

DE GRUYTER

BEYOND MIMICRY

THE POTENTIAL OF AFRICAN ENDOGENOUS
GOVERNANCE SYSTEMS

Edited by Ali Moussa Iye and Augustin F. C. Holl

RE-IMAGINING PUBLIC GOVERNANCE

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Beyond Mimicry

Re-Imagining Public Governance



Opportunities for Innovation and Promises
for Transformation

Edited by
Scherto Gill

Volume 2

Beyond Mimicry



The Potential of African Endogenous
Governance Systems

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Ali Moussa Iye and Augustin F. C. Holl

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Introduction

This book examines a paradoxical situation: that of a continent that has given so much to humanity, but whose peoples' significant contributions to the world have been downplayed, denied and even falsified to justify two of the most barbaric human legacies: enslavement and colonisation. It seeks to shed light on historical experiences, knowledge and practices hitherto relegated to the category of traditions and beliefs. Drawing on rigorous field research, this book analyses some endogenous sociopolitical heritage that emerged in Africa and in the African diaspora in different periods of its long history and could enable contemporary African societies to forge their own destiny in a world in the throes of change.

Out of Africa

In the present state of research on human origins, Africa is clearly the cradle of humankind (Holl 2020a, 2023). The Making of Humanity has its roots in Africa as all present humans are descendants of those early communities of scavengers and hunter-gatherers that spread from Africa in two distinct phases: Out-of-Africa I and Out of Africa II. Starting from 7 to 3 million years (MA) ago series of hominins, *Sahelanthropus tchadensis*, *Orrorin tugenensis*, *Ardipithecus kadabba*, and *Ardipithecus ramidus* roamed in the Eastern half of the continent from the Chad basin to the Eastern Africa Rift valley. Their descendants, the Australopithecines, gracile and robust, diversified considerably and spread as far as South Africa. The evolutionary drift then kicked off resulted from 2.5 to 2.0 MA in the emergence of Early Homo species: *Homo habilis* and *Homo rudolphensis*. The descendants of these species spread out of Africa between 2.4 and 1.2 MA, reaching Central (Georgia) and Western (Spain) Europe, South (India), Southeast (Indonesia), and Eastern (China) Asia, shaping what students of Human origins call "Out of Africa I"

A second major speciation event took place in Africa around 350,000 and 300,000 years leading to the emergence of *Homo sapiens sapiens*. In what is termed « Out of Africa II », *Homo sapiens sapiens* spread anew all over the planet, replacing older populations in some areas, hybridizing here and there, with Neanderthals in the West Eurasian Peninsula (Europe) and Denisovans in Eastern Asia. That expansionary process that took some 300,000 years to complete re-

sulted, from the Asian landmass, in the colonization of New Guinea and Australia (65,000–40,000 years ago), the Americas (25,000–15,000 years ago), and finally New Zealand where they settled less than 800 years ago between 1320 and 1350 CE (Common Era).

The social organizations of these social primates, the technical skills mastered during the evolutionary process, and their conceptual flexibilities made such successful expansion possible. All these aspects are documented in archaeological record on Africa. Technological achievements are easier to grasp than conceptual cognitive and scientific innovations that take place in human minds. There is no doubt that thought exercise is common practice for almost every human being, even if this proposition may be confined to the latest *Homo sapiens sapiens*. Scientific and technical skills manifest themselves in almost all domains of human activities. They are instrumental in addressing and solving daily life problems through constant innovation. Technology is accordingly the interface between humans and the world they live in. Changes in all life parameters then require constant adaptation and adjustment.

The dynamics of technology and thought processes are as such generated by the systemic instability and unbalance between goals and means. “Innovation means the act of introducing something new, be it a method, or a thing, either from scratch or from outside” (Mavhunga 2014).

According to the new periodization developed in the UNESCO *General History of Africa* project, Africa historical experience started with the *Initial History Period* – previously termed Prehistory – that lasted up to the emergence of Pharaonic Egypt.

It is followed by the *Ancient History Period*, from Pharaonic Egypt to the sustained encounters with Europe and Asia around 1400–1500 CE. The *Modern History Period* comes next up to decolonization [1500–1950/60 CE], paving the way for the *Contemporary History Period* in which we are living today. Such a simple systematics considers human history as a continuum and does not require the Prehistory/History divide. There is no “entry into History” through the threshold of “Protohistory” for people emerging from Prehistory and entering “Civilization” as construed in Western worldviews. Technologies and « Know-how » developed in Africa for millions of years help Early and Modern Humans inhabit the planet and shape Humankind.

For many millennia, and up to the expansion of first humans out of the continent around 2 million years ago, the early stages of technological inventions were confined to Africa (Holl 2015, 2023). Some of the oldest inventions which contributed to the general progress of Humankind were found in Africa such as – the invention of lithic technology from 3.3 million years ago (Harmand et al 2015, Leakey 1971), *Homo sapiens sapiens* cognitive revolution kicked off around

100,000 years ago and manifest through items of personal adornment, abstract art and the inhumation of the deads (Henshilwood et al 2009, the invention of pottery around 9,000–10,000 years (Guibert et al 1994, Soriano and Huysecom 2011), and iron metallurgy around 4,000 years (Bocoum 2004, Holl 2020b, Zangato and Holl 2020), All these inventions and innovations presuppose well-regulated patterns of “living together”. The period termed “Initial History of Africa” is accordingly the foundational matrix of current humankind.

For the 15 000 first centuries of humanity, it was in Africa that humankind stood on its feet, forged instruments with its hands, developed knowledge, invented cosmogonies and spiritualities to explain the world before *Homo sapiens sapiens* immigrated to other part of the earth. Comparing to this very long human history, it was very recently, that dark clouds started accumulated over Africa’s skies. Enslavement systems spread from the Near-East, the Indian, and the Atlantic oceans. The circum-navigation of the continent by the Portuguese fleet of Vasco da Gama in 1498 triggered the « Great Bifurcation » (Holl 2015) opening the gate to the subjugation and spoliation of a whole continent.

Out of mimicry

Africa has become the continent par excellence of political and socio-economic mimicry. The continent, considered to be the cradle of humanity and of the first human civilisations, has been transformed into a dumping ground for ready-made thoughts developed under other skies and for other societies. How did Africa which exported the first and last specimen of humankind, become the continent where everything is now imported, including ideologies, values and social behaviours, without the slightest filter?

This transformation began with the huge demographic drain of the human trafficking, which stripped Africa of its lifeblood, in particular, its custodians of knowledge and know-how for centuries.

With the trans-oceanic and trans-Saharan human trafficking, the continent lost, according to various estimates, between 50 and 100 million of its inhabitants, if we add to the number of deportees and the loss of life caused during the raids on communities, the terrible middle passage and the marches to the places of concentration (Manning, 1990). The disaster continued with the colonial conquests, which provoked not only the de-structuring of African governance, economies and social life (Rodney, 1972) but also a profound cultural alienation of its elites. (Fanon, 1961).

Independence, even when it was hardly won with armed struggle, was not a moment of rupture with the colonial system and its foundational ideology of white supremacy (Amin, 1989). On the contrary, most of the new nations, born within artificial borders, adopted without question the model of Nation-state and the discourse on development, justice and democracy inherited from colonial powers (Person, 1981). They also retained the languages of their oppressors as a means of accessing modernity and “catching up” with progress (Ngugi wa Thiong’o, 1986, 2023). The new African rulers rushed to copy and paste political constitutions, imitating to the point of ridicule the details of Western protocols, rituals, and ceremonies of power exercise (Olasunkanmi, 2017). These photocopies of constitutions and laws, which were supposed to organise the political, judicial, and executive powers were written in the foreign languages taught in schools and universities. As these languages are only understood and spoken by a small proportion of the population, one can imagine the absurdity of the political situation in countries where the majority of the people cannot understand the constitutions that are supposed to regulate the powers to which they are subject.

Most African countries that tried to break with their former colonial powers and look for other models of governance and socio-economic organisation ended up adopting socialist or communist systems, which both were also conceived in Europe. As a result, decades after independence, African leaders had nothing to offer their peoples other than a limited choice between systems of thought and ideologies born on other continents.

In doing so, they involved their countries in a bloody competition between European ideological blocs for world hegemony. Africa paid a disproportionate price in the form of coups d’état, terrible dictatorships and civil wars that were fuelled by the so called Cold War (Kalu, 2020).

After the fall of the Berlin Wall and the triumph of Western liberal democracy, Africa’s choices narrowed even further. Political, economic and ethical failures led African elites to accept the iniquitous structural adjustment programmes that forced them to dismantle their public services and sell off whole sections of their economies, such as energy, water distribution, transport and telecommunications (Mkandawire and Olukoshi, 1995). Few experiments to explore African heritages or innovate self-centred development models have been tried on the continent and have yet been successful (Sheikheldin, 2014).

Even the African continental and sub-regional organisations that were put in place after independence reproduced the political, organisational and institutional mimicry by following the model of the United Nations, an institution that was created in 1945 at a time when more than two thirds of the world’s peoples were under colonial domination and that imposed as universal Western visions of human rights, international relations and cooperation (Zondi, 2017).

From the outset, therefore, African socio-political systems were doomed to failure, as the unquestioned transposition of exogenous and culturally incompatible systems of thought and practice was unlikely to succeed (Roger Southall and Henning Melber, 2009).

As these models were generally encouraged and even imposed from outside, it could be deduced that this process must have served other political and economic interests.

All these observations lead to pose the crucial question of the nature of sovereignty that African independent nations had been able to exercise in the choice of their political and socio-economic systems (Tricontinental dossier N°16, 2019).

The global crisis: an opportunity for Africa

Today there is a glimmer of hope on the horizon. Humanity has reached a new turning point in its evolution, which different regions and peoples of the world are interpreting in the light of their experiences, interests and aspirations. Although the Western discourses about these transformations still prevail due to the imbalance in the flow of information, other interpretations of the ongoing upheavals have emerged in recent decades, contributing to the plurality of world views. (Kothari and Salleh, 2022). Pan-Africanist and native peoples' discourses are among these counter-narratives, which offer alternative analyses of the emergence of the modern world and the fate of humankind in the new international context (Philippe Colin, Lissel Quiroz, 2023). These narratives strive to emancipate from the coloniality of knowledge, which legitimizes the coloniality of power and perpetuates the coloniality of being of most formerly colonized peoples (Quijano and Mignolo, 2024).

Despite some differences determined by the place and position from which they emerge, these counter-narratives reaches a consensus on a certain number of issues about the multi-dimensional crisis the world is facing.

The globalised development model is no longer sustainable and is putting humanity and the planet at risk. The dominant system has entered a kind of runaway, and of accelerating vicious circle that no one can really control any more, not even those who imposed it on the world. The mutations of capitalism, of its forms of predation and its instruments of coercion have not only aggravated the inequalities between the social classes and peoples, they have also led to an ecological crisis on a global scale. Liberal democracy and market economy, which had triumphed over other modes of socio-political and economic organisation, have been hijacked by political and financial oligarchies whose reign is now based on limiting the sovereignty of peoples and the redistribution of the wealth

(Todd, 2024). In Western countries, this restriction of political and economic choices is accompanied by an unbridled liberation of individualism and societal norms, leading to the questioning of the very foundations of human society: the family, gender, procreation, etc.

Faced with the dystopias created by this world order, most of the philosophical, ethical, socio-political and economic presuppositions on which the dominant system is based are all now in crisis, raising serious doubts about their relevance, universality, sustainability and benefits for all peoples (Dzalto, 2022). Recent world developments such as the Covid 19 crisis, the war in Ukraine and the genocide in the Gaza Strip have brought to light the duplicity and double standards of the dominant value system, definitively damaging its credibility in the eyes of the peoples of the global South (Ozhan, 2023).

The inequality between nations and the disparities within countries are becoming increasingly unacceptable to new generations in the global South who are more educated, informed and aware of global stakes. While the importance of human rights is asserted, the Western humanist and universalist discourse is increasingly challenged because of its contradictions and double standard and reduced to its “European provincialism” (Chakrabarty, 2000).

An awakening moment

It is in this context of widespread questioning that the peoples of Global Africa (the Continent and its diasporas) strive to make their voices heard. The deep crisis of the dominant system offers them an unexpected opportunity to speak from their position and their historical experiences and share their visions of governance, justice, human rights and development. These aspirations for intellectual, political, economic and cultural sovereignty come at a time when countries hosting a large African diaspora, such as Brazil and Colombia, are reinforcing their direct relations with Africa (Vinícius de Freitas, 2016) and when African states are seeking to diversify their cooperation with other regions of the world: Euro-Asia, South America, the Caribbean (Green, 2023).

Despite the persistence of Afro-pessimism, which continues to discredit Africa’s ability to trace its own path, the dream of pan-Africanism is rising from the ashes and raising new hopes among the younger generations of Global Africans who are increasingly expressing their support for unitary solidarity through their intellectual, cultural and technological productions and their militant action. They are forging a new pan-Africanist discourse around the search for alternatives to critical issues, such as the new scramble for Africa’s lands and resources,

the reparations for the crimes of slavery and colonialism and the restitution of looted cultural property.

Freeing themselves from the grip of the dominant media (national and international) and taking advantage of the new means of expression and mobilisation offered by social networks and other electronic means, these generations are speaking out and pushing their leaders to emancipate themselves from the bonds of subordination and dependence. The latest foreign military interventions in Africa, the injunctions addressed to weakened states and the marginalisation of the African Union in the settlement of African conflicts have heightened awareness of the need for strong political unity, implying an accelerated march towards the creation of coalitions of African states to respond to the intimidation and dictates of foreign powers.

The increasing self-confidence of certain Global African leaders that we are witnessing comes at a time of geopolitical upheaval, with the realignment of the countries of the global South, the emergence of the BRICS and the aspiration for a multipolar world (Bay, 2023). Drawing lessons of their past alignments, African peoples no longer want to be caught in the trap of another Cold War between the West and its new adversaries and enemies (China, Russia, Iran). They now aspire to choose their partners not on the basis of political or ideological convergences but according to pragmatic criteria of mutual interest, balanced exchanges in all areas including that of ideas and worldviews.

This new pan-Africanist discourse is the result of serious debates between thinkers, scholars, professionals and creators about the lessons to be learned from the African historical experiences in establishing home-grown sociopolitical models in the continent (Boukari-Yabara, 2021). Africa is home to an incredible diversity of socio-political organisations ranging from multi-ethnic and multi-cultural empire structures to small homogeneous community formations. It is the continent par excellence where sophisticated methods of consensus-building, conflict management, and relational reconciliation have been elaborated. The federal forms of organisation invented in Ancient Egypt and during the period of the great African empires are attracting more attention to understand the endogenous solutions found to the questions of unity in diversity, decentralisation of power and preservation of social cohesion. The nation-state model, inherited from Europe as the product of a tormented history marked by terrible wars, is today being increasingly questioned by pan-Africanists. They argue that African unity is facilitated by the collective memory resulting from the experiences of the slave trade, slavery and colonisation, which forged a sense of common destiny between African and Afro-descendant peoples (African Union, 2015). They emphasise that this political unity should be accompanied by deeper integration at different levels, particularly in education systems, to promote the teaching of common heritages and a pan-African perspective

on the history of peoples of African descent, free from the kind of nationalism and chauvinism fostered by nation states. Pan Africanists also underline that, beyond political unity, the greatest challenge facing Africa is to develop an endogenous model of development based on the Global Africa's historical experience, philosophical and spiritual values.

By revitalising its cosmogonies, ontologies and spiritualities, Africa is likely to build a holistic and coherent vision that can meet the aspirations of its peoples (Nabudere, 2011). In so doing, Global Africans could add their voice to that of other peoples of the world to prove that there is another horizon for humanity than capitalism, materialism and unlimited consumerism that are ravaging the planet.

To that purpose, our think tank *AFROSPECTIVES: A Global Africa Initiative* has launched a series of publications to study and explore African knowledge systems and practices (Afrospectives, 2022). The present book, which is the first of the series is devoted to address endogenous systems of governance, justice and laws developed in Global Africa. The choice to open the series with this issue is justified by the current governance crisis in Africa, which is a result of the failure of imported models on one hand and the incapacity of African leadership to craft endogenous solutions for their people on the other. The adoption of culturally incompatible systems of governance and justice led African rulers to follow ill-fitted and disastrous policy advices in all areas (health, education, agriculture, urbanisation, infrastructure, science and technologies etc (Osabu-Kle, 2000). The issue of governance is therefore at the heart of the debate for “African renaissance” as proclaimed by the African Union in its Charter of the African Cultural Renaissance adopted in 2006 and in its Agenda 2063, *The Africa We Want* (African Union, 2006, 2015). The vision expressed in these documents is supposed to position the continent in the coming decades and respond to the geopolitical trends.

Out of the box

The so-called waves of democratisation in Africa in the 1990's and 2010's have shown the shortcomings of not only the African leadership to manage democratic transition, but the conceptual and political frameworks used to analyse the transformation of African societies. The debate on democratic governance in Africa has often been confiscated by exogenous actors and trapped in ideological patterns. Discussions and reports mostly focus on analysing the maturity, preparedness and capacity of African societies to adopt and adapt imported models of democracy and, concomitantly their criteria of good governance. They also at-

tempt to identify factors in African cultures that seem to prevent people of the continent from making a good use of the toolbox delivered with the imported models, such as political parties, majority rule, voting system, electoral monitoring etc (Crawford and Lynch, 2012).

Most of these analysts overlook the fact that behind any model of governance there are underlying metaphysical, philosophical and spiritual interpretations that frame the “political ontology” and inform about the collective responses given to the fundamental question concerning the needs of human society. Governance is only a part of a larger system of interpretations, interactions, processes, which defines the dynamic relationships between humans and with other living and non-living beings.

In this book and more generally in our work within AFROSPECTIVES, we deliberately decide to use the adjective “endogenous” instead of “indigenous” or “traditional” to designate the experiences, knowledge and practices developed in Africa and the diaspora in different time periods.

This semantic choice is part of the effort to deconstruct and decolonize the biased terminologies inherited from the colonial lexicon that continue to be used on Africa. The notion of endogeneity versus indigeneity emphasizes the fact that the knowledge, know-how and practices developed from within African societies have their own internal dynamics of evolution and should not be evaluated by using the paradigms of Western modernity.

This concept of endogeneity invites us also to revisit the definition of the very notions of tradition and modernity and to get out of their usual and sterile opposition. What we generally call traditions or indigenous heritage is nothing else than an evolving set of knowledge, know-how, imaginaries, representations, experiences and practices that allow a given society to respond, at a given time of its existence, to the challenges of its survival and to its relationships with living and non living beings. These responses are neither static nor monolithic, they are dynamic and constantly adapted to the changes that occurs in society and in the environment.

The main goal of this book is to revisit the rich philosophies and praxis about governance that were developed in Africa and in the African diaspora to regulate social relationships, power exercise, resources sharing and interactions with other living and non-living entities.

Outline of the book

This book includes contributions from scholars who undertook field research on African endogenous visions and practices of governance and developed critical analysis on the main characteristics of this political heritage and on its potential to respond to the governance crises faced by African societies today. Hence it is divided in two parts, and contains ten chapters, which together analyse various forms of community decision-making, consensus building, conflict resolution and social justice, deeply rooted in African ontological beliefs, philosophical values and spiritual practices. They also highlight socio-political structures that emerged in Africa and in the diaspora presented from a historical perspective, emphasising the dynamics of continuity and creativity over the long-term and in different contexts.

The research included in the book ranged from the early human social organisations dating millennia BCE, the *Maat* cosmogony of Ancient Egypt, the *Manden Charter* of the Mandingos, the *Xeer* of Somalis, the *Gada* of Oromos, the *Ubuntu* philosophy of the Bantu peoples, the *quilombos* and other political re-imagination of Marrons in Brazil and Suriname.

The book is divided into two parts:

Part One presents examples of socio-political organisations and endogenous systems and practices of governance that have emerged and evolved in Africa and analyses from different perspectives their ontological, philosophical and spiritual foundations. It comprises six chapters on early human social formations and ancient political philosophies and systems of governance and justice that have been developed by African peoples in different periods of time.

In chapter 1, Augustin F. C. Holl provides an overview of the first human socio-political formations that emerged in Africa. Drawing on archaeological records and primatology research, he analyses some aspects of the social dynamics and formulate hypotheses on early human forms of social organizations and governance.

