Twilight Institutions: Public Authority and Local Politics in Africa

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INSTITUTIONS OF PUBLIC AUTHORITY

In his famous article on the difficulty of studying the state, Abrams makes the insightful distinction between the state system and the state as an idea. The system part is made up of tangible, mostly government, institutions, whereas the idea is what is generally expected to make up the state. As Abrams suggests, the ‘relationship of the state-system and the state-idea to other forms of power should and can be central concerns of political analysis’ (Abrams, 1988: 82). When approaching African political landscapes, however, two provisos seem in order. First, while government institutions are important, the state qualities of governance — that is, being able to define and enforce collectively binding decisions on members of society— are not exclusively nested in these institutions. A wider variety of institutions are at play in this enterprise. Second, while the idea of the state is powerful — Hansen and Stepputat (2001: 38) even suggest that it has become truly global and universalized — it is employed also to depict its opposite, or ‘what we are not’, even by institutions that effectively exercise public authority of one kind or another.

In Africa there is no shortage of institutions attempting to exercise public authority. In the first place, there are multiple layers and branches of government institutions (the judiciary, the administration, the customs service and police, the various extension agencies and so on) which are present and active to various degrees; but there are also so-called traditional institutions vying for public authority, often bolstered by government recognition. Much of the literature on African politics and its history details how governmental and chieftaincy institutions negotiate, forge alliances and compete to constitute public authority and political control (Bayart, 1989; Berry, 1993; Boone, 1998, 2003; Gluckman, 1958; Mamdani, 1996; Moore, 1986; Peel, 1983; Rathbone, 2000; van Rouveroy van Nieeuwaal, 1999). In addition, associations and organizations which do not appear at first sight to be political may also exercise political power and wield public authority. Similarly, ostensibly non-political situations may reveal themselves to be active sites of political negotiation and mediation over the implementation of public goals or the
distribution of public authority in which local and regional identities and power relations are reshaped and recast.¹

In such cases it is difficult to ascribe exercised authority to the 'state' as a coherent institution; rather, public authority becomes the amalgamated result of the exercise of power by a variety of local institutions and the imposition of external institutions, conjugated with the idea of a state. Hence the practice of governance varies from place to place, and even from field to field such as 'security', 'citizenship', 'property', 'development' and so forth (see Bayart et al., 2001; Lemarchand, 1992). In some areas, authority may be exercised by institutions with near hegemonic competence, while at the same time their authority in other domains may be ferociously contested. This implies a certain fluidity in what Bierschenk and Olivier de Sardan (1997) call 'strategic groups'. Strategic groups defending shared interests may form or disintegrate in the course of struggle and can be seen undergoing constant reproduction and transformation. For this reason, it is often un Rewarding to attempt an analytical distinction between state and civil society. Nevertheless, although analytically inert, the distinction between state and civil society has a lot going for it in the discursive and political organization of society on a grand and small scale alike. Moreover, if public authority or 'statelessness' can wax and wane, it follows that state institutions are never definitively formed, but that a constant process of formation takes place (Olivier de Sardan, 2005: 16; Steinmetz, 1999: 9). Such institutions operate in the twilight between state and society, between public and private.

The ambition of this article is to suggest an analytical strategy for the understanding of public authority in contexts in which it is not the exclusive realm of government institutions, where institutional competition is intense, and where a range of apparently political situations become actively politicized. In recent years anthropologists, geographers, political scientists and others have grappled with a cluster of concerns including public authority, legitimacy, belonging, citizenship and territory; naturally, they approach these topics differently and with different emphasis. This article draws on some of this research in an attempt to link into a set of exploratory questions dealing with a variety of political practices and their institutional ramifications.

Approximating Public Authority in Local Arenas

Two paths tend to be travelled in approaching public authority in local arenas. Either a rigorous universal definition of the concept is proposed, or examples representing the phenomenon are displayed. As the point of this article — and indeed of this entire collection — is to get a better understanding of something which is as yet elusive, I opt for the second possibility and offer here a handful of evocative examples which hopefully resonate with other cases with which the reader might be familiar.

Sally Falk Moore's writings demonstrate a vivid interest in the local configuration of politics and the way in which the broader socio-political field that envelops the small arenas can and does invade them, '[s]ometimes at the invitation of [f] persons inside [them], sometimes at its own insistence' (Moore, 1978: 56). In her work on post-socialist micro-politics in Tanzania, she shows two dimensions of how the 'state' invades local arenas. On the one hand, it happens in the form of local public authority. The change of regime and political rhetoric made it possible for new organizations to emerge and for existing ones to change, as new opportunities arose. As she says:

To discover what is going on in rural African politics, what is new is in organisational modernities, there is nothing so revealing as contests for directing organisational milieus. Incident by incident, local designs for personal and collective futures are jockeyed around and put in place. They face a specific direction. That is the direction in which some intend the process of change to flow. (Moore, 1996: 602)

Here, local organizations in competition over resources exhibited this twilight character of being local authorities making decisions of a public nature, but in contrast to the state. They all had, in Moore's words, a 'gender subservient purpose'. On the other hand, the state invaded these areas in a more subtle way in the form of an idea. The exercise of power and authority by these local institutions was bolstered by references, implicit and explicit, to the state. When a lineage leader refers to himself as lineage chairman, it implies a certain wish for state recognition of his position (thus indicating the state's importance which he tries to emulate); when churches define themselves as NGOs, they implicitly, and in a convoluted way, bring the idea of the state to the local arena; and when a new party champions the idea of 'good governance' in World Bank speak, it also instils the idea of state in its sphere of operation. Thus, by constant reference to the (idea of the) state, these organizations manage to 'bring the state back in', but in a vastly different way from that described by Skoepol and others in the mid-1980s (Skoepol, 1985).

