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Author(s): Thomas Spear

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NEO-TRADITIONALISM AND THE LIMITS OF INVENTION IN BRITISH COLONIAL AFRICA*

BY THOMAS SPEAR

University of Wisconsin–Madison

ABSTRACT: Exploring a range of studies regarding the ‘invention of tradition’, the ‘making of customary law’ and the ‘creation of tribalism’ since the 1980s, this survey article argues that the case for colonial invention has often overstated colonial power and ability to manipulate African institutions to establish hegemony. Rather, tradition was a complex discourse in which people continually reinterpreted the lessons of the past in the context of the present. Colonial power was limited by chiefs’ obligation to ensure community well-being to maintain the legitimacy on which colonial authorities depended. And ethnicity reflected long-standing local political, cultural and historical conditions in the changing contexts of colonial rule. None of these institutions were easily fabricated or manipulated, and colonial dependence on them often limited colonial power as much as facilitating it.

KEY WORDS: Accommodation to colonialism, anthropology, colonial, ethnicity, historiography, law, pre-colonial, resistance.

SCHOOLED since the early 1980s in the ‘invention of tradition’, the ‘making of customary law’ and the ‘creation of tribalism’, we have come to see ‘traditional’ African institutions as inventions of colonial authorities and missionaries colluding with African elders to establish colonial hegemony. Colonial chiefs were inventions in two senses: first, the men colonial authorities appointed often lacked traditional legitimacy, and second, the positions to which they were appointed were either created by the colonial administration or had been so corrupted by its demands to collect tax, raise labor and regulate agriculture that they no longer represented legitimate patterns of authority. Similarly, analyses of the ‘making of customary law’ have shown how colonial authorities, missionaries and African elders cobbled together local customs, colonial law, Christian morality and administrative regulations; codified them; gave them penal and corporal sanctions; and made them enforceable by authoritarian chiefs, contrary to negotiated pre-colonial practices. And studies of the ‘creation of tribalism’ have demonstrated how territorially defined political units supplanted earlier fluid social groups recruited on the basis of kinship and patronage and were given substance by standardized written languages, published ethnographies and collections of folklore, the experiences of urban migrants in multi-ethnic workplaces, and the reorganization of local polities into ethnically based native authorities under appointed chiefs. What these concepts share is a

* I dedicate this paper to the memory of Leroy Vail, who made us aware of the complex dynamics of African traditions in his many books, articles and edited collections on language, history, traditions and ethnicity. I also thank Iris Berger, Florence Bernault, Sara Berry, Patrick Harries, Corinne Kratz, Richard Rathbone, Richard Roberts, Jan Vansina, Crawford Young and especially Richard Waller for their perceptive comments and suggestions.

common emphasis on the social construction of tradition, law and ethnicity by colonial authorities to preserve tradition and social order while subordinating African societies to colonial rule.

These conceptual insights have encouraged us to explore the essential contradictions in colonial rhetoric between preserving the past, promoting economic development and protecting Africans from the traumas of modernity. These contradictions were eloquently captured in colonial disdain for 'detribalized' or 'trouserred' Africans, those Africans who responded most enthusiastically to the colonial 'civilizing mission'. The focus on 'invention', on 'making' and on 'creation' also leads us to question the ostensible timelessness of tradition, custom and ethnicity; historicize their development; and explore how they were exploited, manipulated and transformed by colonial and local authorities. In short, we have been forced to unpack the assumed dichotomy between African tradition and European modernity to see how each was interpreted and deployed by Europeans and Africans alike.

Subsequently, however, the emphasis on colonial invention (defined as devising, contriving or fabricating)¹ has led historians to neglect the historical development and complexity of the interpretative processes involved. Such constructions were rarely without local historical precedents, and they had to be perceived as legitimate to be effective. Local discourse played a vital role as people continually reinterpreted and reconstructed tradition in the context of broader socio-economic changes. And colonial policies often stimulated rather than stilled conflict in the ongoing politics of neo-traditionalism.² Far from being created by alien rulers, then, tradition was reinterpreted, reformed and reconstructed by subjects and rulers alike. In the process of analysis, once provocative concepts have often been reduced to ahistorical clichés. Colonial power is taken for granted, while economic forces are neglected. Colonial duplicity overwhelms African gullibility. And African politics, often expressed in intense disputes over tradition, is neglected.³

Colonialism was not simply a unilateral political phenomenon, however. Colonial authorities sought to incorporate preexisting polities, with their own structures of authority and political processes, into colonial structures, themselves in the process of being developed in response to local conditions. At the same time, colonial authorities were making new economic demands on Africans to sacrifice their land to settlers, work away from home and produce new crops, all of which dramatically affected the local lineage politics by which individuals gained access to resources and economic security through strategic alliances with patrons and one another.⁴ Attempts

¹ *Shorter Oxford English Dictionary*.

² In earlier work I used the term 'pseudo-traditionalism', but now think 'neo-traditionalism' better captures a process marked by reinterpretation that was neither spurious nor false. Thomas Spear, *Mountain Farmers: Moral Economies of Land and Agricultural Development in Arusha and Meru* (Oxford, 1997), 194–208.

³ See also Richard Handler and Jocelyn Linnekin, 'Tradition, genuine or spurious', *Journal of American Folklore*, 97 (1984), 273–90; Charles L. Briggs, 'The politics of discursive authority in research on the "invention of tradition"', *Cultural Anthropology*, 11 (1991), 435–69.

⁴ Sara Berry provides an excellent example of the impact of economic changes on chieftaincy in "'When elephants fight, it is the ground that suffers": chieftaincy, land and politics in Yorubaland and Asante' (unpub. paper).

to invent tradition were thus complex and dynamic processes within ever changing fields of colonial conquest, rule and exploitation. While such processes were found throughout colonial Africa, most of the recent literature considered here concerns British rule. I have therefore focused my discussion largely on British colonialism, with occasional references to comparative cases where available.

THE INVENTION OF TRADITION IN BRITISH COLONIAL AFRICA

The Ur-text was Terence Ranger's 'The invention of tradition in colonial Africa', published in 1983; but within a decade, Ranger himself criticized his earlier analysis in a less-cited follow-up.⁵ Contrary to subsequent interpretation, much of Ranger's original analysis did not concern British invention of African traditions but of their own, as colonial authorities adopted recently devised British institutions of the regiment, public school, country house, civil service and imperial monarchy to establish a 'feudal-patriarchal' ethic of African subordination.⁶ He then went on to explore how colonial authorities created rigid ethnic categories and reified African customs, as well as how Africans confronted colonial social disorder by manipulating these reworked traditions to restore order.⁷ Ranger thus suggested an array of adaptations by both Europeans and Africans, contrary to the unilateral colonial inventions characteristic of many succeeding analyses.

In his subsequent auto-criticism, Ranger went further to doubt the utility of using the term 'invention' at all. Invention, he noted, implied a conscious construction of tradition, focused on colonial power and agency. Further, it essentialized tradition and disregarded historical processes of reinterpretation and reformation. Finally, a focus on invention construed Africans as gullible subjects. In short, Ranger saw the term as misleading and ahistorical, and he chose to substitute Benedict Anderson's term, 'imagined', to better convey what he now saw as multi-dimensional, interactive historical processes.⁸

But Anderson's concept of 'imagined communities' also suffers from some of the same problems as the invention of tradition. While Anderson rightly directs us to the role of intellectuals in the articulation of national identities, analysis of the process of imagining the nation frequently neglects the economic, social and political factors that help shape identities and the complex processes of reinterpretation and reconstitution of historical myths and symbols to define them.⁹ We must, then, reconceptualize the dynamics of tradition along historical lines.

'Tradition' has been one of the most contentious words in African historiography, widely condemned for conveying a timeless, unchanging past and the evil twin of modernity. But it remains critically important in

⁵ Terence Ranger, 'The invention of tradition in colonial Africa', in E. J. Hobsbawm and T. O. Ranger (eds.), *The Invention of Tradition* (Cambridge, 1983), 211–62; *idem*, 'The invention of tradition revisited: the case of Africa', in Terence Ranger and Olufemi Vaughan (eds.), *Legitimacy and the State in Twentieth Century Africa* (London, 1993), 62–111.

⁶ Ranger, 'Invention of tradition', 211–46. ⁷ *Ibid.* 247–60.

⁸ Ranger, 'Invention of tradition revisited', 62–70, 78–82.

