

Neopatrimonialism, Traditional Authority, and Faith Institutions in Western Kenya: The Political Logic of the Luhya Council of Elders

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ABSTRACT

Neopatrimonialism gives a good grid to scholars to analyse governance in Africa and was used as a description for state-society relations in Africa. This article takes the example of the Luhya Council of Elders in western Kenya and examines the council's political survival and the significance of its institution. A neopatrimonial approach is used to explain the continued possible existence of councils of elders in spite of the constitutional reforming and electoral democratization processes in Kenya. Such councils have played an influential role in mobilizing political support to leaders, in aggregating ethnic constituencies and building moral legitimacy. The article offers a historical-institutional analysis based on secondary academic literature, media archives, policy documents and religious literature with an aim of explaining the ways in which the Luhya Council of Elders functions as a strategic intermediary in the neopatrimonialism order of Kenyan politics. Although the council lacks state support, it is run along Luhya cultural lines, and aided by the support of faith-based organizations. The article advances an analytical model consisting of three layers: cultural legitimacy, moral endorsement and patronage brokerage which explains how the layers are interrelated in terms of the role that the council plays within contemporary Kenyan governance. The research recognizes traditional authority as being composite and dynamic in nature and still in the process of reproduction in the contemporary context of politics. These findings add to growing debates over African political traditions, the consolidation of democratic regimes, and society-versus-institutional relationships.

Keywords: neopatrimonialism, governance, Luhya, traditional authority, elders, Africa, political development, Kenya, patronage, clientelism

INTRODUCTION

The Puzzle of Persistent Traditional Authority

Background: Hybrid Governance in Kenya

Kenya's political history since independence has been thoroughly marked by ethnic loyalties in public life. A constant tension is shared between the formal structure of the modern state and the perpetuation of the impact of informal ethnic institutions. Since independence in 1963 successive governments have endeavoured to centralise power and construct a coherent national policy. Notwithstanding these efforts, the informal institutions have continued to play a big role in the political process. Ethnic associations, customary councils and religious organisations continue to have an influence on political behaviour and public decision making. These institutions work in parallel to formal constitutional institutions and feed into to political participation in the local and the national level.

Scholars have been describing the co-existing of modern state institutions and informal governance structures in different ways, with such terms as institutional hybridity, neo-traditionalism or what Bayart (1993) famously described as the 'politics of the belly.' A good example of this dynamic is in Kenya. In this context, ethnicity not

only act as a marker of cultural identity, but also plays a crucial role of a central organizing principle of political competition, access to resources and social belongingness.

The Paradox: Modern Constitutional Democracy vs. Enduring Ethnic Councils

For this reason, Kenya's 2010 Constitution is one of the most progressive of its kind on any legal framework in Africa. It enshrines devolution, human rights and gender equity as well as accountable governance as bedrock principles. Yet, paradoxically, election in Kenya still bears the strong imprint of ethnic endorsement, of customary rituals and the pronouncements of councils of elders whose authority derives from neither constitutional mandate nor constitutional right but from cultural tradition. Presidential candidates seek the blessings of elders and parliamentary aspirants ask the ethnic councils for approval. Political legitimacy, therefore, seems to be as much a question of tradition as a matter of election. This paradox the survival of informal traditional authority in a formally democratic order forms the analytical paradox of this article.

Why the Luhya Case Matters

The Luhya are the second largest ethnic group in Kenya with about seventeen sub-groups that are widely spread in the counties of Kakamega, Bungoma, Busia, Vihiga and Trans Nzoia, western Kenya. With a population of more than seven million people, the Luhya block is a significant electoral constituency and indeed its political orientation has been decisive in many national elections. Yet numerical strength has been by history inadequate as a basis for the Luhya to convert their demographic weight into commensurate political power by reason of, not least, internal fragmentation along sub-ethnic and clan lines. It is in this setting that the Luhya Council of Elders has emerged as one of the particularly significant institutions performing one that tries to aggregate various sub-group identities, to define collective political interests and to invest legitimacy in preferred candidates and positions. Examining the council as such brings on broad issues of ethnic solidarity, political intermediation and tradition and modernity in African democracies.

