Beyond the Cannon of Liberal Democracy

A Lesson from Gadaa *for* Consensual Democracy

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Abstract

For Africa, consensual democracy is a custom than an alien concept. Consensus is an art and performances rooted in the African culture that awaits cultivation. This paper aims to uncover the fundamental limitations of the Western liberal democracy; and the vitality of African consensual democracy. It employs a transcendental approach toward the liberal democracy from the theoretical approach of the Epistemologies of the South – a perspective beyond the abyssal line. It makes use of the primary data collected through in-depth interviews with Gadaa (an egalitarian political system in Ethiopia) leaders and councilors. The researcher has conducted field work among the Guji-Oromo of south Ethiopia and collected primary data through non-participant observation of the Gadaa General Assembly. This assembly takes place regularly once every eight years, for the period of seven consecutive days. The final day of the assembly is often marked with power transfer – between the incoming and the outgoing Gadaa leaders. Analyzing the limitations of the Western liberal democracy, the paper proposes a 'communitarian democracy' – a move from an aggregate to consensual democracy. In particular, drawing lessons from the Gadaa system, the paper recommends seven procedural imperatives for the efficacy of consensual democracy in Africa and elsewhere: scaling, timing, social capital, adverse-inquisitive approach, structuration, duty first - rights second, and gender sensitivity. Finally, a concluding remark is also forwarded.

Key terms: *Consensual democracy, Epistemologies of the South, Gadaa System, Social capital.*

Introduction

This paper attempts to discern the limitations of the western democracy, and uncovers the vitality of African consensual/communitarian democracy.[1] The western version of democratic discourse is rooted in ancient Greek *Polis* direct democracy in which women and slaves had no voice. Almost, there is no a liberal discourse that does not paying tribute to the ancient Greek democracy.[2] It is grounding democratic history in European soil. This is the sequestration of heterogeneous democratic cultures elsewhere. The problem with this orthodoxy is that "those whose heritage does not include a direct link to Greek assemblies, the British Parliament or the American Congress, the accepted history of democracy provides a distant and exclusive narrative, which limits one's ability to embrace democracy" (Benjamin and Stephen 2011: 9). This orthodoxical and exclusive democratic historicity has created a monochromatic picture of the West as civilized, discoverers, nation of rule of law – putting others, in contrast, as savage, discoverable, and tribal ruled by caprice.[3]This has served as "an ideology that legitimizes subordination to Western imperialism" (Santos 2005: xvii). Moreover, it veils the tragic events such as: slavery, colonialism, world wars, and so on.

It is important to emphasize that the root cause of the democratic crisis is the production and imposition of one form of knowledge (the Western democracy) on others. What is being committed in the name of the law, "discovery", "civilization" and "democracy" and so on – all claimed to be reasonable and neutral while it is all about seeing others thorough one´s own eyes. Claiming universal truth does not only uproots the democratic practices at home but also

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[1] The notion of communitarianism refers to a social philosophy that maintains that society should articulate what is good - that such articulations are both needed and legitimate. ... Communitarians examine the ways shared conceptions of the good (values) are formed, transmitted, justified, and enforced (Karen (Christensen and David Levinson 2003: 224-228 cited in Zelalem 2012: 29).

[2] The common understanding of democracy is rule by the people, from the people and for the people (Lincoln, 1863: 210). This feels like the Scripture´s verse which states that "all things are from Him, by Him and from Him" (Romans 11: 36). As in the case of faith, God is put at the center of everything and laities believed in unconditionally; in the case of democracy people are put at the center of the gravity in the name of popular sovereignty. As this perception practically erodes, the issue of state legitimacy becomes more apparent. Perhaps, that is why the definition of democracy is polysemic and its practice also varied depending on the socio-political history of a nation.

[3] In the discourse of the origin of democracy, there is a clear indication of an ontology - one category is "us" – the Occident/the West which narrates the 'standard history of democracy' as – modernist – universalistic – epistemological orthodoxy – single trajectory and thus hides the complex historical political realities. The other category is "them" – the Rest, often as a counter-narrative – 'sub-standard story' – relativistic – epistemological unorthodoxy – multiple trajectories.

disenfranchises another democratic process elsewhere. In this respect Mouffe underlines that "To negate the incredible category of antagonism and aim at universal rational consensus – this is the real threat to democracy. Indeed, this can lead to violence being unrecognized and hidden behind appeals to rationality as often the case in liberal thinking, which disguises the necessary frontiers and forms of exclusion behind the pretenses of neutrality" (Mouffe 1996: 248). Melissa and Warren also suggest that, it is vital for political theorists to "problematize the dominance of Western intellectual traditions, conceptual frameworks, and institutional forms and devote our energies to fostering a 'trans-cultural conversation' or 'dialogue among civilizations" (Roxanne 1997 quoted in Melissa and Warren 2014: 30).

The place for Africa in the democratic history of the world is next to none. For instance, regard for its indigenous egalitarian institutions and its continuous development has little or no space in the Western academic discussion.[4]The conceptualization of the postcolonial state in Africa is also highly influenced by the present predicaments (see: civil wars, famine, corruption and others) of the continent.[5] For Africa to be "democratized", liberal democracy and multi-party system has been promoted. However, as one can see, this is an alien to the long lived African political institutions. Once multi-party politics is introduced, it took ethnic line where everyone organizes themselves for survival – and – it produced and still producing unintended tragedies: human, economic and environmental. If not the only factor, the fact that the internal cultural dynamics of Africans, especially its consensual democracy left untapped have resulted in the socio-political crisis.

