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ABSTRACT

This article introduces Mahmood Mamdani's bifurcated state theory to the study of gender and power. The purpose is to unveil the structure of the state that produces conflicting experiences of elite women in Africa's two public spheres, namely, the civil realm and the customary domain. In recent decades, privileged women have occupied political leadership positions in Uganda and Africa. However, things are different in the kingdoms and cultural institutions of the former British colony in which open despotism and the limited inclusion of women in leadership have persisted without causing much alarm. To highlight the coherence of these two seemingly contradictory situations, I extend the notion of the bifurcated state beyond the politicisation of ethnicity—for which the concept was originally formulated—to the politicisation of gender. Not only does the theory illuminate the politicisation of identity, but it also accounts for the differentiated manner in which identity is politicised in different publics.

Introduction

What does the negligible inclusion of women in the management of Uganda's kingdoms[1] reveals about the structure of the state in Africa at a time when women have registered a substantial presence in the mainstream political offices? To address this question, this article moves away from the dominant framework in which African politics, including women's representation, is analysed. This framework, which Thandika Mkandawire (2015) calls the Neopatrimonialism School, focuses on the concentration of power in the executive on the grounds that the rest of the institutions of the African state are largely rendered redundant by the executive's networks of patronage, clientelism and corruption. The school, whose key thinker remains Jean-Francois Bayart (1993), thus reduces the state in Africa to the regime in power. Rooted in this approach, much of the literature on women and power in Africa is preoccupied with questions that presuppose the centrality of the state as regime (executive) as opposed to the state as structure. Such questions include (but are not limited to): can descriptive representation yield substantive and/or symbolic representation benefits for women in *authoritarian* countries? What is the link between the increase in women in political

leadership and the entrenchment of *authoritarian regimes*? What are the opportunities for women to be appointed to office under a *regime* that has to build ethnic-based *patronage*? (For instance, Arriola and Johnson 2014; Tripp 2001; Donno and Kreft 2019; Watkins and Jessee 2020; Clayton, Josefsson, and Wang 2017; Barnes and Burchard 2013; Wang and Yoon 2018; Ottemoeller 1999; Tamale 2000; Goetz 1998).

But the Neopatrimonialism School, which gives rise to such questions, cannot pose broader questions related to the state as structure because it overemphasises the state as regime. To explain why there are so few women in the leadership of traditional institutions, I de-emphasise the state as regime and call attention to the structure of the state. I summon Mahmood Mamdani's (1996) bifurcated state theory, which identifies a rift at the heart of the postcolonial state. This rift produces two publics, namely, the civil sphere and the customary domain, each with its own logic. It is in these logics that I locate the difference in women's representation in national vis-à-vis traditional institution spaces.

It does not require theory to see the distinction between the customary domain and the civil sphere and the interaction between them. Scholars have discussed the gender situation in the customary realm, especially regarding customary law and customary land, and they have posed questions such as: can women's interests be advanced within the framework of customary law, or should central state law directly assume the advancement of these interests? How is the interface between customary courts and civil courts driving women's interests in customary land and related property? How are gender relations being transformed through contestations in the definition of custom? (For example, Fombad 2014; Ndulo 2011; Mnisi and Claassens 2009). Such questions can be formulated by observing the concrete manifestations of the customary domain and the civil sphere with or without theory. The problem of approaching gender in the customary domain without theory or with theories that are not based on the structure of the African state is that the researcher cannot see the full extent of the framework in which the customary domain and the civil realm are reproduced as two sides of the same coin. Indeed, as I will show, much of the literature on gender and the customary domain has either missed the structure of the state completely or referred to it only in piecemeal terms, thus falling short of recognising how the customary public and the civil public are reproduced as different but mutually coherent logics that can only be interrogated concurrently. It is at this point that this article intervenes.

My entry point is a power struggle between the Queen Mother and a host of ministers in the Rwenzururu Kingdom of western Uganda.[2] The Rwenzururu, or *Obusinga Bwa Rwenzururu*, is one of numerous ethnic 'undemocratic polities' that have proliferated in the East African nation since 1993 (Peterson 2016, 791). It exists in the name of the Bakonzo, an ethnic group populating either side of the Uganda-Congo border. In colonial Uganda, the Bakonzo rebelled against Toro Kingdom, accusing it of ethnic discrimination, and demanded a separate district and later kingdom. When the colonial and postcolonial governments failed to meet this demand, a section of the Bakonzo declared an 'independent state' in the Rwenzori Mountain. Following negotiations with successive Ugandan governments, they were eventually granted a district—Kasese—in 1974 and a kingdom in 2009 (Syahuka-Muhindo 1991; Reuss and Titeca 2017).

Across Africa, there is a resurgence of such so-called traditional institutions. In South Africa, 'some 40 per cent of the population are now ruled in part by 800 chiefs' (Englebert 2002, 345–6). In Nigeria and Ethiopia, ethnic and/or religious federalism is the form of political organisation. In Uganda, post-independence leader Milton Obote had abolished the

kingdoms in the 1960s in the name of eradicating ethnic polarisation even if he himself presided over a tribalist state. The abolition of the kingdoms was an unpopular move for which the largest ethnic group, the Baganda, would never forgive him. Driven by popular pressure, President Yoweri Museveni, who seized power in 1986, restored the kingdoms and even provided for the creation of new ones (Sseremba 2020).