Research Questions

This article is organized around three interrelated research questions:

How can neopatrimonial theory explain the political relevance of the Luhya Council of Elders?

How do faith institutions shape the moral legitimacy of traditional authority in western Kenya?

What does this case reveal about the broader nature of state-society relations in Kenya?

Central Argument

This article suggests that the Luhya Council of Elders is not an anachronism of tradition reduced to become in the heat of the moment of the pressures of modernity an empty political structure, but instead it is actually an intermediary and strategic device in the neopatrimonial political order of Kenya. The council owes its republican powers to both the Luhya ethnic identity (cultural), and strong faith institutions (religious) in western Kenya. Rather than being in opposition to the modern state, the council acts symbiotically with the state, rendering ethnic solidarity and moral authority as neopatrimonialism political capital. In order to understand this dynamic, it is necessary to go beyond the romanticisation of tradition on the one hand or the teleological assumptions of the modernisation theory on the other hand.

Methodological Note

This article is not grounded on primary empirical research. It applies a historical-institutional methodology, which is based on secondary sources, such as articles in peer-reviewed publications, electoral studies, media archives, church publications and policy documents. This is methodologically defensible: the study of the abovementioned institutions over time, pattern recognition of political behaviour and the theoretical generalizations that would be extremely difficult to reach through a single-site ethnographic study alone can be carried out with historical-institutional analysis. The absence of fieldwork is recognized to be a shortage, yet the

range of the existing body of secondary literature on the politics of Kenya and Luhya political organization is plentiful to support the analysis claims made here.

Conceptual and Theoretical Framework

Neopatrimonialism Revisited

Neopatrimonialism is among the most popular concepts to interpret African political science. Originally based on Max Weber's dichotomy between patrimonial and legal rational authority, this concept was adapted and applied to post-colonial Africa by such scholars as Eisenstadt (1973), Clapham (1985) and Sandbrook (1985). In its classic formulation, neopatrimonialism refers to a system composed of some mixture of formal rational-legal institutions and personal rule where public office is treated as a private resource and political loyalty is guaranteed through the dispensing of material rewards and patronage (Médard, 1992; Bratton and van de Walle, 1994).

The idea hasn't been without its critics. Scholars like Mkandawire (2001) and Pitcher, Moran and Johnston (2009) had argued against neopatrimonialism as too broad a concept for it risks explaining everything and hence nothing. It has also been criticised for pathologising African politics as inherently dysfunctional while ignoring structural and historical factors such as colonialism, unequal terms of trade and Cold War geopolitics. These are valid concerns. Nevertheless, used judiciously and aware of the historical context, the neopatrimonial framework remains of major explanatory value in understanding the role played by informal institutions such as councils of elders in the political economy of Kenya. The main thing is that you don't take it as something that is the only analytical tool of several, but rather as an analytical tool of several.

In the Kenyan context, neopatrimonialism invades political competition in the form of dominance of ethnic patronage networks, instrumentalization of the use of state resources as a reward for political allegiance and the importance of informal mediators such as councils of elders that broker access between political patrons and ethnic constituencies (Branch, 2011). Political leaders amongst the Luhya have to deal not only with the formal requirements of electoral democracy but also with customary expectations, institutionalised in the Council of Elders.

Traditional Authority Beyond Weber

Weber's typology of authority traditional, charismatic and legal-rational has long formed a basis for understanding political legitimacy. According to Weber (1978, p. 215) traditional authority is based on "an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them." Although this framework still retains some degree of analytical utility it requires a good deal of modification for application to modern Africa. The Weberian model comes with an assumption of a certain stasis and boundedness to traditional authority which is not obvious in the dynamic, adaptive and politically strategic character of such institutions as the Luhya Council of Elders.

African scholars have for years referred to the need for decolonizing political institutionalism. As Mamdani (1996, p. 8) argued in his seminal piece, colonial powers fundamentally changed customary authority by freezing and coding what previously had been fluid and disputable traditions. The result was a bifurcated state one that ruled urban citizenry according to legal-rational standards and the rural subjects according to customary authority with deep consequences for post-colonial rule. It is therefore necessary to understand the Luhya Council of Elders within the context of this colonial legacy and accept the fact that what seems to be tradition is partly a colonial and post-colonial invention (Hobsbawm and Ranger, 1983).