To substantiate this point further, this paper introduces one of the age-old consensual systems in Ethiopia, commonly known as the *Gadaa* – which have the history of more than half a millennium consensual democracy. For the purpose of this paper, the case of Gadaa system of the Oromo people of Ethiopia is taken as an example of *othered* but egalitarian consensual systems. It is not easy to find an egalitarian democratic system in the human history that has become socio-political cradle. Thus, this paper presents an egalitarian democratic system of the Oromo people of Ethiopia for trans-cultural conversation. However, the main concern is not to

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[4] Benjamin notes in this regard that considering the Western democracy as the only way for the rest of the world will "miss the broader human story of the struggle for and achievement of democracy" (Benjamin n.d.: 5).

[5] The state in Africa is described as a neo-patrimonial state (Mederd, 1982), criminal state (Bayart et al 1999), collapsed state (Zartman 1995), shadow state, warlord state (Reno 1995; 1998) and so on.

describe the characteristics of Gadaa system, rather it is to briefly discuss deliberation under the Gadaa system which takes place once in eight years.

Methodological Approach

This research paper embraces the idea of democratic innovations concomitant with the theoretical frame work of epistemologies of the South. Democratic innovations refer to different arrangements of procedures, through which citizens are involved in public decision-making mechanisms and often differ from the conventional representation models. Thus, in positioning African system of governance in modern political systems 'neo-indigenous' approach seeks to pull the peripheral socio-political principles and structures of indigenous peoples to the centre/mainstream/modern political order.

The concept "neo-indigenous", first, indicates the necessity of *renaissance* of the indigenous socio-political institutions to make it conversant with the 21st century political and social dynamics. Second, it is analogous to the concept of "living customary law" or "neo-customary law" – which promotes the reinvention of indigenous institutions to solve pressing social, political and economic problems (Kyed and Buur 2006; Sklar 1999b; Van Kessel and et.al. 1997). For example, Rwanda reinvented *Gacaca*, a traditional justice system, and settled the 1994 genocide far better than the modern justice system could. Likewise, indigenous democratic institutions possess fundamental democratic tenets and structures that can address the democratic challenges Ethiopia, Uganda and Botswana are in. In other words, it suggests an alternative and complementary democratic institution innovatively sculptured which can contribute to social emancipation.

This paper makes use of the primary data collected through non-participant observation and interviews with Abba Gadaas and Gadaa councilors. To substantiate this discussion, the case of Gadaa General Assembly of the Guji people (Mee´eeBokkuu) is taken to indicate how the Guji-Oromo deliberate and decide over environmental protection. Moreover, the secondary sources are also sufficiently used. Considering the limitations of the liberal democracy, the paper proposes a communitarian deliberative democracy – a move from an aggregate to consensual democracy.

This paper is organized as follows: first, it introduces the nature and limitations of the western liberal democracy. The theoretical perspective and methodological approach is introduced in the second section. Third, it introduces Gadaa system and its general assembly as example of African consensual democracies. Fourth, drawing from the theories on deliberative democracy, and the Gadaa system, as a way forward, it proposes seven procedural imperatives to make modern democracy consensual. Finally, concluding remarks is forwarded.

Liberal Democracy and Its Limitations

In majoritarian democracy, one of the most important things is the attainment of the will of the people through representatives. Liberalists work to figure it out how "public- and will-formation" could make sense in theory as well as in practice (Habermas 1996; Rawls 1999 Drzek 2000; Benhabib 1996; Mouffe 1996). For them, the influence of the people on the body politic and the body politic on the people is very crucial. In this regard, the elected representatives are the agents, and the people are the principal. In other words, the agents (freely elected representatives) work under the dictation of the principal (the voters). Another version of this rationale is the track of "non-imperative mandate" where the representative is regarded as a trustee. The core idea here is that the attitudes of the representatives in the parliament and the party will transform the will of the people. For them, the bottom line is whether the will of the people is reflected in the public policy.

Nevertheless, it has to be noted that the notion of agent-principal relation may work well among entities with equal bargaining power than between state-society´s asymmetrical power relations. Moreover, agent-principal relation works well in individual affairs because there is a disinterested third party that can judge the one who breach a concession. In political rhetoric based relation, the agent-principal type of explanation is a myth. Therefore, the Rousseau´s theory on sovereignty and public-will expressed through Social Contract – is not only ideal but also a myth. Needless to say, the transformation of the will of the people into public policy is harder than simple casting of a vote. Especially, where the larger segments of the populations left unrepresented (say, for example, the 49% of the total population), especially in the first-past-the-

post electoral systems, one can see the major flaws of the liberal democracy. It is clearly a zero-sum game where the winner takes all. Thus, the majoritarian version of liberal democracy, therefore, is not devoid of challenges.

As part and parcel of addressing the limitations of a majoritarian democracy, political theorists have sought an alternative democracy – the deliberative democracy.[6] One of the positive ideas of consensual democracy is the replacement of zero-sum game by win-win solution. Besides, it is argued that it complements representative system and it is inclusive. However, others regard deliberative democracy makes the state weaker, less accountable and less responsive. In other words, in representative democracy there is less representation but with strong and more accountable system. Nevertheless, what makes the state strong or weaker is the system (i.e. the synergy among legal principles, legal actors, legal structures and legal culture) upon which such state is established than whether democracy is representative or consensual oriented.

