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**DOI**

[10.1177/0038038518809325](https://doi.org/10.1177/0038038518809325)

**Publication date**

2019

**Document Version**

Final published version

**Published in**

Sociology

**License**

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**Citation for published version (APA):**

Tieleman, J., & Uitermark, J. (2019). Chiefs in the City: Traditional Authority in the Modern State. *Sociology*, 53(4), 707-723. <https://doi.org/10.1177/0038038518809325>

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## Chiefs in the City: Traditional Authority in the Modern State

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2019, Vol. 53(4) 707–723

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DOI: 10.1177/0038038518809325

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### Abstract

While forms of authority that descend from social or cultural tradition are commonly understood as archaic, traditional authorities often survive and occasionally even thrive during the formation of modern states. Chieftaincies do not only endure in the Ghanaian countryside but also proliferate in new neighbourhoods on the peripheries of Ghana's fast-growing cities. We develop an explanation for the endurance of traditional authorities, based on extensive fieldwork in one recently developed neighbourhood in a previously uninhabited part of Greater Accra, where we conducted interviews and analysed documents from the archives of the chief's Divisional Council. We show that the formation of a modern state has restricted the chiefs' discretion as sovereigns but afforded them greater power as managers of the land and gatekeepers of the state bureaucracy. Traditional authority is not overwritten but rather refined, transformed and stabilized in the process of state formation.

### Keywords

Africa, chieftaincy, colonialism, Ghana, hybridity, legal pluralism, state formation, traditional authority

### Introduction

Chiefs continue to hold a symbolic cultural role in most African countries, but we argue in this study that through the consolidation of the modern nation-state their role has transformed. Chiefs have become informal administrators and points of liaison between local communities and state institutions. In Ghana, where we conducted our

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fieldwork, chiefs<sup>1</sup> are regarded as the embodiment of the values, communities and traditions that come under threat as urbanization, modernization and commodification proceed. However, it would be unsatisfactory to regard them merely as residues of a bygone era. Chiefs survive not only in rural communities, but also obtain strong new positions in the governance networks of rapidly growing cities. We ask how it is possible that new chieftaincies are proliferating today, and why they emerge, of all places, in the cities.

Ghana is only one among many countries where traditional authorities persist within newer modes of governance. The monarchs of Western Europe, the royal dynasty of Saudi Arabia, the Shia clergy of Iran and the leaders of indigenous communities in settler societies are all examples of traditional authorities who have secured a (more or less prominent) position within modern states. Sociologists have not, however, systematically considered how traditional authorities are implicated in the formation and functioning of modern states. To address this lacuna, we draw upon the work of Norbert Elias to understand the transformation of traditional authority as part and parcel of the process of state formation. We show that old chieftaincies are transformed and new chieftaincies are established because the institution has been inextricably woven into Ghana's modern regimes for community governance, land ownership and the functioning of local branches of government organizations.

To locate the transformation of traditional authority within broader processes of state formation, we begin by adapting Elias's study of European state formation to an African and Ghanaian context (Elias, 1978; Mamdani, 1996). We use this theoretical grounding for our case study of the development process of a newly established chieftaincy: that of Faroma,<sup>2</sup> a growing neighbourhood on Accra's outskirts. Subsequent sections discuss the evolution of the chief's different roles as community leader, land manager and gate-keeper within the context of broader processes of state development. As this case study of the making of a new chieftaincy shows, the institution endures and rejuvenates in the cities, not despite the omnipresence of the modern state, but because of it.

## **Traditional Institutions and State Formation**

While chieftaincies are often regarded as archaic institutions, there are few signs that their significance is diminishing. Surveys show strong and persistent support for traditional authorities and institutions across a number of African countries, including Ghana (Holzinger et al., 2016). A number of authors have observed that governments work with chiefs to administer services and resolve disputes (Englebert, 2002; Kessel and Oomen, 1997; Ubink, 2008). The literature provides two explanations for the persistence or even resurgence of chiefs in contemporary African countries. One explanation stresses the enduring social, cultural and political significance of chiefs for their ethnic communities. In their efforts to modernize states, post-colonial governments have tried but largely failed to sideline chiefs, suggesting that chieftaincies are durable and deeply rooted institutions. This explanation is convincing in some contexts but fails to account for the proliferation of chieftaincies in urban neighbourhoods, especially in previously uninhabited areas, where many of the new suburbs develop.

Another common explanation for the enduring prominence of chiefs focuses on their significance in governing. Historically, chiefs had performed pivotal roles as proxies of colonial governments. Cloaked in the mantle of tradition, they were entrusted with the management of populations and the extraction of resources. Although the context changed with decolonization, it could be argued that chiefs remain indispensable for governments who seek to govern beyond the cities where they reside. Koelble and Li Puma (2011) argue that the state's weakness in the rural hinterlands allows chiefs to take up the role of power brokers. Herbst (2014), too, argues that chiefs are strong where the state is weak, suggesting that rural–urban migration erodes the chiefs' power and prestige. Although this argument is plausible for some contexts, it falls short of explaining why chieftaincies have proliferated in emerging urban neighbourhoods where no site-specific traditional seat existed previously.