Ugandan traditional authorities are required to focus on 'culture' and refrain from 'politics'. Nonetheless, they exercise political and socio-economic power. Buganda Kingdom, for example, runs state-like institutions, controlling vast land and issuing land titles known as *kyapa mu ngalo* (Kimbowa 2017). These kingdoms have territorial boundaries whose infringement leads to conflict and even violence, as witnessed in Buganda in 2009 and in the Rwenzori quite often, and they claim natural resources in these boundaries. It is unsurprising that they clash with the central government.

The Rwenzururu, which the government accused of establishing an army, represents the clearest example of this clash. Following years of trading hostility over issues such as the Rwenzururu's 'area of jurisdiction' (Basiime et al. 2016), the Ugandan military stormed the Rwenzururu palace in 2016, killing over 100 kingdom enthusiasts. The king, who was charged with terrorism and released on bail on the condition that he does not set foot in his territory, complained that he was actually 'under house arrest' in the capital Kampala (Thembo 2019). The confinement of the king gave way to a power struggle in his kingdom between his mother and his ministers, a struggle that ignites my examination of the difference between the fortunes of elite women in traditional institutions versus national leadership spaces.

The *Nyamukama* (Queen Mother), Christine Mukirania, saw in the confinement of the king, Charles Mumbere, an opportunity to intervene and summon the participation of neglected players—'the county leaders, the youth and women'—in shaping the direction of the kingdom and free it from the authoritarianism of her son whom she accused of doing 'his things without consulting us', putting 'trust [in] some of his appointees who in the end misguided him' and turning to witchcraft instead of 'the way of the Bible' (Thawite 2017). Scholars have highlighted the role of women in constituting 'conversible spaces' beyond 'formal structures and elite influenced spaces' in post-conflict state-building conversations (Mwambari, Walsh, and Olonisakin 2021, 477). Disappointed by the confrontational path of the kingdom's leadership, the Queen Mother sought to create an alternative 'conversible space' that would forge a different approach for the Rwenzururu's engagement with the central government. But the Rwenzururu cabinet and other organs dismissed her 'stunt' as 'inconsistent with our culture', a stunt that 'must be treated with contempt that it deserves' (Thawite 2017). To explain the silencing of Christine Mukirania in the name of 'our culture', I examine the persistence of the customary domain as a logic and space distinct from the civil sphere. Unlike the familiar public--private binary, the customary realm and the civil sphere are both 'public' domains. Whereas the civil sphere speaks the language of rights, the customary domain speaks in the name of tradition (Mamdani 1996).

In the customary realm, despotism and patriarchy prevail uncensored by wearing a cloak of tradition. This is not to say that the civil sphere is free from despotism and patriarchy. Researchers have pointed to the 'illusion of female presence' in civil spaces like national parliament (Ebila 2017, 145), showing how the numerical gains of women in leadership have not led to the empowerment of women (Clayton, Josefsson, and Wang 2014, 381; Tamale 2000). Patriarchy, therefore, exists in both the civil sphere and the customary domain albeit

in different manifestations. Still, the civil domain has entertained some democratic practices and extended some rights to certain women, including leadership opportunities in high offices, even if the significance of such developments remains debatable. This is barely the case in the customary realm where democracy is summarily dismissed and male domination reigns undisguised. I am interested in this divergence.

After the foregoing introduction, this article discusses the literature in which it intervenes. Then, it reviews the gender composition of the leadership of Uganda's kingdoms. The article thereafter narrows down to the power struggle between the Queen Mother and the male-dominated organs of the Rwenzururu. Subsequently, to contextualise this contest, I examine the debates in the national legislative assembly in the 1990s around the re-introduction of these traditional authorities. I probe the assumptions that the legislature entertained and their contemporary gender implications. Finally, the article discusses the significance of some few women who have transgressed the binary between the customary domain and the civil sphere.

Beyond the customary domain and the civil sphere

The dominant literature on women and power in Africa has failed to go beyond a certain point because it is constrained by the narrowness of the Neopatrimonialism School in which the said literature is located. The school has surely made important contributions, which I summarise as follows. First, given its focus on personalised power as opposed to institutionalised power, the Neopatrimonialism School has convincingly questioned the assumption that the presence of women in high offices empowers women. Gender, says Ottemoeller (1999, 89), 'has become a political tool for power-seeking politicians', a form of 'symbolic political patronage' at a time of increasing economic and political liberalism when the resources to sustain 'economic patronage' are no longer sufficient (Also: Sylvia Tamale 2000, 11–12; Goetz 1998). In Rwanda, like in Uganda where parliament is constrained by the executive, the huge number of women legislators has not meant that the women have the 'ability to shape their nation's future' (Watkins and Jessee 2020, 95).

