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## DOMESTICATING LEVIATHAN: SUNGUSUNGU GROUPS IN TANZANIA

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## Crisis States Programme

### Domesticating Leviathan: *Sungusungu* groups in Tanzania<sup>1</sup>

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#### The aftermath of war

On 25<sup>th</sup> July 1979, the victorious Tanzanian troops were given a hero's welcome home from Uganda. Six weeks later, the President Julius Nyerere warns of a tough 18 months ahead as the implications of the drain of the war in Uganda on Tanzania's already meagre treasury become clear. But, if Nyerere referred to general belt-tightening, many of his people saw it in quite other terms. The demobilised soldiers (as well as those still serving in the forces) had in Uganda learnt of the value of arms in banditry and plunder; rather than returning to a life of toil and poverty in their home areas, many, it now appears, took to the freebooting life of the gangster. Tanzania was hit by a wave of violence that was unprecedented. In 1980, there were reports of banditry all over the country, though those in Dar es Salaam probably received the most coverage in the press. Nor did these die away, for the 1980s were to see an escalation of armed raiding over much of the country. In the urban areas, the targets were shops, bars, banks as well as residential buildings. In the rural areas, this crime wave and the mayhem that ensued mainly took the apparently traditional form of cattle rustling.

Government attempts to counter this situation proved largely ineffectual. The 'problem' was not restricted to a few men of violence. Crime and the perennial one of corruption went closely together so that people at all levels of society, from the highest to the lowest, profited in it. Indeed, as the economy sank further into insolvency, with successive devaluations of the Tanzanian shilling, corruption of all kinds became the order of the day. Nyerere responded by launching a fight against 'economic sabotage' - a broad category that included all forms of corruption from profiteering, smuggling and illegal currency transactions to banditry and cattle raiding. In May 1983, he gave Presidential consent to a new law to set up tribunals to deal with economic saboteurs. This was envisaged as a 'house-cleaning exercise' but a drastic one.<sup>2</sup> Nyerere told leaders in Moshi that 'a hurricane is a hurricane: it engulfs many people'.<sup>3</sup> Arrests were immediately made countrywide and a National Anti-Economic Sabotage Tribunal was set up to expedite trials. Details, where these are given, of those arrested made clear the nature and extent of the problem. In Mara Region, bordering Lake Victoria to the west and Kenya to the north, for example, it was reported that over 1000 people, including government leaders had been arrested. These arrests included notorious cattle raiders but also included the Regional Police Commander, who had his livestock and seven houses impounded, as well as half a dozen other named police officers. The People's Militia Adviser in the Region was also arrested for 'sabotaging' the Tanzanian Peoples Defence Force by buying and selling the cattle confiscated under the Presidential directive.<sup>4</sup> The very government forces enlisted to fight crime were also the ones who were profiting.

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<sup>1</sup> I am very grateful to the Republic of Tanzania for giving me research clearance. I would also like to thank Dr. Masanja of the University of Dar es Salaam and Dr. D. Ndagala of the Ministry of Culture for their help and advice. I am also extremely indebted to the many people in the Regional and District Administrations of Shinyanga, Mwanza and Mara who facilitated the research, as well as many other individuals and *sungusungu* committees who agreed to be interviewed in the course of the research.

<sup>2</sup> *Tanzania Sunday News*, 8 May 1983.

<sup>3</sup> *Tanzania Daily News*, 6 May 1983.

<sup>4</sup> *Tanzania Daily News*, 6 May 1983.

Indeed, this seems true throughout so that the means that the government mobilised to deal with particular trouble spots tended to backfire. The police forces in rural areas are nominal and rarely have the manpower to deal with outbreaks of crime on the scale that hit many parts of Tanzania. In addition, they were notably corrupt as was the judiciary. The government tried other tactics. Draconian new laws were introduced to deal with rustlers. Special anti-rustling units were set up under the police with a mandate to confiscate ten head of stock from all the homesteads around the place where the tracks of stolen cattle stopped. Provision was also made for the transfer of hard core rustlers to areas without cattle. The training of People's Militias, was an old initiative but one which was now encouraged in several regions to operate as a civil defence measure to fight rustling in border areas as well as armed bandits in the towns. This too was liable to backfire as these forces tended to become part of the problem. This was recognised in Mara where, in 1985, the Militias were disbanded in the two districts of Serengeti and Tarime.<sup>5</sup> In specific areas, the Field Force Unit was drafted in for special operations but any peace they managed to impose rapidly disintegrated the moment they left.

The Tribunals continued until April 1985. They heard 2859 cases<sup>6</sup> but, apart from publicising the extent of the problem, they had done little in themselves to quell the unrest. Banditry went on, if anything on a larger scale. In March, it was reported that in Singida and Iramba Regions, a total of 685,279 livestock had been stolen and 20 people killed in the previous year.<sup>7</sup> In January, the District Party secretary of Tarime District in Mara Region, gives figures of 43 people killed between 1982 and 1984 and 25,606 head of cattle stolen.<sup>8</sup> In February, the Regional Commissioner gives the figures for the Region as a whole (with its 4 rural districts) of 64,135 cattle stolen over the previous three years.<sup>9</sup> In an article with the headline, 'Help us against Rustlers', he appealed to the government to double the number of police and give them more vehicles, especially in the most volatile border regions. Deportations and the special confiscation of cattle had made little dent in the problem - but it is doubtful if doubling the police force would not just increase rather than decrease the scale of the raiding. Indeed, the complicity of the police is an issue throughout, as the arrests mentioned above indicate. The police are sometimes said to have been a source of the guns or bullets used and individuals also on occasion played an active part in the raiding. Further, all the figures quoted on the number of cattle stolen are likely to be considerably inflated. As I was told, a common practice at that time when a man reported, say, the loss of 6 head of cattle, was for the police to encourage him to double or even triple the reported loss. In the event that the stolen cattle were traced, more thus would be confiscated in compensation, and the surplus shared between the complainant and the police. Nor were government officials exempt from this racketeering.

Corruption, crime and the extent of the black economy are hardly new stories in Africa. What makes it particularly interesting here are the nature of the local responses which arose to counter it, paradoxically perhaps a vindication of Nyerere's belief in village socialism and self-reliance, while the conditions in which they arose speak only to the total failure of his

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<sup>5</sup> This followed the killing by the Kenya police of two members of such militias who were part of a raiding gang in Kenya on 1st January 1985. They were armed with guns but not wearing their uniforms (*Kenya Standard*, 3 January 1985). In the 1990s, the militias went into general decline due to increasing financial stringency, as did the Youth Service Programme which also had a military emphasis.

<sup>6</sup> *Tanzania Daily News*, 3 April 1985.

<sup>7</sup> *Tanzania Daily News*, 22 March 1985.

<sup>8</sup> *Tanzania Daily News*, 28 January 1985.

<sup>9</sup> *Tanzania Daily News*, 6 February 1985.

policies. From 1982 onwards in central Tanzania, villagers began to organise their own form of community police force known as *sungusungu*. Over time, these groups, which initially by-passed the official organs of state, far from being rejected, have become an integral part of the administrative structures of vast areas of rural Tanzania.

This raises questions about the nature of the post-colonial state in Africa. Bayart *et al.* have talked of the visible state as opposed to the invisible; the visible being little more than a legal edifice while the invisible represents the real state of the polity, riddled by corruption from top to bottom, an indication of *la politique du ventre*.<sup>10</sup> Certainly, external observers, Human Rights Commissions, Amnesty International, and so on, regard the emergence of these unofficial police forces as yet another index of the abuse of human rights. So do the lawyers in Tanzania. Yet, at the community level, they receive little but praise when they are deemed to be working well; that is, enforcing a regularity of norm and sanction, defined by and adapted to local needs. At this level, they represent the righteousness of the ordinary citizen, a guard against the corruption of state officialdom. And, the political wing of government largely concurs in this judgement and supports them. In doing so, it has opened up a chasm between different branches of the state apparatus, between the political/administrative and the judicial. The state far from being a unitary enterprise is shown to be at war with itself. In turn, this raises the issue of the implications of the state in devolving its monopolistic powers back to local communities, particularly those that its very rationale is often held to rest on.

This, then, is the subject of this paper, which details the development of the *sungusungu* movement first in Sukumaland in Central Tanzania (in Tabora, Shinyanga and Mwanza Regions) and then, some ten or more years later, among the Kuria in the northern Mara region.<sup>11</sup>

### **The beginnings of the *sungusungu* movement**

All sources agree that *sungusungu* arose among the Sukuma, in Kahama District of Shinyanga Region, in the early 1980s in Central Tanzania. It very quickly spread to all other Nyamwesi and Sukuma areas, in Tabora, Shinyanga and Mwanza Regions, an area which covers approximately 50,000 square miles.<sup>12</sup> The Sukuma/Nyamwesi are the most numerous ethnic group in Tanzania, forming approximately one fifth of the mainland population. As agro-pastoralists, they grow a wide variety of marketable crops in addition to subsistence staples, according to the particular climatic zone. Cattle are however central to livelihood and

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<sup>10</sup> J-F. Bayart, S. Ellis & B. Hibou, *The Criminalisation of the State in Africa*, London: International African Institute, 1999.

<sup>11</sup> A note on the fieldwork. Research in Kenya among the Kuria, where I had made a number of previous anthropological field research trips (1984; 1985; 1986/7; 1994/5), was conducted through participant observation. My research time was, however, severely limited in Tanzania (3 weeks) and information was gained mainly through interviews with key informants, some of whom were recommended by the Administration and some contacted purely serendipitously. An example of the latter, is a *sungusungu* trial which I saw as we were driving in Shinyanga and stopped to watch and later interviewed the committee. Even here, the situation was not conducive to in-depth investigation, and I neither got nor expected completely candid responses to many questions. At this time, all the groups were acting under the protection of the administration and their activities were governed by sets of guidelines put out by the administration. None of the groups, when interviewed collectively, admitted to acting beyond this remit. In Mara Region, the same feature held, but here I had other collateral information from first hand reports, and my previous knowledge, that very often contradicted this official line. Additional information was found in official files at Regional headquarters and newspaper archives and I am grateful to the many members of the Regional and District administrations who facilitated my enquires as well as ordinary citizens who gave their time to tell me about their experiences.

<sup>12</sup> R. E. Abrahams, 'Sungusungu: village vigilante groups in Tanzania', *African Affairs* 86 (1987), p.181.

the search for dry season pasturage leads many in annual transhumance to the far south of Tanzania, where some have set up permanent settlement.