Where these common explanations assume that chiefs are outside of the state and therefore serve as its complement or competitor, we instead examine the proliferation of chieftaincies as bound up with the process of state formation. As literature on legal pluralism has shown, a state's official legal system generally leaves room for, and depends on, other forms of regulation (Griffiths, 1986). Instead of considering traditional authority and official law as two opposing realms, scholars of legal pluralism foreground their complex interplay (Merry, 1988). The challenge, then, is to understand how traditional authority transforms as modern states evolve. In this article, we refer to chiefs as 'traditional authorities' in Weber's sense; that is, as authority 'resting on an established belief in the sanctity of immemorial traditions' (Weber, 1968: 215). Whereas Weber counterposes the pure type of traditional authority with the pure type of legal-rational authority which 'rest[s] on a belief in the legality of rules', our goal is to understand how these different forms of authority combine to form particular state structures (see also Baldwin, 2016; Vaughan, 2006). In Weberian terms and against Weber's dichotomy, the chiefs' traditional authority is backed by legal-rational state power.

In constructing our account of the position of traditional authority in the modern state, we draw on an Eliasian framework. Elias's examination of state formation in *The Court Society* (1969) and *The Civilizing Process* (1978) shows how the formation of modern states both demanded and spawned expansive bureaucracies to coordinate complex divisions of labour. Through these processes of state formation, elites' roles and sources of power changed. Whereas notables under feudalism achieved their position through combat and conquest, they were later incorporated into an expansive state structure in which they performed specialized tasks associated with specific privileges and responsibilities (Elias, 1978). Notables were subordinated to the monarch, but in exchange their position was consolidated. Not only did they command vast amounts of wealth, they also performed critical roles in expanding local administration as well as the justice system. They were 'drawn increasingly into central state offices, both military and civil' while 'the *court* was the focus of activity, and *offices* the focus of hopes' (Mann, 1986: 460, emphases in original). Thus, their bases of power became inextricably intertwined with, and dependent on, the central state. While in some countries (notably France) traditional authorities were disposed of to facilitate direct rule, in most countries, both in Europe and in the colonies, traditional authorities have continued to play key roles as intermediaries between central governments and their subjects (Tilly, 1990). Where traditional

authorities have survived, their position has stabilized in conjunction with the consolidation of the modern state. In the United Kingdom, for example, traditional authorities still perform pivotal functions within government (for instance, as monarch or member of the House of Lords), by and large preserve their public status (as evidenced by intense and often flattering media coverage) and control vast amounts of land and wealth.

The major advantage of Elias's work is that it shows how traditional authority transforms through broader processes of state transformation. In Elias's understanding, traditional authorities and the state are not simply adversaries striving for power in a zero-sum game. Rather, they are interwoven in multiple ways, such that the stability of either is predicated on the continued existence of the other. They become interdependent as they come to fulfil increasingly limited and specialized functions within increasingly extensive and encompassing networks (Elias, 1978). Historically, when countries recognize group-specific communal rights and privileges, they tend also to accord power and recognition to traditional authorities representing those groups. The conditions under which traditional authorities receive such state recognition vary radically. Sometimes rights are afforded because traditional authorities represent powerful interests that must be reckoned with for any modern state project to be successful (as in the case of monarchs of Western Europe); sometimes those rights are a meagre compensation for mass killings and land grabs (as in the case of indigenous communities in settler societies). But in all cases, a similar trade-off appears: the consolidation of a state deprives traditional authorities of much of their former power, yet at the same time provides a framework that secures and enshrines some of their specific claims and roles.

Whereas the position of traditional authorities has been fairly stable over the last decades in some countries, including western monarchies and nobilities, it remains in flux in many African countries. In the Ghanaian context, processes of state formation grew out of a colonial legacy: the establishment of a bifurcated state by the British government in the late 19th and 20th centuries. While constitutional law was dominant in those parts of the cities where colonial settlers resided, the British governed through 'customary law' elsewhere (Mamdani, 1996). Colonial governments made chiefs responsible for carrying out the administrative edicts of the colonial state while allowing them a large degree of discretion. Similarly, as 21st-century regional and national governments try to manage sprawling cities, they again rely on traditional authorities. The government recognizes the chief as a legitimate authority and stipulates his domain and territory, and by omitting specific rules and regulations, allows chiefs the discretion to deal with dynamic and complex local conditions as they see fit.

In sum, we need a macro-historical perspective on state formation processes that illuminates the long-term trajectory and contemporary conditions that shape Ghana's chieftaincy institution. Instead of viewing the traditional chief as auxiliary, competitor or residue, we need to examine the transformation of chieftaincy as part and parcel of broader processes of state formation. To understand the chiefs' changing roles, we examine how they compete and cooperate with the growing number and diversity of people, institutions and organizations that populate Accra's urban fringe.