Second, the Neopatrimonialism School has been able to show that even in the midst of this authoritarian use and abuse of women's representation, there is still 'a little room to manoeuver' that the 'women's movement' can exploit to its advantage (Tripp 2001, 105). After all, authoritarian governments have realised that 'investing in women's rights can have a stabilizing effect' for the regime 'compared with other available "modernising" options, such as electoral reforms' (Donno and Kreft 2019, 724). In authoritarian Rwanda, 'women MPs can introduce legislation that enhances protections of women's rights and can provide issues for the legislative agenda' (Bauer and Burnet 2013, 110). The mere numerical increase of women in legislative bodies, besides its symbolic significance in building their confidence and normalising their participation in politics, is said to be important in substantive terms as female members of parliament have been found to surpass their male counterparts in prioritising the interests of women (Clayton, Josefsson, and Wang 2017; Wang and Yoon 2018). The extent to which the presence of women in leadership has been normalised, however, remains questionable considering the persistence of 'gendered critiques' and 'gendered accusations' against their work (Watkins and Jessee 2020, 93). Overall, while the presence of women and other marginalised groups in

political office benefits authoritarian regimes (Muriaas and Wang 2012, 311), the same has equally allowed representatives of these groups 'to influence legislation considered important to their constituents' in Uganda (Muriaas and Wang 334), Namibia (Bauer 2004) and elsewhere.

Such debates have surely enlightened the study of women and power in Africa. However, these debates are confined to the discussion of the internal dynamics of the mainstream public—the civil sphere. There is need to broaden the debate and include another public—the customary domain—and especially the structure of power that produces both publics as conjoined twins.[3] A framework like the Neopatrimonialism School that focuses on personalised power cannot see such a structure.

The Neopatrimonialism School, surely, sees the customary domain. Indeed, the customary sphere is commonly criticised for preserving 'unacceptable inequalities of gender, age and lineage status' (Fombad 2014, 476). But much of the scholarship on gender and the customary realm has fallen short of asking how this realm is reproduced as the purported embodiment of African tradition. To pose such a question, one must focus on the structure of the state, not simply the individuals or executive running of the state. Some scholarship on gender and the customary realm has referred to the state, but only in a piecemeal manner because such literature has barely theorised the structure of the state. The consequence of seeing the structure only in a piecemeal manner is that scholars have proposed interventions that reproduce the key categories of the said structure. For example, scholars have called upon 'the courts to interpret customary law in accordance with human rights norms' and 'in such a way that gender equality is advanced' (Ndulo 2011, 92; Fombad 2014, 483; Twinomugisha 2011). This kind of remedy only seeks to make internal reforms of the category (customary domain) created by power without probing the structure that produces the category in the first place. To critique the reproduction of the customary domain is not to support proposals seeking to abolish the customary realm in favour of the civil sphere, another category created by colonial power. It is rather to rethink the entire structure of power, which would involve interrogating the customary domain and the civil sphere as two sides of the same coin in order to overcome both and explore possibilities for the decolonisation of the postcolonial state.

This is what Oyeronke Oyewumi attempts when she goes beyond the search for women's rights and probes the very category *women* as an invention of colonial domination. Oyewumi locates gender problems in the invention of *women* as a distinct and 'identifiable category, defined by their anatomy' (Oyewumi 1997, 124; Amadiume 1987; Bangerezako 2017). This means that one cannot simply champion women's rights without seeking to overcome the political identity 'women' itself. Similarly, to advocate for customary women's rights without probing the customary domain—and by extension the civil sphere—is to scratch the surface.

Oyewumi has probed such categories largely at epistemic level (Oyewumi 2011, 12). Similarly, the decoloniality school has inspired vast literature that emphasises epistemic frameworks in the production of racialised, sexualised and gendered subjects (Mendoza 2016; Yusupova 2023; Bertolt 2018). The shortcoming of the decoloniality school, or at least the ways in which it has been imported and deployed in the study of Africa, is that it conceptualises the problem of colonialism in assimilationist terms. The West, in the eyes of decoloniality thought, is shaping the world after its image (Pillay 2021). This understanding of epistemic colonialism may make sense in the civil sphere, but it seldom applies to the customary domain where colonialism is producing epistemic categories and logics that are

entirely different from Western epistemic frameworks. The customary domain is founded not only on the Eurocentric distinction between the West and non-West, but also on the idea that this distinction has to be preserved. The said preservation stems from the nineteenth-century failure of the British civilising mission in India, which paved the way for the colonial governance of the native according to 'native custom', with custom understood as static and devoid of reasoned change. There is need, according to Suren Pillay, for a conceptualisation of colonialism that focuses not simply on how Western domination produces Western-based universal sameness (assimilation), but also how colonialism produces different subjectivities in the non-West defined in terms of what the West supposedly is not.

This colonial production of African specificity is epistemic and institutional. Knowledge and the state shape each other in a dialectical manner (Sseremba 2023a, Chapter 9). Colonial knowledge categories like *women*, *customary domain* and *civil sphere* are institutionalised in the state and are reproduced not simply through colonised ways of knowing, but also through the institutions of the state. I thus summon the theorist of the postcolonial state, Mamdani, to supplement this discussion. I advance Mamdani's thesis to highlight not only the institutional character of epistemic categories like custom and women, but also the specific character of the African state which shapes differentiated gender subjectivities in different sub-publics.

