Review

TANU Builds the Nation

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Uhuru na Ujamaa/Freedom and Socialism. By Julius Nyerere. *New York: Oxford University Press,* 1970. Pp. xiv, 422. $6.40 (clothbound), $2.95 (paperback).

In *The Federalist No. 51,* Madison noted that "[i]n framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."[1] *Uhuru na Ujamaa/Freedom and Socialism,* a collection of excerpts from public statements made from June 1965 to December 1967 by President Julius K. Nyerere of Tanzania,[2] is virtually a diary of one man's attempt to form a government in Madisonian terms. The saga of Nyerere and Tanzania are somewhat unique in this regard. In the developing countries generally, few leaders have accomplished Madison's first task and virtually none the second. Nyerere has done better. At this point, ten years into its history as an independent state, Tanzania has a government which governs and, more importantly, one over which the people have an extraordinary amount of control. Given the raw material with which Nyerere started, this is no mean achievement.

When the Union Jack came down in Dar es Salaam on December

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1. *Quoted in* S. HUNTINGTON, POLITICAL ORDER IN CHANGING SOCIETIES 7 (1968) [hereinafter cited as HUNTINGTON]. In the introduction to his book, Nyerere states the issue in strikingly similar terms. "The freedom of the people to choose their own representatives is important, but it is equally important that the people's representatives should possess the freedom and the power to exert effective control over those sectors of the social organization for which they have been given responsibility." J. NYERERE, UHURU NA UJAMAA 5 (American ed. 1970) [hereinafter cited to page number only].

2. The present name of the country is Tanzania, or, more properly, the United Republic of Tanzania. Before the merger with Zanzibar in 1964, the name was Tanganyika. In the text I use the name in force at the time the event being discussed took place.

9, 1961, Nyerere became the principal leader of roughly ten (now thirteen) million people who inhabited an area on the east coast of Africa larger than France and Germany combined. The people had long inhabited the area, but the area had not long been a country. The country had been carved out of lands nominally under the sovereignty of the Sultan of Zanzibar by a series of treaties negotiated between Dr. Karl Peters and various African chiefs in 1884. The German government placed the territory under its "protection" the following year. Its borders were the points at which the Kaiser's forces ran up against those of the other imperial powers—Portugal, Belgium and the United Kingdom.[3] The seriousness with which the imperial powers treated those boundaries may be illustrated by the tale that Queen Victoria is reputed to have given Mount Kilimanjaro to the Kaiser as a birthday present. This purportedly accounts for the small jog in the otherwise straight boundary between Kenya and Tanzania. In 1922, most of German East Africa became a League of Nations Mandate under the control of the United Kingdom,[4] and thereafter a United Nations Trusteeship under the same auspices. The trusteeship agreement made it clear that the United Kingdom was to prepare the inhabitants for self-government.[5] This admonition, however, had quite the opposite effect. Since the British knew they would eventually lose Tanganyika, there was little inclination to develop the territory. The tropical climate and unattractive geography[6] were further disincentives. An effort, of course, was made to put the territory on a

3. The major boundaries were finally settled by the Anglo-German Agreements of 1886 and 1890.
In a 1963 speech Nyerere ridiculed the boundaries of most African states as "ethnological and geographic nonsense." See Smith, *President,* THE NEW YORKER, Oct. 23, 1971, at 54.

4. The remainder, then called Ruanda-Urundi, was put under Belgian supervision.

5. Article 6 of the Trusteeship Agreement provided that: "The Administering Authority shall promote the development of free political institutions suited to Tanganyika. To this end, the Administering Authority shall assure to the inhabitants of Tanganyika a progressively increasing share in the administrative and other services of the Territory; shall develop the participation of the inhabitants of Tanganyika in advisory and legislative bodies and in the government of the Territory, both central and local, as may be appropriate to the particular circumstances of the Territory and its peoples; and shall take all other appropriate measures with a view to the political advancement of the inhabitants of Tanganyika in accordance with Article 76b of the United Nations Charter." Trusteeship Agreement for the Territory of Tanganyika, *approved* Dec. 13, 1946, art. 6, 8 U.N.T.S. 91, 96. Article 76b of the Charter provides that one of the basic objectives of the trusteeship system shall be "to promote the political . . . advancement of the inhabitants . . . and their progressive development towards self-government or independence . . . ."

6. Much of the country is barren plain, unsuited to agriculture or raising cattle. Large areas are also made uninhabitable by the tsetse fly. The population is concentrated in a scimitar- or crescent-shaped area that includes the coastline and the northern part of the country, along the Kenya border, to Lake Victoria.

self-sustaining basis, as with the abortive "Ground-nut Scheme."[7] But in general, Tanganyika was neither attractive nor very profitable, and was a relatively unimportant part of the Empire. The British ruled, as they did elsewhere, with a handful of well-educated and generally well-intentioned individuals backed by the wealth and power of the Empire. The backing was critically important. For the single district commissioner who ruled over 20,000 or 200,000 "natives" knew, and the people over whom he ruled knew, that the Union Jack which flew over his office symbolized a force so overwhelming as to make resistance futile.[8] The change at independence, when the black area commissioner replaced the white district commissioner, and the green, gold and black of Tanganyika replaced the red, white and blue of the United Kingdom was, therefore, not simply a game of musical chairs with the replacement of an alien authoritarian power by the home-grown variety. For behind the Tanganyikan flag stood virtually nothing in terms of coercive power.[9] The ability of the area commissioner to rule was dependent therefore upon the ability of the Government of Tanganyika to gain legitimacy, *i.e.,* to acquire the degree of physical power necessary to rule by force or to develop a loyalty to and respect for the government which would encourage cooperation, or some combination of the two.

Most governments in the developing world command neither the power nor the loyalty to rule effectively. There is little doubt that most would like to have the loyalty and voluntary support of the governed, but when they attempt to enlist it there is usually some dissident leader or group to disrupt the process. There are two broad possibilities for dealing with this situation. Either active opposition can be tolerated, in which case it will doubtless be repeated by the perpetrator, copied by others, and thus will present to the public the image of a government which cannot rule. Or the disrupters can be "put away" in the interests of national unity. In either case it seems only a matter of time before the "law and order" faction of the society

7. For the story of the efforts in the British Overseas Food Corporation to clear three million acres in southern Tanganyika for the production and export of groundnuts (peanuts), a venture which lost a sum then equal to a quarter billion dollars, see A. WOOD, THE GROUNDNUT AFFAIR (1950).

8. The last widespread resistance to colonialism was the "Maji-Maji" rebellion in 1905, suppressed with considerable brutality by the Germans. It is estimated that 75,000 Africans died in war and the famine which followed in the succeeding years. *See* Iliffe, *Tanzania Under German and British Rule,* in ZAMANI: A SURVEY OF EAST AFRICAN HISTORY 294-96 (B. Ogot & J. Kiernan eds. 1968).