In my own research from Niger, comparable processes unfolded in the times of precarious democratization of the 1990s. Whether openly or indirectly, a central preoccupation seemed to be the state as a variety of local political struggles were played out. Home-town associations, chiefdoms and vigilante groups all took on the mantle of public authority in their dealings with what they considered to be their antithesis, 'the state'. Here, the state was portrayed by the various actors as distinct, removed from the 'local arena' and supposed to be in control. However, this image was called into question by actions in these local arenas, as territorial delimitation of districts was carried out, justice was dispensed, or 'security' was provided. The porosity of the state was demonstrated as the influence of well-placed individuals was brought to bear in vital conjunctures and changed the

local outcome of things. Their ambiguous position vis-à-vis the state was
demonstrated by the way in which these organizations searched for credibility
by, on the one hand, vindicating their non-state status and yet, on the other,
doing it in the formal language of the state. In one case, police matters were
conducted by the vigilantes and their public authority was entrenched by the
Sultan, in conspicuous contrast to the regular police which represented ‘the
state’. In this way, the vigilantes established a certain authority in tandem
with other social and political forces as alternatives to the state. However,
the syncretic combination of ensigns of authority, derived from the police
and the prefecture as well as from chieftaincy and witchcraft, testifies to the
ambiguous legitimation of their operations (Lund, 2001).
Pratten and Gore (2003) demonstrate how the idioms by which youth
associations, vigilante groups and area boys in southern Nigeria describe
themselves are quite elastic. On the one hand, they portray themselves as
resisting disorder, sticking up for ordinary people, and doing the job that the
state fails to do. The youth associations ‘screen’ politicians before they are
supported to run for office, and they control the work of contractors in the
local community. Similarly, secret societies on Nigeria’s university campuses
operate to curb abuse and corruption by the lecturers. These are popular
responses to political and economic disorder, and an exercise of accountability
at the local level. On the other hand, these organizations do ‘not project a
revolutionary anti-state message’ (Pratten and Gore, 2003: 232), and often
have no qualms about being the instruments of the class interests of politicians
and businessmen by whom they are patronized (see also Harrauschegger, 2003;
Vaughan, 1995; and Ya’u, 2000). In this sense, they may come across as
innovative and transforming yet conservative at the same time (see Reno,
1998, 2002). They depict the state as ‘distinct’ and ‘distant’, while simultane-
ously vying to establish or entrench their own public authority. Hence,
paradoxically, they become part of what they depict as ‘external’

In a variety of ways, public authority seems to manifest itself in an am-
biguous process of being and opposing the state. If we see the state as an
ensemble of institutions exercising public authority (Jessop, 1990: 342),
we should also be prepared to meet institutions which, in practice, are part
of this ensemble but claim to be its opposite. As Moore (2001: 106) insists,
distinctions must be made that identify the provenance of rules and controls.
Yet the illustrations above demonstrate that rules, controls and in particular their
legitimization, resist unequivocal situtation in either ‘state’ or ‘society’. The
practical form of public authority is, as a result, composite and chimerical.

Obviously, it is not only institutions of public authority that provide repre-
sentations of the state. Watching the evening news in many African coun-
cries, one is struck by the irony of an authoritative myth of the unity and coherence
of the state. An idea of a powerful state with intention, a higher rationality and
a project is manifested in receptions, seminars and inaugurations, draped in
the ineluctable banners with slogans of determination, designed to instil trust
in its capacity to do what states are supposed to do. This is contrasted with

the incoherence and incapacity of the state, the multiple parallel structures
and alternative sites of authority (chiefs, vigilantes, political factions, hometown
associations, neighbourhood groups) that deny any notion of unity or
rationality in the singular. The irony is not merely that some parts of
the state champion its unity, while being challenged by ‘alternatives’; rather, it
is that the idea of the state is also effectively propelled by institutions which
challenge the state but depend on the idea of it to do so.