## Methods and Case Selection

Our case study centres on Faroma, an unremarkable neighbourhood on the outskirts of Ghana's capital, the city of Accra. Like many other sub-Saharan cities, Accra's population has grown rapidly. In 1960, the population of the Greater Accra Metropolitan Area stood at circa half a million, whereas today it has ballooned to over four million. Before the urban fringe arrived, the area that is now Faroma was almost entirely devoid of people. In this Faroma is no exception, since 95% of today's Accra is built on land that was virtually uninhabited 50 years ago. Farmers started Faroma in the 1970s, followed by the first residential settlers in the 1990s and subsequent densification in the 2000s. Like other such suburbs of Accra, Faroma is highly diverse in terms of ethnicity, religion and socio-economic status. Faroma is also typical in having experienced protracted struggles over the position of the chief. Such conflicts are common in the chieftaincy succession system because of its complex and ambiguous rules and because of the enormous power and wealth which comes with urban chieftaincies. Very often, this leads to prolonged litigation. As a nearby paramount chief told us: 'Myself, I've gone all the way to the Supreme Court before they could install me.'

In Faroma the succession dispute is even more intense than usual, and not confined to courts of law. One of the chief's rivals told us they would 'knock him dead with a club' if the chief dared to show his face in the neighbourhood. This particularly charged situation affects the observations of our study, since chiefs whose stools are less contested are likely to have greater support within their communities. While this needs to be considered in interpreting our results, the case of Faroma should be understood as extreme rather than exceptional. As a case study, we found Faroma strategic in highlighting how chiefs acquire and maintain power even without a constant presence in the neighbourhood.

This analysis was mainly based on about 100 interviews or longer informal conversations with a variety of local actors. The first author conducted a total of 10 months of fieldwork across four visits between 2015 and 2018. The second author joined the last round of fieldwork, early 2018. We conducted interviews with the chief himself, his relatives, the secretary and elders of his Divisional Council, his superior (paramount) chief, functionaries in the local police, public utilities, the municipality and staff at the Ministry of Chieftaincy and the Regional House of Chiefs. We conducted all of these interviews in person, sometimes with an interpreter or research assistant present. Interviews were recorded and transcribed.

The other main source for our research was the archive of Faroma's Divisional Council from 2002 to 2009, which we copied with the permission of the chief. The Divisional Council conducts the chief's correspondence with other bodies like the municipality, churches and the police force, and functions as an informal court of law for many kinds of disputes within the community. The archive allowed us to examine significant historical events in the formation of the neighbourhood and to see the chief at work in the bureaucratic realm. The interviews and archive together provide us with a comprehensive understanding of the chief's position and relations within evolving state structures during this crucial period in Faroma's formation.

Our access to sensitive and privileged information means we have to deal with ethical and political issues. Since our universities do not have Institutional Review Boards (IRBs), we had to improvise to resolve these issues. Moreover, we decided to study chiefs after our initial forays into the field, and were in a position to say exactly what we were interested in (traditional authorities in modern states) only after we had left Faroma. Another complication is that, as we were struggling to understand Faroma, the residents were also struggling to understand us. Having *oburonis* (literally: people from overseas; in this case: white people) walking around the neighbourhood elicited curiosity and interest in and of itself, regardless of the specifics of our research interests. Under these conditions, we had to be careful not to create a situation where we would become conduits or subjects of sensational rumours. The research we report here is part of a more encompassing research project that examines how collective organization transforms as urbanization proceeds. In line with our broader research objectives and in light of the delicate nature of chieftaincy politics, we did not specifically ask residents or officials to talk about the chief but asked them instead to describe many aspects of their neighbourhood and its development. The chief figures in these stories alongside a range of other institutions and organizations. When chieftaincy politics did come up during discussions, we clarified to our interlocutors that we were not interested in the particular details of the chief's conflicts with his family members nor in choosing sides in this conflict. Since the chief and his Divisional Council are central figures in this particular analysis, we informed them of our ambition to write this article while we were in the field, which is how we obtained the archive of the Divisional Council. Since we had a close relationship with the secretary of the Divisional Council, we could discuss preliminary findings with him while we were in the field. After we left the field and completed our analysis, we forwarded both the secretary and the chief a draft of the current article. While we requested and received feedback on our preliminary findings, the interpretations in this article are our own. Since we could not fully inform all people who might be affected by this specific article and do not wish to highlight or contribute to the neighbourhood's intrigues, we omit discussion of sensitive material and use pseudonyms for the neighbourhood as well as its residents and officials.

## How Traditional Authorities Are Woven into the State

Contemporary transformations in chieftaincies have to be understood against the background of longer-term processes of state formation. The British, when shaping the area into a colony, had no desire to fight every local strongman they encountered. Instead, they included them in the structure of their colonial state (Rathbone, 2000). In the process, they reinterpreted the chief as a governing figure to such an extent that they required a chief even when there was none. Since the British colonial administration model was largely one of indirect rule, it required local leaders who could act as a stratum of home-grown administrators, cushioning the colonial rulers from the complexity of local politics. To this end, colonial administrators crudely divided up the land and the people into a number of discrete ethnic groups, in the process ignoring any ambiguity, any political arrangements or identities that did not fit this new order (Mamdani, 1996). They required each of these ethnic groupings to identify 'chiefs', who were to act as local authorities.

