Africa Development, Vol. XXVIII, Nos. 1&2, 2003, pp. 17–52
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(ISSN 0850-3907)

The Contradictory Position of 'Tradition' in African Nationalist Discourse: Some Analytical and Political Reflections*

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> Let there be no mistake about it; it is to this zone of occult instability where the people dwell that we must come; and it is there that our souls are crystallized and that our perceptions and our lives are transfused with light (Fanon 1990:185).
>
> A profound analysis of cultural reality removes the supposition that there can be continental or racial cultures (Cabral 1980:179).

Abstract

In the immediate post-colonial period, 'tradition' was seen by African nationalism both as the basis of an authentic indigenous culture to be celebrated and opposed to a hegemonic Western (globalised) culture, and as a backward formation created (or manipulated) by Western (neo) colonialism to divide and rule and thus as inimical to 'modern' nation-state formation. An idealised tradition thus held a contradictory location within what came to be state nationalist discourse, as exhibiting both potentially liberatory and repressive features simultaneously. Different aspects of an idealised 'tradition' were drawn upon by different post-colonial leaders at different ends of the political spectrum in their attempts at nation-building and in order to legitimise different forms of authoritarian developmentalism (eg. Nyerere's 'Ujamaa' and Mobutu's 'Authenticité'). Some were evidently more successful than others, but broadly, such attempts bore witness to the continued and unwavering legitimacy of tradition among the populations of the continent. There is no evidence that this legitimacy has declined today despite the evident failure of state nationalism. The contradictory character of tradition in Africa is also reflected today in the views of African scholars where some intellectuals stress that tradition forms the basis for a 'decentralized despotism' inherited from the colonial period, while others visualise it as forming the site of a 'convivial' alternative to Western individualism

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* Paper originally written for the CODESRIA 30th Anniversary Conference, held in Dakar, Senegal in December 2003.

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and globalizing culture or even as containing the possible model for a democratic alternative to liberalism. Moreover, tradition often finds itself at the receiving end of a powerful critique by human rights discourse supported by liberal feminism inter alia. This paper addresses this central issue and sheds light on the possible place of tradition within an alternative popular-nationalist discourse on the continent. It suggests that the dominant trend within the nationalism of the 1950s and 1960s (from which emerged the dominant state-nationalist perspective in the immediate post-colonial period) operated very much within the context of a hegemonic liberal conception of politics and state-formation, and as such was unable to overcome this contradiction. The paper argues for the necessity of a democratic struggle within tradition itself (as well as within rights) and argues against both the uncritical celebration of tradition as an essentially authentic culture, as well as its undermining from 'beyond its boundaries' by liberal rights-discourse. An alternative look at 'tradition' in Africa requires that it be understood from within the perspective of an altogether new way of thinking about politics, in particular this means an understanding for which democracy is not equated with human rights. A critical engagement with tradition must form part of a questioning of human rights discourse from the perspective of the oppressed majority in Africa.

Résumé

Au cours de la période post-coloniale immédiate, le nationalisme africain considérait la «tradition» à la fois comme la base d'une culture locale authentique, qui devait être célébrée et mise en opposition avec la culture hégémonique occidentale (mondialisée), mais également comme une création archaïque créée (ou manipulée) par le (néo)colonialisme occidental, afin de diviser pour mieux régner, et par conséquent , comme étant hostile à la formation de l'État-nation «moderne». Le discours nationaliste étatique véhiculait ainsi un concept de tradition idéalisée, qui comportait un sens à la fois potentiellement libérateur et répressif. Plusieurs dirigeants de la période post-coloniale se sont inspirés des différents aspects de cette «tradition» idéalisée, à diverses fins politiques, dans le cadre de la construction nationale et de la légitimation de diverses formes de développementalisme autoritaire (à l'exemple de l' «Ujamaa», de Nyerere et le concept d' «authenticité», développé par Mobutu). Certaines expériences ont connu plus de succès que d'autres, mais de manière générale, ces tentatives témoignent de la forte légitimité de la tradition parmi les population africaines. Aujourd'hui, rien ne prouve que cette légitimité est en déclin, malgré l'échec du nationalisme étatique. Le caractère contradictoire de la notion de tradition, en Afrique, est visible aujourd'hui à travers les opinions des universitaires africains, dont certains pensent que la tradition constitue la base de la «décentralisation du despotisme» hérité de la période coloniale, tandis que d'autres considèrent la tradition comme une alternative «conviviale» à l'individualisme occidental et à la culture mondialisante, ou comme un modèle possible d'alternative démocratique au libéralisme. En outre, la tradition est souvent la cible de sévères critiques

formulées par le discours sur les droits de l'homme, soutenu par le féminisme libéral, entre autres. Cet article aborde ce thème central et analyse la place éventuelle de la tradition au sein d'un discours populaire-nationaliste alternatif en Afrique. Il soutient que la tendance dominante du nationalisme des années 50-60 (qui a donné naissance à la perspective étatique-nationaliste dominante au cours de la période post-coloniale immédiate) était fortement caractérisée par une conception hégémonique libérale de la politique et de la formation de l'État, et n'était donc pas en mesure de vaincre cette contradiction. Cette contribution insiste sur la nécessité d'instaurer une lutte démocratique à l'intérieur même du concept de tradition (mais également au niveau des droits que confère ce dernier) et dénonce la célébration peu critique de la tradition, en tant que culture authentique par essence, ainsi que la menace symbolisée par le discours libéral des droits de l'homme, qui porte sur des questions «dépassant ses limites» (de la tradition). Pour avoir un regard alternatif sur la «tradition» en Afrique, celle-ci doit être perçue comme une nouvelle manière de concevoir la politique (qui implique que la démocratie ne peut être mise à égalité avec les droits de l'homme). La remise en question du discours sur les droits de l'homme doit inclure un engagement majeur envers la notion de tradition, à partir de la perspective de la majorité africaine opprimée.

Introduction

The current re-assessment of African nationalism at this conference comes at a time when the state on the continent has been in a deep political economic and socio-cultural crisis. Given that this state was formed alongside a process of national construction or 'nation building,' a re-evaluation of nationalism cannot help but be an attempt to distance oneself from state-nationalism. At the same time, whatever the disastrous failures of the state in Africa it would be a mistake to throw out nationalism as such, along the lines advocated by recent 'post-modern' thinking, for example. There are two main reasons for this. In the first place it is not so much that state power is dissolving into an amorphous process of globalization, but rather that its forms of manifestation are changing in Africa as elsewhere. In the second place given the continued and expanded oppressive character of world capitalism in the form of globalization, the oppression of peoples and nations (not necessarily to be equated with states) has increased, not diminished. This has occurred within a militaristic-liberal set of practices whereby liberalism is to be globally enforced through the deployment of military might. This, it seems, is to be achieved in ways never imagined before as the dominance of militarist thinking had always been tempered hitherto by the existence of a number of competing superpowers. What this means is not only that nationalism is still of relevance, but also that it is taking new forms. The main danger apparent today is its

taking of a militaristic form as a simple reflection of militaristic imperialist oppression. This is of grave concern because militarism whether of the imperialistic or of the nationalistic variety, does not and cannot distinguish between state and people so that, in its politics, it is contemptuous of human life itself.

In order to be on the side of life today, it seems that we need to be on the side of human emancipation. In order to do this it is imperative not to provide a mere mirror image of the practices of the oppressors [after all isn't the millionaire Bin Laden a simple mirror image of Dubya Bush not only in his economic location but centrally in his political practices?] but to attempt to think an alternative popular-democratic nationalism with an emancipatory content.

I therefore begin from the double assumption that the crisis in Africa is the crisis of the state, and that it is necessary today to expand and formalise a popular-democratic-nationalist perspective as well as to demarcate this perspective from state nationalism on the one hand and from Western hegemonic (neo-)liberalism on the other. The reasons for this last assumption should be apparent. The latter two discourses have been the ones to dominate thinking on the issues affecting the continent since independence, and have dismally failed to show a path towards popular emancipation while entrenching authoritarian, statist modes of thought. New forms of imperialism and neo-colonialism (economic, political, cultural) are still virulent and operate today under the name of 'globalisation' and include not only economic but political and cultural processes of disempowerment which pose a renewed threat to democracy on the continent (Ibrahim 2002).