The idea of the state is formed as a combination of people’s everyday
encounters with representatives of the state and its representations, among
other things, by the stories of crime and corruption, in the news and in private
debates about these stories (see Blundo and Olivier de Sardan, 2001a, 2001b).
Francis Nyamnjoh equally turns to the press, as he investigates the repre-
sentations of citizenship and ‘foreignness’ in Botswana (Nyamnjoh, 2001).
One of the striking observations from his research is the contrast between
the traditional Tswana polity, based upon inclusion of potential members, and
the contemporary discourse on citizenship — and by inference the state —
which tends to feature exclusion as its constituting element. The image of the
state becomes one of a ‘qualifier’: endowed with juridical capital to name,
nominate and qualify degrees of citizenship: that is to validate, sanction and
authorize. Comaroff (2002) suggests that it was the deployment of a language
of law which provided force to the idea of the state — metropolitan as well
as colonial. The character of the state is intimately connected to the capacity
to make distinctions, and this may just be the essence of public authority.
The fundamental distinctions in social life may seem natural, but they are
constantly (re-) produced and sanctioned, not necessarily by one single body
of ‘state’, but by a variety of institutions which, in doing, assume public
authority and some of the character of the state. It is this operation that
researchers of ‘the state’ should watch out for.

POLITICAL PRACTICES

The political practices undertaken to establish public authority may be co-
ordinated or disparate, abrupt or incremental, just as efforts to challenge
existing institutions’ authority may unfold in a variety of ways. However,
whether by conscious effort or by haphazard chance, the political practices
that constitute public authority are played out on several different registers,
ranging from the use of subtle idioms to more heavy handed means — often
in paradoxical conjunction.

The Apparent and Orchestration of Public Authority: Questions of Protocol

These considerations lead us to questions of language and style of the state. It
is important to pay attention to the reverence expressed for certain symbols in
order to assess the import of the state in the local context. The ethno-political
conflict over chieftaincy, land and party politics in Bawku in Northern Ghana
is illustrative (Lund, 2003). Thus, when the Kusasi Youth Association conducted a raid on the Bawku Traditional Council in 1983 to oust the Mamprusi chief, looting was very selective, and the important symbols of authority of the council and its president, the Mamprusi chief, were identified. Official documents, stationery and rubber stamps, as well as registers and court books were taken, all items that signify central state recognition of the Traditional Council’s public authority. They constitute the administrative regalia. Other, duller and less significant items such as furniture and fans were left untouched. The importance of stately symbols was similarly obvious when the Vice-President of Ghana visited Bawku in July 2001. A large motorcade of taxis, trucks, private cars and motorcycles awaited the Vice-President outside Bawku, and he was escorted to the town. Here, he was to pay a courtesy call on the Kusasi Chief. He was then persuaded to pay a visit to the local party headquarters. Here, another grand reception was prepared near to the house of the competing Mamprusi candidate for the chiefcy. He was styled as a chief and all the village chiefs of Bawku district who were loyal to him gathered in their finest outfits to greet, and be greeted by him, representing not only the political party, but as Vice-President, the Republic of Ghana. This conveyed the state’s approval on this faction’s quest for the chiefcy.

The looting of ‘administrative regalia’ and the efforts to make the Vice-President bestow the signs of official government recognition upon a gathering of chiefs with paramount aspirations illustrate Hansen and Stepputat’s (2001: 8) point about the importance of the symbolic languages of governance. While the practical elements of governance — the allocation of resources, administration of rights, appointments to office, authorization of certain practices — are crucial, it is when they combine with the symbolic language and choreography of governance and its props in terms of contracts, deeds, attestations and so forth that the compound makes up the state. One group’s challenge of another’s grip on governance may thus be staged in terms of claiming the symbols of public authority as well, and as much as exercising the practical tasks of governance. Symbols of public authority are not moored to specific institutions, just as the ‘same’ institution may exercise public authority at one point and be rather insignificant in this respect at another.

Mary Douglas (1973, 1986) develops two complementary concepts that are helpful in understanding the flows of meaning and the plasticity of institutions, namely leakage of meaning and institutional bricolage. Douglas argues that for institutions (in the sense of rules) to reduce entropy, they must, somehow, be naturalized. One particularly effective (and cost-effective) naturalization is by way of analogy. ‘The shared analogy is a device for legitimizing a set of fragile institutions’ (Douglas, 1986: 49). Thus, people discursively draw on legitimizing symbols to cognitively anchor new institutional and social arrangements. In Douglas’ words ‘there needs to be an analogy by which the formal structure of a crucial set of social relations is found in the physical world, or in the supernatural world, or in eternity, anywhere so long as it is not seen as a socially contrived arrangement’ (Douglas, 1986: 48).

If the idea of the state has become increasingly powerful, this is only partially matched by effective command by central government institutions, which has been limited. Concurrently, metaphors, analogies and symbols derived from this idea have served to bolster local institutions of humbler pedigree. However, this leakage of meaning is not only seeping one way; just as ideas of state and icons of modernity may be drawn upon, opposite ideas of tradition, identity and locality may equally convey legitimacy to what are essentially emerging institutions. In his work on the genealogy of the Nigerian durbars, Andrew Apter provides a good illustration of massive, yet well orchestrated, leakage of meaning.