In chapter 2, Augustin F. C. Holl highlights the major African initial cognitive, scientific and material inventions, ranging from lithic technology to metallurgy, empathy and self-awareness, as well as astronomy. The common denominator of the outlined innovations and inventions is relational. They are sound indicators of the multiple facets of “living together” as they refer essentially to groups and not individuals. The now totally acknowledged cognitive revolution has its deep roots in Africa from where it spread to the rest of the world.

In chapter 3, Yoporeka Somet analyses Pharaonic cosmogony about the uncreated, chaotic and unorganised matter (the Nun), from which sprang, the existence of all entities: divinities, human beings, animals, plants, minerals, etc. He explains the concept of *Maat*, its cosmic, social and eschatological significance,

and the responsibility of the Pharaoh to protect its balance against everything that is opposed to it: injustice, violence, disorder, lies, theft, etc. That chapter discusses how this cosmogony defines the characteristics of the Pharaonic State, considered by some contemporary Egyptologists as “the first known State governed by the Rule of Law”.

In Chapter 4, Fode Moussa Sidibe analyses The Manden Charter of Mali Empire through the lens of a particular oral source, the initiatic oral narratives of the West African Brotherhood of Donso-hunters, in order to highlight the authenticity of African endogenous perspectives of history and memory. He discusses the metaphysical, spiritual and philosophical foundations of the system of governance introduced by the traditional hunters, through the interpretation of initiatic words, expressions and rituals that were used in the process leading to the proclamation of the Manden Charter in the 13th century. He reviews the efforts made to revisit and revalorise the Charter paradigm and proposes some ideas for its full reintegration into contemporary African societies at various levels (educational, memorial, political, legal, economic, etc.).

In Chapter 5, Ali Moussa Iye presents a specific endogenous system of governance that emerged in the Horn of Africa in the 16th century known as the Issa Xeer. He focuses on two main components of this holistic system, namely the constitutional laws, which are at the basis of the so called “Pastoral Democracy” of Somalis and the Penal Code, which regulates justice. In light of the recent political development in Africa and particularly in the Horn of Africa, he discusses the lessons to be drawn from this political philosophy and its potentialities to develop endogenous inclusive culturally compatible governance and rule of law in African contemporary societies.

In Chapter 6, Zelalem Tesfaye Sirna presents the Oromo Gadaa system, enlisted as a UNESCO Intangible Heritage, an endogenous egalitarian socio-political, and religious system developed by the Oromo people living in Ethiopia and Kenya. He discusses the metaphysical, spiritual and philosophical foundations of the Gadaa system and investigates how power is organised, shared, delegated, and expressed within this system, based on age-sets social structure and rites of passage, to facilitate consensus-building on major issues of concerned communities. The paper analyses the initiative launched by the Oromia Regional State of Ethiopia to accommodate the Gadaa system into the Law system and into curriculum, at local and regional level in Ethiopia.

The authors from different backgrounds (archaeology, egyptology, political science, anthropology, law, and literary sociology) address the characteristics of African visions of governance and in particular the mode of organisation of power, the processes of decision-making, the mechanisms of accountability and

community monitoring, the role of various stakeholders. They highlight some of the lessons learned from these experiences.

Part Two analyses experiences of revitalisation of African endogenous systems and practices of governance undertaken in Africa and in the African diaspora at different periods of history. The papers discuss how some countries and communities have managed to revisit and exploit the potential of their cultural and political heritage to respond to their specific needs. This part includes four chapters analysing historical and current experiences of revalorisation of these systems of governance in contemporary African states in Botswana and in South Africa as well as in Maroon communities in Brazil and Suriname to resist slavery.

In Chapter 7, David Sebudubudu provides a critical account of Botswana's endogenous governance system, which has been sustained to complement its modern government system, since the independence. He analyses the strategies, processes and procedures that Botswana's modern state has put in place to institutionalise the integration of endogenous systems. He discusses how this institutionalisation plays a critical role in shaping and influencing the country's governmental structures, as a process of participation and building consensus, that has greatly contributed to the country's relative political stability.

In Chapter 8, Ndumiso Dladla analyses the use, abuse and instrumentalisation of the philosophy of "Ubuntu" in the context of South Africa's transition from colonial domination to democracy. He outlines a brief history of government focusing on conquest and provides a historicised account of Ubuntu, revisiting some concepts and paradigms expressed in African languages. He discusses the exigencies of Ubuntu against the prevailing order and explore the implications of this "philopraxis" for a new constitutional order in South Africa, which could frame a humane order based on the recognition of the humanness of all Human beings.

In chapter 9, Larissa Oliveira e Gabarra analyses how Maroon entities created by Africans in Brazil reappropriated and revalorised African governance system in hostile situation, to resist Portuguese slave system. She describes the characteristics of the Maroon resistance such as Palmares and the Kingdoms of the Congo as authentic socio-political organisations. Both, quilombos and the Congo brotherhoods in Brazil are considered by the Brazilian historiography as examples of maroon's creativity and as alternative forms of sociability and governability rooted in African endogenous visions of governance.

In chapter 10, Martina Amoksi analyses how, despite great risks, many of the enslaved people from West Africa who were deported on a large scale to Suriname in the 17th century to work on sugar plantations chose freedom, fled into the immense forests inside this country and used their African ancestral knowl-

edge about nature and human organisations to survive. These Maroon communities built up new societies based on values and principles opposed to those of the slave-based societies. She describes the Maroons' endogenous governance system based on matrilineal succession, which gives an important role to women in decision making and establishes a sophisticated process of consensus building.

These papers contribute to the debate on the lessons to be learned in order to develop culturally compatible models of governability that could respond to the aspirations of African new generations.

The conclusion discusses the major insights and recommendations formulated by the different chapter's authors and highlights the commonalities of the endogenous systems of governance and the lessons to be learned from such comparative analysis. It recalls the necessity of additional studies of examples of endogenous governance systems and analysis of revitalisation experiences in order to reflect their diversity and to draw more comprehensive conclusions.

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Part I: **Examples of Africa's endogenous governance systems**

Augustin F. C. Holl

Chapter 1

Early human social organizations and ancient forms of governance in Africa

Introduction: Framing the topic

Today, governance can be conceptualized as “system of systems” that contain multiple integrated complex systems working together to achieve a common goal (Hallo et al 2020), and in this case, collectivities’ stability and well-being. It is particularly difficult to pinpoint the key characteristics of the earliest forms of social organizations put in place by remote human ancestors. There are however subtle ways of just doing that by relying on the available archaeological record to highlight some aspects of the social dynamics involved.

The first proxy is the very existence of very early archaeological sites, suggesting the gathering – sometime repetitive – of some individuals in specific spots of the landscape.

The second aspect is the transfert of raw material across the landscape. Humans belong to the order of primates, very close cousins to Chimpanzees who are social animals. Primatology research then allows to formulate hypotheses on Early humans forms of social organizations. Using the reconstructed dynamics of past subsistence systems as governance proxies, it is possible to sketch scenario of communities organizational patterns that operated at the intersection of environmental contexts, group dynamics, and territoriality.

In the aftermath of the shift toward food production, either farming or live-stock husbandry, or combinations of both, humans started congregating in larger numbers triggering shifting organizational adjustments that vary through time and space. Urbanization and the emergence of state formation amplified governance innovations that generally operate through hierarchical segmentation.

1 Early humans forms of organization: The timeline

Humans are primates. With apes, their closest relatives, they are hominoids, Catarrhines (Old World) from the Anthropoids sub-order and tend to share some behavioral traits. They live in groups of different size and density, feature differ-

ent group dynamics, and range over different kinds of environments. This chapter focuses on the archaeological facet of human social evolution starting with the emergence of the earliest stone tools tradition, the Lomekwian dated to 3.3 Ma ago (Harmand et al 2015). The timeline for the initial history of Africa is relatively simple and straightforward, with however significant global and regional discontinuities.

The Lomekwian complex dated to 3.3 million years (Ma) and located in West Turkana is unique so far. It is followed *ca.* 600,000 years later by the Oldowan (2.7–1.7 Ma) recorded in South and East Africa, from Ethiopia-Djibouti in the north to South Africa in the South, with most sites concentrated along the East African Rift Valley. The stone tool repertoire is broader, with choppers, chopping tools, polyhedrons, with however unmodified flakes largely predominant in the recorded assemblages. These unmodified flakes with their sharp edge were used for any cutting task required in craft and subsistence activities.

The Acheulian Complex, the longest technological stasis in human history with the very versatile biface emerged around 1.7 Ma in East Africa and spread to rest of the Ancient World, in southern Europe, Middle East and the Indian Peninsula (Leakey 1972). It lasted for approximately 1.5 Ma and beside the standard heavy-duty core-tools – biface, cleaver, and pick – included formal tools on retouched flakes, such as front- and side-scrapers, and borers.

The Middle Stone Age, *ca.* 300,000–45,000 years ago witnessed an accelerated pace of diversification and regionalization of stone tools complexes. The most striking examples are found at both north and south ends of the continent: the Aterian complex in North Africa and the Sahara, and the Howieson Port complex in Southern Africa. The former, dated to 150,000–20,000 years ago, is characterized by the crafting of stems on a range of tools – points, front scraper, etc. – geared to enhance their hafting. The latter, dated to *ca.* 65,000–59,500 years ago, is characterized by the production of backed stone pieces, featuring an early stage of “microlithization”, suggestive of the use of bow and arrows.

Late Stone Age stone tools complexes, much more diverse feature an accelerated pace of regionalization. Thanks to better preservation, a bone industry appears to have been an important component of the toolkits. Blades and bladelets produced from prismatic cores were the main products of the stone knapping techniques used to manufacture composite tools such as the bow and arrow.

In general, all along this long sequence of the continent past occupation, archaeological sites, all of them palimpsest of multiple but distinct occupations, are small in size. They are made of accumulations of stones and bones, in open-air camps and later in rock-shelters and caves, pointing to recurrent small-size groups more or less conform to non-human primate configurations (Alberti 2014, Barrett 2022, Dunbar 1993, 1996, Dunbar et al 2017). From *ca.* 8000 BCE, following the punc-

tuated shift to food production, initially with livestock husbandry but predominantly with the adoption of farming and its connected technological innovations, Africa and the rest of the world unlocked the small-group constraints and initiated settlements with increasingly larger human concentrations. Such a shift required profound organizational adjustments. This chapter will accordingly examine two sets of different but related problems: the core variables driving group-size and variations in humans' concentrations handled by hunter-gatherers' communities on the one hand; and patterns of decision-making – proxy for governance – of larger settled communities through three archaeological case studies from West Africa investigated by the author.

2 Theoretical perspective: organizational flexibility and decision-making patterns

In general terms, the issue of ancient African governance dealt with in this chapter can be formulated as that of scale, integration, and complexity, or from another point of view, structure, system, and dialectics (Blanton et al. 1981, Godelier 1977, 1980, Holl 1985).

Scale refers to the size of the unit being analyzed; it may be a spatial one, for instance, a region, a site, a compound, or a house; and/or a social one, that is a household, a band, a community, or any aggregate of people. Scale may thus vary according to the analytical level of investigation.

Integration refers to the dynamic relations between units, their interdependence, that may be conceptualized as a system-wide regulation of information flow. This integration may be of several kinds, economic, political, social. “Depending on the kind of component units, the connections are established as flow of material, energy, information or people. The greater the flow through interconnecting channels, the greater the interdependence.” (Blanton et al. 1981:20).

Complexity refers to the extent of functional differentiation among societal units, and is as such directly connected to integration. Theoretically, complexity can be partitioned into two main dimensions: horizontal and vertical differentiation. The former refers to functional specialization among parts of equivalent rank, and the latter to a hierarchy of functionally diverse parts of a societal system.

Whatever evolutionary model one assumes, it is well understood that governance processes imply the management of increasing scales of inclusiveness in every sphere of human experience. Causal explanations of increasing political control in human societies are commonly formulated in terms of “conflict” versus “in-

tegrative” theories. On the one hand, and from the “conflict theories,” viewpoint, a social group gains power through the control of critical resources (Testart 2022), managing to enforce obedience and manipulate power for its benefit. “Integrative theories” on the other hand, emphasize coordination of different social components to minimize the decisions’ costs for the benefit of the whole community or society as a whole. It is assumed that societies organizational features tend to fluctuate between inertia and fluidity. However, depending on their functions and scope they have to adjust to circumstances and as such encompass different degrees of adaptive flexibility. There are myriads of decisions made every day at different scales, involving individuals and groups of different size. Group-size and composition are accordingly critical variables in any social system governance. The remaining part of this chapter will examine the genealogy of Ancient African systems of governance, predominantly from an anthropological archaeology perspective.

3 Hunter-gatherers subsistence and patterns of governance

Hunter-gatherers’ social systems operate at the interface of environment and demography. They are essentially mobile with fluid members composition ranging from small scattered bands to large multi-bands concentrations depending on the interplay of climatic variable and regional resources timing and distribution. There are 3 main variables at play at this juncture: 1) – the maximum ecologically tolerable group size; 2) – the minimum permissible group size; and finally, 3) – the cognitive group size (Dunbar 1996). The determinants of group size are clearly its population structure or composition (Male, female, children, adults, elderly) and its reproductive characteristics. Sustained research has shown that there is a cognitive limit to the size of the group that a particular primate species exhibits, with information processing constraint imposed by the neo-cortex size (Barrett 2022, Dunbar 1993, 1996, Dunbar and Schlutz 2021, Ellyson 2022, Hallo et al 2020, Johnson 1982, Reyes-Garcia 2017, Williams et al 2022).

The success of foraging groups in the past and the present is accordingly determined by social, environmental and cognitive factors. Members of the groups cooperate in a number of subsistence and social tasks in the context of group dynamics. Foraging requires moving across the landscape in groups through fission-fusion movement mode. Such a dynamic result from decision-making processes constitutes a critical node and “a major cost of group living in terms of time and energy” (Williams et al 2022). Foragers bands’ decision-making processes are implemented to reach consensus.

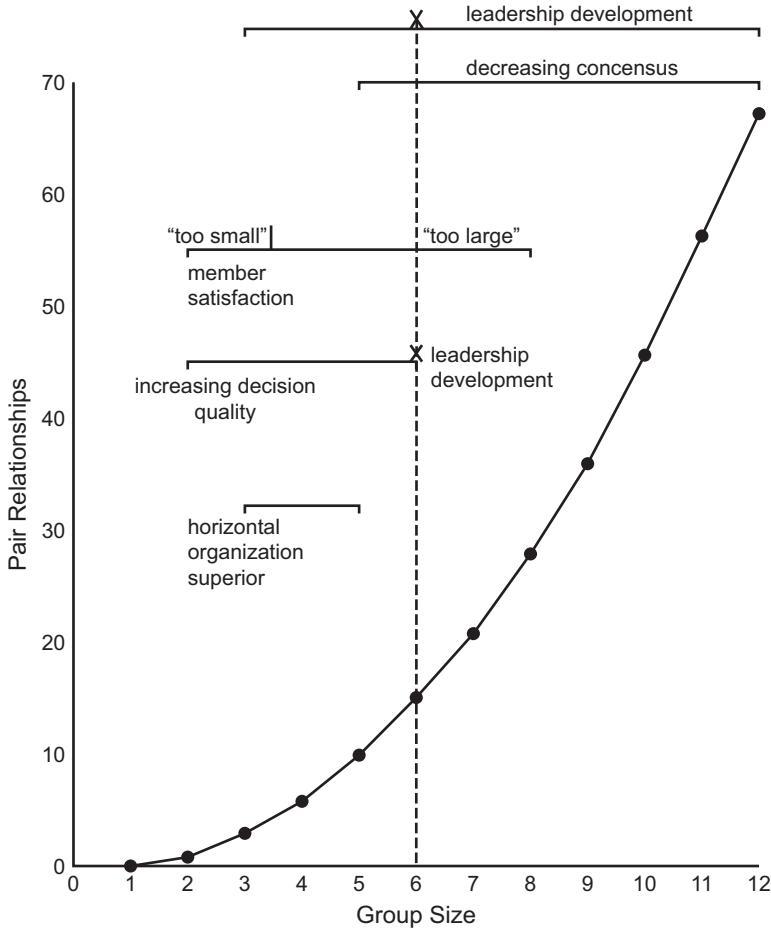


Figure 1: Scalar stress in small groups (Johnson 1982).

The limited channel capacity, i.e., the individual cognitive limit on the number of active interactions a single person can have, is axiomatically capping the maximum number of individuals a group can effectively incorporate. “When the groups become too large to maintain individual (face to face interaction) interaction among members, groups must either re-organize or fission” (Ellyson 2022: 39). Hunter-gatherers’ groups tend to adjust their organizational structure to handle scalar stress. “There appear . . . to be a rather severe limit on the maximum size of task-oriented groups that are organized horizontally (non-hierarchical), and these limits may be related to individual information-processing capacity” (Johnson 1982: 394). “When group size, organization, and performances are exam-

ined, it has been demonstrated that a threshold exists at group sizes around 6 or more where some forms of hierarchical organization (Figure 1) is generally introduced” (Ellyson 2022: 39–40). There are consequently two kinds of responses to scalar stress: sequential hierarchy as an egalitarian alternative on the one hand, and on the other hand, simultaneous hierarchies as the non-egalitarian imperative. The former, sequential hierarchy, is circumstantial and temporary. It is enacted to handle current affairs and solve disputes through bands’ delegates in large hunter-gatherers multi-bands gatherings at longer lasting waterholes during the lean seasons of the year (Ardrey 1976, Dahlberg 1981, Isaac 1983, Lee and DeVore 1968). At the first occurrence of rain, the large camps are instantly abandoned and the groups shift back to their “normative” band’s size

Despite the intricacies of the scale-complexity relationships, the evolutionary importance of the social system population size and social system complexity cannot be disputed. The model outlined above and according to which past and present hunter-gatherers – here limited to *Homo sapiens sapiens* – forms of governance were articulated on the search for optimal solutions to scalar stress in order to balance seasonality, resource patchiness, territoriality, protection, and sustainable social reproduction. Small size hunters-gatherer bands did not vanish from the historical record after the advent and ensuing sustained expansion of farming and herding societies. They ended up, either confined to marginal lands or totally encapsulated in larger farming/herding populations.

4 Population growth and emergent complexity

In Africa, the shift to food production, either livestock husbandry, or farming, or a combination of both, occurred at different times and places over several millennia. Livestock husbandry is documented to have been initiated during the Early Holocene in Eastern Sahara with pristine evidence of cattle herding at Nabta Playa (Wendorf and Schild 1998) and the Acacus mountain range in central Sahara at Ti-n-Torha (Barich 1974). The appearance of cattle in the archaeological record in ca 9000–7000 years BP coincides with the onset of more arid climatic conditions: sites are located on the margins of the central Sahara highlands (Ti-n-Torha, Ti-n-Hanakaten, Uan Muhuggiag) or on the shores of the former freshwater lakes [Playa] in the eastern Sahara (Bir Kiseiba, Jebel Nabta). The pastoral-nomadic exploitation strategies appear to have been scheduled according to fusion-fission tactics articulated on the seasonal availability of water and pastures.

Accordingly, and as already demonstrated in an earlier paper (Holl 1988), from ca 8500 to 4000 B.P., rock shelters, caves, playa sites, and Neolithic hearths

of the Sahara were the two polar extremes of the subsistence-settlement strategies devised by the earliest pastoral-nomadic societies of the Sahara to cope with environmental unpredictability. At the end of Middle Holocene arid episode but mainly during the Late Holocene (ca 5000–3000 B.P.), several major transformations occurred in the earliest pastoral nomadic strategy previously discussed, and these changes were different from one area to another. Settlements became larger and more structured. Two rows of huts, each of them possessing a hearth and storage pits, “walk-in” wells, and oval-shaped, shallow basins of undetermined function are recurrent structural features of eastern Sahara Middle Neolithic villages.

