

Ubushingantahe as a Field of Power: Social Legitimacy and the Historical Struggle for Politico-Institutional Power in Burundi

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Abstract

The institution of ubushingantahe played a central role in precolonial Burundi as a source of political legitimacy, social cohesion, and conflict resolution. Through their moral and judicial authority, the bashingantahe contributed to the stability of the monarchy and the regulation of social relations. Colonial rule (1896–1962) profoundly transformed this institution by replacing traditional authorities with Western-trained administrative and religious elites, thereby reshaping the foundations of political legitimacy. After independence, the UPRONA one-party regimes instrumentalized ubushingantahe for political legitimization, undermining its core values and weakening its social credibility through politicization and exclusion. During the democratization of the 1990s, the institution became increasingly contested, culminating in its partial reconfiguration through the creation of the bahuza in 2021. Using a qualitative socio-historical approach, this study examines the historical evolution, political transformations, and contemporary significance of ubushingantahe in Burundi.

Résumé

L'ubushingantahe constitue une institution majeure de l'histoire politique et sociale du Burundi précolonial. Pilier de la légitimité monarchique, elle assurait la régulation des conflits, la cohésion sociale et la production de l'autorité politique grâce à l'action des bashingantahe, investis d'une autorité morale et judiciaire. Les administrations coloniales allemande et belge marginalisèrent progressivement cette institution au profit d'élites administratives et religieuses formées aux normes occidentales, redéfinissant ainsi les fondements de la légitimité politique. Après l'indépendance, les régimes du parti unique UPRONA instrumentalisèrent l'ubushingantahe à des fins de légitimation politique, favorisant sa politisation et son

affaiblissement. Les réformes démocratiques des années 1990 conduisirent finalement à sa reconfiguration, consacrée en 2021 par la création des bahuza. Fondée sur une approche qualitative socio-historique, cette étude analyse les transformations de l'ubushingantahe et leur portée dans le Burundi contemporain.

1. Ubushingantahe: the moral and political foundation of the Burundian monarchy

Beyond its function as a mechanism of social regulation, *ubushingantahe* constituted a key instrument for legitimising the precolonial Burundian monarchy. By promoting the values of justice, wisdom, and moral authority, it contributed to strengthening the authority of the *mwami* and ensuring the stability of the kingdom.

1.1. Ubushingantahe: a pillar of governance and social cohesion in precolonial Burundi

Ubushingantahe is one of the most emblematic institutions of precolonial Burundian society. A genuine framework for social regulation, mediation, and moral authority, it long embodied the ideal of just governance and harmonious coexistence within local communities. To fully grasp its significance, it is first necessary to clarify its etymological meaning and modes of operation.

According to Ntahombaye et al. (1999), the concept of *ubushingantahe* is composed of two complementary terms: *gushinga*, meaning “to plant”, “to fix”, “to establish”, or “to settle”, and *intahe*, literally the “staff of wisdom”, that is, a carved wooden staff made from *erythrina* (*umurinzi*) or *figus* (*umumanda*), two species traditionally regarded as sacred. As a symbol of moral authority and discernment, the *intahe* was carried by the *bashingantahe*, who were expected to embody the highest social virtues: integrity, impartiality, truthfulness, a strong sense of justice, and exemplary moral conduct. The term

ubushingantahe thus refers both to this set of virtues and to the institution responsible for promoting and sustaining them.

Access to the status of *mushingantahe* followed a rigorous process of selection and social recognition (Ndayishinguje, 1996). Candidates first underwent a probationary stage as *umuganantahe* (aspirant), during which their behaviour was carefully observed by appointed elders and by the wider community. Only after a favourable assessment by their mentor (*umuhetsi*) and other *bashingantahe* could they be publicly invested, provided they had demonstrated proven maturity and conduct aligned with the core values of Burundian culture. Other pathways into the institution also existed. Certain servants of the royal or princely court—warriors, cooks (*abakevyi*), milkers (*abakamyi*), or holders of other prestigious functions—could be elevated to the rank of *bashingantahe* in recognition of their skills and service. In addition, sons of prominent *bashingantahe* could symbolically inherit their father's *intahe* through a co-optation ceremony known as *koza ubwato bwa se*.

Whatever the route of entry, investiture (*kwatira*) involved a solemn ceremony held on the candidate's hill of residence. This celebration brought together not only the assembly of *bashingantahe* but also the entire local community—men, women, and youth. The event publicly affirmed the social recognition of the newly appointed member and formalised their integration into the order of elders. Thomas Laely provides a particularly illuminating description: "*The newly initiated had to take an oath and thus, as expressed in metaphorical language, swallow the 'small stone of true men' (kumira akabuye k'abagabo). This was, in a sense, a symbol of the irreversibility both of the step taken and of the commitment to assume the responsibilities that followed. [...] This ceremony sealed and formalised the agreement and bond between the new Mushingantahe and his community, the community's acceptance*

of his new status, which henceforth made him its spokesperson, representative, and primary legal and moral authority. Any opposition, from whatever source, would immediately have halted the investiture" (Laely, 1992, p. 82).

This ceremony highlights a fundamental dimension of the institution: the legitimacy of the *mushingantahe* derived both from recognition by peers and from the explicit acceptance of the community he was called to serve.

