

## Indeginisation of Democracy: Harnessing Traditional Leadership in Promoting Democratic Values in Zimbabwe

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### Abstract

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The juxtaposition of traditional leadership against democratic governance has been one of the most disputed and contested areas in social sciences. The debate has triggered many theories, criticisms and counter criticisms over the permeability and porosity of traditional systems of authority to embrace democratic principles in their operations. Two main streams of contesting arguments have discerned from modernists on the one hand and traditionalists on the other hand. Modernists have to a large extent disregarded traditional governance systems and structures as atavistic and pedantic and as such not only a direct contrary of democracy but the antithesis and nemesis of the latter. They (modernists) view traditional authority as a gerontocratic, chauvinistic, authoritarian and increasingly irrelevant form of rule that is antithetical to democracy. As such modernists perceive traditional political systems as relics of the past that may actually impede democratic development, and which must therefore be overcome (Logan Caroln<sup>1</sup> . Modernists have sceptically labelled traditional leadership systems as a major setback to democracy holding traditional values which are patriarchal, silencing the views of youth and women and have condemned traditional leaders as the least qualified to talk about democracy. On the contrary, traditionalists regard Africa's traditional chiefs and elders as the true representatives of their people, accessible, respected, and legitimate, and therefore still essential to politics on the continent. But the question that remains sticking, which is also the central discourse to be resolved by this paper is, are traditional leaders the anti-thesis of democracy? This paper was motivated by Kwesi Kwaa Prah's **Democracy, Education, Literacy and Development** (Keynote Address; 10th Year Jubilee Celebrations of the Centre for International Education, University College of Oslo, 28th – 30th August, 2007<sup>2</sup>.) where he submitted that, "democracy is best indigenized. It succeeds best when it wears and acknowledges the specific historical and cultural realities of the society in question". While the focus of Prah's paper was on the linkages of democracy, education, literacy and development as key variables given, this paper dissects how the institution of traditional leadership in Zimbabwe can be harnessed to promote democratic governance in the country. While the view is widely held that Africa's democratization should draw from its cultural traditions, little has been done to analyze systematically the extent to which this does or can occur Donald<sup>3</sup>.

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<sup>1</sup> Caroln,L. Selected Chiefs, and Elected Councillors Hybrid Democrats: Popular Perspectives on The Co-existence of Democracy and Traditional Authority

<sup>2</sup> Prah, K.K.; Democracy, Education, Literacy and Development, University of Oslo, 5

<sup>3</sup> Donald . R, Enhancing the Role Traditional Leaders in African Governance,

## Conceptualisation of Democracy

The term "democracy" means different things to different people and that conclusion is accepted by most commentators. Indeed, there is a wide range of perspectives as to the meaning and content of democracy as well as to the conditions of its realization; all of which vary depending on the proponents' philosophical, ideological, political, cultural, social, and economic perspectives. This range of perceptions goes from the higher conceptual plane as expressed, for example, by the great thinkers of western civilization and by other great non-western political philosophers, to the practical means of application as expressed by contemporary experts. Therefore, some measure of elasticity, openness and variation is both inevitable and desirable in handling the philosophical and conceptual dimensions of democracy, in both its "synchronic and diachronic comparative manifestations" Prah<sup>4</sup>.

The word democracy came into English in the sixteenth century from the French "democratie, its origins are Greek. The traditional etymology for *democracy* suggests that it derives from two Greek words: *demos*, meaning "the common people", and *kratos*, meaning "rule". Democracy means a form of government in which, in contradistinction to monarchies and aristocracies, the people rule. He further asserts that democracy entails a political community in which there is some form of *political equality* among the people.

Despite all the contradictions, complexity, deception and conflicting meanings of democracy, D. Held defended democracy on the grounds that it comes closest to achieving one or more of the following fundamental values and goods: Equality and justice, liberty, moral self-development, the common interest, Compromise and accommodation, binding decisions that take everyone's interest into account, social equitability and encompassing and humanistic decisions<sup>5</sup>.

According to Professor David Beetham, democracy is identified by certain key principles, and by a set of institutions and practices through which these principles are realised. Its starting point, like that of human rights, is the dignity of the individual person<sup>6</sup>.