What used to be called 'the national question' therefore has clearly not yet been resolved in Africa as the state on the continent largely continues to reflect the culture and concerns of Western dominance. In fact it has arguably been the case that identifying the state with the nation [or perhaps better the reduction of the nation to the state] has been an obstacle to the resolution of national liberation, thus a renewed interest today in pan-Africanism of a popular-democratic kind. This popular aspiration, national liberation, is today confronted by a hegemonic neo-liberalism which puts state politics at the core of a discourse on transformation. This focus on liberalism was shared by the nationalism of the 1950s and especially the state nationalism of the 1960s and 70s. However, the current hegemony of economic and political neo-liberalism throughout the world has meant that Western cultural domination continues today in more sophisticated forms, from which it follows that a theoretical alternative

has to begin from distancing itself from liberalism in all its forms, in particular the view that a state-focussed politics is at the core of all politics (Neocosmos 2003).

At the beginning of the post-colonial period, 'tradition' held contradictory meanings for African nationalism and for what became a state nationalist discourse. Tradition was viewed as the basis of an authentic indigenous culture to be celebrated as a liberatory alternative to a hegemonic Western (globalized) culture. At the same time, it was seen as a backward formation created or manipulated by Western (neo-)colonialism to divide and rule and thus as inimical to 'modern' nation-state formation. An idealised tradition thus held a contradictory location within what came to be state nationalist discourse, as exhibiting both potentially liberatory as well as repressive features simultaneously. Different aspects of an idealised 'tradition' were drawn upon by different post-colonial leaders at different ends of the political spectrum in their attempts at nation-building and in order to legitimise different forms of authoritarian developmentalism (Nyerere's 'Ujamaa' and Mobutu's 'Authenticité', for instance). Some were evidently more successful than others but such attempts bore witness to the continued and unwavering legitimacy of tradition among the populations of the continent. There is no evidence that this legitimacy has declined today despite the evident failure of state nationalism.

The contradictory character of tradition in Africa can also be seen today in the views of various African scholars. For example, some intellectuals stress that tradition forms the basis for a 'decentralised despotism' inherited from the colonial period, (Mamadani 1996) while others suggest that it forms the site of a 'convivial' alternative to Western individualism and globalizing culture (Nyamnjoh 2002) or even that it contains a possible model for a democratic alternative in the traditional "palaver" (Wamba-dia-Wamba 1985). Moreover, tradition often finds itself at the receiving end of a powerful critique by human rights discourse supported by liberal feminism inter alia.

This paper addresses this central issue of the contradictory character of tradition and attempts to shed some light on the possible place of tradition within an alternative popular-nationalist discourse on the continent. It suggests that the dominant trend within the nationalist discourse of the 1950s and 60s (from which emerged the dominant state-nationalist perspective of the post-colonial period) operated very much within the context of a hegemonic liberal conception of politics and state-formation, and because of this was unable to overcome this contradiction. The paper argues for the necessity of a democratic struggle within tradition itself (as

well as within rights) and argues against both the uncritical celebration of tradition as an essentially authentic culture, as well as its undermining from 'beyond its boundaries' by neo-liberal rights discourse. An alternative look at 'tradition' in Africa requires that it be understood from within the perspective of an altogether new way of thinking about politics in particular; this requires an understanding for which democracy is not equated with human rights. A critical engagement with tradition must form part of a questioning of human rights discourse from the perspective of the oppressed majority in Africa.

African Nationalism Since the 1950s: From Pan-Africanism to State Nationalism, and Back Again?

Any genuinely emancipatory nationalist position today must distance itself from the tired and oppressive state nationalism left over from the authoritarian developmental state model of the 60s and 70s (and exemplified most typically in Zimbabwe). The fact that this state nationalism may still resonate among the people is a indication of the failure to develop sufficiently a genuinely popular-democratic form of nationalism, it is an indication of the absence of popular politics not of its presence. This alternative will have to confront the character – democratic, undemocratic, or something in between – of African tradition, as the majority of the people of Africa live within a 'culture of tradition' and not within the 'culture of rights' that tends to predominate in urban communities (Mamdani 1996).

The conception of 'tribalism' as expressive of both an authentic Africanness and of a 'backward' cultural feature infused the writings of nationalist politicians in the 1950s and 1960s. Speaking of mainland Tanzania, Julius Nyerere (1966) noted:

> It has been said – and this is quite right – that Tanganyika is tribal, and we realise that we need to break up this tribal consciousness among the people and to build up a national consciousness...I have set up this new ministry to help us regain our pride in our own culture. I want it to seek out the best of the traditions and customs of all our tribes and make them a part of our national culture.

Most nationalist politicians of the period believed that customs could be engineered and transformed as an act of will through their control of an all-powerful state. This belief arguably lies at the root of the failure of state nationalism to enable the development of a genuine national culture. Only a minority of nationalist thinkers understood that the social engineering of the modern state was bound to essentialise and vulgarise

whatever genuine cultural complexities were produced by popular culture. According to Fanon (1990) for example:

> Culture has never the translucidity of custom; it abhors all simplification. In its essence, it is opposed to custom, for custom is always the deterioration of culture. The desire to attach oneself to tradition or to bring abandoned traditions to life again does not only mean going against the current of history but also opposing one's own people. When a people undertakes...a political struggle against...colonialism, the significance of tradition changes (1990:180).

Cabral also pointed out that, 'culture – a creation of society and a synthesis of the checks and balances society devises to resolve the conflicts that characterise it at each sage of history – is a social reality independent of men's will, the colour of their skin, or the shape of their eyes' (1980:149) But such views never became hegemonic, as they implied a critique of the centrality of state social engineering and theoretical essentialism. Instead, an essentialist conception of African culture came to prevail in post-colonial times that was a mirror image of the essentialism of colonial ideology.

Of course as we know, the modernism and liberalism in nationalist thinking in the 1950s occurred within the modernization paradigm which African leaders had embraced as it offered them a theoretical justification for economic development. 'Economic independence' was to follow 'political independence' after the 'political kingdom' had been sought and acquired (after Nkrumah). The tribe and the ethnic consciousness which accompanied it were simply seen as obstacles to state formation created by colonialism to divide and rule (ie to destroy the nation). The nation therefore existed outside tradition, outside tribe, and the birth of the former required the death of the latter. As Samora Machel famously stated, 'We killed the tribe to give birth to the nation' (Machel 1980:77). Thus a common conception by intellectuals [from Okwudiba Nnoli in Nigeria to Neville Alexander in South Africa] was to view ethnicity as simply constructed by imperialist interests to undermine nation formation. Among intellectuals as well as leaders, ethnicity referred to dismissively as 'tribalism', was seen as universally negative and an obstacle to national emancipation. Emancipation was thus seen in simple liberal terms: tradition must be overcome for people to be free with the result that political minorities were systematically oppressed as a result [even in 'democratic' Botswana the post-colonial state followed the colonial state in enforcing a uniform Tswana tradition/culture/ language as part of the nation-building process].

Of course there was an element of truth in this conception, colonialism had indeed used indirect rule to exercise its dominance and there had been attempts at secession supported by the West in the immediate post-independence period (eg, Congo). However, this view was one-sided as it failed to recognise, in the period of the state coercive consolidation, that nationality oppression was a real issue and keenly felt by large sectors of the population. Ethnic identities had in fact been kindled and re-kindled precisely by oppressive state practices during the colonial and post-colonial periods. In other words it was despotic systems of rule which largely gave rise to ethnic grievances/responses (which imperialist interests could then manipulate). These views were central to 'progressive thought' in the post-colonial period up until the UDF/ANC vs Inkatha struggles of the 1980s and early 1990s in South Africa. Only post-1980s has progressive opinion on the continent taken a different view on ethnicity largely because of the centrality of democracy in the debate.

In so far as state thinking was concerned, the stress was on discovering an authentic African personality, an essence of African-ness. The idealised African and his/her customs and culture, personality, and achievements were counterposed to essentialised Western colonial notions of backwardness, atavism, and absence of culture: 'Blackness' (*Black Africa or L'Afrique Noire*) as opposed to 'darkness' (*the Dark Continent*); idealisation as opposed to contempt; and the emphasis on African empires, civilizations, and 'viable states' in history as opposed to the colonial picture of an Africa without history. All these assertions are understandable in hindsight, and may even have been necessary in the immediate aftermath of the national struggle for independence, yet they only amounted to a mirror image of the colonial stereotype. They could not provide the basis for an understanding of the contradictory character of African society and culture and its contributions to a truly human culture. A parallel could be found in the nationalist deployment of violence which also was a mirror image of colonial violence that could not elicit an understanding of the complexities of difference and tended to reduce these to a Manichean dualism.

