

Colonial Legacies and Postcolonial Authoritarianism in Tanzania: Connects and Disconnects

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Abstract: Through an examination of the Tanzanian experience, this article takes up a challenge forcefully posed by Mahmood Mamdani's *Citizen and Subject* to examine connections between late colonial and postindependence state power on the African continent. The discussion is critical of Mamdani's argument that postindependence authoritarianism in Africa can be understood as an institutional legacy of late colonialism. However, connections to colonial times did exist in the frames of legitimation that underpinned the frequently authoritarian actions of the postindependence Tanzanian state. One such connection was the persistent paternalism vis-à-vis their "subjects" that characterized the political imagination of state elites; another was the fact that "the colonial past" served as an important reference point in the construction of a deeply Manichean discourse and practice of politics after independence.

Résumé: A travers une étude de l'expérience tanzanienne, cet article aborde le défi posé par l'œuvre de Mahmood Mamdani, *Citizen and Subject*, afin d'examiner les similarités entre le pouvoir de l'état à la fin de la période coloniale et après l'indépendance sur le continent africain. La discussion est une critique de l'argument de Mamdani indiquant que l'autoritarisme post-indépendance en Afrique peut être envisagé comme un héritage institutionnel de la fin de la période coloniale. Cependant, il faut considérer les réminiscences de la période coloniale dans les tentatives de légitimation sous-jacentes aux fréquentes actions autoritaristes du gouvernement tanzanien après l'indépendance. Un exemple d'une telle réminiscence est le paternalisme persistant de l'imaginaire politique des élites du gouvernement vis-à-vis de leurs "sujets"; on trouve un autre exemple dans le fait que le "passé colonial" a servi de point de référence important dans la construction d'un discours et d'une pratique politique profondément manichéens après l'indépendance.

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AMONG SEVERAL MAJOR contributions of recent years that speak to the question of connections between colonial and postcolonial politics, none has put forward as explicit a thesis regarding the importance of the “colonial legacy” for postindependence Africa as Mahmood Mamdani’s *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (1996). The book’s vigorous analysis forcefully raises important questions about the nature of colonial and postcolonial power. Along with several other bold and innovative challenges to our conventional thinking about African history and politics, the book presents the central argument that the nature of the contemporary state and politics in Africa, and specifically an almost universal tendency toward authoritarianism and “despotism” after independence, is the result of an institutional legacy that colonialism left behind on the continent.

This article aims to take up *Citizen and Subject’s* challenge to historicize state power on the African continent. Through an analysis of the Tanzanian/Tanganyikan experience—the central case study in *Citizen and Subject’s* exposition of what, in its terminology, is referred to as the trajectory of “radical” postindependence states—the article examines the book’s colonial legacy thesis, which, despite its wide acclaim and broad reception, has not been subjected to sustained scrutiny.¹ Following a brief exposition and critique of *Citizen and Subject’s* depiction of the African colonial state as “bifurcated,” I advance the following two main arguments: first, that *Citizen and Subject’s* thesis that the postcolonial Tanzanian state was connected to its colonial predecessor through an institutional legacy cannot be maintained in the face of significant breaks in the state’s institutional organization; and second, that a different argument about connections between colonial and postcolonial politics can be advanced to explain the authoritarian character of postcolonial rule. Specifically, this article develops the argument that state elites’ political imagination—that is, the way politicians and state functionaries conceptualized their position vis-à-vis the population of the new nation, and what, for these elites, were the purposes of the state and the matrices of legitimate political action—is a crucial factor to analyze when contemplating the roots of postcolonial authoritarianism.

Because this political imagination needs to be understood historically, it too raises questions about connections between postindependence Africa and the colonial period. The article proposes that in its self-image as a benevolent, developmentalist vanguard—and in its corollary paternalistic construction of its subjects—the postcolonial Tanzanian state shared important features with its late colonial predecessor. In is this connection that may, with some justification, be called a “colonial legacy.” This theme is developed through an analysis of Tanzanian villagization.

But the postindependence state’s colonial history also became important for the political imagination in other ways. State elites’ roots in the anti-colonial struggle crucially underpinned a deeply Manichean construction of politics after independence. In postcolonial Tanzania, this sense of politics

contributed to a shrinking of what was considered legitimate political action to the party line propagated by the one-party state. By providing an important point of reference in the often problematic process through which Tanzanians actively negotiated their place in history, the “colonial past” thus became an important component of the state’s political imagination. But although “colonialism” again figured in the constitution of postcolonial politics, it of course did not do so as a “cause.” Whether one should then refer to such connections and processes as a colonial legacy at all is debatable: at most they could be counted as an indirect, actively negotiated one.

Although these points are developed from an exploration of one particular case, the discussion is intended to raise broader questions about the categories and arguments of *Citizen and Subject’s* analysis. Beyond advancing specific critiques and an alternative point of view, this article presents the broader theoretical argument that the book’s institutionalist perspective, with its narrow focus on nominal, legal, and administrative structures, is an obstacle to understanding “the nature of power.” *Citizen and Subject’s* use of selective official blueprints of legal-institutional structures as descriptors, and often explanations, of the nature of power is also problematic: it focuses too heavily on official blueprints to the neglect of actually emerging formal institutional structures (nominalism), and it leans too heavily on institutions, narrowly conceived, in a context in which these frequently cannot explain political practice (misplaced institutionalism). A successful explanation of the nature of power must pay close attention to the *practice* of power and to the array of factors that shape it. Here, *Citizen and Subject’s* perspective leaves the reader ill-equipped to appreciate that Lord Lugard’s construction plans frequently did not render a very good picture even of the actually emerging formal structures of “the” colonial state—which of course was not one house but many, all with their own improvised rooms, additions, and renovations. Nor does this perspective open up enough space for serious consideration of the lives of these houses’ inhabitants, which rarely if ever corresponded to an official flow chart of their activities. These lives—that is, political practice—must be understood with reference to more than nominal institutional structures. The political imagination, which the following analysis will highlight, is one important factor to consider.

The Bifurcated State as the Authoritarian Legacy of Colonialism

Mamdani argues that “political analysis cannot extrapolate the nature of power from an analysis of political economy” but instead must focus on “the organization and reorganization of power,” “the form of the state” (1996:23). The colonial state’s characteristic form, he says, was its “bifurcation”; it was split into two domains of rule: a civic sphere of citizens, from which Africans were largely excluded, and a “customary” sphere, in which

“tribal” Africans were the subjects of indirect rule’s despotic local state. This bifurcation was created by a series of dualisms that set “customary law” against the discourse of “rights” in the legal realm, and despotic “customary authority” against a “modern state” on the institutional level. This legal-institutional dualism underlay a spatial dualism between the rural and the urban sphere that marked rural Africans as “native subjects” organized into “tribes,” and Europeans as the modern citizens of modern law and rights. (Urban Africans, who had escaped customary power, and other nonwhite urban dwellers were at best second-class—since racially marked—“citizens”; they form a largely unexplored intermediate category [1996:19]).