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<sup>4</sup> Prah, K.K.; Democracy, Education, Literacy and Development, University of Oslo, 5

<sup>5</sup> Held, D, Models of Democracy, Stanford University Press

<sup>6</sup> Ibid, 23

However, democracy also has a specific focus - that of decision-making about the rules and policies for any group, association or society as a whole - and a distinctive conception of citizens, not only as the bearers of rights and responsibilities, but as active participants in the collective decisions and policies which affect their lives. The basic principles of democracy are that the people have a right to a controlling influence over public decisions and decision-makers, and that they should be treated with equal respect and as of equal worth in the context of such decisions. These could be called for short the principles of popular control and political equality, respectively.

As Secretary General Boutros-Ghali stated in his 1995 Report to the UN General Assembly: "Democracy is not a model to be copied from certain states, but a goal to be attained by all peoples and assimilated by all cultures. It may take many forms, depending upon the characteristics and circumstances of societies."<sup>7</sup>

### **Traditional Leadership and the Colonial Administration**

In the pre-colonial era, chiefs enjoyed unlimited and undefined powers over the tribe. The chief was the custodian of tribal land and allocated it to tribesman to farm and for residential purposes. The chief was legislator, adjudicator and executor all in one. The system was however unraveled with the advent of colonialism. With colonialism traditional leaders were turned into auxiliaries for the colonial administration and were stripped of much of their powers.

In contextualising the relationship between the chief and the colonial and post-colonial state, Von Trotha argued that the relationship has evolved into one where the chief acts as an intermediary between the state and the people, which the von Trotha refers to as 'intermediary domination'.<sup>8</sup> This reflects an antagonistic relationship between the state and the people. The use of the chief in this way reflects 'the limits of state power to organise directly. They are a sign of the fundamental weakness of the colonial and postcolonial state. They are an indication of a lack of "organisational power" of the state'.

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<sup>7</sup> General Secretary Ghali, B. UN Assembly 1995 Report, 4

<sup>8</sup> Trotha. V, From Administrative to Civil Chieftainancy, Journal of legal Pluralism

In an endeavor to consolidate colonial administration in Southern Rhodesia, successive colonial regimes passed a plethora of legislation that suppressed the political and judicial authority of traditional leaders. Tarugarira observed the institution of traditional authority had to be suppressed and redefined to be congruent to the new political order<sup>9</sup>. Colonial governments changed the nature of chieftaincy by giving them specific administrative responsibilities, incorporating them into the modern ruling apparatus and, hence, politicising them (van Roveroy van Nieuwaal)<sup>10</sup>. This legislation included inter alia, the 1898 Southern Rhodesia Order in Council, the 1910 High Commissioner's proclamation, restructuring of chieftainship in 1914 and 1951, the African Affairs Act of 1957, the Tribal Trust Land Act of 1967 and the African Law and Regional Courts Act of 1969 (Weinrich 1971, chigwedere, Tarugarira)<sup>11</sup>. The overall purpose of these enactments was to strategically position traditional leaders to enhance colonial interests. The African Affairs Act which coincided with the rise of African nationalism, for example, was interpreted to mean an attempt to stem the tide of nationalism as chiefs were restored of some of their powers in order to hoodwink them to support the colonial regime.<sup>12</sup>

The colonial administration created what van Rouveroy van Nieuwaal, and von Trotha agreed to term "administrative chieftaincy"<sup>13</sup>

They further noted that administrative chieftaincy was organized on the basis of three institutional variables which are devolution, hierarchy, and the administrative district. Devolution, through central government dismantled traditional rules of investiture and coercively controlled appointment and dismissal of chiefs through District Commissioners. The integration of chiefs into the colonial administration made chiefs integral elements of local administrative apparatus and hierarchy for sustaining colonial authority. Colonialism changed the bases of power and authority of African chiefs, because African chieftaincy became partly or even totally dependent on the central administrative apparatus.

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<sup>9</sup> Tarugarira.G, Of Heroes, Villains' and Valets: An Introspective Analysis of the Dynamism characterizing

<sup>10</sup> Nieuwaal,V.R.V, The Relevance of Traditional Authorities in Africa, Journal of Legal Pluralism

<sup>11</sup> Tarugarira.G, Of Heroes, Villains' and Valets: An Introspective Analysis of the Dynamism characterizing

<sup>12</sup> The African Affairs Act

<sup>13</sup> Nieuwaal,V.R.V. and Trotha, V. The Relevance of Traditional Authorities in Africa, Journal of Legal Pluralism

"In many cases the institution of chieftaincy itself was reshaped, lost its independence of the state and became more or less part of the political system: it was simply politicized" van Rouveroy van Nieuwal.<sup>14</sup>