Habermas categorizes deliberative democracy, from "political opinion and will-formation" perspective, in to three sets:[7] the republican version,[8] the liberal version and the discursive version of deliberative democracy. For him, the republican version of deliberative democracy regards society as a political community, the liberal version focuses on legitimation of state power and finally the procedural or "discursive democracy" gives emphasis to the rationalization of decisions construed by statutes[9] (Habermas 1996: 28, 29). John Rawls in *A Theory of Justice* (1999) substantively approaches democracy nexus neo-liberalism. Habermas, Jürgen in *Between*

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[6] Dryzek, John notes that the notion "deliberative democracy" was first used by Joseph Bessette (1980) in the context of an interpretation of the United States constitution as a set of principles to ensure effective public deliberation, especially within Congress (Dryzek 2000: 12).

[7] Whereas, SeylaBenhabib calls them as three public goods: "they are legitimacy, economic welfare, and a viable sense of collective identity" (Benhabib 1996: 67). For Avritzer "public sphere lies between the market and the state and involves individual communications and deliberations trough face to face interaction" (2002: 5).

[8] Joshua Cohen, for example, views democratic legitimacy as "the authorization to exercise state power must arise from the collective decisions of the members of the society who are governed by the power ... Democracy comes in many forms, and more determinate conceptions of it depend on an account of membership in the people and, correspondingly, what it takes for a decision to be collective – made by citizens ´as a body´" (Cohen 1996: 95).

[9] These perspectives indicate their difference in choosing center of gravity – understanding democratic process in economic (see: as aggregation of rational choices – "*homo economicus*") or political (see: issue of legitimacy) or in social terms (see: socially constituted civil society). *Homo economicus* is concerned with what "happens when *homoeconomicus* takes leave of the market place to pursue his advantage through politics. ... What rational theory has shown is that a political world of strategically rational actors is a nightmare that illuminates only the worst aspect of developed liberal democracies that the theory is supposed to model" (See: Dryzek 2000: 31-33).

Facts and Norms (1998) adopted a procedural approach to democracy. Where the Habermasian views democracy as a process where *means justifies the end*,[10]Rawlsians approach it as *end justifies the means.*[11] However, Mouffe argues that, if we accept that relations of power are constitutive of the social, then the main question for democratic politics is not how to eliminate power but how to constitute forms of power more compatible with democratic values (Mouffe 1996).

Young is critical of Habermasian model of deliberative democracy on grounds that: "it restricts the concept of democratic discussion narrowly to critical argument and often assume culturally biased conception of discussion that tends to silence some people or group" (Young 1996: 121). In lieu of deliberative democracy, Young proposed *communicative democracy* arguing that it is more accommodative of differences; it values different forms of communication and ultimately it indicates an equal privilege where people aim to reach understanding (ibid). Young goes further and argues that asymmetrical relation is not only based on power and money but also rooted in socio-cultural settings: communicative style (Young 1996: 122-123). Thus, it is not "radical enough" to address the intensity of democratization sought for by critical scholars.

Conceding to the Foucauldian approach, Dryzek further propounds *discursive democracy in reflexive modernity*, stating that: "a discourse is a shared set of assumptions that enable its adherents to assemble bits of sensory information into coherent wholes […] Sometimes particular individuals can make a great difference in this contest through the power of rhetoric; the achievements of Martin Luther King, Jr. (Dryzek 2000: 51; Dryzek 1996). The discursive theory, he argues, should be transnational in its scope and triggered by social realities, in a Foucauldian sense "discourse´s are in today´s world increasingly prevalent, and need not wait for rare crisis" (Dryzek 2000: 163). Although he did not capitalize on it, something which is very

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[10] That is, "the more equal and impartial, the more open the process is, and the less the participants are coerced and ready to be guided by the force of the better argument, the more the higher is the likelihood that truly generalizable interests will be accepted by all those relevantly affected" (Mouffe 1996: 5).

[11] That is, "a well-ordered society is one, which functions according to the principles laid by a shared conception of justice. This is what produces stability and citizen's acceptance of their institutions" (Mouffe 1996: 9).

interesting is that, he linked the discursive democratic theory to issues of ecological crisis or "risk society"[12] (ibid: 164).

Dryzek´s discursive democracy furthers transnationalism as opposed to a "communitarian" deliberation what he calls "the danger of gentlemen´s club". Although he is critical of liberal theorists, he again falls back to the gravity of the liberalists´ black hole: *universal rationality*. For him, "deliberation can and should occur when no community in this strong sense is present ... If democracy is silent on issues that transcend community boundaries, then democracy is banished from many of the main issues in the contemporary world" (Dryzek 2000: 174 – 175). Likewise, for Benhabib, universal rationality means "objective spirit" (*Objektiver Geist*) (Benhabib 1996: 69). Although there can be "common" sprit, but not necessarily "objective" – and hence she cannot escape the criticism of considering people as a corporate entity; hiding complex social and historical instances where the minority has imposed their will on the majority in disguise of the law; and thus, again this takes us back to the western democratic discourse.

Needless to say, the liberal deliberative democracy misses the social capital that drives – the social, the political, and economic organizations. In African indigenous political sculpture, consensual democratic system stands out as one of the most important pillars. Edward Wamala argues that "seeking consensus in traditional Ganda society seems to have been more than simply a political expedient to avoid legitimation crises; … The dedication to consensus seems to have been rooted in the firm epistemological belief that knowledge is ultimately dialogical or social, and in the ethical belief in the collective responsibility of all for the welfare of the community" (Wamala 2004: 437). However, this does not mean that there is no dissenting opinion at all; dissensus precedes consensus and what matters is how to approach the difference: adversarial or consensual.