Without going into an extensive review of the continental early pastoral-nomadic sites recorded in North Africa and the Sahara, the “Neolithic Demography Transition [NDT]” (Bocquet-Appel 2011, Bocquet-Appell & Bar Yosef 2008) was delayed for several millennia and did not kick off before the emergence of farming and mixed-farming between 5000 and 4000 BP. The NDT is defined as the time segment of rapid population growth that followed the shift to agricultural practices in different parts of the world (Bocquet-Appel 2011). It was triggered by a significant increase in birth rates, consequences of decreased mobility and availability of larger stable food supply. It however took a few millennia to materialize in African archaeological records, initially in North-east Africa, in the delta and along the Nile Valley during the Late Neolithic and Pre-dynastic periods and much later in the rest of the continent.

Predynastic, Early Dynastic, Pharaonic Egypt, as well as Kerma in Nubia are well documented cases of the emergence of complex societies with resilient and strong hierarchical patterns of social organizations. Scattered hamlets were clustered around large villages, part of distinct peer polities along the Nile. These polities, also called *nomos*, progressively became regional socio-political entities that were integrated to the kingdoms of Upper and Lower Egypt during the Predynastic Period (ca. 4300–3000 BCE). Narmer, also known as the “Scorpion King” (3150–3100 BCE) is credited to have initiated the unification of the Upper and Lower Egypt crowns during the Early Dynastic (3000–2675 BCE), thus laying the foundations of the Old Kingdom (2675–2130 BCE). The remaining part of the chapter will outline the diversity of Africa complex societies based on three case studies from West Africa investigated by the author.

5 Diversity of ancient Africa social organizations

Pre-Ghana Agro-Pastoral societies of the Dhar Tichitt-Walata-Nema in Southwest Sahara, Mauritania (2000–5/300 BCE)

Fully fledged Agro-pastoral communities settled in the sandstone cliffs regions of southwest Sahara today in Mauritania at the very end of the 3rd millennium BCE (Holl 1985, 1993). They cultivated finger millet (*Pennisetum glaucum*), herded sheep-goats and cattle, and completed their subsistence with hunting, fishing, and the gathering of wild plant resources. Their settlement system consisted of permanent villages built with dry stone masonry techniques located on the sandstone cliff on the one hand, and open-air camping sites located in the interdunal sandy depressions. The basic habitation unit – the compound – was that of an extended family, with varying number of built structures and storage facilities. Permanent villages, depending on their seize, concentrated varying number of extended families.

The Dar Tichitt-Walata-Nema Late Neolithic complex have been shown to have evolved in three main period of different duration termed Early (*ca.* 4000–3000 BP); Middle (*ca.* 3000–2500 BP), and Late (*ca.* 2500–2000 BP) Settlement Sequence (ESS, MSS, and LSS), featuring sustained long term population growth. Settlement expanded eastwards from its initial western core which features walling that may suggest inter-communities' conflicts.

The ESS (4000–3000 BP) featuring a slow start lasted for one thousand years and is made of six settlements. The initial size of these pioneer settlements is not known but they may have started as scattered extended families' hamlets. Three are located on or near the main cliff escarpment and the other three are sited on isolated sandstone massifs in what appears to be the demarcation between two complementary ecological zones: the sandy interdunal Lowland and the sandstone plateau upland. Four of these settlements are clustered in the west end of the study area and the other two are located at the center and east of the sampled territory.

During the MSS (3000–2500 BP), the number of settlements shifted from 6 to 12, organized into a large village surrounded by varying number of small villages, with the highest concentration still in the west. Settlement spread in the sandstone cliff hinterland along intermittent streams and isolated massifs, with however the most accelerated growth still in the western flank.

The LSS (2500–2200 BP) witnessed the foundation of 72 hamlets distributed all over the landscape. The colonization process clearly targeted the “hinterland” wadi valleys. Settlements expanded in new lands away from the previous villages. This stage of settlement expansion led to the development of structured polities,

termed districts. A radical shift in settlement distribution took place with the most spectacular growth happening in the eastern flank of the sampled area.

During the LSS, the regional settlement system consisted of 90 sites distributed over the whole study area. These settlements were structured into a hierarchical pattern with four ranks: A regional center, five large villages or district centers, twelve small villages (one of which, Chegg el Khail, appears to have functioned as a district center), and, finally, 72 hamlets. The rank 1 and 2 settlements were located in optimal areas, at the intersection of two subsistence zones: the lowland, used as dry season camping area, and the upland, the plateau on top of the sandstone cliff, where permanent sites were located. Small villages were located along major wadis, mostly in the optimal area, while hamlets, were located far in the “hinterland” and on the periphery of the Neolithic cultural landscape. It is thus possible to consider that any single district included three portions of the landscape: the sandy lowland with its potential for dry season socioeconomic activities, the optimal zone of the cliff escarpment, and the hinterland, or periphery, for agricultural and pastoral activities.

The theories, models, and discussions of data presented in this section focus on the spatial behavior of the Late Neolithic societies of the Dhar Tichitt-Walata-Nema in Southwestern Sahara, as proxies for decision-making procedures and political organization. From the perspective of the subsistence-settlement system, the Neolithic cultural landscape was constituted of two basic territorial components: the flat sandy interdunal lowland and the upland cliff, with the escarpment as their intersection zone. The former was used as a dry season camping area and the latter as the main settlement area. In terms of socioeconomics and the corollary overlapping spheres of activities, the compounds, the habitation units of extended families’ households were integrated into higher level social units, the community, either hamlet, village or district center, where differences in household size were certainly translated into spatial terms, with larger families owning larger compounds. At the inter-settlement level, different communities were components of still a larger sociopolitical level, the district and the region, represented in the archaeological record by a 3 to 4-tier settlement hierarchy, proxy for the geography of power (Figure 2).

Finally, at the regional level, these different districts were sociopolitical subdivisions of what may be called a “chiefdom”. It can accordingly be inferred that the dynamics of the sociopolitical organization that emerged during the LSS, articulated on a four-tier settlement hierarchy, may have generated patterned and preferential flows of people, goods and services (Figure 2). In this regard, tribute may have flowed from hamlets to the regional center, through small villages and district centers, and prestige goods, such as amazonite and carnelian beads may have flowed in the opposite direction, from the Chiefdom center to the hamlets through districts’ centers, and small villages.

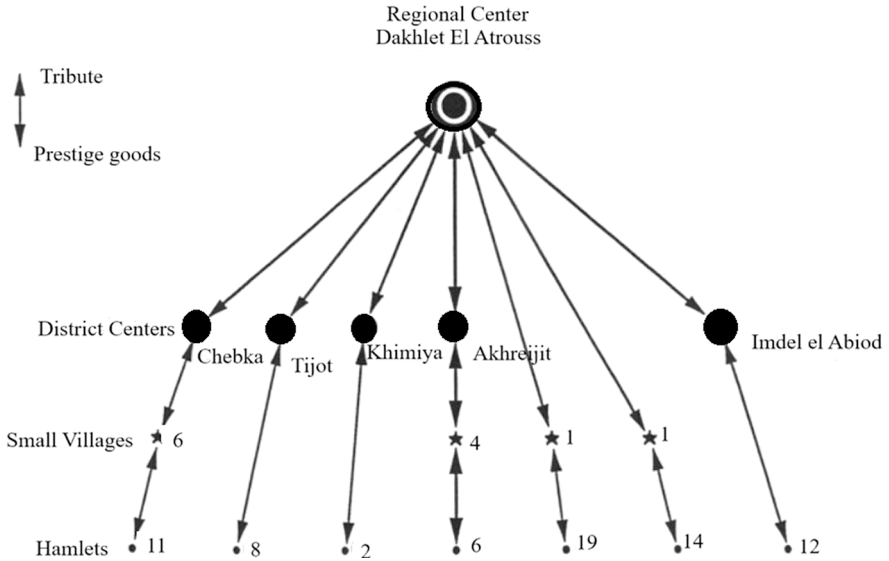


Figure 2: Socio-political structure of the Pre-Ghana Dhar Tichitt-Walata-Nema around 800–5/300 BCE (Holl 1993).

Genesis of a Chadic chiefdom (1900 BCE–1800 CE)

Archaeological fieldwork conducted in the Cameroonian portion of the Chadian plain, precisely in the land of Houlof has revealed an almost 4,000 years settlement sequence that started around 1900 BCE. The study area, initially covered by the Holocene Lake Mega-Chad was progressively colonized by groups of ancestral speakers of Chadic languages (Holl 2002, 2022a, b).

The recorded settlement sequence is made of five phases of varying length, with some sub-divided into sub-phases A and B. The phasing is based on significant change in settlement patterns, resulting from the foundation and/or abandonment of sites (Holl 2022a, b). With the exception of the pioneer settlement phase (Deguesse Phase), rather long and still poorly investigated, the sub-phases range from 200 to 250 years.

Deguesse phase (BCE 1900–0): pioneer foragers/herders

Deguesse phase settlements dated from *ca.* 1900 BCE to 0 CE were recorded at Deguesse and Krenak (Figure 3). Settlement evidence is shallow, consisting mostly of livestock dung deposits with very few cultural remains. The region was then inhabited by mobile herders, relying on abundant wild grain and/or practicing a kind of not yet identified agriculture. Both sites are located at nine kilometers from each other and were very likely sand islands settled during low water [dry] seasons. Groups dynamics was very likely based on seasonal fusion-fission.

Krenak phase (0–500 CE): autonomous farming-fishing communities

Krenak phase (0-500) witnessed a significant increase in the number of villages: three (Deguesse, Krenak, and Houlouf), all confined to the northwest in Krenak phase A(0–250) (Figure 3). There is a clear shift toward a more sedentary life-style with bulkier dwelling facilities. In Krenak phase B (250-500), settlement was extended to the southeast with the foundation of the Ble-Mound complex, consisting of three distinct small tells. Craft specialization is represented by a blacksmith workshop. There is a broader range of imported high-value items such as carnelian beads, alloyed copper objects, and coarse stone artifacts. The recorded villages are surprisingly equidistant, located at 5 kms from the nearest one, along marshlands in a deltaic context (Figure 3) suggesting the formation of autonomous political entities. Few horse bones suggest the importation of prestigious riding animals.

Mishiskwa phase (500–1000 CE): bi-polarization process

The Mishiskwa phase (500–1000 CE) corresponds to the extension of human settlement in the clayey depression. In Mishiskwa phase A (500–750) the number of settlements increased to ten, and then eleven during Mishiskwa phase B. The settlement system appears to have consisted of two distinct patterns (Figure 3): the Northwest pattern of five almost equidistant villages with Houlouf in central position on the one hand; and the southeastern one (the Ble-Mound Complex and Krenak-Sao), comprised of five tightly clustered sites, with one isolated village (Mishiskwa) in the south. Craft specialization is represented by iron-smelting installations, blacksmith's workshops, weaving and textile dyeing installations. There is a significant increase in the diversity and amount of imported high-value goods, in a context of competing peer-polities.

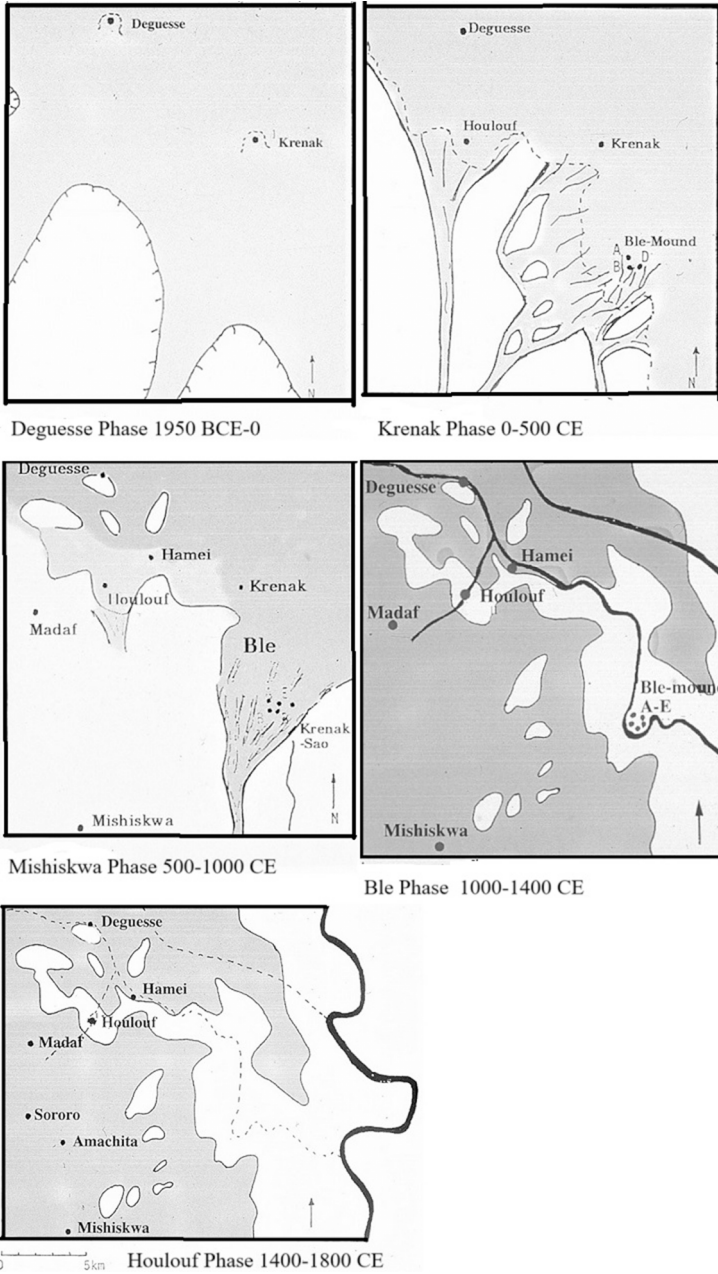


Figure 3: Shifts in site distribution and settlement patterns in the Houlof Region from 1900 BCE to 1800 CE (Holl 2022a).

Ble phase (1000–1400 CE): competition and rivalry

During the Ble phase (1000–1400 CE), Krenak in the Houlouf orbit and Krenak-Sao in the Ble-Mound Complex area are abandoned. A new village is founded at Ble-Mound C above a silted-ancient Logone river channel (Figure 3). There is a significant trend toward economic intensification with massive evidence for fish-smoking in the Ble-Mound Complex, iron smelting and forges installations. The manufacture of clay head-rests and intensive salt-production are new additions to the craft repertoire.

Imported goods include carnelian and glass beads, a broad range of artifacts in alloyed copper, and cowry shells. The settlement system is clearly bi-polar with Houlouf and the Ble-Mound Complex as competing centers, with significant imports of exotic prestige items and evidence of warfare.

The whole area was witnessing the emergence of centralized political systems with peer-polity interactions ranging from elective alliance to outright conflict. An adult male buried with a pair of spurs suggests the emergence of a class of Warrior-horsemen. The same level revealed a rich female burial with a range of imported prestigious materials.

Houlouf Level VI provides undisputable evidence of purposeful destruction of salt-production installations, probably resulting from raiding or more extensive warfare. Comparable evidence has also been recorded at the Ble-Mound Complex with systematic decapitation of clay figurines as well as several hundreds of almost calibrated spherical to sub-spherical coarse stone used as missiles. The Houlouf earthen rampart was built during Ble phase in this context of socio-political competition and rivalry.

Houlouf phase a (1400–1600 CE): the rise of Houlouf chieftdom

In Houlouf phase A (1400–1600 CE), the number of settled localities dropped dramatically from nine to three, with only Houlouf, Deguesse, and Amachita left as inhabited settlements (Figure 3). The beginning of the Houlouf phase coincided with the onset of a particularly dry and arid period – the Little Ice Age – that lasted for 100 to 150 years. Houlouf is the central settlement of a polity that will include seven settlements during Houlouf phase B (1600–1800). An elite cemetery reveals specific rules of etiquette, orientation and position of the deceased, for a tiny group of individuals. The structure and spatial layout of that cemetery suggests the existence four factions or descent-groups (Holl 2002, 2022a, b), all jockeying for power and prestige in the shadow of the ruler, represented by the “Effigy-jar” at the gravity center of the cemetery, symbolizing the paramount ruler or the king. The most

prestigious among them belonged to the class of Warrior-horsemen. Burials are marked by superimposed large jars. The deceased are buried in sitting position, their feet resting in a pot, all facing southwest, the direction indicated by the central effigy-jar. Most of the individuals buried in the Houlouf cemetery belonged to a select group of elite members. Many were warrior-horsemen, some office holders, and a few, rituals specialists (Holl 1994, 2002). Rulers as well as successful office holders display their status with items of horsemanship, specific dress-code, and elements of personal adornment. An alloyed copper figurine of a horse-rider, found on the surface during surveys features and recapitulates the essence of Chadic warrior-horsemanship.

At Houlouf, the remains of the ruler's residence, still called the "Sultan Palace", is located on a higher small mound – forbidden to archaeologists –. This relatively impressive complex was probably built during the Blé phase. The chronological uncertainty could however not be settled because of a legitimate excavation prohibition. At the peak of its power, the Chieftdom was centered at the earthen-walled 15.50 ha city of Houlouf.

During the same time sequence, with the rise to paramountcy of Logone-Birni, all the earthen-walled cities along its borders with Bornu and Bagirmi kingdoms were integrated into a larger political entity, the Lagwan kingdom, through matrimonial alliance, clientship, and in some cases (mostly in the south) conquest (Lebeuf 1969, Sultan Maruf of Logone-Birni: personal communication). With a tight network of fortified settlements along its borders and the payment of an annual tribute to both Bornu and Bagirmi kingdoms, the Lagwan kingdom succeeded, to a certain extent, to remain relatively independent up to the European intrusion. Makary and Kusseri polities followed different pathways. Makary, an early ally of Kanuri rulers, was integrated in the Bornu kingdom. Kusseri ruler was captured by Bornu troops led by King Idris Alawma, and became a dependent territory administered by a Kanuri consul -*Khalifa* –. A few years before the end of the 19th century, the entire Chad plain was devastated by Rabeah troops, and the onset of European colonization (Zeltner 1980).

The genesis of the Houlouf chieftdom case study clearly features the shift from small-scale pastoral and mixed farming communities to autonomous villages, then competing peer-polities, and chieftdoms displaying strong evidence of social hierarchy and ranking. The high degree of internal social differentiation indicated by a wide array of craft specialization was managed through a hierarchical power structure headed by leaders with significant privileges.

Dynamics of self-sustaining autonomous villages (650 BCE- 1400 CE)

The Mouhoun bend was settled by iron-using communities in the first millennium BCE (Figure 4). The climate was wetter. The Sudanian savanna and the Mouhoun River offered a diverse resources mix that allowed for the stabilization and growth of these mixed farming and fishing populations. Their settlements consisted of multi-mound complexes – mound-clusters –. The sample of sites excavated within the Mouhoun Bend Archaeological Project (MOBAP 1997–2000) offers an entry into the dynamics of this kind of settlement that developed and spread in the study area for a little more than 2000 years, from ca. 700/500 BCE to 1650 CE (Holl 2009, 2014, Holl and Lassina 2003)

The Mouhoun River flows from the SW to NE, winds its course in a U-shape bend to follow a N-S direction (Figure 4). The study area located in the Sudano-sahelian zone is delimited in the north and northeast by the meandering river course. It measures 40 km East-West (3° 11' North / 3° 32' East) and 38 km North-South (12° 30' / 12° 45' latitude North).

Seventeen settlements with two to seventeen mounds [*Tomo* in local Marka language] each were recorded in an area measuring 20 km east-west and 25 km north-south (Figure 4). There is an intriguing concentration of mound-clusters around Douroula in the central part of the surveyed area. The density of settlement is surprisingly low in the river valley if one considers that the region is prone to cyclical droughts. River blindness has plagued the whole Mouhoun River basin during the colonial period, and probably before. This may explain the avoidance of the river shores for direct settlement. There is no single permanent village on the river banks today. Instead, there are seasonal fishing camps set by non-local fishermen.

Three mound-clusters located in different environments were selected for excavation: Diekono in the Mouhoun River flood-plain, Kerebe-Sira-Tomo (KST) on the cliff delimiting the river valley, and Tora-Sira-Tomo (TST) and its satellite Gnambakouon-Sira-Tomo (GST) on the topographic rise in the central part of the study area. Each of the above-mentioned sites is comprised of a number of mounds of different size and shape, iron-working workshops, and laterite quarries.

Tora-Sira-Tomo (TST) and Kerebe-Siora-Tomo (KST) mound-clusters

TST settlement complex (12° 35' 07" N and 3° 22' 07" E) is located at 280 m asl. With 17 distinct mounds, it is the largest settlement complex of the study area, spread over 900 m west-east and 500 m north-south, measuring 45 ha in total surface extent (Figure 4).

