

INTRODUCTION:

THE NATURE OF THE PROBLEM

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By tradition the volumes in this series consist of a number of essays in which a single topic is discussed in the light of anthropological field data. The subject selected for this volume is the machinery by which group decisions are reached in a number of different societies – decisions which may be political, judicial, economic, religious or may indeed refer to any other sphere of interest in which joint activities are carried out.

We limit ourselves as far as possible to the institutionalised processes of joint discussion as distinct from the informal arguments which take place over and above the debates of the recognised deliberative bodies for which we use the term ‘council’; although we make some exception in the case of societies in which extra-conciliar discussions, secret meetings of pressure groups, lobbying or attempts at the ‘squaring’ of important individuals, definitely form part of the recognised council procedure.

Councils then, according to our limitations, are governed by conventions and persist in time, for that is what is generally meant by an institutionalised group. However it is obviously difficult to draw hard and fast lines, as we shall explain. For this reason we have adopted three main criteria to distinguish the bodies we are considering.

By a council we mean first a gathering of people of which the membership is limited by the rules of the society either to particular categories such as men rather than women, or old people rather than young; to persons of a given status, such as men of one rank rather than another as in the House of Lords; to members of a social group such as a clan, or a village, or even to the widest political unit such as a tribe; or alternatively to the residents in a territory, since non-members of the tribe may be allowed to participate in a tribal council as are Herero and some other minorities in the case of a Tswana *pitso*. The council may also be limited to particular individuals chosen in accepted ways, by election or nomination, for instance. We give reasons later for suggesting that this last limitation of council membership is much less common in the societies with which anthropologists usually deal, than in our own.

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Secondly, councils, in our sense of the term, are usually, though not invariably, held in one place, whether this be a town hall or a spot under a particular tree. It is of course true that in many African societies decisions of a judicial type can be reached at any spot desired by the litigants. People may take a dispute for arbitration to any man they respect, and assemble for the purpose at his house. It is true also that this informal process of arbitration may continue whether or not there are established judicial courts in the same society or not. But it is arguable that a court or council has not become an institution unless it meets very generally in the same place, or is expected to do so.[1] When this place is a building, it easily becomes symbolic of the political activity associated with it. A picture of the British Houses of Parliament is used in this way. It used to be flashed on television screens to illustrate the concepts of democratic government which the people of the United Kingdom believed at the time to be their great contribution to the conduct of the political affairs of the world.

Thirdly, a council, as we use the term, is a body which accepts a series of conventions governing the behaviour of its members. We instance formal openings of meetings by a sovereign or authority; religious ritual such as the asking of the blessings of a deity or the pouring of libations; fixed seating arrangements reflecting party affiliations and office as in our own parliament in which members are in fact described by their seating as being 'front' or 'back benchers'; or groupings reflecting age distinctions or class or lineage allegiance in some other societies. The order of speaking may also be regulated and special phraseology used, either in the form of terms of address, conventions or rhetoric, or approved modes of speech. We ourselves talk of language as being 'parliamentary' or 'unparliamentary'. The Bemba, as we shall see, adopt in their tribal council special linguistic usages and an allusive turn of speech. It is in fact these conventions which mainly distinguish a council, as we are using the term, from any other gathering of people exchanging views or news. In a Bemba village those sitting eating, gossiping or mending their hunting nets in the men's shelter, change their behaviour when asked to decide a case or to arrange some important activity, and they become for the moment a village community 'in council'.

These then are the three criteria which we use to distinguish what we call councils from other gatherings which meet to reach a group decision. But, as we said earlier, the line is inevitably a very difficult one to draw. Councils, according to our usage, normally persist in time, and are governed by accepted conventions and can be clearly contrasted with groupings which arise and function spontaneously and then disappear once a necessary decision or set of decisions has been reached. But in many cases informal groups, constituted ad hoc, follow the pattern of decision-making current in that society. In England, for instance, committees spring into being to organise the most ephemeral activities such as a village fancy dress dance or a fete. They then immediately proceed to elect chairmen, secretaries and treasurers and often use the formal phraseology typical of institutionalised councils.

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In other words the conciliar pattern for that particular society is adopted.

We have referred to the process by which groups become councils, so to speak, by the adoption of conciliar behaviour, as do Bemba villagers sitting in their shelter on occasion. Even a group as loosely organised as the body of kinsmen at an English middle class funeral may be said to become 'a family in council' when seats are taken for the solicitor to read the will. Expressions then become serious; malicious comments, anecdotes or slang are felt to be inappropriate and views tend to be given in some kind of order of seniority or of descent from different siblings.