The durbars, a large scale reception which used to be held for ‘native princes’ at the courts of the British viceroys of India, was mimicked by Lord Lugard, the first Viceroy of Nigeria at the beginning of the twentieth century. However, it was not re-enacted in a vacuum but grafted onto local ceremonies of celebration of local emirs, sallah. The durbars were used to invest the local rulers with the authority of the British empire by presenting them with a gown and turban from the hands of the representative of the king of England. Hence, an ‘Islamic ceremony was thus reinscribed within a British cosmology, wherein the symbols of theocratic rule — the turban and gown — traced back metonymically to the English monarch’ (Apter, 1999: 229). Similarly, Gilbert’s studies of festivals in Ghana demonstrate that opulent rituals are ‘times for the public recognition and ancestral validation of political status which people have previously manoeuvred to achieve’ (Gilbert, 1994: 100).

Less conspicuous occasions than these massive manifestations of authority may exhibit essentially similar polyphony and poiesis of political symbols, icons and acts (see Clever, 2001, 2002; Ferme, 1999; Hecit and Simone, 1994; Lund, 2001, 2003; Worry, 1998). The point seems to be that new acts of public authority seem to fare well when they can ‘piggy-back’ on familiar idioms. Apter’s example of a state spectacle also takes us to the concept of institutional bricolage. Social and political challenges generally change at a more rapid pace than our institutions. Thus patterns of authority and precedence basically lie around as bric-a-brac, ready to be pressed into service, as Douglas puts it: ‘The bricolage uses everything there is to make transformations within a stock repertoire of furnishings’ (Douglas, 1986: 66). Hence the sallah, in Apter’s case, proved to be an institution pliable to the needs of the bricolage — an ease the British colonial power who turned a durbars into a state spectacle instrumental to indirect rule.

The concept has been employed with lucidity and further developed by Clever (2002) in her analyses of conflict and co-operation in Usangu, Tanzania. She uses the term institutional bricolage to suggest how mechanisms for resource management and collective action are borrowed or constructed from existing institutions, styles of thinking and sanctioned social relationships. Sten Hagberg’s work on the hunters’ associations and syndicates
d’élèves in Western Burkina Faso demonstrate how institutional bricolage (transformation of traditional hunters’ associations into high-strung vigilante groups) and leakage of meaning (in formalizing Futani lineage structures according to modern requirements for state-recognized syndicates) develop new political dynamics around issues of security. Hagberg carefully shows how rights are mobilized through organizational structures that adapt themselves to broader discourses of rights and the institutional imperatives of public life in Burkina Faso (Hagberg, 1998; see also Basset, 2003). The outsourcing of security — by design or by default — constitutes a significant process for the blurring of the boundary between public and private (see Baur, 2005; Hibou, 1999; Roitman, 1999, 2004).

Another growing body of work in this vein focuses on ‘development’. Development projects constitute par excellence arenas where institutions are harnessed to ever-changing agendas, and where the leakage of meaning is of such dimensions that social action is imitated. The deluge of meaning underscores that many institutions are multi-purpose, and different institutions with different purposes overlap, intersect and become one another in different situations (Bierschenk and Olivier de Sardan, 1998; Bierschenk et al., 2000; Ferguson, 1990; Long, 2001; Nielsen, 2000; Olivier de Sardan, 1995, 2005). Development projects not only use various institutions and bricolage in local communities to legitimate their operations. Such projects are themselves used, willy-nilly, as institutional vehicles for political projects (in the generic sense of the term) by local political entrepreneurs. Development operators are in a particularly significant position to make ‘strategic translations’ of ideas about not only ‘development’, but public interest, authority and the state. As Ferguson argues in his book on development in Lesotho (1990), the institutionalized production of certain kinds of ideas about ‘Lesotho’ in the context of development projects has important effects — although not the ones anticipated. Thus, even when development interventions claim to be technical and discrete, they are often quite political and engender subtle or dramatic structural change.

The question of who invests whom with authority may well seem an endless chain of reference to ‘bigger authorities’ above or beyond the institutions themselves; institutions which are either more powerful or have successfully established themselves as ‘natural authorities’, or both. Colonialism was probably one of the largest (though definitely not the last) of such operations, and as a wealth of studies show, the very orchestration of public authority is not an epiphenomenon but its salt.

Leadership and Legitimacy, Territory and Space

If the institutional boundaries are blurred, political processes socially and spatially diffuse, and meaning not fixed to specific institutions, what are the implications for political legitimacy? The exercise of authority is intimately linked to the legitimacy of the particular institution. Not only in the sense that an institution has to be legitimate to exercise authority, but especially because the actual exercise of authority also involves a specific claim to legitimacy. As both Moore (1988) and Lentz (1998) suggest, it is not useful to see legitimacy as a fixed absolute quality against which actual conduct could be measured. It is more fruitful to investigate the processes through which various actors and institutions attempt to legitimate actions and vindications. What is legitimate varies between and within cultures and over time, and is continuously (re-)established through conflict and negotiation. Somewhat polemically, one could argue that legitimacy’s most constant feature is people’s practical preoccupation with it.