⁹ Benedict Anderson, *Imagined Communities* (London, 1983); Anthony D. Smith, 'The nation: invented, imagined, reconstructed?' *Millennium*, 20 (1991), 353–68.

understanding historical processes of social change and representation. Traditions endure for long periods of time, but only because cognitive categories are in dialogical tension with social reality, continually readjusting while simultaneously projecting an image of timeless continuity. But all is not as it seems, for tradition also constitutes a discourse by which people assert present interests in terms of the past. Traditions thus have their own histories, histories that can be recovered by careful excavation of their successive representations.¹⁰

For Jan Vansina, tradition is a powerful and enduring endogenous process. Far from being timeless, traditions represent the 'fundamental continuities which shape the futures of those who hold them'. They exist not just in the mind, but also 'out there' in the form of scriptures, institutions and concepts. As such, they encompass 'concrete sets of basic cognitive patterns and concepts', such as the Judeo-Christian-Muslim tradition or, in his case, the Equatorial African tradition. But they also undergo continual renewal as cognitive concepts are periodically adjusted to accord with changing physical realities. Traditions, then, consist both of fixed precedents and principles and fluid processes of adaptation that enable them to be continually renewed in an autonomous and self-regulating process.¹¹

A tradition does not, however, last forever for Vansina. Rather, it dies when its basic premises are fundamentally challenged by an alternative paradigm and its carriers abandon its principles to adopt those of the other. Thus, for Vansina, the Equatorial African tradition that had endured for four to five thousand years ceased to exist following the onslaughts of colonial conquest and rule.¹²

But can a tradition, deeply embedded in a people's language, institutions and collective consciousness, really die? Not if, according to Steven Feierman, traditions are viewed as discourses – 'long term continuities in political language' – that are continuously transformed as people struggle over social changes and conflicts within their society. Feierman draws on Saussure's distinction between *langue* as an arbitrary, self-contained rule-bound system of language and *parole* as creative speech. Every spoken phrase is a unique creation that is only comprehensible if a competent speaker follows grammatical rules that govern its creation. Similarly, discourse is both patterned and continually transformed as local intellectuals combine ideological elements from diverse sources through a process Giddens terms 'rule-governed creativity' and Bourdieu 'regulated improvisations'.¹³ When colonial authorities sought to appropriate tradition, then, they became subject to a discourse of which they had little knowledge or control. And when they

¹⁰ Steven Feierman, 'Colonizers, scholars and the creation of invisible histories', in V. E. Bonnell and L. Hunt (eds.), *Beyond the Cultural Turn* (Berkeley, 1999), 182–216. For comparable analyses of traditions in southern Tanzania and northern Namibia, see Jamie Monson, 'Memory, migration and the authority of history in southern Tanzania, 1860–1960', *Journal of African History*, 41 (2000), 347–72, and Meredith McKittrick, 'Capricious tyrants and persecuted subjects: reading between the lines in missionary records of precolonial northern Namibia', in Toyin Falola and Christian Jennings (eds.), *African Historical Research* (Rochester, forthcoming).

¹¹ Jan Vansina, *Paths in the Rainforest: Toward a History of Political Tradition in Equatorial Africa* (Madison, 1990), 257–8. ¹² *Ibid.* 260.

¹³ Steven Feierman, *Peasant Intellectuals: Anthropology and History in Tanzania* (Madison, 1990), 3–29.

sought to impose their own discourse, such as Christianity or democracy, they risked its appropriation to challenge their own authority. Discourse not only patterned peoples' struggles, but could influence those of their opponents, as each was reinterpreted and transformed through time.¹⁴

But if traditions are continually reconstructed, Corinne Kratz asks, why do they appear as fixed and immutable? How is change rendered timeless? The answer appears in the dialectical relation between ideological change and tradition. Since changes in the normal order usually accrue only incrementally, they are slowly assimilated into tradition through projection of the present into the past, concentration of the past and its canonization, such that tradition appears both seamless and timeless.¹⁵

The complex, dialogic strands of tradition and interpretation, colonizer and colonized are brought together in two incisive studies of Zulu traditions. The first is Patrick Harries's subtle analysis of Chief Buthelezi's creative use of Zulu traditions in modern politics. According to Harries:

inventions can be invented ... only in the sense that inventions build upon a previous body of knowledge. They are not created anew, but are rather manufactured, or assembled, from an existing body of knowledge that, consciously or unconsciously, includes myth and symbol. For tradition to be accepted as legitimate, it must bear a semblance of repetition. Perhaps more importantly, for an image to take on the sanctity of tradition, people must believe that it embodies an efficacy born of past experience. Traditions may be imposed from above but they will remain impuissant as long as they do not strike a resonant chord in the community.¹⁶

Carolyn Hamilton's detailed study of successive changes in the representation of Shaka by both Zulu and British traces this dialectical process over the past 200 years. Rather than focusing on invention, Hamilton concentrates on the *limits* of invention imposed by the 'complex interweaving of past events and previous concerns':

The notion of 'invention' can all too easily lose sight of the history of the tradition, of the way in which the tradition's ... own past shapes its present. It further places full control over content and form in the hands of the 'inventors' ... and ignores the way ... their versions of history are shaped by contesting and conflicting versions of the past. It loses sight of the struggles between existing, often opposed, bodies of knowledge and the ways in which such contests are related to social conditions ... It denies the possibilities of 'subjugated knowledges' and the effects these subjective texts have on versions of the past promoted by those with political power.¹⁷

Traditions have their own histories based on the availability of raw material, processes of adaptation, limits on their use and struggles over their meaning: 'the colonial worldview was not simply imported from the metropole and

¹⁴ *Ibid.* 43, 120-1, 145.

¹⁵ Corinne A. Kratz, "'We've always done it like this ... except for a few details': "tradition" and "innovation" in Okiek ceremonies', *Comparative Studies in Society and History*, 35 (1993), 30-65.

¹⁶ Patrick Harries, 'Imagery, symbolism and tradition in a South African Bantustan: Mangoshuthu Buthelezi, Inkatha and Zulu History', *History and Theory*, 32 (1993), 106-7.

¹⁷ Carolyn Hamilton, *Terrific Majesty: The Powers of Shaka Zulu and the Limits of Historical Invention* (Cambridge, 1998), 26-7.

imposed on the colonizer, nor was a new worldview suddenly “invented”. Rather, it emerged out of the colonial experience, through a process of transformation and rearrangement’. And since the sources of many western ideas about Africa lay in African discourses, ‘a historically conditioned dialectic of intertextuality between “western” models of historical discourse and indigenous traditions of narrative’ took place; ‘alibis, histories and ideologies that are successful resonate in a body of knowledge known to both their promoters and those they seek to persuade’.¹⁸

INDIRECT RULE AND THE POLITICS OF NEO-TRADITIONALISM

One of the most common uses of the invention of tradition has been to analyze the British policy of indirect rule, in which colonial authorities sought to identify and rule through ‘traditional’ African authorities in order to appropriate their legitimacy.¹⁹ In the words of Sir Donald Cameron, Lugard’s disciple in Nigeria and Tanzania:

the rule of the Chief is deeply rooted ... the people have a real attachment to their Chief and the system of tribal government to which they belong. It would surely be mere vandalism to set out to smash an organisation like this ... Their loyalties to their own institutions ... [which] form one of the most valuable possessions which we have inherited ... make for law and order in the land as nothing else can.²⁰

While Cameron acknowledged that the initial attraction of indirect rule was administrative and financial expediency, he stressed that it represented ‘the free will of the people’, the ‘natural authority’ of chiefs and the established customs of the people. Administrators would thus be foolish to manipulate the system or create artificial chiefs even as the ‘civilizing mission’ obligated them to purge the system of abuses and modernize it.²¹

Contradictions between local autonomy and colonial domination, effective policy and efficient rule, tradition and modernity, and self-rule and incipient nationalism lay at the heart of indirect rule, and they were not easily resolved.²² Rather than exploring such contradictions, however, many

¹⁸ *Ibid.* 27–30, 71.

¹⁹ For illuminating discussions of the differences between British and French rule and their impact on indigenous authorities, see Michael Crowder, *West African under Colonial Rule* (Evanston, 1968), 165–238; A. I. Asiwaju, *Western Yorubaland under European Rule: A Comparative Analysis of French and British Colonialism* (London, 1976); Kathryn Firmin-Sellers, ‘The reconstruction of society: understanding the indigenous response to French and British rule in Cameroon’, *Comparative Politics*, 34 (2001), 43–62; and Paul Nugent, *Smugglers, Secessionists and Loyal Citizens on the Ghana–Togo Border* (Oxford, 2002). Emily Osborn shows how French use of African employees functioned in many of the same ways as British indirect rule in “‘Circle of iron’: African colonial employees and the interpretation of colonial rule in French West Africa”, *Journal of African History*, 44 (2003), 29–50. And David Robinson demonstrates how the French also utilized Muslim clerics in similar ways in *Paths of Accommodation: Muslim Societies and French Colonial Authorities in Senegal and Mauritania, 1880–1920* (Athens, 2000).

²⁰ Donald Cameron, ‘Native administration in Nigeria and Tanganyika’, *Journal of the Royal African Society* (suppl.), 36 (1937), 5–6.

²¹ *Ibid.* 3–15; Donald Cameron, *My Tanganyika Service and Some Nigeria* (London, 1939), 75–94.

²² John Iliffe anticipated many of these issues in *A Modern History of Tanganyika* (Cambridge, 1979), 318–41.

historians have focused on the establishment of colonial hegemony through the ostensible creation and manipulation of African rulers. Where no chiefs existed, they were created; and where they did, the administration's candidates were often preferred over more popular choices. Colonial demands for land, labor and taxes trumped local obligations.

For Mahmood Mamdani, indirect rule established a 'decentralized despotism' as the British learned 'to marshal authoritarian possibilities in native culture'.

Custom ... was state ordained and state enforced ... I am not arguing for a conspiracy theory whereby custom was always defined 'from above', always 'invented' and 'constructed' by those in power. The customary was more often than not the site of struggle ... My point, though, is about the institutional context in which this contest took place: the terms of the contest, its institutional framework, were heavily skewed in favor of state-appointed customary authorities ... the functionary of the local state apparatus was ... the chief.