Such essentialist conceptions always serve the interests of those in power, not solely because they promote the immutable character of some African essence, but also because the physiognomy of the continent thus presented is invariably structured in the interests of the dominant groups, not of the oppressed. One reason for the hegemonic dominance of an African nationalist essentialism is arguably the absence (although it is difficult to locate absences) of a sufficiently robust theoretical alterna-

tive, which would have as its object the elucidation of a non-essentialist understanding of the realm of human social activity, primarily at the level of a theory of politics. Recent work and changes in modes of thought make it possible to attempt to fill this absence.

I wish to argue that the character of the African nationalism of the 1950s and 1960s should not be sought in its modernism but rather in its liberalism. The important point is not to distinguish nation from tradition (something this nationalism did itself) nor to stress a postmodern alternative to nation [and with it a linear conception of development], but rather to emphasise that African nationalism in that period had a particular conception of politics and the state that excluded popular-democratic self-activity. The writings and, even more so, the actions of most nationalists reflected an understanding of the state as the sole domain of politics. The politics of nationalism were fundamentally statist and invariably state-focussed. This perspecive can be seen in the extract from Nyrerere's writings cited above, and even cruder voluntarist statements are available. A liberal conception of politics means fundamentally the centrality of the state in balancing particular interests and in monopolising politics in order to manage social change and pluralism. It therefore easily provided the basis for a discourse on statist development and voluntarism..

Another liberal assumption is that the state combines territory and culture, a perspective which enabled a conflation of culture and territory that had not been as formalised in the pre-colonial period. African territories were carved out by colonial conquest first, and then the identified (and often constructed) cultures within them were ascribed to specific territories through the creation of administrative districts. Throughout the colonial period, territorial boundaries were ascribed to cultures even though state borders ignored cultural differences. Minorities within boundaries allocated to majorities were not meant to have distinct cultures.

In sum, the process of state formation/nation building on the continent was clearly shaped by a notion of modernity inherited from colonialism. The omnipotence of power manifested in bureaucratic control and decision making and a conception which territorialised culture within clear-cut administrative boundaries were some of the characteristics of this modernity. However this was a modernity for which liberalism provided the centre of gravity of contending social-engineering discourses. Not only was each nation or state to have 'its' culture (rather than several) but the state itself was to manage 'orderly progress' in the interests of all. (Cowen and Shenton 1996).

Analysing this liberal conception of the state, Wallerstein argues in his analysis of the development of political thought in Europe, that both conservative and socialist strategies in the nineteenth century gradually came close, from different starting points, 'to the liberal notion of ongoing, [state-]managed, rational normal change.' (Wallerstein 1995:96). He notes that between 1848 and 1914, 'the practitioners of all three ideologies turned from a theoretical anti-state position to one of seeking to strengthen and reinforce in practice the state structures in multiple ways.' Later, conservatives were transformed into liberal conservatives, while Leninists were transformed into liberal socialists. Wallerstein (1995:97) argues that the first break in the liberal consensus at the global level occurred in 1968. This overarching liberalism was imported into Africa during the colonial period and it structured the thinking of the post-colonial nationalist leaders who inherited state power on the continent.

Yet, in Africa, liberal assumptions of an independent domain of politics dominated by state institutions, of the omnipotence of state management in social change, of a conflation of citizenship with indigeneity, and of an identification of territoriality with culture broke with popular traditions in which politics, society, and culture were deeply intertwined and allowed for a high degree of flexibility and negotiation over norms, rules, and boundaries. Politics was the prerogative of the community (variously defined) and not of professional politicians. In most cases, the post-colonial statist recourse to tradition, when it did occur, failed to elicit a coherent hegemonic national culture and an alternative to Western liberalism because it combined cultural prescriptions with authoritarianism. The result was the dominance of particularisms over a universalistic conception of nation, precisely because the democratic debate and the flexibility necessary for the development of such a universalistic conception were missing. In the absence of genuine participatory democracy, a voluntary, negotiated overcoming of differences in the interest of a general or national will was impossible. 'Le vouloir vivre ensemble,' the will to live together, was rarely tested democratically, but rather was imposed by the state, which purported to be national.

The state's main proposal and the foundation of the post-colonial social contract, as well as for emancipation from want ('we have achieved political independence, now we need to achieve economic independence'), was *national development.* The state's legitimacy thus hinged on the success of this economic project. Without successful economic development and its relatively equal distribution to all sectors of the population, the

nation could only be built through state coercion, and the social contract could easily be broken.

This authoritarianism set up during the colonial period and carried over to the post-colonial, was not only required for a solution to the 'native question' (Mamdani 1996), it was also a necessary effect of the combination of culture/society with politics within the conditions of the formalisation of rule (the rule of rules). In other words it was this very normalisation of rules, genuinely developed in Europe as part of a democratic way to counteract the arbitrariness of aristocratic rulers and which thereby implied a distancing of politics from society into a specific realm of its own, which actually undermined the flexibility which had made democratic participation possible in pre-colonial Africa. A liberal conception of state and therefore eventually of democracy, was imposed, through the use of the same state power on conquered populations (assumed to have only just reached a stage when democracy could be usefully applied/understood) thus resulting in the undermining of democracy (limited and contradictory in many ways to be sure, but necessarily popularly rooted) which had existed to various extents and in various forms in African communities themselves.

To make the same point slightly differently: the imposition of a liberal state in Africa necessarily led to a conception of democracy for which that state and the domain of politics it controlled were separated from society (the liberal state constituted an 'excrescence' existing 'above' society to use Marx's expression). Rather than leading to a process of democratisation, this division of labour amounted to dis-empowering communities as it withdrew decision making from its cultural context, although never totally so especially as communities were often left to their own devices when the writ of the state was week, and as 'indirect rule' provided the conditions for a reproduction of tradition in a weakened and distorted form. As a result, while authoritarianism was reproduced at the top, in many cases elements of democratic decision making often survived and even developed at the bottom.

In the 1950s and 1960s, the writings of African nationalists stressed two different meanings of a 'nation': as an anti-colonial/anti-imperialist notion, and as a territorial/statist liberal understanding. The latter was dominant because neo-colonialism, although regularly attacked, was accepted in practice (much as globalisation is today). The West was the main interlocutor of what developed into state nationalism in the post-independence period, not the people. Also, the state-nation was founded on the exclusion of certain nationalities from political society on the

grounds that they were they were 'foreign' (originating from beyond colonial boundaries), because of the absence of authenticity, or becausee they were seen to pose a threat to national unity. Indigeneity was defined in colonial terms, as being based on territory and paternal descent within that territory. Citizenship was defined on the basis of indigeneity. Tribal loyalties were seen as a risk to the party, state, and nation. At the time, a political analyst (operating very much from within a modernisation framework) noted:

> While political leaders emphasize traditionalism in certain contexts, they are intensely anti-tribal. Tribalism is, of course, an outmoded form of social cohesion, but it remains an important attachment for large numbers of rural Africans unaccustomed to pluralism. Because attachments to traditional institutions impede the attachment of individuals to the new nation-state (via the party), modern political leaders are almost invariably hostile to tribalism. The consequence of their anti-tribalism is to make individuals increasingly dependent upon the single, central focal institution (i.e., the political party MN) and to undermine the integrity of competing institutions (Friedland 1964:29).

So while the comment above sees anti-tribal views as a threat to pluralism, what it fails to notice is that the anti-tribalism of nationalist politicians was a necessary outcome of a liberal conception of the state and politics for which the latter is reduced exclusively to the former, and where the conflation of state, culture and territory made it impossible for a nation to be constructed on a genuine democratic basis. It can be clearly seen therefore that the issue at stake is not the apparent backwardness of tribe but the liberalism of the state. Africans of course knew much about pluralism within tradition, but understandably little about the formalism of liberal 'pluralism' which coerced minorities into submission. The equation between nation and culture which colonialism had began (ie in the identification in subjectivity of tribe and ethnicity) was continued in the post-colonial period in a manner which assumed the assimilation of minority cultures as under colonialism. This is perhaps why such political minorities regularly resisted the authoritarianism of the central state and could be so easily mobilised through ethnic rhetoric by unscrupulous elites. This in turn led to greater insecurity for those in power.