The name *sungusungu* is usually taken as deriving from the Kiswahili word for large biting black safari ants.<sup>13</sup> Abrahams speculates that the blackness was significant here and might be a reference to the black cloths that Sukuma pastoralists sometimes wear.<sup>14</sup> I was told by a group in Shinyanya district that at the beginning they did identify themselves with black. Black is an unpropitious colour and what they were doing was very tough, and the ferociousness of the species was also significant. Like the ants, they were the mass of 'small people' against the big thugs. Expanding in response to my question of the odds against them in January 2002, one group answered that the thieves were few and they were many and eventually the bullets would run out.<sup>15</sup> Other people drew out the analogy in a variety of different ways, pointing to the indomitable nature of the species, to the columns that march on whatever the obstacles. However, although this name became and still is used to refer to all such groups in Tanzania, among the Sukuma/Nyamwesi the more usual designation is *basalama*, which may be broadly translated as 'people of peace'.

Masanja dates their origin to 1982 in an area called Kahama ya Nhalanga, which is near the border of Kahama and Nzega Districts in Shinyanga Region.<sup>16</sup> Bukurura gives an earlier date of early 1981.<sup>17</sup> Abrahams, quoting a different source, also gives another place of origin but, as he comments, 'which of them came first may be less important than their joint position near the District and Regional boundaries in a cattle-rich zone'.<sup>18</sup> An account of origin given by the chief commander of a village group in Shinyanga District in January 2002 runs as follows:

There was so much cattle theft in Kahama, especially in the Buruma area which has many trees. The thieves came in broad daylight and captured herdsmen out with their cattle. Often they would tie them to a tree and just leave them there. Sometimes, it took several days to find such a herdsman, and they could be dead by then, while others could not speak for days. There were also night raids and the owners were just ordered to hand over their cattle. Going to the police was pointless. It took too long. By the time the police came, the thieves were far away. In 1982, this kind of raiding was at its height and so they looked for a solution and formed *basalama* in Kahama.<sup>19</sup>

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<sup>13</sup> S. Bukurura, 'Combating Crime among the Nyamwezi'. *Crime, Law and Social Change* 24:3 (1996), pp.257-66, nt 3, and P. Masanja, 'Some Notes on the sungusungu movement', in P. Forster and S. Maghimbi (eds.), *The Tanzanian Peasantry: economy in crisis*, Aldershot: Avebury, 1992, for example, give an alternative derivation in *busungu*, the Kisukuma word for the poison used to tip arrows. Per Branstrom, another respected Sukuma scholar, also insists that this was the origin of the word (private communication). However, everyone I asked gave the other derivation which therefore seems today to be the more generally accepted one.

<sup>14</sup> Abrahams (1987), p.182.

<sup>15</sup> Some of these first groups did indeed suffer very heavy casualties. One newspaper reports that 48 members of such groups were murdered in Maswa District in May 1984 (*Daily News*, 13 July 1984). Daniel Ndagala was sent to the area as part of a CCM party investigative team into the incident and published his findings on some of its implications in 1991.

<sup>16</sup> Masanja (1992).

<sup>17</sup> Bukurura (1996), p.260.

<sup>18</sup> Abrahams (1987), p.184.

<sup>19</sup> Interview with the *basalama* committee of a village in Mondo Division of Shinyanga District, 26 January 2002.

The inspiration for such groups is widely attributed to Kishosha<sup>20</sup>, who was living in Kahama, though he originated from Mwanza region and carried the mantle of ritual power that he had inherited from his renowned forebear, the great diviner, Ng'wanamalundi. Indeed, elaborate costumes and a panoply of ritual, including initiation ceremonies, were the hallmarks of the organisation in the beginning and these appear to have spread throughout the Sukuma areas, in what appears initially to be a remarkably uniform way. As an illustration, I will give the account given by an informant in Magu District, of Mwanza Region, initiated after groups had begun in neighbouring districts of Geita and Kwema.<sup>21</sup>

When it first started in Magu, they held a village meeting to determine to take action and to elect their committee. In this first committee, all were diviners (*bafumu*). The villagers were then asked to write the names of suspects on pieces of paper and the committee then scrutinised them to check for signs of obvious malice. After this, they set a day for the initiation, inviting *basalama* from other villages to conduct the ceremony. (The verb used here is *kutemya*, used for the installation of office holders and chiefs, sometimes translated as 'to crown'.<sup>22</sup>) On the night before the day set, the *basalama* arrived, very fiercely, in their feather head-dresses, and with straps of cow hide over their hips which they rhythmically slapped with their left hands - baa! They were a very terrifying sight. They were armed with bows and a quiver and sticks. They were not allowed to carry knives or pangas. Then, they patrolled all the houses in the village to ensure that nobody left in the night. Very early next morning, the whole village assembled, even children, sitting facing east and the sunrise. The names of the suspects to be tried were read out and they were then frog marched to a special place, to be called back one by one. These suspects were not told what they were charged with but urged simply to confess their misdeeds. If they confessed and agreed to pay compensation, then the crowd would signal its acceptance by clapping. They were then taken immediately back to their homes by the *basalama* to collect the fine. Thieves were sometimes beaten to death and there were many killings at the beginning. For those who could not pay the fine the punishment was ostracism.

One thing that characterises these groups at the beginning was the use of magic. At the initiation ceremony - which appears to have gone on for several days - the whole community was initiated. They took oaths not to reveal the secrets of the *basalama* and the leaders were 'inoculated' with protective medicine. All were taken to be *basalama*; all adults had to attend the assemblies and all able-bodied men could be called upon to do service in its name. Medicines were also planted at the corners of the village. This aspect of the groups has led Abrahams to liken this initial organisation to a witch-finding movement.<sup>23</sup> And, in their initial manifestation, this analogy is further justified in that for many such groups, witches were an equal target and subject to even harsher penalties than thieves. Over time, largely because of administrative opposition, this aspect seems to have fallen away and none of the groups I met claimed to try witches, leaving them open to action by hired killers.<sup>24</sup>

<sup>20</sup> One informant, however, gave the name as Seke, said in this case to be the son of Ng'wanamalundi.

<sup>21</sup> Other accounts can be found in Abrahams (1987); S. Bukurura, *Sungusungu: vigilantes in west-central Tanzania*, PhD dissertation, University of Cambridge, 1994b; Masanja (1992).

<sup>22</sup> Also reported by Bukurura (1996), p.261.

<sup>23</sup> Abrahams (1987); *Witchcraft in Contemporary Tanzania*, Cambridge: African Studies Centre, 1994; and *Vigilant Citizens*, London: Polity, 1998.

<sup>24</sup> The subject of witch-killing among the Sukuma is not one that I can address here. It has long been an embarrassment to the Tanzanian Government, pre-dating the development of *sungusungu*. These days, such

This inclusive membership aspect continues in some areas, and the importance of secrecy, but the use of magic and the role of the diviners seem to have generally declined over time. Though some people were said to still keep the elaborate regalia and headdresses in their homes, none of the groups I met wore any form of uniform. The hallmark of the *basalama* remains, rather, in the small wooden whistles, made to hang from a string, which everyone has in order to call for help when in danger and, with which, in a meeting I witnessed in Shinyanga district, the chief commander used to call the meeting to order.

Organised on a village level, the composition of the committees appears to have been remarkably uniform throughout the Sukuma/Nyamwesi area. In Magu, for example, this was described as, firstly, an *ntemi* (chief) and a secretary, responsible for taking minutes, with a group of 5 elders to assist them and a *kamanda mkuu* (chief commander) who was responsible for organising the policing operations of the *basalama*. Then there was a secondary hierarchy with a *ntwale* (sub-chief) and again 5 elders and an assistant commander. This gives a minimum committee size of 15 but since there could be additional deputies, most were probably larger.

In the beginning, as has been noted, the committees were dominated by diviners. Of the committees I met in 2002, this no longer seemed to be the case. Of the two I interviewed in Shinyanga District, neither claimed to have diviners in leading positions nor on the committee itself. In both, the key player seemed to be the *komanda mkuu*. In Old Shinyanga he was an older man, and ex-army, who was elected *komanda* after he retired in 1993, a position he has held ever since. In the other village, by contrast, the *komanda* was a young man, in his late twenties or early thirties, and one of the few members of the committee who spoke fluent Kiswahili. The committee of approximately 30 was dominated by elders. Both commanders saw their job as primarily about theft, and both claimed that they co-operated with police, though in large measure their activities made police work redundant, as the network of *basalama* groups operated as an effective means of tracing stolen goods and cattle as well as arresting thieves. This was certainly the attitude of the administration, who 'could not do without them', a refrain echoed at the police headquarters. This attitude points to the way in which these groups have effectively been incorporated into the administrative structure.

### **The attitude of the administration**

Much has been written about the equivocal attitude of the administration, especially in the early years. Abrahams has discussed the use of such traditional regalia and symbolism, redolent of the old system of chiefships and of the dancing societies of the Sukuma.<sup>25</sup> He argues that some of the official anxiety of the administration to the movement was due to such a seeming desire to resuscitate old symbols of ethnic identity, and particularly the chieftainships. But, if the regional administrations were initially worried, this was quickly

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killings are said to be initiated in the usual case by close relatives and perpetrated by hired thugs. The killings commonly take place in the evening or night at the victim's home. Those most at risk from such killings appear to be old women (S. Mesaki, 'Witch-killing in Sukumaland', in R. Abrahams (ed.), *Witchcraft in Contemporary Tanzania*, Cambridge: African Studies Centre, 1994; S. Bukurura, 'Sungusungu and the banishment of suspected witches in Kahama, Tanzania', in R.G. Abrahams (ed.), *Witchcraft in Contemporary Tanzania*, Cambridge: African Studies Centre, 1994a; and Bukurura, 1994b). Amnesty International Annual Report for 2000 gives a figure of 100 alleged witches killed in 1999, bringing the total killed in the three years, 1997-99, to around 400. In Magu, I was told, that 31, all women, had been killed in Magu District alone in the year 2000.

<sup>25</sup> Abrahams (1987).

countered by the response from the top, where the ruling CCM (Chama cha Mapinduzi, revolutionary party<sup>26</sup>) rapidly endorsed them, with Nyerere himself arguing that this revolution in village defence should be encouraged by both party and government.<sup>27</sup> In Tanzania, the division between the executive and political arm of government which they had inherited on the British model at Independence in 1961 was dissolved when the country was declared a Republic in 1962. TANU (Tanganika African National Union) then became the only recognised party and there was a general politicisation of all institutions, particularly the administration in an effort to instil a general sense of unity and to counteract tribal loyalties. As Feierman reports, 'Every regional commissioner, appointed by the president, was *ex officio* the TANU regional secretary, a member of Parliament, and a member of the party's National Executive Committee'.<sup>28</sup> Thus, party and administration spoke with one voice and here, given the total failure of the police to control the rampant disorder, they gave strong support to these groups, which could be further justified in terms of Nyerere's commitment to local self-reliance.<sup>29</sup> Abrahams records how in October 1983, the Prime Minister, Edward Sekoine, addressed a meeting of 6000 *sungusungu* at Kasamwa in Geita District, enlisting their support to fight crime in Mwanza town and promised them considerable rewards.<sup>30</sup> This event is still remembered in Mwanza Region and at least one man related the weakening of *sungusungu* organisation in the area to Sekoine's untimely death in a road accident in 1984. Nevertheless, this Prime-Ministerial support highlights the fact that the administration embraced these groups and its officials were mandated to give support. The first groups in Magu in the early 1980s worked under the direct protection of the District Commissioner who was the *kamanda mkuu* for the whole district.