Besides the racialized nature of state power, the despotism of colonial rule was the result of this bifurcation, which created in the rural areas a “clenched fist,” unaccountable to its subjects, of fused executive, administrative, judicial, and legislative customary power in the local state; this local state was personified by the figure of the chief (Mamdani 1996:23–24, 54, 110, 137). This notion of the bifurcated state is central to *Citizen and Subject’s* argument about the authoritarian legacy of colonialism, as the state’s bifurcated structure is said to have constituted the primary “inherited impediments to democratization” (1996:25) after independence. For although all nationalist governments “sought to reform the bifurcated state,” “each reproduced a part of that legacy, thereby creating its own variety of despotism” (1996:8). For Mamdani, the crucial question to ask about postcolonial authoritarianism is therefore, “how does this institutional inheritance, with its legally enforced distinctions between races and ethnicities, civil law and customary law, rights and customs, subject races and subject ethnicities, play out after colonialism?” (2001:657).

According to Mamdani, whereas the move to deracialize rule was universal, postcolonial attempts to reform the inheritance of the colonial bifurcated state followed two different, but always incomplete, trajectories. On the one hand, “conservative regimes” preserved the rule of the chief and customary authority over ethnically delineated realms. In these cases the authoritarian nature of state power persisted because rule continued to be based on the customary and despotic power of the chief. Mamdani refers to the resulting postindependence constellation as the “decentralized despotism” of conservative regimes.

On the other hand, “radical” states, in seeking to eliminate ethnic divisions, abolished or downplayed the importance of the chief and the multitude of separate, customary laws; “the result, however, was [the development of] a uniform, countrywide customary law, applicable to all peasants regardless of ethnic affiliation, functioning alongside a modern law for urban dwellers” (Mamdani 1996:25). Even if radical governments, then, took the “tribal” dimension out of despotic rule, the bifurcation of the state persisted, this time in a division between the rural and the urban sphere. In the urban sphere, a deracialized civil society of citizens characterized the radical postcolonial state’s reformed ego. In the rural sphere, however,

colonial modes of rule persisted as the postcolonial state continued to confront the peasant as the “prototype subject” of its despotic rule (1996:26). In the rural areas, radical postcolonial states thus again stood in direct lineage of the despotic colonial local state: here the old colonial fusion of customary “administrative justice and extra-economic coercion” (1996:291) remained intact. Mamdani calls this the “centralized despotism” of radical regimes. Fitting particular cases into these categories of radical and conservative states presents a challenge; this article, however, focuses on *Citizen and Subject's* argument regarding the radical trajectory and its archetypical case, the Tanzanian state.

The Bifurcated State as Colonial Antecedent?

Before examining *Citizen and Subject's* argument about institutional carry-overs between colonial and postindependence times, it is necessary to ask whether, in fact, a colonial antecedent of the kind postulated in *Citizen and Subject's* institutional legacy argument existed in the first place. In describing the colonial state as bifurcated, Mamdani goes beyond merely pointing out that all colonial states drew on local African intermediaries. Of particular importance to the notion are two features that are supposed to describe the local side of the bifurcation: its relation to the central state and the properties of its internal organization. First, the local colonial state was characterized by a significant degree of separation from the central state, with customary authority enjoying at least a degree of semiautonomy; customary authority was thus not merely an agent of the central state, but in significant ways a principal (1996:60, 62, 137, 144–45). Second, the local state was characterized by a fusion of powers in the hands of a single customary authority that was largely unaccountable to its subjects (1996:23–24, 43, 54, 291).

Without examining Mamdani's (1996:60, 137, 295) further contention that such structures were the result of neither necessity nor central neglect, but an apparatus purposively designed in this way (see, however, Cameroon 1939:81; MacGaffey 1982; Eckert 1999; Spear 2005), I will here probe only the claim that the bifurcated state serves as a good descriptor of the Tanganyikan colonial state, drawing attention to variance within the space of this territory and within the time frame of this specific colonial experience. While limitations of space forbid an in-depth discussion, it will nonetheless be suggested that key patterns and trends observed here also reflect broader continental patterns and trends.

Colonial Tanganyika would in fact be expected to fit closely with a Lugardian vision of the Native Authority as a semiautonomous local state founded on a separate realm of customary power. Given Tanganyika's status after World War I as a mandate territory, there was from the time of Governor Byatt (1919–24) a particular premium on ruling it through “the people's own customary institutions” (Austen 1967:579–83; Graham

1976:1–2). Cameron, who, significantly, had served in Lugard's Nigeria in various functions before becoming Byatt's successor in Tanganyika from 1925 to 1931, emphasized this policy and followed through with the installation of customary chiefs as Native Authorities with broad legislative, judicial, and executive powers, as well as with a territorial reorganization to bring administrative boundaries into closer correspondence with "tribal" chieftancies (Austen 1967:585–90). In terms of the blueprint of legal-institutional structures, Tanganyika by 1930 thus resembled an ideal-type bifurcated state perhaps more closely than most other African colonies.

Yet right from its inception there were in practice significant divergences from this blueprint. In Bonde, as Willis (1993) documents, the institutions of indirect rule were resisted by local colonial administrators and in fact were never instituted until right before independence; there was no Native Treasury, Native Courts were controlled by the High Court in Dar es Salaam, and the German *akida* system (of appointed "outsider" African intermediaries rather than "customary chiefs"—see, e.g., Deutsch 2002) remained largely in place. Graham (1976) relates a number of cases from the south of Tanganyika in which newly installed customary chiefs were removed as early as 1928 and replaced with "better administrators." Brennan (2002) documents similar patterns in the appointment of Zaramo headmen after 1929. In 1937, Makonde customary chiefs were abandoned in favor of Africans whose position has been compared to that of civil servants (Austen 1968:604–5; Iliffe 1979:330–31).

Such cases call into question whether indirect rule was universal even in the formal structures of the local state. Furthermore, even insofar as such cases illustrate resistance to indirect rule, they undercut the notion that there was a clear bifurcation between the central and the local state. Indeed, in all these cases one significant reason behind stopping short of instituting indirect rule was the perceived ineffectiveness of customary authorities as agents of central government. Frequently, the administration wanted chiefs who were effective as conveyors of central policy. This objective, for instance, lay behind the 1940s struggles over chiefly appointments in the Usambara Mountains, where the administration wanted to implement soil erosion measures (Feierman 1990:146ff).