Far from being pre-colonial holdovers, colonial chiefs represented a consolidation of judicial, legislative and executive authority at the center of a system founded on forced labor, cultivation of crops, payment of taxes and giving up land.²³

Contrary to Mamdani's analysis, however, administrative transgressions risked undermining the legitimacy of colonial and local authorities alike, and so colonial administrators were often reluctant to assert their will heedlessly. Similarly, local chiefs trod a fine line between traditional obligations to redistribute wealth and protect people from misfortune and colonial demands to collect taxes, sell land, recruit labor and enforce a plethora of new regulations. Chiefs thus often sought to attenuate the demands of the state, and colonial officials often had to accede lest they precipitate violent opposition, the colonial nightmare.²⁴

To the extent that colonial authorities depended on local authorities to effect and legitimate their rule, then, their power was limited, and they became subject to local discourses of power that they neither fully understood nor controlled.²⁵ Cameron was right; it was critically important that they not invent chiefs lest they lose whatever legitimacy local authorities were able to retain in negotiating the contradictions of colonial rule.

Sara Berry has elegantly summed up the colonial dilemma as the problem of achieving 'hegemony on a shoestring'. Insofar as colonial authorities, ill-financed and thin on the ground, depended on traditional authorities, law and custom to maintain their rule, tradition became the source of continuing

²³ Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, 1996), 21–3, 41–57. Mamdani's argument regarding the authoritarian nature of colonial chiefs is severely weakened by his assumption that the experiences of settler colonialism reflected those of all Africa (Richard Rathbone, pers. comm.) and his frequent confounding of colonial and post-colonial cases and evidence, often attributing to the colonial state the impact of the more intrusive post-colonial state.

²⁴ For a dramatic example, see Wole Soyinka, *Death and the King's Horseman* (New York, 1975); for historical ones, Osumaka Likaka, *Rural Society and Cotton in Colonial Zaire* (Madison, 1997), and Thaddeus Sunseri, *Vilimani: Labor Migration and Rural Change in Early Colonial Tanzania* (Portsmouth NH, 2002), 76–103.

²⁵ Osborn also stresses the ability of African officials and translators to control colonial access to local knowledge: "'Circle of iron'".

struggles over power, meaning and access to resources. Far from becoming an instrument of authoritarian rule, then, tradition was contested by Africans and Europeans alike in attempts to establish their power and access to resources.²⁶

Karen Fields also stresses colonial dependence in her study of colonial rule in central Africa. Indirect rule worked, she argues, 'by making black men with legitimate authority appendages of white men without it'. It 'was a way of making the colonial state a consumer of power generated within the customary order ... Real power issued from the ruled'.²⁷

collaborators did not come simply as usable 'mouthpieces' ... but as leaders geared into *rouages indigènes*. And even if African leaders began merely as willing collaborators, with no legitimate claim to preeminence, they, too, could accomplish little unless they became enmeshed in the same *rouages*.²⁸

Conversely,

if the logic of indirect rule drew customary rulers into the colonial order, the same logic drew the administration into the customary order. To protect African rulers as keepers of the colonial peace, it had to buttress them as repositories of custom.²⁹

But colonial administrators often violated this logic by challenging the religious foundations of traditional legitimacy:

African rulers have a customary prerogative to cleanse their lands of witchcraft; they lose purchase on their people if they fail to exercise it; [when] they do exercise it, the regime at first opposes the prerogative, hesitates, and finally supports the chiefs; it is then drawn into the territory of witch doctoring.³⁰

Colonial authorities were thus forced to accept the discourse of witchcraft if they were to avoid being seen as attacking the upholders of the moral order and defending criminals.³¹

Similarly, Marshall Clough portrays chiefs as 'men in the middle, trying to balance the demands of the D.C. and the wishes of the people'. Administrators expected chiefs to serve the administration – collecting taxes, administering justice, and recruiting labor – while local people expected them to defend their interests against alien authority. The more demands the regime made, the more it challenged chiefs' legitimacy, weakened its own authority and forced chiefs to oppose it.³²

Recent studies of chieftaincy have turned from focusing on the political dynamics of indirect rule to exploring traditions of chiefship in areas of West Africa where centralized authorities had long pre-dated colonial rule. For Adriaan van Rouveroy van Nieuwaal and Rijk van Dijk, the viability of chieftaincy rests on its acceptability and legitimacy, and thus the central question is not whether chiefship was imposed or not, but how it was made acceptable, given meaning and imbued with respect and awe. It must have

²⁶ Sara Berry, *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison, 1993), 24–40. See also Peter Pels, 'The pidginization of Luguru politics: administrative ethnography and the paradoxes of indirect rule', *American Ethnologist*, 23 (1996), 738–61.

²⁷ Karen E. Fields, *Revival and Rebellion in Colonial Central Africa* (Princeton, 1985), 30–1. ²⁸ *Ibid.* 63. ²⁹ *Ibid.* 73. ³⁰ *Ibid.* ³¹ *Ibid.* 76.

³² Marshall S. Clough, *Fighting Two Sides: Kenyan Chiefs and Politicians, 1918–1940* (Niwot CO, 1990), 83–167.

been both imagined, in Anderson's sense, and embedded in local discourse, in Feierman's. That chieftaincy has endured testifies to its continuing ability to express local ethnic consciousness and to legitimize the state.³³

Similarly, Olufemi Vaughan views post-colonial Yoruba chieftaincy as an 'imaginative adaptation of Yoruba indigenous political structures to the processes of state formation in Nigeria' in which 'Yoruba elites consistently deployed subjective interpretations of their past to construct structures and ideologies of power'.³⁴

Chieftaincy structures have thrived over the last century, then, not because of a particular Yoruba loyalty to tradition, but because of their integration into regional alliances of power and privilege ... chieftaincy institutions and traditions are far from sacrosanct and immutable; they are constantly reconstructed out of the living memories, interest, and structural resources of local communities.³⁵

For Vaughan the continued vitality of Yoruba chieftaincy owes as much to local identities as it does to the implementation of colonial rule, the introduction of new religions, the development of Nigerian nationalism or the impact of global capitalism, as chiefs continued to use their ritual and political power to promote ethnic consciousness to oppose the power of the state and other ethnic groups.

Chiefs in Ghana have also been able to persevere into the post-colonial era. This was surprising, notes Richard Rathbone, because

Colonial rule and chieftaincy were widely perceived [by nationalists] to be unheavenly twins linked by mutual support ... and were thus jointly destined to join the fate of all doomed *anciens régimes* ... Chiefs ... stood for the past, for otherworldly values, and were opposed to both individualism and modernized corporatism.³⁶

It would have been hard to predict this result from colonial and early post-colonial history. While Britain was increasingly dependent on chiefs, chiefs had to impose colonial taxes and rules that were widely resented as coercive and corrupt. At the same time, disputes over stools were endemic, as they became the foci of struggles over access to land, wealth and the state, thus exacerbating the normally contentious nature of Akan chieftaincy.³⁷

Such struggles also became embedded in nationalist politics, as competing nationalist groups intervened in local politics, while nationalist allegiances were often a function of local issues, factions and politics. Far from being a function of colonial or nationalist politics, then, chieftaincy disputes influenced national politics and factional political styles. And in spite of Nkrumah's subordination of chiefs to the government, chieftaincy surged to

³³ E. Adriaan B. van Rouveroy van Nieuwaal and Rijk van Dijk, 'The domestication of chieftaincy in Africa: from the imposed to the imagined', in their *African Chieftaincy in a New Socio-Political Landscape* (Hamburg, 1999), 1–20.

³⁴ Olufemi Vaughan, *Nigerian Chiefs: Traditional Power in Modern Politics, 1890s–1990s* (Rochester, 2000), 210–11; *idem*, 'Chieftaincy politics and communal identity in colonial Western Nigeria', *Journal of African History* (forthcoming). See also Ruth Watson, 'Civil Disorder is the Disease of Ibadan': *Chieftaincy and Civic Culture in a Colonial City* (Portsmouth NH, forthcoming). ³⁵ Vaughan, *Nigerian Chiefs*, 216.

³⁶ Richard Rathbone, *Nkrumah and the Chiefs: The Politics of Chieftaincy in Ghana, 1951–60* (Oxford, 2000), 3–6. See also Leroy Vail (ed.), *The Creation of Tribalism in Southern Africa* (Berkeley, 1989), xii.