9. At independence the Tanganyikan army consisted of 1100 men divided in two battalions.

—the army or the police—steps in to maintain "effective government" or to "restore democracy." But they soon find that the resources they can command are somewhat less than those necessary to rule. In many cases they have misunderstood Mao Tse-Tung's famous axiom: "Political power grows out of the barrel of a gun."[10] For the gun is useful in seizing the institutions of government but of somewhat less value in developing the power to rule effectively.[11] As Huntington puts it, many seem to think "that power is something which may be lying around on the floor of the capitol or the presidential palace, and that a group of conspirators may sneak in and run off with it. . . . The problem is not to seize power but to make power, to mobilize groups into politics and to organize their participation in politics."[12]

In the elections held to form an independence government in August, 1960, Nyerere's party, the Tanganyika African National Union (TANU), won seventy of the seventy-one seats in the National Assembly. It seemed clear that Nyerere had mobilized and organized the support of the overwhelming mass of Tanganyika's population. But these results are deceiving. Only thirteen of those seventy-one constituencies were contested. Moreover, TANU won the contested seats with a total of 100,581 votes, 82.8 per cent of the total votes cast in the election. Since there was no voting in constituencies where TANU candidates were unopposed, less than one seventh of the 885,000 registered voters actually went to the polls. And it is estimated that the total of registered voters represented only one half of those eligible to vote.[13] Thus the sweeping victory of TANU represented the affirmative vote of roughly seven per cent of the possible electorate. Moreover, there is some question as to whether TANU was really a political party at this point and therefore whether its victory at the polls reflected a triumph of organization.[14] For the contest in 1960 was between the African nationalist party (TANU) and the multi-racial United Tanganyika Party (UTP), sponsored by the colonial administration. And the sole issue was independence. In terms of

10. Mao Tse-Tung, *Problems of War and Strategy* (November 1938), *quoted in* MAO TSE-TUNG ON REVOLUTION AND WAR 185 (M. Rejai ed. 1969).

11. Despite the sweeping nature of Mao's axiom, and some other language in the same passage, the context in which these remarks are made makes it clear that Mao is referring to the use of arms to *seize* the *institutions* of power from the "armed bourgeoisie and landlords." *Id.*

12. HUNTINGTON, *supra* note 1, at 144-45.

13. *See* H. BIENEN, TANZANIA: PARTY TRANSFORMATION AND ECONOMIC DEVELOPMENT 51-56 (1967) [hereinafter cited as BIENEN].

14. In 1963 Nyerere himself identified TANU as a "nationalist movement" as opposed to a political party. *See* Smith, *President,* THE NEW YORKER, Oct. 23, 1971, at 53.

the choice, it appeared that TANU was the party which would push for independence sooner and UTP later. In this case everyone who wanted rapid independence supported TANU.

At the time of independence, then, it could not be said that Nyerere had successfully mobilized a substantial portion of the population into politics. Indeed, had he done so, the achievement could only be described as miraculous. For one who has not spent time in a developing country, phrases like "ninety per cent of the population lives in rural areas pursuing subsistence agriculture," fail to convey a vivid image. Somewhat more graphic is the fact that out of a population in 1965 of twelve million people, and a potential labor force of five and one-half million, only three hundred fifty thousand worked for cash wages.[15] If one assumes that each wage earner supports five or six others, it appears that only one Tanzanian out of every six actually saw money.[16] This has always seemed to me an accurate measure of the limits to which the government writ runs, for it is difficult to conceive of people outside the cash economy who believe they are at all involved in events much beyond the limits of their mud huts. It would be possible, of course, if the resources were available, for the government to make its existence known to these people in a visible way by posting local officials and police in the areas where they live. But most developing country governments, and certainly Tanzania, lack those resources: in 1965 the government budget totalled approximately one hundred million dollars.[17] Thus at independence, although Nyerere had the full support of the voting populace, the majority of the population were hardly aware of him or his government and he had slim resources with which to reach them.

Nyerere also had a more profound though less apparent problem. The government which he headed was a carbon copy of the one that existed at Westminster. He had a legislature, sometimes called a parliament, whose members were "M.P.'s" and whose speaker wore a wig—the exact duplicate of that worn by his counterpart in England. The legislative debates took place in English and were published in a

15. As a result of social measures and wage inflation, 93,000 *fewer* people were employed for wages in 1967 than in 1961. *See* p. 401.

16. To millions in Tanzania, currency would mean little in any case since the traditional form of wealth is cattle.

17. Of this total, the Fiscal Year 1964-65 budget estimates allocated roughly $27 million to education and health services, $18 million to "economic services," $14 million to "maintenance of law and order," $6 million to pensions and gratuities, $7 million to repayment of the public debt, $4 million to defense, $4.5 million to government administration. H. MEIENBERG, TANZANIAN CITIZEN 109 (1966).

Hansard.[18] It is difficult to fault the British for this inheritance. They believed the Westminster model was as good a form of government as any in the world and had no alternative models to offer. Moreover, virtually all the political theory the new African leaders had learned from their early school years onward was concerned with the Westminster model, and they had operated under it during the period of self-governance which preceded independence. Nonetheless, Westminster had little relevance to social and political conditions in Tanganyika. This is not to say that the model did not reflect certain concepts of government which are universally recognized. But those principles were institutionalized in forms which had their basis in a thousand years of British history. Nobody but an idiot (to use one of Nyerere's favorite words) could think that such a set of institutions could be transplanted to a society whose way of life was probably less developed than was England's at the time of the Angles, Saxons, and Jutes. At independence, Nyerere became the leader of a country which was the artificial creation of the European colonial powers, whose governmental institutions were similarly alien, and whose resources to overcome these birth defects were extremely limited.

Perhaps because of the promises made and the visions held out by nationalist leaders during the struggle against colonial rule, the advent of independence meant to the African masses an immediate increase in prosperity. The widespread existence of these rising material expectations led in the 1950's and early 1960's to the view that the best way to ensure political viability was through economic growth. This idea, which originated in the West but soon commanded near-unanimous allegiance among African leaders, seemed to be supported by the great weight of both common sense and history. The argument is that the first priority of a hungry man is food, and that he will vote for or fight for any political leader likely to deliver it.[19] Moreover, hadn't the desperate situation of German inflation given rise

18. The wig was discarded in 1962. Subsequently the National Assembly became the first legislature in Africa to conduct its debates in an indigenous language. In Swahili the legislature is the *Bunge*, the M.P.'s collectively the *Wabunge*, individually an *Mbunge*.