The destruction of the tribe to give birth to the nation also stressed the systematic undermining of the customary within which the majority of the population lived in both its democratic/popular and despotic/elite aspects. The lengthy debate over whether Mau Mau was a tribal (traditional, backward-looking, atavistic) movement or a nationalist (modern)

one shows the inability of former modes of thinking to grasp popular struggle and ethnicity. Mau Mau was simultaneously traditional and nationalist, particularly because it was a struggle over the return of land to the dispossessed – an issue which was central to both. Mau Mau used the vehicle of traditional discourse to express popular nationalist sentiments. (Berman and Lonsdale 1992). But it is important to note that the new nationalist ruling elite, as represented by Kenyatta for example, dismissed Mau Mau in the same terms as those favoured by the colonial power (Berman 1997). The kind of tradition favoured by this elite from within the confines of state-nationalist discourse, was not only one which was evidently in its economic class interests, but also one which apprehended tradition in essentialist terms (thus as given, uncontradictory and unchanging) and largely innocuous to modern state power (even when deployed by competing elites). Given the absence/weakness of a distinctive popular urban culture which could have provided the basis of a national culture, such a destruction of tradition ultimately meant the systematic oppression of popular culture as such; it meant not so much the destruction of tradition and culture but rather the systematic and more or less successful destructive oppression of the popular side of tradition, its democratic character. Tradition then was used (and feared) in crude instrumentalist ways, however ordinary people regularly ignored state boundaries and fought for the maintenance of their traditions (Amadiume 1997).

Rights and tradition, nation and tribe, can no longer be seen as polar opposites in an alternative democratic discourse. This polarity was born of the liberal view that the state had to overcome the 'state of nature' through managed progress. Today In Africa, democracy and despotism/authoritarianism are the appropriate poles, at the level of both intellectual discourse and popular demands. In Africa, perhaps more than anywhere else, a nation can only be founded on popular democratic norms that give voice to social identities, such as ethnic, gender, age, and market identities, and, even more importantly perhaps, which stress and strengthen the popular, democratic aspects of tradition.

Given that the state was fundamentally built on undemocratic colonial foundations, and given its Western and imposed character, it could not reach into popular culture–the only genuine source of a national culture on the continent–to find the raw material for the imagining of a national subjectivity to which all could identify. Unlike in Europe where national culture was and is systematically manufactured by the state (mass media, state traditions, Academie Française), in Africa during the post-colonial period, the state failed to create a nation as in most cases it only represented

itself and a minuscule elite. The basis of a national culture after 40 years of independence still remains the people. Concurrently the people have been interpellated (and even systematically divided) by colonial and post-colonial states into various identities (ethnic, religious, regional, indigenous) regularly conflicting over resources. In other words and as a direct result of state authoritarianism, existing (and often benign) social differences have been systematically deepened and entrenched, rather than eliminated by power relations in different ways, continuing under different conditions a process initiated under colonialism. This has been one of the main features of state power in its relations with its citizens on the continent, namely the arbitrary imposition of power on the one hand, and the entrenching of cultural difference on the other as part of the same process of authoritarian 'nation-building'. Thus the state failed lamentably to provide the conditions for the development of a democratic national culture.

During the struggle for independence, the dominant form of nationalism was popular in content, as in most cases nationalist movements had a mass base, as well as pan-Africanist in orientation as the struggle for the liberation of peoples concerned the whole of Africa. I have already noted how nationalism was transformed into state nationalism through adhering to liberal conceptions, however it took some time for pan-Africanism to be understood in organisational terms as a mere addition of states rather than a unity of peoples. The democratic aspirations of popular pan-Africanism floundered on state nationalism as a pan-Africanism of states was a contradiction in terms, the borders of those states having been colonial creations.

As with most processes of popular transformation, this included an important dimension of the internationalisation of struggles which led to the provision of citizenship rights to all supporters of the revolutionary process. Such provisions were made after Ghana's independence with respect to all Africans who were seen as citizens of all African countries. But this noble idea was unable to withstand the tension between a desire to unify people across artificial boundaries and an obsession with preserving the powers and borders of the state inherited from colonialism (All African People's Congress 1958). Pan-Africanism could not therefore survive a liberal conception of politics and degenerated into the OAU whose main pre-occupation seemed to be the maintenance of the sanctity of colonial boundaries. The focus of the OAU was not surprising as it was an organisation of African states whose leaders were schooled in liberal conceptions. The recent formation of the AU does little to alter this.

What had been a struggle for independence/liberation that sought to create a nation inclusive of all and dominated by pan-Africanism, ended

in a consolidation of the state-nation that made the nation exclusionary (of 'foreigners,' non-indigenes, and other nationalities that became ethnic political minorities). This shift illustrates the transition from popular nationalism to state nationalism in Africa. The most rapid transition probably was that in South Africa. The struggle against apartheid was a continent-wide (not to say worldwide) struggle in which people of all nationalities and from all walks of life, in particular from Southern Africa participated. A few years after independence, Southern African migrants who previously had been hailed as the builders of South African industry were expelled as 'illegal immigrants' (Neocosmos 1999). Liberalism enables a transformation from popular to state nationalism at lightening speed.

Conceptions of African nationalism, particularly among intellectuals, have changed dramatically as a critique of the state from a democratic perspective has developed. Intellectuals are no longer seeking an African essence; rather, they stress African identities in the plural. Identities now are considered 'complex and multiple and [they] grow out of a history of changing responses to economic, political, and cultural forces' that develop 'in opposition to other identities' and thus 'have to be fought for and rethought.' (Appiah 1992: 177–8). This shift in perspective makes it more possible not only to develop a much more liberatory notion of African-ness but also to start to pose the question of the contradictory character of tradition itself. It allows us to overcome an uncritically celebratory conception of authenticity that vulgarises culture, packages it for Western tourists, and destroys genuinely nationalist aspirations.[1] African-ness cannot be reduced to an essential 'blackness' as it is constantly changing and transforming in practice, and as Africa includes diverse nations within its boundaries. The trend is therefore largely away from the search for racial or ethnic essences. This is a very positive development.

However I am not as confident as those who 'see a future with less rigid notions of identity, and with people sharing diversity in conviviality' (Nyamnjoh 2002:21). Elements of the ever-developing African tradition are oppressive – such as various forms of patriarchal control or authoritarian state structures – and others are democratic – such as 'conviviality,' community access to land, post-conflict 'healing,' and a belief in communalism over individualism (ibid.). I see no overriding reason why the latter elements should automatically dominate the former. The resolution of the conflict between these elements is dependent on political processes themselves regulated by changing subjectivities *inter alia*. It would be both premature and politically mistaken to speculate on these issues, rather than to think about the conditions which could make

popular-democratic outcomes more likely, particularly as some of these are theoretical and political in nature. This paper constitutes precisely an attempt to contribute to rethinking some of these.

What have been the main causes of the transition from an essentialist conception of tradition in the 1960s and 1970s to the more nuanced and contradictory one that has emerged since the 1980s? Any rigorous answer would have to include the development of a critical intelligentsia that distanced itself from state power, the democratic effects of various popular struggles including the democratic impact of feminism, the increasing importance of the debate on democracy, the failure of socialist ideologies to mobilise people successfully along economic identity lines, the relative success of ethnic identities in delivering positive results, the ability of ethnic groups to be recognised by the state, the rise of culturalist discourses, and the people's continued dissatisfaction with the vulgarity of neo-liberal globalisation. I would suggest that the most important of such influences was feminism, which challenged the authoritarian aspects of tradition while attacking the African state's 'modern' authoritarian undermining of rights. Feminism straddled both the rights discourse and the discourse of tradition, as I will note later in the paper.

Also instrumental were the widespread struggles of the 1980s and 1990s against African Structural Adjustment Programmes (SAPs) and the apartheid regime, which opened the door for popular opposition to the state and to the shallowness of its form of nationalism. These events indicated, at least for a while, a break with liberalism and the idea that the state is entitled to a monopoly on politics. They shaped democratic thinking among many progressive intellectuals. The struggles for liberation in South Africa during the 1980s, particularly from 1984 to 1986, can be described as an 'event' in Badiou's sense – as a process after which reality can no longer be understood in the old way (Badiou 1988). The events of the 1980s denoted a fundamental break with the liberal thinking that the nation is to be identified with the state and that democracy is a form of state. For the state, the mass movement in the 1980s in South Africa substituted for a while popular instituttions of 'People's Power'.

One of the main characteristics of these events, which constituted a break from previous modes of resistance politics, is that, for the first time, nationalist/nationwide resistance was not founded on a mirror image of colonial/apartheid oppression (that mirror image already existed in the politics of the exiled ANC). Rather, the resistance, and the culture that emanated from it, took its inspiration directly from the struggles of people in their daily lives for political control over their social environment.

In this sense, the experience was an event, and its lessons force us to think about nationalism differently. As I have argued elsewhere, instead of making 'vertical' distinctions central (e.g., the distinctions around which leaders would mobilise followers, such as the ideologies of nationalism or socialism), the 1980s mass movement put the 'horizontal' opposition between democracy and authoritarianism firmly on the agenda, particularly in terms of political practices (Neocosmos 1999).