³⁷ Rathbone, *Nkrumah and the Chiefs*, 11–16, 34–5.

the fore following his overthrow as deposed chiefs were restored and the autonomy of chiefs enshrined in the constitution.³⁸

Sara Berry also stresses the increasingly disputatious nature of chiefship in response to colonial rule in Asante:

The proliferation of historical accounts may be traced, in part, to colonial strategies of indirect rule, which, in trying to order the changing present according to a supposedly stable body of custom, provoked ongoing debates, among colonial officials and Asantes as well as between them, over what constituted 'custom' and who had authority to decide ... Far from converging toward a single hegemonic narrative, both written and oral accounts of Asante history have proliferated – stimulating rather than stifling debate, and promoting rather than silencing the reinterpretation of tradition.³⁹

Disputes over land and chiefly titles were especially contentious:

the resulting tensions produced neither a master narrative of invented tradition nor a coherent counter-hegemonic discourse, but an ongoing process of historical debate, which defied contemporary efforts at administrative rationalization ... By inviting multiple 'readings' of Asante history, indirect rule continually subverted its own agents' efforts to produce decisive sets of rules and precedents.⁴⁰

There had long been, Berry concludes, a 'marketplace of power' in Asante where history was bargained over and chiefs sought to appropriate and channel the resources and ambitions of wealthy subjects.⁴¹

Unlike West Africa, however, in many areas there were few preexisting chiefly offices to bargain over; but colonial authorities remained dependent on local politics nonetheless. As shown in Thomas Spear's study of colonial rule in northern Tanzania, the fact that chiefs were created by colonial authorities did not make them immune to local influence or limits since even pseudo-traditional authorities had to appear legitimate if they were to be effective tools of colonial rule. They were also subject to the local discourse of tradition, on which they were ostensibly based, and to the ongoing politics of neo-traditionalism. While colonial administrators were quick to dismiss political opposition as an attack on tradition, opponents could effectively question chiefs' legitimacy on both traditional grounds (such as failures to observe the responsibilities of wealth or to protect others from witchcraft) and modern ones (taxation without representation, lack of popular election, misappropriation of funds or perversion of justice), thereby impugning both chiefly and colonial authority.⁴²

Indirect rule thus offered a contradiction in terms. If colonial administrators were to capitalize on the illusion of traditional authority, their rule was limited by the need of those authorities to maintain their legitimacy. Nor could traditional authority simply be invented if it was to resonate with

³⁸ *Ibid.* 40, 92–4, 142–3, 163–4. See also K. Brempong, *Transformations and Traditional Rule in Ghana (1951–1996)* (Accra, 2002).

³⁹ Sara S. Berry, *Chiefs Know their Boundaries: Essays on Property, Power, and the Past in Asante, 1896–1996* (Portsmouth NH, 2001), xxviii. ⁴⁰ *Ibid.* 10, 13.

⁴¹ *Ibid.* 26, 36–7. See also Berry, "When elephants fight".

⁴² Spear, *Mountain Farmers*, 78–84, 111–12, 194–208; *idem*, 'Indirect rule, the politics of neo-traditionalism and the limits of invention in Tanzania', in G. Maddox, J. Giblin and Y. Q. Lawi (eds.), *In Search of a Nation: Nations and Nationalism in Tanzania Culture and History* (Oxford, forthcoming). African officials or Muslim clerics often occupied similar positions in French colonies: Osborn, "Circle of iron"; Robinson, *Paths of Accommodation*.

people's values and be effective. Rather, it had to emerge from the discourse of tradition, and once colonial administrators acknowledged the sovereignty of traditional discourse, they too became subject to it, as both Feierman and Fields show. At the same time, tradition itself became the dominant language of politics and increasingly contested, as Berry argues. Depending on the outcome, chiefs could either symbolize the corrupt authority of the colonial state (and thus be targets of nationalist opposition) or convey a consciousness of one's identity and history. The invention of tradition was a perilous process that could both challenge and support colonial hegemony.

THE MAKING OF CUSTOMARY LAW

In the British colonial order, chiefs were the repositories, administrators and judges of 'customary law', the rules that governed colonial social, political and economic relations. But in African societies, indigenous law was more a legal claim than a legal code. Colonial authorities thus found many variants when they attempted to codify such practices. Colonial authorities also dismissed customs they found 'repugnant' to civilized standards and added their own laws, administrative rules and mission practices to the colonial code. Local authorities were thus left responsible for a hodgepodge of indigenous, colonial and common law, administrative regulations and Christian injunctions that came to comprise customary law.⁴³

An early study of the manipulation of customary law is Elizabeth Colson's analysis of the contradictions inherent in colonial preservation of communal land tenure for Africans while promoting individual tenure for white settlers. In the process, Colson shows how this allowed colonial governments to alienate African land en bloc at the behest of the chief while also proclaiming African backwardness and restricting Africans from individual enterprise. It was, she notes, a masterful means of facilitating and justifying exploitation at the same time.⁴⁴

Martin Chanock expands on Colson's insights to argue that customary law was neither a pre-colonial residue, parallel to imported colonial law, nor a rational transformation resulting from colonial capitalism, but a specifically colonial transformation of flexible and contingent patterns of negotiation and relationships to fixed rules with strict corporal and penal sanctions.⁴⁵ As

⁴³ British colonial policy followed British common law in contradistinction to the French, who imposed their own civil code. For Anglo-French differences, see A. I. Asiwaju, 'Law in African borderlands: the lived experience of the Yoruba astride the Nigeria-Dahomey border', in Kristin Mann and Richard Roberts (eds.), *Law in Colonial Africa* (Portsmouth NH, 1991), 224-38. For the development of South African Roman-Dutch common law in concert with African customary law, see Martin Chanock, *The Making of South African Legal Culture, 1902-1936: Fear, Favour and Prejudice* (Cambridge, 2001). For the distinction between 'indigenous law' and 'customary law', see June Starr and Jane Collier, 'Introduction: dialogues in legal anthropology', in their *History and Power in the Study of Law* (Ithaca, 1989), 8-9.

⁴⁴ Elizabeth Colson, 'The impact of the colonial period on the definition of land rights', in Victor Turner (ed.), *Colonialism in Africa* (Cambridge, 1971), III, 193-215. See also Martin Chanock, 'Paradigms, policies and property: a review of the customary laws of land tenure', in Mann and Roberts (eds.), *Law in Colonial Africa*, 61-84.

⁴⁵ Martin Chanock, 'Making customary law: men, women and courts in colonial northern Rhodesia', in Margaret Jean Hay and Marcia Wright (eds.), *African Women and the Law: Historical Perspectives* (Boston, 1982), 53-67; *idem*, *Law, Custom and Social Order: The Colonial Experience in Malawi and Zambia* (Cambridge, 1985).

market agriculture and migrant labor introduced new tensions within rural societies over the control of labor, wealth and land, elderly men invoked rules of morality, kinship and deference to maintain control over divided families and new forms of wealth. Court disputes were, thus,

new conflicts caused by new demands being made of old relationships ... People grappled with the present not in terms of ideas of the future ... but in terms of ideas of the past, recast in the heat of present experiences ... [and] legitimized through British colonial legal policies and institutions.

In the process, custom became transformed from a political resource for re-negotiation of social status and access to resources to a set of enforceable rules that froze status and restricted access. At the same time, colonial authorities added elements of Christian doctrine, common law and administration rules regulating sanitation, land use, conservation, tax, drinking, movement and control of disease. Customary law thus legislated morality, criminalized custom and legalized administrative rules, transforming chiefs into a single executive, legislative and judicial authority.⁴⁶ Less invented than transformed, codified, expanded and criminalized under specific historical conditions, customary law was neither traditional nor modern, African nor European, but quintessentially colonial.

In placing such emphasis on the colonial situation and the power of African men within it, however, Chanock overlooks the constraints imposed by tradition itself, including the civic responsibilities of wealth, the rights of dependants and the ability of the weak to employ them to resist exploitation. Women could, and did, invoke customary law to force elders and colonial authorities to exercise their responsibilities to protect women's rights, as Elizabeth Schmidt shows in her study of colonial Zimbabwe. While Schmidt generally concedes Chanock's point that the 'convergent interests of African and European men ... set the stage for their collaboration in the control of African women', she also notes that by 'playing off conflicting interests within the male alliance, African women succeeded in using colonial courts to their advantage' or were able to exploit the gap between law and practice to evade the new laws altogether. In a similar vein, Judith Byfield and Richard Roberts both show how women were able to seek divorce from oppressive husbands after the establishment of colonial courts based on customary law, and Kenda Mutongi demonstrates how normally defenseless widows were able to appeal to the new courts to uphold their married daughters' honor by shaming men into upholding their responsibilities to protect them.⁴⁷

⁴⁶ Chanock, *Law, Custom and Social Order*, 47, 113.

⁴⁷ Elizabeth Schmidt, *Peasants, Traders, and Wives: Shona Women in the History of Zimbabwe, 1870-1939* (Portsmouth NH, 1992), 98-121; Judith Byfield, 'Women, marriage, divorce and the emerging colonial state in Abeokuta (Nigeria), 1892-1904', *Canadian Journal of African Studies*, 30 (1996), 32-51; Richard Roberts, 'Representation, structure and agency: divorce in the French Soudan during the early twentieth century', *Journal of African History*, 40 (1999), 389-410; Kenda Mutongi, "'Worries of the heart": widowed mothers, daughters, and masculinities in Maragoli, Western Kenya, 1940-60', *Journal of African History*, 40 (1999), 67-86. While the first three of these studies concern the early colonial period, indicating that women may have had greater leverage early in the establishment of customary law, Mutongi shows that at least some women continued to be able to avail themselves of customary law into the 1950s.

Like Chanock, Sally Falk Moore emphasizes the degree to which Chaga chiefs and newly wealthy big men were able to transform custom into customary law in order to expand their own wealth and power in the context of colonial rule and cash cropping. In pre-colonial times, autonomous localized lineages controlled the land, labor, water and ritual power required for social reproduction; while chiefs received tribute, *corvée* and wives in return for political and ritual protection, cattle and feasts. Under German rule, however, chiefs' legal rights and obligations became transformed as they lost the wealth previously gained in trade and raiding and replaced it with taxes, legal fees and fines, payments from labor recruiters, coffee sales and ritual fees.⁴⁸ But Moore exaggerates the power of chiefs to extract resources, as widespread economic prosperity brought by coffee and education enabled local groups to resist chiefs and maintain control of the resources required by the new capitalist economy.