Being critical of the western mono-democratic model being promoted by the western countries, Teffo proposes that "other societies need not mimic the West without taking cognizance of the cultures in which their democracy is located. […] emphasis should be on the system not the

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[12] Obviously, where the political, social and economic institutions of a country, as Dhal argues, performs well in the perspective of general population, intellectual dissent on democratization process would not have popular support. "But in times of serious crisis ... those who try to defend democracy will find the going much harder, while those who promote nondemocratic alternatives will find it that much easier" (Dhal 1996: 338).

name" (Teffo 2004: 443). In particular, the transplantation of the liberal democracy has to be such that contributes to "emancipative politics", not institutionalization of conflict in the form of a governing party and an opposing one, which undermines the principle of solidarity in traditional African political culture (Ramose 1992: 63 quoted in Teffo 2004). KuwasiWiredu (1980:21) also contends that "It would profit uslittle to gain all the technology in the world and lose the humanist essence of our culture'' (1980: 21).

In nutshell, to expect effective deliberation without establishing a link to the existing social capital such as cooperation, trust, and reciprocity, no matter how the theory of deliberative democracy is theoretically interesting, the outcome would be zero-sum game. Especially, a capitalistic version of deliberative democracy, an aggregation of private interests, negates the social capital. Inevitably, such deliberation will be dominated by oligarchies often driven by "profit maximization" – detached from the *non-commurcium* values. When social capital is not utilized, it leads to *ideal culture*. By ideal culture I mean, the fact that there is a belief, for example, in democracy, rule of law, or equal opportunity for all, but it does not exist in practice.[13]   Another explanation for the crisis could be the underpinning concept of "elitism." Since elitism, no less than aristocracy, asserts itself to "gentle men´s club" than "cultural" fabric – and creates an "ivory tower". Embracing the western epistemological orthodoxy, African elites and leaders, undermined African indigenous egalitarian institutions (Mazrui 2002).

Theoretical perspective: Epistemologies of the South

The post-colonial literatures are highly limited to the colonial history, post-colonial democratization processes, and ethnic conflict and human rights violations. There are extraordinary Eurocentric political and sociological theories, whereas there is extraordinary scarcity of theories on the relevance of African oriented democracies. Given the legacy of colonialism and the predatory neo-liberalism Africa experiencing, it would not be a surprise to witness the underdevelopment of African sociological theory. Santos, clearly describes this

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[13]For instance, a person may learn that Americans cherish the value of equal opportunity, yet in observing Americans, the person might encounter many cases in which people from different economic, class, racial, ethnic, and religious back ground are treated in a highly unequal manner.

lacunae as "a deconstructive challenge which consists in identifying the Eurocentric remains inherited from colonialism. … a reconstructive challenge which consists in revitalizing the historical and cultural possibilities of the African legacy, interrupted by colonialism and neocolonialism" (ibid: 43). This does not mean that all western political theories are irrelevant, rather it calls for deconstructing hegemonic principles and reconstructing emancipatory ones. It is equally unreasonable to say all that is traditional is good. Therefore, it keeps a researcher to place one leg in Western version of democracy and another leg in African indigenous democracy – which Santos calls "doubly transgressive sociology of absences and emergences" (ibid: 47). Mamdani rightly observed that:

> The solution to this theoretical impasse—between modernists and communitarians, Eurocentrists and Africanists—does not lie in choosing a side and defending an entrenched position. Because both sides to the debate highlight different aspects of the same African dilemma, I will suggest that the way forward lies in subletting both, through a double move that simultaneously critiques and affirms. To arrive at a creative synthesis transcending both positions, one needs to problematize each (Mamdani 1996: 3).

Cognizant with the foregoing discussion, this research builds on the emerging theory of the "epistemologies of the South". Boaventura de Sousa Santos regards *the epistemologies of the South* not as a vanguard theory but a "rearguard theory" which aims for "the retrieval of new processes of production and valorization of valid knowledges, whether scientific or non-scientific, and of new relations among different types of knowledge on the basis of the practices of the classes and social groups that have suffered, in a systematic way, the oppression and discrimination caused by capitalism and colonialism" (Santos 2012: 51). In other words, theories enabling social emancipation need to shift from reproducing old dogmas "regulating emancipation" to "emancipating regulation" – which in turn contributes to multi-lineal democratic historicity (Santos 2016).

The theory of epistemologies of the South embodies four sociological quadrants: sociology of absence/identifying the *subtracted* knowledges, sociology of emergence/*adding* the subtracted knowledges, ecology of knowledge/creating interrogative relationship between *subaltern* and

hegemonic knowledges, and intercultural translation/producing post-abyssal thinking. Santos notes that there is discrepancy of discourse between the Global North and the non-imperial Global South. For instance, where the North employs concepts "such as revolution, socialism, the working class, capital, democracy, and human rights"; the South deploys "concepts such as land, water, territory, self-determination, dignity, respect, good living, and mother earth" (Santos 2016: 69). In other words, epistemologies of the South, as a subaltern knowledge, seek not to discredit the former altogether, but to break the epistemological orthodoxy for *intercultural translation*. Santos' version of intercultural translation is that contributes to uproot societal as well as territorial fascism and ultimately leads to good mestizo (Santos 2016: 89). In the process of translating the liberal democracy vis-à-vis African indigenous consensual democracies, this research project negates "epistemological hegemony" of the former and supplements the later for a balanced reciprocity – which Santos calls it "diatopical hermeneutics" (ibid: 148).