It is also important to note the semantic proximity between the concepts of *umushingantahe* and *umugabo*. Ritual expressions associated with investiture, such as *intahe y'ubugabo* ("staff of wisdom") or *kumira akabuye k'abagabo* ("to swallow the small stone of true men"), as well as numerous proverbs used during ceremonies, reflect this synonymy. This overlap is also evident in the Burundian national anthem, *Burundi Bwacu*, where the term *umugabo* repeatedly appears to denote an ideal of integrity and civic responsibility. Notably, no Kirundi proverb refers to the term *mushingantahe*, whereas *umugabo* is ubiquitous. In this sense, the *intahe y'ubugabo* refers to a form of wisdom whose moral and civic dimensions encompass both *ubushingantahe* and *ubugabo*. Within Burundian society, the *bashingantahe* performed multiple functions that made them central actors in communal life. Their primary role was that of peace mediators. Tasked with hearing and resolving disputes of all kinds, they favoured a conciliatory form of justice aimed at restoring social relations rather than imposing punitive sanctions. This approach encouraged voluntary acceptance of decisions and reinforced community cohesion.

The *bashingantahe* also fulfilled functions comparable to those of notaries. As privileged witnesses to important transactions—sales of property, cattle transfers, land boundaries, inheritances, or wills—they ensured the legal security of agreements between individuals. Their deep knowledge of families and property

relations granted them unquestioned authority in these matters. In addition, they performed duties akin to civil registry officials. Present at key family events—marriages, bridewealth transfers, mourning ceremonies, and other rites of passage—they socially validated unions and preserved their collective memory. Consequently, inheritance and marital disputes naturally fell under their jurisdiction. As Christine Deslauriers summarises: *“They played a key role in resolving local conflicts and ensured order and peace in the community they represented before the mwami (king) and the chiefs whose power they regulated”* (Deslauriers, 2003, p. 77). The institution thus constituted a powerful factor of social and political integration. Because *bashingantahe* were recruited from all clans (*imiryango*), it in principle transcended lineage affiliations and brought together members of different segments of Burundian society—Hutu, Tutsi, and Ganwa. As such, *ubushingantahe* appears as one of the major historical vectors of national cohesion.

However, this inclusive dimension should not obscure certain forms of exclusion that limited access to the institution. Socially disadvantaged groups were often excluded due to the high costs associated with ceremonies and the obligations of sociability required throughout the investiture process. Candidates were expected to demonstrate their capacity to properly host the elders responsible for assessing their application, which required significant material resources. Women were also excluded on the grounds that they would be unable to maintain the confidentiality of deliberations. This justification has long been contested. As Deslauriers notes: *“Women, who were never allowed to hold the intahe staff due to their alleged indiscretion, have long demanded inclusion in the order of elders, pointing out that bashingantahe often suspended their deliberations to consult their wives”* (Deslauriers, 2003, p. 92). Finally, the Batwa remained largely excluded, reflecting their broader marginalisation in traditional society.

In conclusion, *ubushingantahe* occupied such a central place in Burundian social organisation that the values it embodied—truth, impartiality, moral integrity, and peaceful conflict resolution—came to define the archetype of the “sage” itself. The immense prestige attached to this institution explains why most adult men aspired to join the order of the *bashingantahe*. However, the strictness of admission criteria and the requirement of community recognition meant that this distinction remained a privilege reserved for a carefully selected minority.

1.2. Governing through virtue: ubushingantahe as the foundation of precolonial monarchical legitimacy

To the extent that *ubushingantahe* permeated nearly all institutions of the precolonial kingdom and operated at every level of the politico-administrative hierarchy, it constituted a key mechanism for legitimising monarchical power. This function can be understood through at least three complementary dimensions.

First, *ubushingantahe* contributed to the symbolic sacralisation of royal authority in everyday social interactions. When speaking in public, *bashingantahe* traditionally opened their interventions with the formula “Tugire Ntare” (“*May we have Ntare*”), referring to the dynastic name of the reigning sovereign. This invocation immediately commanded silence and attention from the audience. Whether in private ceremonies—marriages, bridewealth negotiations, mourning rituals—or in public events such as dispute settlements, investiture ceremonies of *bashingantahe*, or visits by territorial authorities, *bashingantahe* acted and spoke in the name of the *mwami*. Through this continuous discursive presence of the monarchy in everyday life, across the entire territory and among all social categories, *ubushingantahe* contributed to the diffusion and consolidation of royal legitimacy.

Second, the institution occupied a central position within the politico-administrative architecture of the kingdom. According to the nineteenth-century hierarchical model of Burundian political organisation proposed by Mworoha et al. (1987, p. 226), *bashingantahe* formed the normative foundation upon which monarchical authority rested. As “arbitral authorities”, they maintained direct contact with the *banyagihugu* (subjects of the kingdom), from whom they themselves originated, and performed various functions of mediation, social supervision, and conflict regulation. The higher levels of administration—including the *ivyariho* (delegates of chiefs), *baganwa* (princely chiefs), *inkebe* (Hutu or Tutsi chiefs), *bishikira* (managers of royal estates), and *banyamabanga* (holders of ritual offices)—were themselves expected to embody the values of *ubushingantahe*. This logic culminated at the apex of the state, since the *mwami* was also socialised into the moral and political principles associated with the institution and was expected to embody its ideal.