19. This is not, of course, to deny that men are motivated on occasion to vote or fight on the basis of tribal or ethnic affiliation as well as ideology. But if one looks beyond these explanations, it seems that support for a leader of one's own "kind" may also be explained by an interest in "getting more" for one's group and therefore one's self. Thus if a voter in Kenya votes for a candidate because both the voter and the candidate are Kikuyu, it may be that the voter believes that if a Kikuyu is in power, the voter will benefit in some material way because he is also a Kikuyu. With regard to ideology, one must again look at its content. If the cause is anti-colonialism or power to the peasants, these are not ends in themselves, but means to increase the peasant's share of the world's goods by denying them to the colonialists or the landlords.

to Hitler and ultimately a world war? Wasn't the Marshall Plan evidence for the argument that capital investment leading to economic growth was the means of building confidence in and support for the existing system? There was, perhaps, a third reason for the emphasis on economic development. With the breakup of the colonial empires, the American people had discovered a new opportunity and a new cause —the developing countries. In surveying the possibilities for assisting these fragile new states (and some fragile old ones as well), two possibilities seemed most attractive. Military equipment and training could be supplied, so that developing countries could protect themselves from internal subversion and external aggression, and particularly from falling into the "communist camp." And, calling on the Marshall Plan experience, America could advise them on economic policies and provide them with economic assistance. The availability of large amounts of military and economic aid may have been a response to a felt need on the part of leaders of the developing countries for assistance. But the availability of that aid may well have reordered priorities in many of the developing countries. In any event, the demand for material improvement that accompanied independence, the teachings of common sense and experience, and the easy availability of economic advisors from USAID, the Ford Foundation and the IBRD converged to make economic development the main thrust of policy in the developing countries, under the tacit assumption that economic growth would ensure political viability.

Nyerere and his colleagues decided to seek foreign investments as a means of providing new jobs for Tanzanians. But few investments were forthcoming, for there were no mineral resources to be mined and exported, and with only 350,000 low-paid wage earners, there was no internal market. Perhaps a good "infrastructure" would help attract industry. Since infrastructure—*e.g.*, roads, dams, power plants —is generally not attractive to private investors, the answer was to finance development through the use of foreign aid. The United States, for example, gave Tanganyika a ten million dollar credit on the occasion of its independence. Other countries made similar gifts. They sounded like a quick road to prosperity. But that dream soon died, for it turned out that the "credits" were just that—vouchers to be used to purchase goods from the donor. Thus to use the American credit to build a schoolhouse, virtually all the materials had to be imported from the United States.[20] This not only increased the original

20. On the limited value of credits see p. 169.

costs but made the recurrent maintenance expenditures almost unbearable. Moreover, one of the gifts of the colonial administration was a completely British economic infrastructure. Virtually every manufactured good from toilets to electric fixtures was made in England to British specifications. Local technicians could work with British materials, but they were not familiar with those of other countries. This made the utilization of American, Russian, or Yugoslav equipment doubly expensive. Disillusionment with the value of foreign aid and foreign private investment in the development effort is an old story and Tanzania's experience was in no way unique. It is summed up pointedly by Nyerere in a document known as the Arusha Declaration:[21]

> We made a mistake in choosing money—something we do not have—to be the big instrument of our development. We are making a mistake to think we shall get the money from other countries; first, because in fact we shall not be able to get sufficient money for our economic development; and secondly, because even if we could get all that we need, such dependence upon others would endanger our independence and our ability to choose our own political policies.[22]

The failure of foreign capital to flow into Tanzania after independence may have been the greatest gift the newly-independent country could receive, for we now know that economic growth is not necessarily the road to political viability.[23] As Huntington points out, and the evidence seems to back him up, it is not poverty which is destabilizing, but rather the effort of the modernizing country to

21. Reprinted in full at pp. 231-50. Although the editorial introduction states that "[t]he Declaration is . . . a Party document, not the exclusive work of the President," the President would appear to be its principal draftsman. Smith, *President,* THE NEW YORKER, Oct. 30, 1971, at 82 notes that the Declaration is "written in Nyerere's unmistakeable style . . . ."

22. P. 241.

23. During the period of rule by Ayub Khan, 1962-69, Pakistan enjoyed spectacular economic growth. National income in billions of rupees rose from 33.8 to 63.1 (though twenty-five per cent of this increase was the result of inflation). See INTERNATIONAL MONETARY FUND, INT'L FIN. STAT., vol. 18, no. 11, Nov. 1965, at 228-31, and *id.*, vol. 24, no. 2, Feb. 1971, at 260-63. Yet Ayub was overthrown in 1969 because of a widespread breakdown in order caused in large measure by increasing discontent with the disproportionate distribution of this increase in national wealth. At the time Pakistan was employing what might be termed a *laissez faire* development strategy which funneled the increasing resources into the hands of a tiny number of private entrepreneurs. The fact that all of the "Twenty-two Families" were natives of West Pakistan, and that virtually all economic development took place in that province, was an important cause of the violent antagonism between the two halves of the nation that culminated in the establishment of an independent Bangladesh in the East and the creation of a government proclaiming a commitment to socialism in what remains of the country.

reduce it. In his words, "[i]f poor countries appear to be unstable, it is not because they are poor, but because they are trying to become rich."[24] Thus it is not the "revolution of rising expectations" which leads to instability in developing countries but the efforts on the part of governments to respond to those expectations. Those few years after independence when Nyerere and his colleagues attempted unsuccessfully to utilize foreign capital to respond to those expectations gave them the time they needed to familiarize themselves with their new roles. More importantly, Nyerere had tried the textbook approach to development and it had failed. His own inclinations lay in another direction. He had long sought to fashion a modern society based on the communal living pattern of the African village.[25] Moreover, his Western political orientation was that of the British Labour Party,[26] and he feared that a capital-oriented development strategy would create an African entrepreneur class which would thrive while the peasants waited for the prosperity of the city elite to trickle down to them.[27] Now it became clear that the route to economic growth was in the rural areas through agricultural development, and that success *required* just that communal philosophy which Nyerere favored. While an urban-capital development strategy could rely on the self-interest of an entrepreneurial elite, a rural agricultural strategy required changes in the lives of an enormous number of highly traditional peasants.

In pursuing a rural strategy, the first step must be to concentrate the scattered population in order to provide them with information, instruction and material assistance necessary to the task, as well as the political indoctrination which would motivate them to put that information, instruction and assistance to use. In deciding tactics here Nyerere had the benefit of the experience in both Israel and China. The exposure to the Israeli *kibbutz* and *moshav* was much more intense, with many members of the cabinet as well as Mrs. Nyerere having visited Israel, and many young Tanzanians actually having lived on collective farms as a result of an early and active Israeli technical assistance program in Tanzania. The president himself had visited China and seen the agricultural communes there. He had been impressed by both models. The basic issue for decision was whether to

24. HUNTINGTON, *supra* note 1, at 41.
25. *See, e.g.*, pp. 198-99, 337-39.
26. His closest non-African advisers have been his Personal Assistant, Joan Wicken, a former Assistant Commonwealth Officer of the Labour Party, and Roland Brown, formerly Attorney-General and now Legal Adviser to the Government, who could be properly characterized as pro-Labour.
27. *See* pp. 6-7, 242-43.

concentrate the peasants into communities through the use of force or through persuasion. He opted for the latter course. "Yet socialist communities cannot be established by compulsion . . . . Viable socialist communities can only be established with willing members; the task of leadership and of Government is not to try and force this kind of development, but to explain, encourage, and participate."[28] Here Nyerere may have had no real choice. Unlike China and North Vietnam, his army had not been enlarged by a struggle for power and was, instead, a token force of limited experience and even more limited reliability. Had he chosen the path of enforced collectivization, the army required for the job might today be the government in Dar es Salaam.