### **Traditional Leadership and the Post Independent Government**

The cooptation of traditional leaders in post- colonial Africa in general and Zimbabwe in particular has been a center of controversy and diversity as post-colonial regimes developed different policies that impacted variedly on the jurisdictions of traditional leaders as dictated by the new order. Osei Tutu noted that "As far as post-colonial African regimes were concerned, it is hardly contestable that they saw traditional authorities as a dangerous bastion of rival political power and largely succeeded in dismantling or attenuating their authority"<sup>15</sup>. Indeed traditional leaders were handled skeptically and deemed a threat to the consolidation of the new government. Rather, as will be seen later, the nationalist government in Zimbabwe deemed traditional leaders to be an anachronistic vestige of colonialism that had no place in the new administration and thus relegated the latter to the periphery zones of governance, condemning them to play customary and cultural custodial roles through the Chiefs and Headman Act, Chapter 29.01 of 1982<sup>16</sup>. Tarugarira cemented this observation when he noted that, "the new government felt a strong suspicion and possible fear for chiefs who had associated with the Rhodesian front government hook-line and sinker. They were thrown into the dust bins of obscurity to obliterate their unfavorable influence among the people."<sup>17</sup>

Through the Chiefs and Headman Act, chiefs as alluded earlier chiefs were condemned to customary and cultural custodial roles and had most of the powers allocated to them by the colonial government removed. The said Act eliminated the office of village heads and allocated only three functions to chiefs literally as custodians of cultural and customary values and principles.

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<sup>14</sup> Ibid, 70

<sup>15</sup> Tutu, O. Traditional Systems of Governance and the Modern State, Keynote Address to the Fourth African Development Forum

<sup>16</sup> The Chiefs and Headman Act Chapter 29.01 of 1982

<sup>17</sup> Tarugarira, G. Of Heroes, Villains' and Valets: An Introspective Analysis of the Dynamism characterizing

In explaining the factors that motivated this Act, Tarugarira noted that, 'the new government felt a strong suspicion and possibly fear for chiefs who had associated with the Rhodesian Front government hook-line and sinker'<sup>18</sup> To further exacerbate the situation, the 1984 Prime-minister's directive saw the shifting of grass root power from traditional leaders to the newly promulgated grass root planning and development structures, the Village Development Committee (VIDCO) and the Ward Development Committee (WADCO)<sup>19</sup>. These structures were molded on party lines and reorganized planning and development in rural Zimbabwe. Makumbe submitted that the employment of VIDCOs and WADCOs was primarily conceived for purposes of creating a one party state which later collapsed<sup>20</sup>.

However, the evident influence of traditional leaders despite efforts by government to thwart their powers, through the Chiefs and Headman Act, chapter 29.01, was challenged by the findings of the Rukuni commission leading to the enactment of the Traditional Leaders Act, chapter 29.17 of 1998. The findings of the commission placed that traditional leaders are the true representatives of their people, accessible and therefore essential to the politics of the nation and the building of democracies. The inextricable relationship and contribution of traditional leaders in successful implementation of development programmes was also reinforced. The commission further strengthened that there is growing recognition that African communities being mostly rural, continue to place high value on indigenous customs and tradition in their day to day lives. The Traditional Leaders Act, chapter 29.17 restored most of the powers of traditional leaders, allocating 23 functions to chiefs as provided on section 3 of the Act, compared to 3 functions allocated in the Chiefs and Headmen Act, chapter 29.01. <sup>21</sup>The passing of the Traditional Leaders Act has been handled differently by different scholars. Some felt that ZANU PF was fast loosing support from the traditional rural stronghold and had no option other than to coopt traditional leaders who had then assisted the party in rejuvenating its political capital.

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<sup>18</sup> Ibid, 10

<sup>19</sup> The Prime Minister's Directive of 1984/85

<sup>20</sup> Makumbe, J. *Zimbabwe's Hijacked Election*, Journal of Democracy, 13.4