The theory of *Epistemologies of the South* is premised on the idea that "there is no global social justice without global cognitive justice" (Santos 2016: 70). It boldly challenges the "orthopedic" or "abyssal thinking" demarcating of civil society/orthodox historicity/unilineal time plane on a side of the line, i.e. "regulation/emancipation"; and the tribalism/sub-standard history/archaism on the other side of the line, i.e. "appropriation/violence" side. Although the fight would mean a fight between Goliath and David – it is possible to generate theories that can transform collective performance. It does not matter how big the Goliath (the recognized), and entrenched lies appear real; what matters is how David (the unrecognized) is passionate enough to take the former by surprise. To quote Santos, "to think without passion is to make coffins for ideas; to act without passion is to fill the coffins" (ibid: 30). Thus, he emphatically problematizes "democracy" noting that:

> Democracy was invented out of fear of us, and we have always been afraid of it. We know that when we take possession of democracy, our enemies will go back to their old inventions: dictatorship, violence, theft, the arbitrary manipulation of legality and illegality. We will fight for the democratization of democracy until it frees itself from the fraud into which they have turned it (Santos 2016: 33).

As discussed elsewhere, in Africa, in the name of democracy electoral authoritarianism has flourished, in the name of human rights, the dignity of subjects is often derailed, and in the name of development humanity is put in irreversible jeopardy. Looking only into the North (the cause of the problem, if not the only) for solutions would mean contributing to the problem than tothe solution. Thus, it is a must to look into the pre-colonial knowledge systems for alternative solutions to modern problems. However, turning to the silenced, marginalized and trivialized sphere of knowledge systems for remedy does require innovative approach – a real utopia – turning the trivialized into medication. Nobody expected "savior of the world" from Nazareth, and especially, who was born in kraal – for Nazareth was the territory where no good thing could be heard of. Today, who dares to think that something good for the world could emerge from Africa?

In positioning, indigenous constitutional democracy in modern political systems, organic democrats are committed to pull the peripheral social organizations of indigenous peoples to the centre (Ayittey 1992; Legesse 2006; Holcomb 1997; Sirna 2012, 2015). This school holds that indigenous democracy has unique transformative capacity; and it conforms to the "epistemologies of the South" – an "inquiry into the alternatives that are contained in the horizon of concrete possibilities" (Santos 2012: 56).African indigenous democracies are highly decentralized (Bentley 2005; Mengisteab 2003; Sithole and Mbele 2008; Koelble 2005; Sklar 2005), not by the single dimension of geography, but by multiple dimensions (Ayittey 1992; ECA 2007; Legesse 2006;). They are deliberative – where consensus rather than majority vote matters most (Shongolo 1994; Bassi 2005; Wiredu 2007).

Gadaa Assembly – An Indigenous African Consensual Democracy

Gadaa is an example of socially and culturally entrenched egalitarian-democratic institution lasted for centuries than mere self-proclaimed democratic republicanism of a recent development. The life of the Oromo nation in the horn of Africa was found on an egalitarian and deliberative system commonly known as the Gadaa. Deliberative democracy among the Oromo is a custom than an alien concept. The Oromo people have the culture of gathering under a sycamore tree known as *Odaa*. The sycamore tree is a symbolic representation of dialogue and

consensus. The respect for sycamore tree is prevalent because of its significance for the local community to gather under, and make new laws and adjudicate cases.[14]Where the Gadaa system has proven its resilience as consensual democracy for the last six centuries, it is an irony that the Ethiopian people still suffer from tyranny. It is observable that the regional and the federal officials attend the Gadaa power transfer ceremony and confess that Gadaa is uniquely an African egalitarian and democratic system.[15]

The Gadaa general assembly is a supreme legislativeauthority. Its function includes (but not limited) to review laws at work, to proclaim new laws, to impeach the men in power and settle major disputes that could not have been resolved at the lower possible levels of its judicial organ(s). Any decision passed by the general assembly is final and it cannot be reversed by any other assembly (Asmarom 1973: 93). The legislative and "adjudicatory" supremacy of the general assembly is historically conditioned and culturally deep rooted.

I have attended the 74[th]Gadaa general assembly at Me'eeBokkuu, Guji Zone. The assembly lasted for seven consecutive days, from – February 15-21, 2016. It was an exciting moment of direct democracy being practiced in 21st century. First, a walk to the place of assembly has its own procedure and formality. They move in four sets: ex-Gadaa leaders in the first queue, the incumbent leaders ("the present") and his cabinet in the second queue, the future leaders in third queue and the women in fourth queue. The women and children are the last to walk to the assembly and when the deliberation is over, they are the one who leave the assembly first.

Second, every person can convene to the assembly. Differences in terms of age, gender, status or political affiliation may not bar a person from taking part. It is mandatory for all incumbent and ex-presidents, incumbent Gadaa Council, and clan elders to convene to the assembly once in

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[14] Given the vastness of the Oromo land (363,136 square kilometers) and its population (40% of Ethiopin population), assemblies take place in several places and assemblies are named after the place of gathering. For instance, among the Borana-Oromo it is known as G*umi-gayo* (*Gayo* refers to a place of water well and *gumi* means assembly); among the central Oromo it is called as *Chaffe* (meaning, assembly at the edge of prairie grass); among the Guji-Oromo it is known as Yaa'iiMe'ee-Bokuu (Assembly of Me'ee-Boku).

[15]The Gadaa system has five parties that orderly succeeded each other every eight years in assuming political responsibilities (Asmarom 2006). The class in power is headed by *Abba* Gadaa (the president). Among the Guji-Oromo, Gadaa system has been practiced consistently since 1424.

Several scholars underline that the Gadaa system is genuinely African governance system that can be solution for some of political challenges African states faces today (For example, Asmarom 1973; 2006; Holcomb 1993; Marco 2005, Jalata 2012, Baissa 2004, Dirribi 2011, Alemayehu 2009).

eight years. In that gathering women also attend the meeting. Previously women were not expected to attend the general assembly. This is a new and fundamental development.