Different occasions make claims for legitimacy opportune and often several repertoires are engaged (see Comaroff and Roberts, 1981). As Lentz argues in a case study on Ghana, ‘on closer examination we find that the... “big men” — and this holds for Ghanaian chiefs, politicians and entrepreneurs in general — are the more powerful the better they are able to combine their stakes in different fields of action and to manoeuvre with different registers of legitimacy’ (Lentz, 1998: 59; see also Turner, Hagberg, and Lé Mure, this issue). Of the multitude of repertoires, two seem in particular popular, however, namely the ‘local/non-local’ tension and the reference to history. Actors and institutions often claim legitimacy with contradictory reference to ‘locality’. Eligibility to leadership often, maybe even increasingly often (Geschie and Gugler, 1998), depends on successful claims of autochtony and belonging.

Thus, the terms ‘local’, ‘historical’ or ‘traditional region’ are important in the political vernacular in rural and small town politics. People involved in home-town associations, chiefs and politicians, vigilante groups and their political backers freely refer to the local in contrast to the ‘outside’ and the ‘national level’. The notion of local or regional seems to be not only a central marker but even a constituent of rural and small town politics (see for instance Berry, 1985; Bierschenk and Olivier de Sardan, 1997; Ladoeur, 1979; Lentz, 1995; Peet, 1983). Certain practices and actions are justified and legitimated with reference to the local; not necessarily always out of a considered strategy, but often with a taken-for-granted naturalness. In their deeds, on the other hand, institutions often demonstrate a variety of clearly extra-local connections, inspirations and aspirations. Local politics is clearly not confined to a local space, it alone isolated from other spheres of politics, and ‘home-town’ associations, elite associations, ‘clubs’ and strategically-placed individuals, generally with education, political office, positions in the civil administration or in commerce, are often very important to ‘local development’.

2. There is a large literature on this; see, for example, Barston et al. (1991); Berry (1985, 1993); Bierschenk et al. (2000); Englund (2001); Geschie and Gugler (1998); Honey and Okeofor (1998); Ikogho (2001); Lentz (1995); Lucas (1994); Pratten (1999a, 1999b); Trager (1998); Woods (1994).
The term 'local' often invokes an assumed spatial mapping of 'local' in contrast to 'global' and of 'below' in contrast to 'above'. However, by imagining the primacy of certain 'levels' over others we overlook the central question of how this primacy is established in a social and political process. Many institutions of public authority frame their cause and raison d’être in terms of space and locale. The nation state is the prime example of an institution that expresses its reach in territorial terms. Borders and maps, administrative outposts and other representatives of the nation state such as schools convey a territorial representation of the state (see Miles, 1994 for Niger and Nigeria). Scott (1998) points out how the logic of the emerging modern state was to make space, people and resources legible in order to govern (see also Dean and Hindess, 1998; Ferguson and Gupta, 2002).

However, while territorial delimitation, national identity and legibility may be institutionalized to correspond to nation states, their monopolies on these processes are as precarious as their monopoly on the exercise of public authority. A wide variety of 'twilight institutions' equally manifest themselves in terms of territory and turf. The mobilization behind home-town associations and chief candidates, the memberships of the vigilante groups or religious fraternities are often based on claims of common identity, and the organizations' everyday activities often expressed in terms of space. The territorial delimitation is important in the self-image of the actors concerned as an element of contrast to 'the State', the 'centre' — the 'up-there'. Co-existence of multiple public authorities produces multiple, partly overlapping, territories, established as places as meaning is attached to otherwise rather inert spatial widths, distances and points. The same space may figure in a government development plan, be a church-sponsored development co-operative's parish of intervention, be the realm of the sultan, the home-region of intellectuals in the capital, the field of a local politician and the turf of the area boys, The Hooded Scorpions. These institutions often have territorial markers in space, ranging from national flags, through signs, fences, party banners, masks and marches, to graffiti on walls (see Nunley, 1987 and Lentz, this issue). They may exercise public authority simultaneously, sometimes with complementarity, sometimes in conflict. Resurrecting historical regions, rectifying territorial mistakes, electing a canton chief, and patrolling the town by night and day, are all processes which turn space into place. Even de-territorialized organizations, such as the Association of the Elites of the Eleventh Province in southwestern Cameroon, play on territory in political discourse. In practical politics they are denied political representation due to their non-territorial constitution as descendants of those who were déportés due to partition between British and French Cameroon (Geschiers and Gugler, 1998; Niyamvuki and Rowlands, 1998). Neither belonging to English-speaking Cameroon, nor accepted in the French-speaking part, the Association of the Elites of the Eleventh Province made a claim for recognition by invoking territorial rhetoric.

Legitimation of public authority takes many forms, but it would seem that territorialization by delimitation and assertion of control over a geographic area offers a particularly potent language. History and the past can be commensurated or commensurated with reference to space, and territorial ambitions, modest as they may be, knit together the image of state and public authority with space.