From the beginning, however, this support did not preclude the opposition of other wings of the government, most especially of the police and judiciary. Clearly, their actions constituted a 'taking of the law into their own hands' and were outside the law, especially as, at the beginning, there are said to have been many deaths as well as severe beatings. Further, they directly undercut the very rationale of both. More cynically, one could say that both police and judiciary found not only their role pre-empted but also the graft which accompanied it. They acted swiftly in many areas in attempts to suppress these groups through prosecutions. In the process, they demonstrated only further to the ordinary populace, that they were not the enemies of crime but in league with it. They took up the cases of those who had been punished by *sungusungu* groups in order to indict the leadership and return the cattle, which thieves convicted by the *basalama* claimed to have been wrongfully confiscated. Many groups were brought to a speedy halt by such prosecutions - at least for a time - and the President has had to intervene on many occasions, in the last resort by issuing special pardons but often not before members of these groups have spent a considerable time in prison or on remand. Bukurura records the earliest such Presidential amnesty by Julius Nyerere as 1982.<sup>31</sup> There were many in the years to follow as this has proved an enduring and intractable problem.

In other respects the government sought to deal with it partly by amending the laws relating to the People's Militias to include the activities of *sungusungu*. This was done both in 1989

<sup>26</sup> CCM was formed by a merger of TANU and the main Zanzibar party ASP in 1975.

<sup>27</sup> Masanja (1992), p.204.

<sup>28</sup> S. Feierman, *Peasant Intellectuals: anthropology and history in Tanzania*. Madison: University of Wisconsin Press, 1990, p.239.

<sup>29</sup> For example, they were endorsed at a meeting of heads of 5 Districts in Shinyanga, Singida and Tabora and Arusha, in January 1985 (Tanzania Daily News 2 January 1985)

<sup>30</sup> Abrahams (1987), p.191.

<sup>31</sup> Bukurura (1996), fn.10.

and 1997, so that they are accorded equivalent powers of arrest and also liable to the same kind of compensation for injury in the course of duty.<sup>32</sup> However, their status remains quasi-legal at best and the ruling party depend rather more on exhortation, for example, in calling upon the police to work with, rather than against, such groups. In January 1985, Kawawa, the Secretary General of the ruling party was reported as saying that the Police Department was obliged to encourage these associations... 'they were legitimate defence groups which were formed in line with the 1971 Party Guidelines and they are led by ex-soldiers, teachers, doctors and other responsible officers living in the village'.<sup>33</sup> Getting at least the nominal support of the Police Department, which is obliged to work closely with the administration, through security committees at all levels of regional administration, has over time proved easier than getting the support of the judiciary, which has jealously guarded its independence. The prosecutions continue.

Government enthusiasm for these groups reached a height in the late 1980s and early 1990s when they were promoted all over the country as a general solution to the problem of violent crime in urban as well as rural areas. Participation was compulsory for all adult men. This version of *sungusungu*, under the wing (and usually under the control) of local administrations, was far from universally popular as it made no provision for salaried employees or other work-related responsibilities. In describing the *sungusungu* of this period, one man in Shinyanga described it as a 'terrible time'. One was compelled to take part in the night patrols, to attend the assemblies when criminals were tried, and at regular monthly intervals the whole town would be sealed off and everyone's papers inspected to ensure that they were in order. Trade of all kinds suffered. In the urban areas, this form of *sungusungu* went into sharp decline once Mrema, the Minister of Home Affairs until early 1995, who was its major proponent was sacked from the government for his anti-corruption speeches.<sup>34</sup> His general popularity in the country is however indicated by the fact that in the first multi-party elections a few months later, he stood as a presidential candidate on an opposition ticket and polled almost 30% of the vote.<sup>35</sup>

In the rural areas, at this time, *sungusungu* were set up under the auspices of the District administration, with villages electing their own committees, and commanders. According to the literature, these seem to have operated fairly independently of the rest of the community, with the committee making most of the decisions, without further reference to village assemblies.<sup>36</sup> They became essentially community police forces, patrolling or organising the patrolling of their areas at night and having powers of arrest. Over time, many elements of the original *basalama* have been expunged in Sukumaland. They no longer wear regalia, the emphasis on witchcraft has gone, though this has done nothing to stop the killings of supposed witches. Nor, do they prosecute those murderers, this being defined as a 'police

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<sup>32</sup> A common complaint of *sungusungu* was, however, that such an obligation was rarely if ever honoured.

<sup>33</sup> Tanzania Daily News 27 January 1985

<sup>34</sup> He has continued campaigning against Government corruption and on environmental issues and is now chairman of another opposition party, the Tanzanian Labour Party. He is currently (May 2002) facing charges of sedition for taking up the cause of 52 artisanal miners who it is claimed were buried alive at Bulyanhulu gold mine in 1996 when production was taken over by foreign investors.

<sup>35</sup> Multi-party politics was introduced in Tanzania in 1992, with the first multi-party elections held in 1995. The ruling CCM party managed to win both the 1995 and 2000 elections.

<sup>36</sup> Bukurura (1996) and M. Fleisher, *Kuria Cattle Raiders: Violence and Vigilantism on the Tanzania/Kenya Frontier*, Ann Arbor: University of Michigan Press, 2000b for Kuria.

matter'.<sup>37</sup> Today, in many districts, they remain tied in closely with local administration; in Shinyanga, for example, they were incorporated into the Village Security Committees, and governed by sets of guidelines designed to protect them from prosecution.

### Interim conclusion

In retrospect, one could say that the movement was hijacked by the political/administrative machinery of the state partly for instrumental reasons, given its impotence in maintaining any semblance of law and order. But, if necessity here was turned into virtue, given the penury of the Tanzanian state, it was also, one suspects, because the *sungusungu* represented for those at the 'socialist centre' a vibrant grassroots organising power which Nyerere's vision had demanded but which the party had been so unsuccessful in actually developing.<sup>38</sup> It happily chimed with both necessity and ideology.

In the process, and as a by-product of this, the local administration has effectively co-opted powers that they had possessed prior to Independence. At Independence, a state judiciary was established with magistrates courts going down to district level, abrogating many of the judicial powers formerly wielded by local chiefs and thus under administrative control. Though retaining overall responsibility for security and thus law and order, the administrative hierarchy had perforce thereafter to work through the police and magistrates who were answerable to other bureaucratic hierarchies. Further, as indicated earlier, with the rampant corruption, these could often be seen as aiding and abetting crime rather than enforcing the law.<sup>39</sup> One could say, perhaps, that while there were never enough police in rural areas to impose order, there were quite enough to encourage disorder. The emergence of *sungusungu* in effect drove a wedge through the state machinery of government, with the administration effectively aligned on one side and the police and judiciary on the other. This over-simplifies the complexities in any one area: indeed, the viability of the *sungusungu* in any area often depended on the attitude of local district commissioners and even village and ward secretaries and their willingness to offer support, especially in cases where groups were prosecuted.

Nevertheless, to paint in this way with broad strokes points to the distinctive space in which the *sungusungu* have come to operate. This is both an ideological space - they represent the people, are '*jadi*' (traditional) - but it is also a political space in that they are directly linked into the administrative hierarchy. They have dual legitimacy. In fact, the designation '*jadi*' is interesting in this context, since it allows the administration to give them credence on the grounds of their supposedly traditional form but at the same time to dissociate themselves both from a direct role within such organisations and from any abuses that they might perpetrate. Instead, over the course of time, they have tried to regulate the *jadi* through promulgating rules and giving advice and, of course, in the protection they offer from the

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<sup>37</sup> It is not clear from my evidence whether other initial roles have also gone into abeyance. The initial motto of the group in Magu District in Mwanza Region, was 'those who recover cattle and women', indicating that returning runaway wives and daughters was an early emphasis also.

<sup>38</sup> R. E. Abrahams, 'Law and Order and the state in the Nyamwesi and Sukuma area of Tanzania'. *Africa* 59 (1989), pp.354-68; Abrahams (1994); Masanja (1992); Feierman (1990); C. Ingle, *From Village to State in Tanzania: The politics of rural development*, Itaca and London: Cornell University Press, 1972; J. Nellis, *A theory of ideology: the Tanzanian Example*, Nairobi: Oxford University Press, 1972).

<sup>39</sup> In 2000, Transparency International Canada, put Tanzania down in 82<sup>nd</sup> position and Kenya 84<sup>th</sup> out of 91 countries in its ranking of perceived levels of corruption. In Kenya, a recent survey by Transparency Kenya reported by The Nation, 19 January 2002, put the Police top of the graft league and the Judiciary 6<sup>th</sup>, in terms of the frequency of bribes demanded. However, the average amount paid to the Police in bribes was only 631 Ksh, compared to 10, 334 Ksh for the Judiciary. The situation in Tanzania is said to be roughly similar.

police and courts. The need of such groups for this protection, in turn, makes them more amenable to such official regulation. It also makes them useful to the administration in a multitude of other ways, such as policing public meetings, helping the village, ward or divisional administrative secretaries out with routine tasks etc.<sup>40</sup> In effect, the administration, in offering support, have gained control over a police force which, if not exactly docile, operates under their immediate surveillance. The benefits are tangible: unruly areas have become peaceful and there are few cases of theft coming before the courts in the areas where they operate.

### The Kuria story

Abrahams raises the question of why *sungusungu* as a local initiative, a grass roots organisation developed only among the Nyamwesi and Sukuma in the 1980s, despite the prevalence and, indeed, the ferocity of raiding elsewhere. He particularly mentions Tarime District in the far north on the borders with Kenya.<sup>41</sup> *Sungusungu* was indeed introduced there by the administration in the mid-1980s and early 1990s, along with the national policy of encouraging such groups. This form of state sponsored *sungusungu* was perhaps in retrospect less than even moderately effective.<sup>42</sup> However, a new form of the movement, equally sanctioned by the state but more embedded in Kuria political organisation, was to develop from the mid-1990s onwards.