While law played a critical role in insuring European political domination, reshaping local economies, articulating new moral orders and legitimating the colonial civilizing mission, Chanock, Moore and others thus exaggerate the inflexibility of customary law and European power to manipulate and expand it. As Kristin Mann and Richard Roberts demonstrate, law was not a body of immutable rules, institutions, and procedures, but ... a dynamic historical foundation which at once shapes and is shaped by economic, political, and social processes ... law [was] not ... an impartial arbiter guided by fixed rules and procedures, but ... a resource ... used in struggles over property, labor, power, and authority.

Nor were European authorities alone in making colonial law:

both [Africans] and Europeans shaped the laws and institutions, relations and processes, and meanings and understandings of the colonial period itself. Under colonialism, moreover, Africans used law as a resource in struggles against Europeans. Legal rules and procedures became instruments of African resistance, adaptation and renewal, as well as of European domination.

Customary law was thus forged in struggles over property, labor, power and authority within an interactive colonial legal system, African and European, Christian and Muslim, traditional and modern.⁴⁹

Kristin Mann's case study of early colonial Lagos reveals how erstwhile clients sued their patrons to recover their rights to food, housing and bridewealth in return for their labor and support, while at the same time, their patrons defended their refusal to observe customary norms on the basis that their relationships with the aggrieved parties were purely contractual ones of wage labor, rent and commercial loans. The cases thus represent a specifically local struggle between the values of an older moral economy and an emerging capitalist one rather than an assertion of colonial authority.⁵⁰

Making customary law was thus not a simple process of colonial invention,

⁴⁸ Sally Falk Moore, *Social Facts and Fabrications: Customary Law on Kilimanjaro, 1880-1980* (Cambridge, 1986), 88-90, 95-101, 214-17, 316.

⁴⁹ Kristin Mann and Richard Roberts, 'Law in colonial Africa', in their *Law in Colonial Africa*, 3-8.

⁵⁰ Kristin Mann, 'Interpreting cases, disentangling disputes: court cases as a source of understanding patron-client relationships in early colonial Lagos', in Falola and Jennings (eds.), *African Historical Research*.

but a contingent and dialogical one in which Europeans employed African customs as well as their own moral and legal codes to seek to establish political, social and economic domination, while Africans – old and young, male and female – appealed variously to African, colonial, Muslim and Christian codes to defend their own interests. Such struggles over the terms of colonial domination, moral control and modernization ensured that law remained indeterminate, subject to demands made on it, precedent, historical conditions, perceived legitimacy and interpretation. In fact, as Brett Shadle has shown, British administrators often opposed codifying customary law in order to maintain their ability to respond flexibly to different situations. As a result, Africans determined the content of the law in the course of individual decisions in which they provided a more nuanced interpretation of the law than colonial constructions allowed.⁵¹

ETHNICITY AND THE CREATION OF TRIBALISM

At the core of discussions of colonial invention is the concept of ‘tribe’, defined as an exclusive, territorially bounded, self-conscious collectivity of people sharing a common language, history and culture. For one, the idea of tribe underpins the approaches to tradition, chieftaincy and customary law discussed above. Traditions related the origins, history, cultural values and institutions of tribal collectivities. Indirect rule was premised on the existence of culturally homogeneous, territorial tribes ruled by chiefs. And customary law provided the prescriptive rules binding such units. The idea of tribe also undergirded European racialized thought concerning Africa, while more recently, social and political mobilization along ethnic lines, or ‘tribalism’, has emerged as a powerful force in African politics, often with tragic results.

The contemporary study of ethnic groups and ethnicity – common euphemisms for tribe and tribalism – dates from the 1960s. Previously seen as unproblematic by colonialists, Africans and social scientists alike, ethnicity’s seemingly anachronistic resurgence among migrant workers, its perverse failure to fade away in the face of modernization and its explosive intrusion into national politics forced analysts to reassess prevailing assumptions.⁵² In the process, competing instrumental, primordial and constructivist approaches emerged.⁵³

⁵¹ Brett L. Shadle, “‘Changing traditions to meet current altering conditions’”: customary law, African courts and the rejection of codification in Kenya, 1930–60’, *Journal of African History*, 40 (1999), 411–31. Chanock notes that South Africa was the exception to this general rule: *Making of South African Legal Culture*, 246.

⁵² Early studies include Aidan Southall, ‘The illusion of tribe’, *Journal of Asian and African Studies*, 5 (1970), 28–50, and Iliffe, *A Modern History of Tanganyika*, 318–41. For an excellent summary, see Crawford Young, *Ethnicity and Politics in Africa* (Boston, 2002).

⁵³ The three approaches are ably dissected by Crawford Young, ‘The dialectics of cultural pluralism: concept and reality’, in his *The Rising Tide of Cultural Pluralism* (Madison, 1993), 3–35. See also *idem*, ‘Nationalism, ethnicity and class in Africa: a retrospective’, *Cahiers d’études africaines*, 103 (1986), 421–95; G. Carter Bentley, ‘Ethnicity and practice’, *Comparative Studies in Society and History*, 29 (1987), 24–55; Carola Lentz, “‘Tribalism’ and ethnicity in Africa: a review of four decades of Anglophone research’, *Cahiers des sciences humaines*, 31 (1995), 303–28.

Instrumentalists focused on the ways ethnicity was mobilized by migrant workers to counter urban anomie, poverty, insecurity and competition; by nationalists to build political constituencies and gain access to national resources; and by cultural elites to enhance their status. Far from being assumed, then, ethnicity was political, contingent and circumstantial, a historical phenomenon that called for analysis of how and why it was mobilized in specific situations. At the same time, however, instrumentalists were unable to account for the specific content of ethnicity, especially its affective aspects that make it such a powerful and effective means of political mobilization.

Those questions fell to primordialists, who sought to explain ethnicity's emotional power through evoking a common history, culture and destiny – potently symbolized by blood – in defense of group interests. And yet, just as instrumentalists failed to account for the content of ethnicity, so primordialists were unable to account for when and why ethnicity was invoked and became so charged.

What the two shared, however, was that both accepted the existence of ethnicity and ethnic groups as part of a fundamental social order. It was left to constructivists to query that basic assumption. Constructivists focused on the degree to which modern expressions of ethnicity were invented by colonial authorities and African intellectuals in the name of reproducing a traditional social order. Before colonial conquest, constructivists argued, Africans did not belong to fixed tribes, but participated instead in fluid, overlapping social networks of kin, age-mates, clients, neighbors and chiefdoms. Tribes were thus a product of colonial rule, as administrators created new chiefdoms and native authorities; missionaries standardized African languages and propagated African traditions; African chiefs asserted authority over territorial districts; and educated Africans produced new ethnic histories.

This is largely the approach taken in Leroy Vail's influential collection, *The Creation of Tribalism in Southern Africa*.⁵⁴ Vail examines earlier analyses of ethnicity, focused on primordial sentiments, colonial policies, urbanization, modernization and uneven development, and finds that none explain the origins or persistence of ethnic consciousness and ideologies in the face of colonialism, capitalism and nationalism. Exploring these problems, he finds that ethnic groups were a product of specific colonial forces and agents as indirect rule created the conditions for ethnic politics and European and African intellectuals crafted ethnic languages, histories and ideologies to fit.⁵⁵

Far from existing since time immemorial, then, tribalism was a specifically modern phenomenon that promoted progressive interests in terms of traditional values. Terence Ranger, for example, asserts that Shona ethnicities had no roots in the pre-colonial past, but were solely the creation of colonial administrators, missionaries and migrant workers. Leroy Vail and Landeg White show how colonial authorities first introduced the taxonomic unit of tribe in Malawi, which was then given cultural definition by African teachers and evangelists. And Allen Roberts argues that Tabwa ethnicity was

⁵⁴ Vail (ed.), *Creation of Tribalism*. These papers were first presented in 1983, but they were not published until 1989.

⁵⁵ Vail, 'Ethnicity in southern African history', in Vail (ed.), *Creation of Tribalism*, 1–19.

not only created by Christian evangelists, but specifically denoted a modern, Christian, literate group.⁵⁶

Jean-Loup Amselle's *Mestizo Logics* also argues that ethnicity did not exist prior to colonialism, but was a product of 'ethnological reason' and 'racial politics' applied by French administrators, missionaries and ethnographers to fix rigid, bounded models of African societies. In contrast, Amselle sees pre-colonial societies as unstable, socially fluid, self-sustaining systems that oscillated along a 'chain of societies' in and around states, the principle form of African social and political organization. Colonial authorities disarticulated these chains to produce distinctive ethnicities, which were then appropriated by local people. For Amselle, then, modern ethnic claims are 'devoid of historical meaning prior to colonial conquest'.⁵⁷

The strict constructivism of Vail and Amselle thus fails to account for pre-colonial ethnicities and their influence on the development of modern politicized tribalism, as shown by Patrick Harries and Robert Papstein, both of whom view modern tribalism as a transformation of earlier ethnic forms as much as a colonial creation. Harries focuses on ethnic consciousness as 'a fluctuating, situational expression of group identity aimed at the achievement of specific political ends' among Mozambique migrants to South Africa. It developed as chiefly power waned, Swiss missionaries standardized vernacular languages and ethnicity, a Christian petty bourgeoisie emerged and migrant workers mixed with others on the mines, resulting in the 'politicization of ethnicity'.⁵⁸ Similarly, Papstein shows how ethnicity was politicized and hardened as 'a slowly evolving, fluid ethnic self-awareness was transformed into a new harder "tribal" structure to the extent that "tribalism" was stronger and more politically relevant in 1981 than in 1881'.⁵⁹ It is thus as important to focus on the transformation of older forms of ethnicity as on the possible invention of new ones, an issue that many studies of ethnicity in pre-colonial and colonial Africa continue to evade.