Third, *ubushingantahe* played a major role in the kingdom’s politico-religious ceremonies, particularly during the *umuganuro*. Held annually in December under the direction of the *baganuza* (ritual specialists), this harvest festival constituted both a sacred rite and a major political event (Bahenduzi, 1991). Symbolically, the *mwami* “gave the year” (*kurya umwaka*) to the population, represented notably by the *baganwa*, *ivyariho*, and senior *bashingantahe*. For several weeks, participants shared food and drink in a setting that reaffirmed their belonging to a single political community. In collective representations, the *umuganuro* was associated with royal blessing and was believed to ensure human and animal fertility, agricultural abundance, and peace throughout the kingdom.

Upon returning to their respective localities, *bashingantahe* disseminated accounts of the ceremonies in which they had

participated, thereby strengthening the ties between the population and the monarchical institution. The *umuganuro* also fulfilled a more directly political function linked to governance. By bringing together the principal holders of authority—*baganwa*, *bishikira*, *banyamabanga*, and other dignitaries—it provided a privileged space for assessing the kingdom's political, economic, and social situation. Discussions could lead to administrative adjustments, including the removal of unpopular officials. Such measures helped maintain subjects' confidence in central authority and, consequently, reinforced the sovereign's legitimacy. In this way, *ubushingantahe* appeared as one of the principal foundations of collective adherence to the monarchical order. Its social embeddedness transcended clan, status, and territorial affiliations, thereby fostering widespread identification with its values. Historical sources further highlight the considerable prestige enjoyed by the institution. Some traditions even report that the *mwami* himself could submit to the arbitration of the *bashingantahe*. The land dispute between King Mwezi Gisabo and his neighbour Murima is often cited in this regard. According to Nsanze (1980, pp. 17–18), the *bashingantahe* ruled in favour of Murima after establishing that the royal court's *incoreke* had extended manure beyond the limits of the royal domain, thereby encroaching upon the contested property.

However, a critical analysis calls for a more nuanced reading of this image of an institution capable of regulating all relations of power within the kingdom. Studies on *ubushingantahe* rarely address the domains that lay beyond its effective jurisdiction, particularly dynastic rivalries and court intrigues. The massacre of the Bavubikiro illustrates the limits of its regulatory authority (Nsanze, 1980). Following the conflict between Mutaga Mbikije and his half-brother Bangura, who was mortally wounded after courting Ngezahayo, the king's wife, the queen mother—Bangura's mother—and her supporters had the young monarch

assassinated before targeting members of the Bavubikiro clan, accused of bringing misfortune upon the kingdom. Similarly, practices of *kunyaga* (expropriation) directed against individuals in conflict with the *baganwa* or the *mwami* often reflected political logics rather than ordinary judicial processes. These cases show that matters directly involving centres of power largely escaped the authority of the *bashingantahe*. Their field of intervention primarily concerned local conflicts and community-level regulation, whereas highly politicised issues were handled in separate decision-making spheres. The institution's regulatory capacity, though real, was therefore circumscribed by the power relations inherent in monarchical rule.

In conclusion, *ubushingantahe* constituted one of the principal instruments for legitimising the precolonial monarchy. On the one hand, the main agents of royal authority were recruited from among its members or were required to embody its values. On the other hand, everyday practices of social mediation, mechanisms of conflict resolution, and major collective ceremonies such as the *umuganuro* contributed to disseminating a positive image of monarchical power. This articulation between political authority, social regulation, and moral legitimacy largely explains the enduring appropriation of the institution by Burundian societies.

2. From customary authority to an instrument of power: trajectories of destruction and instrumentalization of *ubushingantahe*

Since the establishment of Belgian colonial rule, the institution of *ubushingantahe* has been progressively undermined in favour of structures more conducive to the interests of the new colonial power, particularly auxiliary institutions linked to the Catholic Church and the colonial administration. Rather than being

restored at independence, it was subsequently instrumentalized by self-proclaimed military regimes following coups d'état, with the aim of securing the support of rural populations.

2.1. The progressive dismantling of *ubushingantahe* under Belgian colonial administration

Following the integration of Ruanda-Urundi into the Belgian Congo in the aftermath of the Second World War, the Belgian colonial administration extended to Rwanda and Burundi the judicial system in force in the Congo. This institutional reconfiguration profoundly eroded the foundations of *ubushingantahe*, whose normative and social substance was gradually emptied of its content (Gahama, 2001). According to J. Gahama, this process of institutional disarticulation unfolded in three main phases.

(i) *The restructuring of the judicial system and the marginalization of *bashingantahe** : The first phase was marked by a reorganization of the judicial system through the introduction of three levels of so-called “customary” courts, which were in reality designed to strengthen colonial control at the expense of traditional institutions. At the first level, the chief’s court granted the chief almost exclusive decision-making authority. The *bashingantahe* retained only a purely consultative role, breaking with the autonomous judicial authority they had enjoyed in the precolonial era. This transformation is reflected in the administrative translation of *mushingantahe* as “assessor,” illustrating their downgraded institutional status (Gahama, 2001).