When local communities had no individual chiefs, colonial administrators recognized as ‘chief’ whichever local elites they found pliable (Van Dijk and Van Rouveroy van Nieuwaal, 1999). For instance, the Ga of the Greater Accra region had no worldly leaders before the arrival of the European powers, only spiritual ‘earth priests’ (Quarcoopome, 2006). This lack of a clear negotiating partner frustrated the British, who finally simply appointed one of these priests, the Mantse, to be chief, roughly modelling the Ga chieftaincy system on that of the nearby Akan. In exchange for their loyalty as local proxies, these chiefs were endowed by the colonial government with a large amount of local discretion and military backing (Mamdani, 1996). However, this lack of local institutional continuity does not make chiefs any less of a traditional authority in the Weberian sense, since they legitimate their position by referring to its supposedly ancient roots, a justification with which popular opinion within communities generally agrees.

Surrounding independence in 1957 there was deep distrust between the Ashanti, whose region formed Ghana’s economic and political powerhouse, and the first president Kwame Nkrumah, who had gathered a coalition from all other regions. The final compromise was that the chiefs would hold a powerful position in the newly formed independent state (Rathbone, 2000). This entrenchment of traditional authority was mainly a concession to the Ashanti chiefs. However, it has benefited *all* chiefs in Ghana. This means *inter alia* that chiefs invariably are assigned important roles, even in contexts like Faroma where they do not have long-standing familial and ethnic bonds with the majority of the community.

As the newly independent government developed its juridical framework and built its bureaucratic apparatus, the chiefs were incorporated into governmental networks. In 2005, in an effort to more tightly control the chiefs, mitigate succession and border disputes and limit unpredictability, the Ghanaian government created a dedicated Ministry of Chieftaincy and Traditional Affairs. Tasked with ensuring that traditional authority aligns with formal government, the Ministry now assigns bureaucrats to work with and for chiefs. Chiefs and royal families still manage their own affairs, but they are now encouraged to solve their disputes through formal courts of law such as the Traditional Council, the Regional House of Chiefs, the National House of Chiefs and finally the nation’s Supreme Court. Such attempts at regulation result not in co-opting local power, but in a shifting balance of power. Since the chiefs can frustrate or sabotage government policy and influence elections, the government tends to handle them very diplomatically. As Ghana’s Minister of Chieftaincy and Traditional Affairs carefully put it in his 2014 yearly progress report: ‘We always say that there are no bad chiefs, but bad advisors. It is therefore important for us to continuously train and develop the skilfulness and expertise of our staff’ (Daannaa, 2014).

Remarks such as the Minister’s illustrate the interdependence of the state bureaucracy and the traditional authorities. However, the Ministry’s institutional frameworks do have the effect of making the various chieftaincies throughout the country more alike, further severing the connection between the local-historical origins of the chiefs and their current position. Out of a patchwork of locally grown chieftaincies, this creates an increasingly uniform traditional-cum-bureaucratic web, stretching across the country.

This web not only covers areas where chiefs have long ruled, like existing villages incorporated into the city, but also develops in previously unpopulated areas like Faroma.



How does this happen? In every part of Ghana, there is one ethnicity that is considered indigenous. When it comes to fallow land around the existing city, this original inhabitancy is of course largely theoretical: the Ga who currently live in Faroma have also migrated to the locality in the last decades, and form a minority among larger groups of Ewe, Akan and others. Faroma's chief himself does not hail from the area but from nearby Leba. As he told us,

I was named a divisional chief of Faroma in 1984. Before I was made the chief, we met people there. They are settlers; they were there when we arrived. But now, they are more or less citizens of the paramouncy Leba.

Although the chief arrived in the area after other settlers and had no part in its initial development, the state's recognition of his Ga bloodline allowed him to claim a primordial authority.

This settlement and chieftaincy pattern is exemplary for much of urbanizing Ghana. At first, an area contains only scattered villages, and the land in between them falls under a certain paramouncy only in theory. As the city expands and draws closer to such empty areas, the nearest paramount (highest ranking) chief and his council first install an informal 'caretaker chief', who is entrusted with the task to lease out pieces of land to new settlers, a legal power enshrined in Ghana's constitution. The local nobility further cement their 'traditional' ownership of the area by promoting it to a divisional chieftaincy (the rank below paramouncy) and establishing a new stool (a local throne). As soon as these new chieftaincies are established, they are included under the protective umbrella of hundreds of well-established and powerful chieftaincies in other parts of the country. In short, when the populated area expands, the chieftaincy institution folds itself out with the backing of, and as an extension of, the state. As part of this process of state formation, chiefs lose some of the functions they historically fulfilled, but also take on new roles.