This concept of institutional hybridity thus is more analytically useful than either the Weberian model or that of simple constructivism. Hybrid institutions represent elements of formal and informal government and customary and modern authority and official and unofficial recognition in ways that fit no neat categories. The Luhya Council of Elders is an example of such hybridity, since it is not constitutionally legally recognised, yet its endorsements have tremendous political weight; it focuses on the sources of ancient custom and tradition, but yet its modern existence is conditioned by the exigencies of multi-party electoral competition.

Religious Legitimacy and Political Authority

Faith institutions hold a special position in Kenyan political life. Christianity in particular has been embedded in the social fabric of western Kenya since the late XIX century, having been introduced through a series of waves of missionary organisations including the Friends Africa Mission (Quakers), Church Missionary Society and Mill Hill Fathers. Today, church attendance in the region is close to 100% and religious leaders have immense moral authority. In this context, the relationship between the faith institutions and traditional authority is not incidental or purporting to be merely ceremonial in nature. Churches and councils of elders exist in a complex field of mutual reinforcement and occasional tension in which religious sanction gives customary authority an increased moral legitimacy, while customary authority allows churches to tap into ethnic political networks.

As Haugen and Doering (2010) have noted in their analysis of faith-based political engagement in Africa, religious organisations often play moral intermediary roles in political processes and provide or withdraw moral legitimacy to political actors in ways that have material political consequences. In western Kenya when a senior church leader is portrayed, or prayed for, to support the political positions of the Luhya Council of Elders, this is not a symbolic act alone. It endows the ethnic authority of the council with the moral vocabulary of religious sanction and vastly increases the scope and power of its political pronouncements.

Analytical Framework: A Three-Layer Model

Drawing together these strands of theory, in the course of this Article, a three-layered analytical model of the political logic of the political system of the Luhya Council of Elders is proposed. The first is cultural legitimacy - the authority that the council claims derived from its representation of the Luhya ethnic identity, and from the fact that it is based on genealogical seniority and customary tradition. The second layer is that of the moral endorsement - the strengthening of the authority of the council of by the alliance with the institutions of the faith and the usage of the religious discourse to sacralize the political pronouncements. The third layer is patronage brokerage The role of the council as an intermediary in the neopatrimonialism political economy of Kenya, by means of which cultural and moral authority are transformed into political capital, which in turn can be exchanged in patronage networks These three layers are analytically distinct from one another but practically intertwined, and it is the sum of the three layers that explains the political longevity of the council in general.

METHODOLOGY AND SOURCES

Research Design

This article is based on methodological-institutional approach of analysis. Historical-institutional analysis, therefore, is concerned with questions such as how institutions evolve over time, what specific historical configurations help to explain the construction of institutions, how institutions respond to novel circumstances, and how the past ends up influencing the present (Thelen, 1999). This approach lends itself to the study of the Luhya Council of Elders because the contemporary political value in the Council can only be understood in the context of historical development in the colonial and post colonial times. Process tracing is used to reveal causal connections between past and present political dynamics and discourse analysis is used to examine the way political and religious actors construct and contest the council's authority.

Sources

Four categories of secondary sources provide information for the analysis. First, academic literature on Luhya political organisation and Kenyan politics more generally including monographs, peer-reviewed journal articles, and edited volumes on African governance, ethnicity and religion forms the first scholarly source for the study. Second, electoral studies and electoral reports from other institutions like the Electoral Institute for Sustainable Democracy in Africa (EISA) and the National Democratic Institute (NDI) contain empirical documentation of electoral dynamics in western Kenya. Third, there are policy documents and constitutional texts, which are the formal institutional context in which the council operates. Fourth, media archives such as those from the Daily Nation, The Standard and regional media companies contain the intervention of the council in electoral politics

and public affairs. Church publications and statements from religious organisations in western Kenya demonstrate evidence of the faith-institution aspect of the legitimacy of this council.

Analytical Methods

Three analytical approaches are utilized in the course of the article. Language in which the council, and their allies, demonstrate their authority and encourage their authority is their object of study in analysis of discourse. Process tracing is being employed in finding sequences of causality between histories and political dynamic today. Institutional analysis is used to contextualize the council as hybrid institution in the wider governance context of western Kenya.