Nyerere's decision to focus on persuasion made it critical that he head a government which could command the support and respect of the peasantry. There is little doubt that Nyerere himself commanded that support and respect. This is largely the result of his own effort in traveling around the country "meeting the people." One observer estimates that "he has probably spoken directly to as large a percentage of his countrymen as any head of state on earth."[29] His government, however, was another matter.[30] At independence, most of the men surrounding Nyerere had little experience in government and even less interest in governing. The blame for this is usually placed on the colonial administration. But the reason is not that colonial administrators did not train Africans for leadership. In fact quite the opposite is the case. When they detected the "winds of change," the policy of educating Africans was accelerated so that by the early 1950's a trickle of university-trained Africans began to return to Tanzania from Makerere in Uganda and various universities and colleges in the U.K. Since business opportunities were monopolized by the European and Asian communities,[31] educated Africans found their most attractive opportunities in the civil service. Following the policy of the Home Service, however, the colonial administration in 1953 prohibited civil servants from engaging in political activity.[32] The result

28. P. 356.
29. Smith, *President,* THE NEW YORKER, Oct. 30, 1971, at 97.
30. The problem was stated succinctly by a senior government official: "We all grow fatter and fatter, and enjoy a good life—except Mwalimu [the teacher, *i.e.,* Nyerere], who grows thinner and thinner, greyer and greyer. That is because he does all our thinking and worrying for us." *Quoted in* Cliffe, *Factors and Issues,* in ONE PARTY DEMOCRACY 305 (L. CLIFFE ed. 1967) [hereinafter cited as CLIFFE].
31. On the position of the "Asians," who are the descendants of immigrants from India, see D. GHAI, PORTRAIT OF A MINORITY: ASIANS IN EAST AFRICA (1965).
32. The ban was revoked in 1964, and civil servants were encouraged to join TANU.

of this policy was effectively to exclude from nationalistic politics many Africans likely to provide political leadership. The great exception was Nyerere, who resigned from his government teaching post to organize TANU in 1954. By and large, however, African nationalist politics was not a preferred career pattern for Africans with available alternatives. Those active in party work tended, therefore, to be those for whom politics was the only available career. Having spent some years in the political and economic wilderness, some of Nyerere's colleagues saw independence and government office as a chance to reap their just rewards, as had their counterparts in other developing countries. In many cases, paternalistic white colonial administrators were replaced by arrogant Africans who seemed to exhibit the worst features of the colonialist mentality. More offensive than their personality characteristics, however, were the conspicuous trappings of their offices. Ministers of the government had been supplied with automobiles under the colonial administration. But the rather modest Humbers of the old days were soon replaced by Mercedes-Benz sedans, and the sight of these elegant cars whizzing around the country caused the peasants to add a new word to the Swahili vocabulary—the *Wabenzi* (literally "people of the Benz"). The *Wabenzi* were surely not the ones to rally the masses to a program of hard work. And Nyerere had to deal with them, lest their fascination with the small perquisites of office lead to the kind of wide-open corruption which eroded the legitimacy of the governments of Ghana and Nigeria and were an element in their eventual downfall.

An even more formidable problem was the increasing prosperity of many government officials and party leaders, stemming not from corruption but from the fact that their salaries and prerequisites were still geared to the scales of the colonial period and were far in excess of their immediate needs. Government and party leaders became people with money to invest, and their positions within the government and party made them attractive business associates to the private business community.

Nyerere reacted to these developments cautiously at first. He initially moved against the many government cocktail parties by prohibiting alcoholic beverages at government receptions, and against the hated Mercedes by providing that the government would purchase no car (other than four-wheel drive vehicles) costing more than £900.[33] Two years later, having committed himself to a rural strategy,

33. P. 49.

he pulled all the stops. In the same Arusha Declaration which announced the adoption of that policy, he added a section as follows:

(a) The Leadership
1. Every TANU and Government leader must be either a peasant or a worker, and should in no way be associated with the practices of capitalism or feudalism.
2. No TANU or Government leader should hold shares in any company.
3. No TANU or Government leader should hold directorships in any privately owned enterprise.
4. No TANU or Government leader should receive two or more salaries.
5. No TANU or Government leader should own houses which he rents to others.
6. For the purpose of this Resolution the term 'leader' should comprise the following:

Members of the TANU National Executive Committee; Ministers; Members of Parliament; senior officials of Organizations affiliated to TANU; senior officials of parastatal organizations; all those appointed or elected under any clause of the TANU Constitution; councillors; and civil servants in the high and middle cadres.[34]

From the information available, it appears that this policy is being rigorously enforced.[35] So rigorously in fact that several of Nyerere's colleagues allegedly responded to it by plotting his overthrow.

Paralleling his effort to envelop the government with his own image of honesty and frugality, Nyerere moved to increase the participation of the peasants in the political life of the country. He did this in a rather MacMillanesque way, starting with a move which tended in the opposite direction. As early as 1961, Nyerere began to note that national unity required that there be only one political party in Tanganyika. After all, hadn't the 1960 election shown that all Tanganyikans were in favor of TANU? By January 1963 Nyerere could state that "where there is *one* party, and that party is identified with the *nation as a whole,* the foundations of democracy are firmer than they can ever be where you have two or more parties . . . ."[36] Nyerere's stated reason was that in any contested election the TANU-

34. P. 249.
35. Smith, *President,* THE NEW YORKER, Oct. 30, 1971, at 86.
36. Statement on "Democracy and the Party System," TANU Annual Conference, Jan. 1963, *quoted in* Cliffe, *The Political System,* in CLIFFE, *supra* note 30, at 15.

backed candidates were almost certain to win.[37] The argument overlooked the fact that the unity which TANU displayed was obtained by organizing around the single goal of independence. Once that was achieved, breaks would appear almost inevitably, as the leadership faced the problem of governing. In fact it seems more likely that the one-party state was attractive to Nyerere because it was the institutional formula most likely to postpone these inevitable breaks. The one-party state did not in fact confirm an already existing unity, but rather maintained that unity when it appeared on the brink of disintegration. There were additional factors supporting the idea of the one-party state. At that time Dr. Nkrumah was the leading exponent of "progressive" views in Africa and the adoption of the one-party system in Ghana had some influence on the eventual path taken by other African states.[38] And then there was the ample work of political scientists, mainly American, which indicated that the one-party state was the preferred means of organizing the nation for development. It was the way in which "modernizing centralizers" could triumph over "traditional pluralism."[39] For the cynics, however, the Tanganyikan one-party state looked like another case of African democracy—"one man, one vote, one time!" The cynics were proven wrong. For the Tanzanian one-party state is unlike any other—it is uniquely the product of Nyerere's attempt to achieve Madison's twin functions of government by adopting a Leninist emphasis on the priority of political organization, while at the same time maintaining a democratic structure which Lenin had totally rejected.

In creating a one-party state which could organize the peasantry, a basic decision was taken that TANU should remain a mass party as opposed to an elite party. The requirements for party membership are citizenship of Tanzania and acceptance of Article Two of the TANU Constitution, whose terms are sufficiently broad that they are unlikely to act as a deterrent to party membership.[40] This decision

37. *See* p. 36.