At the second level, the territorial court was presided over by a colonial administrator or one of his agents, assisted by assessors appointed by the *mwami* from among local chiefs. At the highest level, the *mwami*’s court was formally presided over by the monarch, assisted by senior *baganwa* selected as assessors.

However, this judicial architecture remained strictly controlled by the colonial administration. So-called “indigenous” authorities increasingly performed only symbolic functions. On the one hand, the *bashingantahe* lost their traditional monopoly over judicial legitimacy. On the other hand, chiefs and notables sitting in higher courts were no longer necessarily drawn from the *ubushingantahe* institution, unlike in the precolonial period.

Moreover, the appointment of chiefs by the *mwami* itself was subject to strict colonial oversight. Legislative ordinance of 5 October 1943 illustrates this institutional subordination by stating that “the Resident and his deputy may, as of right, preside over all territorial courts.” Furthermore, the *mwami* himself was deprived of his status as supreme judge, since “the Resident may, as of right, preside over the *mwami*’s court; in such cases, the *mwami* may sit as an assessor.” This provision effectively reduced traditional authorities, including the sovereign, to the status of mere auxiliaries within the colonial administrative apparatus.

(ii) *The establishment of a coercive administrative regime and the normalization of violence* :The second phase of the dismantling of *ubushingantahe* lay in the establishment of a highly authoritarian administrative system based on the mass mobilization of able-bodied adult males (*HAV*, retaining the acronym commonly used in French) for forced labour. The population was systematically compelled to carry out public works such as road construction, administrative and religious infrastructure (offices, mission schools and chapels), as well as agricultural development through cash crops (coffee, cotton, tea) and subsistence crops (cassava, sweet potato). In this context, the colonial administration relied on coercive mechanisms, notably the systematic use of the *chicotte*, to suppress any form of resistance. Under administrative pressure, chiefs and sub-chiefs were compelled to ensure productivity and discipline

among the population, under threat of financial penalties or salary deductions (Gahama, 2001). This dynamic led to the widespread diffusion of violent punitive practices at the local level. As Gahama notes, “the use of the ‘chicotte’ (*ikimoko*) became generalized for any reason as a means of intimidation, in order to reduce the population to complete obedience. Sub-chiefs and chiefs quickly learned to use it like their new masters, the Europeans. The ease with which blows were administered suggests that the natives were scarcely regarded as better than cattle” (Gahama, 2001, p. 308).

In this institutionalized context of coercion, the *bashingantahe* themselves were not spared corporal punishment, sometimes inflicted publicly, even in the presence of their families. This normalization of violence contributed to the erosion of the social prestige associated with *ubushingantahe*, which was gradually stripped of its moral authority and traditional communal recognition.

(iii) *The gradual substitution of Catholic religious authorities for the bashingantahe* : The third phase of this process of institutional erosion corresponds to the entrenchment of the Catholic Church within Burundian society and its close collaboration with the colonial administration. As Catholic missions expanded across the territory, they became centres of social organization and of the production of new local elites. Catechists and mission notables (*bajenama*) were progressively invested with roles as community authorities, replacing the *bashingantahe*. As Ntahombaye et al. (1999, p. 57) note, “they are considered *bashingantahe* because they are catechists or mission notables of the priest.” This reconfiguration of local hierarchies also extended to social and family ceremonies, where representatives of Catholic missions gradually occupied positions of precedence formerly reserved for the *bashingantahe*. In this context, access to social recognition became increasingly

conditioned by schooling and conversion to Catholicism, regarded as markers of modernity and integration into the colonial order.

In sum, the analysis of these three dynamics reveals a systematic process of marginalization of *ubushingantahe* under Belgian colonial administration. The restructuring of the judicial system, the establishment of a coercive administrative apparatus, and the implantation of the Catholic Church jointly contributed to delegitimizing the institution and dissolving its social, legal, and symbolic functions. In this configuration, the objective alliance between the colonial administration and the Catholic Church played a decisive role in the structural weakening of a centuries-old institution. This disintegration was all the more profound as it was accompanied by a lasting redefinition of social legitimacy criteria, subsequently rendering any attempt at restoring *ubushingantahe* particularly complex, including in postcolonial contexts where it was sometimes instrumentalized for political legitimation rather than rehabilitated in its original normative logic.

2.2. Ubushingantahe and the party-state: politicization, devaluation, and crisis of legitimacy

At independence in 1962, Burundi adopted a constitutional monarchy whose effective legitimacy was already significantly weakened. The accumulation of institutional transformations inherited from the colonial period had, in effect, produced a hybrid state (Bayart, 1989), largely structured according to exogenous administrative logics rather than the normative principles of precolonial institutions. In this context, the spaces formerly occupied by the *bashingantahe*, particularly at the local level, were progressively reorganized within new administrative structures such as communes.