The central areas of Tanzania, from the Kenyan border in the north stretching down to that with Zambia in the south are dominated by agro-pastoralist and pastoralist peoples, for whom movement and migration are as much part of their history as the claims they have to the particular tracks of land they currently occupy. Relationships between such groups may be peaceful, but they also very typically are played out through reciprocal cattle raiding. The coming of guns in the 1980s in the aftermath of the Tanzania/Uganda war, and the consequent development of large gangs of thieves who operated over wide areas inflamed such inter-ethnic hostilities to the point where they threatened in some instances full-scale tribal wars. Ndagala explains how the thieves deliberately contrived such conflict, which neatly both camouflaged and justified their own activities.<sup>43</sup> Quite typically, the thieves dressed as members of a hostile tribe - as Sukuma when raiding Datoga, as Datoga or Maasai when raiding Sukuma, and so on. One result of the tension this created was a particularly bloody battle between the Sukuma and Datoga in May 1984, in which 48 Sukuma who were members of *basalama* groups were killed.<sup>44</sup> There is no firm evidence that the cattle thefts that both sides had recently suffered were the work of the other. Ndagala gave another example from this same general area where the police followed a gang of thieves and a running battle ensued, during which some of the thieves were killed and others later arrested. This gang was obviously prepared to camp out for a considerable time, having 65 donkeys carrying arms and food for several weeks, as well as the cattle it had captured. It appears that

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<sup>40</sup> A report in the *Wall Street Journal*, 12 January 2001, mentions that *sungusungu* groups in Magu District are also policing sexual conduct, in line with AIDS prevention programmes there, and patrolling at night to arrest those engaged in illicit sexual encounters.

<sup>41</sup> Abrahams (1987).

<sup>42</sup> M. Fleisher, 'Sungusungu: State-sponsored village vigilante groups among the Kuria of Tanzania', *Africa* 70:2 (2000a), pp.209-28; and Fleisher (2000b).

<sup>43</sup> D. K. Ndagala, 'The Unmaking of the Datoga: Decreasing Resources and Increasing Conflict', *Nomadic Peoples* 28 (1991), pp.71-82.

<sup>44</sup> Ndagala (1991), p.79. Ndagala was a member of the CCM commission of inquiry which was sent to the area to investigate this incident.

the leader's name was 'Chacha', indicating that he was probably a Kuria from Mara Region in the north.<sup>45</sup>

It is to what was happening in Mara Region that I now turn. According to sources there, there were three major gangs who were linked together operating at this time. One in the south was wreaking havoc among the Sukuma in Bariadi, Ramadi and Shinyanga. Another, in Serengeti District, was dominated by Kuria but with accomplices in other groups. The third group was operating from Maasailand but it was again a Kuria gang. Indeed, in Tarime and Serengeti Districts of Mara and in Maasailand in Arusha Region, throughout this period, the fighting and raiding was dominated by the Kuria, just one of the 28 tribes represented in the area. In the course of the 1980s, the whole of Mara was drawn into the resulting turmoil.

### **The most difficult districts**

Tradition has it that the Kuria migrated down from Kenya into Tanzania at the beginning of the nineteenth century.<sup>46</sup> At the beginning of this century, they began expanding back into Kenya, reclaiming their former lands just over the border and extending their settlement into areas which had been claimed by the Maasai. Some of these areas were not fully settled until the 1950s. By that time, some of the Kenyan residents had already begun returning to Tanzania to establish settlement not only in their 'home' district of Tarime, where their sections are also represented but further afield into what was to become Serengeti District. Migration gained in momentum throughout the 1960s and 1970s, with the different Kurian clans setting up distinctive zones for settlement, where they were then joined by their fellow clansmen. Kjerland quotes an estimate of nearly 100,000 people having moved from Kenya into Tanzania by 1969.<sup>47</sup> The once empty plains were becoming occupied, as many Kuria capitalised on the two halves of their agro-pastoralist life, keeping one wife in the more fertile zones of Kenya and Tarime Highlands of Tanzania and setting up a second household in the dryland plains more suited to cattle. Two of the four sections represented in Kenya dominated in this movement, that of the Kira and the Nyabasi/Timbaru, joined by their fellow clansmen from Tanzania.<sup>48</sup> The Nyabasi, together with the Irege, also and simultaneously were pushing westward into the Rift Valley of Trans-Mara area in Kenya, sandwiched between Kuria District and the Maasai Mara National Park. All this movement was punctuated by raiding, as the Kuria pushed against the Ngoreme in Serengeti and against the Maasai and Kipsigis in the Rift Valley of Kenya.

Yet, what is distinctive about the Kuria and makes Tarime and Serengeti districts, as the District Commissioner Tarime put it, 'the most difficult to administer in the whole of Tanzania' is not the ferocity of the raiding they pursue with others but that which they pursue among themselves. This makes them distinct among other raiding groups since the focus of Kuria conflict is rather more within than without. And, interestingly, though they do raid into the surrounding areas, dominated by other groups, attitudes are more accommodating here and less commonly escalate into 'war'. As Tobisson writes, 'Being a Kuria' in fact

<sup>45</sup> In conversation, 16th January 2002.

<sup>46</sup> K. Kjerland, *Cattle Breed, Shillings Don't: The Belated incorporation of the abaKuria into modern Kenya*, PhD dissertation, University of Bergen, 1995.

<sup>47</sup> Kjerland (1995), p. 253.

<sup>48</sup> There is a problem in naming these Kuria sections because of the different practices of the administration in Kenya and Tanzania. In Kenya, administrative divisions are known by the section name. In Tanzania, they are named after the totems of such groups and in both cases these have become the most commonly used nomenclature by Kuria living in the two countries, respectively. In this paper I am following the Kenyan practice.

designates little beyond the vague recognition of a common cultural identity, while belonging to one of the ...Kuria clans (*ibiaro*, *s.ikiaro*) has always been of superior significance.<sup>49</sup> I am translating this basic political unit among the Kuria as 'section' or 'clan'. It has a common name and totem, and a recognition of common ancestry. In Kenya and in Tarime District these sections also form territorially discrete units, with newer outlying territories, particularly as mentioned in Serengeti District, though groups are found throughout Mara Region. Four such sections are represented in Kenya; from west to east, the Gumbe, Kira, Nyabasi and Irege, each extending into Tanzania, where there are, in addition; the Renchoka, closely allied to the Gumbe, the Nchari, the Sweta, the Timbaru, closely linked to the Nyabasi and the Nyamongo who are totemically linked to the Irege.

Stock raiding among these groups is a perennial part of the local scene, sometimes escalating into wars, as raiding intensifies prompting ever more extreme retaliation. In fact, war is marked by a gradual hardening of attitudes, a series of graduated steps. In the normal situation, people are simply wary of being in other clan territories but may do so freely to attend markets or to visit relatives. The odd raid is expected but, as these become more frequent, anxiety rises and attitudes harden; visitors come under suspicion as possible spies. Violence may now begin to accompany raids and people defer visits to other territories. In 'normal' raiding, it is not expected that the raiding force have come to kill the owners though, if they put up a defence and in any attempt to pursue the raiders and recapture the cattle, there may be deaths on both sides. In full-scale war, however, the raiders may deliberately kill. Large parties now accompany the trackers pursuing stolen cattle and are met at the borders of their territory with equally large parties of opposing clansmen, preventing entry. Fighting might then go on for days or even weeks and in the extreme situations, years. But, even in 'normal' situations, following the tracks of stolen cattle into the territory of the enemy is a precarious business and subject to resistance.

Warfare was a regular feature of the local scene, and there have been major disturbances in each of the decades of memory. The 1970s were particularly rough. There was a large-scale war between Kuria and Ngureme in Serengeti District, another between the Kira and Nyabasi that began in Tanzania but spilled over into Kenya as people fled for refuge. The Kira also fought the Gumbe in Kenya. But, those wars pale into insignificance in comparison with what was to happen in the 1980s in the aftermath of the Tanzania/Uganda war.

The Kuria were extremely well-placed to take advantage of the upsurge in cattle rustling that engulfed the pastoral and agropastoral peoples of Tanzania. Firstly, as indicated above, raiding was an entrenched part of Kurian life. Secondly, military service had long been a favoured occupation for Kuria in Tanzania and they were regarded as especially good soldiering material. With the mass recruitment into the army for the invasion of Uganda in 1979, they were heavily over-represented. Fleisher gives an estimate as high as 50% of this army, as regular soldiers were swelled by recruits from the People's Militia (*mugambo*).<sup>50</sup> While this is probably an over-estimate, it gives some idea of the disproportionate number of recruits that came from Kuria, a group who represent less than 1% of the national population.

<sup>49</sup> E. Tobisson, *Family Dynamics among the Kuria*, Doctoral Dissertation, Acta Universitatis Gothoburgensis, 1985, p.97. It is indeed a moot point as to which groups are to count as Kuria. Many make the distinction between the 'peoples of the sunrise', that is the East and 'peoples of the lake', with the Kuria being those of the sunrise. However, many of the 'lake' people speak closely related Bantu languages and may be regarded as Kuria by some.

<sup>50</sup> Fleischer (2000b). Fleisher also reports that there were in 1995 more Kurian army officers in the Tanzanian army than from any other tribe and more retired officers living in Mara than any other region of Tanzania (2000b, p.82).

Further, raiding, as elsewhere, had long had a commercial aspect; yielding a form of wealth that could be translated both into traditional means of accumulation (cattle and wives) and into money and lifestyle. Of relevance in this context is the fact that the value of stock throughout the 1980s remained high. The price of cattle more than kept pace with the rampant inflation in Tanzania at this time and prices were also kept buoyant due to the sale of much of this herd over the Ugandan and Kenyan borders. With Kuria sections represented on both sides of the border, they were well-placed to facilitate the movement of stolen stock from Tanzania to markets in Kenya. Ndagala talks of a 'stock raider corridor', stretching up from the south through the sparsely populated land of the Serengeti plains to the Kenyan border.<sup>51</sup>

In short, the Kuria had the manpower in the form of highly trained fighters, the means in the form of guns, and the motivation to pursue raiding on a new footing, which had its roots in the past but was equally shaped by the realities of the present. Further, contacts made while serving in the army provided not only links with other gangs operating elsewhere in the country but a continuing supply of weaponry and bullets. The place was awash with arms. Indeed, from accounts of that time, it appears that in the end almost everyone had a gun for protection, while notorious raiders were insouciant enough to carry theirs openly during the day. The fighting when it began was to be ferocious and characterised by the bravado of exultant killers.

Not unusually in Kuria, it appears that the real fighting began between Nyabasi/Timbaru and Kira living in the Mugumu area of Serengeti District. From there it spilled over to engulf everyone in the entire District, as Kuria attacked Ngoreme and then moved further south to Fort Igoma and from there to the Watatiro and over to the east to Banata and Ikizo at Nyamuswa. As the raiding escalated into war, it became solidified along section lines. The gangs that had initially been mixed (formed of alliances of thieves from rival sections) now split to oppose each other along section lines. The gangs were very large at this time and, because leaders, now on opposing sides, had previously raided together, they knew each other well, and their tactics and routines. The gangs brazenly threw down challenges to fight. Many people described how letters would be written to a target, informing them of the day and hour when they would be coming to collect the cattle. Effectively, shoot-outs were announced in advance and the death toll was huge. The *Tanzania Daily News* of October 1986 reports that between January and August 1986, over 25,000 head of stock were stolen in Serengeti district and more than 100 people were killed.<sup>52</sup> And, most raiding at this time was in broad daylight. There were many heroes on both sides. The gangs were also said to be organised along military lines, with two leaders, one at the fore and one at the rear, and a series of ranks as in the army.