## **The Chief as a Community Leader**

The root identity of Ghanaian chiefs is that of sovereign community leader. In the literature, chiefs' main characteristics are their traditional authority over a relatively homogeneous local population and their management of the accompanying land (Berry, 2013; Ray and Reddy, 2003). Chiefs are also described as the embodiments and mediators of local tradition, functioning as syncretic linchpins between the traditional and the modern (Van Dijk and Van Rouveroy van Nieuwaal, 1999). This frame may be suitable in the rural environments in which chiefs are generally studied. However, in newly developing urban neighbourhoods residents play little to no role in installing a chief and an aspiring chief claims authority based on his descent rather than on his relation to the actual inhabitants of the area. When a chief nevertheless wants to assert his role as community leader, he now faces competition from a range of specialized organizations. His spiritual leadership is eroded by the ascendance of a plurality of churches. Economically, the chief is often bypassed by local entrepreneurs. Elected governments and courts have taken over many of the chief's legislative functions. But even though structural differentiation

means that a range of specialized organizations encroach upon the chief and at times diminish his role, his community leadership transforms instead of disappearing altogether. How his position develops depends partly on the chief's savviness and proactiveness (Van Dijk and Van Rouveroy van Nieuwaal, 1999). However, for his institutional survival the chief does not depend on charisma or leadership competence. Once enstooled (appointed), chiefs are in that position for life, protected by the state and ultimately by the power other chieftaincies wield across the country – the legal-rational authority of the state supports the chiefs' traditional authority.

Most Ghanaians today cannot imagine a community without a chief. Research among residents of villages around Kumasi, Ghana's second city, shows that even those who feel their chief is grossly malfunctioning do not feel that chieftaincy itself should be abolished (Ubink, 2007). In Accra, only 5% of the residents would want to abolish chieftaincy (Knierzinger, 2007). Whether they perform well, poorly or not at all, their position is accepted as a fact of life by almost everyone, including the institutions of the formal state. This is also the case for Faroma, as illustrated by correspondence regarding the creation of a new administrative district. In a letter addressed to the chief, the District Chief Executive (DCE, or mayor) announces that he will embark on a 'familiarization tour' of the newly formed Leba District. This tour was to include only two locations in the Faroma area: the local army barracks, and the chief's palace. The chief is addressed and positioned as a gatekeeper to the community. As the announcement letter puts it, '[the DCE] and his team of technocrats [...] are visiting the community [...] to interact with you and your elders'. In his response letter, the chief speaks from the role in which he was addressed, understanding himself as the representative and authority of his community: 'The Faroma Mantse, Nii Tetteh Agbey II [...] and the entire residents of Faroma township seize this opportunity to welcome you [...] and the Leba District Assembly to Faroma.' He then describes what the residents have accomplished for their community already, and requests, in their name, the tarring of a motorway, better water pipelines, effective road drainage, local sub-offices for better daily coordination of developmental work and street lighting.

Despite such posturing of concern for the community in public and towards local government authorities, the chief hardly takes up an actual leadership role in Faroma. Afia, a local resident, does look to the chief for guidance but is disappointed:

The chief is the heart and mind of his people. When he gives directives, it is seen as a law. This town has a chief, but no one has an idea who he is. He doesn't live among his people, or even close to them. This has caused the people to lose their moral support. So, if the chief who is seen as the conscience of the people is absent, the order governing the people is also absent.

Afia's statement underscores the importance of the chief's physical presence for fulfilling his role as a cultural community leader in the neighbourhood. For the chief to continue to claim cultural legitimacy, he has to make appearances at community events, something that Faroma's chief is unable to do because of the threats by his rivals.

While the chief's role as a cultural leader erodes, he retains his position as a local strongman. This is partly because the neighbourhood residents expect him to fulfil this role. As Mary, a resident, put it to us: 'The chief is the only one with real authority. You

know, we also have these other leaders here, [like] the Assemblyman [...], but they don't really hold that same power.' Although the chief has neither the means nor the legitimacy to routinely exercise actual violence, occasionally he does resort to force. In one instance documented in the archive, the chief confronted residents who had settled on a piece of land without his permission or formal documentation. First, the chief decides to fine them. When that does not have the desired effect, he decides to take what the Traditional Council notes describe as 'a more pragmatic approach'. It becomes clear in the records that this means sending a crew with guns and knives, so-called land guards, who convince the residents to come to the chief's palace seeking a resolution. A formal negotiation is held. The chief denies sending land guards at them but he suggestively notes that it is better for everyone to stick to his rules. After giving the 'squatters' a stern talking-to, the chief makes them 'purify the Stool'; that is, pay another fine in foreign liquor and money since they had reported him to the local police for his sending land guards at them. This example illustrates that the chief can violently enforce his rules, but only under specific conditions and against residents who cannot claim formal entitlements. Such residents constitute a large share of the population in cities like Accra where many economic activities are informal and many residents are not formally registered. The chief owes his power as local strongman at least in part to the formal institutions of the state. In this case, the constitution provided him with the legal authority to settle disputes and the police chose not to heed the residents' calls. But, as we show in more detail below, state institutions like the police and the court also circumscribe when, where and how a chief can use his discretionary power.