38. Neighboring Kenya has rejected the one-party system as "undemocratic." The government has, however, banned the principal opposition party, the K.P.U., and prohibited registration of another new party. *See* 7 AFRICA RESEARCH BULLETIN: POLITICAL, SOCIAL & CULTURAL SERIES 1756a, 1810c-1811a (1970).

39. HUNTINGTON, *supra* note 1, at 136 and n.82.

40. Article Two reads as follows:

> The Aims and Objects of "TANU" shall be:
>
> 1. To maintain the Independence of our country and its People's freedom.
> 2. To ensure recognition of the inherent dignity of the individual in accordance with the Universal Declaration of Human Rights.
> 3. To establish and to safeguard a democratic and socialist form of Government, which would be devoted to—

immediately distinguished the Tanzanian one-party system from those where a communist party is in control.[41] For in rejecting the concept of an elite party Nyerere deviated from Lenin's notion that a party "cannot be a real Party if it limits itself to registering what the masses of the working class think or experience."[42] It was precisely for the purpose of having the party "register" what the masses were thinking that Nyerere favored the mass party. Nyerere thus characterizes the speeches in his book as "a translation into general principles, and into policy formulations, of questions and ideas expressed in our villages and our towns."[43] In his early writing on *Democracy and the Party System* Nyerere indicated that another reason for rejecting the Leninist view was that an elite party must be constantly fearful of threats to its power from groups left outside it.[44] In particular he feared the overthrow of government and thought this could be avoided by an all-inclusive party. Here his analysis seems faulty. For in fact countries ruled by an elite communist party have rarely seen the party ousted from power by those it has excluded. And as to the stability of the mass party, Rupert Emerson has warned of the dangers that "disaffected minorities may be festering toward revolt under the en-

(a) consolidating national Independence and to ensuring a decent standard of living for every individual;
(b) giving equal opportunity to all men and women irrespective of race, religion or status;
(c) eliminating poverty, disease and ignorance by means of cooperation between citizens and their government;
(d) eradicating all types of exploitation, intimidation, discrimination, bribery and corruption.

4. To develop fully this country's means of wealth in order that the entire nation may benefit by—
(a) owning collectively the principal agencies and factors of production, e.g. land, water, air, power and means of communication;
(b) developing to the maximum the cooperative effort in the fields of production, distribution and exchange;
(c) encouraging private enterprise where this is directed towards the benefit of the whole country.
5. To cooperate with all political parties which are fighting for the Independence of Africa in order that the entire continent may be rid of colonialists and its independence may be consolidated and preserved.
6. To endeavor to bring about unity in Africa through cooperation with the other Independent African States.
7. To endeavor to bring about peace and security in the world through the United Nations.

CLIFFE, *supra* note 30, at 465.

41. Communist Party membership in the Soviet Union is 14,254,000 out of a total population of 242,800,000. Similar figures for the People's Republic of China are 17,000,000 out of 759,619,000. THE NEW YORK TIMES ENCYCLOPEDIC ALMANAC 1972, at 256, 631 (1971).
42. *Quoted in* HUNTINGTON, *supra* note 1, at 341.
43. P. xiii.
44. J. NYERERE, DEMOCRACY AND THE PARTY SYSTEM, *quoted in Extracts from the Report of the Presidential Commission on the Establishment of a Democratic One Party State,* in CLIFFE, *supra* note 30, at 447.

forced surface appearance of unity."[45] Nyerere, however, saw things differently. He saw the mass party as an *incentive* to an active political dialogue, since if no one could be excluded from membership in the party, no one need fear to criticize party policy. In the end he came round to the view that an elite party was simply undemocratic.[46] But the mass party is not necessarily democratic. Experience in both Ghana and Guinea establishes that the mass party may well turn out to be an authoritarian institution.[47]

The heart of the Tanzanian one-party system is the means by which candidates are elected to the National Assembly. It was clear to Nyerere that a one-party system with only one candidate in each constituency was a formula for totalitarian government. Instead the Party decided that it should nominate, as a rule, two candidates for each seat in the assembly. The nomination procedure has three stages. Initially, anyone seeking office submits his name to the TANU District Conference if he can enlist the support of twenty-five registered voters.[48] Each member of the District Conference then chooses one candidate from among these. The *full* list of those nominated, together with the votes gained in the District Conference, is then submitted to the TANU National Executive Committee.[49]

The degree to which this new system is responsive to the sentiments of the voters is in some measure dependent on the representativeness of the various District Conferences and the TANU National Execu-

45. Emerson, *Parties and National Integration in Africa*, in POLITICAL PARTIES AND POLITICAL DEVELOPMENT 286 (J. LaPalombara & M. Weiner eds. 1966) [hereinafter cited as LAPALOMBARA & WEINER]. Nyerere would have been on more solid ground had he argued that *one-party* states are more stable than multiparty systems. Huntington has gathered statistics on the number of successful coups in modernizing countries from 1945 or date of independence through 1966. Of those twenty-six countries with one-party systems, six suffered successful coups. For those with dominant-party systems (eighteen), the figure was also six. Where two-party systems prevailed (sixteen), there were seven successful coups. Twenty countries had multiparty systems and they experienced seventeen successful coups. *See* HUNTINGTON, *supra* note 1, at 423.

46. *See* p. 91. In the typology suggested by LaPalombara and Weiner, the Tanzanian system is a "one-party pluralistic" system similar to the P.R.I. in Mexico. For those who are terminology buffs, the principal characteristics of such systems are that the party is "pluralistic in organization, pragmatic rather than rigidly ideological in outlook, and absorptive rather than ruthlessly destructive in its relationships to other groups." LaPalombara & Weiner, *The Origin and Development of Political Parties*, in LAPALOMBARA & WEINER, *supra* note 45, at 38-39.

For a criticism of typologies of political systems as applied to or derived from African states, see BIENEN, *supra* note 13, at 3-17.

47. "Mass participation goes hand-in-hand with authoritarian control." HUNTINGTON, *supra* note 1, at 136.

48. The conferences vary in size from twenty to over a hundred delegates and consist principally of TANU officials and delegates from the branches of TANU within the district. *See* BIENEN, *supra* note 13, at 386.

49. The National Executive Committee has seventy-six members, mainly high officials in the government and a good number of "elders."

tive Committee. Suffice it to say that the conferences and the NEC are elected by party members in a hierarchical pattern in much the same way as party leaders are chosen in what are usually considered democratic societies.[50] But the most important fact is that the voters, including non-TANU members, are given a choice of candidates in the election. Voters thus have some opportunity to register their approval of the government by voting for or against that candidate—usually the incumbent—who may be taken to represent those in power. Moreover, with party affiliation no longer a criterion for election, Tanzanian candidates do not have the "safe seats" which insure election to leading figures in the British and French political systems.[51] Thus Nyerere took the one-party system and stood it on its head, creating under that label a system which was potentially more representative than the Westminster model.

The announcement of the new system of elections in 1965 was followed by an event unique in the history of modern Africa. Incumbent M.P.'s began to return to their constituencies to mend their fences.[52] The focus of political activity shifted from the capital to the countryside. In the ensuing election, an average of more than seven candidates per constituency submitted their names to the District Conventions. In selecting their nominees the District Conventions interviewed each candidate. A full list of names, together with the votes received at the Conference, was then sent to the National Executive Committee. Usually the first and second choice of the District Conference were automatically confirmed. In only fifteen cases out of 180 were choices in these categories eliminated.[53] The final list of candidates was announced by the NEC on August 10, 1965 and campaigning began the following week.