The following account from Mathias Mwita, a Kira, recounts the death of the famed Nyabasi warlord, Musubi:

In 86, Musubi was killed in Kibanchebanche (a hill village, some 15k to the northwest of Mugumu town, the headquarters of Serengeti District). He was killed by Mogaya of the Kira, his *seemo*! Chacha Nsabi was also killed later on that morning. The Nyabasi came to raid the village but Kira were waiting as they were meeting to prepare an attack on Nyabasi the next day. I was then in Form 1 at Isibania (on the Kenyan border) and heard the news the next morning. The

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<sup>51</sup> Ndagala (1991). Another route for stolen cattle went west across to Uganda.

<sup>52</sup> Cited by Kjerland (1995), p.255.

*inchaama* (the conclave of ritual elders) are said to have mutilated the body, taking the tongue and penis. The body was never found. The Kira celebrated and there were songs which memorialised the deed. Four others were also killed at the same time, as jubilant Kira followed the Nyabasi back to their villages and killed them. They also destroyed homes and removed iron sheets from the primary school near to the home of Musubi. Even the women went from Kibanchebanche - and the Nyabasi fled north across the Mara river, from Nyansurura back to Tarime and were dispersed and much weakened.

After this, Kira went to conquer other groups to the south. In one raid they went to Ikoma and got 200 cattle, killing 13 Isenye and Bakoma. In response, the government launched a punitive expedition and went to Musati and confiscated all their cattle and goats. My grandfather died at this time, in trying to rescue his cattle from the police lorry. Thus the Kira became poor. But, that was not for long. This happened at the end of 86 and they still had their guns. They started raiding the Maasai in Arusha Region. Gibewa, my father's brother, had 3 guns and formed a gang which raided in Irondo in Maasai. They went on long expeditions, taking their own food, and attacked the Maasai while they were out grazing. The gang had more than 50 men and 15 guns. Once they had captured the cattle, they split into smaller groups to take the cattle back. Many game wardens were killed, together with Maasai, as they attempted to stop them. In the process the Kira captured yet more guns. They had superior fire power.

With this, the Nyabasi - as distinct from the Timbaru - living at Rong'abure and Getasamwa made friends again with the Kira and raided the Maasai with them - and the Maasai got poor. Gibewa however, got rich and married 21 wives. All this went on until Kuba came.

This account not only gives testimony to the intensity of the raiding but also to the shifting nature of alliances between Kuria groups. Musubi and Mogaya were *seemo*, that is they had married sisters and were bound by special bonds of friendship. Previously, they had raided together when they were fighting the Ngureme. But, Mogaya eventually killed Musubi to great jubilation among the Kira. The mutilation of the body by the *inchaama* is said to provide them with the materials for counter-magic against their opponents.<sup>53</sup> Indeed, almost all of these heroes died in the period of intense warfare up until 1990, though they were soon to be replaced by others.

Of the sections, Kira were most notorious and are said to have killed the most people, particularly among Nyabasi but also among Renchoka (small groups which had settled in the area were mainly forced to flee at this time). Others were also fleeing, with many Kenyan migrants returning to their home areas in Kenya. There, the war between the Kira and Nyabasi had also flared up in 1982. Again, guns were freely used and, as hostilities intensified, raiders did not hesitate to kill. Life became centred on survival; a time that, as many people described, when on going to bed at night, you did not know whether you would still be alive next morning. People put their cattle out with others living further from the more dangerous border zones and, abandoning their own homesteads, took refuge each night in well-fortified homes of neighbours. This fighting was cooled in some measure by the Kenyan Government sending in a force of the paramilitary General Service Unit in 1984 who

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<sup>53</sup> As described, one such form of magic involves roasting the body parts to cinders which are then mixed with snuff to be sold back to the opposing side, who thus unwittingly commit acts of endocannibalism.

established a camp at Chinato in Nyabasi where they were to remain until 2000 when the establishment of *sungusungu* on the Kenyan side rendered their presence unnecessary. It was further cooled in 1985 by a guns amnesty initiated by the President in July and August of that year. Many guns were collected during this time, mainly by using the traditional instruments of the *iritongo* (assembly) and the *inchaama*, the conclave of ritual elders who put suspects to the oath to extract the guns. The war shifted onto a cold rather than hot war footing throughout the rest of the decade. In Tanzania there was no such amnesty: instead the government responded with 'special operations' of the police and military. There were between 8 and 11 of these during the period 1982-1988.<sup>54</sup> In addition, over 200 rustlers were deported from Mara Region to Lindi and Mtwara where there were no cattle.<sup>55</sup>

Even apparent victories by the administration turned to dust. In September 1988, the Regional Commissioner celebrated a peace pact between the warring factions by erecting a monument at Kenyana on the borders of Ngureme and Kira in Serengeti, close to Tarime District. He had called together the elders of all the communities and persuaded them to shake hands. The President came later to add his weight to the peace. To no avail. The war broke out again a few months later, in what appears to be an all-out offensive by the thieves in the district, who staged outrages particularly at times official visits were planned. Their general bravado, not to say cheek, is evident from the occasion when they surrounded the police station at Mugumu, forcing the police to flee for their lives.<sup>56</sup>

### **Kubia: man and myth**

The decisive event for all in Serengeti and Tarime Districts was the coming of Kubia who is attributed with breaking the terror of the guns and ushering in a new era of peace. He is as much myth as a man, since few people know anything about him apart from the fact that he was an army officer. No one is sure either where he came from; some say the 'south', others hazard 'Zanzibar'. The stories of the methods he used to collect the guns are fairly compatible between different accounts. Dating his visit proved more difficult: for all it was synonymous with the beginnings of the second '*iritongo*' and the coming of peace, and this probably explains at least some of the variation. The most authoritative source, the District Administrative Secretary in Serengeti, who had welcomed him to the District, put it as June and July 1990. According to him, following the abortive peace of 1988, the President decided to take a new line in dealing with the continuing disorder in Serengeti. He put the task in the hands of an army officer, Kubia, who had control of his own independent force and was answerable only and directly to the President.

Kubia is said to have sent an undercover investigative team to Serengeti, mandated to get the names of those with guns and to effectively do anthropological work among the Kuria in order to find a way of breaking the terror. Kubia followed this up by arriving in June 1990 and set up camp with a special force of 200 at Mara Somochi. He used a variety of methods. He might call together an assembly (*iritongo*) in a given village and, as a man of few words, announce simply that he had come 'to collect *my* guns. Just co-operate and give me the guns'. He would then read out a list of the names of those who had guns. Those who handed them

<sup>54</sup> The first figure was given by the current District Commissioner, Serengeti, Ole Sabaya and the second by the Divisional Officer, Paulo Wambura Shanyangi.

<sup>55</sup> *Daily Nation*, 4 February 1985, in a report from the Regional Development Director. Reports that the Government spent 20 million shillings in fighting rustling in just one district (*Daily Nation*, 20 April 1985)

<sup>56</sup> Fleisher (2000b), p.92 gives 1990 as the date of that event.

in freely were forgiven but rather more brutal means had first to be applied to persuade the thieves of his determination. One example, quoted by many, was that a man who denied such possession, was ordered to strip and have sex with his wife, not only in front of the crowd but more significantly in front of his father and mother-in-law. Such an act strikes so deeply into Kurian moral rules that it is impossible. But, it was an order, not a request: the first man who refused was shot dead on the spot. Thereafter, it is implied, there was greater compliance in the handing in of weapons. Where it was feared that the culprits might escape, the village would be surrounded before dawn and the villagers rounded up to witness the beating of the thieves, an alternative means of extracting confession. Those that none-the-less escaped, his soldiers tracked down and they were taken back to his camp where they were tortured until they confessed and gave the names of their accomplices. But the iron fist was combined with the velvet glove. The elders in the community who co-operated and the thieves who had handed in their weapon were feted by Kubia, and some were given gifts. Gibewa, mentioned in the account above, handed in his gun and was invited to a celebration feast in Mugumu.

In any event, in the short period of two months, Kubia had managed to collect hundreds of guns, army issue machine guns, rifles, pistols as well as many of the home-made variety. The number is usually put at 600. Without the guns, the community could not be terrorised in the same way. This was clearly a major step in initiating a peace. But Kubia is also attributed with inspiring a new form of the *iritongo*, the traditional assemblies of the Kuria.

Kubia is regarded as a major hero. Universally respected, it is commonly said that were he to return he would be elected to Parliament immediately. It is worth taking some space to discussing what makes him such a hero. The Kuria, of course, admire hard men; their raiding champions were admired as much as they were feared. Yet, in some ways, the harshness of his methods hardly single him out from those of the Field Force Unit and police, whose punitive expeditions the Kuria had suffered many times. Indeed, similarly brutal methods are reported for Tarime District in a Field Force crackdown in 1986,<sup>57</sup> but these were widely discredited. Further, the use of beatings to extract evidence does not differ markedly from normal police methods.

Perhaps, the significant fact everyone stressed was Kubia's knowledge. His intelligence gathering operations enabled him to correctly identify the thieves and he used the confessions gained from them to round up more. The problem of malicious accusation that plagued normal police investigations and the random beatings they meted out was also guarded against by holding trials in public. In addition, he was seen to be independent. Answerable only to the President, he was not seen to be influenced by the pervasive corruption that surrounded the local police and the District and Regional administrations of that time. But, a key feature that many stressed was the respect he gave to Kurian institutions and the honour he paid to the elders and those who co-operated. This was a punitive expedition with a difference, based on knowledge of Kurian values and which granted rewards as well as rough justice. Most significant, perhaps, was his utilisation of the *iritongo*, the Kurian assembly, for the interrogation and punishment of thieves.

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<sup>57</sup> Fleisher (2000a and b). Some of the methods described by Fleisher might well have come from the merging of events in people's memories, since some are identical - eg. the sleeping with one's wife - as those I was told were unique to Kubia. He also mentions that this 1986 crackdown led to the collection of hundreds of guns, whereas the people I spoke to stressed that there were no such collections in Tanzania in the 1980s. Certainly, if there were, it seems, as he stresses, to have had little impact on the raiding in the years leading up to 1990.