Although the theory of indirect rule proclaimed the semiautonomy of the Native Authorities, significant portions of their activities—especially those through which the state confronted Africans as subjects most immediately—were in fact closely tied in with the central colonial state. As Dryden (1968:20) notes, "the powers of the central government authority were delegated... not to semi-autonomous local representative bodies but to servants of the same central authority."² This lack of clear bifurcation is underlined by the nature of the Native Authorities' typical tasks and their origin. Even in *Citizen and Subject*, the overwhelming majority of the examples cited (e.g., 1996:123–25) are in areas such as agricultural by-laws, forced cultivation, sanitary and conservation measures, and taxation.

Native Authorities' responsibilities were thus much broader than merely "controlling natives" with the sole purpose, as Mamdani suggests in critical places (1996:21, 23–24, 50, 145), of ensuring continued domination; "development," "civilization," and "progress" were also clear goals.

In his analysis of colonial intervention in "native" agriculture in the 1930s, McCarthy (1982:64–78) documents the degree to which the crucial impetus for such policies came from central government. From there, policies were transmitted by administrative officers acting either directly, by means of legislation, or through the Native Authority, whom they advised but could also compel. Although colonial administrators often did attempt to rely on customary authority for enforcement, there was even a brief experiment between 1934 and 1938 in employing European district crop supervisors (Austen 1968:602), an arrangement that was abandoned only because it proved too costly. Describing such aspects of colonial rule as the enforcement of "custom and tradition" in a separate and semiautonomous (i.e., bifurcated) sphere of customary authority is therefore problematic. Such policies were neither glossed ("sanctified") as "custom," nor would they likely have been perceived or misperceived as such if they had been.

Even within the realm of "custom" more conventionally understood, the notion of a semiautonomous, despotic native authority does not match up with more complicated realities. With regard to purely nominal powers, the jurisdiction of the chief's court, for instance (except in a few areas, such as those involving witchcraft or bridewealth disputes) was significantly circumscribed by the center (Moore 1986:149–53; Spear 2003:13). But even where nominally the court had jurisdiction, resolution in practice often came through other channels.³

In terms of both the specifics of formal institutional structures and the (often rather different) practices of rule, then, the local state does not emerge unambiguously as the semiautonomous locus and wellspring of colonial despotism. On the one hand, the local state was often pushed in significant matters to become a cog in the implementing machinery of central policy. On the other hand, the local state had the capacity to become an important locus in the articulation of popular demands, with "customary authority" acting not just as a scourge but also as a popular resource (e.g., Fields 1985; Feierman 1990; Ranger 1993; Berry 1993; Lonsdale 1994; Berman 1998; Spear 2003, 2005; for some fascinating evidence from Southern Tanzania, see Edwards 2003). What's more, changes in the institutional structures of the local state over time further underline the point that such structures were a great deal more varied, and their effects on the practice of politics more ambiguous, than the notion of the bifurcated state suggests. In Tanganyika and elsewhere, some members of the colonial administration, as we have seen, found the ideal-typical structures of indirect rule wanting from the outset, in part because customary authorities seemed ineffective agents of "progressive" policies (see also Iliffe 1979:322; Hetherington 1978; Pearce 1982). The subtle change in terminology from

Lugard's "indirect rule" to Cameron's "indirect administration" may, as Pearce (1982:154) suggests, have reflected an acknowledgment of these tensions as early as the late 1920s. By 1947, however, a new vision had clearly emerged in the Colonial Office (Pearce 1982; Hetherington 1978; Austen 1968; Graham 1976; Eckert 1999). "The Local Government Dispatch of 25 February, 1947," remarks Pearce (1982:147), "marks the abandonment by the Colonial Office of the view that Britain could rule with effectiveness in Africa through the traditional tribal institutions. Indirect rule was repudiated. . . ." Throughout the British Empire, Native Authorities were to be replaced by local government, the chief by councils, and unaccountable power by popular election.

This program, of course, was not universally welcomed by the colonial service, and Tanganyika in particular was a reluctant and slow-moving territory (Pearce 1982:177–80, 196–98; Post 1970:54–55). But even here district officers were told by 1949 to build a system of councils from the village up that would incorporate the "educated" and "progressive," that is, the "new" elements of society (Iliffe 1979:357, 482). In 1953, Tanganyika's Local Government Ordinance officially announced a transition from "indirect rule" to "local government." A key component was to be the establishment of elected county and local councils, with the latter envisioned as replacing the Native Authorities. While these particular plans were caught up in the emerging anticolonial politics, the existing "tribally" oriented Native Authorities were replaced with or supplemented by district and local councils that included varying proportions of directly and indirectly elected councilors. By 1954 these councils were widespread, and district councils had become the primary focus of reformist attention (Iliffe 1979:484; Taylor 1963:103–7, 204–5). A prominent example of these developments was the 1951 reform of the Chaga Council that introduced a sizeable minority of directly elected members (Dryden 1968:4–7; Eckert 1999:225–28). Parallel moves were on the way in the judicial sphere. "From the early 1950s on," Moore (1986:149) writes, "it became a matter of colonial policy and popular demand that the area chief's power should be diminished and that chiefs should lose control of the courts. Over the next decade this policy became law." The trajectory was one of the "separation of the executive and the judicial functions" (1986:155) of government.

These late colonial reforms cannot be dismissed as the co-optation of a restless African middle class into local government that did not significantly change customary rule by the chief over peasants (Mamdani 1996:103–5). Local councils that sidelined chiefs and relied on the "new" men bound local government more closely to the central state, giving explicit institutional expression to what had already in many cases been colonial practice. Local customary despotism geared toward oppressive control (in answer to "the native question") was not the name of this game, as it drew on a different vocabulary ("progress"), different elements in society (the "new" men), and institutions that not only in their practice, but

even in their formal structures, worked and were organized in a manner that departed markedly from the tenets of indirect rule. In any investigation of colonial legacies, this most immediate colonial “inheritance” from the last fifteen years of colonial rule (1946–61) cannot be neglected in favor of a focus on the previous two decades, from which *Citizen and Subject* appears to draw most of its evidence (see Cooper 1997b).

The Tanganyikan pattern of variability in institutional structures across time and space and of departures from strict institutional blueprints is not unique to this case. Even in Nigeria, for example—the prototype territory of indirect rule—the necessary distinction between the emirs’ courts in the north and the council system in the east (instituted there after the failure of the attempted introduction in 1929 of Warrant Chiefs) suggests the existence of quite dramatic contrasts (Crowder 1970:343). And in regard to East Africa, Crowder (1970:334; compare Pearce 1982:198) suggests that “there was no such institution as a Nigerian-type Native Authority in Kenya.”