<sup>21</sup> The Traditional Leaders Act, Chapter 29.17

## Traditional Leadership and Democratic Governance: A Juxtaposition

Whilst it has been agreed that the task of juxtaposing democracy and traditional leadership is a contentious subject, there again seems to be a laxity by many scholars to explore this area for what Sithole “ attributed to a fear of the unknown”<sup>22</sup>. However this analysis of traditional leadership and democracy should be resolved at a conceptual level as practical work hinges on this (Sithole )<sup>23</sup>. As alluded earlier the raging debate has been theoretically and conceptually hinged between the so-called traditionalists and modernists focusing and stressing much on their ideological differences without exploring how best indigenous traditional leadership systems can be harnessed to enhance democratic governance in the continent. Prah strengthened this view where he noted that “democratic systems can themselves be historicized and seen to be products of specific historic situations”<sup>24</sup>. Therefore any form of governance that disregards the historical context of a society in question suffers lack of sustainability in its application with very marginal success if any. Since the recent processes of democratization in Africa traditional forms of authority, such as chieftaincy, have come back into the spotlight of interest, especially with respect to the role of chiefs as an intermediary between the state and the citizen, a role already created by the colonial conqueror (E Adriaan B and van Rouveroy and van Nieuwaal)<sup>25</sup>. Notwithstanding criticism therefore, the centrality of traditional leadership in consolidating the democratic dispensation should be thoroughly explored and evaluated to resolve the gaps in the practice of liberal democracy in Africa.

Mugabe addressing Zimbabweans gathered to celebrate independence day stressed that the problem with the application of the so-called democratic principles in Africa was that little under study was conducted in the African context as to what form, nature and shape African democracy should take and rather focus was on copying and pasting what he has often perceived as euro-centric and American modes of democracy.

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<sup>22</sup> Sithole. P, Fifteen Year Review on Traditional Leadership, Human Science Research Council.

<sup>23</sup> Ibid, 5

<sup>24</sup> Prah, K.K.; Democracy, Education, Literacy and Development, University of Oslo

<sup>25</sup> Rouveroy ,V and Nieuwaal, V. The Relevance of Traditional Authorities in Africa, Journal of Legal Pluralism

Whether such variations exist in conceptual terms it is however important to note that the history and values of Africans in general and Zimbabweans in particular should significantly influence any form and shape of governance in the continent for purposes of sustainability. Chemhuru seems to concur with this perspective when he contended that “liberal democratic principles are incompatible and inconsistent with Zimbabwe’s political mores and history in general”<sup>26</sup>. Prah also stressed that “democracy has best chance of institutionalized success when it is homegrown and enjoys the active participation in its development by the society as a whole”<sup>27</sup>. This implies the dynamics and non-static nature of democracy and that it is contingent on social specificities. The classical Greek democracy which was based on a social structure of slavery should always be reminder to all researchers wishing to traverse this terrain.

In his discussion of the “the principle of ‘civil chieftaincy’ Von Trotha drew a distinction between the expected outcomes of representation and democracy from the African perspective on one hand and European tradition on the other hand”<sup>28</sup>. He submitted that African perception of representation by a chief is not meant in the Western tradition of representation, based on universal suffrage, free elections, secret ballot and other democratic variables from a liberal perspective. It is instead ‘grounded on a social and moral idea of representation’ and is based on ‘communitarian forms of social relationships...the unity of sacred traditions and common religious beliefs...the construction of a common history...and the unity which domination demands’. Sithole concurred with this perspective and further contended that Africa practice a different form of democracy-one that is not overtly concerned about how the system come into being, but about its impact on negotiating practical issues of social welfare on a case by case bases<sup>29</sup>. This results in the differences that exist between customary justice and the state justice system, the latter being based on very rigid lines.

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<sup>26</sup> Chemhuru. M, Democracy and the Paradox of Zimbabwe: Lessons from the Traditional Systems of Governance, Journal of Legal Pluralism.

<sup>27</sup> Prah, K.K.; Democracy, Education, Literacy and Development, University of Oslo

<sup>28</sup> Trotha, V. . The Relevance of Traditional Authorities in Africa, Journal of Legal Pluralism

<sup>29</sup> Sithole . P , Fifteen Year Review on Traditional Leadership, Human Science Research Council

In his assumption of a traditionalist perspective, Keulder<sup>30</sup> viewed the institution of traditional authority and its procedures of governance as not only a simpler form of government, but a more accessible, better understood and a more participatory one. It is accessible because it's more closer to the subjects than any other system of government. In this regard, subjects have more direct access to their leaders because they live in the same village and because any individual can approach the traditional leader and request for a meeting, decision making is based on consensus, which ensures greater harmony and unity. It is transparent and participatory because many people attend tribal meetings and express their views directly and not through representatives and lastly harmony and unity prevail because the interest of the tribal community rather than an individual is expressed. Von Trotha summed that the chief is where local debate is focused, where conflicting opinions and ideas can be voiced and hence considered it is direct democracy, as opposed to representative democracy<sup>31</sup>. These cardinal points give traditional leadership a strategic comparative advantage in promoting a democratic dispensation than any other form of leadership.