The burgomasters heading these entities, as well as members of parliament and other political and administrative officials, were predominantly socialized within colonial and postcolonial educational and administrative institutions, such as the Astrida Group School. Their legitimacy henceforth rested on bureaucratic, educational, or partisan criteria, marking a clear departure from the traditional norms grounded in moral integrity, impartiality, and communal recognition that structured *ubushingantahe*. Access to public office was primarily mediated through political parties or academic credentials, with little reference to locally grounded forms of social validation.

(i) *The instrumental return of ubushingantahe under military regimes* :It was only with the emergence of republican regimes resulting from military coups that *ubushingantahe* underwent a form of institutional reactivation. Faced with a structural deficit of social legitimacy, successive regimes sought to anchor themselves more firmly in rural communities, where their authority remained fragile. The three successive military presidencies—the captain Michel Micombero (1966–1976), the colonel Jean-Baptiste Bagaza (1976–1987), and the major Pierre Buyoya (1987–1993; 1996–2003)—each exhibited distinct political configurations marked by legitimacy tensions. The first regime was associated with the abolition of the monarchy and episodes of major political violence, notably the crises of 1965, 1969, and especially 1972, the consequences of which deeply polarized political and ethnic identities (Chrétien & Dupaquier, 2007). The Bagaza regime, while promoting certain socio-economic modernization dynamics, failed to address the deep-seated legacies of earlier violence. The Buyoya regime, for its part, faced significant political and security crises, including the Ntega-Marangara incident (Chrétien & Guichaoua, 1988), before engaging in political reform and negotiation processes that culminated in the Arusha Peace and Reconciliation Agreement (Buyoya, 2011).

In this context, the three military regimes attempted to instrumentalize *ubushingantahe* in order to strengthen their local embeddedness. Relying on the single party, the *Union for National Progress* UPRONA (the French commonly use acronym) as their main instrument of political mobilization, they organized mass investiture ceremonies of *bashingantahe* during the inauguration of “party houses” (*ingoro y’umugambwe*) across the country’s communes. These ceremonies were characterized by strong political staging and a dilution of the traditional criteria governing access to the institution.

(ii) *Transformation of access criteria and politicization of the institution* : In this new context, access to *ubushingantahe* no longer depended on the assessment of individual qualities such as probity, wisdom, or impartiality, but rather on affiliation to the single party. This shift reflected an implicit redefinition of the institution, increasingly understood as an extension of political loyalty to UPRONA. Candidate selection was jointly carried out by communal administrators and local party officials, opening the way to various forms of clientelism. As Ntahombaye et al. (1999) note, corrupt practices—in the form of monetary or in-kind contributions (livestock, beverages, various services)—became implicit conditions for access to the institution. The material requirements for investiture could be particularly onerous, including numerous jars of beer or banana wine, crates of industrial beer, livestock, or symbolic prestige objects such as the *ikirezi* necklace. These high costs progressively discredited the investiture process, leading the Bagaza regime to abolish such ceremonies. This decision responded to a dual rationale: on the one hand, to curb the economic excesses associated with investitures; and on the other, to transfer judicial competences from the *bashingantahe* to state politico-administrative agents at the local level. As Ntahombaye et al. (1999, p. 59) state, “*by abolishing investiture ceremonies, the Republic sought to transfer to the state the*

competence formerly held by citizens. Responsibilities in the hands of the bashingantahe were thus transferred to state representatives.” This shift effectively institutionalized the statization of local justice, breaking with the principle of communal autonomy that historically underpinned *ubushingantahe*.

(iii) Social devaluation and redefinition of legitimacy criteria : Furthermore, the military regimes expanded the criteria for access to the institution by incorporating social categories previously excluded from *ubushingantahe*. Technical graduates, military personnel, and individuals possessing economic or administrative resources were progressively and almost automatically inducted (*kwatirwa na diporome, kwatirwa n’ingoho*). It should be noted that the diplomas concerned were mainly those of upper primary education or equivalent technical tracks (agronomy, veterinary sciences, etc.), as higher education remained relatively underdeveloped in the early post-independence decades. As a result, most beneficiaries of such investitures were young, often unmarried men whose sociobiographical profiles diverged significantly from the traditional criteria of social maturity and experience required within *ubushingantahe*.

More broadly, the institution was gradually diverted from its original function of communal recognition and transformed into a symbolic instrument for validating trajectories of social mobility based on education or military service. This evolution contributed to a normative devaluation of *ubushingantahe*, whose legitimacy criteria were profoundly altered.

(iv) Political effects and progressive delegitimization of the institution : This instrumentalization had lasting effects on the social perception of the institution. Its close association with the single party UPRONA progressively alienated significant

segments of the population. From the 1980s onward, political movements such as the Party for the Liberation of the Hutu People PALIPEHUTU (the commonly used acronym) denounced institutions perceived as linked to the state apparatus and the ruling party, thereby contributing to an increased delegitimization of *ubushingantahe* among large segments of the Hutu population (Alfieri, 2016). At the same time, segments of the Tutsi population, excluded or marginalized from successive regimes for political or regional reasons, also failed to identify with an institution increasingly associated with partisan logics. Thus, *ubushingantahe*, once grounded in transversal social recognition, was progressively reconfigured as an instrument of state political legitimation, losing much of its inclusive and normative scope. Ultimately, postcolonial military regimes profoundly transformed the nature of *ubushingantahe*. Originally grounded in principles of communal autonomy and moral recognition, the institution was gradually integrated into the logics of the party-state and subsequently instrumentalized for political legitimation purposes. This instrumentalization, combined with emerging political contestation from the late 1980s onward, significantly contributed to its weakening and to its loss of centrality within the social and political order.