Third, the Gadaa general assembly takes "communicative" deliberative form. Speeches in the general assembly are delivered with much seriousness. The tone, the gesture, the accent, the pause and other oratorical finesses are sufficient among several clans to strongly nuance the word.The deliberation at Me'eeBokkuuwas opened by blessing and stating the fundamental values, Every time a person wants to speak, he must first restate these fundamental moral values (see below) before proceeding to the discussion.

The speaker/discussantThe audience/assembly

Lafti wayyuu – Earth is respected!Wayyuu – respected!

Waaqi wayyuu – God is respected!Wayyuu – respected!

Haati wayyuu – Mother is respected!Wayyuu – respected!

Abbaan wayyuu – Father is respected!Wayyuu – respected!

Soddaan wayuu – Mother/father-in-laws are respectedWayyuu –respected!

Source: Athaur's observation at Me´eBoku in Guji Zone, Ethiopia. February 19, 2016.

Fourth, the assembly was led by a chair-person (an ex-Gadaa leader), the Speaker. The Speaker requires every attendant to take part in the deliberation calmly and actively. In the middle of the deliberations he interferes and make sure that the deliberation is meant to be a gathering for deliberation than debate. Above all, he accords that the assembly is not the place of showing one's talent of speech or a place to judge a speaker's mind but it is the place to take a collective decision to their problems. Hence, he balances the freedom of expression and the order of deliberation. Any attendant who wants to take a chance says *kophise*! (lit., the chance is mine!). Then he speaks what is right for his people´s social, political, economic and environmental issues. When he finishes, he says *toggise*! (lit., I am done!).

Fifth, deliberation takes dialogical form.A speaker support one or more views of his predecessor or may oppose. In each statement a discussant affirmatively declares "*santiaadaadha!*" – "that is the custom!" Hence, the way the deliberation takes place is not authoritative – a setting where one speaks and others listen to it. Rather, it is a setting where every remark and points one makes will be responded immediately in reference of the existing customary law. Where the majority repeatedly support one another's views the views of the minority will be swallowed in the majority consensually. However, in case they do not agree to the statement, anyone can oppose at spot saying, *aad-malee!* (lit., that is not the custom!). Thus, the fact that the nature of the *Gadaa* general assembly is based on consensus than majority rule is observable.Moreover, the center of deliberation is neither, what Habermasian call it as "reason" nor what Rawlsian consider it as "justice", but mainly established on the "truth." Reason, as in most cases,[16] is a ground for evasion of the truth – a way to answer to the truth appealing to a conscience for wrongs being done. However, under Gadaa denial and taking hostage to reason is impossible: the only option is to speak the truth and the truth only.

Sixth, although the Gadaa general assembly took place for seven consecutive days, the final day will be a power transferring ceremony – where the *Abba Gadaa* who has served for the last eight years will hand over the power to the incoming leader.Thus, the 73rd Abba Gadaa, Wako Dube (2007 - 2015) peacefully transferred the power to the 74th Abba Gadaa, JiloMandho (2016 - 2024). This event marks a week long intensive deliberation and the beginning of new Gadaa order.

Seventh, the scope of deliberation was limited to the general affairs of the people and specific mattersare left for subordinate assemblies. Decisions passed at Me'eeBokkuu binds the whole community and it will serve for the next eight years. The subject matter of deliberation includes: environmental protection, social relations, peace and development. Here below, the decision on environmental protection is presented as follows:

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[16]For example, to justify the taking of vast territories of indigenous peoples as *terra nullius*, a free land; in the presence of numerous native Indians to claim it discovery, the colonization of Africa as civilizing mission, and in the face of cultural, historical and economic systems, the promotion of western democracy as the best model for all nations across the world.

Hafaa mukaa hin muranuu.Santi aadaa!	Cut not age-old trees. That is the custom!
Bayaa mukaa hin muranuu. Santi aadaa!	Cut not small trees. That is the custom!
Muka mul´isaa hin muranuu.Santi aadaa!	Cut not big trees. That is the custom! Cut
Muka maqaa hin muranuu.Santi aadaa!	not branded trees. That is the custom!Cut
Muka Jilaa hin murani.Santi aadaa!	not holly trees. That is the custom! Cut
Mootii mukaa hin muranuu.Santi aadaa!	not splendid trees. That is the custom!Cut
Sootii mukaa hin murani.Santi aadaa!	not tallest trees. That is the custom! Prune
Mukeen hin qululuchanuu.Santi aadaa!	not trees. That is the custom!Anyone who
Namni ibidda qabatee bosona seenu bishaan	enters a forest with fire shall take water with
qabatee deemaa.Santi aadaa!	himself. That is the custom!While cutting a
Raadaa fi jibichaan simuree naa hafiin	tree saying "I cut ´you´ with heifer and steer,
gondooranii. Santi aadaa!	remain!"is the custom!

Source: Adopted from Magazine of Guji Zone Culture and Tourism Office, 2016.

Toward Consensual Democracy: A way forward

Drawing on the preceding discussions, here below are some procedural *imperatives* for consensual democracy.

Scale: the size of the constituents matters in deliberation. The size of the participants determines the quality of deliberation. That is, as the size of the participants unreasonably increases, the quality and efficiency of deliberation will decrease. To increase the quality of deliberation, it takes to balance the quantity versus the "quality" of the deliberation. Hence, the idea here is, the number of the participants needs to be welcomed as far as it does not compromise the quality of

the deliberation. Thus, the standard as to the size of the participant is not pre-setting a magic number, or not in a sense of forming "gentle men´s club", instead to observe the context of the environment and decide whether it may affect the quality of discussion.