Moreover there are societies in which important and recurrent negotiations may be carried out by groups which do not persist in time as regular councils, but which come into being when required and which then follow a traditional procedure during the period of deliberations. Discussions which preface a recurrent activity like marrying and giving in marriage are a case in point. Abrahams shows that among the Labwor, for instance, marriage negotiations involve two loosely organised groups of lineage members, which follow certain recognised conventions of deliberation. Although such gatherings differ greatly from formal meetings of bodies with fixed membership with prescribed 'terms of reference', and defined methods of reaching and recording decisions, such as those of an English borough council or a university senate, yet we have felt it important to include in our volume an account of some deliberations which fall into this intermediate field between the institutionalised council and the debates of an ephemeral group gathered in argument.

We define, as will be clear, by composition and procedure, that is to say by council structure and by behaviour patterns, rather than by the types of issue under discussion. This practice has proved convenient in the case of the wide range of societies covered by these essays. Many traditional African councils deal with all sorts of issues in the same day. A group of elders may, for instance, settle a dispute between two litigants, impose a fine on an offender, arrange for the repair of a bridge over a local stream and discuss the succession to a local village headmanship; and this all in one day. We have therefore found it difficult in some cases even to distinguish clearly between judicial bodies or 'courts', and deliberative assemblies making administrative decisions in the political, economic or military field. British colonial governments have generally been in favour of separating the judiciary from the executive and have done so early in the history of a colony in some cases. In other territories however the division was not made until a year or two before the Independence of the territory was reached. We use the term council therefore for a body which discusses a variety of issues, judicial, or executive, and refer in some cases to multi-purpose councils when some distinction is required.[2] We realise also that apart from the expressed purposes of a meeting there are a number of by-products, so to speak, of such attempts to reach decisions by joint discussion. A meeting may be the occasion for a struggle for power between two individuals, or two or more groups; the assertion of the authority of the 'establishment'; or the issuing of orders to inferior authorities who have not taken any part in the reaching

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of the decision in question; in fact in a whole range of political as distinct from government or administrative spheres of interest to follow M. G. Smith's usage. [3] The most important result of long discussion may be the communication of knowledge or the explanation of a policy rather than the reaching of a particular decision.

Few comparative studies of council structures, functions and procedures have been made by anthropologists to date, though students of the subject are grateful for Bailey's pioneer work published in 1965 and discussed later by Kuper. Ethnographers of course attend council meetings in areas where these are prominent features of the political and judicial life. Indeed such meetings are often the most striking manifestations of the political structure, values, and activities of the society in question. The existence of a hierarchy of councils such as village, district or tribal councils, or of a federation of town councils as among the Akan peoples may give a picture of what Radcliffe-Brown used occasionally to call the 'total social structure' of a society. This is specially the case where a colonial power has given definition and permanence to the situation by 'recognising' traditional councils, or instituting new ones with statutory powers. Anthropologists working in such areas commonly describe the constitution of these councils, their relationship to each other, and the processes by which judicial cases may be sent on appeal from one court to another, or the administrative decisions of a higher council transmitted to a lower. We describe the conciliar structure of our chosen societies in all the essays published here.

Ethnographers also use their detailed observations of individual council meetings as indices of the accepted principles of social structure and of the tensions which sometimes underlie these. The conventions governing seating, procedure or order of speaking reflect the social hierarchies, the divisions, the equalities and inequalities of status as surely as does the behaviour of the participants in some great religious rite. The field-worker who is familiar with the formal social structure of his society will recognise at once why certain members of the council sit together. They will be perhaps members of a lineage, of a royal line, or represent grades of a chiefly hierarchy. Men of client or slave status may also sit separately. But equally well the ethnographer may become aware of structural principles which he had not previously understood, by observing the grouping at a council meeting, as again he so often does at a religious rite. I myself for instance became conscious for the first time that the *bakabilo*, or liturgical specialists at the Bemba royal capital, were divided into groups according to their relationship to the king, or the order of arrival of their ancestors in the country, when I saw them seated, both at council meetings and on occasions of religious ritual. Similarly in Buganda in 1952, I was first made aware of the great distinction in status between the land-owners and their tenants by the way in which the parish chiefs introduced the land-owning members of the local council and their deputies in order of precedence, and then shouted to the tenants to stand up in an undifferentiated mass.

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Council meetings also provide an index of the tensions and conflicts underlying the accepted rules of social structure. There may be changing alliances between one group and another, explosive utterances or again special devices to prevent explosive and perhaps disruptive utterances, or special arrangements to forestall overt criticism of established authorities as in the case of the Bemba tribal council. Examples of council conventions expressing structural principles are given in these essays as well as accounts of inter-group hostility expressed or concealed by them.