3. The *Ubushingantahe*: a contested institution between decline, conflictualization, and political reappropriation

Following the establishment of Belgian colonial rule, the *ubushingantahe* was gradually stripped of its substance and marginalized in favour of colonial administrative and religious structures. Far from being restored at independence, it was subsequently reappropriated by postcolonial military regimes as an instrument of legitimation and political control over rural populations. This section therefore analyses two major phases of its transformation: colonial deconstruction and postcolonial state capture.

3.1. Ubushingantahe as an object of normative competition in a context of ethnopolitical fragmentation

During the broad democratization movement that began in the late 1980s, political competition between predominantly Hutu opposition parties and the incumbent regime—frequently labelled as “Tutsi”—gradually led to the delegitimization of institutions associated with UPRONA, including the *ubushingantahe*. In this context of increasing polarization, any attempt to rehabilitate this institution was interpreted by part of the opposition as a strategy to reconstruct political legitimacy in favour of the ruling power.

This tension became particularly pronounced under the presidency of Pierre Buyoya, when the *ubushingantahe* was envisaged as an “endogenous” instrument of democratic consolidation. The 1992 Constitution indeed provided, through certain provisions, for a role of the *bashingantahe* in electoral processes, notably for communal assemblies (Art. 179) and presidential candidacy (Art. 67). This partial institutionalization provoked strong opposition from so-called pro-Hutu parties, which perceived it as a mechanism for bypassing the demographic and electoral majority, particularly embodied by FRODEBU (*i.e.* The Front for Democracy in Burundi).

(i) *Ethnopolitical polarization and conflictual reinterpretation of the institution* : It should be recalled that the successive crises of 1965, 1969, 1972, and 1988 contributed to the long-term structuring of Burundian political life along ethnopolitical fault lines, primarily opposing increasingly essentialized Hutu and Tutsi categories (Chrétien et al., 2007). In this context, Hutu elites excluded from power gradually reorganized themselves as political actors on the eve of the 1993 elections within a highly polarized electoral arena (Banshimiyubusa, 2018). Within this

dynamic, the association between UPRONA, the ubushingantahe, and Tutsi identity was constructed as a political triad to be deconstructed by opposition forces (Alfieri, op. cit.). Opponents of the institution mobilized a discursive repertoire centred on historical violence to demonstrate the alleged inability of the ubushingantahe to prevent or regulate past crises. The events of 1972 were frequently invoked, particularly due to the alleged role of the youth wing of the JRR (Jeunesse Révolutionnaire Rwagasore, named after Prince Louis Rwagasore, who is widely regarded as both the founding president of UPRONA and the hero of Burundi's independence.) affiliated with UPRONA in the persecution of Hutu populations (Lemarchand, op. cit.). Similarly, certain marginalized Tutsi factions—excluded for political or regional reasons—also expressed critical distance toward the institution, which was perceived as ineffective in the face of successive regime abuses.

(ii) *Civil war and the collapse of the normative credibility of the ubushingantahe* : The electoral victory of FRODEBU in 1993, followed by the assassination of President Ndadaye and the rapid collapse of the institutional order, opened a civil war phase (1993–2000) that profoundly undermined the social legitimacy of the ubushingantahe. In this context of widespread violence, the institution proved incapable of structuring or containing highly militarized and ideologically driven forms of conflict. Contrary to certain analyses (Ntahombaye et al., 2003), violence during this period did not spare individuals according to their social or institutional status. Partisan and ethnopolitical affiliations largely superseded traditional mechanisms of social regulation. As a result, the ubushingantahe, as authorities primarily recognized at the community level, lacked sufficient leverage to neutralize large-scale organized violence carried out by structured armed actors. While instances of interpersonal protection did occur, they represent exceptional individual behaviours rather than evidence of systemic institutional

effectiveness. Such cases remain marginal in relation to the scale of violence recorded, particularly in the provinces of Gitega, Karuzi, and Kayanza (Sentamba, 2023).

(iii) Reconfiguration of armed actors and institutional rejection :

In the aftermath of this crisis, several politico-military movements structured the Burundian conflict landscape, including the National Council for the Defense of Democracy (CNDD, French acronym) led by Léonard Nyangoma, the National Council for the Defense of Democracy- Defense Force for Democracy CNDD-FDD (French acronym) of Pierre Nkurunziza, and the PALIPEHUTU-FNL of Agathon Rwasa (Muntunutiwe, 2009). These organizations progressively challenged not only post-1993 regimes but also forms of legitimacy associated with traditional institutions. In particular, actors from the CNDD-FDD—which became the ruling party in 2005—expressed an explicit distance from the *ubushingantahe*. In public interactions, some of its officials systematically refused the designation “*mushingantahe*,” preferring instead “*mugabo*,” although the two are widely considered semantically equivalent in Kirundi usage. This refusal does not reflect a lexical distinction but rather an ideological reconfiguration aimed at dissociating contemporary political legitimacy from traditional normative frameworks.