Whatever it was, for the Kuria in Serengeti and Tarime Districts, it is he who is credited with the inauguration of the new-style *iritongo*. He broke the rule of the guns and gave people new ideas as to the power the *iritongo* could wield. They probably began first in Serengeti, spreading to Tarime District in 1995 among the Kira and then rapidly spread throughout the District and, finally, into Kenya in 1998.

### **The second *iritongo*: ‘We have found the medicine for thieves’**

As indicated earlier, *sungusungu* had already been introduced into the area in the late 1980s and early 1990s under administrative sponsorship. Villages elected their own *sungusungu* with a commander who organised night patrols. According to Fleisher who witnessed a *sungusungu* crackdown in Irege Division early in 1995, they were intermittently effective, tending to wax and wane. Though all villagers were pledged to help in the tracking of thieves after an alarm, the organisation and trials seemed to be almost entirely in the hands of the *sungusungu* committees attended by about 15 people, including administrative officers.<sup>58</sup>

Most informants made a big distinction between this version and that which followed of *walinzi wa jadi* (Kiswahili, traditional guards), the name used by the administration or *serikali wa jadi* (Kiswahili, traditional government), which they are also sometimes called. However, more commonly, they are referred to simply as the *iritongo*, the assembly or community. As this indicates, the current version has been more fully incorporated into the structure of the *iritongo* to whom they answer. It differs also in having an elected committee who are answerable to the *iritongo* (as well as the administration) and who direct the activities of the policing arm. And, one might add, much more severe forms of punishment. Fleisher mentions whipping with tough whips of hippopotamus hide used to elicit confession and heavy fines. These days, the latter are used both to compensate the victim of a raid and to create a pool of money, some of which was used to finance community projects and the rest of which went into the pockets of the *sungusungu*. Though they all claim to be unpaid, this is not strictly true and the administration usually sanctions a split of such money, usually on 60:40 lines, with the latter seen as an allowance for the time and work of the guards and officials. With this new *iritongo* more severe punishments became the norm, with beatings with sticks, often tipped with steel, sometimes leading to the death of thieves. This signals a radically different attitude to thieves.

As mentioned above, the *iritongo* refers both to a community and to the assemblies which meet within the community to discuss issues of general concern. They may occur at any level, from that of a family cluster to that of the main political unit, the village, ward or division in Tanzania, the sub-location or location in Kenya. They can be spontaneous gatherings, as for example, when suspected thieves have been apprehended and a crowd gathers to interrogate them, or they might be more formal gatherings called by the elders or government officials to discuss issues of pressing concern, again particularly rising levels of raiding. Traditionally, and still to a large extent, the *iritongo* is a democratic assembly where all adults have a right to speak, led by members of the ‘ruling’ generation.<sup>59</sup> Generation is also often important in the way the *iritongo* constitutes itself with the older men taking up positions (when seen from the chair) to the right of the semi-circle and younger men to the left, where they are joined by women, who rarely, however, play an active role. Age set

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<sup>58</sup> Fleisher (2000a), p.216.

<sup>59</sup> The Kuria have a generation class system as well as an age set system. In the past there were regular ceremonies to signal the handover of power from one generation class to the next. These have recently been revived in at least two areas, in Bwirege and Nyabasi.

organisation may also be apparent, with members of an age set sitting together and, as they have the prime responsibility for disciplining their members, they may also meet in separate groups prior to a full-scale *iritongo*.

Behind the *iritongo*, but rarely playing an active role in the meetings, is the *inchaama*, the conclave of ritual elders. They usually meet in secret and are responsible for the ritual well-being of the people, setting the dates of the initiation ceremonies and ruling on other issues which affect the community as a whole. Many regard them as the 'real government' of the Kuria, and this is acknowledged by the members of administration who find it difficult to push through reforms of any nature if they are opposed by the people and *inchaama*. As the Tarime District Commissioner emphasised to me, the only District Commissioners who have been successful in Kuria have been those who have been prepared to work with *inchaama* rather than against them. This is especially true with respect to raiding and warfare. While the *inchaama* might well, in circumstances where their side is seen to be suffering unduly, encourage raiding and offer magical protection to the raiders, they are more often important as peace-keepers, counselling against war. Such counselling is backed by sanctions as they have the power to curse thieves and their lines, or, where a thief refuses to confess, put him through the *ekehore*, the oath or ordeal. Today, this is often seen as their most important function, with the *inchaama* being described as a 'high court' or 'court of final appeal'. The *ekehore* itself takes a variety of forms, depending on the area, but it is believed that a man who falsely swears when going through the ordeal will reap a speedy punishment in the death and destruction of himself and his family. Though many thieves in bluster offer to take the *ekehore*, it is believed no guilty man will go through it, and few are said to actually dare to take it.

An example of this new kind of *sungusungu* can be taken from the group which claims it was the first to be established in Tarime District, in 1995. An *iritongo* was first called consisting of all the people in the division of Nchugu (Kira), and its two wards of Sirari and Pemba. This elected the first committee, which, in February 2002, numbered 22, with two members elected from each of the 11 villages. This has a chairman, vice-chairman, secretary, and treasurer. It also has an 'adviser', a senior man whose role is to counsel. In this case he is an ex CID officer. In addition, they have 32 guards, again drawn from all villages, with each ward electing its own *komanda mkuu* (chief commander). This policing arm of the committee is referred to as the *ulinzi wa jadi* (traditional guards) or *sungusungu* or simply as the *jadi*. These expressions can be used to refer to the whole organisation or just to its police force.

The extent to which they are part of the administrative structure is illustrated well by a chart on their office wall (a small room which had previously vended roast meat and still bore the advertising signs) which puts the Divisional Administrative Secretary at the top of the hierarchy, then the adviser and then the chairman of the committee, followed by the committee itself. Answering to the committee are the two branches of the guards and below that the *iritongo* or assembly. As such, it neatly inverts the 'traditional' order of things (and the way it has been instituted in Kenya) where the supreme body is taken to be the assembly of the people and the committee is both elected by and responsible to the assembly. In Tanzania, however, it is knit much more closely into the administrative structure, with the divisional, ward or village administrative secretary being a key player, though he or she does not normally attend meetings.<sup>60</sup> If they do attend, however, they sit with the committee and may at the end of the session make administrative announcements.

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<sup>60</sup> Records of the meeting are deposited with the village, ward or divisional secretary according to the span of the group. Initially, they were said also to be sent to the District Administrative Secretary.

The linking into the administrative structure at one level follows the old system of *sungusungu* and it remains crucial because of the protection it offers, particularly against prosecutions. There was a key case in 1999 affecting this group with the leadership arrested following the death of a thief. This threatened the operation of the *iritongo* throughout Kuria and the Regional Commissioner had to make many representations to the President's office to ensure that this case was settled in a way that fulfilled the promises of support made by the President. In 1997, the law had been strengthened to give the *sungusungu* the kind of recognition and protection that the militias had had, and this had been repeated in speeches made in the area by the President.<sup>61</sup> It thus became something of a test case, with the government held to account as well as the *sungusungu*. In the end the leaders were released. To an extent government support has been strengthened since then, with further moves made to protect the *sungusungu* from malicious prosecutions. A new procedure which was laid down for complaints and cases against the *iritongo*. These must now go through the Divisional Administrative Secretary and from there to the District Commissioner. The aim is to sort these matters out at that level, militating against a complainant directly offering a bribe to a local policeman or magistrate to issue a warrant for arrest. In addition, the Regional Commissioner promulgated guidelines to govern the workings of the *iritongo*, specifying for example, the nature and scope of punishments. The committees I spoke to all claimed to keep within these guidelines though, since the administration prefers not to keep too close an eye and the punishment for theft 'is that the *iritongo* can decide its own discipline for theft according to the severity of the offence', this gives fairly wide scope.

The major difference between old-style and new-style *iritongo* would seem to be that although cases are first heard by the committee, full trials are now held weekly or fortnightly before the entire *iritongo*. These are people's tribunals in the full sense, and the judgement is a community judgement, which all see and endorse. In the old system, according to Fleisher, the accusers were never called to the committee trials: now they must stand to give evidence, as must other witnesses. The *iritongo* are also wary of coming to a judgement before all the accused in a particular case of theft or raiding are made to appear and answer. This guards against malicious accusations on the part of an accuser, witness or, indeed, a thief or who might falsely name others as accomplices and confederates. Further, the accused must in the end confess before a punishment is decided, a confession which is frequently preceded by whippings or *legeza*.

*Legeza* (Kiswahili) is key to this process and means literally 'unlocking'. It thus refers both to the unlocking of evidence, that is confession and to the means used to achieve this, most typically by 'unlocking the ankles', that is breaking them. This is said to be a traditional punishment for theft, though if so it had not been used for a considerable time before the coming of *sungusungu*, and its Swahili origin would tend to belie such a claim. However, its rationale is that it prevents a thief from ever running after cattle again, though most are said to heal sufficiently to cultivate and walk and some recover completely from this laming. However, that depends in part on the severity of the original beating. *Legeza* is commonly done with sticks fitted with metal ends or bolts. Where the desire is really to punish the thief, the beating might be extreme, and his knees and elbows might be broken as well.

Other punishments, as before, include fines, over and above the cattle needed to compensate the victim, shunning and finally banishment. Shunning - which is widely used among the

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<sup>61</sup> One aspect of this was that those wounded in the course of their duties would receive treatment and compensation. A complaint was that this had not in fact been honoured.

Sukuma - is a fairly severe form of punishment in Tanzania, as it not only implies total ostracism but denies access to all village services. Many of those ostracised are effectively forced to migrate away. But direct banishment is also an option. The shunning procedure in Kuria derives from that used by the age sets to discipline their members, but in this case the entire *iritongo* runs to the offender's homestead carrying stones. After cursing the home, they turn their backs, hurling the stones over their shoulders onto the roofs of the houses. Then they run away. With expulsions, the entire home is destroyed; the cattle are eaten, household possessions destroyed and finally the home itself is set ablaze. In Kenya, I was told that they prefer to force the owner to light the thatch, thus avoiding another carrying the ill-luck associated with the home away with him.

Perhaps the most important aspect of these new *sungusungu* and the reason why they became so effective is the way that from 1995 onwards they spread throughout Tanzanian Kuria and then in 1998 into Kenya. In the process, the older impediments to catching the thieves were to a considerable extent overcome as *sungusungu* co-operated with others in different divisions and even over the national boundary. It became possible to follow the tracks of stolen cattle over the territory borders and there enlist the help of the *sungusungu* of that territory to track down both the thieves and the cattle, with some hope of getting the cattle returned. More important, the thieves have now nowhere to run to as they are liable, once apprehended, to be handed back to their areas of origin. This is always a controversial process as thieves often have charges to answer in many areas. But, since these invariably include their own home area - the old rule about raiding outside the section being long since honoured only in the breach - there is usually agreement that this is the place where they should be finally tried and punished. Nor does this mean that the punishments are necessarily more lenient: indeed, the anger of a home community against a thief who has robbed them for years may well exceed that of a stranger community. The case referred to above among the Nchugu, which required the intercession of the Regional Commissioner, was just such a case. The man was a notorious thief who had not only stolen but killed many people in the years between 1992 and 1997. He had escaped to Kenya and continued raiding from there into his home territory until the Kenyan *sungusungu*, at the request of his Tanzanian clansmen, returned him.