The idea that the African public is divided into two has precedent in Peter Ekeh's work. Ekeh's publics included the civic public and the primordial public. If the educated Africans looked to the civic public for material advancement, they turned to the primordial public for intangible benefits like identity and psychological satisfaction (Ekeh 1975, 108). Ekeh's primordial public is comparable to Partha Chatterjee's 'inner' domain—culture, caste, religion, etc.—which the anticolonial nationalists create as their own 'domain of sovereignty within colonial society' and guard it from colonial interference (Chatterjee 1993, 6). But whereas Chatterjee's inner domain represents the limits of colonial interference, Ekeh's primordial public, like Mamdani's customary domain, is a product of colonial work even if the agency of the Africans may be important in the accomplishment of this work. If Ekeh emphasises colonial ideology in the production of the two publics, Mamdani stresses colonial state institutions, particularly indirect rule, in the making of these publics.

Mamdani's bifurcated state explains the ways in which the colonial state shaped African societies in order to rule them. The colonial state categorised the population into two units before proceeding to subdivide the second category into infinite sub-units. The first, urban and supposedly cosmopolitan, was the sphere of citizens under the direct administration of the central government. This sphere enjoyed, albeit with internal variations, 'civil freedoms guaranteed to citizens in civil society'. The second, rural and ostensibly free from modern 'contamination', was the domain of the tribespersons under 'a state-enforced customary order' presided over by ethnic despots on behalf of the coloniser (Mamdani 1996, 18). Since every 'tribe' allegedly had its own distinct custom, there emerged 'roughly as many sets of customary laws as there were said to be tribes', each confined to a tribal homeland (Mamdani 22–23). The consequence was two-fold: the creation of binaries between the racially defined urban and the ethnically constituted rural, and, second, between one ethnic group and another. Post-independence reforms attempted to address the racial aspect of the binary but reproduced either 'the division between town and country' or the polarisation between ethnic groups (Mamdani 1996, 26–7).

Tribe—sometimes clan, caste or religion—is the unit of the customary realm. The customary domain is embedded in the state through three institutions that reproduce ethnicity as the basis for political organisation: tribal homeland, customary law and traditional authorities. The postcolonial state assumes that each of its 'indigenous' citizens has an ancestral homeland in a certain part of the country. Ugandan government services like the provision of national identity cards and passports and district quota university scholarships are based on this assumption (Sseremba 2020, 2039). Article 246 of the 1995 Uganda Constitution allows ethnic homeland members to establish a cultural institution and live according to the dictates of their customary law if they desist from prohibited customs. The popularity of such institutions has seen many of them mushroom throughout Africa.

Mamdani did not concern himself with the implication of this bifurcation on gender. In fact, he has been criticised for making no attempt 'to address and integrate the topical issues of patriarchy and sexism' (Ndlovu-Gatsheni 2021, 2). This article addresses this 'gap' in his theory.

To relate Mamdani's theory to gender, I begin by locating this theory in the broader scholarship which studies how modern power politicises 'biological' and 'cultural' differences in order to produce subjects governable in certain ways. These subjects could be racial, sexual, gender, ethnic, religious, and so on. If Mamdani concentrated on ethnic subjects, related scholars examined the making of sexualised and gendered subjects (Foucault 1978; MacKinnon 1982; Oyewumi 1997; Lugone 2010). But there is something unique in Mamdani's conceptualisation of power that would enrich the study of other subjectivities, like gender. His framework not only accounts for the production of difference in the public, but also how this difference is differentiated in different sub-publics. I incorporate gender in Mamdani's ethnic-centred thesis to account for the production not simply of gendered subjects but differentiated gendered subjects in the two sub-publics known as the customary domain and civil sphere.

I am aware of the critiques against Mamdani which include claims that he exaggerates colonial power, that he ignores precolonial precedent and disregards the agency of the Africans in making their own histories (Cooper 2005; Spear 2003). I will say little about such criticism, for Mamdani himself has scoffed at it, describing it as 'an extreme formulation of the 'African agency' argument familiar in Africanist literature'. Whereas, as he acknowledges, 'there was a history of difference in the African and non-Western world before colonialism' and 'a history of privilege', this history lost its complexity in the colonial era as difference and privilege came to be narrowly institutionalised along certain lines, including race and ethnicity (Mamdani 2018, 193–4) and, as other scholars would add, gender.

Women in top kingdom organs

The Rwenzururu has attracted women to important positions, including ministers and royal guards. When the king was detained, he appointed an all-male prime ministerial commission to run the kingdom. But his cabinet had four female ministers, including Sarah Ithungu Baleke (Deputy Minister of Finance, Planning and Economic Development), Florence Kabugho (Royal Protocol and Palace Affairs), Lucy Biira Kabanyoro (Gender, Youth and Community Development), and Naume Mbambu as Deputy Minister of Gender, Youth and Community Development (Atungisa 2017). Alongside the cabinet

was an eight-member Privy Council with one woman, namely, Loyce Bwambale. It is clear that the topmost organ—the prime ministerial committee—had no women at all while the rest of the organs had women in peripheral ministries and deputy positions. The current cabinet, appointed in August 2020, has 5 women out of 16 ministers (Daily Monitor 2020).