(iv) Normative cleavages and competition of legitimacies : This opposition reflects a deeper tension between two conceptions of legitimacy. On the one hand, a reformist approach views the *ubushingantahe* as an instrument that can be reinvested in conflict regulation and the promotion of consensual values such as truth, justice, and peaceful dispute resolution. On the other hand, a critical reading grounded in experiences of violence considers the institution historically ineffective, or even complicit in past political imbalances, and therefore rejects its

normative rehabilitation. In a context of sustained political competition, the capacity to define the meaning and function of the *ubushingantahe* is closely dependent on institutional power relations. Far from being a consensual institution, it becomes an object of symbolic struggle among political actors with unequal organizational and discursive resources.

Ultimately, the dissensus surrounding the *ubushingantahe* results from the convergence of ethnopolitical polarization within the Burundian political field and conflicting interpretations of historical experiences of violence. While some actors continue to view it as a potential instrument of mediation and social cohesion, others associate it with a structural inability to prevent past crises. In this context, the *ubushingantahe* appears less as a stabilized institution than as a site of normative competition, whose meanings and uses remain deeply dependent on prevailing political configurations.

3.2. The re-institution of ubushingantahe under the 2021 Act: between legal codification and local political reconfiguration

In continuity with the political commitments regularly expressed toward the population, President Évariste Ndayishimiye proceeded to re-institute the former role of the *bashingantahe* through Act No. 1/03 of 23 January 2021, supplementing the provisions of the Civil Procedure Code and concerning the reorganization of the Council of Notables of the Hill. This reform introduces a significant terminological and institutional reconfiguration: the former identity-based referents—*mushingantahe* for proponents of tradition and *mugabo* for advocates of institutional modernization—are replaced by a term deemed consensual, *muhuza* (“mediator,” “conciliator”). This designation explicitly seeks to emphasize the central function of conflict conciliation at the local level.

At the territorial level, the jurisdiction of these new notables is strictly limited to the hill (*colline*) or neighbourhood where the disputing parties reside, in contrast to the former configuration of the *ubushingantahe*, whose authority could extend to broader social spaces. The Kirundi designation of the institution—*Abahuza bo ku mutumba canke bo muri kartiye*—reflects this localized anchoring. Furthermore, the naming of the Council of Notables implicitly signals a semantic continuity with the former institution, notably through the traditional expression *intahe yo ku mugina* (“tribunal of the hilltop”), suggesting a partial institutional lineage (Niyongabo, 2024).

(i) *Normative continuities with Ubushingantahe* : The analysis of the legal provisions reveals a substantial continuation of the structuring principles of *ubushingantahe*. Several elements illustrate this. First, the term of office is indefinite. Article 3 stipulates that “the term of office of members of the Council of Notables is indefinite,” while providing for cases of loss of membership, including death, serious misconduct established by the Council, criminal conviction, physical or cognitive incapacity, unavailability, resignation, or any violation of the institution’s integrity. This legal architecture reproduces, in a modernized form, the principle of non-fixed tenure characteristic of *ubushingantahe*, as well as the traditional mechanisms of removal in cases of moral failure (*kwaturura*). Second, the principle of voluntary service is reaffirmed. Article 4 provides that the functions of Council members are performed on a voluntary basis, although financial encouragement may be granted under regulatory conditions. The procedure itself entails no costs. This provision continues the principle of disinterested service that characterized the *bashingantahe*, while responding to historical criticisms regarding informal or material compensation associated with former investiture practices. Third, general competence in conciliation is maintained. Article 5 assigns the Council a general mission of conciliation between

disputing parties, including the examination of civil disputes falling within the jurisdiction of residence tribunals, with the exception of cases concerning public order or morality, which remain under the jurisdiction of judicial authorities and the public prosecutor. The text further specifies that the Council may award damages in civil cases within its competence, thereby reinforcing its role as a restorative mechanism of social regulation. Fourth, the primacy of conciliation over sanction is explicitly affirmed. Article 6 states that the Council may under no circumstances impose penalties, thereby confirming its exclusively conciliatory function, in line with the normative logic of traditional *ubushingantahe*.

From this perspective, the 2021 reform may be interpreted as a substantive re-institution of *ubushingantahe*, although the term itself was deliberately avoided, likely in order to neutralize the politico-symbolic controversies discussed earlier.

(ii) *Functional relevance of the reform*: This re-institution can be analysed through three sets of functional justifications. First, it contributes to the decongestion of the judicial system. The progressive weakening of traditional community-based regulatory mechanisms had led to the saturation of residence tribunals, which were confronted with a high volume of disputes, including minor cases, resulting in procedural delays and declining trust in the judicial system (Niyonkuru, 2020). By instituting a mandatory preliminary referral to the Councils of Notables, the reform introduces a filtering mechanism likely to promote local dispute resolution. It also establishes a procedural continuum facilitating traceability of cases from their initial emergence to formal judicial processing. According to the Minister of Justice, this approach would reduce “the volume of disputes, the cost and slowness of judicial procedures, as well as geographical distance.” Second, the reform simplifies investiture procedures. The election of notables at the hill level,

combined with an oath-taking ceremony before the local assembly, constitutes a rationalization of former investiture ceremonies, often considered costly and socially burdensome. The content of the oath retains strong symbolic continuity with that of the *bashingantahe*, while being adapted to the contemporary institutional framework. Third, the reform introduces a stronger dimension of inclusiveness. Historically criticized for excluding women and certain social categories, *ubushingantahe* is here explicitly opened up. Available data indicate female participation of approximately 24.4%, with variations across urban areas, particularly in the commune of Ngagara. The representation of historically marginalized communities, notably the Batwa, also appears to have been at least partially integrated through co-optation mechanisms.