If we do not view tradition in an essentialist manner, we need to recognise the existence of regular (political and often democratic) struggles within the realm of tradition and the customary, particularly of political minorities like women, youth, the poor, and ethnic minorities. Women's discourses, in particular, have stressed the contradictory nature of tradition in Africa, as seen in Amadiume's work on matrilineal traditions in Africa or El Saadawi's work on democratising Islam.·(Amadiume 1997; El Saadawi 1997). The contradictions in nationalism and feminism have been debated at length, but ethnicity has proven similarly contradictory with its patriarchal oppression and simultaneous openness to women's entitlements. In South Africa, liberal feminism has attempted to 'democratise' tradition from above, through direct legislative interventions.

Some theorists view tradition as a political identity formed mainly by the state's conception of individuals as subjects rather than citizens. For Mamdani (1996), tradition, as developed by the indirect rule of the colonial state and carried into the post-colonial period, tends to be the foundation for decentralised despotism's exploitation of the free peasantry, as each ethnicity excludes others because scarce resources like land are allocated by ethnic affiliation (Mamdani 1996). He argues that, since colonialism, tradition is no longer democratic and inclusive. But Mamdani underplays the connection between the realms of power and culture, and thus underestimates the potency of opening tradition to popular perspectives. If political identities are mediated by culture and not just imposed by the state, if culture is contradictory and able to provide alternative perspectives, then political identities cannot be understood as simple reflections of state interpellation.

The State and Ethnic Identity

The publication of Mamdani's (1996) path-breaking *Citizen and Subject* enables us to pose anew questions of state and politics on the continent in a non-reductionist manner, primarily because Mamdani seeks the nature of the state in post-colonial Africa through an analysis of politics. In Mamdani's accurate terms, his is an analysis of the 'mode of rule,' not of

the mode of production. Although he is not alone in arguing the centrality of a political conception of politics in Africa, his work is the most developed to date. Mamdani also correctly rejects an exceptionalist view of South African history, showing that a political analysis shows such a position to be completely unsustainable.

Mamdani's argues that to understand politics in Africa, one must eschew an analysis of the mode of production along the lines of cruder versions of a hitherto prevalent political economy with its reductionist economic implications, in favour of an analysis of the mode of state rule. The anti-reductionist accent in Mamdani's work therefore is on redressing the balance towards an elucidation of political choices and options, which had hitherto been underemphasised in analyses of the state and politics in Africa. He suggests that the state that developed during the colonial period as an answer to the 'native problem' was a 'bifurcated state.' In the manner this state evolved especially after the 1920s, he argues:

> Direct rule was the form of urban civil power. It was about the exclusion of natives from civil freedoms guaranteed to citizens in civil society. Indirect rule, however, signified a rural tribal authority. It was about incorporating natives into a state-enforced customary order...Direct and indirect rule are better understood as variants of despotism: the former centralized, the latter decentralized (Mamdani 1996:18).

The point well argued by Mamdani is that the mode of rule of the colonial state differed between the urban and the rural. While in the former the state ruled citizens and excluded natives from citizenship, in the latter subjects were ruled through state transformed 'tradition'. Rural Africans (the overwhelming majority) were ruled via a 'tradition' created for the purpose and able and willing to accommodate forced labour. The chiefly powers were administratively distorted (tradition was set in stone and its flexible nature undermined) so that they amounted not to a democratic form of rule with separation of powers, but to the concentration of all powers in the hands of the chief as state agent (a 'clenched fist' over the peasantry). This was necessitated by the fact that land was not a commodity and was governed by customary law (modified by colonial authorities to suit their purposes). In rural areas therefore there developed the dominance of a discourse of tradition.

In late nineteenth century South Africa in particular, but continuing right up until the 1980s, the state faced the problem of how a minority was to retain state power in the face of a rapid process of industrialisation which would create pressures of urbanisation, 'integration', and the

'swamping' of the ruling minority by an oppressed majority. The resolution to this problem was seen by the state as the 'reproduction of autonomous peasant communities that would regularly supply male, adult and single migrant labour to the mines' in particular (Mamdani 1996:18).

In Africa, for the colons in urban areas, a separation of powers and elections allowed civil society to develop, as a distinction was retained between society and the state, between the private and the public realms, and between economic and political power, in conformity with European liberal prescriptions. Mamdani says that because of this separation, a 'discourse of rights' emerged in urban areas, while rural areas were structured by a 'discourse of tradition':

> The rights of free association and free publicity, and eventually of political representation, were the rights of citizens under direct rule, not of subjects indirectly ruled by a customarily organized tribal authority. Thus, whereas civil society was racialised, Native Authority was tribalised. Between the rights-bearing colons and the subject peasantry was a third group: urban-based natives, mainly middle- and working-class persons, who were exempt from the lash of customary law but not from modern, racially discriminatory civil legislation. Neither subject to custom nor exalted as rights-bearing citizens, they languished in a juridical limbo (Mamdani 1996:19).

At independence, urbanised Africans demanded entrance into urban civil(ised) society. They sought access to democratic rights but denied these to peasants, who continued to be ruled by chiefs or chief-like cadres. The continuity of the state was ensured by the fact that urban groups simply demanded incorporation into existing civil society while the rural population continued to be ruled as a subject population. The coercive structure of the state remained unaltered after independence, as neither the urban nor the rural form of rule was democratised. Urban groups were admitted into an existing form of rule as the state was 'deracialised' but not 'democratised.' It was deracialised primarily through what was then called 'Africanisation' and what today is called 'affirmative action.' (ibid.:20).

The state was not democratised because that would have required a democratic transformation of the form of rule in rural areas. When rural transformation was attempted, 'it was to reorganize decentralized power so as to unify the 'nation' through a reform that tended to centralization. The antidote to a decentralized despotism turned out to be a centralized despotism' (ibid.:25). This was the kind of reform attempted by 'radical'

regimes. 'Conservative' regimes merely continued with the dual state form inherited from colonialism. Mamdani remarks:

> The radical states went a step further, joining deracialisation to detribalisation. But the deracialised and detribalised power they organized put a premium on administrative decision-making. In the name of detribalisation, they tightened central control over local authorities. Claiming to herald development and wage revolution, they intensified extra-economic pressure on the peasantry. In the process, they inflamed the division between town and country...Both experiences reproduced one part of the dual legacy of the bifurcated state and created their own distinctive version of despotism (ibid.:26–7).

Urban Africans became citizens through their incorporation into a politics of the struggle over the rule of law/division of powers and a discourse on rights more or less adhered to. Rural Africans remained subjects because they were ruled by a tradition that eschewed rights because it was based on a fusion of state powers. It follows, for Mamdani, that elections and multi-partyism cannot on their own amount to a democratising process in Africa, as the political oppression of the peasantry has not been addressed. A genuine democratisation of the African state requires an ability to link a democratisation of rural tribal despotism with the democratic demands of urban civil society movements (ibid.:297). However, Mamdani says little about how this link could be forged, especially about the kind of politics necessary for such democratisation to be successful. This would have required an analysis of different modes of politics, which Mamdani does not undertake.

Although Mamdani's argument stresses (correctly, to my mind) the difference between forms of state rule in rural and in urban Africa and tries to specify the conditions for a democratisation of the post-colonial state, it proves to be limited for an analysis from a democratic perspective. Mamdani's thinking tends to take the state at its own word, so to speak. This criticism comes from a wish to emphasise the necessity of understanding different forms of politics, not simply of different forms of state rule, and to move beyond the confines of liberalism.[2]

A settler does not become a citizen merely by virtue of being incorporated into civil society and acquiring access to rights. A settler must become a native before he or she can become a citizen. Under colonialism, Africans were supposed to become civilised, to become European, and to forget their native identity (e.g., to become 'assimilés'). Europeans were not supposed to 'go native.' They were supposed to maintain their social separateness, and thus could not become citizens because they were not

to be nativised. In earlier forms of colonialism, however, the colonisers were regularly assimilated by the colonised. Citizenship includes both a social and a legal dimension. Mamdani concentrates exclusively on legal (or customary) rights in his conception of citizenship and ignores its sociological dimensions, a procedure which amounts to a state-focussed perspective.