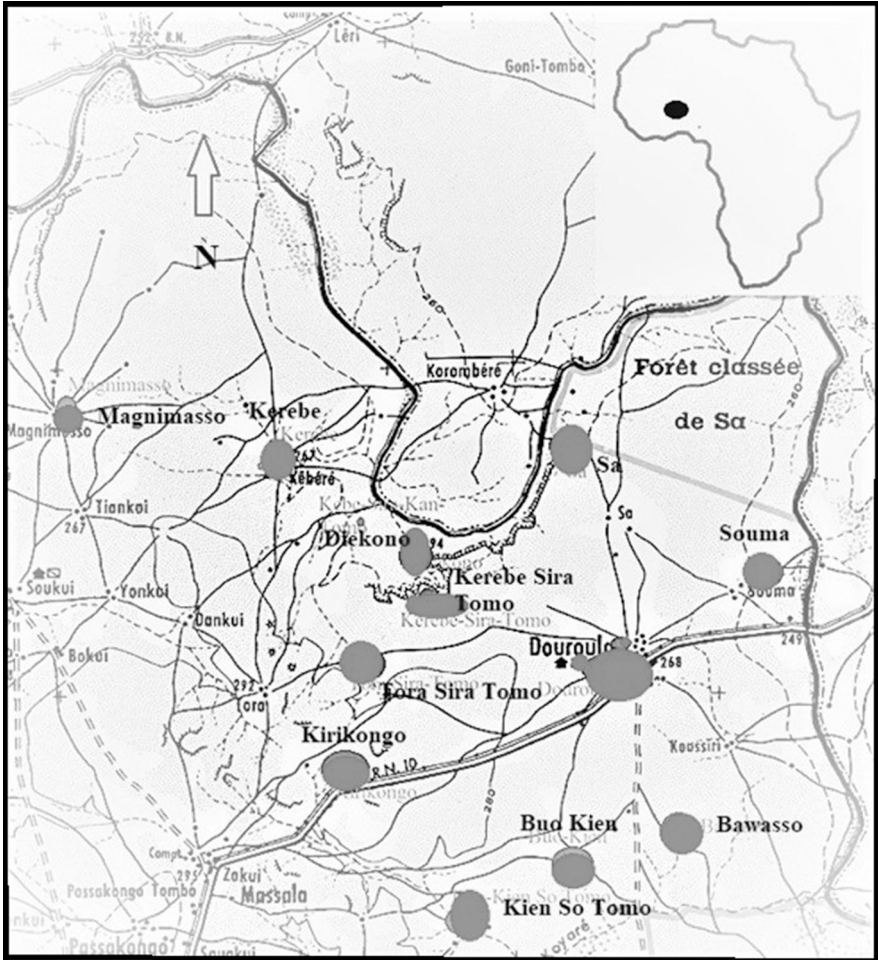


Figure 4: Settlements distribution in the Mouhoun Bend, Burkina Faso (Holl 2014).

TST-3, the largest mound stretched along the north edge of the complex measures 260 m west-east and 120 m north-south. All 17 mounds were tested after three field seasons (1997, 1999, and 2000). Five, TST-1 (Iron smelting), TST-2 (quarry), TST-4 (cloth weaving and dyeing workshop), TST-9 (cemetery), and TST-17 (karite oil production workshop), are special purpose sites. The fourteen remaining ones were standard habitation mounds with varying occupation intensity.

KST settlement complex is located on the cliff top along the edge of the Mouhoun River valley (Figure 4). The complex consists of eleven more or less distinct mounds stretched on 350 m west-east and 600 m north-south. The cluster is made of three distinct sites categories: a quarry (KST-2) located at some 800 m east, iron-working stations both smelting and forging, and habitation mounds. Habitation mounds, clustered in the north, resulted in the formation of a large 15 ha village site. All iron-working stations, arranged along a roughly ENE-WSW axis, are concentrated at 100 to 200 m along the south flank of the main habitation cluster. KST settlement complex was inhabited from the second half of the first millennium BCE to the second half of the thirteenth-century CE, with an important 500 years occupation hiatus in the second half of the 1st millennium CE. The development of TST and KST settlement complexes can be arranged in four successive phases, from the middle of the first millennium BCE to the middle of the second millennium CE.

– Phase I (650 BCE–800 CE)

At TST, the initial settlement phase (650 BCE-800 CE) that started in the mid-1st millennium BCE is documented at TST-1, TST-2, and TST-3-East (Figure 4). The earliest occupations are found at TST-1, an iron-smelting site dated to 650–395 BCE, TST-2, the quarry site that provided raw material for house construction and iron production, and finally, the blacksmith workshop exposed at the bottom of TST-3-East probe.

KST settlement complex phase I dated to 350 BCE-150 CE was shorter. It is documented in the west-central part of the complex, in KST-1A and KST-2 the quarry site. KST complex grew in two directions during its phase II dated to 250–550 CE. KST-1B and KST-3 areas were settled. The mound was of an irregular potato-shape, oriented SW-NE. KST-2, the quarry site, was relied upon for the supply of iron ore and construction material during the whole existence of the settlement complex

– Phase II (800–1100 CE)

TST Phase II (800–1100 CE) settlement with a total of 8 mounds, witnessed the foundation of 5 new sites. They were arranged in two sub-clusters of four sites each: TST-1, TST-2, TST-3, and TST-6 in the west, and TST-4, TST-12, TST-13, and

TST-15 in the east (Figure 4). The western sub-cluster consisted of two residential mounds: TST-3 and TST-6, and two special purpose sites: TST-1 (iron-smelting and ritual) and TST-2 (quarry). The eastern sub-cluster includes TST-13 and TST-15 residential sites, TST-4 (weaving and cloth dyeing workshop) and TST-12 (a blacksmith workshop) as special purpose sites (Holl 2014).

KST complex was abandoned during all the second half of the 1st millennium CE, from ca. 550 to 1000 CE.

– Phase III (1100–1400 CE)

TST settlement complex reached its maximum extent during phase III (1100–1400 CE) with the addition of 7 new mounds. All 15 mounds were located in the space already delineated during phase I and II. The new additions are set in two patterns. TST-5, TST-7, TST-8, and TST-10 present a rectilinear arrangement of equidistant mounds at 100 m from one to the next. TST-5, TST-7, and TST-8 residential mounds ‘sits’ on burials dug deep in the laterite crust in what may have been an earlier cemetery. TST-14, TST-16, and TST-17 are along the northeastern flank of the complex, at 100 m from one to the next, in a linear east-west arrangement. TST-14 and TST-16, were residential and TST-17 was a *karité* oil production workshop.

KST complex also witnessed an accelerated growth during Phase III (1000–1250). KST-1A and 1B, KST-2 (quarry site), KST-3, KST-4 (occupation I and II), KST-5, and KST-6 were all inhabited and in use. Fire destroyed habitation units from KST-3 occupation I and KST-4 occupation II, located along the southeast flank of the complex. There was also a significant intensification of iron-working, with the foundation of workshops devoted to iron-smelting, blow-pipes making, and blacksmithing along the south margins of the main village.

– Phase IV (1400–1650 CE)

TST settlement complex shrunk significantly during Phase IV (1400–1650 CE). The number of inhabited mounds dropped from 15 to 9. The eastern part of the cluster was abandoned. A new restricted access cemetery was founded at TST-9. TST-3, TST-4, TST-5, TST-6, TST-7, and TST-8, were residential. TST-1, TST-2, and TST-9, respectively iron-smelting site, quarry, and cemetery, were special purpose sites. In general, with the exception of TST-8 set between TST-4 and TST-7 (Figure 4), the distance between neighboring mounds oscillates around 100 m.

An identical phenomenon occurred at KST. The inhabited space also shrunk considerably during KST phase IV (1250–1450 CE). Shallow occupation evidence is documented at KST-4 occupation III and IV, then used as a cemetery.

– Variability of mounds clustering processes

Data collected from the excavation of four settlement complexes point to the existence of two main mound-clustering strategies: a tight and a loose one. KST settle-

ment complex that lasted from ca. 350 BCE to 1450 CE, with a half millennium occupation hiatus in the second half of the 1st millennium CE, features tight-clustering. All the residential sites, with the exception of KST-4, are tightly packed in a 15 ha village. Iron-working sites located along the south periphery of the village display no habitation evidence. Craft people and work crews were KST villagers who commuted to their workshops during the iron-production seasons.

TST-GST settlement complex with a total of 20 mounds features the loose-clustering strategy. The mound-sites, 17 for TST and 3 for GST are well demarcated, with each sub-set presenting a large dominant mound. Residential and special purpose sites are represented in varying combinations all along TST settlement complex occupation history.

Archaeological data indicate that flexible strategies were adopted by the different ‘self-sustaining’ autonomous villages during the 2200 years’ occupation of the Mouhoun bend. In KST, craft people resided in the village and commuted to their workshops located in the southern outskirts of the complex. In the TST alternative, with more or less inter-phase variations, craft people built their residence in distinct places and supplied local communities from their workshops. There is no fixed and permanent pattern of residential and occupational segregation in the analyzed archaeological record (Holl 2014, Holl and Kote 2000). Small mounds were either special purpose sites used by craft specialists – Iron smelters, blacksmith, karite oil producers, weavers, potters – or residence of small groups, the equivalent of family hamlets. The households’ heads of these units were very likely members of the governing bodies of the Mouhoun bend self-sustaining autonomous villages.

– Peer-village interaction

The study area is relatively flat. The recorded settlement complexes are more or less evenly distributed in the landscape. In site-catchment analysis terms, each village is surrounded by rings of cultivated fields, fallow zones, and bush (Chisholm 1979, Higgs and Vita-Finzi 1970). At their peak, during the first centuries of the 2nd millennium CE, each of the recorded settlement complex was a large autonomous and self-sustaining village. Some, like KST and Kirikongo, were compact villages with a few outlying mounds and special purpose sites. Others, as was the case for TST-GST and Diekono, were spread out with a multiplicity of distinct mounds.

There are no significant wealth differences. Grave-goods and burial offerings are too marginal to be significant. Some individuals, male, female, children, and infants, were nonetheless buried in “restricted access” cemeteries while others were buried in their habitation units. This differential treatment points to subtle variations in social status without detectable and/or durable material correlates.

The accelerated growth at the beginning of the 2nd millennium CE initiated a scramble for land, villages rivalry, violence, and conflicts.

– Fire: accidents or wars?

Burnt houses were recorded in some of the excavated mounds. It is the case at TST-3-West in occupation I and II, dated to 1000–1150 CE. Domestic installations belonging to two successive occupations were totally burnt down. KST complex also present two instances of burnt domestic installations dated to 1050–1380 CE: one at KST-3 occupation I and the other at KST-4 occupation II. In the latter case, a whole household complex with its food supply was destroyed by fire. Similar cases of burnt installations dated to 1300–1450 CE were recorded at Kirikongo, Mound III, level 8 and Mound IV, level 7. These events took place during a period of accelerated growth that triggered violent confrontations.

– War, Violence and surgery

There is no direct one to one correlation but the unrest indicated by burnt houses is partly corroborated by traumatic injuries found on some of the deceased. Two male and female adult individuals buried in the same context at TST-7 appears to have been victims of similar violent encounters.

One, a 35–50 years old adult female presents 4 well healed cranial fractures on the occipital, frontal, and left parietal. The other, an impressive 1.95 m tall 45+ years old male presents two distinct episodes of trauma. He recovered from previous blows indicated by a well healed circular defect on the occipital. He has multiple trephinations with no signs of healing on the right, left parietals and frontal, showing that the second series of blows was fatal. Remarkably, both adults present similar blows patterns: they were hit on the frontal, occipital, left and right parietals, as if the aggressors were well trained fighters. The surgery may have taken place after a violent raid. Finally, a 9–11 years old pre-adolescent, individual 18 from phase IV TST-9 cemetery, presents multiple peri-mortem depressed cranial features made by a sharp object, that was very likely the cause of death (Holl 2014).

The recorded evidence on traumatic injuries is dated to phase III (1000–1200 CE) and IV (1250–1500 CE) when the area witnessed a significant growth acceleration followed by the onset of devolution. There are convincing evidence of conflict and inter-village warfare during the first half of the second millennium CE. The nature and characteristics of the kind of warfare that may have developed in the area during this phase of accelerated growth are difficult to decipher. The tactics involved may have consisted of surprise raiding and counter-raiding with the aim of seizing supplies and hosts

Each village had its autonomous system of government, with horizontally differentiated groups. These mixed farming communities included a number of craft

specialists, potters, iron-smelters and blacksmiths, masons, cloths weavers and dyers, *karite*-oil producers, as well as part-time warriors, and healers [surgeons]. The Mouhoun Bend peer-villages were autonomous and self-sustaining but not autarkic. A general compatibility of “worldviews” is suggested by the strong coherence of mortuary practices. Despite variations, pottery decoration techniques and syntax suggest a shared cultural universe. The mound-dwellers of the Mouhoun Bend developed an original socio-political system that, for approximately two centuries from 1200 to 1400 CE, existed on the periphery of the powerful and expansionist Mali Empire.

Conclusion

The legacy of the diverse modes of social organization ranging from small scattered and relatively independent face-to-face societies to highly centralized and ranked chiefdoms and states is still present today in the continent.

Fusion-Fission has been for the longest part of African initial and ancient history the dominant mode of regulating group-size to achieve optimal governance goals. It operated for most of the past and present hunter-gatherer communities, as well as those of mobile herders and small-scale farming communities. With the advent of higher population concentrations, organizational innovation became inevitable and as indicated by the handling of scalar stress, circumstantial and/or durable hierarchy were set in place.

In the three case studies presented briefly, the Pre-Ghana and Mouhoun Bend social formations lack material evidence of differential wealth and social ranking, and feature multi-generation residential facilities, “extended families”. The Houlof case points to the opposite direction, with differential accumulation of wealth and prestige items, the emergence of a class of Warrior Horsemen, power centralization and social ranking.

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Chapter 2

“Living together” in remote Africa’s past: Indirect evidence

Introduction

The remote past of humankind is solely accessible through objects and refuse preserved in the archaeological record. As primate and accordingly social animals, hominins, proto-humans, and finally humans are inserted in differential webs of connections, some improvised and other repetitive and long lasting. It is this imperative of “living together” that is subsumed under the strange sounding word of “governance”. The concept of governance is so polysemic that it can be applied to almost any form of interaction management. Human technical and intellectual processes and activities are geared to sustain social life. Objects and features preserved in the archaeological record can be used as proxy for inter-individual interaction, the elementary aspects of governance.

Technological achievements are clearly easier to grasp than conceptual scientific innovations that take place in human minds. There is no doubt that thought exercise is common practice for almost every human being, even if this proposition may be confined to the latest *Homo sapiens sapiens*. Scientific and technical skills manifest themselves in almost all domains of human activities. They are instrumental in addressing and solving daily life problems through constant innovation. Technology is accordingly the interface between humans and the material world they live in. Changes in all life parameters then require constant adaptation and adjustment. The dynamics of technology is as such generated by the systemic instability and unbalance between goals and means. “Innovation means the act of introducing something new, be it a method, or a thing, either from scratch or from outside” (Mavhunga 2014).

Initial Africa’s contributions to science and technology are briefly presented in the long-term perspective of the continent Initial History, without forays into the more recent periods from Pharaonic Egypt onwards. Science and technology are embedded in societies and serve them for better and/or worse. Long-term forays into technological history are accordingly another way of probing past forms of human interaction or in other terms minimal forms of governance. Human’s history is a continuum, with accelerations and slow-downs. There is no “entry into History” through the threshold of “Protohistory” for people emerging from Prehistory and entering “Civilization” as construed in Western worldviews. The rest of this brief chapter focuses on major African initial cognitive, scientific and

material inventions, ranging from lithic technology to metallurgy, empathy and self-awareness, as well as astronomy.

1 The production and evolution of early lithic technology

For many millennia, and up to the expansion of the first humans out of the continent around 2 million years ago, the early stages of technological inventions were all confined to Africa. The earliest lithic complex, the Lomekwian, found in West Turkana is dated to 3–3.3 myrs (Harmand *et al* 2015). It consists of large flakes obtained through the use of anvil debitage technique (Figure 1). This early technological breakthrough has no direct chronological connection with the Oldowan that emerged later around 2.7–2 myrs at Hadar, Omo, and Olduvai. The Oldowan with its chronological variants – Evolved Oldowan A and B – ranges in time from 2.7 to 1.7 myrs and is made, is made essentially of un-modified flakes, choppers, chopping tools, and polyhedrons (M. Leakey 1971). These stones tools, instrumental in the processing of animals and plants resources, were part of the early cultural package of the expanding humanity.

The Acheulean complex that followed also emerged in Africa around 1.7 myrs as indicated by the Olduvay gorge sequence and spread to the rest of the Ancient world essentially in Eurasia. It is the longest lasting stone tool complex of all times, ranging from 1.7 myrs to 3/200000 years depending on areas. The complex includes a wider range of tools, both on cores and flakes. Core tools are made of hand-axe, cleavers, and picks with manuports. In addition, they are complemented by retouched flakes shaped as front-scrapers, side-scrapers, and borers. The Acheuleans invented the first multi-functional tool displaying bi-lateral symmetry, the hand-axe [or biface]. It was used to pierce [with the point], cut [knife], and hammer [crack bones]. It is therefore not a surprise that the Acheulean complex as an amazing technological stasis lasted for more than 1.5 million years in Africa and Eurasia.

Post-Acheulean time, – the Middle Stone Age (MSA)- is characterized by strong regional diversification of Lithic complexes. Mousterian-like assemblages are well represented in North Africa, the Nile Valley and the Horn. It is however the Aterian complex with its stemmed tools enhancing and facilitating hafting that displays original creativity (Figure 2). It ranges in time from 145,000 to 20,000 years ago and spread from Morrocco Atlantic coast to the Nile Valley. At the southern end of the continent, the Howieson Poort complex dated to *ca* 66,000–59,500 features a precocious microlithization of stone tools. Composite tools and probably bows and arrows were very likely part of the tool-kit of Howieson Poort hunter-gatherers. Blade debitage techniques were invented during the latter part of the MSA but they

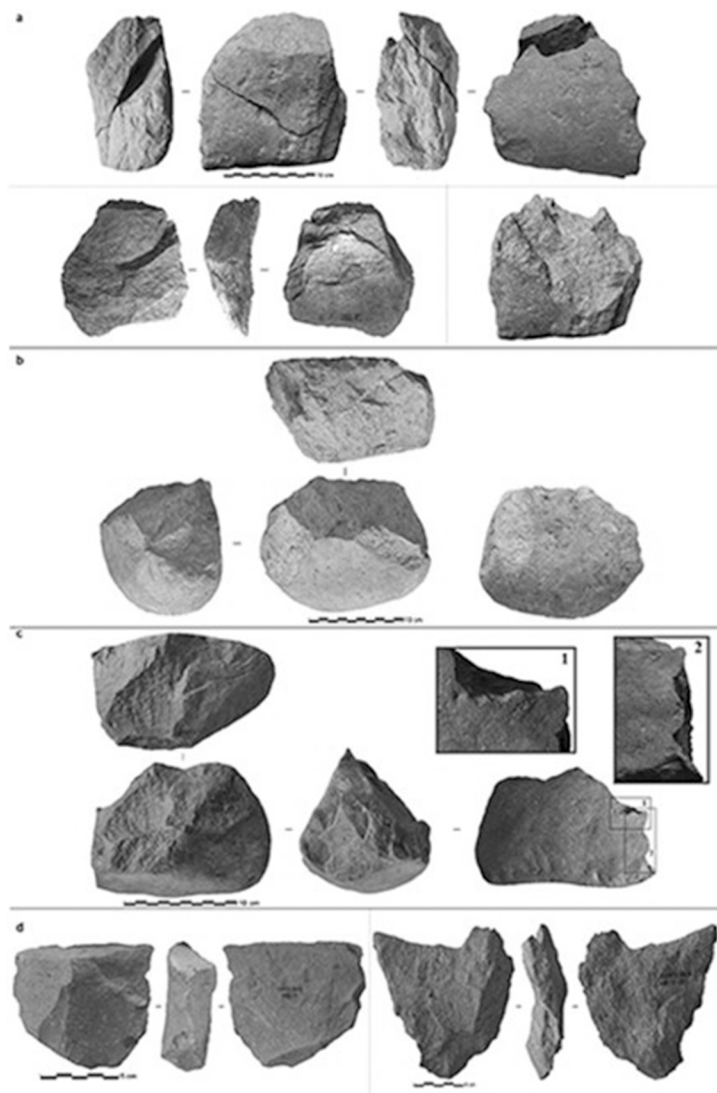


Figure 1: Lomekwi 3 stone tools assemblage dated to 3.3 million years: from top to bottom: a- core and refitting flake; b- unifacial core; c- unifacial core; d- flakes (S. Harmand et al 2015, West Turkana Archaeological project).

expanded all over the continent and were generalized during the Late Stone Age (LSA). Microliths complex, pointing to the generalization of the bow and arrow emerged at the end of the Pleistocene and lasted up to the Middle Holocene.