A case in point is Carola Lentz's review article, "'Tribalism" and ethnicity in Africa'. After a broad survey of the Anglophone literature, Lentz concludes:

⁵⁶ Terence Ranger, 'Missionaries, migrants and the Manyika: the invention of ethnicity in Zimbabwe', in Vail (ed.), *Creation of Tribalism*, 118–50; Leroy Vail and Landeg White, 'Tribalism in the political history of Malawi', in Vail (ed.), *Creation of Tribalism*, 151–92; Allen F. Roberts, 'History, ethnicity and change in the "Christian Kingdom" of southeastern Zaire', in Vail (ed.), *Creation of Tribalism*, 193–214.

⁵⁷ Jean-Loup Amselle, *Mestizo Logics: Anthropology of Identity in Africa and Elsewhere* (Stanford, 1998), xi–xv, 1–18, 41–55 (first published in French as *Logiques métisses: anthropologie de l'identité en Afrique et ailleurs* [Paris, 1990]). See also Jean-Loup Amselle and E. M'Bokolo (eds.), *Au cœur de l'ethnie* (Paris, 1985), and Jean-Pierre Chrétien and Gérard Prunier (eds.), *Les ethnies ont une histoire* (Paris, 1989).

⁵⁸ Patrick Harries, 'Exclusion, classification and internal colonialism: the emergence of ethnicity among the Tsonga-speakers of South Africa', in Vail (ed.), *Creation of Tribalism*, 82–117. For an expanded view of the impact of migrant workers on ethnicity, see *idem*, *Work, Culture, and Identity: Migrant Laborers in Mozambique and South Africa, c. 1860–1910* (Portsmouth NH, 1994). See also Harries's careful analysis of changing forms of Zulu ethnicity in 'Imagery, symbolism and tradition'.

⁵⁹ Robert Papstein, 'From ethnic identity to tribalism: the upper Zambezi region of Zambia, 1830–1981', in Vail (ed.), *Creation of Tribalism*, 372–94. See also J. D. Y. Peel, *Religious Encounter and the Making of the Yoruba* (Bloomington, 2000), 278–309.

Historians and anthropologists now agree that precolonial Africa was not ... composed of tribes or ethnic groups with distinct boundaries. On the contrary, the dominant characteristics of precolonial 'societies' ... were mobility, over-lapping networks, multiple group membership and the flexible, context-dependent drawing of boundaries ... It was only under European colonial rule that new institutions and administrative measures ... introduced the concept of individual, personal identity, together with its collective counterparts, culturally and linguistically distinct tribes and nations.⁶⁰

But these conclusions are too starkly Eurocentric, and Lentz has to qualify them to account for pre-colonial precedents:

[pre-colonial] flexibility and multiplicity of social and political networks does not mean that ethnicity was purely a colonial invention and that no processes of 'ethnicization' took place in the precolonial period ... precolonial 'ethnic' ideologies of a common ancestor and history were also invented and propagated by cultural specialists to establish new 'we' groups ... to distinguish the group from 'others'.⁶¹

For Lentz, colonial ethnicization stabilized social inequality and produced collective ethnicities that were 'much more rigid' than earlier ones. Conditions of increasing insecurity fostered by labor migration and urbanization perpetuated these new identities and made them appear natural. Thus, what was new was not the existence of ethnicities, but their form and function, as older forms merged with colonial ones and became more rigid. And yet, Lentz must qualify her judgment here as well:

This rigidity is more often a facade than a political reality ... Behind the facade of unambiguous history/ies, symbols, rituals and rules which are intended to demarcate the ethnic community, there lie ambiguities which become the objects of conflicts and differing interpretations among various actors ... Behind the essentialist 'facade' though, there is always room for multiple meanings and negotiation.⁶²

Colonial ethnicities, it would seem, were no less flexible than pre-colonial ones were real. Lentz thus views ethnicities as both 'strong' and 'weak' at the same time, an endemic problem of analyses of identity, according to Rogers Brubaker and Frederick Cooper. 'Strong' notions of identity, they note, see identity as deep, abiding and foundational, whereas 'weak' notions view it as multiple, unstable and fragmentary. Identity, they conclude, is too ambiguous to be of analytical use, and they urge us to break it down into its constituent elements of identification and categorization, self-understanding and social location, and commonality and connectedness.⁶³

Justin Willis's studies of ethnicity in eastern Africa emphasize similar tensions. Willis explores the development of Bondai ethnicity in Tanzania by tracing the appearance of the term 'Bondai' in historical documents. Finding its use rose and fell during the nineteenth century in relation to the changing

⁶⁰ Lentz, "'Tribalism' and ethnicity in Africa", 319. See also *idem*, *Die Konstruktion von Ethnizität: eine politische Geschichte Nord-West Ghanas* (Cologne, 1998); Carola Lentz and Paul Nugent, 'Ethnicity in Ghana: a comparative perspective', in their *Ethnicity in Ghana: The Limits of Invention* (London, 2000), 1–28.

⁶¹ Lentz, "'Tribalism' and ethnicity in Africa", 319. ⁶² *Ibid.* 320–4.

⁶³ Rogers Brubaker and Frederick Cooper, 'Beyond "identity"', *Theory and Society*, 29 (2000), 1–47.

fortunes of the ruling Kilindini dynasty and then picked up again with the establishment of the Universities' Mission to Central Africa and implementation of indirect rule in the twentieth, Bondai ethnicity seemed to vary in accord with foreign influences. But Willis pins his analysis on the use of a single term by different sources with no sense of what it signified, how its meaning may have changed over time, or what indeed constituted Bondai ethnicity.⁶⁴

Willis's study of Mijikenda in Kenya is a more extended work, tracing use of the terms 'Nyika' and 'Mijikenda' from the rural surroundings of Mombasa in the nineteenth century to the urban labor force in Mombasa in the twentieth. Here he argues that rural social identities in the nineteenth century were characterized by fluid, situational and ephemeral social networks mobilized to make claims on others. Under colonial rule, by contrast, ethnic identity became increasingly institutionalized and fixed.⁶⁵ Again, however, Willis makes too much of a name. 'Nyika' never was a self-ascribed ethnicity, but a pejorative term employed by coastal people to refer collectively to hinterland peoples, each associated with a named hilltop settlement, or *kaya*. Subsequently, these peoples did coin a single name for themselves in the 1940s, 'Makayachenda' – the nine *kayas* – or 'Mijikenda'. But this identity related to the development of competitive 'super tribes' under colonial rule and to emerging nationalism. Thus, we need to approach the study of ethnicity historically, starting well before the onset of colonial rule and continuing after.

The historical study of pre-colonial African ethnicity was invigorated in the late 1980s by Igor Kopytoff and Charles Ambler. Kopytoff's essay, 'The internal African frontier: the making of African political culture' develops a dynamic historical model of African social formation. In contrast to the 'tribal' model, which assumed political and cultural unity based on common origins and descent, Kopytoff sees African societies as ethnically ambiguous and marginal, a 'mishmash' of different cultural traits, histories and identities. While there were usually overarching regional cultures and languages, the profusion of local cultures and dialects betrayed any notion of a unitary collective history. Rather, the dominant historical process was one of small groups breaking off from existing societies as a result of lineage segmentation, succession disputes or witchcraft accusations, after which they founded their own societies on the 'inner frontiers' between them in an ongoing process of ethnicity in the making. While the overall process was pan-African, its expression was local and repeated endlessly across the continent as individuals struck out for the frontier, amassed wealth and dependants and created their own identities and societies employing kinship ideology as an integrative model.⁶⁶

Ambler provides a similar analysis of the formation of ethnic groups in central Kenya during the nineteenth century. In spite of the fact that most of the modern ethnic groups of the area have elaborate traditions of common

⁶⁴ Justin Willis, 'The making of a tribe: Bondai identities and histories', *Journal of African History*, 33 (1992), 191–208.

⁶⁵ Justin Willis, *Mombasa, the Swahili, and the Making of the Mijikenda* (Oxford, 1993).

⁶⁶ Igor Kopytoff, 'The internal African frontier: the making of African political culture', in his *The African Frontier: The Reproduction of Traditional African Societies* (Bloomington, 1987), 3–84.

origins and migrations into the area, Ambler finds that an intense localism and parochialism pervaded the area, as big men accumulated cattle, dependants and relations to found local communities. Such personalized communities, however, were also embedded in wider regional economies. Their members spoke closely related languages and participated in larger ethnic groups, which would emerge as the principal forms of ethnic identity and political action in the area during the twentieth century.⁶⁷ Dynamic social processes, then, lay behind the development of lively ethnicities, but what is not clear in Kopytoff's and Ambler's analyses are how these larger ethnicities developed, a process explored by John Peel in his pioneering study of Yoruba ethnogenesis.