The campaigning was almost exclusively through the traditional medium of the public meeting. To the extent that other means of campaigning involved expenditures of money, they were prohibited by law for it was a tenet of the election that each candidate was to have a "fair and equal" opportunity to present himself to the voters.[54]

50. *See* BIENEN, *supra* note 13, at 75-111. Cliffe notes that "there is a healthy tradition of open competition for party posts" in TANU. Cliffe, *The Campaigns*, in CLIFFE, *supra* note 30, at 232.

51. The functional equivalent, however, of only one nomination in a constituency was used in six cases for four ministers, one junior minister and the Second Vice-President.

52. Cliffe, *The Campaigns*, in CLIFFE, *supra* note 30, at 228.

53. *See* BIENEN, *supra* note 13, at 402.

54. The 1965 Election (Amendment) Act provided that "[t]he District Executive Committee of the Party . . . shall accord a fair and equal opportunity to each of the candidates. . . . No candidate shall expend any sum in the furtherance of his campaign for election." *Quoted in* Harris, *The Electoral System*, in CLIFFE, *supra* note 30, at 35.

Equal opportunity was sought to be insured by the presence in each constituency and at each meeting of election supervisors, generally, the TANU District Chairmen who explained the election procedures. Then the two candidates were allowed to speak on all matters except appeals to the voters on the basis of race, tribe, religion or sex. Most of the speeches, as one might expect, dealt with local issues and personalities. In all, it is estimated that about 3500 such meetings were held in 107 constituencies throughout the country, attended by roughly two million persons.[55]

The meetings served two important purposes. First, they were the means by which the candidates presented themselves to the voters. More importantly, however, Nyerere saw the meetings as the means by which the populace could see that they have some control over their government. Nothing in the 1965 Tanzanian election is likely to have had a more lasting impact than the sight of a candidate seeking the support of the people.

Nyerere limited his own campaigning—he was running unopposed for the Presidency on a "yes" or "no" ballot—to a speech on the process itself. On September 10, he spoke over Radio Tanzania urging people to vote:

> To be eligible for a vote, and not to have registered as a voter is a very bad waste of a citizen's freedom. To have registered as a voter, so that you have a voter's card, and not to go to the polling place on election day and record your vote would be very stupid indeed.[56]
>
> The voting is secret so that a voter's choice may be quite free. . . . [I]f you do not think I am the right person, then it is your duty to vote 'Hapana' [no], and to ask the Parties [*sic*] to make another recommendation. What you must not do is assume it does not matter. Your vote does matter very much indeed.[57]
>
> There must be no quarrelling or recriminations during or after these elections. . . . For although it is an honour to be elected Member of Parliament, it is no disgrace to stand for election and then to fail. Nor does failure prove that a man was wrong to stand for election; by standing he enabled the people to choose and express their will.[58]

What are the criteria for a successful election? Careful observation of the election by outside observers reveals little evidence of stuffing

55. *See* Cliffe, *The Campaigns*, in CLIFFE, *supra* note 30, at 236.
56. Pp. 74-75.
57. P. 76. The word "Parties" referred to TANU and the Afro-Shirazi Party, which is the Zanzibari equivalent of TANU and is allied with it.
58. Pp. 78-79.

of ballot boxes, unlawful assistance in voting, or erroneous counts. Nonetheless one would have had an uneasy feeling about the election had all the incumbents been victorious. Conversely, the fact that many of those in power failed to be re-elected could be considered substantial proof that the elections were a fair representation of the views of the voters. In his speech welcoming the new legislature, Nyerere noted that "[t]he casualty rate among the previous Members of Parliament has been a heavy one . . . ."[59] The losers included two ministers, sixteen M.P.'s, and thirteen TANU district and regional chairmen. More than half of the members of the previous Parliament did not return to office.[60] Bibi Titi Mohamed, a founder of TANU, leader of its women's organization and a junior minister in the government lost her seat largely because she was too preoccupied with her government duties to spend much time in her constituency.[61] Abdu Faraji, an influential young M.P. and a man chosen by the President to run the Party-sponsored Mwananchi Development Corporation, attempted to run from an area not his own—Mafia Island. His opponent was of Asian origin and thus looked like an easy mark. Faraji lost.[62] The most important candidate to be defeated was Paul Bomani, Minister of Finance, whose opponent was a fifty-four-year-old farmer who had held a minor local office in TANU, and who had received only two per cent of the vote in the District Nominating Conference. Though a capable man, Bomani was unpopular among his constituents.[63] In his case, however, the President exercised his power to appoint up to ten M.P.'s and restored Bomani to the legislature and the cabinet. In justification for this action Nyerere harked back to Madison's admonition—that he first had to form a government which could rule and that this responsibility required that he make use of Bomani's services.[64] Bomani's case is thus some evidence that the failure of a good

59. P. 90.

60. Three junior ministers and six incumbent M.P.'s failed to secure first or second place in the district vote and thus were not chosen as final nominees by the NEC. Twenty-seven incumbent M.P.'s chose not to run for reelection. *See* BIENEN, *supra* note 13, at 393-94.

61. Bibi Titi is currently serving a life sentence following her conviction for plotting to overthrow Nyerere. It is rumored that the plot was a result of the prohibition on Party leaders owning real estate. Apparently Bibi Titi was unhappy about having to liquidate her large holdings, and resigned her TANU posts in June 1967 rather than do so. *See* Smith, *President*, THE NEW YORKER, Oct. 30, 1971, at 86.

62. Faraji had received only one vote of fifty-two at the District Conference. His was a case where the NEC overruled the Conference. He is currently Tanzanian Ambassador to France.

63. Bomani's early work as a founder of the Victoria Federation of Cooperatives is detailed in G. MAGUIRE, TOWARD 'UHURU' IN TANZANIA (1969).

64. P. 96.

number of M.P.'s to retain their seats was not simply a purge by the party hierarchy where those the leadership wished to drop were opposed by candidates likely to defeat them.

Perhaps the most heartening of all the elections was the contest in which Amir Jamal, Minister of Planning, ran against the TANU District leader in Morogoro North. Jamal was the only Asian Minister and had been allied with Nyerere since before independence. While the other non-African Minister, Derek Bryceson, stood against a weak opponent in Dar es Salaam North, the most sophisticated constituency in the country and home of most of the civil servants in the central government, Jamal stood against a strong opponent in a constituency that was one hundred per cent African. Despite his capabilities, the abiding prejudice against Asians in Tanzania worked against him. But Jamal had kept up with his constituency and won, 5837 to 4466.