These problems with Mamdani's approach become apparent in the answer he gave to his own question at his inaugural lecture at the University of Cape Town in 1988: 'When does a settler become a native?' Mamdani asserts that if we ask the question from the point of view of 'ethnic citizenship...the answer is NEVER.' (Mamdani 1998). For Mamdani, the members of one ethnic group can thus never become members of another. One can never acquire another's ethnicity, as this is defined by an 'ancestral area.'

> You were obliged to follow the custom of your ethnic group. Your rights and obligations were defined by your custom, and that custom was enforced as a 'customary law,' by a Native Authority whose seat was the local state. The local state spoke the language of culture not rights (Mamdani 1998:1).

Here Mamdani adheres to a rigid conception of tradition and follows Chanock (1985) closely in reducing custom to its legal form – 'customary law'. This conception implies that African communities simply reflected the view of custom legally enforced by the colonial state, that custom was not (and is not) an object of struggle and eminently flexible, and that social structure is not fashioned by people themselves, but only by the state. Moreover, Mamdani tends to assume an unambiguous separation between state and society that did not exist in Africa during the colonial period, as he himself implies.

In the absence of a distinct domain of politics that is demarcated from culture and society, it becomes difficult, if not impossible, to maintain the state induced rigidity of custom and to reduce the latter to this customary law. In fact, the colonial state went out of its way to engineer a fusion between political entities ('tribes') and socio-cultural entities ('ethnic groups') in cases where the two did not obviously correspond, particularly with the numerous large 'minorities' of recognised tribal polities, which sometimes were actually majorities of culturally distinct but politically inferior non-indigenous groups. The idea was to produce a situation of cultural homogeneity that would prevent the contestation of the

legitimacy of tribal authority and hence of customary law (as in the case of Botswana).

With its racist, primordialist conceptions of tribe, the colonial state could not conceive of differences in any other than tribal form because of its liberal equation of culture and territory noted above, and its intention to undermine any independent, civil society-based resistance to indirect rule. This social engineering was at the core of the formation of an authoritarian state system during the colonial period, as it ensured and entrenched the authoritarian fusion of state and society, the absence of which could have provided the foundation for democratic changes in the post-colonial period. The grafting of an electoral process onto this system could hardly have led to a meaningful democracy at independence.

Insofar as Mamdani's 'ethnic citizenship' is concerned, there are numerous examples of 'strangers' being accepted as fully-fledged members of ethnic communities in Africa. For example, Lan (1985) shows that guerrillas who were strangers to their areas of operation during the liberation war in Zimbabwe became full community members through the influence of spirit mediums (see also Rachik 2000). Such ethnic citizenship could also be bestowed on foreigners through the payment of allegiance to a chief. Ethnicity and culture, even under colonial domination, were not as rigid as Mamdani makes out, nor, indeed, as the authorities hoped. There were and are regular contradictions within tradition and some of these are democratic in nature (Shivji 2000).

Citizenship involves first the sociological processes of adopting a culture and language, and only then legal rights. One can become a citizen only if one first becomes a native. It is not a question of ethnic origin or colour, as Lebanese, for example, have successfully 'become native' in many West African countries. Citizenship has both social and legal aspects, and one cannot reduce it to the latter without abstracting people from the social conditions of their existence, as some of the recent feminist literature on citizenship has understood (Yuval-Davies and Werbner 1999). Feminists rightly regard the idea of the "disembodied individual" as an untenable liberal construct.

Thus, although Mamdani moves beyond a liberal idea of citizenship by recognising an 'ethnic citizenship' beyond the individual rights-bearing subject, he remains a prisoner of liberal assumptions because he reduces citizenship exclusively to a state-defined identity. This is apparent in his latest work, where Mamdani perceives the colonial state as 'constructing' or 'creating' political identities (Mamdani 2001, 2002:500). Because he does not analyse politics beyond the state domain of politics,

Mamdani's argument is based on the idea that subjects respond (more or less) automatically to the manner in which they are addressed or interpellated by the state. For Mamdani, people in Rwanda accepted the colonial state's judgments about whether they were an 'ethnic group' or a 'race.' But the state's political interpellation takes place in society and not just at the level of the law and other state institutions. The political process is also a social process which is mediated by culture in various forms and it is the object of struggle. The state usually requires groups in society (often even beyond civil society) which follow its line in order to impose its perspective. The sociology of this process is absent from Mamdani's work, though he is sensitive to the fact that many members of political identities challenged such ascription (e.g., minorities among both Hutu and Tutsi, Banyarwanda, and so forth).

Mamdani argues that African colonial and post-colonial states interpellated people as ethnic or tribal subjects, institutionalised such identities over time, and thereby created the conditions for mass slaughter. Despite his argument's undoubted brilliance in accounting for genocide in terms of political identities (as opposed to economic or psychological forces), Mamdani is not able to account for the politics of those Hutu (for example) who protected and saved Tutsi from certain death–and vice versa (Gourevitch 1998; Cohen 2001). Mamdani is thus not able to address the issues of the possibility and sites of an alternative politics in the specific situation of Rwanda in 1994 because his overriding concern is state politics and state-induced subjectivities. His thought is confined by the limits of liberalism. Thinking an alternative emancipatory politics from such a perspective is impossible.

The process of acquiring political identity is itself a struggle and the state requires interests within society to pursue its agenda of creating tradition, a point discussed at length by several historians. [3] First among such interests during the colonial period, was the chieftaincy, which was not only a political institution, as stressed by Mamdani, but also, crucially, a cultural one. Culture was closely intertwined with politics in tradition, which meant that the colonial state's political categorisation had authoritative cultural support and resonated more with the people than it would have done had the chieftaincy been exclusively political. This is arguably the main reason why the state's prescriptions were so readily accepted by colonial populations, and why the colonial state insisted on identifying tribe with ethnicity and politics with culture. The state's policies were contested, however, as women, youth, the poor, and other dominated groups within particular identities challenged (often in

hidden ways) the definition of tradition and culture imposed on them by the state in alliance with chiefs, men, the wealthy, and other dominant groups. The resistance of women, in particular, is well documented (eg. Schmidt 1990).

The acquiring of political identities is often a long and complex process of struggle without an understanding of which it becomes difficult to see not only how alternatives to the state politics of essentialist interpellation can exist, but also how the different representative forms of this politics (religious, ethnic and other cultural forms) operate. The result is that these forms may become unrecognised as the politics they often are. Mamdani's theoretical position, despite the brilliant insights it produces, tends to be limited by the fact that it is a-sociological, with the result that politics outside state conceptions of what politics is, cannot be conceived– people are said to be politically what state institutions make them.

Contrary to Mamdani, Wamba-dia-Wamba (1985) suggests that communities in Africa often have alternative conceptions of culture and tradition which may have been affected by colonial and post-colonial state depredations, but not fully destroyed. He discusses the nature and role of the 'palaver' among the Bakongo not only to retrieve it from dismissive colonialist readings, but also to show its relevance in resolving conflicts in and among communities today. Although the palaver can be understood in different ways, it primarily is a 'healing process' for the community that involves a 'mass bursting of active involvement in matters of the entire community' and of 'free' or 'liberated speaking,' a 'social movement,' or an 'ideological struggle assuming appropriate form to resolve a real community's conflicts giving rise to ideological tensions.' (Wamba-dia-Wamba 1985:9). Despite its complexity, the palaver's functions are clear:

> First of all, to impose organically in the entire community a new form of exercise of power – a good sorcery, a sorcery of protection of the entire community, a sorcery of the 'integral preservation of the community' ('kindoki kia ndundila kanda'), which must overthrow the bad one (sorcery to kill) from the post of command and its complete banishment from the entire community (through rituals). And secondly, it is to strengthen the community people's power – people's determination of selves and the community's organic affairs–being threatened to be dismantled through a politico-spiritual terrorism (ibid.:12).

Wamba-dia-Wamba argues that the palaver serves to re-anchor the community, to re-align it with its founding values after a crisis:

> The palaver requires of and provides to each community member the right to carry out, and the obligation to be subjected to, an *integral critique* of/ by everyone without exception. It inaugurates, if only temporarily, an egalitarian collective dictatorship (=communal organic centralism) (ibid.:12, emphasis in original).

To resolve contradictions elicited by both internal and external forces, the leaders of a clan or village present themselves 'as the real servants (seat, representation, agency, incarnation, voice) of the powers of the ancestors' (ibid.:10). They do this because 'to evoke the ancestors is to reaffirm their line, the one which allowed the community to reproduce.' (ibid.:16). The palaver, therefore, helps resolve social conflicts and reestablish social balance. To do so, it combines political processes with cultural representations, forms, and rituals that constitute a complex language through which the palaver can be understood and therefore succeed. The process refers to a side of tradition that is fundamentally popular in content and that shows the possibilities of existence of genuine democracy in African tradition.