Lastly council meetings have been used as indices of a people's activities, interests and values. The listing of the number and type of issues discussed during a period such as a year is a useful gauge of a council's concerns. Kuper attended all the meetings of a Kgalagari council and lists the topics discussed there during his year of residence. Robertson gives the same type of information from the Akan. A number of other anthropologists and students of African law have analysed written records of court cases or council meetings where such records had been introduced by colonial governments. But written records are often sketchy and sometimes give nothing but the final decisions reached on an issue. Furthermore in an area under colonial rule the minutes rarely made mention of traditional issues or 'things which the European would not understand'. Nevertheless, however incomplete such data may be, the mere listing of the issues handled by a council in a given period has been valuable. Schapera's publications based on the records of Tswana courts and council meetings are notable in this respect.[4]

Finally the expression of political and moral values may be made in a very explicit fashion at courts and councils and often according to traditional linguistic usages. In fact such a public expression of the group ethos may be one of the main purposes of a meeting. The Great Council (*lukiiko*) of the Buganda kingdom originated, for instance in a gathering of chiefs and notables who greeted the king in order of precedence crying '*Osinze*' ('You have conquered, or shown yourself to be paramount').[5] This conventional greeting expressed the subjects' recognition of the unchallenged position of a warrior king and it also reflected the administrative hierarchy of the kingdom. Business was no doubt also conducted, but Apolo Kagwa, our informant, does not discuss such practical issues at all. The duty of warriors to fight for their people may be formally proclaimed after a decision to make war; or the obligation of commoners to bring tribute to nobles or chiefs may be expressed at the end of an economic discussion. After debates over the succession to an office, councillors may announce in formal language the obligations of the new authority to behave in a prescribed way. Our own politicians climb to unusual heights of rhetoric on important occasions such as a declaration of war or the death of a sovereign. Judges in most societies defend their decisions by proclaiming the moral rules on which they believe themselves to be acting.[6] Such formal pronouncements may reinforce social obligations by constant repetition, teach the young, inspire to action, implicate a body of councillors in a decision or act as a defence for a judgment. They certainly provide the ethnographer with

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useful statements of political and social values. We give some such statements in our essays but I think none of us set out to collect them methodically.

In brief, anthropologists have used observations made at council or court meetings mainly for the information so provided on the political structure and interests of the society itself. There are however two types of investigation they have hardly undertaken as yet. The first is a study of the council mechanism as a means of achieving results, say in linking the sections of a segmentary society together by means of some form of federal council; in reducing tensions and disturbances through joint discussion and pronouncement of a group judgment; in allocating tribal or national resources, its tribute or its taxes; in organising an activity such as a war expedition; or in legislating or planning for the future. These are results achieved in some societies by the direct command of a superior authority with the order enforced by his agents, his administrators or police. In other societies judgment may be given, or activities planned, after joint discussion. In the majority there is perhaps a mixture of the two methods. This is a type of study which is highly relevant to current debates on the 'participation' of members of the community in political decisions at the central or the local level, in local government, industry or university affairs. The wide range of conciliar practices with which as a group they are familiar, should enable anthropologists to make an important contribution to these topics.

We do not pretend to have exploited this material to the full in our essays. The work needs a good deal of organisation since it cannot reasonably be undertaken by a student unfamiliar with the structure and activities of the society concerned and also its administrative history. It may therefore have to be postponed until a late stage in ethnographic work, until a second or third expedition to the area perhaps.[7] We hope however that we have at least illustrated some of the possibilities of functional studies of this type carried out on a comparative scale.

The second type of investigation which should prove rewarding is a detailed and systematic investigation of conciliar behaviour. The use of special linguistic forms in council meetings is one such topic of study. Do traditional phrases or rhetorical utterances give validity to a decision reached at a meeting? Do they add authority, commit the speakers to support of a measure, or even have power of their own like some magic formula?[8] Does a formal statement of a fact already known constitute a public recognition of that fact?

Again there is the difficulty of expressing open hostility in a meeting of persons permanently linked by joint residence, kinship, clientship or some such enduring tie. How is violent opposition between one individual or group and another concealed, if this is thought to be necessary? How is a consensus seen to be reached whether by voting, or by judgment of a chairman or chief? These are important questions discussed by Bailey. What extra-conciliar activities are used to forestall a disruptive hostility or find peaceful solutions after a quarrel? The meeting of Ibo elders after a stormy debate by lineage members is a mechanism of this type.

