



Review Article

**Beyond the Canon of Liberal Democracy: A Lesson from
Gadaa for Consensual Democracy**

Zelalem T. Sirna*

Lecturer in Law at Salale University, Ethiopia

Email: zelalem.tesfaye430@gmail.com

Submission Date: 16/06/2019

Acceptance Date: 21/09/2019

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 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, structuring, duty first-rights second, and gender sensitivity. Finally, a concluding remark is also forwarded.

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

Axareeraa

Afriikaaf diimokiraasiin elaafi-ilaameefi adaadha malee yaad-rimee ambaa miti. Aadaan elaafi-ilaamee ogumaafi shaakala hundee qabuu kan misoomfamuu danda'udha. Kaayyoon qorannoo kanaas hanqina sirna diimokraasii walabaawaa warra lixaa saaxiluufi faayidaa diimokiraasii Oromoo ilaafi-elaamee irratti hundaa'e agarsiisuu ta'a. Qorannoon kun odeeffannoo sadarkaa duraa karaa af-gaaffii abbootii Gadaafi gorsitoota waliin taasisuun kan argame kan fayyadameedha. Dabalataanis, qorataan kun, dirree qorannootti bobba'uun sirna Gadaa yaa'ii walii galaa kan hawaasa Gujii kibba Itoophiyaatti argaman do'achuu danda'eera. Yaa'iin walii galaa kun waggaa saddeetitti yeroo tokko kan raawwatu yoo ta'u, turtii turban tokkoo qabas. Guyyaan dhumaa immoo guyyaa itti abbaan Gadaa aangoo gadi dhiisuufi aangooti dhufu gidduutti baallii wal harkaa fuudhachuun goolabamudha. Qorannoon kun hanqina sirna diimokraasii walabaawaa warra lixaa xiinxaluun, yaada 'diimokiraasii waloo' akka filannootti kan dhiheessedha. Addumatti, sirna Gadaa irraa barnoota fudhachuun sirna diimokiraasii ilaafi-elaameef murteessaa kan ta'an qabxiilee adeemsaa dirqisiisoo (procedural imperatives) torba ta'an adda baasee kan eere yoo ta'u, isaanis: tilmamummaa, yereessuu, dilbii hawaasummaa, falmaa-giddusentummaa, caasessuu, dirqama tokkoffaa-mirga lammaffaafi dhimma koorniyaaaf iddoo kennuu fa'a.

Jechoota Ijoo: *Diimokiraasii Ilaaf-elaamee, Diimokiraasii Walabaawaa, Sirna Gadaa, Dilbii hawaasummaa.*

Introduction

This paper attempts to discern the limitations of the western liberal democracy, and uncovers the vitality of African consensual/communitarian democracy.^a It embraces the idea of democratic innovations in 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.

^a 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).

Likewise, indigenous democratic institutions possess fundamental democratic tenets and structures that can address the democratic challenges in Africa. In other words, it suggests an alternative and complementary democratic institution innovatively sculptured which can contribute to social emancipation.

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

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.

Finally, this paper is organized as follows: first, the nature and limitations of liberal deliberative democracy. Second, it introduces Gadaa system and its general assembly as an empirical case of African consensual democracies. Third, drawing from the perspectives on deliberative democracy, and the Gadaa system, it proposes seven procedural imperatives to make modern democracy consensual. Finally, concluding remarks is forwarded.

Nature and Limitations of Liberal Deliberative Democracy

The western version of democratic discourse is rooted in ancient Greek *Polis* direct democracy in which women and slaves had no voice. In fact, it was a majoritarian than consensual democracy. 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.^b 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:^c the republican version,^d 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^e (Habermas 1996: 28, 29).

^b 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).

^c Whereas, Seyla Benhabib 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 through face to face interaction” (2002: 5).

^d 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).

^e 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

John Rawls in *A Theory of Justice* (1999) substantively approaches democracy nexus neo-liberalism. Habermas, Jürgen in *Between Facts and Norms* (1998) adopted a procedural approach to democracy. Where the Habermasian views democracy as a process where *means justifies the end*,^f Rawlsians approach it as *end justifies the means*.^g 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 interesting is that, he linked the discursive democratic theory to issues of ecological crisis or “risk society”^h (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

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).

^f 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).

^g 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).

^h 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).

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” spirit, 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 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 us little 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.¹ 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,

¹For 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.

African elites and leaders, undermined African indigenous egalitarian institutions (Mazrui 2002).

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 to the 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.^j 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

^j Given the vastness of the Oromo land (363,136 square kilometers) and its population (40% of Ethiopian 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 *Gumi-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).