Neighbouring Toro Kingdom has three women in its cabinet of 20 members, including First Deputy Prime Minister, Harriet Nyakake Abwooli, Kateeba Polly Acaali (Lands) and Katu Joan Else Adyeri for Tourism (Irumba 2019). While Busoga Kingdom had eight women out of 35 cabinet members appointed in 2016 (Eagle Eye 2016). Buganda Kingdom has two women in its cabinet of 14 members. These are Prosperous Nakindu Kavuma (Education, Health and Development) and Mariam Nkalubo Mayanja of Lands and Agriculture (The Kingdom of Buganda n.d.).

In the civil state, the cabinet has women as Vice President, Speaker of Parliament, Prime Minister, First Deputy Prime Minister, and Minister of Health (Parliament of the Republic of Uganda 2021). Women constitute 43% of the Uganda cabinet appointed in 2021. Women also 'hold 46% of local government positions, 33% of parliamentary seats' (Tripp 2021). Besides, 'three deputy prime ministers are also women, with key ministries like education, energy and mineral resources, lands, communication, science, and technology now being chaired by female ministers'. Recently, 'the president appointed four more women…as inspector general of government…army spokeswoman…chairwoman of human rights commission' (Olukya 2021). The situation is similar in neighbouring countries and beyond. Rwanda, for instance, 'has become a beacon for women's empowerment', with women constituting the majority in parliament (Watkins and Jessee 2020, 84). These women—and of course the men in similar offices—may not be as powerful as their titles suggest considering the uneven distribution of power in authoritarian settings. But women can still occupy top offices, if largely nominally, something that is barely noticeable in traditional institutions.

One may say with regard to traditional institutions that there are powerful women outside of the formal structures—the Queen Mother, Queen Sister, etcetera—who have a strong say in the management of these kingdoms. The legislators in the national assembly who provided for kingdom restoration entertained this assumption, which is derived from the precolonial organisation of the kingdoms. But the contemporary kingdoms have little in common with their precolonial predecessors. Whereas titles like Queen Mother and Queen Sister have remained, they do not mean much in the organisation of these institutions, as the humiliation of the Rwenzururu Queen Mother shows. Elite women continue to have public roles, but these roles largely fall within a sub-domain reserved for women. Consider the roles for which the *Nabagereka*, or Queen, of Buganda is best known in her *ekisakaate* programme established 'to inculcate cultural norms into children' (Bindhe 2014). The Buganda Land Board has been accused of grabbing the land of the Namasole (Queen Mother) in what demonstrates the contempt with which modern traditional authorities treat what were once restraining centres of power like the Namasole. In Ghana, where the constitution recognises 'the queen mother as a chief' in her own right (Odame 2014, 381), the 'critical roles of traditional women leaders' in the Kaleo Traditional Area 'include mobilising other women for communal labour, embarking on income generating activities e.g. brewing pito, soap making etc, organising women group meeting for development, giving civic education/information dissemination, sensitising women to fight for their rights, organising women to access credit facility and educating

women on child and maternal health' (Odame 2014, 390). These are public roles, but they belong to a sub-domain designated for women. I will discuss some exceptions. But first, let us look at the main menu.

The Queen Mother storm

When Rwenzururu King, Charles Mumbere, was confined, he installed an all-male prime ministerial commission to run the kingdom. But some people did not think that Mumbere's hand-picked officials should monopolise power in a manner that would potentially exacerbate the problems of the kingdom. Mumbere's mother saw in his absence an opportunity to intervene and steer the kingdom in what she considered to be a less turbulent direction. She organised a number of meetings involving sidelined groups, like the elders and women, in 2017 to discuss the way forward. She said:

> I have called these meetings because we need to keep the kingdom running…the prime ministerial commission…cannot manage alone. I now want to engage the elders, especially the county leaders, the youth and women to have a joint voice to engage the government… I am very concerned about the future of the kingdom (Thembo 2017).

The Queen Mother said that her only motive was 'to guide the people on how together we can revive the kingdom since it is now disorganised following the attacks' (Thembo 2017). But King Mumbere's ministers gathered against her, dismissed her campaign and accused her of trying to seize the kingship. The Cabinet, Privy Council and other unelected organs jointly said, 'We vehemently disassociate ourselves from the schemes being mooted by Nyamukama (Queen Mother) Christine Mukirania to purportedly take over the Obusinga Bwa Rwenzururu'. They added that her 'stunt is inconsistent with our culture and must be ignored' (Thawite 2017). Her intervention was delegitimized as a violation of tradition. To reign in the customary domain without accountability, traditional authorities invoke 'culture' and 'tradition'. This has allowed authorities in such kingdoms as Buganda to grab land that belonged to the clans and queen mothers and get away with it (*Daily Monitor* 2018).