## The Chief as Land Manager

The settling and densification of previously fallow or communal farming land is an intricate and disputed process (see Arko-Adjei, 2011) that both residents and authorities expect the chief to manage. As a land manager, the chief's tasks include resolving small disputes such as unclear boundary fencing or people exceeding their plot and building into the road, as well as directing efforts to maintain community facilities like a public-use field in the centre of the neighbourhood. Divisional Council notes show that land management is a constant preoccupation: more than 80% of its cases revolve around land issues, and they get prioritized over development and other issues.

The role of land manager remains crucial, and the reason has to do with the history of Ghana's formation as a nation-state. Ghana's constitution recognizes chiefs as the traditional custodians of the customary or stool lands, which include about 80% of all land in Ghana (Ubink, 2008). This constitutional arrangement originated in the early 20th century when the British colonial government attempted to appropriate all unregistered land in its West-African colonies as Crown Lands. In response, Gold Coast elites from various ethnicities waged a legal campaign for 'local and customary land ownership' (Mensah Sarbah, 1897 in Amanor, 2008). Eventually, the Privy Council in London decided in a 1921 landmark case brought by a Nigerian chief that all land in coastal West Africa had always been communally managed, never privately owned. This decision led Ghana's colonial government to grant all tribal leaders the vital position of 'custodians of the land', a position which was subsequently codified in the constitution. As a consequence,

the chiefs are customarily and constitutionally obliged to administer land in the interest of the community (Ubink, 2008). These rules were developed and negotiated when commodification of land was weakly developed and ethnic communities largely coincided with specific territories. In such a context, the chief could take on a role of custodian who manages land within a specific territory for his community.

Today, with urbanization and state formation proceeding apace, the land is increasingly commodified, property relations are increasingly formalized and ethnic communities no longer reside in specific territories. While these processes undermine the chiefs' capacity and legitimacy to resolve disputes and allocate land according to custom, they emancipate the chief in other ways. The chiefs' discretion increases, as chiefs are decreasingly embedded in communal ties or bound by customary deliberations, while at the same time the land itself increases in value and can be more readily marketed. As state institutions like the Ghana Lands Commission have been unable to disentangle all the different customary claims to land ownership and usage, the continued nationwide solution is to vest the land in the paramount chiefs and their sub-chiefs, or more precisely, in their *stools* (Amanor, 2008). While the land is vested in the chiefs' stools as an administrative estate, in the process of commodification this is subverted into a personal right, with chiefs often refusing to share the revenues of land transactions with the local community or local government (Berry, 2013; Rathbone, 2000; Ubink, 2008).

The case of Faroma shows the kind of extreme situations this often leads to. There, the chief hired a professional land surveyor who made a subdivision map of his entire area to be able to claim ownership. As the surveyor notes, 'Chief Nii Tetteh Agbey II registered the entire Faroma area at the National Land's Commission [Ghana's land registration authority] *as his own land*' (personal interview, emphasis added). In short, the price paid by society to reduce the messiness of creating a new neighbourhood from scratch, including the roll-out of a fully formalized land ownership system, is that land and all the value accruing from it becomes the private hereditary property of a single individual. This formal entitlement of the chief is especially important when a transaction has not been officially registered with the Lands Commission. In outlying areas like Faroma, only a fraction of the land is registered as privately owned, even when ownership is locally well known and stable (Lands Commission, personal interview). This includes all land distributed by the previous chief, as he was, in the words of his successor, 'an illiterate' who did not keep a written record of land transactions in his area. Since formal registration at the Ghana Lands Commission often takes years, most Faroma residents have not yet registered their land.

What this means in practice for the power relations within the neighbourhood is that having a good personal relationship with the chief is often vital. The surveyor continues:

If anyone has a plot there, honestly bought from the chief, but didn't register that land transaction with the Commission, then the plot will still be registered in the name of the chief. However, if you and the chief are in good faith, there won't be a problem to register that same land in your own name now, or to register it to another person buying it from you.

In other words, in the case of any issue related to such informally bought land, the chief has another chance to make his mark, and there is a world of local influence hidden

within that seemingly innocuous side remark of the chief's surveyor, 'if you and the chief are in good faith'.

As noted before, Faroma's chief does not live in the neighbourhood these days. His house is about an hour away by car, and he avoids Faroma because of the strife in his family. While the chief's claim to local authority is decreasingly sustained through his reputation and relations within the neighbourhood, the expanding bureaucratic and legal apparatus casts him into a key position as land manager and furnishes him with entitlements to individual and tradeable plots. The chief's traditional authority is buttressed with legal-rational authority, with the consequence that he is able to extract resources from the neighbourhood despite his absence. The commodification and registration of land are thus transforming the role of the chief from that of a conflict manager into that of a rentier. This chiefly power is not restricted to residential areas. The 80% of Ghana's land that is formally in the hands of the local chiefs also includes the sites of most government agencies. Although government lands are generally leased through a formal process, practice shows that the chiefs' allodial title still provides them with durable power to extract resources and wrest concessions.