Across empires, *Citizen and Subject’s* equation of French assimilation and association with British indirect rule may similarly be questioned (compare Crowder 1964; Deschamps 1970; Asiwaju 1979). Alexandre (1969:200) cites the 1917 instructions of Joost van Vollenhoven, the governor general of A.O.F., to his *commandants* (French administrators): “Authority cannot be divided or sliced down like a cake. You and only you are its sole possessors. Native chiefs have not, cannot have any authority of their own, whatsoever.”⁴ The contrast between this statement of principle and Lugard’s ideal of the Native Authority vested in the chief can hardly be starker. Contrasts may also be warranted vis-à-vis late Belgian rule in the Congo (e.g., Young 1994).

With regard to changes over time in institutional structures and political practice away from key aspects of Mamdani’s bifurcation, Tanganyika must in fact be counted as a laggard within the British empire that did not even go as far or as fast as Nigeria, for instance (see Crowder 1964, 1970; Post 1970). Such changes were also not unique to the British territories, with the French reforms of 1946 (which included the granting of citizenship and qualified voting rights to Africans, their subjection to the French penal law, and the abolition of the *indigénat*, the French code of “native” law) making French colonies after the war even less of a fit with key elements of *Citizen and Subject’s* bifurcated state (compare Thompson and Adloff 1958:218–26; Crowder 1964; Delavignette 1970:260–65; Cooper 2000).

The Institutional Legacy Thesis Scrutinized

Just as *Citizen and Subject’s* portrayal of the colonial antecedent in its legacy argument is questionable, the notion of a continuity between these institutional antecedents and the postindependence state’s structures (which Mamdani proposes in making Tanzania the lead example of the “radical”

variant of the colonial legacy) is similarly problematic. But without such continuity, of course, postindependence “radical” authoritarianism cannot be explained through an argument about institutional legacies.

The concept of a legacy implies that some aspect of an earlier history survives, continues, is passed down, and “inherited” by some later phase, where it then continues to be efficacious. An institutional legacy would therefore seem to require the survival of particular institutions and organizational structures. *Citizen and Subject* seeks to explain the authoritarian politics of postindependence regimes with reference to their failure to achieve a “required dismantling and reorganizing [of] the local state” (Mamdani 1996:25). Without such changes, Mamdani argues, “part of the colonial legacy—the institutional—... remain[ed] more or less intact” (1996:4). The roots of postcolonial authoritarianism are thus said to lie in the unreformed institutions of the colonial state. The book’s legacy argument concerning so-called conservative regimes, which are said to have failed even to “detrribalize” customary power, is not the object of the present analysis.⁵ But radical states, too, are said to have failed to reform the local state. Instead of effecting a radical break, such states merely “detrribalized” existing structures and developed “a uniform, countrywide customary law, applicable to all peasants” (1996:25). The peasantry thus remained the subjects of customary law and the Native Authority, which was “organized around the principle of fusion of power, fortified by an administratively driven customary justice and nourished through extra-economic coercion” (1996:25).

But these claims—that essential institutional features on the local side of the colonial bifurcated state were left untouched—are hard to reconcile with the evidence. In Tanganyika, the chiefs were fully retired by 1963, Native Authorities were abolished, and the existing council system was fully reconstituted with popularly elected councilors (see, e.g., Feierman 1990:223–33).⁶ The executive (i.e., the district and regional commissioners) was at least in terms of institutional structure separate from the legislative and rule-making bodies of the various tiers of councils. And while councils also included ministerial representatives and the executive, elected councilors (including the local members of parliament) were a significant presence. Along with the unification of the court system (Moore 1986:151, 156–66), these developments completed the erosion of the separate system of customary local institutions and formally “fused” power that, as we have seen, had already gathered momentum in the last decade of colonial rule.⁷ Mamdani himself (1996:107, 130, 291) recounts some of the fundamental changes that took shape in the postindependence state, and indeed appears to acknowledge them as a break with the colonial bifurcated state’s “decentralized despotism” by characterizing the radical regimes as “centralized despotisms.” Nevertheless, Mamdani insists on institutional similarities, if not continuity, in the organization of power at the local level.

The radical experience built on the legacy of fused power enforcing administrative imperatives through extra-economic coercion—except that, this time, it was done in the name not of enforcing custom but of making development and waging revolution. Even if there was a change in the title of functionaries, from chief to cadres, there was little change in the nature of power. If anything, the fist of colonial power that was the local state was tightened and strengthened. Even if it did not employ the language of custom and enforce it through a tribal authority, the more it centralized coercive authority in the name of development or revolution, the more it enforced and deepened the gulf between town and country. (1996:26)

The phenomenon Mamdani ultimately arrives at in this passage—the idea that different categories of subjects (urban versus rural populations) found themselves subjected to different treatment by the state—cannot be rooted in inherited institutional structures of the colonial state. Nor can this phenomenon be rooted in new institutional structures that resembled colonial ones by structurally “fusing” power at the local level.⁸ The notion that urban and rural Tanzanians received differential (bifurcated) treatment at the hands of the state—a claim that will be examined below—is not in and of itself evidence for an institutional legacy of colonialism.

Is there, then, a different argument to be made for the genesis of authoritarian rule in postindependence Tanzania? By looking in some detail at one particular episode in the political life of postcolonial Tanzania—at villagization, which may be regarded in some respects as a typical incidence of authoritarian rule—the following sections will suggest that there is. My argument is that in order to understand this episode, the particulars of the postcolonial local state’s institutional organization have limited explanatory power. Rather, one needs to consider the political imagination of political elites in the country.

Villagization and the Bifurcated State

Tanzania’s experimentation with its particular brand of “ujamaa” socialism focused especially on the rural areas and ushered in compulsory campaigns from 1968 to 1975 to bring rural populations, who frequently lived in a scattered settlements, into approximately seven thousand nucleated villages. Villagization affected the majority of rural Tanzanians, and their subjection to force, destruction of property, imprisonment, threats, and a variety of other sanctions, such as the restriction of famine relief to official villages only, has been documented in a rich literature (McHenry 1979; von Freyhold 1979; Hyden 1980; Coulson 1982; Scott 1998; Schneider 2003, 2004). If one is interested in authoritarian rule in postcolonial Tanzania, this is an episode that merits close attention.