Limitations

The major drawback of this work is that there is no primary empirical data. The analysis cannot pretend to reflect the internal deliberations of the council, subjective understandings of its members, or the local variation in the reception and response of various sub-groups of the Luhya to the activities of the council. These are important gaps which should be covered by future primary research. A further limitation is the relative rarity of systematic academic literature directed specifically towards the Luhya Council of Elders as a political institution and which therefore need to be reconstructed from a range of sources not originally created to this analytical purpose. Despite these limitations, the study makes a substantive contribution theoretically in applying the neopatrimonial framework to an understudied institution as well as developing a novel three-layer analytical model.

Historical Evolution of Luhya Traditional Authority

Precolonial Governance Structures

The precolonial political structures of the Luhya were massively decentralised, a result of the diversity of the seventeen sub-groups of whom a bigger Luhya is composed. Unlike the strongly centralised kingdoms of other parts of the Great Lakes region, Luhya political organisation was based on segmentary lineage systems, whereby political power was not concentrated in the single paramount chief but was diffused among the rainmakers, clan elders and religious specialists (Were, 1967). Councils of elders called abakhala, abasinde or whatever other name was given to the council depending on the sub-group in question, mainly to settle disputes, distribute land, regulate matters of marriage and lineage. Leadership was based on genealogical seniority and gave authority of a kind of wisdom rather than institutional power in the formal sense.

This order of precolonial times was not static. The emergence of long-distance trade, inter-community conflict and the progressive adoption of new agricultural and pastoral practises meant that governance arrangements changed from time to time. Some of the sub-groups of the Luhya developed more hierarchical structures as a response to the outside pressures, and some had relatively egalitarian elder-based governments. What is important to recognise is that even in the precolonial period Luhya traditional authority was flexible and situational a characteristic that as this article demonstrates has continued in the contemporary era.

Colonial Transformation and Indirect Rule

British colonialism affected the governance systems of the Luhya in a significant way. Through the system of indirect rule, the British attempted to rule their subjects in Africa through the co-option or codification of indigenous structures of authority where they appointed or recognised chiefs who could serve colonial administrative interests (Mamdani, 1996). In the case of the Luhya, it meant the creation of a hierarchy of chiefs and sub-chiefs who were registered and paid by the colonial administration and given control of territorial units. This process served at the same time to distort and freeze tradition: It converted the more fluid, negotiated authority of the elders into a structure sanctioned by the state, while at the same time fettering the principle that if it was to govern it required a basis of traditional authority.

Western Kenya also witnessed the growth of Christian missionary activity develop rapidly during the colonial period. Missionary education offered new opportunities for social mobility in terms of literacy, formal

employment and access to colonial institutions which bypassed to some extent the established social order of the elders. Yet missionaries also in some ways shored up aspects of that order, in codifying customary laws in written language and assuming the structures of governance, based on elders, into new ecclesiastical arrangements. It was during the colonial period, therefore, that the foundations of the alliance between the faith institutions and traditional authority, which characterise contemporary politics in western Kenya were first established.

Post-Independence Ethnic Mobilization

At independence in 1963, the Luhya community was a community in an ambiguous position - at least politically speaking. Although the Luhya were of considerable numbers, they were not blessed by the political centralization of the Kikuyu nor by the martial standing of the Maasai and at first had trouble converting their numerical weight into political influence. Early post-independence politics saw Luhya leaders such as Masinde Muliro and Moses Mudavadi playing important, but ultimately secondary roles in national politics, often co-opted into the dominant KANU political structure without gaining commensurate political returns for their community (Lonsdale, 2008).

It is in this context then that ethnic solidarity became more useful as a political resource. As part of a response to the perceived need for some sort of unified institutional voice that could aggregate the disparate Luhya sub-groups and project on the national stage a coherent political identity the revival and formalisation of the Council of Elders in the post-independence period amongst the Luhya people was in part a response to such perceived need. This process of institutionalisation was not a simple return to precolonial tradition, but the invention of a new institution in modern political forms, which, although using the symbolic capital of tradition, made claims to legitimacy while it fulfilled decidedly contemporary political functions.