### **The Chief as Local Gatekeeper**

The chief also works as a local gatekeeper between formal institutions of the state and residents of his area, a role which multiplies as urbanization and state formation spawn additional gatekeeper positions. Faroma's chief works with the Electricity Company of Ghana to bring new connections to the neighbourhood; signs his residents' forms to apply for a new water connection with the Ghana Water Company; shifts cases back and forth with formal judges and the local police commander; and works with various municipal agencies such as the local Planning Office. The exact mix of such responsibilities and powers differs between chiefs, but what is constant is that local chiefs essentially participate in weaving a web of bureaucratic institutions and infrastructures in which they have a central position, refining and deepening the pre-existing interdependency between the chieftaincy and the state. The entire ensemble of the state and quasi-state institutions, including NGOs and utility companies, is hardwired to connect to the population through the chief. Although the chief is always in competition with others who claim to represent the neighbourhood, including elected Assemblymen, the chief is in a privileged position as he can supplement his traditional authority with second-hand legal-rational power, developing a multifaceted gatekeeper position as bureaucracies find their way into the neighbourhood.

This is a position of power, but the fact that he performs specialized functions within extensive and intricate networks also circumscribes his discretion. The limitations on this position of power become apparent in a conflict between the chief and Mr John, a long-time resident of Faroma. In a letter to the nearby police station, the chief explains that he is trying to build a mini-market to develop the area, but that Mr John is obstructing the workers who are to build the structure. In response, Mr John writes to the police station that he has been living on that land for two decades and declares that the chief should go to court if he wants to claim entitlement. He also refers explicitly to another police unit than the one addressed by the chief. Why? Police units from the neighbouring

Ketawa municipality would not be as easily swayed by the chief's position in Faroma. This tactic proved effective, and the chief backed down. Such confrontations are indicative of a shifting balance of power. As bureaucracies and institutions expand their reach and engage directly with residents, the chief's power as a gatekeeper diminishes. This demise is, however, far from unilinear or inevitable. In fact, the chief's Divisional Council quickly realized the implications of Mr John's move and decided to invest in their ties with the local bureaucracies. From the council notes, shortly after this incident: 'It was generally agreed that the traditional heads must introduce themselves to all the police stations dotted around the township to ease the work of the council.'

Sure enough, in the following years we start to find in the archive of the Traditional Council frequent correspondence with surrounding police stations. The Council asks local police commanders to arrest subjects for cases being adjudicated in their court, requests to take over cases from them and informs them of the outcome of such cases. We look at one such instance, a letter from the chief's Traditional Council to the local police station about a case:

Reference a case between [name], complainant, and [names], defendants, lodged at your outfit, Leba Police Station, withdrawn upon the request of the two defendants to the Leba-Faroma Divisional Council. The Council arbitrated in the dispute. The complainant [name] and one of the defendants [name] honoured their parts of the rulings and paid their fines. [name], the other defendant in the case, asked for time up to [specific date]. She failed to honour this promise up to date. The Leba-Faroma Traditional Council is therefore referring the case back to your outfit.

This letter, routine as it looks, is worth closer reading. It does not merely communicate an outcome or make a request for a certain action. It also includes a detailed justification for that request and all the information the police need to build their file on this case. Here, the chief's council operates as a full-fledged part of the police bureaucracy. The letter's routineness is exactly the point: it shows that a division of labour has developed between the police and the chief with the consequence that residents who resist the authority of the chief are less able to resort to police intervention.

These examples illustrate how chiefs develop a powerful position within the institutional fabric of the modern city, a position which provides them with power while at the same time restricting it. As more and more institutions appear, and as the various institutions in the area develop an ever more fine-grained web of functional differentiation, the chief becomes less of a sovereign ruler and more of a link in lengthening the chains of structural interdependence (Elias, 1978).

## Conclusion

How can we account for the emergence of chieftaincies in new urban neighbourhoods where chiefs do not have a long-standing association with a local community? The key to the answer, we argue, lies in the process of state formation. The chiefs have historically been interdependent with formal and bureaucratic state institutions. Chieftaincy has *co-evolved with* the modern state. The chiefs have been folded into the Ghanaian nation-state, making the state the carrier of the chieftaincy system. When the state rolls itself

out, agency by agency, over an area following recent urban expansion, it provides openings for chieftaincies to emerge. The state *expects to find a chief*, and accords him certain rights and privileges, irrespective of the degree to which he is rooted in the local population. As the urban areas expand spatially, and consequently the Ghanaian state follows, including its legal foundations, the chieftaincy structure expands as well. Still, the newness of many aspects and instances of the chieftaincy institution does not appear to fundamentally detract from the Weberian traditional legitimation of their authority in the eyes of the majority of Ghanaians.