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Another set of conventions governs the expression of the relations between an accepted authority such as a king, a chief or even a chairman, and the members of the council he directs. A Bemba king was thought to have divine attributes and therefore could not be publicly opposed. He sat apart from his councillors, while a 'messenger' carried 'the words' from the advisors to the authority and back again. The exclusion of the king from the council or parliament is in fact a common device by which subjects can control a situation while the authority of the ruler is maintained. Akan chiefs in traditional councils walk out of debates on contentious issues, waiting to see what opinions are expressed and by whom. Other African monarchs are so powerful that their councils meet only to be told their monarch's decisions. The council of the Mukama of Ruanda seems to have been of this type. Even in our society committees tend to want a chairman strong enough to 'get things done', but not so strong as to make them feel impotent and unable to voice their views. The success of a committee meeting often depends on the skill and patience of some intermediary between an authoritarian chairman and the different members of the group such as an experienced secretary, who may act in a somewhat similar fashion to the traditional messenger among the Bemba.

There are many difficulties in making the systematic observations of council behaviour which would be necessary in order to get answers to such questions and it is for this reason, we hazard the guess, that so few anthropologists have concentrated on a study of this kind.

The recording of council debates is difficult. Written records are rarely full enough to be of much service in the case of most of the societies we describe here. Meetings in the village as distinct from those at a chiefdom or tribal level are usually not recorded at all. They do not in any case give any idea of the degree of hostility or boredom which may be expressed at the meeting itself, or the use of such conventions as deliberately blank expressions, by which the disapproval of councillors may be indicated even in a very authoritarian society.

Many anthropologists did their work in the days before recording machines were readily available. Some still find their own notes plus those of members of the society more useful. Bohannon worked in this way, as did Kuper and Robertson.

Then there are of course linguistic difficulties in the case of most ethnographic field-work. The observer has to be very fluent in a language to be able to follow rapid exchanges of view or quarrels. Much discussion in African societies is phrased in allusive terms and a grammar book knowledge of the language is then not enough. Bemba, as we shall see, support their arguments with reference to the crimes and virtues of dead kings and by proverbs with rich historic overtones. Sometimes they use archaic language in order not to be understood. Robertson attended meetings of a Ghanaian town council conducted in English, but also had difficulties with allusive turns of speech.

Finally of course this type of field observation is time consuming to a degree. It

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is necessary to attend meetings constantly before the patterns of conciliar behaviour become clear. Where meetings take place regularly it might be necessary to undertake this work to the exclusion of other observations, and to undertake it in the very late stage of an ethnographer's apprenticeship.

We have not all of us been able to work in this way as our notes show, but we think that a clear description of the observational problems involved in studying conciliar activities will itself be of value. We regard our work as an experiment which may be instructive to others rather than as a perfect example of how such work should be done.

The history of the book

Seven council systems are described in this volume and five of these occur in African societies. This is really fortuitous. Any ethnographer who has travelled in Africa is impressed by the striking differences in the conciliar procedure in different parts of Africa. My own experience came from working in the Bemba country of Northern Zambia, in Makapanstad, capital village of a group of Kgatla living not far from Pretoria, in Buganda and south Ghana, where I had the chance to attend a meeting of a divisional council of chiefs on the Akuapim ridge in 1963. African nationalists sometimes speak nostalgically of the democracy of the past when affairs were settled by 'a group of old men sitting under a tree', but this view certainly does not do justice to the complication of the decision-making procedures to be found in the continent; to their great variety, and to their vitality even at the present time. The relation between the council type and the political structure and activities of African peoples seemed to us to form a fascinating field for study.

The clash of viewpoints between the then colonial administrators and those of the African societies they administered, also threw up new points of comparative interest. Both types of authority, European and African, had obviously different ideas as to how a local council should be composed and what it should do.

The traditional African societies were without writing. For this reason decisions reached by a council could only be passed on to the rest of the community by the word of mouth of those who had attended the meeting. Hence the importance of large gatherings and lengthy discussions, so that as many people as possible came to understand what was going on. Senior men from different districts tended to come with junior kinsmen, who learnt the job of government in this way. Again, there were no written records of legislative decisions taken, nor of judgments given in court cases. It was therefore essential to have witnesses of an arbitration case or a criminal action. The young men and boys who followed an important man to a court-council meeting might subsequently prove invaluable witnesses of a transaction that had taken place in their youth. I refer later to a Bemba case with great political significance which was held up for two days while an infirm old man was fetched in a litter from his village to give evidence about an event which had taken place when he was young.