Institutionalization under Multi-Party Politics

The reintroduction of multi-party competition in Kenya in 1991 saw a great increase in the political significance of ethnic endorsement institutions. With the relaxation of the one-party monopoly of KANU, electoral competition became more intense as a struggle between ethnic voting blocs, and the ability to mobilise ethnic constituencies emerged as a critical determinant of electoral success (Ndegwa, 1997). It was against this backdrop that the councils of elders throughout Kenya such as the Luhya Council took an explicitly political orientation, endorsing candidates, issuing political declarations, and organizing collective ethnic action. During this period, the Luhya Council of Elders became a recognized, if not officially, actor in the politics of western Kenya, with its endorsements being treated as significant political events by candidates and parties and the media as well".

Neopatrimonial Logic in Western Kenyan Politics

Ethnicity and Patronage

In western Kenya, or anywhere else in Kenya, ethnicity and patronage are closely linked. In return for ethnic loyalty, political patrons use distribution of material benefits in the form of development projects, government employment, business licences, and other state resources and ethnic groups supply bloc votes to ensure that political patrons receive the electoral victories that allow them to access those resources in the first place. This circular logic, with ethnicity and patronage depending on each other, creates the structural foundation of Kenyan neopatrimonialism (Bratton and van de Walle, 1994). Understanding the role of the Luhya Council of Elders requires locating it very firmly in this structural dynamic.

Electoral Mobilization and Endorsement Politics

The political endorsements of the Luhya Council of Elders is not out of bounds of Kenyan electoral politics, it is at its heart. Where the council makes its meeting before a major election to deliberate and tell preferred candidates, this is considered a politically significant event by candidates, parties and the media. The approval by the council is acted as a signal for the common folk living at the community that a certain candidate is of the same collective interest and customary values of the Luhya's community. Candidates who receive the council's stamp of approval have something that no amount of conventional political advertising or campaign spending

can match-citizenship to the culture. On the other hand, the candidates who are rejected or made scornful by the council in public, are faced with the problem of overcoming the widely publicized declaration of customary illegitimacy. This dynamic of endorsement is a good example of that which Scott (1985) called the symbolic economy of politics which is the ability of cultural and moral symbols to deliver political resources with some measurable impact on political outcomes. The political authority of the council is not as much based on legal status as it is on the general perception, shared by both political elites and normal voters, of its pronouncements as authentic expressions of collective Luhya sentiment mediated through customary wisdom.

The Council as a Political Broker

The concept of political brokerage is important to understanding the council's role to the neopatrimonial order. The brokers are intermediaries, i.e. these intermediaries work between political patrons (who hold the control over state resources) and political clients (who provide vote and political loyalty) (Stokes et al., 2013). The Luhya Council of Elders occupies this brokerage position directly and consequentially. By aggregating Luhya political sentiment and communicating it up to political elite, and, at the same time, by rendering political messages from elite political leaders in the cultural vernacular of Luhya tradition and communicating them down to ordinary members of the community, the council is performing an intermediary function that is indispensable within Kenya's patronage driven political economy.

Public Endorsement Rituals and Symbolic Authority

The various political endorsements of council are often accompanied by public ceremonies for the dramatic flair of the council's symbolic authority. Elders might perform blessing ceremonies, offer libations or appeal to ancestral spirits in favour of favoured candidates. These rituals are serving multiple political purposes simultaneously. They validate the council's usual credentials and perform traditionality in audiences made up of community members and national political elites. As such, they also invent newsworthy events that generate media interest and also help in the elevation of the political pronouncements of the council. Perhaps the most important of all, they localise political endorsements into a moral and spiritual framework which makes symbolic dissent from the council's position socially and culturally expensive.

Faith Institutions and the Moralization of Authority

Christianity and Political Discourse in Western Kenya

Western Kenya is one of the most heavily Christianized regions of sub-Saharan Africa. The high degree to which the region became involved with British Quaker missionaries in the late-nineteenth century and the establishment of an extensive network of Catholic, Anglican, Seventh-day Adventist, and Pentecostal churches in the twentieth century produced a society in which Christian discourse permeates public life, including politics (Gifford, 2009). Church membership is almost universal; church leaders command great social respect; and political action routinely uses Christian language and imagery to legitimise their claims, and mobilise their constituencies.