The Rwenzururu gives the king great powers to appoint leaders and define custom. 'The Prime Minister, Speaker; Minister and other Top leaders shall be appointed by the King', says the Constitution (The Rwenzururu Kingdom n.d., art. 16, sect. 3). The king also appoints Cabinet, Privy Council and House of Representatives. Other lower positions like county chiefs are also appointed rather that elected (The Rwenzururu Kingdom n.d., art. 18, sect. 2). Elections are provided for only for lower organs like 'cultural and customary Councils' (The Rwenzururu Kingdom n.d., art. 19, sect. 6). This means that the king, like other cultural leaders, appoints the representatives of the people in his government. The king does not appoint ridge leaders and county chiefs. These are appointed by the minister of native administration. But the minister of native administration is himself appointed by the king. This kind of setup does not seem to leave much room for accountability.

It is only when it comes to determining the clan leaders that the people seem to be involved. But the clan leaders have long been rendered redundant beginning with the colonial era when power was concentrated in the hands of 'the supreme chief' in Toro (Government of Uganda 1935, 1419–22) from which the Rwenzururu seceded. Like the Toro Native Authority of the colonial era, the Rwenzururu Kingdom has little time for public answerability. The undisguised dictatorship that is frowned upon in the civil sphere is the norm in the

customary domain. Not all contemporary African traditional rulers, however, are beyond public answerability. In 2003, a community meeting dethroned the traditional ruler of Ode-Ekiti in Nigeria for poor performance (Ayittey 2010, 1197). Chiefs in Ghana have also been punished in recent times for corruption and other offences, including one who in 1996 'was instantly dethroned by his subjects after he shockingly insulted them' when they demanded accountability for funds he had reportedly misappropriated (Ghanaweb 1996). Such incidents, though rare, represent hope for breaking out of the despotic legacy of colonialism.

Even the Rwenzururu had taken some democratic steps as a separatist 'state' when it created popular assemblies and allowed women to participate in village discussions on food security (Mamdani 1996, 206). But this democracy was not reproduced in the current kingdom. The contest between the Queen Mother and King Mumbere's ministers reflects the fate of royal women who were once powerful in the affairs of precolonial kingdoms. It also exposed the absence of checks within the Rwenzururu that could restrain the king and his ministers. Christine Mukirania had possibly heard about the influence of precolonial African queen mothers who restrained their reigning sons and daughters. To convince the people that her political role was consistent with Bakonzo custom, she turned to the past to find precedent, real or imagined. 'Those who think I want to overthrow my son do not know that this will be the fourth time I'm taking leadership since the kingdom was founded in the 1960s', she said, and then elaborated:

> The first time was when king Isaya Mukirania died. I worked with the prime minister…to take the kingdom forward. He later moved on to other things and I continued with work until a regent was put in place to mentor Mumbere since he was just 10 years old. Mumbere then took over full control of the kingdom at the age of 18. But he soon left the bush after agreeing a peace deal with government. I remained in charge, working with the fighters to move the kingdom agenda ahead. The commander of those fighters…was the late Kinyamusithu…at some point one of the key fighters advised him [Kinyamusithu] to take over the throne towards the end of 1982 and he did so hence deposing me from the mountains…I continued chairing meetings to find ways of saving the throne from Kinyamusithu. He later used his intelligence to arrest me before parading me in his court… I was released after no witnesses pinned me. Thereafter, I continued keeping Mumbere's royal robe and crown until he returned to be recognised as king by the current government (Thembo 2017).

Here the Queen Mother refers to the breakaway Rwenzururu 'state' that the Bakonzo, led by her husband Isaya Mukirania, had established in the mountains as part of their rebellion. Women had played a role in this conflict, reportedly smuggling machetes in baskets. They also likely participated in composing and singing protest songs (Cooke and Doornbos 1982, 41). The Queen Mother saw in the history of the Rwenzururu precedent to support her quest for steering the kingdom at the moment of crisis. But the guardians of custom saw her as an imposter and transgressor of tradition. The ministers dismissed the Queen Mother's historical account and regarded her like any other woman who needs to be looked after. 'Before [King] Mukirania died, he instructed us to look after Christine', said Paul Rwibende, who had fought alongside the Rwenzururu founder, Isaya Mukirania. 'I am surprised to hear her claiming that she too was a leader of the Obusinga. She must never assume powers she does not deserve' (Thawite 2017).

The Rwenzururu generally has a domain for women reflected in its Constitution, which describes women as the 'pillars and base of all families' with 'unique status and natural maternal functions in Society'. The cardinal role of women, according to the kingdom, is to nurture

'the children into moral upright subjects of the kingdom and citizens of the country' (The First Historical Edition n.d, 18). By summoning women and other sidelined groups to take part in deciding the direction of the kingdom, Christine transgressed this domain. The women's domain also exists in different forms in the civil sphere of many parts of Africa where feminist campaigns have fallen short of historicising and interrogating the epistemic and institutional category *women*. Thus, one often hears of women's wings in political parties, women Members of Parliament, women's affairs, and so on. These are different forms of compartmentalising and reproducing *women* as a political identity. No wonder that even in the civil sphere, elite women are widely expected to concentrate on roles best suited for them like 'promoting health and well-being, overseeing diplomacy, and managing public affairs', as has been said of Rwanda (Watkins and Jessee 2020, 95).