Time: the second most important ingredient of deliberative democracy is time. In today's post-modern information era – where human organism is increasingly becoming virtual – it is difficult to have ample time to deliberate in traditional settings. Cognizant of the evolving new social networks, there are attempts to create an ICT based deliberative platforms (Eleonora et. al. 2011). However, this is still at an infant stage and its outcome is not yet known. The conventional gathering and deliberation is not yet out dated and I do not think it would either be. One of the most common criticisms against deliberative democracy is that it is not time efficient. This kind of criticism relegates the different layers of deliberative processes and patterns. Deliberative democracy based on people lived experiences are not time consuming. Moreover, there are different layers of deliberation – not all matters will be discussed by the single deliberative body. There are matters that are general/universal and specific/local and thus the constituents' will deliberate over matters specific to them as part and parcel of the public. Besides, it can be dissected based on the subject matter to be addressed: for example, on budget, health, agriculture, education, ecology, and others. Thus, the syndrome of time consumption[17] could be distributed among concerned entities. Nowadays, we have informative cases of Participatory Budgeting in Brazil and other countries across the world (Avritzer 2002a, Boaventura 2005). Moreover, in Gadaa system, deliberation takes place once in eight years – just for one week and then followed by power transition. This indicates that timing in deliberative democracy is important, because people naturally gather for serious matters and often marking a certain event (See also *Deliberation Day*, Fishkin 2006).

Structuration/systematization: The constituents of a deliberation need to be re-defined based on their background – such as gender, age, professional experience (e.g. health, education, ecological, budgeting), disability and etcetera. This allows the participants to effectively engage and discuss on the issues that concerns them and the public. It is such systematization that makes deliberation sensible, dialogic, and accommodative. The concept structuration/systematization

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[17]In a relation to time management, pre-setting the agendas of the deliberation and communicating the same to constituents ahead enables all members to jointly and severally discuss the public affairs behind the stages.

signifies setting skeleton of deliberative democracy – up on which participation and deliberation takes place.[18] Moreover, the structures set needs to be established on clearly separate powers and functions to avoid role confusion and resulting waste of time and energy. Young (1996: 126) argues that "there is no reason or structure for differently situated groups to engage in democratic discussion if they do not live together in a polity (Young 1996: 126). Although it is not clear what she means by "living together in a polity" – what I think important is that cross-cultural deliberations strengthen the *sociation* (a process of social interaction). Nevertheless, I suppose that, as Benhabib also argues, deliberative democracy should favor a plurality of modes of association which range from "political parties, to citizens´ initiatives, to social movements, to voluntary association, to consciousness raising groups, and the likes … It is through the interlocking net of these multiple forms of associations, networks, and organizations that an anonymous "public conversation results" (Benhabib 1996: 73-74).

Social Capital: social capital is an asset constituted by cultural values, beliefs, folklore and world views. Benhabib clearly noted in this regard that "we never begin our deliberations concerning these matters at a moral ground zero. Rather, in moral theory as in every day morality, in political theory as in everyday political discourse, we are always situated within a horizon of presuppositions, assumptions, and power relations, the totality of which can never wholly transparent to us" (Benhabib 1996: 78-79). For instance, among the Oromo there are values such as: blessing (*eebba*), tolerance (*wal-dhageetti*), respect (*ulfina*), order (*sirna*), and mutual understanding (*elaa fi elamee*). Always the practice of blessing (*eebba*) the assembly precedes any further discussion. Elders bless the assembly before any planned session formally initiated. Blessing has special meaning – culturally, socially and politically. It cools the emotions of the members, increase respect among the members, and open space for dialogue. Moreover, the usage of folklore, e.g. storytelling, sayings, jokes etc., during deliberation serves as an energizer and lubricant. It allows the planed deliberation to play a pendulum – moving between informality and formality. In other words, matters that are taken very seriously, in formal scenario, will reset to a modest situation. So, a balanced usage of social values and folklore enhances deliberative democracy. However, where social values are transgressed or untapped,

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[18] However, for systematization to viable, it needs to be well researched and should be set based on the social, political and economic realities of the society concerned. Hence, there will not be all fit size parameter. A deliberative model designed for Portugal may not exactly fit for Ethiopia.

then the deliberative democracy as a model will inevitably departs from this communitarian spirit. Young proposed three elements of communicative democracy: greeting, rhetoric, and storytelling (Young 1996: 129). For her, greetings open up, rhetoric warms up the discussion and storytelling lubricates final agreement for its readily acceptance. However, Benhabib (1996) downplays[19] Young´s articulation as convenient informal communication of individuals and it has nothing to do with political theorists' works. My question to Benhabib is that where should would put indigenous deliberative systems? In the case of Gadaa system, for example, blessing takes central place beyond mere greetings. Besides, in contrast to truth driven indigenous political discourses, most of the political discourses are not to find the truth but to speak about the ideology of the party (Habermas 2007: 294).