It is against this background that the relationship between the faith institutions and the Luhya Council of Elders needs to be understood. The council does not function in a secular political space where tradition and religion are beautifully separated. Rather, it operates within a political culture where customary and religious authority are embodiments of each other and where the two often blend together. Church leaders attend and blessing ceremonies at councils, council elders participate in political forums organised by church and the political pronouncements of the council often have explicit religious dimensions.

Church-Elder Alliances

Complementary interests and political goals result in a strong relationship between church and council leadership in western Kenya. For church leaders, joining the alliance with the council gives them access to the Council's extensive ethnic networks and customary legitimacy which give churches more political resonance and boost their organisational reach into communities where their penetration is incomplete. For council elders, alliance with church leaders brings moral and spiritual authentication capable of having legitimacy for the council beyond

the intimate, ethnic and customary domain to the community members who may be more amenable to religious than to customary authority. These alliances manifest themselves through the issuance of joint press statements, mutual platforms at political rallies, and joint campaigns on elections and issues of mutual concern. In western Kenya one is not uncommon to see senior church leaders and council elders together at political events, this is a powerful visual and symbolic combination of moral authorities, reinforcing the political power of both parties.

Religious Narratives and the Production of Legitimacy

Religious stories are used strategically here, both by the leaders of the church and by the councillors elders, as a way of sacralizing the political power that the council has. Biblical examples of righteous leadership, community discernment and prophetic guidance have been invoked in describing the council's political pronouncements not as mere manifestations of ethnic practice but as manifestations of divine will. This sacralization of political authority is no less pithy than is the case in the African context where the boundaries between the political and the religious, between the customary and the prophetic are often porous (Meyer, 2004). For the regular members of the community, the combination of customary and religious sanction is a powerful argument of legitimacy that is difficult to argue against. Once a political choice is characterised in terms of loyalty both to an ancestral tradition and to the will of God, the social cost of political deviance significantly increases. This is the mechanism by which institutions of faith help accentuate the political power of the Luhya Council of Elders not by adding capacities over time but by transforming its character from ethnic and customary to moral and transcendent.

Tensions between Constitutionalism and Traditional Authority

Not everything about the church-elder alliance is in tune with Kenya's constitutional order. Kenya's new 2010 Constitution explicitly prohibits the use of ethnicity in political competition, and it provides for equal rights for all citizens of Kenya irrespective of ethnic identity. The council's function as a body of ethnic endorsement and his tion is in tension with these constitutional nomian and it is this tension which comes to the fore from time to time in public debate and legal challenge. Similarly, the council's quasi-judicial role where, for example, land and marriage is concerned, can be incompatible with formal legal processes.

Faith institutions in western Kenya are not equally content to be shaped by the political roles that they are being asked to play. Denominational differences create different stances towards church-elder relations nonetheless, including the more conservative evangelical and Pentecostal churches sometimes positioning a greater distance from overtly political activities than do mainline Protestant and Catholic churches. These internal tensions in the faith community means the church-elder alliance is not an uncontested and unconditional political resource.

Hybrid Governance and Institutional Intermediation

Traditional Authority as an Informal Institution

The Luhya Council of Elders is one such example of what North (1990, p. 3) defined as informal institutions - the 'rules, norms, and conventions that organise behaviour in the absence of formal support of law.' As an informal institution, the council draws its power from social sanctions rather than from legal force, from reputation rather than from statutory force, and from cultural resonance rather than from bureaucratic procedure. This informality is of course in no way a sign of weakness, on the contrary it has significant advantages over formal institutions in situations where legal enforcement is unreliable and where the institutions of the state are perceived to be corrupt or lacking in legitimacy.

In Kenya, where public confidence in formal institutions such as the judiciary, the police, and the electoral commission have been repeatedly tainted by high-profile scandals, the informal authority of institutions such as the Luhya Council of Elders represent a significant political asset partly because it is not tainted by association with a discredited state apparatus. The authority of the council is based on cultural authenticity in a perceived connexion to something genuinely embedded in the community life which the formal institutions find difficult to replicate.