A first important question concerns the origin within the state appara-

tus of these actions. This very clearly was the central state, and President Nyerere at its pinnacle in particular. Nyerere's role was prominent both in terms of setting out Tanzania's broader direction in politics and policy, and in terms of specific initiatives. His personal directives, for instance, were behind the commencement of most of the early, smaller-scale villagization campaigns (Schneider 2004). In 1973 it was similarly Nyerere's declaration that "living in Ujamaa villages is now an ORDER of the party" (quoted in McHenry 1979:108) that provided the crucial impetus behind the ensuing countrywide villagization campaigns. Some commentators have downplayed his role, emphasizing instead the part played by "overzealous" local officials and pointing to Nyerere's occasional disciplinary action against authoritarian excesses at the local level. Yet Nyerere was fairly unambiguous in his signals to local officials, as is well illustrated, for example, by the much publicized expulsion in 1968 from the Party and Parliament of two MPs from West Lake Region who had voiced strong criticisms of the authoritarian manner in which the local regional commissioner had pushed through a local campaign (Schneider 2003). In other cases, sanctions against reluctant peasants, such as the withholding of famine relief, were centrally sanctioned (Schneider 2004). Most important, however, it was quite unmistakable to local officials that they were expected to deliver results on the villagization front. In the run-up to the campaign in Dodoma Region, for instance, several high-ranking local officials were dismissed or placed under house arrest for a lack of results (Hill 1979).

This is not to argue that the actions of the local state were always or even often exactly what the center intended, but it was the center that provided the impetus. While the center never quite controlled local action, such action must still be understood as a function of central programs and a structural position that made the local state highly vulnerable vis-à-vis the center. Indeed, Mamdani's (1996:172) labeling of the Tanzanian state as a "centralized despotism" appears to acknowledge this. However, the simultaneous attribution of villagization to "local authorities" (1996:176) is then an odd claim that is not supported by the empirical evidence. Given the high degree of integration of the state in its institutions, discourses of rule, and actions, it would be inaccurate to describe this state as bifurcated.

But perhaps the description of the Tanzanian state as a centralized despotism suggests a weaker, more sustainable notion of the bifurcated state, one that does not require the local state to be a semiautonomous well-spring of authoritarian action, but that instead merely hinges on the idea that the local state was, in contrast to the center, structured institutionally to deliver a "fused" form of power. It is of course true that local authorities acted as enforcement agents of what were often their own particular orders to the local population; it is similarly true that local populations rarely had an opportunity to challenge such orders. Yet this practice of rule was not a function of the formal, institutional structures of the local state, nor indeed was it a feature that distinguished the local from the central state.

As we have seen, formal institutional structures at the local level did not construct a “fused” form of state power. The power to make by-laws, for instance, rested with the District Council, and not with the commissioner, who at least in practice was the lead executive figure in the district.⁹ Judicial powers were vested in an independent judiciary, responsible for district courts and the supervision of local courts (Dryden 1968:23). Practice, of course, was often a different matter. But the fact that some local officials did indeed “exercis[e] an authoritarianism which was rarely surpassed in colonial times” (1968:26) cannot be explained in terms of institutional structures, which neither condoned nor specifically enabled such practices.¹⁰

Indeed, there was often no legal basis at all for the enforcement of “self-help” and development schemes, as well as a variety of other “decrees” that constituted an important set of initiatives in which the “despotic” authority of commissioners and other arms of the local state became especially visible (see Dryden 1968:58; Ingle 1972). Various ad hoc rules and sanctions designed to force Maasai to adopt “proper” dress are a pertinent example. As Finucane (1974:129) notes, “Referring to bans in general promulgated by Area and Regional Commissioners, and in particular to those on the Masai mode of dress and ‘soul’ music, the Chief Justice of Tanzania labeled them ‘vestigial exercises of chiefly power’ which have ‘absolutely no legal standing’ and which ‘should not be taken too seriously. They are just personal opinions dressed up in TANU banners.’” Here as elsewhere, local state functionaries acted as they did not because particular rules, formal structures, and institutionalized powers put them in a position to do so. Indeed, in the practice of rule, formal rules and powers were routinely overstepped or bent.

Villagization may similarly be described as an extralegal and—insofar as formal institutional boundaries and powers were of very little relevance in terms of enabling, shaping, or limiting the actions of the state—extra-institutional undertaking. In the 1968 West Lake campaign, for instance, no by-law ever appears to have been passed to sanction forced relocations. Instead, the regional commissioner simply demanded that lists of “landless” be drawn up in each village and announced that on a given day these people would move to designated sites. Although in a speech to the local political establishment he declared a “war” for development, and at least metaphorically invoked something akin to war powers for himself as a “leader,” no such powers were vested in his office, nor was there even any attempt made to formalize or procedurally sanction such political fiat (Schneider 2003).

It is important to note that such points do not just apply to local arenas; the same pattern of ignoring limits on power and working without formal provisions obtained with regard to the central state also. During the early years of villagization, campaigns originated, as noted, in more or less formal presidential demands to this effect. But only in 1973 did an act also formally “g[i]ve the President unrestricted discretionary powers to declare

any part of Tanzania a ‘specified area’” over which the Minister of Regional Administration was then “empowered to make regulations to control virtually any land use in such an area” (URT 1994:43). This provision then only retroactively codified a power that the central state had already arrogated to itself. The same pattern was visible in the way land tenure questions were handled during the great upheaval that was villagization, again forcefully illustrating how little law or formality of any kind mattered for political practice. In Shivji’s assessment,

One major feature of the “operation” . . . stands out above all. There was total disregard of the existing customary land tenure system as well as virtually no thought being given to the future land tenure in the newly established villages. Existing customary land rights were expropriated while the land rights established in the “new” villages and locations were not secured in law. Here was a case of a major reform of the land tenure system being carried out without having been conceived as such Villagization was not preceded by any enabling legislation nor was any existing piece of legislation cited or applied to enable such an exercise. (URT 1994:43)

Villagization was not shaped by the legal-institutional structures of the state—local or central—or the law; instead, such institutional and legal structures were either ignored entirely or simply reshaped to fit the purposes of this particular state project. “Law,” Shivji (1986:6) has argued about postindependence Tanzania more generally, “becomes simply and without mediation the instrument of control and power”

If law and institutional structures did not shape the way in which power was exercised by the Tanzanian state, but were, if not ignored, simply reshaped to fit the state’s particular purposes and projects, a legal-institutional perspective cannot provide the basis for an analysis of the “nature of power.” Such an analysis must instead start with the question not just of what made this kind of unrestrained and often despotic power possible (lack of constraints), but what it was that made it appear legitimate and indeed imperative to state elites (motivation). This leads to a contemplation of the postcolonial state’s political projects, and the larger political imagination and frames of legitimation within which they were embedded.

Developmentalism and the Construction of the Citizen/Subject: A Colonial Legacy?