The institution of chieftaincy has thus been woven into the institutional fabric of the state. Within the process of state formation, the chief performs increasingly specialized functions within broader governance networks. First, the chiefs are community leaders who provide guidance to their people. In a place like Faroma, where the chief is physically absent and has no historical relation to residents, such community leadership often never really takes shape. Chiefs gain power in a second role as custodians of the land. In principle, this custodianship is a public management duty and the use of the proceeds is to be communally determined, but as land commodifies and property rights formalize this position becomes more powerful and less subject to the control of an ever more diluted original local 'community'. Additionally, chiefs hold sway over those who have failed to get an adequately formal registration of their land ownership, which includes most of the early settlers and anyone who has bought land from them. Third, the chiefs are powerful middle-men between formal authorities and the local population. As state and semi-state authorities start to move into the area, they generally choose to manage the complexity of a new urban area through the chief as a local proxy, facilitating the chiefs to govern what lies out of the government's immediate reach. As the density and number of institutions increases, the chiefs become part of extensive and intricate governance networks. While their discretion is circumscribed, the chiefs also derive power and security from their immersion into the expanding state. They are no longer all-powerful in any one domain, but this is compensated by the fact that their position is now undergirded by laws, vested in institutions and recognized by the array of organizations that have expanded their operations in areas that were virtually unpopulated until recently. The processes through which the chiefs' position is increasingly circumscribed and stabilized are still active in Ghana and other African countries. Chiefs still struggle with others over the borders of their territories, the limits of their jurisdiction and the scope of their legitimacy. But as the state develops, chiefs are poised to retain their position as powerful players. Chieftaincies are not gradually replaced or displaced but rather reconfigured in the process of state formation. The chiefs are circumscribed and domesticated, confined but strengthened.

We would not want to promote a reading that consigns our case to a specific class of hybrid or dualistic states. After all, virtually all contemporary states combine traditional authority with modern government (Griffiths, 1986). What is true for the chiefs in our Ghanaian case also holds for traditional institutions elsewhere where positions and roles are established as part of the political struggles through which modern states are formed. The nobles of France suffered a swift death at the birth of the First Republic, but in other cases a more even balance of power produced a more complex landscape. The native people of the United States, Australia, Canada and New Zealand have been brutalized

and marginalized but their claims over specific territories are now enshrined in laws and regulations, furnishing specific advantages and wealth to those traditional authorities recognized by the state. The monarchs of Europe were forced to sacrifice much of their sovereign power but were in a strong negotiating position during key episodes of state formation, which explains their enduring privilege – they enjoy strong popular support, have tightly circumscribed yet key positions within the state and can now claim as their personal property the possessions that their predecessors seized when they were in power. In all these cases, the consolidation of states has resulted in the survival and stabilization of traditional authority through co-optation and adaptation. The processes through which traditional authorities are inscribed into state structures have received limited scholarly attention, but their significance comes into sharp relief when viewed through the lens of our case study in Ghana. Our analysis shows that we do well not to assume that traditional authority fades away as modern states consolidate. Once we recognize that traditional authority and modern states coevolve, new research vistas open up, and not just for Africa.

### Acknowledgements

We would like to thank our research assistant Levina Dubin for going above and beyond the call of duty; the members of the Faroma Divisional Council and Faroma's residents for their hospitality and insights; workshop participants at the University of Ghana's Faculty of Sociology, in particular professors Dan-Bright Dzorbo, Kodjo Senah and Steve Tonah; Johannes Knierzinger, Yves Mintoogue and Daniel Williford for close reading and helpful suggestions. We further thank the editors, in particular Vanessa May, and the three anonymous reviewers of *Sociology* for their careful reading of the article and their constructive comments. Finally, we gratefully acknowledge financial support from the Institute of Housing and Urban Development Studies of Erasmus University Rotterdam and a VIDI grant (#452-17-003) from the Netherlands Organization for Scientific Research.

### Funding

This research was funded by the Institute of Housing and Urban Development Studies of Erasmus University Rotterdam under the project Dealing with Urbanization Challenges, and by the Netherlands Organization for Scientific Research under the VIDI grant (#452-17-003).

### Notes

1. The word 'chief' is applied to a variety of positions in contemporary Ghanaian society (Odotei and Awedoba, 2006). This article exclusively focuses on the *enstooled* (or *enskinned*) *chief* of the land's 'indigenous' ethnic group, appointed by the kingmakers of his ethnic group. There are essentially two recognized ranks in this system: *divisional chief*, governing a Divisional Council, and *paramount chief*, whose Traditional Council consists of all divisional chiefs in their paramouncy. Apart from these enstooled chiefs, there are also the so-called *migrant chiefs*, representing communities of internal Ghanaian migrants. Generally appointed or elected by popular acclaim, migrant chiefs are more easily held accountable by their community than enstooled chiefs. They have a social leadership role, but they do not control the land on which they and their people live and do not enjoy legal accreditation. Finally, there are *development chiefs* or *Nkɔsuohene* (Bob-Milliar, 2009). This is an honorary title given to people who have done much to develop a certain village or area, like British knighthoods bestowed for services to society.



2. All proper names within our study, including specific locales and people, have been changed to protect the privacy of the participants.

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**Date submitted** January 2018

**Date accepted** September 2018