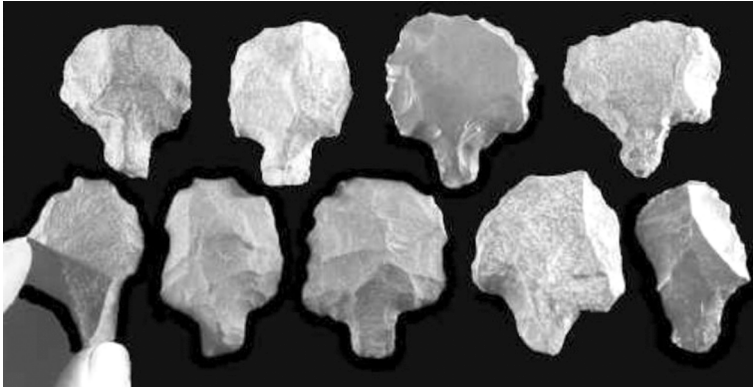


Figure 2: Aterian stemmed tools (Source: <http://www.lithiccastinglab.com/gallery-pages/2006mayaterianpointspage2.htm>).

2 The cognitive revolution: personal adornment, art, and empathy

The Earliest stages of *Homo sapiens sapiens* “cognitive revolution” that essentially revolves around the emergent symbolic ability of the human mind took place in Africa as early as 100,000 years ago. It is manifest through the creation of mental realities. Beside language, personal adornment of the body, empathy, burial and representations are distinct but complementary dimensions of the “cognitive revolution” kicked off and amplified by *H. sapiens sapiens*.

Personal adornment

Aspect of the adornment of the body can be looked at from two complementary dimensions: the use of selected modified/unmodified mollusks shells on the one hand, and the production and use of pigments on the other hand. “There is general agreement among researchers that modern humans, *Homo sapiens*, are the one responsible for the surge of the use of shell beads, but Neanderthals also exploited mollusks shells, and also decorated themselves (Bar-Yosef Mayer 2020: 12). Naturally and artificially perforated shells use expanded between 120,000 and 115,000 years ago. They are documented in Moroccan Mousterian and Aterian sites of Taforalt, Grotte des Contrebandiers, El Manasra, and El Harhoura 2, in Algeria at Rhafas, Ifri n’Ammar, Oued Djebbana, and Bizmoune. A similar but latter development took place at the end of

the Middle Stone Age in South Africa, with shells beads documented around 78–72,000 years ago at Blombos Cave, *ca.* 74,000 years ago at Border Cave, and finally, 69–72,000 years ago at Sibudu Cave in Lesotho. According to Bar-Yosef-Mayer et al (2020:1), “between 160,000 and 120,000, there was a shift from collecting complete bi-valves to perforated ones, which reflects both the desire and the technological ability to suspend the shell beads in string to be displayed on the human body”.

Blombos art, items of personal adornment and paint workshop

Blombos cave located along the South African coast in a limestone cliff in the Cape Province was a cauldron of *Homo sapiens sapiens* symbolic and artistic creativity (Henshilwood et al 2009). The most significant finds, among many, all dated to 70,000–100,000 years ago include: a sample of 70 beads made of perforated shells of *Nassarius kraussianus* (Figure 3), two pieces of ochre rock incised with crosshatched geometric designs (Figure 4); and an ochre processing workshop.

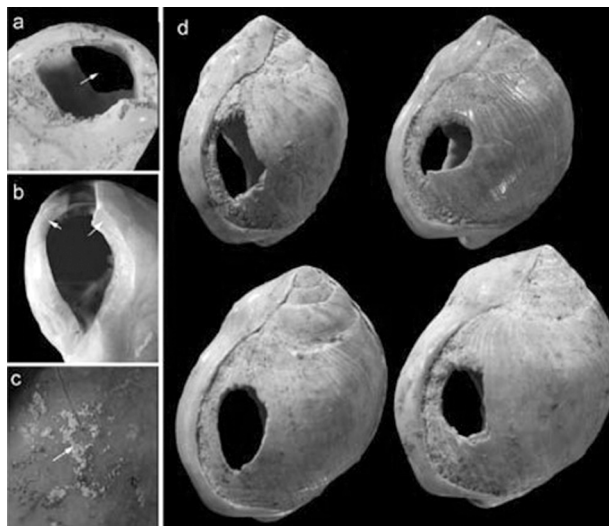


Figure 3: Blombos cave perforated shells of *Nassarius kraussianus* dated to 75,000 years ago (Source: Henshilwood 2009).

Items of personal adornment are clearly an important invention documented at Blombos cave. The ochre processing workshop found in the 100,000 year-old levels includes charcoal, ochre, bone, hammer-stones and grindstones as the toolkits left *in situ*. Evidence shows that a liquid pigment-rich mixture was made and stored in two relatively large shell of abalone (*Haliotis midae*). The manufactured ochre paint was very likely used for body painting and complement to sea-shell jewelry. The use of pigments, particularly red ochre, but also other colors touches on aspects of personal adornment, and as such is generally linked to the symbolic implications of body painting (Bar-Yosef-Mayer et al 2009, Geggel 2018, Henshilwood et al 2011, 2018, Roebroeks et al 2012). The earliest indication of the human use of ochre dated to 285,000 years ago has been recorded at the MSA site of Gnjh-03 in Kenya, East Africa, where 70 pieces of red ochre weighing some 5 kgs were collected (Geggel 2018).

It is however at Blombos Cave in coastal South Africa that the versatility of early ochre use is manifest in its different aspects (Henshilwood et al 2011, 2018). The earliest instance, recorded in Sequence BBC [for Blombos Cave] M3, dated to 100,000 years ago, was found in a “processing workshop where liquefied ochre-rich mixture was stored in two abalone shells”, containing a production tool-kit including hammerstones, grinding stones, charcoal, bone, and ochre (Henshilwood et al 2011: 219). The Sequence BBC M1 and M2 Upper dated from 77,000 to 73,000 years ago, provided 8 pieces of ochre engraved with geometric patterns, 67 *Nassarius kraussianus* shell beads stained with ochre, and a “cross-hatched pattern drawn with an ochre crayon on a ground silcrete flake” (Henshilwood et al 2018: 115), precisely dated to 73,000 years ago (Figure 4). By the end of the Middle Paleolithic period, ochre is represented in Neandertal sites ranging from 60,000 to 40,000 years ago, with its use ranging from symbolic to practical.

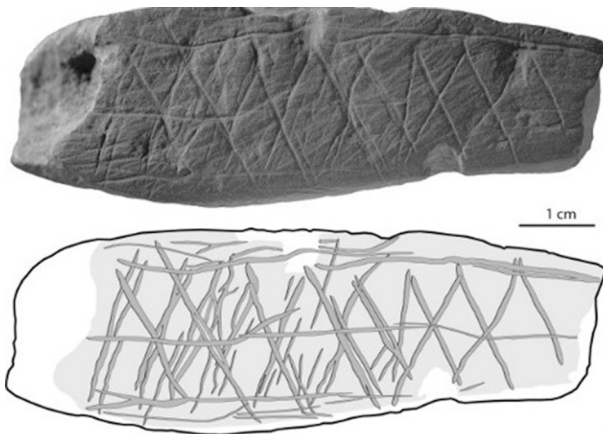


Figure 4: Blombos Crosshatched ochre block dubbed the first Art piece (Henshilwood et al 2009).

Burial practices

Deciphering the ultimate origin of human burial practices is a difficult exercise. It is however not controversial to consider them as collateral consequences of empathy, the capacity of inter-subjective understanding, at cognitive, emotional and somatic levels (Preston and de Waal 2002). It is therefore, not a surprise that the earliest human burials dated to the same time range, 110,000–90,000 years ago. At the end of the Middle Stone Age, burial practices were adopted by Neanderthals and *H. sapiens sapiens* and spread in different regions of the Old World between 60,000 and 50,000 years ago.

In Africa, the earliest modern human’s burials, all dated to the Middle Stone Age, have been recorded at Taramsa Hill in southern Egypt, Border Cave in southern South Africa, and Panga Ya Saidi in coastal southeast Kenya. Taramsa Hill contains the remains of a 8–10 years old child dated to 69,000 years ago, buried in a sitting position, “the body .. laid down against the side of the extraction pit and covered up by the dumped material” (Vermeersch et al 1998: 478). A 4–6 months old infant wearing sea shell beads (D’Errico and Backwell 2016) was buried at Border Cave 74,000 years ago. And finally, a 2.5–3 years old child was buried in a flexed position in a 39.8 cm long, 36.7 cm wide, and 12.5 cm deep pit at Panga ya Saidi cave in Kenya some 78,000 years ago (Martinon-Torres et al 2021). These earliest African *H. sapiens sapiens* burials belong to infant-children. “The PYS [Panga ya Saidi] child, in combination with the infant burial from Border Cave and the “Funerary Caching” of a juvenile at Taramsa, suggests that the *H. sapiens* populations were intentionally preserving the corpses of young members of their groups between ca. 78,000 and 69,000 years ago” (Martinon-Torres et al 2021: 99).

3 Stunning bone craftsmanship: Katanda harpoons

A stunning bone craftsmanship was brought to light in three archaeological sites at Katanda in the Semliki valley in eastern Democratic Republic of Congo (Yellen et al 1995). The uncovered artifacts consist of several harpoons, barbed and unbarbed, as well as knife-like objects (Figure 5). They were clearly part of the MSA fishing communities tool-kits, used to spear and process relatively large size catfish. Initially thought to be contemporary with the Western European Upper Paleolithic specimens dating to ca. 40,000 years, they happened to be much older, dated by different techniques to 90,000 years ago.



Figure 5: Katanda Harpoons dated to 90,000 years ago (<https://forwhattheywerewere.blogspot.com/2013/03/the-katanda-harpoons.html>).

4 The Ishango bone

The Ishango bone is a peculiar bone tool, a baboon fibula with an inserted sharp quartz flake at one end. Found at Ishango next to the Semliki River on the shore of Lake Albert in Eastern Democratic of Congo in the 1960s, it is now precisely dated to 18,000–26,000 years ago (Figure 6). It is clearly a tool, but a very intriguing one with series of tally marks carved along the diaphysis in three columns (Figure 7). The interpretation of the marks ranges widely. Some consider them to be simple practical features enhancing a better grip of the tool. Others see in these three columns with carved marks groups arranged into asymmetric sets the materialization of a counting technique or a numerical system (Brooks and Smith 1987, Marshack 1991, Rudman 2007). For S. W. Williams (not dated) Ishango bone is the oldest table of prime numbers (fig.7.3). Rudman (2007: 64) disagrees and considers that it is very probably a coincidence. A. Marshack interpreted these marks as a six-month lunar calendar and finally C. Zaslavsky (1992) thinks that



Figure 6: The Ishango bones. (Source: <http://solarey.net/ancient-african-mathematics-ishango-bone-26000-years-old/>).

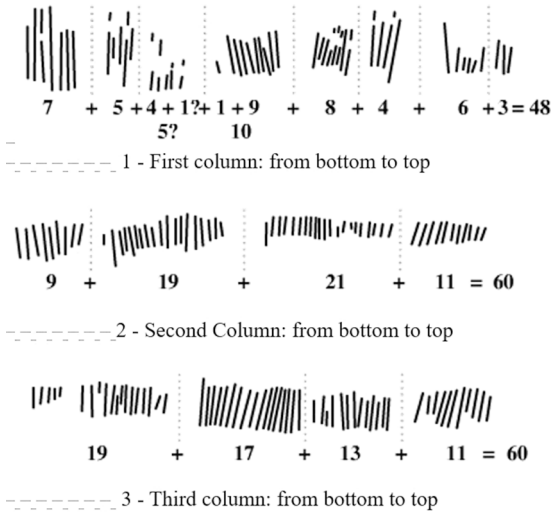


Figure 7: Readings of the Ishango bone (https://en.wikipedia.org/wiki/Ishango_bone).

the toolmaker was a woman carving lunar phases in relation to menstrual cycles. The debate on the function of this intriguing artifact is still open.

5 The invention of pottery

The invention of pottery-making took place at the end of the Pleistocene/beginning of the Holocene in north tropical Africa, over an extensive area stretching from the Bandiagara plateau in Mali to the playa lakes of the Egyptian desert, including the Sahara Mountain ranges of the Air, Tibesti, Adrar-Acacus, and Tassili-n-Ajjer. The environmental contexts of this invention wave are quite straightforward. Productive grassland recolonizes the Sahara and its margins at the end of the Late Glacial Maximum and beginning of the Early Holocene Humid Phase. Large expanses of wild cereals – millet, sorghum, etc – in these resources rich environments were exploited by the scattered communities of Late Stone Age hunters-gatherers. The harvesting, storage, and processing of these wild grains may have triggered and sustained the invention of pottery-making in these communities and generated new cooking methods.

The sample of the earliest pottery sherds from Ounjougou consists of three specimens found in a layer dated to 9,400–8,500 Cal BCE. They belong to hemispheric bowls with one sherd featuring roulette impressions (Soriano and Huysecom 2011). Pottery sherds collected from rock-shelter (Tagalagal) and open-air sites (Temet and Adrar Bous 10) were submitted to different and complementary dating techniques (Guibert *et al* 1994). They consist essentially of globular vessels, decorated with stamped impressions and dated to 10,500–9500 BCE. The earliest pottery from the Eastern Sahara was found at Nabta Playa. It belongs to El Adam type settlements dated to 10,800–9,800 Cal BP. “It is well-made and decorated over the entire exterior with deep impressions in a nested chevron made with a comb or wand. Another common design has closely spaced lines of comb impressions, some parallel to the rim and others at right angles (Wendorf and Schild 1998: 100).

6 Nabta Playa astronomic observatory

Nabta Playa astronomic observatory located in the Nabta Playa basin in Southern Egypt is dated to the 6th millennium BCE (Figure 8). The complex, measuring 1.6 kilometers long and 0.8 kms wide, was built by mobile cattle-herders. It includes 10 stone slabs 2.5 to 2.8 m high, 30 rock-lined ovals, 9 cows’ burials and a “calendar circle”. Most of these features are arranged in five radiating lines. They may have

indicated the rising of certain stars and the “calendar circle” indicates the approximate direction of the summer solstice sunrise (Malville 2015, Wendorf and Malville 2001).



Figure 8: Nabta Playa Astronomic observatory (6100–5600 BCE) (source:<https://www.astronomy.com/observing/nabta-playa-the-worlds-first-astronomical-site-was-built-in-africa-and-is-older-than-stonehenge>).

Converging archaeo-astronomical evidence confirm alignments with Sirius, Arcturus, Alpha Centauri and the belt of Orion (Malville *et al* 2007). Around 6100–5600 BCE, Nabta Playa observatory was part of a regional ceremonial center where cattle pastoralists from the surrounding territories converged for the performance of important rituals. “The symbolism embedded in the archaeological record of Nabta Playa in the 5th millennium BCE is very basic, focused on issues of major practical importance to the nomads: cattle, water, death, earth, sun and stars (Malville *et al* 2007:11).

7 Iron metallurgy

The advent of copper and iron metallurgy are fiercely debated topics in current research on Africa past. New data collected during the last three decades and pointing to unexpectedly early manifestations of metallurgical skills in different part of the continent are either ignored or rejected without serious considerations (Bocoum 2004, Holl 2009, 2020, Zangato and Holl 2010).

Early blacksmiths’ workshops (Figure 9) were excavated at Gbatoro in Djo-hong area in the Cameroons, and Oboui, in Ndio area in the Central African Re-

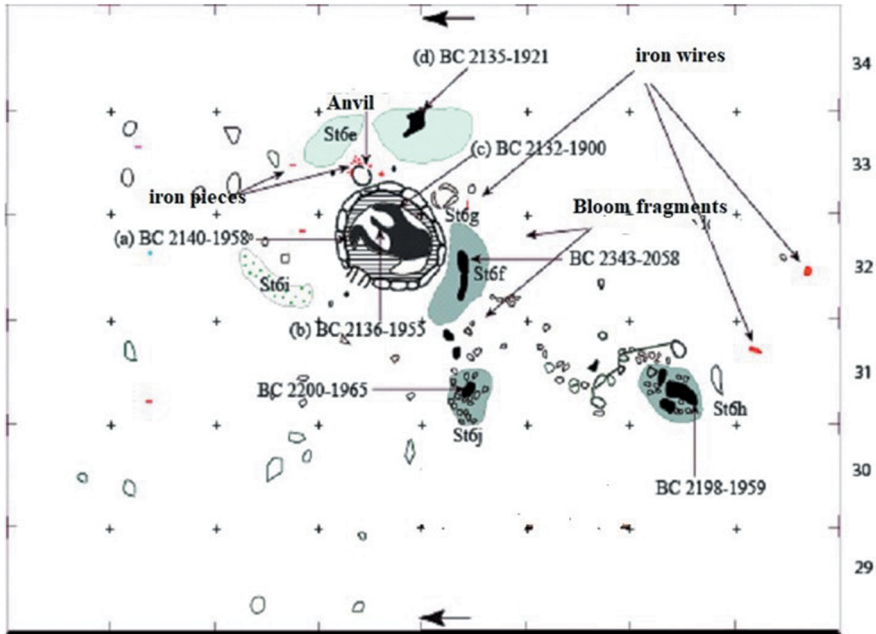


Figure 9: Oboui blacksmith workshop (source: Zangato and Holl 2010).

public (Zangato and Holl 2010). Both localities are situated in the northeastern part of the Adamawa plateau. Iron production activities are documented to have taken place as early as 3000–2500 BCE, in different contexts. It is the case in habitation sites like Balimbé, Bétumé, and Bouboun, smelting sites like Gbabiri, and forge sites like Ôboui and Gbatoro. The last two sites provide high resolution data on the spatial patterning of Blacksmiths' workshops dating from 2500 to 2000 BCE.

As is the case for Gbatoro, the blacksmith workshop discovered at Oboui is particularly coherent in chronological and functional terms (Figure 9). The recorded installations include a forge furnace, a stone anvil for hammering the bloom, a clay vessel for quenching purposes, two charcoal storage pits, three refuse pits, and finally, one hearth. All the steps of the forging "*chaîne opératoire*" are represented in the excavated workshop. All the dated samples point to the same time segment, between 2300 and 1900 BCE. If the site of Lejja in the Nsukka area (Nigeria) dated to the same time range as the Eastern Adamawa sites of Oboui and Gbatoro is taken into consideration, the northern margins of the equatorial rainforest appear to have been the area of iron metallurgy invention in Africa. Additional evidence of early iron metallurgy is recorded in different parts

of the continent, in West as well East Africa. They point to a dynamic picture of technological innovations that took place all along the long-term History of Initial Africa.

Conclusion

The scientific, cognitive, and technological innovations and inventions reviewed in this brief chapter are all social-centered. They point to the multiple facets of the “living-Together” that took place in Initial Africa and shaped the destiny of humankind. Tools, in stone, clay, iron, and any other material, used in extracting and processing resources from the environment help supply not only the individual hunter-gatherer, but his/her family unit and group. Self-awareness and empathy are the hard-glues of social relations, they connect any individual to a larger social unit. They are reflected in the laborious process of personal adornment – for celebrations and festivities – and emergent burial practices. They are accordingly, also social-centered. One can not imagine a deceased person burying him/herself. The wide social group take care of that. Ritual practices organized in landmark installations like astronomic observation centers assembled people from near and far in celebration of their common humanity. It goes without saying that such periodic gatherings were certainly articulated on well agreed rules of procedures. The well-known hunter-gatherers sharing ethics is not a sentimental development but a core-value insuring the maintenance and survival of the community as a whole. We may call them “context-dependent” rules of governance.