Exploring the late nineteenth-century articulation of Yoruba ethnicity by Yoruba scholars, Peel stresses the degree to which this was a uniquely Yoruba creation. It took place before colonial conquest, and it was articulated by Yoruba linguists and historians who formulated a distinctive Yoruba language, culture, history, politics and ethnicity. It was defined in the vast Yoruba diaspora – stretching from Nigeria to Sierra Leone, Cuba and Brazil – where consciousness of a common Yoruba ethnicity and language first became apparent, and it was transmitted back to Nigeria with Saro, Brazilian and other diasporic Yoruba. For Peel, this involved active 'cultural work':

'culture' must not be seen as a mere precipitate or bequest of the past. Rather, it is an active reflection on the past, a cultural *work* ... an adequate explanation has to be a fully historical one ... Ethnohistory ... has been the standard means of intellectuals ... to raise their fellows' consciousness. But despite the 'invention of tradition' that it may involve, unless it also makes genuine contact with people's actual experience, that is with a history that happened, it is not likely to be effective.

Ethnicity is thus both a historical process, per Kopytoff and Ambler, and a process of historical representation, as ethnic identity asserts 'continuity, despite change, across contexts' and collective identity facilitates 'common action by shared past experiences'.⁶⁸

A similar case of pre-colonial development of ethnicity among Zulu in South Africa is explored by John Wright and Carolyn Hamilton. Like the Yoruba case, Zulu ethnicity expanded in the context of wars of annexation in the nineteenth century. Wright and Hamilton contrast the politics of inclusion prior to the nineteenth century, in which local chiefdoms were based on a common territory, culture, language and descent, and bound by kinship, patronage and a sense of family. Elders ruled by virtue of their genealogical seniority, ritual powers and patronage. Later states, by contrast, incorporated local chiefdoms through conquest. Some became assimilated

⁶⁷ Charles H. Ambler, *Kenyan Communities in the Age of Imperialism: The Central Region in the Late Nineteenth Century* (New Haven, 1988), 4–50.

⁶⁸ J. D. Y. Peel, 'The cultural work of Yoruba ethnogenesis', in Elizabeth Tonkin, Maryon McDonald and Malcolm Chapman (eds.), *History and Ethnicity* (London, 1989), 198–215, italics in original. Peel expands his analysis in *Religious Encounter and the Making of the Yoruba*, ch. 10. See also Robin Law, 'Local amateur scholarship in the construction of Yoruba ethnicity, 1880–1914', in Louise de la Gorgendière, Kenneth King and Sarah Vaughan (eds.), *Ethnicity in Africa: Roots, Meanings and Implications* (Edinburgh, 1996), 55–90.

early to the dominant Zulu lineage core, while those conquered later were excluded on ethnic grounds and exploited for tribute and labor. Ethnic differentiation was thus a function of differing pre-colonial historical circumstances.⁶⁹

The roots of ethnic identities also extended well before the nineteenth century, as Sandra Greene demonstrates in her detailed study of changes in ethnicity in Anlo–Ewe over three centuries. Colonial ethnic permutations were simply the latest of a series of ‘reinventions’ as people continually renegotiated their place of origin, time of immigration and marriage preferences to establish ethnicity, insider status and rights to land. Land was exceedingly scarce in Anlo, and indigenous people were initially able to exclude newcomers through endogamy, ritual and their identities as ethnic ‘outsiders’. Later, with successive waves of immigration, earlier immigrants were able to use their wealth and status to gain insider status and ritual powers themselves, and women were able to make their own marriages outside their clan. With colonial rule, literate outsiders were appointed chiefs and became insiders. And during the nationalist movement, Anlo expanded their ethnic horizons to embrace Ewe identity in opposition to that of the Akan.⁷⁰

In a comparable case in Akuapem, Michelle Gilbert shows how Akyem chiefs were able to conquer Guan in 1730 and establish their hegemony through their immigrant warrior status, Akan ethnicity, matriliney and ancestral black stools. Guan, by contrast, were distinguished by their indigenous status and ethnicity, patriliney and ritual priests. Over time, the two ethnic groups renegotiated the relations between them as they struggled over land, titles and power and Guan became progressively ‘Akanized’ through ‘malleable idioms of ritual allegiance’.⁷¹

Such patterns obtained throughout West Africa. Peter Mark shows how Luso-African ethnicity on the upper Guinea coast slowly became transformed from assimilationist African paradigms to more fixed, exclusionary European ones over 250 years. In the sixteenth century, Luso-Africans’ Crioulo language, Afro-Jewish-Catholic religion and syncretic architecture were all indicative of Afro-Portuguese assimilation to fluid African patterns of ethnicity. But later, with the expansion of Dutch, French and English influence in the eighteenth and nineteenth centuries, racialized European ethnic categories became established and Luso-Africans increasingly stressed that they were ‘white’, Catholic and Portuguese.⁷²

⁶⁹ John Wright and Carolyn Hamilton, ‘The making of the *Amalala*: ethnicity, ideology and relations of subordination in a precolonial context’, *South African Historical Journal*, 22 (1990), 3–23.

⁷⁰ Sandra E. Greene, *Gender, Ethnicity and Social Change on the Upper Slave Coast: A History of Anlo–Ewe* (Portsmouth NH, 1996). See also *idem*, ‘In the mix: women and ethnicity among the Anlo–Ewe’, in Lentz and Nugent (eds.), *Ethnicity in Ghana*, 29–48. For a comparable case in Asante, see Jean Allman, ‘Be(com)ing Asante, be(com)ing Akan: thoughts on gender, identity and the colonial encounter’, in Lentz and Nugent (eds.), *Ethnicity in Ghana*, 97–118.

⁷¹ Michelle Gilbert, ‘“No condition is permanent”’: ethnic construction and the use of history in Akuapem’, *Africa*, 67 (1997), 501–33.

⁷² Peter Mark, ‘The evolution of “Portuguese” identity: Luso-Africans on the upper Guinea coast from the sixteenth to the early nineteenth century’, *Journal of African History*, 40 (1999), 173–91.

Ethnicized relations and rule were thus established in Anlo, Akuapem and Guinea long before European colonialism. Ethnicity was 'not simply an "invention" of the colonial period, but drew on older we-group processes of inclusion and exclusion' through successive mutations and reformulations that continually redefined ethnicity in the context of changing historical circumstances.⁷³

Such ethnic processes extended through the colonial and post-colonial periods as well. In western Kenya, Luo ethnicity may have been promoted by colonial officials and the educated elite, but it was elaborated and spread by Luo teachers, traders and bar owners, as David William Cohen and E. S. Atieno Odhiambo vividly demonstrate. In the process, a common Luo ethnicity took root in extended lineage genealogies and ideologies, myths of common origins, folk tales and legends and emotionally charged ideas of 'home' propagated in Luo bars, football clubs and political organizations throughout the Luo diaspora.⁷⁴

Parallel processes are revealed in Bill Bravman's study of Taita ethnicity. The Taita hills were a well-watered refuge inland from Mombasa, and through the years attracted refugees from droughts and struggles over resources on the surrounding plains. Settled in isolated niches in the hills, they developed their own localized identities, based on neighborhood and descent within the context of broader regional languages, cultures and social organizations. During the course of the twentieth century, these neighborhood ethnicities slowly fused into a broader Taita ethnic identity as a result of Christian missions and schools, colonial rule and internal struggles to maintain community norms. Drawing on older lineage values to counter literate Christian ones, older men struggled with progressive Christians to assert control over Taita 'cultural politics'.⁷⁵

In the face of immigration and social change, ethnicity could be used to divide as well as to join. Richard Rathbone has shown how Ofori Atta I drew on prevailing African and European concepts of ethnic nationalism to develop an exclusive ethnically defined sense of citizenship and nation in Akyem Abuakwa. As stranger cocoa farmers gained access to land, Atta shifted the basis of citizenship from locality and land to origins and ethnicity to distinguish locals from immigrants.⁷⁶

Ethnicity has long been a contentious issue in Zanzibar and along the East African coast. Jonathon Glassman shows how older forms of ethnicity were reinterpreted by Zanzibari intellectuals in the context of racialized European ideologies and nationalist politics. While Zanzibaris did not adopt European tribalism, *per se*, they did employ European racial and tribal thinking in reconceptualizing ethnicity.

African intellectuals did not simply absorb British notions whole and repeat them unthinkingly. Rather, like intellectuals anywhere, they reflected on new ideas and transformed them into something new, something their own. Ideas derived from

⁷³ Lentz and Nugent, 'Ethnicity in Ghana', 2-6.

⁷⁴ David William Cohen and E. S. Atieno Odhiambo, *Siaya: The Historical Anthropology of an African Landscape* (London, 1989).

⁷⁵ Bill Bravman, *Making Ethnic Ways: Communities and their Transformation in Taita, Kenya, 1800-1950* (Portsmouth NH, 1998).