The strength of groups throughout Kuria varies but many still have the vigour of recent converts. Indeed, the actions now taken against thieves signal far-reaching changes in Kurian attitudes to theft: they no longer say, with some pride as well as a little ruefulness, that they are a 'nation of thieves'.<sup>62</sup> The groups have, indeed, had a profound effect on Kuria life, and a tangible effect on security. Kuria is now 'safe'; cattle can be tethered in their pasturage without a watch during the day and moving around at night no longer carries the risks that it once did. But, if the terror of the guns and the thieves has to a large degree been broken, this does not mean that these threats have completely disappeared. Just, as it is often said that 'there will always be theft', so too it seems will there always be guns.

While, as detailed earlier, the first influx of guns derives from events following the Tanzania/Uganda war, the army and police still provide a source of weaponry and bullets. However, there have been several other sources of guns coming into the system. From 1994 onwards, refugees from Rwanda and Burundi, settled in camps in the westernmost part of Tanzania, provided one such cache. More recently, Somali gun dealers found their way down into Tanzania, where they operated from the Maasai plains and, according to the administration, were in league with Kuria illegally settled in the game reserves. In the last

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<sup>62</sup> S. Heald, 'Tolerating the Intolerable: Cattle raiding among the Kuria', in G.Aijmer and J.Abbink (eds.), *Meanings of Violence*, Oxford: Berg, 2000.

two years, punitive expeditions have been mounted against them and large numbers of both Somali and Kuria have been expelled from these areas. However, even if such sources of modern weapons were effectively controlled, there would still be the home-made variety. On my last day in Tanzania in February 2002, while waiting at the Divisional Headquarters near the Kenyan border, the local *sungusungu* leadership arrived with two such guns which they had just confiscated. They were on their way to an *iritongo* to try the thieves.

### **Reforming community/ Reclaiming the State**

In this paper, I have been primarily concerned to provide a brief overview of the development and working of *sungusungu* groups among the Sukuma and Kuria of Tanzania. This is not to say that they are not operative elsewhere. Indeed, in Mara, there are many such organisations among other groups, though not all are active. In some instances, they have fallen into abeyance because the leadership is facing prosecution; in others, because the need is no longer there, though they remain as an organisational possibility should the necessity arise once more. This speaks both to their success but also to the immense difficulties of such groups in managing to survive at all, when faced not only by internal factionalisation but by the hostile forces of police and judiciary and ‘clever’ criminals, well able to play that system to their own advantage. In what follows I will firstly pull out some of the main similarities and contrasts between *sungusungu* as it developed in Sukumaland and in Kuria.

Both, one could say, depend on local forms of organisation, and their specific cultural repertoires, as well as their position within the wider state. Both relate their emergence to charismatic leaders; Kishosa, with his aura of magical power for the Sukuma and Kobia, with his military might for the Kuria. The Sukuma problem with witchcraft is not shared by the Kuria and witches have never been tried in their *iritongo*. Both have however extended their mandate beyond cattle theft, and have from their inception tried or investigated all cases of theft reported to them, from minor issues such as the theft of seedlings to burglary and robbery. The work they undertake is extensive, including: answering alarms and tracking stolen cattle, detailed investigation of cases, arresting suspects, bringing them to trial, ensuring the attendance of witnesses, arranging for the repayment of stolen property, liaison with other groups and keeping records. In addition, they undertake a host of day-to-day surveillance activities, for example, checking on cattle slaughtered at local butcherries and on those offered for sale in the markets.

Over time, communities have also codified their own rules, running the gamut from respecting the totem animal to details of offences and their agreed punishments. However, their basic unit of operation varies, with a village base being usual in Sukumaland, while in Kuria, it follows the sections. In Kuria, the administration has always had to accommodate itself to the sections. Where the sections occupy a village, as is sometimes the case in Serengeti, then the village is the unit. Where a section is much larger, then the organisation may be on a ward basis or even combine wards (as in Nchugu division) and there may be an additional divisional *iritongo*. The punishments also vary, with shunning most favoured among the Sukuma. The accused here is encircled by the community, who clap in rhythm while they sing a shunning song as they escort him out of the village. A thief is shunned not only in his own village but among all the surrounding ones as well. While the procedure might seem mild in comparison with the more ferocious methods of the Kuria, described earlier, this is a severe punishment, which puts the whole family outside the co-operative networks of village life, on which agriculture depends, as well as denying village services and

ritual protection.<sup>63</sup> Shunning is not such a usual punishment among the Kuria, who rely more on *legeza*, and reserve shunning for only the most notorious thieves and for those who have broken in addition other rules of the *iritongo*, such as filing cases against the *sungusungu* to the police and courts.

Masanja has argued that these groups represent an assertion of community values and solidarity over and against the bureaucratisation of the state and the divisive nature of modern commodity production.<sup>64</sup> They are a movement of the 'weak'; initially, in Sukumaland, standing in sharp contrast to the protection rings that richer farmers could organise among themselves to pay the police.<sup>65</sup> By contrast, these were movements of the entire community, with an elected committee consisting of elderly men of good character. As was noted earlier, the bureaucratisation of the state led, as Feierman puts it, to the ascendancy of the 'clerks', of the young and educated, who were recruited into the machinery of the state.<sup>66</sup> Officials of the regional and district administrations down to the ward and village level secretaries were government appointees. Although ten-house leaders (*balizi*) were elected from the local party membership and formed the village council, with an elected chairman, the main link to the administration was through the appointed village administrative secretary. As Masanja notes, 'the involvement of the ordinary villager in such a structural set-up tends to be limited'.<sup>67</sup> By contrast, *sungusungu* membership was all-inclusive and the leadership directly accountable to the village assembly.

Since the early 1980s when these groups emerged, the structure of the Tanzanian state has changed. In 1985, President Nyerere stood down in order to allow his successor, Ali Hassan Mwinyi, to renegotiate the country's relationship with the international community, particularly the IMF and World Bank. The new ideas of 'good governance' were put into effect; most particularly, the demand that economic aid be tied to the processes of democratisation, liberalisation of the economy and effective controls over corruption. In their implementation, they have created multiple sources of power and legitimacy within the country. In 1995, the first multi-party elections were held, though the ruling CCM party retained power then as it did again in 2000.<sup>68</sup> With the development of opposition parties, economic liberalisation, and the growth of the NGO sector, the state and ruling party no longer represent the monolithic power that it once did. Nor is its legitimacy without challenge, both from international institutions without, in the withdrawal of financial aid following corruption scandals, for example, and from opposition groups within. The *sungusungu*, in this light, could be seen as yet another source of challenge, this time from the grass roots.

It is thus worth considering how far both their emergence and their continuing operation owes its strength to a reassertion of 'village power' and the implications of this for the state. My observations would give some support to Masanja's views. Though, as detailed, the

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<sup>63</sup> One group in Shinyanga made the point that village services such as health and education were not denied to those shunned. I only realised the significance of this provision later when I came across a current case in Mara Region where a man had sued the *sungusungu* leadership for the defamation of his name and the hardship caused to him and his family following an ostracism. In this case, the man was awarded 10 million Tshs. by the local magistrate's court and the property of three of the *sungusungu* leaders had been confiscated, despite the fact that the case was still under appeal.

<sup>64</sup> Masanja (1992).

<sup>65</sup> Masanja (1992), p.205.

<sup>66</sup> Feierman (1990).

<sup>67</sup> Masanja (1992), p.207.

<sup>68</sup> Benjamin Mkapa succeeded Mwinyi as President in 1995, with a new anti-corruption mandate.

administration operates in a reconstituted polity, its structure, given the fact that CCM retain power, has, in fact, remained largely the same. At the bottom, ten house leaders have been replaced by sub-village headmen, with party membership no longer a prerequisite for office. However, at the top, the Regional and District Commissioners are still members of the National Executive Committee of the party and thus represent the interests of both party and state. Taking the wide view, one could say that while the tight political control exerted from the top is less apparent in many areas of life, for the ordinary citizen, very little is probably seen to have changed in the framework of the administration itself.

Further, my observations of the membership of *sungusungu* are also in line with those of Masanja's. In much of Sukumaland, the whole village is still taken to be *basalama* and the one full committee that I met in Shinyanga was dominated by elders, whose dress and demeanour did not distinguish them from that of their fellow villagers. Indeed, they all appeared extremely poor, though the shabbiness of their clothing might in some cases be explained from their coming directly from their fields to the meeting. The only one who was well-dressed was the *komanda mkuu*, one of the few who spoke fluent Kiswahili. The great majority were thus uneducated, and one can surmise that they were of the generations bypassed and effectively disenfranchised by the development of the post-colonial state. But, even if the elders have asserted an older template of community leadership, it was one that was not in essence oppositional but all-inclusive, as their co-operation with the party and administration has early showed.<sup>69</sup> Today, *sungusungu* continues to incorporate all members of the community, and the office holders - particularly, the chairman, secretary and *komanda mkuu* - must be literate in order to carry out their duties. The same is also true of Kuria. The only people effectively excluded from office are those with professional or business occupations which preclude them attending the assemblies or of taking up the onerous duties of office. However, this, in itself, acts at the local level to highlight a distinction between villager and professional elite. Retired professionals are however found on the committees, and there is many a reformed thief among the guards.

If, initially, as Abrahams (1989, 1998) has maintained, their development constituted a decisive vote of 'no confidence' in the state, the speedy political support offered to the movement seems to have headed off any serious schismatic tendency and any potential it might have had to develop as a protest movement.<sup>70</sup> The title of this paper, 'Domesticating Leviathan', points to the distinctive space into which the *sungusungu* have come to operate; co-opting government and, in turn, co-opted by it. Communities have taken back power, developed their own policing capacity and, in so doing, effectively re-invented themselves. With reformatory agendas they have evolved new normative structures and modes of co-operation and organisation which both actually and potentially have far-reaching consequences for economic and social welfare. A new vision of community responsibility is heralded and held out as an ideal. In the same way, perhaps, they have reformed and reclaimed the state, with the administration demonstrating an increasing responsiveness to the priorities of local communities, and allowing them a greater degree of autonomy in the management of their own affairs. 'Leviathan' is domesticated both in so far as these organisations can be said to represent proto-states and in the process whereby the Tanzanian state has responded to these local initiatives and authorised them.