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Yoporeka Somet

Chapter 3

Philosophy and cosmogony of Kemet [ancient Egypt]

Introduction

The concept note at the origin of this contribution suggests, in perfect coherence with the world system of Kemet, as we have studied it (Somet 2018), that: “behind any model of governance there are driving metaphysical, spiritual and philosophical interpretations which frame the “political ontology” of each society and inform about the responses given to the primordial questions of human communities. Governance is therefore part of a larger system of interpretations, interactions and processes, which defines not only the nature of relationships between humans but also with other living and non-living entities” (Moussa Iye 2022).

Pharaonic cosmogony states that, at the origin, there was an uncreated, chaotic, and unorganized liquid called “*Nun*”, from which springs, at a moment that is not determined by any necessity (which therefore introduces the idea of freedom from that beginning), the Demiurge (Atum-Ra-Khepri) who, by expanding, will cause the existence of all that exists: divinities, human beings, animals, plants, minerals, etc. All these beings are therefore endowed with a fragment of the Demiurge. This explains, on the one hand, a general brotherhood between all beings in the universe and, on the other hand, the privilege of a *post-mortem* or after-life reserved for humans, accompanied by the obligation for them to preserve balance and harmony in the universe and society, as well.

This equilibrium, which is, at the same time cosmic, social, and eschatological (Maat), is placed under the responsibility of a character who is both human and divine: such is Pharaoh. His mission, which consists of a sort of substitute for the Demiurge, is to establish and watch over order, balance and justice (Maat) by rejecting everything opposed to it: disorder, violence, injustice, etc. The original state of chaos and un-organization was regarded as the absolute evil by the ancient Egyptians who called it, in their language, *Isefet*, a world usually left untranslated as its opposite, *Maat*.

As a result, Pharaoh’s social governance as the guarantor and overseer of the order inherited from the universe is placed under the sign of truth, justice, solidarity, benevolence, law, equality, equity, and any value desirable in a humane and just society. This is a divine mission that is nevertheless entrusted to the care

of a human being, acting under the protection of divinity: this is the origin of the notion of Divine kingship, an authentic African invention.

A series of consequences derive from this, encompassing respect for the balance of nature and all life in it, the search for a just and equitable social order, the equality of all human beings before the law, the respect for the rights of everyone: man, woman, child, foreigner, etc. These are also some of the main characteristics of the Pharaonic state, which a French Egyptologist describes as “*the first known rule of law*” (Menu 2017: 35). What lessons and inspiration can we draw from this today for the construction of a just social and political model, which responds to the aspirations of our time?

In the following analysis, we will try to show, starting from the cosmogony of Kemet, how the inhabited universe came into existence and what this implies, as well as the balance and the social order that resulted from it, and what the maintenance of such a state requires from both the ruler and the ordinary citizen. Finally, we will see how this world conception incorporates the belief in a future life and in a hereafter in which all our daily actions will be evaluated according to whether or not they conform to the principles of *Maat*.

1 The cosmogony of Kemet: a general brotherhood of all beings in the universe and the equality of all human beings

According to the cosmogony of Kemet, everything that exists in the universe (deities, human beings, animals, plants, minerals, etc.) comes from a single source or cause, which is a primordial matter (and not a spirit, like the creative spirit of the Bible). This means that ancient Egyptians did not envision the universe as the result of divine intervention or any power whose existence would be external and prior to the universe itself. On the contrary, they explain all existence, including the existence of the deity himself, by this primordial matter. Therefore, it is not the divinity that is at the origin of the matter, but this primordial matter is itself the cause, the reason for the existence of the Gods. In this respect, ancient Egyptians were probably the first in the history of written cosmogonies to adopt such an approach to account for how the universe came into being. An excerpt from chapter 17 of the *Book of the Dead* (Barguet 1967: 57) thus affirms the precedence of primordial matter over divinity:

I am the great God who came into existence on his own. [. . .] The great God who came into existence of his own is Water. It is the *Nun* who is the father of the Gods.

This primeval matter, unorganized and chaotic, is presented in the main cosmogonic texts in the form of an abyssal water called “*Nun*”, in the language of the country. It is a matter that is still in an unorganized state, but which is full of potentialities. Here we can already notice how the “*Nun*”, this unorganized abyssal water, inspired Thales’ primordial water in Greek philosophy, which would also be at the origin of all beings. Moreover, we know according to Diogenes Laertius, a Greek historian of philosophy, that Thales traveled to Kemet “*where he conferred with the priests of the country*” (Diogenes Laertius 1993: 53). But beyond the Greek world, the same primordial water is also the foundation of other African cosmogonies, such as that of the Bambara (Mali), as well as that of the Nuer (Sudan), the Akan (Ghana, Ivory Coast), the Yoruba (Niger, Nigeria), the Mandingo (Guinea, Mali, Senegal) or that of the Dogon of Bandiagara in Mali. In all these cosmogonies, the first principle, at the origin of all things, is represented by a liquid, either “*Water*” or “*Rain*.” In Dogon cosmogony in particular, the origin of the universe and the beings that inhabit it is explained from a deified primordial water called *Nommo* (Lam 1997: 105; Somet 2018: 82). In a book devoted to this question, Marcel Griaule wrote that the Dogon cosmogony was “*as rich as that of Hesiod*” (Griaule 1966). All this is meant to confirm that the use of liquid primordial matter to explain the existence of the universe and beings is not only limited to Pharaonic Egypt but that it is truly an African conception of the world, which is moreover, a world system (Somet 2018). How does it explain, from the primordial water, the existence of the universe as well as the beings that populate it and what this implies?

Although it is not a monolithic bloc, ancient Egyptian cosmogony, through its four main schools, has developed a coherent discourse aimed to account for the universe in the most rational possible way. The Heliopolitan, Hermopolitan, Memphite, and Theban schools have each their own discourse on the origin and process by which all beings came into existence. However, the common point characterizing them can be summarized globally as follows: at the beginning, there was nothing but an uncreated mass of abyssal water in which the spirit of the world or the Demiurge was somnolent. Sometimes called Atum (*Item/Tem* in ancient Egyptian), this spirit is not strictly speaking an “*existent*”, as it is both “*being*” and “*non-being*”, according to the literal meaning of the word “*Tem*”, designating both a perfect being and that which is not yet. At some point, which is not determined by any external cause, this spirit becomes aware of himself by awakening to existence. This first “*being*”, whose existence is marked by the seal of freedom, is not subject to any necessity or determinism. Being without a cause, he will soon become the cause of all that comes into existence, the first motionless mover or “*Unmoved Mover*” according to Aristotle. How then?

The process of appearance or coming into being of the universe and other beings and existents (which is not a “creation” process), will take place as a dilation of the first spirit or Demiurge. An emblematic text, known as the *Bremner-Rhind Papyrus* (Faulkner 1933) describes this process as follows:

Thus spoke the Lord of the Universe: When I manifested Myself into existence, the existent existed. I came into existence in the form of the Existent, which came into existence in the Primal Time. I did all that I did alone before anyone else (but myself) had manifested himself into existence, to act with me in these places. I made the modes of existence from this force (which is within me). I created in *Nun* while still drowsy, while I had yet to find any ground on which to stand upright. Then my heart proved to be effective, the plan of creation appeared before me, and I accomplished everything I wanted to do, being alone (Obenga 2004: 60–63; Somet 2020: 64).

What we learn from this excerpt is that the universe or nature came into existence as an expansion of the Demiurge. This means, prosaically, not only that there is life in nature, but also that this life is a part of the Demiurge. In other words, it means that not only matter is endowed with life (which Greek philosophers such as Aristotle called *hylozoism*), but also that nature is another name for divinity, as philosopher Spinoza put it (“*Deus sive Natura*”, which is, *God or Nature*). Yet, it is this same conception of the universe that is often disdainfully qualified as “*animism*” when it is expressed by African peoples . . . However, what this worldview conveys is that everything in nature (human beings, animals, plants, minerals, etc.) has a life and is endowed with a certain dignity by the very fact that it comes from the Demiurge. Another excerpt from *Bremner-Rhind Papyrus* refers to all these beings in nature as “*the manifestations of Ra*” or “*the ways of being of Ra*.” Therefore, everything in nature is endowed with life, and this life must be respected and protected. A distant echo of this idea is expressed in the first article of the *Manden Charter* (Cissé 2015) where it is asserted, in a falsely tautological way, that “*all life is a life*”. In practical terms, this means that all lives have an equal dignity. And no life is superior to another life.

Now, when it comes to human beings in particular, an excerpt of the *Coffin Texts* specifies their special condition, vis-à-vis the divinity and the other beings of the universe. Indeed, we can read in paragraph 1130 (§1130) the idea that human beings (“*remetch*” in ancient Egyptian language) came from the tears (“*remy*”) of God. This excerpt can be interpreted as an indication that human beings owe their existence to a kind of divine mercy. This imposes on them a special status and mission. If this is the case, one could derive from it the idea that human life is sacred, like the divinity himself. Now, the same text adds that the deity (in this case the God Ra) “*made every human being equal to his neighbor*.” This is again the earliest written attestation of the idea that human beings are

equal. And since the notion of equality cannot be rigorously separated from that of brotherhood, one of its implications is that all human beings are brothers, because they come from the same being, from the same “*creator*”, even if this word is never used in ancient Egyptian cosmogony. This idea of brotherhood is not limited to human beings only, leaving aside the other beings of nature. Consequently, everything that exists in nature shares this strong brotherhood because of their common origin. Hence the idea of general brotherhood of all beings of nature. Elaborated for the first time in the cosmogonic texts of Kemet, this world conception is also authentically African, even if it may have influenced other cultural areas belonging to various parts of the world. Finally, this confirms, in the specific field of cosmogony, the thesis of the African origin of civilizations defended by the work of Cheikh Anta Diop (1974; 1991).

As a conclusion to this first part, let us recall that according to the ancient Egyptian world-system, order and balance in nature proceed from an initial chaos, symbolized by the primordial state of *Nun*. Once the universe has come into existence, the fear of any Egyptian citizen is the risk that it may sink back into the initial state of chaos, if the equilibrium of the universe was to be disturbed. Everything will therefore be done to ward off and rule out this traumatic possibility. This is the reason why an exceptional character will be put in charge of watching over the universe, under the supervision of the divinity himself. Such is Pharaoh, who is not a man like the others, but the representative of God on earth, in charge of overseeing the cosmic balance of nature and the social order as well. His mission is to ensure that the balance and harmony (*Maat*) that prevail in the universe are likewise realized in society.

2 *Maat*: from the balance of the universe to a just and fair social order

Both a complex notion and a term that is virtually untranslatable in a single word, *Maat* generally covers the following meanings: balance, order, truth, justice, justice, rectitude, equity, righteousness, solidarity, benevolence, compassion, etc (Figure 1). This polysemous notion is not primarily concerned with social order, but applies first to the balance of nature, as already mentioned. But in addition to the cosmogonic and social aspects, *Maat* has a third, eschatological dimension, as it also deals with the afterworld. Another peculiarity of this notion is that, in the Pharaonic language, it is a feminine word, generally associated with the figure of a Goddess. The original texts describe her as the “*daughter of Ra*”, and therefore the “*sister*” of Pharaoh, who is also considered the “*son of Ra*”.



Figure 1: The Goddess Maat, Tomb of Seti I, 19th dynasty.

(Source: <https://www.licensestorehouse.com/galleries/seti>).

As a Goddess, Maat was also described as the “*Mistress of the Afterlife and the land of the Dead*”. Under her aegis, and assisted by Pharaoh, life in society aims to maintain and strengthen both cosmic and social balance, and to effectively realize all the qualities and virtues of which she is the embodiment: order, truth, justice, solidarity, benevolence, and so on. This necessarily entails the accomplishment of a series of positive actions (which are reported at the time of the so-called positive confession), but also the ability to avoid evil and injustice (which is reported at the time of the negative confession). At the end, i.e. in the evening of life, a thorough assessment is made, by self-declaration, at the final judgment before the divine court of law. Chapter 125 of *The Book of the Dead* provides us with the complete declaration of innocence during the two confessions, positive and negative. These confessions are always made in the first-person singular, to emphasize that each person is responsible for his or her actions, as in this excerpt from the positive confession (Barguet 1967):

Behold, I have come before you. I have brought Maat to you and I have repelled Isefet (Evil/ Injustice) for you.

I have not done wrong against people, nor have I impoverished my fellows.

I have not done wrong in the *Place of Maat* [. .]

I have given bread to the hungry, water to the thirsty, clothing to the naked, and a boat to the boatless.

I have made divine offerings to the Gods and invocative offerings to the Blessed . . .

The court before which the deceased appears is presided over by the great God Wsir (Wasire), surrounded by 42 assessors representing each of the 42 nomes of Upper and Lower Egypt. They hear the depositions of the deceased and compare them with the good and bad deeds recorded in his/her heart, which is first placed on one of the pans of the Maat scale, the other pan being occupied by an ostrich feather considered the standard for measuring human deeds and thoughts.

This is how the famous scene of the weighing of hearts (improperly called *psychostasy* or weighing of souls) takes place, during which it is determined whether or not the deceased presented before the court has lived according to the principles of Maat. If he/she has lived according to these principles, he/she may enter the realm of the great God Wsir. If not, his/her heart is swallowed by a monster waiting near the scale, which means he/she is condemned to Gehenna or Hell. But if he/she is found to be righteous, the deceased is then introduced to the great God where he/she can take place and find eternal rest among the justified. This means that he/she has lived according to Maat and that his/her good deeds in society now guarantee him/her eternal happiness. All this is only possible in a society that advocates good (Maat) and rejects evil (Isefet), pushing it out of the country's borders.

Here are some of the major characteristics of this society, as portrayed in written literature, whose implementation was thought out in cosmogony – in other words, in the vision of the world and society – even before it was put in place. Such is the case with the idea that human life is sacred.

Respect for life and human dignity

The affirmation of the sacred nature of human life has its source in an excerpt already quoted from the *Coffin Text* (§1130) where the Lord of the Universe, He whose names are hidden, expresses himself in the first person:

I made the deities from my sweat and human beings from the tears of my eyes.

Here, it is not written that human beings are created in the image of God, as in the Bible, but rather that they have in them a particle of God, which elevates them, so to speak, almost to the status of divinity. It is this portion of God that dwells in every human being that gives his/her life a noble and sacred character. A literary text, the *Westcar Papyrus*, dating from the Middle Kingdom (circa 2000 C.E.), but

relating events that took place during the Old Kingdom, at the time of Pharaoh Khufu (Cheops), some 500 years earlier, describes the following situation. The powerful King Khufu has summoned a man called Djedje, a 110-year-old magician, whom he has heard, actually knows how to cut off a head and put it back in place, without causing death. Once the old magician is brought to the Royal Palace, before the king, a dialogue begins between the two characters (Somet 2019b: 89).

King Khufu asks the magician: *“Is it true what they say, that you know how to restore a severed head?”*. Djedje replies, *“Yes, I know how to, Sovereign, Life, Health, Strength, my lord!”*

The king then says: *“Let the captive who is in the Palace be brought in, when his sentence has been pronounced!”*. Djedje protests: *“No, really! Not human beings, Sovereign Life, Health, Strength, my lord! See, it is not allowed to do such a thing to the noble flock!”*

The *“noble flock”*, in this case, are human beings, and it is formally forbidden to *“play”* with their lives, for their lives are sacred. And this prohibition applies to everyone, without exception, even to the most powerful king in history. Consequently, instead of a human being, first a goose and then an ox are brought before the magician, their heads first cut off. The magician utters a few magic formulas, and the severed head readjusts itself on the animal’s body, which then waddles back to its feet, but very much alive . . .

Individual freedom and social rights (work site ostrakon)

There is another document dating from the reign of Ramesses II during the New Kingdom, circa 1240 B.C.E., which is neither a literary nor a cosmogonic text, but rather a register recording the daily absences of laborers working on a royal tomb site, perhaps that of Pharaoh himself (Černý & Gardiner 1957). We have called this document the *“Work Site Ostrakon”* [Ostrakon du Chantier] (Somet 2018; 2019a). Written on both sides of a piece of pottery (ostrakon), the text comprises some forty names. All the workers identified are men. Opposite each name is a date, followed by the reason why the worker in question did not come to work on the date indicated, written in red ink. A study of the document shows that the various reasons for absence listed can be classified under six headings (Somet 2018) as follows:

- 1 Absences for health reasons: here we can distinguish three cases, depending on whether it is the worker himself who is ill, or a close relative (father, mother, wife, child), or a colleague.
- 2 Absence to see a doctor: this usually concerns the named worker, with details of the doctor’s specialty (eye care, gastro-enteritis, scorpion sting, etc.).

- 3 Absences due to the death of a close relative (father, mother, wife, child).
- 4 Absences due to a mission, where it is generally noted that the worker left with his boss or the scribe to carry out a task specified in the document. Sometimes, it is noted that the worker has left to “reinforce his education”. This suggests that the worker concerned has gone on further training or refresher courses.
- 5 Absences for religious or festive reasons, such as “offering bread to God” or “brewing beer”.
- 6 Finally, and most surprising of all, the worker is absent because he is “on leave”. Meaning “on paid leave”, that is it!

All these reasons were considered regular and did not entail a loss of wages, making the New Kingdom society one of the most advanced in terms of social protection and labor laws. An American Egyptologist, Anne Austin, has not hesitated to describe these social measures as “*the earliest documented governmental health care plan*” (Austin 2015). Yet it was in this society, so advanced in terms of social protection and labor laws, that the very first strike in human history took place, under the reign of Pharaoh Ramesses III, around 1154 B.C.E, as we learn from the *Turin Papyrus*, also known as the “strike papyrus”. It was actually a sit-in organized by workers to publicly demand payment of their wages, after several days’ delay.

This is an opportunity to point out that, unlike other civilizations, including more recent ones, Pharaonic Egyptian society never practiced forced labor, and slavery, not to mention slave production. Even during the Old Kingdom, the builders of the pyramids and the workers responsible for carrying out the great Pharaonic works were free workers or volunteers working for pay. We know that those who took part in the construction of the Great Pyramid of Khufu at Giza were housed and fed on-site in collective kitchens (Herodotus 1908: II, §125; Lehner 2001: 9; 224–225; 237). In the event of injuries or illnesses, they were cured by specialized medical doctors . . .

The place of women and gender relations in ancient Egyptian society

Another question on which this ancient civilization could still serve as a benchmark today is the relationship between men and women. In the ancient world, and even in modern times, we have virtually no equivalent of the eminent place held by women in Kemet. In this society, women were equal to men, could own and acquire property, and were free to contract and bind themselves. Even when

married, she used to keep her family name, which she passed on to her children. She could also work without her husband's consent or express authorization. What is more, in the event of marital disagreement, she could ask for and obtain a divorce, and this before a court of law: so, no repudiation here, as in other cultures. Finally, she was the head of the household, hence the Egyptian expression "*Nebet-Per*", the "*Mistress of the House*" [i.e. The Owner of the House] to designate a married woman. Egyptian women were also present in the State Administration offices, at the highest level: they were not only Pharaoh's mother or his great royal wives; they could also be pharaohs (like Sobekneferu (1785–1782 AEC) at the end of the 12th dynasty, Hatshepsut (1498–1483 B.C.E) in the 18th dynasty) or Tawosret at the end of the 19th dynasty. They could be medical doctors, like the lady Peseshet, "*Director of female doctors*" and "*Overseer of funeral priestesses*" in the 4th Dynasty. They could also be judge or viziers, like the lady Nebet in the 6th Dynasty. All these facts and more have led eminent female Egyptologists to write about the place of women in Egyptian society. Here is what Christiane Desroches-Noblecourt (1986: 380), the very first female Egyptologist in France, wrote:

The place of women in ancient Egyptian society is therefore one of the finest demonstrations of the modernity of this civilization, which was able to make mothers, wives and daughters the objects of perfect equality within the most logical of differences, a state that the Europeans of the early 20th century were, in many respects, far from having achieved.