In the customary sphere, the containerisation of women takes the form of tradition. Christine is accused of violating tradition and deviating from custom. The same authority—tradition—is rarely invoked in the civil domain, patriarchal as it may be, to prevent anyone, woman or man, from having a say in politics (only homosexuals have been rejected in the civil sphere in the name of tradition). It is on the basis of rights that many women have assumed key offices in the civil sphere. In the traditional institutions, even the nominal representation of women is limited. In Botswana, customary courts have been faulted for not having women judges (Fombad 2014, 481). To trace the gender implications of the reproduction of the colonial distinction between the civil sphere and the customary domain, I turn to the assumptions of the legislators who reinvented the cultural institutions in the 1990s.

The reproduction of the bifurcation

Aware of the price that former President Obote paid for abolishing the kingdoms, the new Ugandan President Museveni saw it was useful to restore them. Accordingly, a bill on the restoration of cultural institutions was introduced in the national assembly in 1993, igniting debate on several issues, including the place of women in these institutions. Loyce Bwambale, Deputy Minister for Women in Development, Culture and Youth, wondered why in 'this Bill … they only talk about a he, a he'. Whereas some legislators ridiculed her (Hansard (Parliamentary Debates) 1994, 112), Ms. Bwambale, who would later become Acting Prime Minister of the Rwenzururu, stuck to her guns and warned that 'if the women are not going to be considered…that means that half of the population will perpetually be excluded from the leadership'.

A few legislators joined Bwambale to press for the inclusion of a gender clause in the Bill. Some referred implicitly to tradition to doubt the possibility of a female traditional ruler. 'I would like to inform the hon. deputy minister that members here are saying in Uganda, there will never be a woman king', said Mary Oker. 'So, I do not see any reason why we should waste our time as women sitting here'. Other legislators, also relying on tradition, dispelled the fears of Bwambale and Oker, citing precolonial examples of female rulers to argue that the traditional institutions they sought to create would accommodate women. 'I would like to inform the deputy minister and the House that in the Banyoro history there was once a queen called Kasamba who shared the throne with her husband', said Adoko Nekyon. 'So, it is not true to say that there will never be a queen in Uganda'. Rwabyomere, the woman

representing Kabarole, joined Nekyon to argue that tradition involved women's participation in leadership, citing examples from Toro.

Legislators like Nekyon and Rwabyomere assumed that the cultural institutions being created were similar to the precolonial governments in which elite women played major roles. In precolonial Buganda, for instance, 'the three people who could be addressed as *kabaka*, or king, two were women, the queen mother and the queen sister' (Schiller 1990, 455). Similarly, in precolonial Rwanda, the position of *Umugabekazi*, or Queen Mother, was equal to that of the king, and some women continued playing major public and political roles until the colonial era when they were almost completely excluded (Watkins and Jessee 2020, 87). These women, as Jennifer Weir (2000 7–9) says of the eighteenth/nineteenth-century Zulu princess Mkabayi kaJama, were 'very significant' players, 'possessing independent power' that 'extended far beyond the household and was not dependent on men'. Whereas the existence of such powerful 'royal women' does not rule out 'low-intensity' patriarchy in precolonial society (Segato and Monque 2021; Musisi 1991), it complicates the blanket assumption that the status of women was generally low (Ezeigbo 1990). Besides being part of the executive, women in precolonial western Uganda are known to have dominated certain areas like the *kubandwa* spiritual affairs (Berger 1995). At a time when power was diffused as opposed to being monopolised by the executive, women in spiritual leadership exercised political leadership comparable to that provided by the executive (Doyle 2007, 560; Kodesh 2007). It is this picture of precolonial tradition that the legislators in the 1990s had in mind when they assumed that the kingdoms they sought to restore 'naturally' had sufficient space for female leaders.

The legislators did not consider the change in recent history as tradition underwent colonisation. They thought that to restore the kingdoms was to restore precolonial tradition, paying no attention to the damage that colonial rule had inflicted on tradition. This is where I locate the beginning of the contemporary gender impasse in the traditional authorities: the legislative assembly did not historicise the customary domain to see the difference between the precolonial and the colonial periods. The colonialists created a separate domain for custom, tribalising it and stamping it with despotism and patriarchy (Mamdani 1996; Sseremba 2023b). By restoring such institutions as a traditional entity, the legislators carried forward the legacy of colonial rule. Some legislators actually warned that the institutions being restored were far from traditional. For example, Byaruhanga, representing Kitagwenda County, dismissed the bill on the grounds that the things called traditional culture are colonial-rooted. He said:

> [W]hen the Bazungu [i.e. Europeans] came…we had the 1900 agreement. The 1900 agreement created a feudal system…This was not part of Buganda Culture. Then the Missionaries came in and created super clans – the clan of the Protestants, the Clan of the Catholics and the Clan of the Moslems and then they told the Baganda that the Kabaka [i.e. king] must always belong to the Protestants…The assault on Buganda…traditions continued. We had the 1955 agreement, we had the 1961 Constitutional Conference and then the 1966 crisis and even this one, and this 1993 Bill is actually an assault on Buganda Culture (*Laughter*) (Hansard (Parliamentary Debates) 1994, 89–91).