Public Revenue for Public Authorities: A Question of Tax

Exercise of public authority often comes at a cost; revenue collection is a challenging undertaking for twilight institutions, and just as varied as other political practices. In general, taxation is linked to state authority, be it national, federal or local. As Mmeme (2001: 91) points out, taxation was instrumental in the birth and development of two interrelated concepts, public authority and the common good. As Tilly (1992) argues, taxation was central to state formation in Europe and remains a central feature of state-society relations. My argument is that it is methodologically prudent not to assume an a priori link between taxation and our ideal typical image of the nation state. If we see tax as a form of public revenue collected in the name of a common good by a political authority, then vigilante groups who collect 'compulsory voluntary contributions' (as I once saw on a sign in a customs office on the Nigerian side of the border with Niger), political party activists in Tanzania who collect 'road tax' for the construction of secondary schools because official tax cannot be used for this purpose (Ole Therkildsen, pers. com.), and development projects that tax people's time and work in the name of participation, have something in common. In places where central government institutions do not reach at all, alternative forms of tax may emerge. The question of taxation obviously arises when development projects deliver sanitation for participation, but more fundamental relations of citizenship and authority are negotiated in terms of tax. Kristine Juhl (2002) thus describes how groups of migrant herders in Senegal manoeuvre to pay (not evade!) tax since it entails a public recognition of them as citizens and their claims as rights. Needless to say, the tax paying zeal of the newcomers is vigorously opposed by the first-comers.

I do not want to stretch the analogy too far, but the broad debate on government tax systems may at least provide us with some lines of enquiry. According to Therkildsen (2001: 119), some key questions concern coercion in tax administration, reciprocity between taxation and service provision, and the economic structure and size of the taxable community. Jane Guyer (1992) observes that the institutionalization of taxation in Europe took place under non-democratic rule and through major coercion, whereas present-day states — in particular in Africa — are saddled with the task of seeking consent first, and enforcing taxation afterwards. In concrete circumstances, however, direct taxation by government often rests on potential coercion in one form
or other. This seems just as true for some political authorities that represent government less clearly, or not at all.

The question of the relationship between taxation and service provision is equally relevant for institutions that are not government but still exercise authority. This is also linked to legitimacy. Thus, when farmers in eastern Niger pay local chiefs fees for a 'property certificate', they get something for their 'tax' (Lund, 2001). A particular dynamic is at play here, since the process of recognition of property rights by a politico-legal institution simultaneously constitutes a process of recognition of the legitimacy of this institution. Hence, public authority is no longer constructed in the imagination, expectation, and everyday practices of ordinary people (Lund, 2002: 14). Taxation only compounds this. The authority of such chiefs — and hence the validity of the property certificate, and hence the reciprocity of the tax-transaction — is further secured when other important institutions recognize the validity of their acts. As Guyer argues, the increasing importance of chiefs in Nigeria 'has at least as much to do with the seriousness with which the corporate sector, both economic and political, deals with high level chieftancy as with the people's cultural attachment to the institution' (Guyer, 1992: 58). At times, there is a fine line between a fee and a bribe for issuing a deed or certificate, and between collecting a market-place tax and running a protection racket. Obviously, this cannot be seen in isolation from questions of legitimation and recognition by people in general and by other institutions of public authority in particular. Thus, public revenue — in cash or kind — not only constitutes a significant economic dynamic for public authorities; it also entails processes of recognition of their authority, as well as of the citizenship (or membership) of the populace.

INSTITUTIONAL RAMIFICATIONS OF POLITICAL PRACTICES

Empirical research has recorded a wealth of political practices of bewildering variation. The examples above are but a manuscript selection. Indeterminacy and counter-examples abound, and evolutionary patterns are constantly shattered before our eyes. Moreover, the very richness of political life and culture makes the focus on local politics inherently interesting. However, there is a strong risk that a focus on the particular and specific produces an individualistic, voluntarist and somewhat episodic perspective on social dynamics (see Mohan and Stokke, 2000). This raises the question, what is political and the object of public authority? The easy answer is, of course, that everything is political. However, this is not entirely satisfactory. If every name of a place, every administrative operation, any participation in public events and every cup of coffee drunk with a 'big man' is political, it effectively evacuates the analyzable sense from the concept. On the other hand, such issues may easily be politically significant. People die in the name of places, administrative procedures are potent instruments of exclusion, public events are ideal for the manifestation of interest and allegiance, and many a sordid deal is made over a cup of coffee. Most elements of social life can be politicized, that is, become the objects of efforts to secure interests, and may thus be significant. However, this cannot always be read from the process itself. While questions of new distinctions, of institutionalization, and of power can be asked in very particular contexts, we are tasked to assess their significance in a slightly broader perspective — beyond the event itself, so to speak — namely in terms of their institutional ramifications. This entails an 'epistemological change of gears', as it were, as we must see the political events and processes as 'diagnostic' for something broader (Moore, 1994). The institutional ramifications may be more or less enduring, more or less widespread and even mutually contradictory. The following section develops a few markers for orientation.