As for English Egyptologist Joyce Tyldesley (2006: 12), she has gone much further, pointing out the specificity of Egyptian women's social position compared to other civilizations, ancient and modern as well. In the introduction to a book devoted to the queens of ancient Egypt, she wrote the following:

Where Egypt did differ to a remarkable degree from other societies was the rights allowed to her women, both married and single. In most ancient and many modern cultures including, until relatively recently, the 'advanced' western world, women were not considered to be full members of society. In Egypt, men and women of equivalent social status were treated as equal in the eyes of the law. This meant that women could own, buy, sell, earn and inherit property. They could live unprotected by male guardians and, if widowed or divorced, could care for their children alone. They could bring cases before, and be punished by, the law courts. And they could deputize for their husbands in matters of business. This freedom, this contradiction of what many societies have seen as the natural order, fascinated the classical tourists who visited Egypt towards the end of the dynastic age. [. . .]

We can only speculate why Egypt should have allowed her women such generous rights; indeed, the better question would surely be to ask why other societies felt it necessary to take the opposite approach.

The astonishment expressed here at what could appear as a specificity of ancient Egypt alone obviously fails to consider that this civilization emerged in a given

geographical and cultural context, of which it is the daughter and perhaps also the sublimation. This context, as Cheikh Anta Diop has pointed out, is Black Africa, the home of the sedentary, matriarchal southern cradle, where women enjoyed legal personality and could occupy any position in society. They were already emancipated, and no public act was forbidden to them (Diop 1989).

3 The figure of pharaoh in ancient Egyptian state governance

Let us turn now to the figure of Pharaoh as the political leader of his country. The Pharaonic state formed around 3200 B.C.E from the union of Lower and Upper Egypt under the rule of King Narmer is rightly considered the “*first state in the world*” (Valbelle 1998). This state, the very first in the history of political institutions, was from the outset a federal state, or to be more precise, a federation of two entities: Upper Egypt with its twenty-two nomes or districts, and Lower Egypt with its twenty nomes, making a total of forty-two nomes or provinces combined. It was, therefore, a vast territorial entity. In her book on the formation of the Pharaonic state, French Egyptologist Dominique Valbelle (Valbelle 1998: 7–8) wrote:

While elsewhere in southwest Asia, other forms of society – city-states – were developing in a comparable but different way, Egypt, at the end of the 4th millennium, was probably the first to experience the formation of a true state extending over a vast territory. The few centuries it took to conceive and establish it undoubtedly represent one of the most exciting periods imaginable [. . .] Egypt is deeply attached to a past whose exceptional antiquity it appreciates, and references to this past are frequent.

In his book, *The Cultural Unity of Black Africa*, in particular, Cheikh Anta Diop clearly showed that the notion of a territorial state (which, in the case of Kemet, was more akin to a federation) is also an African invention, inaugurated by ancient Egyptian state and characteristic of the southern sedentary cradle organized around women. Conversely, the Nordic cradle, organized around men, established another type of state structured around the city, i.e. around a space strictly limited to the local level. While the territorial state cultivated values of openness to the world, characterized by universalism, collectivism, and xenophilia (Maat), the city-state tended to advocate individualism, mistrust of the neighboring city, and even xenophobia and later racism . . .

At the head of such a political entity stands a figure who, from then on, is no longer considered a human being like the others, but the son of God, appointed

by Him to continue the divine task of caring for the universe. Such is Pharaoh, one of whose five names (the “Name of son of Ra”, or “*Sa-Ra*”) links him directly to the divinity. Two other names (the “Horus name” (Hor) and the “golden Horus name” (*Hor-nbw*)) link him to the god Horus (Hor/Heru), son and legitimate successor of his father Wsir on the throne of Kemet. In addition, this extract from a text dating from the New Kingdom (Assmann 1989: 117) recalls the divine nature of the Egyptian king regarding his function as guarantor of cosmic and social equilibrium:

Ra has installed the king on the land of the living for all eternity, so that he may judge men and satisfy the gods, realize Maat, and annihilate Isefet. He (the king) gives sacrifices to the gods and funeral offerings to the immortalized dead.

It was this conception of divine kingship that truly inspired the theory of royal twinship (or double nature of the king, human and divine or sacred) developed by the American historian Ernst Kantorowicz in his excellent work, *The King's Two Bodies*.

This same conception is also found in Rwandan dynastic poetry, as reported here by Alexis Kagamé (Kagamé 1956: 15) in the following terms:

The King is not a man, O men whom he has enriched with his cows [. . .] He is a man before his appointment to the throne [. . .] Yes, that's for sure: he ceases to be a man, he who becomes a King! The King is God. And he rules over men . . .

Pharaoh is neither a man nor a ruler like any other, for his mission is to lead society and men in the manner of God. A passage from Jean-Jacques Rousseau's *Social Contract* seems to echo this idea. Indeed, the first paragraph of chapter VII, devoted to the legislator, in other words, the ruler, concludes with this astonishing suggestion from this author: “*It would take Gods to give laws to men*”! This seems to have been the ideal of political governance advocated by ancient Egyptians themselves. Did they achieve or realize this ideal over the thirty-five centuries that their political system lasted, with periods of instability, but without calling into question the system of governance itself, which remains the longest in the history of institutions? What are the reasons for this exceptional stability, for a system of governance not based on what we hold in high esteem today, namely democracy? Although it was not formally “*democratic*” (even if the father of Athenian democracy, Pericles, admitted to having been inspired by Solon, who was a pupil of Egyptian priests), ancient Egypt's mode of governance, essentially based on the doctrine of Maat, not only guaranteed individual and collective freedom, but also equal rights for all, men, women, and children, whether nationals or foreigners. Unlike ancient Greece, Kemet never practiced slavery as a mode of production. Nor had she experienced forced labor, torture, and state prison,

which philosopher Michel Foucault (1975) has demonstrated to be an invention of 18th-century Europe. All this led a great lady of French Egyptology who recently passed away, Bernadette Menu (2017: 35), to write that ancient Egypt was not only the first state in history but also the “*first known rule of law*”.

The same author gives below the main characteristics of this state, which we can see, on examination, does not differ much from our modern states still under construction. They are as follows (Menu 2017: 130):

- a single authority,
- a defined territory,
- a large, hard-working population (around 200 inhabitants/km²),
- a central government (headed by Pharaoh, assisted by a vizier, a kind of Prime Minister),
- an administration multiplied both horizontally (nomes, provinces, Upper and Lower Egypt) and vertically (the hierarchy of civil servants within the pyramidal power structure),
- an ideology based on justice, solidarity, order, and balance: Maat,
- justice apparatus (courts of law),
- an army and a police force (including border police in the Middle Kingdom),
- control over production and fair distribution of resources,
- fair taxation,
- a Treasury institution, named after this ancient Egyptian expression (“*Per-Hedj*”) that could be translated as “*House of Silver/Money*” or “*White House*”, which is no less than a Central Bank,
- finally, the means of communication, both intellectual (writing) and material (papyrus and other writing media).

Conclusion

As we can see from this overview, a minimal knowledge of both ancient Egyptian cosmogony and the day-to-day life in the actual society clearly suggests a causal link between the two. The reader comes away with the feeling that the society was conceived and thought out in its broad outlines as early as the cosmogonic texts before its existence. The attachment to safeguarding and maintaining the balance and order established in the universe (Maat) since its formation can also be found there, in the early cosmogonic texts.

Thus, the fear of an ordinary citizen of Kemet (and not only Pharaoh, as the appointed guarantor of this order) is that, through some action or negligence, the universe could fall back into the state of primordial chaos characteristic of *Nun*,

the primordial matter. Everything will be done then to avert such a catastrophe, both cosmologically and socially. It is the sum of such individual and collective efforts that are evaluated, at the end of each earthly life, before the court of the great God Wsir, on the scale of Maat. More than any other human being, the ancient Egyptian citizen will undoubtedly take the greatest care to guarantee harmony between the physical universe, society, and the afterlife.

When we carefully examine all the offenses listed in the negative confession during the judgment scene, we notice that they are divided into four main headings: those against human beings (14 verses), followed by those against divinity, divine worship, and the blessed (10 verses), then those against nature (6 verses) and the animals (also 6 verses). The conclusion which follows is that it is not enough to worship God and to be kind and generous to other people to get “salvation”. We must also take care of nature and the animal and mineral kingdoms. This is a major preoccupation, which is not new, nor does it date from our belated awareness of the issues involved in today’s environmental concerns.

In short, no known worldview or world system is more coherent and complete than this one. And this can be seen, as we have shown, in a series of social conquests and achievements from which our contemporary world could still draw much inspiration.

For example, although Kemet was a society with a highly hierarchical political system, it neither knew nor practiced forced labor and slavery, like ancient Greece. Manual workers during the New Kingdom (1580–1070 B.C.E) already had recognized social rights and worked for pay (cf. Work Site Ostrakon), as this was also the case for the builders of the pyramids, during the Old Kingdom.

This ancient African society also practiced, before any other, equal rights for men and women. These rights were extended and guaranteed to foreigners and children, and human life was considered sacred.

Finally, the socio-political system of the Pharaonic state over its very long history (35 centuries) experienced neither gallows nor prisons. Justice, dispensed by tribunals known in the local language as “*Qenebet Sedjemy*”, in other words, “*the Court of those who hear/listen*”, was public and not private. And it was done in the name of Pharaoh, portrayed as the very son of God.

Such stability and longevity can only be explained by a powerful metaphysical, social, and political foundation firmly anchored in a set of customs and traditions embedded in the Nilotic land and society: **Maat**.

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Fodé Moussa Sidibe

Chapter 4

The Manden Charter: Initiatic oral sources at the foundation of an endogenous governance

Introduction

The purpose of this chapter is to introduce to the readers the Manden Charter, the founding Verb of the new Manden State (Mali) at the beginning of the 13th century through the teachings of the initiatory brotherhood of the *Donso*, to which I belonged since I came of age. It was under the impetus of Yousouf Tata Cissé that this corpus of knowledge that was handed down for several centuries under the seal of secrecy, began to be divulged again to lay people from 1960–1970. The focus here is to highlight the specific features of the governance system created by the paradigm linked to the Manden Charter.

To provide a better grasp of the movement of history, this investigation is preceded with a brief account of the historical context that led to the advent of the new Manden State, selecting the salient elements on which all initiated groups and individuals agree. These elements were discussed at the five colloquia and seminars on oral tradition organised by ARSAN (Association for Scientific Research in Black Africa) between 1975 and 1981 in Bamako (Mali) and Niamey (Niger), attended among others by Amadou Hampâté Ba and Boubou Hama., two well-known specialists of oral sources (Ngorwanubusa, 1993).

As Tierno Bokar Tall, a disciple of Qutb Cheikh Hamaoullah, pointed out, “Knowledge . . . is the heritage of all that the ancestors were able to know and that they transmitted to us in germ, just as the baobab is contained in its seed”. It is important to emphasise here that the quality of the seed shared by the initiates is largely due to the fact that lying is not simply abhorred, but constitutes a ritual prohibition that reduces to nothing the capacity to officiate of the person who indulges in it.

1 From the foundation of the state of Ghana to that of Mali in the thirteenth century

In 1986, the Soninke, who live in various West African countries, recorded the 67th sighting of the Halley's Comet, dating, according to their oral memory, the migration of their ancestors, the founders of the State of Ghana from the Nile Valley, some 5,000 years ago. Without going into the history of this political formation founded by Diabé Cissé between the Niger and Senegal rivers valleys, and which expanded into an empire over the last few centuries of its existence when the Wagadou of the Wagué Cissé, the Bilad es-Soudan, (land of the Blacks in Arabic), or the Ghanata, (land of the war heroes in Soninke), appeared in West Africa as the largest political formation, stretching from the north of present-day Côte d'Ivoire to the Sahara and reaching the confines of present-day Kano in Nigeria.

Four centuries earlier, as a result of trans-Saharan trade, growing numbers of Moslem Arab-Berbers had settled in the capital Koumbi, occupying an entire district known as "Koumbi Salet" or "Koumbi Saleh" in reference to the Muslim prayer, Salat. These foreigners involved in the slave trade, converted a growing number of local merchants to Islam. Raids became increasingly violent, leading around 950 CE (common Era) to what was remembered as the first fratricidal war, known as the "Kaya Maghan", when Islamised groups and supporters of the endogenous spiritual paradigm clashed at the top of the state.¹

In the following century, the invasion of Almoravids (Al Mourabitoun) perpetrated unprecedented disruption, resulting in mass deportations of captives, major population migrations² and accelerated conversions. Further South, in Manden, the conversion to Islam of Baraman Danan, King of Kri-Tin' Tin-Koun Woulenninna, (following a drought a marabout was said to have overcome by making rain with prayers³), resulted in the mass destruction of native ritual objects, the extermination of the traditional priesthood, the transformation of this territory into a major site for conversion and capture, and mass exoduses, including that of the Dogon,⁴ more than 600 km away at crow flies, towards the Bandia-

1 Muslims who refuse to be governed by non-Muslims.

2 This is reflected in the tarikhs preserved within the great families of scholars who were forced to emigrate.

3 La Charte du Mandé, Calligraphies by Aboubakar Fofana, Albin Michel, Paris, 2003.

4 "It's for a question of eggs, they say, that we fled the Manden! In other words, because of a divergence in our understanding of how the world came to be, in the face of an imperialism that considers its perception to be the only valid one, and is determined to force us to abjure our own.

gara cliffs, a natural obstacle to the penetration of the enslavers' cavalry. Safety gradually deteriorated throughout West Africa, leading to a drop in agro-pastoral production and trade, and consequently, famine. The Tékéré, looting enslavers, scoured all the kingdoms, engaging in kidnappings that fed the insatiable slave markets of the Maghreb and the Middle East, and as a result migration intensified towards the Atlantic coasts and the Gulf of Guinea. The final decline of the empire of Ghana began at the end of the 12th century, when the provinces emancipated one after the other, and the central government was reduced to a few depopulated principalities ruled by chiefs who accepted to conceding to the Tekere the supply of an annual quota of captives, at the cost of fratricidal wars. Youssouf Tata Cissé summed up this story, which was first passed on to him by one of his paternal aunts, his initiator in the family history:⁵

It was during the year of the foundation of Kairouan, in Tunisia (around 670), that Ibn ben Nafi, leader of the jihad, sent a delegation to Mami Khoré the Elder, Emperor of Ghana, to urge him to convert to Islam. Mami refused, but sent Oqba several thousand foot soldiers and horsemen to swell the ranks of the Islamic army as a sign of friendship. They fought from Kairouan to Rabat, from Rabat to Spain, and all the way to France. In Poitou, several authentically Soninke and Wolof surnames (Berthé, Cissé, Faye, Guissé, Koné, Sacko) suggest that these families settled in the region before Charles Martel's victory over the Muslims (in 732 CE). Following this defeat, the leader of the Umayyads, based in Damascus, the capital of the Islamic empire, launched an expedition to seize the gold of Ghana. This was the first holy war that the Wagadou repelled. Under Muslim pressure and given the number of converts, the emperor of Wagadou-Ghana, the Kayamagan, allowed members of the country's leading families (who had no chance of acceding to important political positions) to embrace the new religion. Faced with the arrogance and intolerance of the empire's first Muslims, he ordered the Koran to be translated into Soninke, he said, to avoid any acculturation of young people. "From now on, I am the head of all religions, just as I am, like my ancestors, the father of all the subjects of the empire" he decreed. But nothing happened. Around 950, the 'Revolt of the Princes, the Muslims excluded from power, broke out. This was followed, around 1040, by the second holy war in Wagadou-Ghana, the Almoravid war, which was supported by these same princes (many of whom were of mixed race, born of marriages between Soninke, Berber, Peul, Songhai and Arab). A new exodus of Soninke, Peul and Kalo took place triggering the decline of Wagadou-Ghana, caused not by the drying up of the Sahara, but by the spread of slavery, a corollary of the progress of Islam.

Such was, according to this oral source, the chaotic context in which the province of the Sosso blacksmiths, masters of the extraction and smelting of iron and gold and of the fashioning of tools and weapons, emancipated itself. Under the leadership of Soumba Ngolo alias Soumaworo Kanté, the Sosso attempted to regain the

5 Géo n°275, De très anciens empires ont façonné ce pays neuf, Paris, 2002, pp.104–108. Some passages are underlined in bold.

historical initiative by forming an army to fight the enslavers. His offer to the various chiefs of Manden to form a coalition under his leadership was categorically and contemptuously rejected. He took his revenge⁶ by waging a merciless war against them, capturing the inhabitants en masse and selling them to the Tékéré.

Faced with the extermination in progress, the remaining chiefs of Manden had no other recourse than to appeal to Sounjata, one of their own who had once been persecuted and forced into exile in the far north in the kingdom of Nêma, the original homeland of his father from Wagadu. Makan Konaté, known as Sounjata, returned to his homeland at the head of a cavalry of archers to fight against Soumaworo Kanté. Thus began the epic story of a victorious struggle to restore the sovereignty of Manden and eradicate slavery. These historical events continue to be told from generation to generation through oral sources.

In the following sections, we will attempt to highlight, through the proclamation of the Manden Charter, the metaphysical, spiritual and philosophical foundations of the system of governance advocated by the *Donso* or traditional hunters. We will then review the efforts made to revisit and revalorise this paradigm and propose some ideas for its full reintegration into our society at various levels (educational, memorial, political, legal, economic, etc.).

2 Initiated hunters as builders of villages and states

Oral sources report that hunters have been the founders of all villages and empires since the dawn of sedentarisation. As Karamoko Youssouf Tata Cissé pointed out in Bamako on Saturday 27 January 2001, during the colloquium on “Traditional Hunting in West Africa, from Yesterday to Today”, the “sublimation of the hunter” was embodied by the “Swaninké”,⁷ who were the first Pharaohs of Egypt.⁸ He recalled that according to some oral tradition “It all began five thousand years ago. Dinga Khorè the Elder, a Soninke conqueror, was descended from the first pharaohs.⁹ Denied access to the throne of his ancestors, he rebelled. How-

6 The tyranny into which the great thaumaturge Soumaworo had previously sunk (to the point of snatching his nephew Fakoly’s only wife for himself) was transformed on this occasion into an unstoppable murderous madness.

7 People from Swani, Souan.

8 Mali Ministry of Culture, *La chasse traditionnelle en Afrique de l’Ouest d’hier à aujourd’hui*, Proceedings of the Bamako International Colloquium, 26–27–28 January 2001, p 338.

9 Comprendre les Noirs. Since dozens of pharaohs were subsequently of mixed race or foreign.

ever, defeated at the battle of Souan (Aswan), he set off on a long journey that took him as far as West Africa. From Nigeria to Mali, his itinerary was marked by numerous settlements that were the namesakes of the oldest settlements in Pharaonic Egypt”.¹⁰

Four thousand years later, at the dawn of the 13 century CE, the ancient heritage was once again mobilised, this time via the Manden Charter, to serve as the foundation for the emergence of the State of Mali. It was Sounjata who was entrusted with the task of reviving this heritage. Sounjata was the son of Sogolon, the thaumaturge of thaumaturges, who had made him *promise to accept the chief's skin*¹¹ on the sole condition that it would be to eradicate oppression, of which slavery was the epitome. This was the basis on which Sounjata, on his return from exile, made contact with the other great Masters of the country in order to obtain their support before declaring war on Soumaworo. It was with this mission in mind that they all converged on the Dankun, the place where the donso-hunters worshipped, where the oath was taken and the Manden Charter proclaimed. The Charter begins with a reminder of the uniqueness of the source of life, expressed in a multitude of words, *Nin bè Nin*, “All life is life”; and with the only valid plan of action for the great initiates in charge of politics, to promote “understanding and love, freedom and fraternity” (*bèèn ni kanu le kan, ani hòr-ònniya ni bandennya*). There are many ways in which this heritage is passed on. These include:

- a) *By the actors of the Charter*: all *Simbo*, great initiates of the brotherhood of donso-hunters, perfectly mastering the mysteries of endogenous metaphysics and spirituality. To reach this stage in the hierarchy of the *donsoya*, it is necessary to have studied a wide range of subjects, including human characterology and sociology, fauna, flora, pharmacopoeia, etc., and thaumaturgy (the ultimate stage of knowledge). These Masters are called *Nyanganaran*, “ardent souls”, whose visions go beyond the physical world perceptible to ordinary people. This is the source of their authority and the fear they inspire in society.
- b) *In a sacred Place*: the Dankun is the place of worship par excellence for the brotherhood of donso-hunters. It is where the tutelary deities of the donso-hunters reside and where all ceremonies, whether individual or collective, are organised under their aegis. These are *Sanènè* or *Saanè* and *Kòntòròn*. Whichever version of the myth refers to these divinities, *Sanènè* (mother or

¹⁰ Gé0 n°275, De très anciens empires ont façonné ce pays neuf, Paris, 2002, pp.104–108.