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.^k

The Gadaa general assembly is a supreme legislative authority. 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 74th 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 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’eeBokkuu was opened by blessing and restating the fundamental values. Every time a person speaks, he must first restate the following moral values:

The speaker

Lafti wayyuu – Earth is respected!
 Waaqi wayyuu – God is respected!
 Haati wayyuu – Mother is respected!
 Abbaan wayyuu – Father is respected!
 respected!
 Soddaan wayyuu – Mother/father-in-laws are respected!

The chorus

Wayyuu – respected!
 Wayyuu – respected!
 Wayyuu – respected!
 Wayyuu –

Wayyuu –respected!
 (Source: Athaur’s observation at Me’eBoku in Guji Zone, Ethiopia. February 19, 2016).

^kThe 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).

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 "*santi aadaa dha!*" – "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,¹ 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 matters are left for subordinate assemblies. The subject matter of deliberation includes: environmental protection, social relations, peace and development. Decisions passed at Me'eeBokkuu binds the whole community and decisions made there will bind the society unless amended in the following general assembly which will take place after eight years.

Towards Consensual Democracy: A way forward

Drawing on the preceding discussions, here below are some procedural imperatives for consensual democracy. The first is the factor of the scale, that is, the number of participants. The size of the constituents affects the quality of deliberation. To increase the efficacy and

¹For 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.

quality of deliberation, it takes to balance the quantity versus the “quality” of the deliberation. The idea here is not to exclude interested participants; rather it is to say that 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 it calls for welcoming any interested person so as far as it may affect the quality of a discussion. Second, *time*, is the most important factor of deliberative democracy is time. One of the most common criticisms against deliberative democracy is that it is not time efficient. This kind of criticism overlooks 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 a single 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^m 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).

Third, *structuration*, the constituents of a deliberation need to be re-defined based on their background – such as professional experience (e.g. health, education, ecological, budgeting), activities (e.g. traders, miners, farmers, fishers) and disabilities. This allows the participants to effectively engage and discuss on the issues that concerns them. It is such systematization that makes deliberation rational, dialogic, and effective. 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).

Fourth, the efficacy of a deliberation heavily relies on the appropriation of social capital. *Social capital* is an asset constituted by cultural values, beliefs, and world views. Because, we never begin our deliberations ... at a moral ground zero. Rather, 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). Among the Oromo people of East Africa, for instance, 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.

^mIn 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.

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. 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). However, where social values are untapped, then a deliberative process departs from collective spirit.

Fifth, unlike the adversarial nature of liberal democracy, a deliberative democracy approach needs also to incorporate 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. For a delicate balance, individual interests can be aired freely but at the same time it should be continuously informed by a middle person, if not umpire(s), 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). Claims could be many and they may appear true and right – but inherently not just.ⁿ Hence, there should be someone *among the equals*,^o who can analyze the points of discussion and sum-up in a way that all would accept; unless the sphere would be a place of discordance and anarchy. Because, freedom without order is a chaos and order without freedom is also a tyranny.

Sixth, duty first, right second principle complements a consensual democracy. Mahatma Gandhi understood duty as the primary task and then the right follows, not the other way round. 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*^p based on ahimsa people need not know their rights [as much as] it is necessary for them to know their duties” (ibid). This is critical of individualism and favors a communitarian approach.^q Wouldn't it interesting had the domestic and international human rights instruments laid down duties of citizens and states? It is the belief

ⁿ 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 woman, “She is his real mother. Give the baby to her.”

^o 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).

^p*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.

^q 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.”

of this author that in a deliberative democracy, the principle of “duty first - right second” plays crucial role in subduing personal-interest driven discussion and bans externalization of problems. Moreover, it contributes to domestication of power by breaking the metaphysical perception towards the government.

Finally, gender factor in a deliberation has to be taken seriously. 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, polyvocality, 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.

References

Abdullahi Shongolo, (1994) “The GummiGaayo Assembly of the Boran: A traditional legislative Organ and its Relationship to the Ethiopian State and a Modernizing World. in *Zeishcrist fur Ethnologie*, Vol. 119, pp. 27 -58.