As exemplified by villagization, “development” was a core project of the postcolonial Tanzanian state. This section argues that the goal of development was a key factor in the treatment of Tanzanians as subjects and that “developmentalism,” furthermore, may constitute a direct connection

between the postcolonial state and its late colonial predecessor. In contrast to Mamdani's institutionalist perspective, this argument offers a broader frame of analysis focusing on the political imagination of state elites.

The Subject of Developmentalist Rule

A major aspect of the political imagination shared by broad sections of Tanzania's postcolonial state elites was that the chief purpose of state power was the development of "backward" populations. Central to this imagination was its pronounced paternalism. State elites saw themselves empowered to rule for the good of a society, considerable elements of which could not be trusted to have a valid opinion on what this good was or through what initiatives it might best be achieved. Large parts of the populace were deemed and treated as only marginally competent (political) agents.

Some of the major contours of this developmentalist political imagination and practice may again be illustrated in the context of villagization (see Schneider 2004). When the state first encountered what it perceived to be insufficient spontaneous moves toward realizing its vision of a rural Tanzania dotted with socialist villages, much emphasis was placed on "educating" the masses about the benefits and correctness of this vision. As Nyerere (1973:61) put it in a 1968 policy paper: "There is only one way in which you can cause people to undertake their own development. That is by education and leadership. Through these means—and no other—people can be helped to understand both their own needs, and the things which they can do to satisfy these needs." Underlying this "educational" approach, we see here, was the assumption that a paternalistic authority was essential in helping the people "understand both their own needs, and the things which they can do to satisfy these needs." Soon thereafter, education alone was felt to be insufficient for eliciting an adequate popular response, and more forceful measures were adopted. Behind such moves lay an unshakable conviction that enforcing the state's vision was necessary for the good of those who increasingly became the targets of compulsory and authoritarian villagization campaigns.

An implicit element in these policies, I argue, was a deeply paternalistic imagination that constructed the state, with its philosopher president at the helm, as the only authority competent to make judgments about the lives of a "backward" population. This comes across quite forcefully in the particular images state officials painted of themselves and how, by contrast, they constructed the peasantry—inevitably as "backward," "traditional," "stubborn," "conservative," and "lazy" (see Schneider 2004). Beside the idealized position of teacher/educator assumed by the officials was that of the doctor; in July 1974, Nyerere, for instance, commented on the ongoing countrywide villagization drive: "It's partly compulsory... [but] so is vaccination. For 12 years we have been arguing, arguing. Now we have to deal with the problem of inertia..." (*African Development* 1974). There was also

the figure of the expert/planner; as Mushi (1981:154) reports, in 1971 the Morogoro Regional and District political establishment felt that “although the peasants must be encouraged to participate more and more, it must be remembered that the peasants have never been planners and that is why they have not improved their standard of living for ages.” And there was, finally—and not just in the person of Tanzania’s “Father of the Nation” and “Mwalimu” (“Teacher”) Nyerere—the figure of the father, or in rarer cases such as the following, the mother; thus, as Thoden van Velzen (1977:228) documents, an agricultural extension officer reminded an assembled village: “Remember, you farmers are the chickens and we are the mother hens. If you follow our example you will survive, but if you are not attentive you will perish.”

While such constructions underlay, sanctioned, and propelled the treatment of ordinary Tanzanians as the subjects of an increasingly authoritarian state’s rule, it is not the case that the citizens were simply not thought of as such. On the contrary, it appears that the state felt compelled to treat them as subjects precisely by virtue of their citizenship, which endowed them with the right to a “better life.” This was a conception of citizenship, of course, in which the state was responsible for, and not to, its citizens. In light of such paradoxical enmeshments of the categories of citizen and subject, one may indeed find Comaroff’s (2002:131) use of the compound term in his discussion of colonialism’s “construction of an oxymoronic subject/citizen” preferable to the dualistic terminology of citizen and/or subject.

The public discourse surrounding the campaign to force Maasai to wear “proper” modern dress, which was largely opposed by the initiative’s “beneficiaries,” provides some especially explicit examples of this kind of reasoning and the justification of paternalistic authority that it involved. *The Nationalist* newspaper of February 12, 1968, reported, for instance, that “President Nyerere has strongly condemned advocacy for leaving the Masai in their present stage of development and has declared that the Government of Tanzania is committed ‘to assist the Masai attain a level of development equal to that of the rest of the people in the country’.” MP Sokoine underscored the president’s statements a few days later, declaring that “we decided to do what was beneficial to our people and our coming generations. The changes proposed are to the advantage of the Masai” (*Nationalist*, Jan. 16, 1968). And a letter to the editor of February 22, 1968, speculated, plausibly, about the thinking behind the campaign:

When the authority stepped on the Masai customs, it never reproached the Masai for having been maintaining them, neither was there any vindication [vindictiveness?] in doing so, but what the authority did was that it obliged the Masai to discard the old customs for the benefit of themselves and for the whole nation realising that the Masai are our brothers in the nation and are an integral part of the nation who enjoy equally the fruits of the nation and are treated with no partiality. . . .

The Developmentalist Connection

That ordinary Tanzanians often became “subjects” particularly insofar as they were the targets of the state’s developmentalist undertakings was, of course, not a totally new phenomenon at independence. The period from the 1940s to the 1970s, straddling independence, may indeed be contemplated as a whole in part because of the dominance of development as a key discourse of the African state during this era. As Cooper (1997a, 2000; compare Young 2004) argues, development had become a primary legitimation of empire for both France and Britain after World War II, and the centrality of development in the late colonial period in Tanganyika also is well documented (Austen 1968; McCarthy 1982; Pearce 1982; Hodgson 2001). Developmentalism was reflected not only in the flurry of new activities and pronouncements in the wake of the British Colonial Development and Welfare Act of 1940. As we have seen, it also became a crucial motivating factor behind the reshaping of the institutions of colonial rule, in particular in British Africa, shifting the balance from reliance on “traditional” authorities toward Africa’s “new men” and their integration into a centralized state apparatus (e.g., Austen 1968; Feierman 1990; Ranger 1993).

It was also precisely on the (unfulfilled) promise of development that the new African political elites seized in arguing against colonial rule and for a better future under their own stewardship (Cooper 1997a). In this, late colonial and postcolonial elites did not merely share “slogans.” Development structured state elites’ political imagination as deeply paternalistic and hierarchical, with their own “knowledge” and “modern” agency juxtaposed to the “ignorance” and “backward conservatism” of the masses. With developmentalism elevated to perhaps the core purpose of the state, it is not surprising that development politics saw the state assume the role, in Cowen and Shenton’s terminology, of the “trustee of society” (1995; compare Young 1994:284–89).