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The mechanisms for enforcing political or judicial decisions were often most inadequate in traditional African societies. Even where a central authority such as a king or a chief existed, the use of police or any equivalent personnel was most uncommon and royal messengers tended to be scarce. Hence it was useful that those who attended council meetings should be considered bound by the decisions taken there, and it was important to have as wide a representation from the countryside as possible. Councillors were informed of the chief's wishes, but he could have no guarantee that he would be obeyed, unless he could see that his sub-chiefs and headmen were willing to carry out his decisions. Even among the Bemba, who thought it wrong to criticise a chief directly, councillors could assume faces that were said to be 'dark', that is to say expressionless and in this way they showed that they were unwilling to co-operate. In a segmentary society without any centralised government, a decision had to be supported by senior lineage heads at a council meeting if there was to be a chance that it would be put into force. Kuper shows that attendance at a Kgalagari council meeting put councillors under an obligation to apply a measure there agreed upon.

Again in the absence of written charters or historic documents, the public recitation of ancestral claims to office, historic precedents for political action, the formal taking of oaths of allegiance were important features of council procedure and had to be constantly repeated. By such means people living in small remote villages may well have become aware for the first time of their membership of a larger group when they were summoned to a central council meeting. In a somewhat similar way Durkheim would have us believe that participation in a great religious rite made men conscious of the power of the society to which they belonged. Bemba put this concretely by saying 'When people come to the capital they understand who is their chief' or 'When a young man listens to the old men holding a council he begins to understand the things of the past'.

Colonial administrators, in contrast, were not unnaturally impatient of large meetings which slowed down procedure and held up the type of discussions which they felt to be the proper tasks of local government councils. As time went on they began to try to stream-line the procedure by fixing the personnel of councils, whether by nomination or election. The new activities which local government councils were to undertake also demanded more specialised knowledge and a European-type education. Hence the efforts of colonial administrations during the thirties and forties to introduce new elements into traditional councils such as teachers and members of welfare services, and to set up small specialist sub-committees such as finance and education committees.

The traditional councils had, as we have stressed, multiple functions, and this was natural in types of society in which most authorities, family or lineage heads, village headmen, and chiefs had multiple functions as leaders of kinship groups, judges, economic or military leaders or ritual specialists.[9] British colonial authorities, in contrast, tried to define very carefully the powers of the different councils

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they 'recognised' and to assign different duties to each level of council, village, district or tribe, and as we have indicated they also tried in time to separate judicial courts from local government bodies. The allocation of annual budgets and sometimes rate-raising powers to the most important councils in a tribal area or a town, made the definition of each body's powers even more exact.

The priorities of both types of administration were also different. Colonial officers judged the success of a local council in terms of the welfare activities it undertook, the speed with which it acted, and its skill and probity in handling its budget. The traditional council seems to have put first its duty to settle disputes and it must be remembered that small communities easily break up if there is unresolved enmity among their members.^[10] The preservation of charters of office and lines of descent may well prove to be the next most important object of discussion in societies in which legitimate authority is usually based on descent or fictions of descent. Much of the time of traditional councils seems to have been given to discussing succession to office and in preserving past political values rather than in undertaking new activities. Legislation, in the sense of making new codes of conduct for the group, was rarer, and some anthropologists question whether traditional councils carried out this function at all, since the conditions of life in an isolated society rarely required change.^[11] Planning, in the modern sense of the term, that is to say long-distance planning, was probably unknown. Executive decisions as to the conduct of traditional activities, such as economic or military undertakings, must have been made at the level of the local community in societies in which centralised government was weak.

As to participation, it is worth remembering that in the traditional system, the leaders of different sections of the community or different areas discuss measures which they themselves are going to carry out, together with their supporters, their younger relatives or fellow villagers. According to British local government, in contrast, those who make policy decisions, mainly by raising rates and allocating funds, do not themselves carry out these decisions, and this work is in the hands of executive officers and specialists who have responsibility for doing so.

The right of attending meetings in most traditional societies depends, not on the choice of the community as a whole, but on hereditary descent, membership of a kinship, territorial or occupational group, and usually on account of age and status in that group. By this means young men are committed to the system in that they will eventually acquire positions of authority in it by the mere fact of continuing to live, and so in time becoming 'elders' in a society which honours age. ^[12]

It is thus that two aspects of comparative field-work occur to the ethnographer in the field. One is the contrast between the type of council system found useful in a society which is pre-literate, without a strong centralised government, facing few challenges to change, and not consciously desiring change, and that of a literate society with a central government, a highly developed bureaucracy in charge of