The statistics of the election are substantial evidence of the seriousness with which it was conducted. Of a registered electorate of 3,259,714, 2,266,000 people voted. Seven million paper ballots and three million Parliamentary Election manifestos (circulars identifying the candidates in each constituency) were printed and distributed. The election was held over several days, for it proved impossible to manufacture and distribute 10,000 ballot boxes on time to the 7400 polling stations.[65]

To have a legislature which has been chosen by a representative election process is not enough to ensure representative government. For that legislature may lack effective power. Under the Constitution the President has great power, and because of his charismatic appeal Nyerere could, if he wished, ignore the National Assembly. But he had created the new system precisely because he was dissatisfied with the National Assembly and hoped to raise the level of its work to the point where it could become a responsible organ of government. In his speech welcoming the new National Assembly he noted that among other things, the members

> have to keep the Government actively devoted to the people's interests by their intelligent criticism.
>
> This last thing is vital. Members of Parliament have the right to question Ministers on any subject which comes within their jurisdiction; they have the right to demand answers. . . .
>
> [I]t is very important that proper thought, and thorough debate should be given to legislation. There will be no Whips operating

65. *See* pp. 87-89.

> in this House; Government will submit Bills for you to consider and pass or reject. . . . It is therefore possible that occasionally there will be a division of opinion about the desirability of a particular piece of legislation. In such cases, provided that both sides are honest, and are able to advance arguments to support their views, the people will be better served by reconsideration of the proposal than by an automatic affirmative vote.[66]

An analysis of the activity of the new Assembly covering its work until the end of 1966 indicates that discussions were livelier than before. Twenty to twenty-five per cent of the speakers criticized the government, although the criticism seemed more directed toward the means for implementing government proposals than the proposals themselves. But the experiment seemed to be working.[67]

Nyerere's principal purpose has been to establish a viable democratic state. While neither political viability nor democratic government are unique, they are sufficiently rare in the developing world that their existence there commands our attention. Even more worthy of our attention is the *process* by which such a government has been constituted. For many leaders of developing countries have attempted to build a governmental structure which would survive them, but few have succeeded. And many have sought to give those governments a democratic orientation, but success there has been rarer still. What, then, are the elements which give some promise of the continued survival of democratic government in Tanzania?

The history of Tanzania to date is a reaffirmation of the critical role of the charismatic leader. While he has the opportunity to bring about effective constitutional development, he can accomplish this only if he can transfer to *institutions* the legitimacy which surrounds his *person.* To the extent that he can do so he can bring about effective constitutional change, *i.e.,* institutionalization.[68]

66. Pp. 93-94.

67. *See* Hopkins, *The Role of the M.P. in Tanzania,* 64 AMER. POL. SCI. REV. 754 (1970); Cliffe, *The Impact of the Elections,* in CLIFFE, *supra* note 30, at 339-49. The legislature was dissolved on July 24, 1970, and new elections held on October 30, 1970. Again the organization and supervision of the process was an enormous task with 34,000 ballot boxes being distributed to 17,000 polling places. Again the turnout was spectacular with 3,465,573 ballots cast out of a total of 5,051,938 registered voters. And again some of the mighty fell—two Ministers and two Junior Ministers. Jamal was reelected and Bomani elected again. 7 AFRICA RESEARCH BULLETIN: POLITICAL, SOCIAL & CULTURAL SERIES 1839c-1840a (1970).

68. In Weberian terms, *charisma* is "the authority of the extraordinary and personal *gift of grace*" of the leader, while *legality* is "belief in the validity of legal statute and functional 'competence' based on rationally created *rules*." *See* Weber, *Politics as a Vocation,* in FROM MAX WEBER: ESSAYS IN SOCIOLOGY 78-79 (H. Gerth & C.W. Mills eds. 1946) (original emphasis). In a land whose national institutions entirely lack the au-

Political history is replete with charismatic figures. But few of them have been able to transfer the personal loyalty and support they have enjoyed to institutions which survived them. The two outstanding cases of institutionalized change in the twentieth century are Cardenas in Mexico and Mustafa Kemal (Ataturk) in Turkey.[69] Both were generals—the former surrounded by the aura of a victorious revolution, the latter being the outstanding Turkish general in the First World War. And both, like Nyerere, enjoyed that minimum period in office which appears essential to the process of institutionalization. The achievements of both men suggest that the most important factor in institutional change is that the charismatic leader get his priorities right. Cardenas and Ataturk had as their number one objective political organization. The period of 1929-36 was one of political organization in Mexico, and it set the stage for the economic growth of the forties and fifties. Ataturk spent his first eight years in power developing the political system that remains in effect today.[70] In both cases, the prior emphasis on political organization made possible the ensuing economic and social reforms. But what of Nasser, Nkrumah and Sukarno, all charismatic leaders who acknowledged the primacy of political organization without being able to construct a viable framework for government? Nasser's efforts to build the Arab Socialist Union appear to have failed because he attempted to construct his one-party state from the top down instead of the bottom up.[71] Contrast his efforts with those of Nyerere who created a Presidential Commission on the Establishment of a Democratic One-Party State and had it travel the country soliciting the views of interested persons

thority of *tradition*—the third of the "basic *legitimations* of domination" that Weber described—an ongoing viable political structure can be built only if the wine of the leader's charismatic authority can be poured into the bottles of the newly-created institutions of the state. While the authority of those institutions will be legal, not charismatic—people will obey the law because that is what one is supposed to do, not because the policeman, the administrator or even the (subsequent) president is a figure of magnetic appeal or transcendent wisdom—that legal authority could only be established by a transference of the allegiance commanded by the leader's person to those political institutions.

69. The verdict on Mao Tse-Tung, like Nyerere, must await his departure from office. Mao is, nonetheless, an interesting case for another proposition. Having apparently created a viable constitutional structure, Mao decided that he was unhappy with his creation and sought to reform it. This was accomplished by retransfer, if you will, of legitimacy from institutions back to Mao himself via the personality cult ("the thoughts of Chairman Mao," etc.). Once the old institutions were destroyed, there was a concomitant decrease in emphasis on Mao personally and an attempt by him—now in progress—to instill legitimacy in new institutions.

70. *See* Rustow, *The Development of Parties in Turkey*, in LAPALOMBARA & WEINER, *supra* note 45, at 107-33.

71. HUNTINGTON, *supra* note 1, at 418.

on the nature of the government to be created.[72] Nkrumah seems to have been a leader who did not follow his own sound advice. For his most famous dictum was to "seek ye first the political kingdom and all things will be added unto it." Having worked assiduously to create the Convention People's Party, Nkrumah increasingly neglected it and the government structure generally for the lure of international limelight and finally the hunger of power.[73] When he was finally overthrown, the party and government collapsed immediately from internal rot and Nkrumah's legacy has turned out to be a succession of military regimes. Contrast Nkrumah's neglect of institutions with Nyerere's attention to them. In January 1962 Nyerere resigned from his post as Prime Minister to devote himself to rebuilding TANU. He returned to office in November of that year as President. Sukarno, perhaps the most charismatic of the three, had a conception of a viable constitutional structure for Indonesia which seems to have come down to a balancing act between the communist party (P.K.I.) and the army. It was an inherently unstable structure which could not outlast the balancer. When his health began to fail, each side prepared itself to move against the other.[74]