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<sup>69</sup> Unfortunately, the writers on the development of *sungusungu* in Sukuma give no indication of the possible role of local ten-house leaders in the initial organisation.

<sup>70</sup> Abrahams (1989 & 1998).

The initial project of the post-colonial state, with its development of a single party dedicated to welding its dispersed peoples into a unitary nation, has perhaps been put into reverse by this sanctioning of diversity. And, it is not without its problems. Throughout this paper, the issue of the relationship between these community forms of justice and those enshrined in the national law and judicial process has been raised. In effect, multiple systems of law at present characterise the Tanzanian state, much as it did in the colonial past. On the one hand, there are customary laws, which vary from community to community and, on the other, the overarching system of state law, modelled on British legal statute and precept. The government appears to stand uneasily between these two; endorsing community action and offering protection to *sungusungu* groups, but, ultimately, unable to flout its own judiciary by fully legalising them. By amending the People's Militia laws, in both 1989 and 1997, the government did find an instrument to officially give some recognition to these groups, bestowing upon them a quasi-legal status. But, ever since Nyerere pronounced in May 1986, that the law under which *sungusungu* leaders could be brought to book for returning stolen property to the original owners was a 'bad law' and should be changed, there have been continuing promises for a more thorough reform of the law.<sup>71</sup> Succeeding Presidents, under pressure from Regional Administrations, have made similar promises. Discussion papers and proposals have recently been submitted from the Districts and Regions but there has been little feedback on progress at this level. Indeed, it is difficult to anticipate a resolution of a *de facto* situation of legal pluralism being made *de jure* in the face not only of an established system of national law, backed by an independent judiciary, but also the current pressures from the international community for universal forms of accountability.<sup>72</sup>

On this issue, people and state find themselves at odds. Over time, the administration has wielded greater control in regulating the groups, promulgating rules that for the most part are designed to protect the groups from prosecutions. Nevertheless, many villagers, though cognizant of the need for such protection, complain that the restrictions have led to the 'weakening' of *sungusungu*. In some areas of Sukumaland Mwanza, groups are considered relatively ineffective, having become little more than private investigative agencies, hired by complainants to track down and recover stolen property<sup>73</sup>. Indeed, it is sometimes a moot point whether it is cheaper these days to go the police or the *sungusungu*, though the latter are usually deemed more effective, if just as expensive. Others cite the fact that the groups no longer kill thieves though, as one *komanda mkuu* told me, they may at times stand aside to let mob killings go ahead.<sup>74</sup> As in Kuria, the mark of a strong *sungusungu* lies in the tough punishments they are prepared to dispense.<sup>75</sup> More significant, for many Sukuma, is the fact that they no longer take action against witches. Even before the emergence of *sungusungu*, the issue of witch-killing in Sukumaland had long been an administrative embarrassment. But, if the government has effectively muzzled the *sungusungu* in this respect, this does not seem to have affected the incidence of such killings which, as indicated earlier, continue. Outside the organisation of the *sungusungu*, action against them is attributed to hired thugs.

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<sup>71</sup> Abrahams (1987), p.190.

<sup>72</sup> The constitutional independence of the judiciary in ex-British territories may pose specific difficulties here, especially with regard to the witchcraft ordinances. It contrasts with the situation in ex-French territories, where the state is able to arrogate all powers and the judiciary now often takes on witchcraft trials, for example, P. Geschire & C. Fisiy, 'Domesticating personal violence: witchcraft, courts and confessions in Cameroon.' *Africa* 64:3 (1994), pp.323-41, for the Cameroon's.

<sup>73</sup> A charge of 10% of the value of the property stolen is usually the going rate for the *sungusungu*.

<sup>74</sup> Unfortunately, due to the rains, I was not able to get out to the Maswa and Bariadi areas of Shinyanga where the groups are held to be much stronger, due to the continuing serious problem of cattle rustling in those areas.

<sup>75</sup> One aspect of this in Kuria is that it is taken as some proof that the *sungusungu* has not itself become corrupt and is accepting bribes from the thieves to lighten the punishment.

Nor does it appear that the *sungusungu* take action against such killers, though one group in Shinyanga said it reported them to the police. But left to the police, few are brought to book. Indeed, in talking about this in Magu, people said that they were too afraid to give evidence against them, as the killers would bribe their way out of the police cells, and would then have them next on their list.

The dilemmas posed for the state are stark enough. Yet, it could be said that in showing itself responsive to community initiative, the political wing of government has shown itself both flexible and resilient, and added to its legitimacy. This feature has carried over from Nyerere's socialist state to the current democratic order. Under both regimes, the political arm of government has given its support, motivated perhaps by the dual imperatives of expediency and ideology. Under Nyerere, it chimed in with a belief in local self-reliance, on which the policy of Ujamaa was founded. But, when state controlled, such policies seem to have been doomed to failure, as the forced re-settlement of people into collective villages in 1975, finally proved even to its advocates. A similar point can be made about *sungusungu*. When taken over by the state in the late 1980s and early 1990s, it seems the movement failed to conjure up the degree of popular support that it has commanded when more fully in the hands of local communities, without direct state intervention. With the introduction of a democratically elected government since 1995, the popularity of their appeal to the voter has become an additional factor, and one which is by no means lost on regional and district officials.

At the outset of this paper, the emergence of *sungusungu* was related to the demobilisation of the Tanzanian army following the war with Uganda in 1979 and the subsequent shifting of an external war to a situation of internal turmoil, which the regular forces of the state were unable to control. The problems involved in demilitarisation following war have received considerable attention in the literature.<sup>76</sup> Wars rarely have neat endings. Yet, each case is specific and dependent upon the particular nature of recruitment, demobilisation and the nature of the war in which the forces were engaged. In the Tanzanian case, the country was able in 1978 to recruit large numbers of soldiers very quickly into an effective army for the invasion of Uganda mainly because of its policy of providing more or less universal military training for men. Arms training began in primary schools, and then through recruitment of school leavers into the Youth Service programme and People's Militias, which acted as adjuncts to the police and military. The Youth Service programme was set up shortly after Independence in the 1960s, part of the ideology of service that Nyerere hoped to inculcate among his people. The People's Militias had a different purpose and were an initiative of the 1970s, an attempt to answer any threat of a military take-over as had occurred in Uganda, with the overthrow of Obote by Amin in 1971. Demilitarisation was equally rapid and, although procedures were set in place to disarm the troops, it is clear that many were smuggled back to home areas, allowing for the development of armed gangs and widespread banditry.

Further, the war had also taken its toll on what was already a severely weakened economy. As the Tanzanian state sunk further into insolvency in the 1980s and early 1990s, corruption spiralled out of control, as even the privileged class of civil servants found their salaries

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<sup>76</sup> See, for example: E. A. Brett, 'Neutralising the use of Force in Uganda: The role of the military in politics', *Journal of Modern African Studies* 33:1 (1995), pp.129-52; and for a general review, R. Luckman, 'The Military, militarization and democratization in Africa: a survey of literature and issues', *African Studies Review* 37:2 (1994), pp.13-75.

failing to cover the cost of basic subsistence.<sup>77</sup> The chances of strengthening, or better reforming, the police force or the judiciary became increasingly remote. Even the People's Militias and Youth Service Programme - which had been designed to work as adjuncts to the police in rural communities - had to be abandoned due to financial stringency. With the liberalisation programme embarked on by Nyerere's successors since 1985, the economy is now in a relatively healthier state, with growth rates running at between 3% and 4% and projected by IMF to rise still higher. Corruption remains a problem, however; its extent and ramifications bluntly described in the Warioba Report, commissioned by the government and released in 1997. The police and judiciary came in for extended criticism, fully concurring with the village view that money is the only principle with operative efficacy in dealings with the police, courts and prisons.

In this impasse, one could say that the development of *sungusungu* has given the state a neat opt-out clause. Operating under the mantle of *jadi*, they can be seen as popular local initiatives, in line with Nyerere's old call for citizen mobilisation and self-reliance. In effect, they are free replacements of the militias and youth service programme. For the ordinary citizen, they offer not only effectively policing but some protection from the corruption still inherent in the official system of law. As Fleisher suggests, this may also constitute in some cases, a means of keeping the graft back home, 'redirecting the illicit economic benefits of law enforcement from the pockets of police officers, wardens, and magistrates back into the local communities where the cattle raiders live'.<sup>78</sup> The groups are not immune from an environment that encourages corruption, and all must in any event levy some form of charge in order to finance their work. However, their base in the local community, their democratic charters, with elected officials, provides for continuing monitoring at this level and a limit on the possibilities for excessive personal accumulation. In contrast to the official organs of justice, they can only be counted as honest.

To conclude, in supporting such groups, the state has arrived, and perhaps as much by luck as by judgement, at some kind of solution to its problems of maintaining a degree of law and order at the local level. If this is a mark of a weak state, the flexibility demonstrated in ceding of some of its powers to local communities could over time be seen rather as a source of state strength. In so doing, the ruling party has opened up a chasm between the different branches of government, particularly between the administration and the judiciary, a chasm which allows of no easy solution at either the national or local levels. In the praxis of government in rural areas, however, this division is by no means to the disadvantage of the administration. The anomalous legality of *sungusungu* gives the administration considerable leverage over them, just as it demonstrates the mutuality of their interests by offering protection from the judiciary. To this extent, it has brought the government down to the people. To end on an optimistic note: the popularity of these movements, and the degree of local democracy which they enjoy, could feed positively into the development of civil society and the participatory democracy now advocated by the international organisations. In the meantime, they exist as small miracles in survival, asserting new forms of community autonomy and responsibility in the face of opposition from both within and without.

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<sup>77</sup> B. Heilman *et al.*, 'Corruption, Politics and Societal Values in Tanzania', *Journal of Social Philosophy* 31:4 (2000), pp.497-506.

<sup>78</sup> Fleisher (2000), p.218.

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The aim of the Crisis States Programme (CSP) at DESTIN's Development Research Centre is to provide new understanding of the causes of crisis and breakdown in the developing world and the processes of avoiding or overcoming them. We want to know why some political systems and communities, in what can be called the "fragile states" found in many of the poor and middle income countries, have broken down even to the point of violent conflict while others have not. Our work asks whether processes of globalisation have precipitated or helped to avoid crisis and social breakdown.

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### **Research Objectives**

- We will assess how constellations of power at local, national and global levels drive processes of institutional change, collapse and reconstruction and in doing so will challenge simplistic paradigms about the beneficial effects of economic and political liberalisation.
- We will examine the effects of international interventions promoting democratic reform, human rights and market competition on the 'conflict management capacity' and production and distributional systems of existing polities.
- We will analyse how communities have responded to crisis, and the incentives and moral frameworks that have led either toward violent or non-violent outcomes.
- We will examine what kinds of formal and informal institutional arrangements poor communities have constructed to deal with economic survival and local order.



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