By dismissing the assumption that culture represented ancestral ways passed down from generation to generation, Byaruhanga challenged the foundation on which the Bill rested. But his warning fell on deaf ears because the government had yielded to the popular demand

for the restoration of the kingdoms (Sseremba 2020, 2038). Accordingly, the Bill prevailed and the binary between the civil sphere and the customary domain was reproduced in the new constitution. It is in the context of this bifurcation that the limited gains of women in traditional institutions make sense. When Christine Mukirania summoned women to have a say in the direction of the kingdom, tradition was invoked to censure her. There are exceptions to which I now turn.

Breaching the bifurcation

The distinction between the civil sphere and the customary domain dissolves in the face of exceptional women who excel on either side. A case in point is the Toro Queen because of the unique recent history of Toro. Toro King Oyo Rukidi IV inherited the throne at the age of three following the death of his father in 1995, leaving the management of the kingdom in the hands of regents and his mother Queen Best Kemigisa (The African Royal Families n.d.). Queen Kemigisa has been at the centre of Toro kingdom for the past 25 years. In what points to the great power she holds, she has been accused of sidelining other royals, grabbing their land and the land hosting cultural sites (NTV Uganda 2018). Her 'friendship' with former Libyan leader Muammar Gadhafi, who was associated with generosity in Toro, could have only emboldened her. For women like her, there is no distinction between the civil realm and the customary sphere when it comes to amassing power. There are also women who have served in key positions in the Rwenzururu, including Loyce Bwambale who was once Acting Prime Minister. She has excelled both in her kingdom and in national politics, serving as a minister in the central government. Florence Nakiwala Kiyingi, likewise, served as minister in both the central government and the kingdom of Buganda. Elsewhere in South Africa's Zulu Kingdom, a recent incident points to the immense influence that royal women can still exercise. When the Zulu king Zwelithini kaBhekuzulu died in March 2021, his will appointed one of his wives, Queen Mantfombi Dlamini Zulu, as regent. Following Queen Mantfombi's death less than two months later, her will named her son, Misuzulu kaZwelithini, as King under controversial circumstances that led to court battles. Whereas the appointment of a woman as regent was seen as a surprise, it demonstrated that women are still important players in traditional kingdoms.

The second point to note in destabilising the distinction between the civil realm and the customary sphere arises from the shrinking of the customary domain, especially customary land, in the face of capitalist developments. These include 'the large-scale dispossession of the local population of its land' to create national parks, game reserves and commercial enterprises in the Rwenzori area (Sseremba 2020, 2031). Such land grabbing has not only destabilised ethnic and clan solidarities, but it has also encouraged commercialisation and eroded the binary between market-based land and customary land. Relatedly, attempts are being mounted to reinterpret customary law in a manner that adheres to universalist human rights principles that include gender equality (Mnisi and Claassens 2009; Fombad 2014; Ndulo 2011), potentially further weakening the binary between the two spheres. Yet, it would be wishful thinking to imagine that the distinction between the civil sphere and the customary domain has vanished. In norther Uganda, for instance, the persistence of the customary domain is exemplified in the firm clan resistance to the marketization of land (Odur 2022).

Conclusion

It would be a mistake to approach the distinction between the customary domain and the civil sphere in rigid terms. In both spheres, patriarchy remains entrenched. Yet, patriarchy assumes different forms as one moves across these domains. If the civil sphere claims to question male domination and even goes further to place many women in important offices, the customary domain makes little pretence in that direction. This is a notable symbolism—which may sometimes translate into substantive—difference. Excavating rarely analysed Ugandan parliamentary debates on gender and traditional institutions as well as hitherto unknown records of internal kingdom contestations, the article has broadened Mamdani's theory of the bifurcated state to make sense of disparities in women's representation between the two publics while taking note of grey areas. The study of African politics needs to overcome its assumption that the African state is more or less the executive in order to see how the structure of the state shapes politics.

Disclosure statement

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Notes on contributor

Yahya Sseremba is a research fellow at Makerere Institute of Social Research, Makerere University. His research focuses on political thought, political identity, and political violence. His latest book is *America and the Production of Islamic Truth in Uganda*.

Notes

1. I use interchangeably the terms kingdoms, cultural institutions, traditional institutions and ethnic institutions. In Uganda, the kingdoms are created in the name of ethnic groups. Second, the kingdoms are required to focus on the "culture" (as opposed to "politics") of their respective ethnic groups even if not all cultural institutions have kings. Third, the kingdoms are said to be the embodiment of African "tradition" (Golooba-Mutebi 2011; Sseremba 2020).
2. I summon historical and empirical data from kingdom documents like the constitutions, magazines and websites; national newspapers; Uganda parliamentary records, among others.
3. The customary domain has nothing to do with the concept of the 'hidden public' that Linda Beck (2003, p. 149) formulates to mean a system of patronage networks that lead to an uneven, male-privileging contest in the open public. Rather, the customary domain is itself an open public existing alongside the civil sphere.

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