Institutionalization and Distinction

As we noted above, if public authority — or 'stateness' — can wax and wane, it follows that state institutions are never definitively formed, but that a constant process of formation takes places. This is not a straightforward institutionalization and homogenization of authority; indeed history abounds with examples of serious resistance to institutionalization. As Moore notes in the introduction to her seminal book, Law as Process, 'the making of rules and social and symbolic order is a human industry matched only by the manipulation, circumvention, remaking, replacing, and undoing of rules and symbols in which people seem almost equally engaged' (Moore, 1978: 1). These dual processes, obviously, take many different forms and can be more or less intense, as the contributions in this particular collection amply demonstrate.

However, it is worth noting that while some institutions appear to endure and remain stable with few open conflicts, that does not mean that nothing is happening. On the contrary! Various actors, individuals and organizations are actively reproducing these institutions, although the process may at first sight seem quite inconspicuous (Juul and Lund, 2002). As hegemonic constellations of power manage to reproduce certain institutions — to 'normalise' them — such institutions will appear stable, although still depending on certain social relationships for their continued reproduction. On the other hand, less well-entrenched institutions are often dubbed transitional or temporary. Institutions such as chieftancy, various forms of dictatorships, democracy, local institutions and organizations have all in various contexts been thus dismissed because of their current feeble command of the political field in which they operate.

Apart from the somewhat true observation that everything (everyone) is temporary, it seems arrogant to dismiss the persistence of instability as if it would eventually, in the long run fall into some form of equilibrium. At the very least, we should spend the meantime studying it, as it has proved to
be continuously extended. Hence, on the one hand, we should not neglect the stable institutions’ inherent precariousness, nor, on the other hand, deny the potential longevity of the more unstable ones. As institutions of public authority are never definitively formed but always undergoing processes of institutionalization and its opposite, so is the distinction between state and society a moving target. To quote Mitchell, “rather than searching for a definition that will fix the boundary, we need to examine the detailed political processes through which the uncertain yet powerful distinction between state and society is produced” (Mitchell, 1991: 78). As a corollary, political practices must be investigated for the distinctions they produce between citizen and stranger, owner and squatter, violence and punishment, acceptable and unacceptable, and so on. The articles that follow all examine such political processes and demonstrate their variation.

Institutional Congruence and Formalization

A central idea about the modern state is its internal rationality, coherence and order. While this is hardly a valid yardstick for modernity as such, institutional congruence and its opposite seem significant points of enquiry, especially if we have established that a wide variety of institutions exercise governance. Méard (1991) thus argues that a process of institutionalization and (inspired by Weber) of bureaucratic rationalization between various politico-legal institutions, is the key feature of state formation (Weber, 1922/1978). Méard also sees the reduction of the numbers of institutions as significant in this process. In my view, it is not so much the numbers in quantitative terms but the mutual congruence or rivalry between institutions which matters. It could be argued that institutions of public authority have the appearance of several institutions only if they act as several competing institutions. Institutional pluralism is not, by itself, indicative of institutional incongruence. We should be prepared to see the landscape of public authorities as stretching from rule-ordered congruent relations to contradictory rivalry between institutions of public authority. Evidence does not suggest a predominance evolutionary development from incongruence toward congruence; rather, it seems to change with historical periods and conjunctures. Moore applies a very useful distinction between two countervailing types of processes: processes of regularization and processes of situational adjustment. Processes of regularization are processes which produce rules and organizations and customs and symbols and rituals and categories and seek to make them durable” (Moore, 1978: 50). As she puts it, it is the result of people’s efforts to fix social reality, to harden, to give it form and predictability, increasing predictability of the decisions made by institutions of public authority, and increasing coherence among them, thus represent processes of increasing regularization. The countervailing processes of situational adjustment are those whereby people exploit the indeterminacies in the situation or generate such indeterminacies.

by reinterpreting or redefining rules and relationships. Thus, manipulation of rules and manoeuvring between them impute a measure of unpredictability, incoherence, paradox and ambiguity, and ultimately institutional incongruence. Both types of processes are generally at work simultaneously, but only by detailed examination of the outcomes of institutions’ acts of governance can a broader aggregated picture be established. This is linked to the aspect of formalization.

The exercise of public authority lends itself easily to formalization. The institutions of the state are often intimately connected to this. However, there is no ‘necessary’ link between them, and we might want to look at formalization and informalization as competing forms of institutionalization. On the one hand, the political practices that borrow legitimacy from state law and bureaucratic idioms and lend credence to the idea of the potency of the state could be said to formalize practices. This contrasts with the institutionalization of informal practices more or less grounded in ideas and values embedded in institutions seen as distinct from the colonial and post-colonial state (see Jansen and Lund, 2002). The competition often unfolds as one form of practice undercut the other and offers ways of circumventing and replacing the other. The challenge is to identify these countervailing processes empirically. Often government institutions that claim to be the embodiment of the state (the judiciary, the immigration service, the préfecture, the land commission, and so forth) will attempt formalization, but there is no neat dichotomy of formal/government on the one hand, and informal/non-government on the other. Reality is messier. Thus, while formalization is often propelled by government institutions and reform, formal rules and regulations are also negotiated and undone by corruption, political networks and powerful alliances with, and indeed within, the very same institutions. Moreover, formalization processes are not the state’s exclusive preserve; other actors also operate in this business, as shown above.