The developmentalist political imagination thus connected the late colonial and the postcolonial state; in both cases, it also underpinned and energized authoritarian rule. To illustrate this point: In 1951, a White Paper issued by the (colonial) Legislative Council of Tanganyika justified the expulsion from their lands of three thousand Meru with the argument that “the Meru people were opposing development in Tanganyika by stubborn conservatism, and . . . by refusing to recognize the public benefit that would flow [from] the development of cattle ranching and meat industry in the territory” (quoted in Japhet & Seaton 1967:51). The “Meru Land Case,” of course, became one of the defining early moments of the anti-colonial struggle in Tanganyika. Yet surprisingly, the state’s actions and reasoning in such matters appears to have survived decolonization intact, down to the particular phrasing. In 1966, the Attorney General’s Office of newly independent Tanzania served the people of the Galu area, where a rural development scheme was being established, with the following notice:

It must be made clear that if a parcel of land is required for public purposes, the same will be taken and put to such public use. . . . In respect to Galu, the development of the NATION required an establishment of a village at Galu and such land was lawfully taken and put to such development for public use. . . . If I were one of you I would consider the matter closed as you have no legal or any other stand or ground to back up your persistent claim.¹¹

If one chooses to denote such parallels and connections a colonial legacy, it is of course of a very different kind than the institutional legacy Mamdani proposes. It existed in the first instance in ideas about the purposes of power, concomitant notions of proper and legitimate authority, and the political practice these generated. The notion of a legacy of this kind can thus draw on Young's (1994:283) suggestion, which points beyond an institutional perspective, to bring the state's "quotidian routines and practices, and its more hidden normative theories of governance" into the field of view. Emphasizing precisely the arena of "normative theories of governance," "state reason," and "mentalities of state," Young (2004:23; compare Ake 2000) has suggested that developmentalism was a key legitimating discourse for an "ambitious form of political monopoly" in Africa. Such broader observations about postcolonial politics in Africa suggest that the Tanzanian case presented here is not an exception.

Constructing the Subject/Citizen in Postcolonial Times

A focus on developmentalism and its authoritarian fruits might create the impression that the postcolonial state was, if not in its institutions, nonetheless "bifurcated" at least insofar as in its practice it treated peasants as subjects and urban dwellers as citizens. In the face of heterogeneity within rural spaces and the rural's inextricable connectedness to the urban, problems with a spatially defined category of rural subjects should be noted (see Lonsdale 1997; Berry 1993). However, in a larger sense the notion of a spatially defined bifurcation cannot be maintained because no categorical distinctions existed between urban and rural spaces in terms of the way the state exercised its rule.

Authoritarian and despotic modes of rule were not confined to the rural arenas of the "local state," nor did they target only the peasantry. Autocratic action by state officials was pervasive and did not stop at the city limits or with rural populations. Even high-ranking state functionaries were not exempt from autocratically wielded power from above. Unchecked and arbitrary power over subordinates was prominently exercised by the president, whose mere word was, in the apt description of one close-to-the-ground commentator, "enough to catapult people to the heights or send them to the depths" (Resnick 1981:98). The repeated arbitrary deporta-

tions of large numbers of “unproductive” elements from Dar es Salaam—a practice that had begun in colonial times but was taken up with renewed vigor after independence—also suggests that urban spaces were not treated fundamentally differently from rural areas (Burton 2005). The same point can be derived from the manner in which the country’s housing stock was nationalized in the early 1970s (Brennan 2002).

If “development” focused mostly on the rural areas and specifically “backward peasants,” it also had its distinctly urban equivalents in the authoritarian attempts of the state to discipline “decadent” and “unproductive” urban populations in order to make them comply with the image of an idealized socialist citizen (Ivaska 2002). Quintessentially urban groups, such as those of the workers’ movement, thus found themselves subject to unbounded state power (Shivji 1986). Student protests in 1966 and 1978 were similarly dealt with by Nyerere in a manner rather of an incensed head of family (Carthew 1980; Ivaska 2005). In both instances, Nyerere expelled a large number of students without any provisions for such power in the letter of the law.

A less consequential episode, reported in the *Nationalist* of July 11, 1970, illustrates the degree to which state power was wielded literally across all arenas. Under a headline announcing that Vice President Karume “stops football match after rough play,” the paper reported that “the Saba Saba [national holiday] football match [at the national sports stadium] was abandoned yesterday... only five minutes from the start as Mwadui kept on rough playing despite several warnings by the referee... Hon. Pili Khamis (RC) [Regional Commissioner] rushed in to the field to communicate the order [of Karume] to referee Mwinyi who immediately blew the final whistle.” Perhaps this is an especially crass example, but it resonates with the general operational principles of many state officials across many different contexts, and not just in Tanzania (compare Mbembe 2001).

How do we explain this autocratic character of state power? As I have suggested, conceptions of what constituted legitimate political authority are a crucial piece of the puzzle. One of the cases of university expulsion is worth exploring briefly in this context. In 1966, university students protested against a recent government move to oblige them to do two years of National Service, consisting of training and work. In an angry reaction, Nyerere rusticated the entire student body. This conflict unfolded within two discursive terrains in particular. First, as Ivaska (2005) has argued, Nyerere and other Party figures laid claim to the “traditional” African authority of the older generation over the young, a discourse that was reflected in a letter of apology the students sent to the president after their expulsion. As Carthew (1980:545) reports, the letter was as abjectly humble as the students’ original ultimatum had been arrogant: “What happened recently between the students and the Government was a misunderstanding between father and son. It is clear that the son was wrong and so the son today apologises to the father. Kind father, pardon us your children.”

We of course have already encountered the figure of the father in the discussion above of developmental authority. That it here appears again in a rather different context suggests that this discourse may indeed have undergirded the state's claim to authority more broadly (compare Price [1974] on the "Big-Man Small-Boy Syndrome" and Schatzberg [2001] on the "idiom of the father").

Was this, then, a model of authority that should be analyzed as a colonial legacy? Ranger's (1983) seminal work shows that such "traditional" models of authority owe their existence to a history that crucially included colonialism, which often fortified the authority of older men materially and ideologically, even as it undercut it in other ways (Vail 1989). But as Ranger (1993) also reminds us, colonial intervention does not equal colonial invention, and the critical role of Africans as historical agents in shaping and continually reshaping such discourses and practices (e.g., Feierman 1990; Hodgson 2001; Spear 2005; Giblin 2005) points beyond an exclusive focus on colonial designs and perhaps also beyond a treatment of such historical rootedness as a "legacy," colonial or otherwise.