- Ackerman, Bruce and Fishkin, James S. (2006) "Deliberation Day." In: *Debating Deliberative Democracy* (James S. Fishkin and Peter Laslett, eds.) Blackwell Publishing Ltd. P. 7-30.
- Asefa Jalata (2012) *Gadaa (Oromo Democracy): "An Example of Classical African Civilization."* Available at: http://works.bepress.com/asafa_jalata/40 (Accessed September 25, 2016).
- Asmarom Legesse (2006) (First Full ed.), "Oromo Democracy; An Indigenous African
- Asmarom Legesse, (1973) "Gada: Three Approaches to the study of African Society", The Free Press, A division of Macmillan Publishing Co., Inc., New York.
- Avritzer, Leonardo (2002) *Democracy and the Public Sphere in Latin America*. Princeton University Press.
- Ayittey, George B.N, (1992). "Africa Betrayed", New York: St. Martin's Press.
- Bassi, Marco, 2005: "Decisions in the Shade: Political and Juridical Processes Among the Oromo-Borana", Red Sea Press.
- Baxter, P.T.W., 1978: "Boran Age-Sets and Generation-Sets: Gada, a puzzle or a Maze?" in: P.T.W. Baxter and Uri Almagor (eds.), *Age, Generation and Time. Some Features of East African Age Organisations*. New York: St. Martin's Press. pp. 151-182.
- Bayart, Jean-Francois (2009) "The State in Africa. The Politics of the Belly" (2nd ed). Cambridge: Polity Press.
- Benhabib, Seyla (1996) "Toward a Deliberative Model of Democratic Legitimacy." In: *Democracy and Difference. Contesting the boundaries of the Political*. Princeton University Press. New Jersey.
- Benjamin Isakhan (n.d.) "Democracy: Critiquing a Eurocentric History" Available at: www.apsa2015.org/uploads/.../isakhan - apsa 2015 draft 3.pdf (Accessed on December 24, 2016)
- Benjamin, Isakhan and Stockwell, Stephen (2011) "The Secret history of Democracy." Palgrave Macmillan, New York.
- Bayart, Jean-Francois, Stephen Ellis and Beatrice Hibou (1999) "The Criminalization of the State in Africa." Oxford: James Currey.
- Bentley, K.A., (2005). "Are Powers of Traditional Leaders in South Africa Compatible with Women's Equal Rights? Three Conceptual Arguments" in: *Human Rights Review*, pp. 48-68.
- Cohen, John (1996) "Procedure and Substance in Deliberative Democracy." In: *Democracy and Difference. Contesting the boundaries of the Political*. Princeton University Press. New Jersey.

- Coleman, J. S. (1988) "Social Capital in the Creation of Human Capital." *American Journal of Sociology*, 94, 95-120.
- Dahl, Robert A. (1996) "Democratic Theory and Democratic Experience." In: *Democracy and Difference. Contesting the boundaries of the Political*. Prince University Press. New Jersey.
- Devos, Carlos and Sinardet, Dave (2012) "Governing without a Government: The Belgian Experiment." *Governance: An International Journal of Policy, Administration, and Institutions*, Vol. 25, No. 2.
- DirribiDemissie, 2011: "Oromo Wisdom in Black Civilization", Finfinne, Ethiopia.
- Drzek, John S. (2000) "Deliberative Democracy and Beyond. Liberals, Critics, Contestations." Oxford University Press.
- Eleonora S. M. Cunha, Giovanni Allegretti, Marisa Matias (2011) "Participatory Budgeting and the Use of Information and Communication Technologies: A Virtuous Cycle?" *RCCS Annual Review*, 3. Center for Social Studies, University of Coimbra, Portugal.
- Fishkin, James S. (2006) "One day deliberation." In: *Debating Deliberative Democracy* (eds. James S. Fishkin and Peter Laslett). Blackwell Publishing Ltd.
- Habermas, Jurgen (1996) "Between Facts and Norms." Contributions to a Discourse Theory of Law and Democracy (translated by William Rehg). The MIT Press, Cambridge, Massachusetts.
- Habermas, Jurgen (1996) "Three Normative Models of Democracy." In: *Democracy and Difference Contesting the Boundaries of the Political*, Seyla Benhabib (eds.) Princeton University Press. (Chapter One) P. 21-30.
- Holcomb, Bonnie K (1997) "The Tale of Two Democracies: The Encounter between US-Sponsored Democracy and Indigenous Oromo Democratic Forms," *The Journal of Oromo Studies*, Vol. 4, Nos. 1&2, pp.47-82.
- John, S. Mill (1991) "Consideration on Representative Government." New York: Prometheus Books.
- Koelble, T., (2005). "Democracy, Traditional Leadership and the International Economy in South Africa", CSSR Working Paper No.114, pp. 14-15.
- Martial, De Salviac, P. 2008 [1901]: "An Ancient People, Great African nation: The Oromo", trans. by Ayalew Kenno, Finfinne, Ethiopia.
- Medard, Jean-François. (1982) "The Underdeveloped State in Tropical Africa: Political Clientelism or Neo-Patrimonialism." In Christopher Clapham (ed) *Private Patronage and Public Power: Political Clientelism in the Modern State*. London: Frances Printer.

