that it is the people who (should) govern, "or, at the minimum, it is the people who not only choose those who are to rule but also find ways to control the rulers and see to it that the way they are ruled conforms to their wishes. But he argues that democracy is much more than that, it is:

A system of government born of the hopes and aspirations of a people and in the shaping of which the people have a real say and commitment to; a political structure to which people, in consequence, have intellectual, ideological, and

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<sup>31</sup> ibid

emotional attachments; a system of government that is considered by the people as their own and which they are prepared to protect and defend to the hilt. In fine, a government of the people is one that has its roots in the people—in their goals, values, ideals, experiences, and aspirations: thus rooted it is not a type of governmental system the nuances of which can be imposed on the people from outside, though some aspects of those nuances can be influenced – even borrowed—externally; but it is a system of rule that is nurtured, refined, and modified by people to reflect their wishes, desires, and experiences. The lack of all these desiderata makes a people’s appreciation of, and attitude toward, a particular form of democratic practice merely tentative and tinkering.<sup>32</sup>

It is no wonder then that most African constitutions are not quite worth the paper they are written on. Most start with an underlying premise that the people’s indigenous traditions, including their wisdom in matters of local governance, are best suppressed in favor of poorly understood foreign models. Most African countries have not made serious attempts to build modern political systems on the foundations of their various people’s institutions. And by this, I do not mean that all indigenous institutions could find expression at the national levels, only that at the local levels, modernization could be translated in local terms, in reference to the people’s own cherished institutions.

Certainly all traditional institutions could, with modifications, be accommodated in national constitutions with strong bills of rights. The bills of rights would stipulate, that where necessary, local practices be modified to ensure compliance with universal human rights standards. Carrot and stick approaches could be employed by policy makers to ensure compliance, but compliance explained, and implemented, on the basis of locally understood concepts. I believe, for instance, that each culture has some conception of the importance of justice; this can be used as a starting point to address such issues as women and children’s rights. And in this endeavor, traditional leaders could be indispensable, especially in the countryside.

**If elements of democracy, accountability and checks and balances indeed existed in African traditions, why have most African post-colonial governments failed the democracy test?**

I cannot pretend to have a comprehensive answer to this question. I can only attempt to shade light on it in the context of our discussion here. I believe the answer lies in three factors:

- First, neglecting all aspects of indigenous institutions, in favor of wholesale adoption of foreign models, which were poorly understood.
- Second, the lack of an adaptive capacity -- due to the destruction of traditional institutions through which new ideas could be assessed, critiqued, and adapted.

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<sup>32</sup> ibid p.134

- Third, the adoption of corrupt, non-democratic colonial models of governance.

I will not deal with the first point, as we have already addressed it in the sections above. We will only discuss the lack of an adaptive capacity, and the corrupting influence of colonial models of governance.

### **The Lack of An Adaptive Capacity**

As we saw in the introduction, the destruction of the Africans' adaptive capacity\*-- which was encapsulated in traditional institutions -- rendered Africans less able to internalize and build on foreign ideas due to lack of a legitimate frame of reference. Not even the governing 'elites' that trashed African traditional institutions fully internalized the new European systems of governance, and thus Africa's miserable post-colonial governance record. This situation can be illustrated by an example of students in school: students tend to build new knowledge --in a particular subject -- on top of concepts learned in earlier, less advanced classes in the same category. Unless, a student were a genius, he or she would stumble through calculus, if the concepts he /she learned in Algebra or geometry could suddenly not be relied upon for reference. Further, in learning a foreign language, students normally understand new ideas and expressions of a foreign language by relating them to expressions and concepts of their own language. The same, I believe, is true for political systems. African societies like the Akan's in Ghana, had developed many of the concepts cherished by modern societies today. Many of these concepts were, of course, still evolving, but they could have formed a solid foundation on which modern models of governance, democracy, human rights and accountability could be referenced, in terms that African people could relate to. Perhaps Africans would then be less willing to tolerate undemocratic and abusive government.

### **Corrupt Colonial Models of Governance**

The destruction of the Africans' adaptive capacity left them less able to distinguish bad and corrupt, colonial administrative practices from the good ones. And since the destruction was largely premised on an assumption that nothing in African traditional institutions had redeemable value, the colonial models of governance became the de facto standards. Unfortunately, colonial governments, concerned as they were with subjugating 'natives' through repressive laws and practices, were not good models to follow. In Uganda, force was used by colonialists to settle disputes, kings were exiled for dissenting, and the people largely had no say in colonial policies.

Mr. Gekye illustrates this point well in the following quote:

--even though the British system of government, for instance, was itself democratic, the colonial system of rule was not democratic: the colonial governor, who headed the colonial government, ruled by issuing decrees (all or some of which may have originated from the colonial metropolis), and the people (i.e. the

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\* To be fair the Africans' Adaptive capacity was first compromised by colonialists, but post-colonial African governments completed the process.

governed) had no share in the making of the laws to which they were subjected or in making decisions that affected their own lives. Thus the colonial government derived its legitimacy, not from the governed, but from the colonial metropolis. It was almost a century later, and well into the twilight of colonialism following demands of African nationalist movements for political independence, that legislative councils and assemblies that included members elected by the native people in general elections. Long before then, the colonial system of rule was undoubtedly a single-party or autocratic government.<sup>33</sup>

While the colonial administrators undoubtedly brought about a lot of good reforms that improved the lot of Africans, some of their practices were clearly regressive. While in traditional political systems, Africans were intimately involved in their affairs, colonialism rendered politicians and government remote.

-- the colonial system of government created a distance between the government and the governed and that same pattern of governing seems to have been followed by postcolonial African governments. This, in turn, has engendered attitudes of unconcern and insensitivity to the affairs of state on the part of the governed. Consequently, the general attitude of the citizen has been that it is possible to injure the state without injuring oneself, an attitude that opens the floodgates of bribery, corruption, carelessness about state property or state enterprise, and other unethical acts deleterious to the development and welfare of the state. Traditional ideology, however, positively maintains that any injury done to the community or state as a whole directly injures the individual. Thus, the traditional system generates sentiments of personal commitment to the community that the modern state has yet to create in its citizens.<sup>34</sup>

In summary, elements of the Akan traditional institutions exhibit many modern democratic norms including consultation, accountability, choice and freedom of expression. Such values were to be found in many traditional institutions elsewhere in Africa. It has been my argument that Africa's dismal record in democratic governance has been a function of a combination of colonial malfeasance, and rootless post-colonial leaders that neglected their own peoples' institutions in favor of corrupt, colonial models. This tragedy has culminated in states, the citizens of which have little or no emotional, and intellectual commitment. They are states in which anything goes—illegitimate, bastardized states. In the next section, we will examine institutions of governance, justice and checks and balances, using the Buganda kingdom's ancient institutions as a case study.

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<sup>33</sup> *ibid*, p.137

<sup>34</sup> *ibid*, p.136