The Question of Class

Politics is not only about politics. Beside the questions of distinction, identity and control over institutions, it has mundane effects on livelihood, opportunities to wealth, and poverty. Peters (2002) rightly points out that focusing on negotiability and fluidity of social and political relationships, on the examples that disrupt evolutionary narratives and on everyday heroes who outwit big institutions of grand design may lead to neglect of systematic, general and institutional outcomes of this unpredictable fluidity.

For example, Peters argue that poorer segments in rural Malawi tend to lose out in situations where competing public authorities determine questions of property. Plurality of institutions may open alternative avenues for some — also for poorer people — but the more affluent, the better connected, and the more knowledgeable tend to have the upper hand in such contexts. One of the
institutional ramifications of the political practices sketched out above is, in short, that people are classed. Not necessarily in terms of labour and capital, but more profoundly in *haves* and *have-nots*. Distinction and formalization often systematically recognize the interests and claims of some while the plight of others remains out of focus and is effectively denied legitimate attention. Strangers, migrants, women, pastoralists and squatters are only the beginning of a long list of human beings classed-by distinctions produced by political practices of institutions of public authority. But again, this is an empirical question rather than a theoretical inference.

CONCLUSION

Attempts to exercise legitimate public authority — both successful and failed — are as much about the incoherent practices of the diverse institutions engaged in the exercise of authorizing, sanctioning and validating claims as rights, as about the image of the coherent state. The issues subject to public sanctioning are many and manifest themselves in different social arenas. Some idioms of state seem 'cross-cultural' while other idioms of legitimate power are highly context specific. To be effective, institutions must convey meaning — often by analogy — to the acts of authority. Hence, competing idioms are marshalled, along with heftier practices, by various institutions in the attempt to establish, reproduce and institutionalize a realm of jurisdiction and a legitimate authority. It is therefore important, as Mbembe (2001: 76) reminds us, to see in the confusing and often chaotic landscape of institutions, coalitions and conflicts, efforts aimed at establishing new forms of legitimate order and gradually restructuring formulas of authority. Many such efforts will be kept in check while others run out of steam. But some will prosper in the constellation of structural pressure, active ingenuity and sheer chance.

The perspective on institutions outlined in this article, with its keen attention to the political activities that make (and unmake) them, allows us to see the constructive elements in apparently failing states as well as the challenges to structures apparently well consolidated. It also allows us to read broader patterns in the ways that social and political life is governed because we are not bound, hand and foot, by assumptions about state and civil society. The political practices of vastly different tribal institutions may become legible as their institutional ramifications are compared and assessed over time. Therefore, the prevalence and persistence of twilight institutional forms — resisting clear-cut and durable classification — should encourage us to re-investigate the institution and idea that we call state.

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Public Authority and Local Politics in Africa


The Politics of Vigilance in Southeastern Nigeria

David Pratten

INTRODUCTION

It is limiting to argue that African politics can be summed up in only two concepts, rents and predation, yet these are nevertheless important features of the social and political landscape, especially in a renters polity of low taxes and patronage such as Nigeria (Barber, 1982; Forrest, 1986; Watts, 2003). Rents and predation, in fact, have particular qualities that shape an inherent duality to everyday meanings of the state. Recent observations on the post-colony identify this duality in the creative tensions that emerge from a set of oppositions in which the state is both ‘illusive and concrete; distant and localized; personal and impersonal; violent and destructive as well as benevolent and productive’ (Hansen and Stepputat, 2001: 5). In this understanding, therefore, some forms of state intervention may be repressive and resisted while others are more benign and may be desired and demanded. The institutions of governance in contemporary Nigeria share this duality and are both instruments of political domination in local communities (predation) and means for allocating patronage (rents) (Vaughan, 1995: 502). In response, vernacular notions of governance are shaped along these two axes — by the opportunities afforded through the instrumentalization of distribution and by necessity in the face of the insecurities of instrumentalized disorder. On one axis, the politics of distribution, people organize themselves within familiar frameworks to ‘capture’ the state. On the other, discourses on disorder, law and order, social practices are mobilized as a response to and a protection against the state.

How political operators control or transform the post-colonial African state on behalf of specific, local economic and social groups is a question that has been framed within a number of discursive registers — the domestication and banalization of excess and largesse (Mmbembe, 1992, 2001), the ‘politics of the belly’ (Bayart, 1993), the ‘instrumentalization of disorder’ (Chabal and Daloz, 1999), the ‘criminalization of the state’ (Bayart et al., 1999), and the ‘moral matrix of family and food’ (Schatzberg, 1993).

This article attempts to build on collaborative work with Charlie Gore to whom I am deeply indebted. It also draws on a paper presented at the International Development Studies, Roskilde University. My thanks to all the participants and also to John Peel, Peter Geschiere, Karin Barber, Christian Lund, Jon Mitchell, Jeff Pratt and Nigel Ethirngham for their comments. I should also like to record my thanks to the Economic and Social Research Council, the British Academy and the Nuffield Foundation for research funding.