These contrasting examples of success and failure of political institutionalization indicate that the primary task of the leader of a developing country must be politics as opposed to government. Although the two are to some extent interrelated, the leader usually is preoccupied with shaping existing institutions to achieve immediate policy goals. The difficulty is not so much that the institutions are fragile. Many are, in fact, both massive and moribund, and new institutions quickly fall into a similar comatose state. To invigorate these institutions is the leader's principal function. In a developing country he does this by travelling around his country, associating himself with political institutions and organizing support for them among the population. Few material resources are needed for this effort. To vitalize the Arusha Declaration and associate the masses in the government effort, marches and processions were organized all over Tanzania, with the President himself walking 134 miles from Butiama, his birthplace, to the TANU National Conference in Mwanza.[75] Nyerere's almost constant travel around the country has enabled him to rally the masses both to himself and to those institutions which he has

72. Cliffe, *The Political System*, in CLIFFE, *supra* note 30, at 17.
73. *See* HUNTINGTON, *supra* note 1, at 399.
74. *See generally* J. HUGHES, INDONESIAN UPHEAVAL (1967).
75. *See* Smith, *President*, THE NEW YORKER, Oct. 30, 1971, at 86-94.

created. And he has used the occasion of these "up-country" visits to associate himself with local government officials and to bridge the gap between those officials and the general populace.[76] Finally, he has utilized those trips to focus on government and party organization at the grass roots. By creating a system of contested elections for the National Assembly, he has encouraged his colleagues to similar efforts.

Mere institutionalization of a political system does not guarantee that it will be democratic. If the charismatic leader has the opportunity to institutionalize, it follows that he also has a broad range of options as to the kind of system which he will create. Tanzania provides evidence that the choice is conditioned as much by the leader's background and personality as by the geopolitical context in which he finds himself. If that is true, then history and biography, whose concreteness is frequently passed over by contemporary political scientists, become at some point the critical political ingredients.

The necessity for a rural development strategy and the lack of a large standing army somewhat limited Nyerere's options. But there remained a fundamental decision as to whether the government would move in an authoritarian direction or a democratic one. Here Nyerere's personal inclinations seem to have been the decisive factor. In short, Nyerere has attempted to create a democratic state because his values are fundamentally democratic. In the early years of Tanzanian independence he held these views in check and willingly experimented with the notion of an elitist government guided by the advice of local and expatriate experts. If this was the way to bring some immediate material benefit to the mass of people living in the subsistence economy, he was willing to try it. But when the effort came to naught Nyerere had the opportunity to fashion a government based on what he personally knew was true—that there was a great deal of wisdom in the heads of those people out in the bush. In one of his speeches "up country," he indicated that his mother sometimes

> calls me and gives me some advice. She tells me not to do this or that. She advises me even in matters of Government. Why must she not advise me? . . . She advises me even though she has no formal education. Why? Does it mean that a person who does

76. *See, e.g.*, the speech Nyerere delivered extemporaneously in 1966 during one of his extended tours. Excerpts of the speech are printed at pp. 136-42 under the title, "Leaders must not be Masters." Nyerere's travels strikingly parallel Huntington's description of Cardenas: "[H]e spent much of his time traveling about the country, visiting villages, listening to complaints, and impressing upon the people the feeling that the government was *their* government." HUNTINGTON, *supra* note 1, at 323. *See also* p. 343 *supra*.

> not have formal education is a fool? What does education mean? An uneducated man has a brain—given to him by God. . . . It may be true that I am educated; but how can this mean I am more intelligent than my mother?[77]

If a leader truly believes that, then a democratic government makes sense. If the people really have something to say, then the structure of government must facilitate the communication of their wisdom to the decision-makers. In Nyerere's case there was more—a sense of fairness and "humanity" learned from his father, a minor chief of the Zanaki;[78] an exposure to "John Stuart Mill's essays on representative government and on the subjection of women—these had a terrific influence on me";[79] and study at Edinburgh—"My ideas of politics were formed completely during that time."[80]

The will to create a democratic state was present. Has the result fully comported with that intent? If one focuses on institutions, one finds in Tanzania a preventive detention law which permits the President to order the arrest and incarceration incommunicado for an indefinite period of time of anyone threatening the security of the state. That law has been used. The rationale for its existence is that the buildup of a new nation is comparable to a state of emergency.[81] Certainly one can challenge the concept of an "emergency" as an inherent element of nation-building as opposed to the "emergency" nature of an immediate threat. But should not "emergency" be the result of a balancing of the threat against the strength of the institutions threatened? In the early days of independence, those institutions are extremely weak. Surely Tanzania is less democratic with preventive detention than it would be without it. But is that to say that it is not democratic? How does one weigh preventive detention against representative government? Canada recently employed preventive detention when threatened by a series of kidnappings alleged to have been committed by extremists in the *Quebec libre* movement. Was the "emergency" really that great? Is Canada no longer a democratic

77. P. 140.
78. *See* Smith, *President,* THE NEW YORKER, Oct. 16, 1971, at 52.
79. *Id.* at 61. Nyerere has identified the subordinate status of women as, along with poverty, the two greatest defects of traditional African society. *See* p. 339.
80. *Id.* at 64.
81. "Our nation has neither the long tradition of nationhood nor the strong physical means of national security which older countries take for granted. While the vast mass of the people give full and active support to their country and its Government, a handful of individuals can still put our nation into jeopardy and reduce to ashes the efforts of millions." Nyerere, *quoted in Extracts from the Report of the Presidential Commission on the Establishment of a Democratic One Party State,* in CLIFFE, *supra* note 30, at 461.

state? The government of India utilized preventive detention to imprison Sheikh Abdullah for more than a decade. Was the threat of Kashmiri separation so great as to justify the use of these emergency powers? Is India thereby to be banished from the ranks of the world's democracies?

The Tanzanian constitution has no Bill of Rights. The question has been repeatedly considered but rejected each time. Several rationales have been offered. It might prevent the government from acting against threats of subversion and disorder. The judiciary was largely expatriate at the times the issue arose and it was believed best to avoid conflicts between an indigenous legislature and an expatriate judiciary. "In considering a Bill of Rights in this context [economic development] we have in mind the bitter conflict which arose in the United States between the President and the Supreme Court as a result of the radical measures enacted by the Roosevelt Administration to deal with the economic depression in the 1930's."[82] Instead the government established a Permanent Commission on the Abuse of Power whose purpose it is to receive and investigate complaints by citizens against government officials. The Commission reports directly to the President. A less effective substitute for an Ombudsman, a *Conseil d'Etat* or judicial review of administrative action? Perhaps. But certainly its functions are similar.

A determination on democracy cannot, however, be a simple exercise in addition and subtraction, with so many points for each democratic feature and so many demerits for each anti-democratic one. At its heart must lie some institution which "obliges the government to control itself." A government will "control itself" if it is periodically accountable to the citizenry for its actions. The best device mankind has yet devised to institutionalize accountability is the contested election. By incorporating such elections as a feature of its political system, a government crosses the threshold of democracy. Alone in Africa, virtually alone in the developing world, Tanzania has now crossed that threshold.

82. *Extracts from the Report of the Presidential Commission on the Establishment of a Democratic One Party State,* in *Id.* at 462.