Mediation between Citizens and Political Elites

The council has an important mediating role to play in Kenyan political life as a point of contact between the everyday members of the Luhya communities and the national political actors. For the community as a whole, the council is a channel through which shared interests and sentiments can be conveyed to (remote and unaccountable) political elites. To political elites, the council is an avenue of access to a large organised ethnic constituency whose political behaviour cannot easily be manipulated by traditional campaign devices. This interdependence helps the council maintain the brokerage status of the text and its political relevance despite changes in the formal constitutional structure.

This mediating function tends to be evident especially in the run up to major elections, when political actors make a great deal of effort to curry the favour of the council's blessing. The spectacle of senior politicians going to meet council elders, engaging in traditional ceremonies, asking the council's blessing in public send an important political message - that even the most powerful political actors respect the authority of traditional community institutions. This performance simultaneously reinforces the legitimacy of the council, while as well as signalling to the ordinary members of the community that their customary representatives have been successful in securing access to political power on their behalf.

Parallel Legitimacy Structures

One of the most analytically significant features of the Luhya Council of Elders is the parallel structure of legitimacy it represents alongside and sometimes in competition with the formal structures of the constitutional state. In practice, politics in western Kenya is often shaped by two competing legitimacy claims: one grounded in constitutional procedures such as elections and legislative processes, and another grounded in customary procedures such as elder council endorsements and ethnic solidarity. Candidates who win elections without traditional endorsement may find their authority contested in the social sphere, while candidates endorsed by the council but defeated at the polls may continue to be regarded as moral leaders deserving of deference.

Implications for Democratic Consolidation

The survival of parallel legitimacy structures with major implications for democratic consolidation in Kenya. On the one hand, institutions, such as the Luhya Council of Elders, can play a positive role in the democratic governance process by providing mechanisms of accountability for political elites; provide a platform for political communication between communities and parties; and facilitate collective expression of interests that are often not addressed by formal political institutions. On the other hand, the council's emphasis on ethnic solidarity and traditional hierarchy may not be consistent with the constitutional principles of individual rights, equality and non-discrimination. Democratic consolidation in Kenya does not require the abolition of informal institutions like the council an outcome which would be neither desirable nor achievable but rather development of arrangements through which such institutions can complement, rather than get in the way of, Constitutional governance.

DISCUSSION

Rethinking Neopatrimonialism

Symptoms or Stabilizers?

A central question raised by this analysis is whether councils of elders such as the Luhya Council A central question raised by this analysis is whether councils of elders such as the Luhya Council are to be seen as symptoms of neopatrimonial dysfunction, or as stabilising institutions providing governance functions in the absence of effective formal institutions. This article suggests that the answer must be both or neither. The council is a symptom of the neopatrimonialism in the sense that the political prominence of the council is a symptom of the failure of formal democratic political institutions as a means of channelling political competition apart from ethnic loyalty and patronage networks. Yet it is also a stabiliser in the sense that it provides mechanisms for collective decision making, political accountability and social conflict resolution which might otherwise not be

available. This dual character presents a challenge to the sort of normative frameworks that western political science has most typically used to measure informal institutions in Africa. Rather than seeing the informal as a departure from some uniformly instituted norm of democracy, it may be better analytically to see it as some concrete institutional configuration reflecting certain historic conditions and social conditions one which entails both risks and rewards for democratic development.

The Limits of Weberian Dichotomies

This analysis also shows the shortcomings of Weber's dichotomy between traditional and legal-rational authority. The Luhya Council of Elders falls in between these two neatly and is not tidy. It is not purely traditional, in the sense of being unchanging, static, and based on immemorial custom only, nor is it purely legal-rational. Rather it is what we would call a strategically adaptive institution which mixes traditional symbolic resources with modern organisational forms and contemporary political objectives. Council leaders are not just keepers of ancient form; they are sophisticated political players who use traditional authority as an instrument in a modern competitive political process.

The concept of institutional hybridity, developed by a number of scholars such as Olivier de Sardan (2011) and Boege, et al. (2009), is in this context more analytically productive than Weber's dichotomy. Hybrid institutions are institutions that have mixed elements from different institutional orders formal and informal, customary and modern, religious and secular, specific to context and time. Analysing such institutions demands anthropological and historical sensitivity instead of the application of universal typologies.