(iii) Limits and implementation biases : Despite these normative advances, the implementation of the reform reveals several significant biases. First, the political neutrality of the electoral process appears relative. Although the selection of notables is formally independent from political parties, field observations suggest indirect influence from partisan dynamics. Opposition actors, particularly from the National Congress for Liberty (CNL), are reported to have been marginalized in certain local contexts, while supporters of the ruling party, the CNDD-FDD, appear to be largely overrepresented. Second, eligibility criteria relating to social maturity—particularly the minimum age requirement of 35 years—are sometimes circumvented in practice. Cases of younger individuals being elected, especially from youth wings of political parties, have been reported, raising questions about the coherence between the normative framework and local practices. Such discrepancies also affect perceptions of legitimacy during conciliation sessions. Third, uneven mastery of the legal framework is observable. Notables sometimes exceed their competences, particularly in registered land disputes or criminal matters, despite the legal delimitation

of their jurisdiction. Similarly, sensitive cases such as marital disputes or criminal violence are sometimes handled outside the prescribed legal framework, raising concerns regarding procedural compliance and the protection of parties' rights.

In essence, producing its core normative features in a legally rationalized and terminologically depoliticized form. However, its implementation reveals tensions between legal principles, local political dynamics, and actual social practices. While the reform potentially strengthens proximity justice and social cohesion, its effectiveness remains closely dependent on the capacity of institutions to preserve functional autonomy in the face of politicization dynamics and implementation gaps observed on the ground.

Conclusion

This article has demonstrated that, despite the profound controversies surrounding it within the Burundian ethno-political arena since the late 1980s, the institution of *ubushingantahe* historically constituted one of the principal mechanisms of peaceful conflict regulation, social cohesion, and political legitimacy in Burundi. Far from being merely a customary institution, it formed a central component of the governance system of the precolonial kingdom, linking moral authority, community justice, and state legitimacy within a coherent normative framework.

The analysis has further shown that the progressive weakening of *ubushingantahe* resulted not from an intrinsic decline of its normative principles but from successive politico-institutional reconfigurations. During the colonial period, particularly under Belgian administration, the restructuring of judicial institutions, the establishment of a coercive administrative system, and the growing influence of Catholic missions profoundly transformed

the foundations of local legitimacy. After independence, successive military regimes appropriated the institution primarily as an instrument of political legitimation, replacing its traditional criteria of moral integrity and community recognition with partisan loyalty. This politicization, compounded by successive ethno-political crises, gradually eroded its social credibility and transformed it into an object of political contestation.

More recently, the 2021 reform introducing the Councils of Hill and Neighbourhood Notables (*abahuza bo ku mutumba / bo muri karitiye*) represents an attempt to restore several of the institution's original functions while adapting them to the contemporary legal framework. Although this reform reproduces many of the normative principles historically associated with *ubushingantahe*, its long-term effectiveness will depend on the ability of public authorities to preserve the autonomy, impartiality, competence, and social legitimacy of the mediators, beyond partisan interests and local political competition.

Beyond its historical contribution, this study also carries important practical and societal implications. In a country where judicial institutions continue to face significant challenges—including court congestion, limited accessibility, and recurrent local disputes—the revitalization of credible community-based mediation mechanisms could constitute an important complement to the formal justice system. Strengthening institutions inspired by the ethical principles of *ubushingantahe*—truthfulness, impartiality, integrity, dialogue, and reconciliation—could contribute not only to improving access to justice but also to preventing the escalation of everyday conflicts before they evolve into broader social or political tensions.

More broadly, the findings of this study provide useful insights for policymakers, judicial practitioners, local authorities, and development partners involved in governance and peacebuilding in Burundi. They suggest that the effectiveness of community justice institutions depends less on the preservation of traditional labels than on the protection of the normative values that originally conferred legitimacy upon them. Consequently, any future reform should prioritize transparent selection procedures, political neutrality, gender and social inclusiveness, continuous training of mediators, and strong institutional safeguards capable of preserving public confidence.

Ultimately, this research invites a broader reconsideration of the place of endogenous institutions within contemporary African governance systems. Rather than viewing tradition and modern state institutions as mutually exclusive, the Burundian experience illustrates the possibility of constructing complementary forms of governance in which locally legitimate institutions reinforce formal justice, strengthen social trust, and support sustainable peace. Under these conditions, the normative legacy of *ubushingantahe*, regardless of the institutional name it now bears, may continue to constitute a valuable resource for promoting social cohesion, proximity justice, democratic governance, and long-term stability in Burundi.

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