While this paper accepts unconditionally that people have a platform of participating in national government through parliamentarians politically elected, this representation is not enough to cut across the political divide to the customary and cultural custodial roles. Traditional institutions provide leadership which is rooted in culture and customs and this form of administration if reconciled with modern democracy can be used as a tool of enhancing a democratic indigenous society. Prah's conceptualization of democracy reflects the need to indigenize democracy to acknowledge the specific historical realities in the African society hence he proposed homegrown democracy that enjoys the active participation in its development by the society as a whole<sup>32</sup>. Thus the institution of traditional authority can be used as a tool of balancing traditional authority against modernity and hence an "Africanized" democratic dispensation.

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<sup>30</sup> Keulder.C, State, Society and Democracy, Macmillan Publishers.

<sup>31</sup> Trotha. V, The Relevance of Traditional Authorities in Africa, Journal of Legal Pluralism

<sup>32</sup> Prah, K.K.; Democracy, Education, Literacy and Development, University of Oslo

A microscopic diagnosis of traditional leaders and their courts by the South African Law Commission (1999) found them effective and having a comparable advantage over other modern justice delivery systems because the following factors<sup>33</sup>:

Accessibility-traditional courts exist in almost every area of jurisdiction of a traditional leader making the judiciary system accessible in terms of social distance and they are cheap since legal practitioners are not permitted.

Simplicity and informality-procedure in traditional courts is simple, flexible and expeditious. Procedural informality of African traditional courts has been held out as a major advantage over the Western style courts.

Language-language of the court is invariably the local language of the disputants, with no risks of distortion through interpretation makes the courts more effective.

Rather than considering elective representation a sine qua non for democracy indispensable with the liberal democratic mantra, a fundamental question is whether the democratization discourse, as it is being articulated in the African context, provides the most appropriate framework for inventing the future, given the pluralistic composition of African societies (von Trotha 1995, Davidson 1992)<sup>34</sup>. Worse still the majoritarian principle of liberal democracy, have often created problems in reconciling the majority with the minority that can also be a majority in its own right as argued by Chemhuru<sup>35</sup>. Electoral systems and processes as a perceived panacea and key ternate of multi-party democracy have often yielded negative results in many African countries characterized by fanned election violence, choruses of disapproval of free elections conflicts and hate amongst people holding on to different and diverse political opinions in the post-independence. In the name of gaining political mileage over the other, politicians have often promoted and funded political violence and most elections have been bloody and characteristically suppressive of the views of the people.

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<sup>33</sup> South African Law Commission

<sup>34</sup> Trotha. V. , *From Administrative to Civil Chieftainancy*, Journal of legal Pluralism

<sup>35</sup> Chemhuru. M, *Democracy and the Paradox of Zimbabwe: Lessons from the Traditional Systems of Governance*, Journal of Legal Pluralism.

The ideological conflict between Zimbabwe African Union Patriotic Front (ZANU PF) and the Movement for Democratic Change (MDC)'s concept of multi-party democracy has breed violence and in the process divide traditional communities against political lines. The Zimbabwean general elections of 2000, 2002, 2005, 2008 were all marred by political inspired violence and were reduced to a shame. Perceived political opponents were murdered in cold bloody for holding divergent political views. Today, Zimbabwe's credibility for a peaceful elections hangs on the balance because of this violent political history.

chieftaincy has re-emerged as an important vehicle for more or less authentic indigenous political expression. (Van rouveroy van nieuwaal)<sup>36</sup>. Wiredu noted that "all decisions of the council were based on consensus"<sup>37</sup>. The elders would keep on discussing an issue till consensus was reached, a method that contrast with the decision by majority vote that prevails in modern democracies.

## Conclusion

In this paper, it has been argued that there is need to re-examine the concept of liberal democratic governance and reconcile it with Zimbabwean value systems and traditions in order to enhance its applicability. It argued that democracy has the best chance of institutionalized success if it is located within the broader framework of the historical values of the society in question. The perception that democracy is better understood by Zimbabweans if it is homegrown and has the active participation by traditional societies as a whole is widely held in this paper.

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<sup>36</sup> Nieuwaal, V.R.V. , The Relevance of Traditional Authorities in Africa, Journal of Legal Pluralism

<sup>37</sup> Wenduru. K, Democracy and Consensus in African Traditional Politics, Indiana University Press, 163

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