Of course, the point is not to idealise the experience. Palavers seem to take place less and less, as migrations have undermined Bakongo communities (Wamba-dia-Wamba personal communication). The point is not to search for and to discover pristine African democratic traditions, it is to emphasize the existence of popular democratic traditions and struggles within a changing tradition that can form a basis for thinking alternative emancipatory politics. This must be developed as an alternative to asserting the supposed values of a human rights discourse in relation to tradition.

Human Rights versus Democracy

Elsewhere, I have undertaken a detailed critique of political liberalism and its conception of rights (Neocosmos 2003). Here I wish to draw attention to the fact that despite the limitations of human rights discourse which are sometimes admitted in the liberal literature, it is regularly assumed that these are of unquestioned benefit in transforming 'tradition'; in enabling the previously 'rightless' under tradition to 'acquire human rights' and thus to assert their humanity vis-a-vis a presumed 'state of nature', which in the famous Hobbesian formulation, is seen as 'nasty, brutish and short'. The assumption that the character of liberal democracy is liberatory relative to tradition today is reflected, implicitly or explicitly, in a number of interrelated discourses on the continuing importance of tradition in modern society, particularly in South Africa, where

this idea of the liberatory character of liberalism dominates the state perspective on tradition[4].

At issue is the role of traditional political institutions, such as the chieftaincy, in a modern secular state. Also important is the issue of women's 'rights to land' under 'traditional tenure' in conditions of legally prescribed gender equality. Both of these issues are regularly the subject of discussion within liberal democratic discourse in post-apartheid South Africa (eg. Konrad-Adenauer-Stiftung 1997). These issues seem to have relatively 'obvious' answers from a democratic perspective, yet in both cases I will suggest that, such 'obviousness' is superficial and ultimately misleading. This will draw me to a brief critical assessment of the opposition between 'human rights' and 'tradition' which I will argue is founded on liberal and fundamentally colonial-type assumptions regarding the nature of political activity, assumptions which ultimately have the consequence of opposing rights to democracy.

Although the authoritarian character of the traditional institution of the chieftaincy that was produced during the colonial and apartheid periods is scarcely defensible (Ranger 1983, Vail 1989), it has provided peasants with a vehicle for the expression of their grievances vis-a-vis the authoritarian and often corrupt actions of central and local government. In Southern Africa, the powers of chiefs are usually untrammelled by popular constraints, as traditional community assemblies (such as *the pitso* or *kgotla*) have gradually lost their powers. Nonetheless, stories abound of chiefs taking a stand, with popular support, against the depredations of secular authorities bent on imposing 'development' from on high (Alexander 1993). Still, the chieftaincy's often genuine representative character does not diminish its despotic nature, as the institution combines administrative and police powers with legislative and judicial ones and is not subject to popular mandate (Mamdani 1996).

However, the undemocratic nature of the institution of the chieftaincy or the agency of individual chiefs are not the central issue. The issue rather reflects on the false assumption that the *practices* of the central, regional, or local state are democratic simply by virtue of their executive members having been elected. In fact the debate regarding whether the chiefs or the central state in Africa is the more democratic, or whether the chieftaincy is compatible with liberal democracy (eg. Dowling 1997), is a spurious debate which should rather lead us to an assessment of the importance of genuine democracy. For rural inhabitants, it is regularly more a question of which of the secular state or of the chieftaincy is the lesser of two evils in circumstances of poverty and systematic oppression. There

can therefore be little to chose between 'rights' and 'tradition' in such a context. The issue is rather the extent or absence of genuine democracy both within the 'modern' and the 'traditional' state systems.

A similar point can be made with regard to the frequently outlined argument that the South African constitution, by allowing for property ownership irrespective of gender, is in a position to 'empower' rural women to access land rights otherwise denied them by traditional tenure systems. Actually, women have access to land under traditional tenure in Southern Africa, though usually through a man, but sometimes even direct access can be negotiated (Meer 1997:3). But women are also dependent on men for access to cattle, bank loans, collateral, and ploughs, in fact for most of their resources, and it is only human rights discourse that arbitrarily focuses on land access as a more 'fundamental human right' while ignoring other aspects of this dependency[5]. Of course giving the poor, women included, access to freehold tenure would be disastrous as it would easily enable land alienation and concentration and would without doubt lead to increased rural poverty (Neocosmos 1995).

It is important to stress that to use a liberal constitution in this manner is to undermine tradition [including its popular character] from beyond tradition's boundaries, and to substitute for a democratic contestation within tradition, the imposition of top down state-juridical decontextualized rights which in the long run can only undermine democracy. Apart from anything else, this makes more likely a backlash from those who wish to entrench authoritarianism within tradition, such as from many chiefs, whose power is evidently dependent on authoritarian conceptions of custom. There is in fact little difference between this procedure and the well-known colonial one of outlawing traditional practices such as forced marriages or bridewealth on the grounds of their 'repugnance' to Western liberal sensitivities (Schmidt 1990; Mamdani 1996). Such arguments are the source of the common perception in Africa that human rights discourse and neo-colonialism are linked (Mamdani 2000). Such top-down interventions undermine communitarian and democratic aspects of tradition, including communal forms of land allocation.

Another highly publicised example of the patronising and ultimately authoritarian imposition of human rights, this time outside the Southern African context, is the liberal reaction to the case of Amina Lawal, one of the women condemned to death by stoning by a Sharia court in Nigeria. While the court's judgement was greeted with justifiable outrage by human rights organisations worldwide, the response regularly emphasised the supposed barbarity of Islamic culture and tradition. It was noted only

later that Nigerian rights activists were pursuing the issue of appeal from within the Islamic judicial system itself. In other words, a democratic struggle was taking place from within tradition to contest not only this particular judgement, but several others concerning Sharia and women in general in Nigeria. The local organisation of activists (e.g., BAOBAB for Women's Human Rights) noted that none of the sentences of stoning to death had been carried out in Nigeria either because appeals had been successful or the appeal process had not yet been exhausted. Moreover, in a letter widely circulated on the Internet, the activists stressed that the more immediate danger to Ms. Lawal was as a result of deliberate action by those in power to defy international pressure.

> Dominant colonialist discourses and the mainstream international media have presented Islam (and Africa) as the barbaric and savage Other...Accepting stereotypes that present Islam as incompatible with human rights not only perpetuates racism but also confirms the claims of right-wing politico-religious extremists in all of our contexts...Muslim discourses and the invocation of Islam have been used both to vindicate and protect women's rights in some places and times, and to violate and restrict them in other places and times...The point is for us to question who is invoking Islam (or whatever belief/discourse) for what purposes, and also to acknowledge and support internal dissent within the community involved, rather than engaging in a wholesale condemnation of peoples' beliefs and cultures (BAOBAB 2003:3-4, see also Mamdani 2000).

The organisation's document bears out the theoretical point which I am stressing(El Saadawi 1997, Mamdani 2000). Human rights discourse takes on a colonialist character when it is substituted for a democratic struggle within traditional culture. The universalism of rights can only exist through its particularity within the social context that contributes to making humanity human. Therefore, to assume a universal human subject founded on a Western liberal ideal, and then to impose this notion on tradition through state legislation or international pressure, is to undermine democracy, not to advance it. The issue then is not one of modernity (or postmodernity) versus tradition, but rather of democracy versus various forms of authoritarianism within the liberal civic sphere as well as within that of tradition. Liberalism, which is premised on such a combination of a universal human subject with (state) power, cannot address tradition democratically and thus pits human rights against democracy.

In sum, it could be asserted broadly that two feminist positions prevail today regarding tradition in Africa. The first is a liberal position which provides a version of the argument for state intervention in tradition through

the medium of rights. This position is dominant in South Africa. The second argues for a defense of tradition, but also for pursuing a struggle within it for democracy. This position is most developed by feminists who struggle within the context of Islam, although it can be found in various forms throughout the continent. Elements of the second perspective can also be found in the writings of some South African rural women activists such as Moleleki (1997) and Ngcwecwe (1997), who have stressed that tradition can and should be democratised from within in the interests of women and other oppressed sectors of the rural population.

Concluding Remarks

The apparent contradiction that Western liberalism which had originally developed as a democratic alternative to aristocratic despotism in Europe, turned fundamentally into its opposite within an African context, is not only to be put at the door of different cultural particularisms. The point is not to make a plea (yet again) for the exceptionalism of Africa, either in terms of its difference (our people don't understand democracy as it is culturally foreign) or, indeed, of its backwardness (our people are not yet ready for democracy). These perceptions have been used as excuses for authoritarianism. Neither is the point to seek a return to the past by arguing the viability of pre-colonial African state formations (Davidson 1992).