A second discursive constellation that was prominent in the university crisis was a claim to a more explicitly political authority. A statement released by the Party leadership not only invoked the authority of elders, but also explicitly rebuffed the students' claim that "they could be against TANU, Afro-Shirazi Party [Zanzibar's ruling party], the Government and the President but not against the nation":

From the inception of TANU and Afro-Shirazi the people have always rallied and supported the correct line of the leadership of these parties; and it was precisely due to the people's endorsement of the party's policies that opposition parties failed on the mainland before and after independence, this led to the establishment of a one Party State.... The faith of the people in the two parties has stood the test of time and goes much deeper than it can be imagined by our armchair philosophers on the Hill [the university] who have succumbed to be used as tools of neo-colonialism.... We wish to state clearly that we regard as enemy No.1 any person who avertly [sic] or covertly tries to divide our ranks. (*Nationalist*, Oct. 29, 1966)

This statement is an excellent example of a pervasive idiom in postcolonial Tanzanian politics anchoring the single party's claim to authority in its "national" inclusiveness and tracing it to the party's roots in the anticolonial struggle. Nyerere's (1966:198) own juxtaposing of African and European parties nicely brings out this aspect: "Our own parties had a very different origin. They were not formed to challenge any ruling group of our own people; they were formed to challenge the foreigners who ruled over us. They were not, therefore, political 'parties'—i.e., factions—but nationalist movements. And from the outset they represented the interests and aspirations of the whole nation."

The underside of such claims of inclusiveness, of course, was that they created their delegitimized exclusions: only TANU politics and policies were legitimate; dissenters quickly became enemies, and significantly for the present discussion, “tools of neo-colonialism.” This pattern of argumentation and accusation was common. The two MPs from West Lake Region who protested against a coercive villagization campaign and subsequently were expelled from the Party were labeled “enemies of the People, Development, and the Party” (*Nationalist*, Apr. 24, 1969) as well as “colonialists” (Musoke 1971:8).

Here I want to suggest that the vocabulary of the “colonial enemy” signifies more than a merely rhetorical move. In the first instance, it indicates a pervasive trend toward intolerance, vilification, and action against “opposition” (compare Brennan 2005). The reasons behind this were many, but one may have been a conception of politics as a Manichean struggle. In this the ubiquitous trope of the “(neo)colonial enemy” was perhaps not entirely incidental. It may be seen as an indication that the style of anticolonial politics, conceived as a struggle of right against wrong, perpetuated itself beyond independence. In this scheme, the nationalist/ruling party continued to be cast as the (only) representative of all Tanzanians. Thus criticism became treason, the Party’s right to rule unchallengeable, and critics enemy No. 1; they had to be squashed in part because the old Manicheanism continued to be the prism through which political experience was interpreted.

Certainly conceptions and practices of politics formed in the confrontation with colonialism lived on, but should one consider such indications a “colonial legacy”? Not if by “legacy” one understands “passive inheritance.” Nonetheless, “colonialism” did figure prominently in how political elites (actively) made sense of the political universe around them. Being thus mindful of Louise White’s (2003:633) criticism of studies that “have focused on colonialism and its myriad evils to the point that independent Africa . . . is rarely an object of study in and of itself, but instead is the direct result of colonialism (i.e., the colonial legacy),” and focusing instead on “how Africans themselves understand their own contemporary dilemmas,” does not mean that the continent’s colonial history becomes irrelevant. Whether one then chooses to acknowledge the active negotiation of this past by referring to its effects as an “indirect legacy,” or whether one, probably more appropriately, dispenses with this vocabulary altogether, the discussion must focus on an examination of fluid historical processes and practices and not postulate rigid and unchanging structures.

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Notes

1. Cooper (1997b), Young (1999), and O'Laughlin (2000) question the legacy thesis most directly. See also Youé (2000) and Odhiambo (2000).
2. Compare also Dryden (1968:7–9, 14–21, 99, 105), Iliffe (1979:27), Austen (1968), Graham (1976:6–9), and Finucane (1974) for similar assessments.
3. The case of Kilimanjaro from 1930 to 1950, discussed by Moore (1986:104,

- 318) and heavily drawn upon by Mamdani, appears to have been an exception in which the chiefs' courts were atypically important.
4. Historical change needs to be acknowledged. Deschamps (1970:237) comments: "The [French colonial] government, which formerly had fought against the power of the chiefs, now felt the need to support them, for they had become its auxiliaries. A ministerial circular of 1929 saw in them 'the basis of a policy which tends to allow the evolution of the groups under our control on the lines of their traditional social organization.'" One may see in this an echo of Lugard. In fact, traditional chieftainship continued to be enfeebled: its prestige tended to be transferred to those who had effective control, that is, the administrators.
 5. Since nowhere was there an unchallenged automaticity to such carryovers (compare Mamdani 1996:128), why such institutions did not change, or—often more accurately—why they were re-formed in just such a manner would need to be more adequately addressed. Absent any such discussions, the institutional carryover thesis begs the really crucial question even in cases where such continuities existed.
 6. In practice, councils were rarely democratic institutions, in part because the centrally appointed commissioners quickly began to assert considerable power over them (Taylor 1963:206–8; Dryden 1968:99–100, 104–6). This, however, signified not the institutional organization of a semi-autonomous, customary, "fused power" at the level of the local state, but an assertion in the practice of politics of central control over local bodies.
 7. While the system of "customary law" retained its role in the civil realm, its jurisdiction was further curtailed, in part through the creation of less formal mechanisms of dispute resolution through tribunals. Such arrangements are best interpreted as owing to the practical imperative of finding mechanisms for settling disputes in settings that simply could not sustain an American-type litigious system, and not as the purposeful and continued bifurcation of the legal person into citizen and subject.
 8. Even if such an argument about sequential similarities in some institutional aspects of the bifurcated state were more plausible, it is very much debatable whether it could be argued to provide a foundation for *Citizen and Subject's* institutional legacy thesis; a "legacy" seems to require more than sequential similarities.
 9. Formally, the chief executive was the district council executive officer (from 1972: "district development director").
 10. The power of preventive detention, bestowed on the commissioners in 1963 on the heels of a law that gave the president the same power a year earlier, is an exception for which an argument could be made about enabling institutions. Neither, however, was there on this count a distinction between the local and the central state, nor were there formal powers that provided a good guide to practice, insofar as commissioners, rather than exercising their new powers, blatantly abused or overstepped their limits. (This was not an intended effect: in 1966 a Permanent Commission of Enquiry was instituted to bring to light and deal with such cases [see Finucane 1974].)
 11. Letter, "F. B. Mahatana (for Attorney General) to Galu People," October 18, 1966, *Tanzania National Archives*, 543/A3/16/II.