- Mengisteab, Kidane (2003). "African Traditional Institutions of Governance: The Case of Eritrea's Village Baito," in Olufemi Vaughan, (ed.) in *Indigenous Political Structures and Governance in Africa* (Ibadan: Sefer), pp. 208-223.
- Melissa S. Williams and Mark E. Warren (2014) "A Democratic Case for Comparative Political Theory." *Political Theory*. Vol. 42(1) 26–57. DOI: [10.1177/0090591713507934](https://doi.org/10.1177/0090591713507934).
- Menkhaus, Ken (2006) "Governance without Government in Somalia." *Spoilers, State Building, and the Politics of Coping*. *International Security*, Vol. 31, No. 3. pp. 74–106.
- Medard, Jean-François (1982) "The Underdeveloped State in Tropical Africa: Political Clientelism or Neo-Patrimonialism." In Christopher Clapham (ed.) *Private Patronage and Public Power: Political Clientelism in the Modern State*. London: Frances Printer.
- Mouffe, Chantal (1996) "Democracy, Power and the Political." In: *Democracy and Difference. Contesting the boundaries of the Political*. Prince University Press. New Jersey.
- Mouffe, Chantal (2000) "Deliberative Democracy or Agonistic Pluralism." Institute for Advanced Studies, Vienna.
- Noel, Alain, (2006) "Democratic deliberation in Multinational Federation; Critical review of International Social and Political Philosophy", Vol. 9 No. 3 pp. 419-444.
- Putnam, Robert D. (2000) "Bowling Alone: The Collapse and Revival of American Community." New York: Simon & Schuster.
- Rawls, John (1999) "A Theory of Justice." (Revised edition). Harvard University Press.
- Reno, Williams. 1995, "Corruption and State Politics in Sierra Leone", New York: Cambridge.
- Sanders, Lynn (1997) "Against Deliberation." *Political Theory*, Vol. 25, No. 3. Sage Publications Inc. pp. 347 – 376.
- Sithole, Pearl and Thamsanqa Mbele, (2008). "Fifteen years Review on Traditional Leadership; A Research Paper", Human Science Research Council, pp. 1-50.
- Sklar, Richard (2005). "The Significance of Mixed Government in Southern African Studies", in Jonathan Hyslop (ed.), Bentley, K.A., Are Powers of Traditional Leaders in South Africa Compatible with Women's Equal Rights? Three Conceptual Arguments in: *Human Rights Review*, pp. 48-68.
- Teffo, Joe 2004. *Democracy, Kingship, and Consensus: A South African Perspective*. In: Wiredu, Kwasi (ed.) *A Companion to African Philosophy*. pp. 443-449
- Tocqueville, de Alexis (1940) [2002] "Democracy in America" Volumes One and Two (trans. Henry Reeve), the Pennsylvania State University, Electronic Classics Series.
- Wamala, Edward 2004. *Government by Consensus: An Analysis of a Traditional Form of Democracy*. In: Wiredu, Kwasi (ed.). *A Companion to African Philosophy*. pp. 435-444.
- Wheatley, Steven, (2003) "Deliberative Democracy and Minorities", *European Journal of International Law*, Vol. 14, No. 3 pp. 507-527.

- Wiredu, Kwasi (2007). "Democracy by Consensus: Some Conceptual Considerations, Socialism and Democracy, 21:3, 155-170, DOI: 10.1080/0885430070159982.<http://www.tadfonline.com/action/showCiteFormats?>
- Young, Iris Marion (1996) "Communication and the Other: Beyond deliberative democracy." In: *Democracy and Difference. Contesting the boundaries of the Political*. Prince University Press. New Jersey.
- Zartman, I.W. (ed.). (1995) "Collapsed States: The Disintegration and Restoration of Legitimate Authority", Boulder: Lynne Rienner.
- Zelalem T. Sirna (2015) "Old Wine in New Bottles: Bridging the Peripheral Gadaa Rule to the Mainstream Constitutional Order of the 21st C Ethiopia." *Oromia Law Journal*. P. See also: www.ajol.info/index.php/olj/article/.../110056.
- Zelalem T. Sirna (2012) "Ethiopia: When Gadaa Democracy Rules in a Federal State. Bridging Indigenous Institutions of Governance to Modern Democracy." A *Master Thesis*. University of Tromso, Norway.