The point I have argued here is a different one. It is rather that a true universal such as democracy can only be understood, comprehended and fought for from within the specificity of particular contexts. Indeed the universals of democracy, truth, justice and equality, which we all adhere to, suggest different universal meanings within different contexts. One conception from one context cannot be uprooted into another completely different context without losing its meaning and thereby turning into its opposite. This is what happens regularly in Africa (and elsewhere) simply because of the imposition of a universalised Western conception (of say democracy) within another context. In this way, democracy can only turn itself into its opposite (as is the obvious case in Irak today after the US invasion for example).

What this suggests is that Badiou is correct to stress that the universal can only be apprehended through the particular. If the universal can indeed only be truly apprehended through the particular, it means that the opposition between the two (as that between tradition and modernity) is redundant. It also means that all universalistic conceptions based on a notion of 'Man' become also redundant simply because of the

particularistic basis of this universalism (Western, bourgeois, White men) as has been noted on numerous occasions. It also means that 'rights' are not attributes of a humanity founded on this notion of 'Man' but on a different conception of humanity, one where people are products of social differences and are within such differences, capable of thought, of transcending their narrow interests and differences to demand a better world founded on 'becoming eternal through truly universal conceptions of justice, equality and democracy' (Badiou 2001).[6] It is time that we expand our own conception of humanity in Africa, but to do so we have of necessity to distance ourselves from state politics which constitute an obstacle to thinking critically (Neocosmos 2003).

Western liberalism and state nationalism both founded on liberal conceptions of politics lie at the foundation of the absence of a critical addressing of tradition in both its democratic and despotic aspects. A popular-democratic nationalism would acknowledge the struggle over tradition and would attempt a recovery of popular democratic politics both within tradition and within rights discourse. I have concentrated here on the issue of tradition alone, having discussed rights elsewhere (Neocosmos 2003). In either case however what is required is a recovery of politics founded within popular traditions and cultures of struggle, so that 'voice' replaces 'silence' among the people, and so that democratic struggles are pursued and supported wherever they take place, the specificity of every condition and its struggle being respected.

One truly amazing feature of the African continent is that, after forty-odd years of independence, it is still the people, not the state, who remain the custodians of national culture. How is popular tradition to form the basis of a renewed national identity under such conditions? The answer lies in a popular, democratic form of pan-Africanism, not a pan-Africanism that sees the state at its core, as did the OAU. In this respect, the AU is little different from its predecessor and cannot be the source of a renewal of pan-Africanism. Rather, the renewal of the pan-African ideal has to be sought in pan-African mass movements, particularly in a mass movement for peace. I have no space to elaborate on this argument here, but I would suggest two fundamental points. First, the trend in world politics is increasingly militaristic; politics in the age of 'capitalist competitiveness' or 'flexible accumulation' amounts more and more to the 'pursuit of war by other means'.[7] This militarism and its attendant undermining of genuine democracy cripple Africa as a whole and can only be countered by putting an emancipatory politics on the agenda with a continent-wide

popular movement. Such a movement could provide the conditions for an alternative mode of politics for genuine emancipation. This movement would be opposed to the depredations of globalisation and hold at its core a politics for the peaceful resolution of disputes, putting the popular interest first. Thus, it would also contribute to reposing the process of nation and state formation in a democratic manner.

Second, it is apparent that Africa has a long tradition of popular methods for the peaceful resolution of disputes in society. These are at the center of African tradition and culture, and could become one of Africa's greatest contributions to humanity. It is through the specific contributions of these various cultures inter alia that Africans can contribute to the creation of a new humanism which is desperately needed in the world today. It is the duty of African intellectuals to critically study these cultures from a democratic perspective in all their complexities and changing characteristics.

Notes

1. South Africa lags far behind the rest of Africa on this issue, as the stress on a sanitised state notion of 'Ubuntu' as the essence of African-ness jovially melds with the globalised tourist demand for the 'authentically' African
2. The following points were developed in discussion with Adebayo Olukoshi. I am grateful to him although I am alone responsible for possible problems in the formulations which follow.
3. See eg. Vail (1989). For a critical discussion of these histories as well as for an assessment of the struggles over tradition in Southern Africa, see Neocosmos (1995).
4. This statement is obviously ambivalent when it emanates from the ranks of the new elite in South Africa as, even though the virtues of liberalism over tradition are uncritically extolled, the latter is simultaneously equally uncritically asserted to form the basis of an authentic African culture to be opposed by nationalist discourse to Western (ie liberal) dominance.
5. I am grateful to Pauline Wynter for this point.
6. Badiou (2001). The apprehending of the universal through the particular is, I understand, partly what Paulin Hountondji is getting at in the case of philosophy (a universal discipline) in his famous essay on African philosophy P. Hountondji, 'African Philosophy, Myth and Reality' in Grinker and Steiner (1997).
7. The reference to Clauzwitz' aphorism is intentional.

Appendix

The All-African People's Conference (Accra, 5–13 December 1958)
Resolutions adopted (excerpts):

Frontiers, Boundaries and Federations

3. Whereas artificial barriers and frontiers drawn by imperialists to divide African peoples operate to the detriment of Africans and should therefore be abolished or adjusted;
   Whereas frontiers which cut across ethnic groups or divide peoples of the same stock are unnatural and are not conducive to peace or stability;
   Whereas leaders of neighbouring countries should cooperate towards a permanent solution of such problems which accords with the best interests of the people affected and enhances the prospects of realization of the ideal of a Pan-African Commonwealth of Free States...

Be it resolved and it is hereby resolved by the All-African Peoples Conference that the Conference:

(a) denounces artificial frontiers drawn by imperialist Powers to divide the peoples of Africa, particularly those which cut across ethnic groups and divide people of the same stock;
(b) calls for the abolition and adjustment of such frontiers at an early date;
(c) calls upon the independent States of Africa to support perma nent solution to this problem founded upon the true wishes of the people....

4. Whereas it is desirable that certain measures should be adopted by Independent African States and Dependent African countries which are in a position to do so towards achieving Pan-African unity;
   Whereas firstly passports, travel certificates, etc., should be abolished in respect of bona fide African tourists, visitors, and students for the purpose of facilitating the free movement of Africans from one territory to another and thereby promoting intercourse among Africans, provided that this is not used as an excuse by white settlers to indulge in mass movement of cheap labour...
   Whereas thirdly, it should be possible for Africans to enjoy reciprocal rights of citizenship at least in territories within the same regional group and not be subjected to discrimination on the grounds of their country of origin, so that ultimately no African shall be considered an alien in any part of Africa.

Be it resolved and it is hereby resolved by the All-African People's Conference that the conference:

(a) calls upon all States and countries in Africa which are in a position to do so to implement the following programme forth with;

(i) abolition of passport requirements and other travel restrictions for bona fide African visitors, tourists, and students;
(ii) reciprocal rights of citizenship for Africans from other territories...

Tribalism, Religious Separatism, and Traditional Institutuions

Whereas we strongly oppose the imperialist tactics of utilising tribalism and religious separatism to perpetuate their colonial policies in Africa;

Whereas we are also convinced that tribalism and religious separatism are evil practices which constitute serious obstacles to:

(i) the realization of the unity of Africa;
(ii) the political evolution of Africa;
(iii) the rapid liberation of Africa;

Be it resolved that steps be taken by political, trade union, cultural, and other organisations to educate the masses about the dangers of these evil practices and thereby mobilize the masses to fight these evils;

That in addition to any action taken by dependent countries, the independent countries shall:

(a) allow their governments to pass laws and through propaganda and education, discourage tribalism and religious separatism...

Whereas the All-African Peoples Conference, convened in Accra from 5 December to 13 December 1958, realizes that some of the African traditional institutions, especially the chieftaincy, do not conform to the demands of democracy;

And whereas some of these institutions actually support colonialism and constitute the organs of corruption, exploitation, and repression which strangle the dignity, personality, and the will of the African to emancipate himself;

Be it resolved that those African traditional institutions whether political, social, or economic which have clearly shown their reactionary character and their sordid support for colonialism be condemned;

That all conscientious peoples of Africa and all African political leaders be invited to intensify and reinforce their educational and propaganda

activities with the aim of annihilating those institutions which are incompatible with our objectives of national liberations;
And that governments of independent countries be called upon to suppress or modify these institutions.

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