⁷⁶ Richard Rathbone, 'Defining Akyemfo: the construction of citizenship in Akyem Abuakwa, Ghana, 1700-1939', *Africa*, 66 (1996), 506-25.

colonial discourse became most powerful, in fact, when they were transformed into something *oppositional*; that is when they were made to seem like the 'authentic' and autonomous expression of the experiences of colonial subjects, rather than merely the ideas of colonial rulers.⁷⁷

There were two main parties to this discourse: the Zanzibar National Party composed of 'Arab' Muslim intellectuals who articulated a multi-racial Zanzibari identity based on Islam, Arabized coastal civilization and loyalty to the Sultan, and the Afro-Shirazi Party of African and native Zanzibari intellectuals who advocated a racialized 'African' identity based on indigenous pan-African origins and Omani oppression. In the process, each sought to mobilize local and European discourses to develop ideas that would be absorbed into 'popular consciousness' and 'promote group solidarity along affective lines'.⁷⁸

Far from being the unwitting creation of European administrators, then, we see that ethnic concepts, processes and politics predated the imposition of colonial rule, developing in the context of conquest states, regional exchange networks, dispersion, migration and settlement and urbanization. Ethnicity has endured for a long time, and it has its own integrity, structural principles, transformative processes and histories. While colonial rule often had the effect of transforming preexisting concepts, colonial authorities rarely created them from scratch, and they frequently found themselves as subject to African ethnic processes as in control of them. Ethnicity has, thus, been continually reinterpreted and reconstructed over time in such a way as to appear timeless and legitimate, and it has been deployed by contending parties in complex processes of selectivity and representation that lay at the core of peoples' collective historical consciousness and struggles for power, meaning and access to resources. It is, then, simultaneously, constructed, primordial and instrumental, and therein lies its essential problematic.

John Lonsdale provides a means of resolving this dilemma in his seminal article, 'The moral economy of Mau Mau', by deconstructing ethnicity into its opposed and often contradictory aspects. On one hand, ethnicity is a moral sensibility inherited from one's ancestors governing 'our personal relations with ourselves':

it gives the identity that makes social behaviour possible ... that teaches ... proper ways of doing things. It instructs by moral exclusion ... [it] marked frontiers and negotiated their transit ... ethnicities evolved in a world of inter-ethnic relations.

On another, it is 'the politically conscious dimension ... of ethnic culture or, in sociological terms, the *Gesellschaft* in the *Gemeinschaft*' that governs 'our collective relations with others'. The first, 'moral ethnicity', denotes a historic sense of collective selfhood, while the second, 'political tribalism', relates to the competitive, oppositional politics fostered by indirect rule and post-colonial politics. In drawing attention to these two aspects of ethnicity, Lonsdale avoids the dubious proposition that Africans had no collective sense of themselves prior to colonial rule, while at the same time exploring

⁷⁷ Jonathon Glassman, 'Sorting out the tribes: the creation of racial identities in colonial Zanzibar's newspapers wars', *Journal of African History*, 41 (2000), 426–7, italics in original.

⁷⁸ *Ibid.* 395–428; *idem*, 'Slower than a massacre: the intellectual origins of racial nationalism in colonial Zanzibar, 1927–1957' (unpublished Ms, 2001).

how earlier forms of moral ethnicity became reconstructed and transformed into varieties of political tribalism in the colonial and post-colonial world.⁷⁹

Africans seized opportunities of state power and market gain ... Their conflicts with each other were sharpest in the parochial arenas of the locations. It was here that state power, in the form of chiefship, was most concentrated in African hands and where the ordinary frictions of rural life ... became most politicized.

Lonsdale thus reopens the issue of ethnicity to substantive historical study as well as bringing issues of tradition, indirect rule and customary law back into studies of ethnicity.⁸⁰

Another approach to disaggregating ethnicity stresses the roles played by political economy and differential access to resources in establishing local ethnicities. Approaching vexed questions of pre-colonial Maasai ethnicity – seen by themselves and others as proud, ethnocentric and exclusive – in the context of interdependent and inclusive regional economies, Thomas Spear shows how ethnicity could both exclude non-Maasai from the economic world of cattle and include them in Maasai cultural practices, social institutions and exchange economy. Economic specialization among herders, farmers and hunter-gatherers led to different ethnic economies within inclusive cultural practices and institutions. Thus Maasai herders, Kikuyu farmers and Okiek hunter-gatherers spoke the same languages, intermarried with one another and initiated their children into common age-sets. When one speaks of ethnicity, then, one must distinguish among differing economic, social, cultural and political aspects, each of which has its own practices and history.⁸¹

THE LIMITS OF INVENTION

It thus makes little sense to talk about ‘invention’ in any meaningful sense of the word. Rather, older traditions were continually reinterpreted, customs were endlessly debated and ethnic boundaries became more or less opposed or permeable. All were dynamic historical processes that reconstituted the heritage of the past to meet the needs of the present. If British colonial administrators naively put their faith in traditional rulers, customs and tribes, then, historians have been no less naive in crediting European and African intellectuals with the ability to create such fictions. Rather, modern customs and political tribalism result from the impact of colonialism on traditions and forms of ethnic consciousness that lie in the past. Traditional

⁷⁹ John Lonsdale, ‘The moral economy of Mau Mau: the problem’, and ‘The moral economy of Mau Mau: wealth, poverty and civic virtue in Kikuyu political thought’, in Bruce Berman and John Lonsdale, *Unhappy Valley: Conflict in Kenya and Africa* (London, 1992), 303n, 328–30. See also *idem*, “‘Listen while I read’”: the orality of Christian literacy in the young Kenyatta’s making of the Kikuyu’, and Richard Farndon, “‘Crossed destinies’”: the entangled histories of West African ethnic and national identities’, in Gorgendière, King and Vaughan (eds.), *Ethnicity in Africa*, 17–53 and 117–46.

⁸⁰ For recent examples, see Stephen N. Ndegwa, ‘Citizenship and ethnicity: an examination of two transition moments’, *American Political Science Review*, 91 (1997), 599–616, and Patrick Chabal and Jean-Pascal Daloz, *Africa Works* (Oxford, 1999).

⁸¹ Thomas Spear, ‘Introduction’, in Thomas Spear and Richard Waller (eds.), *Being Maasai: Ethnicity and Identity in Eastern Africa* (London, 1993), 1–18.

discourses, customs and ethnic groups all have their own histories and are subject to their own interpretative rules in response to popular issues and sensitivities. Tradition was both more flexible and less subject to outside control than scholars have thought.

What gives tradition, custom and ethnicity their coherence and power is the fact that they lay deep in peoples' popular consciousness, informing them of who they are and how they should act. Yet, as discourses, traditions, customs and ethnicities are continually reinterpreted and reconstructed as 'regulated improvisations' subject to their continued intelligibility and legitimacy. Intellectuals need historical raw materials to construct their stories if their reinterpretations are to ring true. Precisely because struggles over tradition, custom and ethnicity are so embedded in local discourse and so emotionally fraught, they are readily evoked but not easily created. The limits of invention are great, challenging us to account historically for changes in meaning and significance.⁸²

To accomplish this, we must focus on the dynamics of traditions, customs and ethnicities; on the contradictions of colonial rule; on shifting resource endowments and access; on how African and European intellectuals reinterpreted traditions in the colonial and post-colonial context; and on why others believed them. After all, even prophets have to be believed or they are merely thought insane.

There are, thus, a number of critical issues we have to explore. One is agency, or rather how we conceptualize agency. The more we assume that African ethnic entrepreneurs were responsible for reconceptualizing tradition, custom or ethnicity, the more we are drawn to disembodied ideas of invention. But even genetically engineered plants derive genes from their predecessors and need fertile soil in which to succeed. Thus agency must be seen as a function of discourse as people debate issues of the present in terms of ideas and beliefs drawn from the past, reformulating them and revising them in the context of the present, as Feierman shows. Those that resonate with current concerns, themselves also deriving from elements of the past in the present, are adapted, while those that do not become irrelevant.

Colonial agents were even more problematic than African ones in these terms as they shared few if any such understandings with their African subjects. Nor did they necessarily share such understandings amongst themselves, differing on such critical issues as tribe, witchcraft and polygamy. Thus, colonial discourse was, if anything, more fractured than African, and the chance of developing ideas that would resonate harmoniously in both African and European ears was unlikely at best. Colonial policy, then, derived less from a coherent ruling strategy or the consent of the governed than from ongoing negotiations and compromises with Africans and among themselves. Colonialism might be mutually constitutive, but it was also a 'working misunderstanding'.⁸³

Issues of agency lead, then, into the inner essences of colonial rule. How could such an improbable construction be as stable as it was? Here our focus shifts from mutual misunderstandings to mutual attractions, as colonial

⁸² A point developed at length by Adrian Hastings in his important critique, *The Construction of Nationhood: Ethnicity, Religion and Nationalism* (Cambridge, 1997), 167–75. ⁸³ E. S. Bowen (Laura Bohannan), *Return to Laughter* (New York, 1954).

regimes depended on substantial compliance to be effective. By harnessing African ambitions for wealth, social status, political power or greater understanding and control over the forces of nature and by appealing to their own values and institutions as well as to those of the church, school and tribe, colonial authorities sought to engage people in a joint enterprise, whether exploitative or developmental.⁸⁴ To mobilize African ambitions, colonial rulers had to appeal to both the past and the future, to what Africans had been as well as what many wished to be, and to provide a means of deploying tradition to attain modernity and vice versa. The history of tradition was as important as its future, and any attempt to focus exclusively on the retrospective future of colonized custom or ethnicity is bound to fail. One therefore needs to see colonialism as leading out of earlier eras as well as into later ones in an endless process of becoming, deploying both old and new means to do so.

⁸⁴ Berry, ““When elephants fight””. Exploitation and development were often confused: see Juhani Koponen, *Development for Exploitation: German Colonial Policies in Mainland Tanzania, 1884–1914* (Helsinki, 1994).