Adverse-Inquisitive Approach: unlike the liberal and adversarial nature of democracy, the deliberative democracy approach needs to take in to account an inquisitorial system. Where a deliberation is fully adversarial, then it is not easy to reach on win-win solution. Adversarial approach ignites competition, which is self-interest driven, as opposed to cooperation, a common-interest driven discussion. As the adversarial approach overwhelms the discussion, the quality of deliberation will be compromised. To address this, an inquisitorial approach can be merged with the adversarial approach. That is, individual interests can be aired freely but at the same time it should be continuously informed by a middle person, if not umpire, to keep the equilibrium of the common good. Therefore, a deliberative democracy should mix the adversarial and inquisitorial approach– and thus build "consensual democracy." In other words, democratic deliberation is the blend of adverse and inquisitive political discussion. The bottom line is, as Young noted, "democratic decision moves in a contest where some win and others lose privileges those who like contests and know the rules of the game" (Young 1996: 123). In the epic story of King Solomon´s decision on the claims of two women on one baby son, he ordered, "Cut the baby in half! That way each of you can have part of him." And one of the women said, "Please don't kill my son," … "Your Majesty, I love him very much, but give him to her. Just don't kill him." The other woman shouted, "Go ahead and cut him in half. Then neither of us will have the baby." King Solomon said, "Don't kill the baby." Then he pointed to the first

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[19] She argues that "it is neither necessary for the democratic theorist to try to formalize and institutionalize these aspects of communicative everyday competence, nor it plausible – and this is the more important objection – to build an opposition between them and critical argumentation" (Benhabib 1996: 82-83).

woman, "She is his real mother. Give the baby to her." Claims could be many and may appear "reasonable" and right – but inherently not just. Hence, there should be someone *among the equals*,[20] to analyze the points of discussion and sum-up in a way that all would accept. This requires wisdom – unless the "public sphere" would be a place of discordance and anarchy. Because, freedom without order is a chaos and order without freedom is also a tyranny. Lastly, any ordinary citizen who assumes this position, need to employ a Socratic method. As Young notes "Socrates engages in flattery in order to motivate his interlocutors to continue the discussion. He uses countless rhetorical tricks, from humor to irony to ridicule to self/effacement. … Socrates recites a myth, a poetic story that passes over arguments to pull on intuition" (Young 1996: 129).The Socratic approach is transcendentalism, that is, one can take a constitution as a crucial instrument of deliberation but constitution does neither interpret itself nor charismatically present itself in public – but as an agent – a well-informed human being can.

Duty first, Right second: obviously, right is corollary of duty. However, Mahatma Gandhi understood it the other way around. Duty is the primary task and then the right follows. For Gandhi, an exercise of civic duty eases the exercise of political freedom. He stated that "We discuss political obligation as if it were a kind of moral tax extracted from us by a coercive government, rather than as an expression of our commitment to uphold and improve the quality of the shared life" (Parekh, 1986: 19). Furthermore, he noted that "true citizenship" meant: "In swaraj[21] based on ahimsa people need not know their rights [as much as] it is necessary for them to know their duties" (ibid). The 35th US President, JF Kennedy also said on the presidential inaugural speech: "my fellow citizens of the world,ask not what America will do for you, but what together we can do for the freedom of man."This is contrary to the adversarial and individualistic view and favors a communitarian approach. In this sense, it would have been interesting had the domestic and international human rights instruments laid down duties of citizens and states than their rights. In a deliberative democracy, first, the principle of "duty first - right second" plays crucial role in subduing ego driven discussion and bans externalization of problems. Second, it contributes to domestication of power by breaking the metaphysical

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[20] I do agree that "... in the game of democracy the rules of the game no less than their interpretation and even position of the umpire are essentially contestable" (Benhabib 1996: 79-80).

[21]*Swaraj* is a Gandhian philosophy of grass-root democracy contrary to elite democracy – and calls for the inclusion of every common people to be part of the political change.

perception towards the government. Duty driven deliberation delivers more than right based discussion. This goes in line with the deliberative critics of the interest-based model of democracy which "presumes that people cannot make claims on others about justice or public good and defend those claims with reasons" (John Burke 1989 quoted in Young 1996: 122).

Gender in Deliberative Democracy: It appears that men talk in public more often than women do. For instance, Lynn Sanders (1992) noted that men talk considerably more than women in court as well as in parliaments. One may argue that deliberation is *emotion*⁻(emotion negative) and thus excludes women. In search of *emotion*⁺ (emotion positive) political climate, one may recommend communicative democracy (Young 1996) or participatory democracy (Santos 2006). Nevertheless, the challenge of equally engaging women with men in deliberative democracy has more roots in cultural and historical than just deliberative democracy model alone. Supporting the feminists´ skepticism about the deliberative model "as it is privileging a certain mode of discourse at the cost of silencing others: this is the rationalist, male, univocal, hegemonic discourse of a transparent polity that disregards emotions, polyvocity, multiplicity, and differences in articulation of the voice of the public" (Benhabib 1996: 74). I argue that through *structuration/systematization* of deliberative *sociation* into separate forms, but making-up of one body politic (all parts of human body are equally important, likewise the well-structured entity of a polity is) gender related issues can be addressed.

Concluding Remarks

This paper has attempted to envisage the relevance of African consensual democracy beyond the canon of liberal democracy. By discerning the relevance of an indigenous African consensual democracy, the Gadaa System, this paper has attempted to dismantle the divide between the notion of democracy in West and the South. It is recalled the historicity of the Western democracy is monochromatic, unileneal and exclusive of other democratic models. However, being critical of liberal democracy is not enough. Hence, this paper utilizes the newly emerging theoretical perspective, the epistemologies of the south. This theory tries to dismantle the abyssal line. That is, it envisages to treat equally the African democratic models (as from the South) with without discrediting the liberal democracy altogether through "trans-cultural translation". Building on this theory, this paper argued for democracy informed by the cultural ethos – the social capital. In particular, taking lesson from the Gadaa system of Ethiopia and the deliberative

democracy, enabling imperatives is forwarded for they would have potential to lead to consensual democracy.

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