Implications for African Political Theory

The study of the Luhya Council of Elders has wider implications for the political theory of Africa. It supports the contention made by scholars such as Ekeh (1975), Mbembe (2001) and Ndlovu-Gatsheni (2013) that African political life cannot be appropriately grasped in terms of concepts developed mainly in and for European political settings. The persistence and vitality of institutions such as the Luhya Council of Elders call for a theoretical vocabulary that is attentive to the specificity of African political experience including the centrality of ethnicity, the importance of moral and spiritual authority, and the hybrid character of governance institutions. At the same time, the article avoids the temptation of African exceptionalism the assumption that African politics is so different from politics elsewhere as to require entirely separate analytical frameworks. The neopatrimonial framework appropriately qualified and critically deployed maintains value in the understanding of the structural conditions of operation of institutions such as the Luhya Council. The challenge is to adapt existing concepts in creative and critical ways and not to apply them uncritically and not to abandon them altogether.

Comparative Insights

Brief comparison helps make the analysis claims of this article stronger. The Luhya Council of Elders is not unique in the Kenyan context, and we find equivalent institutions amongst many other Kenyan ethnic communities such as the Kikuyu Council of Elders, the Kamba Akamba Council of Elders, and others amongst many other ethnic groups. Across sub-Saharan Africa, there are similar institutions in widely different contexts such as in South Africa traditional leaders are represented in a formal House of Traditional Leaders; in Uganda the Buganda kingdom still has significant informal political influence; and in Ghana the National House of Chiefs has advisory input to the formal government. Comparative analysis suggest the survival of traditional authority institutions within formally democratic states is a widespread phenomenon in Africa, one that deserves systematic theoretical explanation rather than being distorted as collection of country specific anomalies.

CONCLUSION

Summary of the Argument

This article has argued that the Luhya Council of Elders is a strategic intermediary, which is contextualised within the framework of a neopatrimonial political order in Kenya. Rather than a vestige of tradition in a process of withering under the pressures of modernization and constitutional democracy, the council is a dynamic,

adaptive institution that converts ethnic solidarity and moral authority into political capital. It owes its political relevance to the following three layers of power: cultural legitimacy of Luhya ethnic identity, moral support of faith institutions and patronage brokerage within Kenya's neopatrimonial political economy.

Theoretical Contributions

The article contains three important theoretical contributions. First, it recasts traditional authority not as a residual category but as an actively constituted hybrid institutional form that is produced and reproduced in modern political fields. Second, it constructs an analytical model of three layers of cultural legitimacy; moral endorsement; and patronage brokerage - that can be used in the analysis of similar institutions on the African continent and elsewhere. Third, it contributes to the critical revision of neopatrimonialism now in progress by having shown how informal institutions can serve as governing actors which may perform functions that are not provided by formal institutions.

Policy Implications

The findings have very significant policy implication in the context of governance reform in Kenya and elsewhere. For example, reform efforts to build up formal democratic institutions will have to engage with, rather than try to work around the informal governance landscape. Specifically, policymakers and development practitioners should consider the mechanisms by which the institutions like the Luhya Council of Elders can be formally acknowledged and made accountable within a devolved governance framework - without being completely subsumed under state control in a manner that undermines their cultural authenticity. Constitutional provisions for the recognition of traditional authorities, on the lines of those found in South Africa and Uganda, require serious consideration in the Kenyan context.

Future Research Directions

As this article is based on secondary sources some important empirical questions are left unanswered. Future primary research is urgently needed to document the internal dynamics of the Luhya Council of Elders, its membership, its decision-making processes, its internal power relations. Research is also needed on the reception and response of the council's political endorsements to the ordinary members of the Luhya community and effect of receptivity. Longitudinal study of the council's history of endorsements and its impact on elections for several election cycles would allow for systematic study of the political effectiveness of the council. Finally, comparative primary research focusing on the role of councils of elders in the various ethnic communities in Kenya would create a more rigorous foundation for testing the intraparietal theoretical claims of this article.

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