¹¹ During the enthronement (Massa sigui), the ruler was seated on a stepladder, on a platform and then on a skin (Mansa golo).

wife) is the feminine principle and *Kòntòròn* (son or husband) is the masculine principle.

- c) *Through the words of the Charter*: this is an oath taken at Dankun by the *donso* masters under the auspices of *Sanènè* and *Kòntòròn*. The sacredness of these words, pronounced under the seal of the oath, is reflected in the division of the words into seven (7) sections. In terms of initiation practices, this shows that each section was recited by one of the great masters chosen for that purpose. For the *donso*, the number *seven* symbolises the union of woman (four) and man (three), thus creating the perfect being. Only the source of creation is perfect and unique. Seven therefore refers to One, the Creator.

Moreover, in its version in the *Malinké* language, the Charter has more than sixty verses. This reflects the ontological maturity that is the prerogative of great initiates like the *Simbo*. It is worth noting that the declamation of such a statement is accompanied by a particular unwritten ritual of high intensity, which reinforces the expression of its metaphysical and spiritual foundations.

- d) *Through the greetings attached to the State from which the Manden Charter emerges*: “*Hèrè. Hèrè doron*”, (happiness only)” reaffirms the fact that society has found the (right) path again. The many songs created and propagated by the people and the women in particular, remind us that this reign was one of happiness for the many and of a laughter whose echo lives on in people’s memories to this day. Sounjata brought laughter back to Manden.

3 The Manden Charter re-establishes the ancient paradigm of initiated hunters

The Hunters’ Oath, which was to become the Manden Charter when the State was founded at the end of 1222, when the Halley’s Comet, *Loolo ku djan* or “the long-tailed Star”, passed through, marked the awakening of a community in peril. A community that decided to regain control of the course of its destiny. The context is one of chaos, characterised by widespread looting and kidnapping by enslavers under the guise of Islam. De facto, insecurity is leading to famine, as breeders, farmers and fishermen are prevented from producing and moving around to sell their products on the markets. It was the existential question of the preservation or disappearance of both a population and a culture that was at stake at that time.

Below I present the wording of the Hunters’ Oath (*Donsolu Kalikan*) contracted between the vanguard of the resistance, which became an “Injunction to the

World” (*Dunya Makilikan*)-to the world in general and to the enslavers in particular. Then, as the victorious battle to rebuild the state progressed, it became the Oath of the Manden (*Manden Kalikan*), and finally, at the enthronement of Sounjata, the foundation of the new state, the Manden Charter (*Manden Basigikan*).

Fighting raged throughout the north, with the *donso* chasing the enslavers to the very edge of the desert and, year after year, pushing back the boundaries of the liberated territory, which eventually encompassed what is now eastern Niger and southern Algeria. This is why historians have spoken of an Empire and a *Pax Mandenka*. The Manden Charter, although it is a coded initiatory Declaration, leaves no room for ambiguity, whatever the level of understanding of the person reading it. Consistency is the hallmark of authentic Declarations, as it is of all initiatic Declarations.

It is reproduced below in the form in which it appeared in the file submitted in 2007 by the Government of Mali for inscription of the Manden Charter on UNESCO’s Representative List of the Intangible Cultural Heritage of Humanity realised in 2009.

Charter of Manden

Manden was founded on understanding and love, freedom and fraternity. This means that there can be no ethnic or racial discrimination in Manden.

This is what we have been fighting for. Therefore, the children of *Sanènè* and *Kontron* make the following proclamation to the Twelve Parts of the world and in the name of Manden as a whole.

1. The Hunters declare:

Every (Human) life is a life.

It is true that one life comes into existence before another life,

But one life is not more “ancient”, more respectable than another life.

Just as one life is not superior to another life.

2. The Hunters say:

Every life is a life,

Any harm done to a life requires reparation,

Therefore,

Let no one attack his neighbour gratuitously,

Let no one harm his neighbour.

Let no one martyr his fellow human.

3. The Hunters declare:

Let each one look after his neighbour,
Let each revere his parents,
Let every man educate his children,
Let each maintain (provide for) the members of his family.

4. The Hunters declare:

Let each one watch over the country of his fathers.
By country or homeland, we also and above all mean people, because “any country, any land that saw people disappear from its surface would immediately become nostalgic”.

5. The Hunters say:

Hunger is not a good thing,
Slavery is not a good thing either; There is no greater calamity than these things, in this world.
As long as we hold the quiver and the bow, hunger will no longer kill anyone in Manden,
If by chance famine were to strike; War will never again destroy a village to take slaves from it;
In other words, no one will put the bit in his fellow man’s mouth to sell him:
Nor will anyone be beaten, let alone put to death, because he is the son of a slave.

6. The Hunters declare:

The essence of slavery is extinguished this day.
From one border of the Manden to the other,
Razzia is banned from this day in Manden.
The torments born of these horrors are over from this day in Manden. What an ordeal torment is!
Especially when the oppressed have no recourse.
Slavery is a degradation! The slave enjoys no consideration anywhere in the world.

7. The people of the past say to us:

Man as an individual
Made of bone and flesh,
Marrow and nerves
Is nourished by food and drink.
But his ‘soul’, his spirit, lives on three things:
Seeing what it wants to see,

Saying what it wants to say,
 And doing what it wants to do.
 If just one of these things were missing from the soul,
 It would suffer
 And surely wither away.
 Consequently, the Hunters declare:
 From now on, everyone has control over himself,
 Everyone is free to act,
 While respecting what is “forbidden”, the laws of the Homeland.
 Everyone is free to enjoy the fruits of their labour.
 This is the Manden’s Oath
 To the ears of the whole world.

In this way, society once again finds itself in harmony with thaumaturgic guides who purify the land. They are the holders of high knowledge who bring abundance and prosperity to all and know how to act in accordance with the *Mansaya* “Sacred Royalty” taking into consideration both individual and collective rights and duties. The *Donso*, via the Manden Charter, proclaim what should be done:

- To make life sacred, as it comes from a single source, and that consequently discrimination makes no sense, while slavery ranks among the absolute calamities generated by ignorance, greed and the negation of humanity;
- To realise that the strength of the whole lies in the strength of its parts, families and communities; in other words, in cohesion based on respect within families on the one hand, and understanding with neighbours on the other, while respecting the diversity of customs and habits of all;
- To give priority to restoring and guaranteeing security throughout the territory in the prevailing context; and as warriors, they have the means to achieve their ambitions;
- To rigorously apply endogenous criminal law, which aims, in all cases, to re-establish balanced justice by taking the path of reparation, which, in the context of the time, does not exclude the application of the death penalty to intractable enslavers who persist in sowing desolation despite the injunctions given to them;
- To praise work, and agricultural work in particular, at a time when islamisation brought with it the degradation of manual labour and the praise of book studies¹² and trade; and to ensure that a food safety net was in place in the event of

¹² The families who were responsible for transforming energy into matter (blacksmiths, weavers, shoemakers, etc.) and energy into words (griots, etc.) were relegated to the lower castes.

- crop failure (game was still plentiful in those days, and the hunting society was represented in every village); all this while emphasising that not being able to provide for the food needs of one's own family was tantamount to slavery;
- To give consideration to our heritage, the result of the accumulation of knowledge passed down by our ancestors, and to constantly seek, generation after generation, to improve it; the culture and the homeland where it is practiced are the components of this legacy;
 - To abhor the oppression of the weak by the strong (which is the whole meaning of narratives of the founding myth of *Donoya*), to always stand up for the widow and the orphan in the image of the authentic pharaohs who were supposed to be “the mother and father of orphans”, and to cherish and guarantee individual freedom within the limits where its exercise does not infringe the individual sovereignty of others (prohibition of slavery, etc.) or the security of the nation.

4 State administration based on the Manden Charter

The very idea of forming a state was not accepted in Manden, among clans, lineages, and villages, all jealous of their independence. Sounjata had the experience of Wagadu, his father's homeland, where he himself had lived in exile, on the edges of the Sahel. And it was no small feat to make these southern inhabitants understand the imperative of unity in the face of the danger posed by an outside world of which they had no idea.

Decision-making body

An assembly, *Djèkulu kelen*, bringing together representatives of all the lineages of the resistance was instituted in the birth and enthronement village of the Mansa that became the capital of the state, *Dakadjalan*, where everyone had a residence.

Laws, Taasira

Dakadjalan sent representatives (*Lasigiden*) to each region. Once a year, they all met to take stock. Laws were then passed and the representatives were responsible for enforcing them in their region. The inhabitants adhered to them through initiation (swearing an oath) and also through education.

Diplomacy

Initially, priority was given to (i) announcing to the world the oath taken on the foundation of the new Manden State, (ii) announcing that its supporters were prepared to die to uphold it, and (iii) ordering all authorities to swear allegiance to the Charter and to the *Mansa* (Emperor) who embodied it. Dakadjalan proceeded in particular:

1. Intensive dispatch of messengers to all the clans, moral and religious authorities, including the Traoré “sacred kings”, to ask them to grant their blessings.
2. Summoning the representatives of each family or lineage to Dakadjalan to make their official rallying: only one alternative, swearing an oath on the *djo* or banishment.
3. To send emissaries to Malinke chiefs outside the country so that they are ready to serve the new Manden

Defence

Dakadjalan organised the creation of an elite corps responsible for guarding the country, divided between:

1. Military garrisons (*kèlè mansa dugu*) created in the heart of Manden, the seat of central power,
2. Mobile anti-slavery brigades on horseback deployed at all the kidnapers’ strategic crossing points, from the heart of Manden to the foot of the cliffs in Dogon country, and from the Mandingue Mountains to Upper Senegal,
3. A corps of spies sent to warn Dakadjalan of abuses of authority or acts of injustice in the country,
4. A corps of *Waraba*, “Great Beasts” tasked with identifying opponents to the anti-slavery policy of the new Manden, neutralizing detractors, and deterring potential troublemakers. Among these were perjured chiefs, who, after calling upon Sounjata to free them from Soumaworo, viewed the policies of the new regime with great disdain.

Administration

The Manden Charter is the framework from which the administrators of each part of the new state will have to revise every law, every regulation, and every practice in force in the territory they are responsible for governing. Of an initiatory nature, the exercise of power by the *Simbo* is incompatible with vices such as injustice, illegality, immorality, discrimination, harassment.

Multilingualism

Dakadjalan placed representatives (*Lasigiden*) with the traditional chiefs to ensure that the law was applied, and urged hunters and young people in each village to mobilise to defend the territory. The Mansa's representatives must have a good grasp of the various customs and traditions of the territories, in order to ensure that they evolve in a way that complies with the Charter. Mastery of several local languages or dialects is imperative to carry out this harmonisation work on the basis of the Charter.¹³

Ecumenism

Sounjata never converted to Islam and was mummified in accordance with tradition, as were all the beings associated with his *Mansaya*, including several of his dogs (hunting and war dogs) who participated in his epic. In accordance with tradition, during his *Mansaya* he maintained absolute freedom of worship, the essential point being that the relationships of the various social actors with the spirits of the ancestors, to the deities or to the very source of creation, should be driven by Love and contribute to the same goal of establishing understanding and mutual aid.

Prevention

In regions where there was a strong reluctance to re-establish the egalitarian paradigm, Dakadjalan elevated former slaves to the rank of Mansa representative (*Lasigiden*), with a mandate to put to death any individual caught in the act of capturing, transporting or selling slaves, and to put in chains any individual who calls anyone as a slave.

Reparation

This involved the distribution of Sosso prisoners of war (*kèlèdjon*) among the Malinké lineages, with the instruction to their chiefs: "Make them work as they

¹³ Multilingualism was not uncommon among the donso, whose training was based on long-distance travel punctuated by stays of several months with different masters specialising in a particular field.

should, but treat them like your children; that said, put in chains those of them who rebel or try to escape”.¹⁴ The instructions for the concerned prisoners were:

People of the Sosso, know that the disaster we are experiencing is not the fault of the Manden, but of your chief and all of you who followed him in his madness of destruction. Now that your master is no more, you are at the Manden’s disposal. It is up to you to redeem yourselves by your conduct, for you will, for as long as it takes, raise the ruins you have accumulated, work for the benefit of the families whose members you have killed, exploit – in the case of the blacksmiths Soumaworo, Djalafa and others who are among you – the mines on behalf of the Manden. Your lives are at stake.

Elevation of Sounjata’s lands of exile, Wagadou and the country of Nêma, to the rank of principalities

The intiatic oral sources reported these words from Sounjata: “Until my death, and until the death of the kings who will ascend to the throne of these two countries during my reign, their inhabitants will administer themselves as they see fit and will not, therefore, be subject to the laws of Manden, apart from those relating to slavery. The reason! Respect and honour have no price other than respect and honour. In fact, it was the Cissé of Wagadou and their relatives the Tounkara of Nêma who gave me asylum during my exile and provided me with the men with whom I fought against Soumaworo. For this reason, I owe them this great honour”.

Economy

1. Apology for agro-pastoral work.
2. Construction of a large fleet of pirogues weighing several tonnes. Dakadjalan was thus linked to all the major cities such as Gao and Timbuktu in the far north.
3. Full recognition of the usefulness of all expertise: “Let those who wage war wage war; let those who trade make trade; let those who farm make farming . . .”.
4. Encouragement to prospect for minerals, in particular gold, which made it possible to (i) buy horses in the northern regions to develop breeding and build up a powerful cavalry, (ii) organise expeditions abroad to redeem peo-

¹⁴ This is not the place to go into the details of the subsequent dispersal of the Sosso blacksmiths, but it should be emphasised that these populations in turn kept alive the ancestral heritage of egalitarianism and solidarity in the regions where they settled.

ple who had been kidnapped to be deported and sold into slavery, and (iii) build up a reserve from which to draw only in times of great peril. Moreover, according to oral sources, towards the end of Sounjata's reign, those in charge were summoned to swear on these gold-fetish jars transformed into altars, *sanudjo*: "If I were to use the slightest 'grain' of the gold contained in these jars for purposes other than those concerning the Manden, may I be 'annihilated' and my descendants fallen".

5 Presentation and representation of the Donso hunters' oath: rituals and narratives

In Manden, the transmission of the Donso-Hunter Oath, at the foundation of this endogenous system of governance, is multiform. All the important initiatic acts and events in the life of the community are recorded in rituals, narratives, songs and symbols that are the result of thousands of years of spiritual maturation. The Manden Charter is no exception, and the circumstances of its promulgation, its authors and their special status have made it a precious part of the heritage of the *Donso* brotherhood, which jealously guards it. Had it not been for the persistence, courage and vision of the great *Donso* master, Youssouf Tata Cissé, this text would have remained shrouded in secrecy for many years.

Over time, the rituals specific to the Charter became part of the great annual ritual dedicated to Dankun, known as *Dankun sòn*, (libations to Dankun), or *Dankunsela*, (strengthening Dankun). Among other objectives, and without going into too much detail, this ritual aims to renew the oath of initiation taken by members of the brotherhood and to welcome postulants; they are subjected to an intense interrogation and undertake to recognise, accept and honour Dankun and the tutelary deities of the *Donsoya*, Sanènè and Kòntòròn. Libations and immolations of sacrificial animals are performed on the Dankun to "bind the oaths".

These ritual ceremonies are occasions for the grand masters to reiterate the vision and ethics of the *Donso* and the founding values and principles of the *Donsoya*. At that moment, one of the *Donsoba* (masters) leaves the group, calls for silence and comes to stand next to the Dankun. He informs the audience on the sacred nature of the gestures and words that follow by saying: "No uninitiated person should hear what is going to be said by his pairs", whom he will invite to speak. These words often include a long list of concepts, guidelines and fundamental principles that all initiates must observe: the fraternity brotherhood between all the hunters of Sanènè and Kòntòròn, love of other human, respect for life, the culture of living together, including with the animals of the bush, the quest for truth

and justice, respect for elders, love of country, and so on. The first two sections of the Manden Charter are always recalled in this initiatory communication:

Every (human) life is a life.
 It is true that one life comes into existence before another life,
 But one life is no more 'ancient', no more respectable than another life.
 Nor is one life superior to another.
 And
 Every life is a life,
 Any wrong done to a life must be righted,
 Therefore,
 Let no one harm his neighbour gratuitously,
 Let no one harm his neighbour,
 Let no one martyr his fellow man.

Particular emphasis is placed on “respect for the life” of animals, which must not be subjected to abusive, uncontrolled slaughter. Concepts of “sacred ecology” are also explained, such as the protection of flora, watercourses, ponds and reservoirs where wild animals drink, and the prohibition on the slaughter of pregnant females.

The words of the initiation masters are the prelude to an esoteric teaching that will be completed and enriched by each of the masters who guide the postulants. During the *Dankun Sela* ritual, the singers, equipped with their instruments, eulogise the great predecessors who achieved feats in hunting, socio-cultural and political terms. They mention the names of Sounjata Kéita and his companions, Soumaworo Kanté of Sosso and his warriors, and the sites of some memorable battles, etc. The children of Sanènè and Kòntòròn gathered together for the annual ritual listen and appreciate these narratives. At night, the singers tell in melody these initiation tales. Youssef Tata Cissé has published two of these esoteric tales, which have yet to be fully understood. These are *Bolinyana* and *Flani Boye* (Cissé, 1994).

Going underground

In the middle of the thirteenth century, Sounjata's *Mansaya* came to an end and because it was a question of *Donsoya* and not dynastic power, he did not designate a successor. Having reached the end of his earthly journey, he was nonetheless fully aware of the limits of the system put in place in a context in which it had been necessary to relentlessly stem the tide of slavery brought by islamisation and its corollary, the trade in imported consumer goods which ostentatiously replaced local production among a certain 'elite'. “What will become of my heritage?” wondered Sounjata on the verge of death. Youssef Tata Cissé reported a

comment made by an initiate on that issue:¹⁵ “In reality, he was thinking only of the survival of his work: The Manden, the ideal of peace and freedom, of love and fraternity, of union and mutual aid, which alone, in his eyes, would ensure the greatness and renown of his homeland”, said Yagari Baba Keïta, my master and friend, Keïta-Kandassi from Kangaba, a great scholar who spoke little, but always spoke truth and justice. And he added: “Throughout his reign, the *Mansa* of Manden never stopped telling his visitors: *Baara dòn de bi mògò hòrònnya*, (only work ennobles man). He wanted people to know this and for it to be a credo for everyone. Y.T. Cissé asked: “Did Sounjata already foresee the rise of the ‘forces of evil’, manifested in the lure of gain and lucre – gold had since abounded in the Manden – and the ostentation and arrogance of the newly rich who were beginning to look to Islam? In any case, less than a century after his death, probably in 1257, the Muslim emperors had buried his major achievement – the abolition of slavery – by practising enslavement, sale and deportation on an unsuspected scale. That is the sad reality”.¹⁶

The Guinean researcher Solomana Kanté, creator of the N’KO script, summed it up as follows: *Gbàrà gbédé lú ké dá nánínbá` k`à fàrà káabá tá` lú kàn, kà dó lú bé láwili, kà dó lú máfálén, kà dó lú fàrà à kàn* “the laws enacted under the first mansa Sounjata, would later be repealed and modified at Niani-on-Sankarani (Guinea) where several of his successors who had converted to Islam resided.” And this was done during several major assemblies that this researcher was able to identify.

As for the fate of the women who sang and praised Sounjata’s reign so much in the beneficent shadow of the Manden Charter, their downgrading, which began many centuries ago,¹⁷ worsened. In this respect, Youssouf Tata Cissé revealed¹⁸ at the end of his life-long investigation into the Manden Charter: “I was immediately surprised to find that most of the great initiates knew a great deal about the Manden Charter and the difficulties encountered in applying it, firstly in Manden itself, and then in the north (Soninke and Moorish countries) and centre of Mali. I was also surprised to note the predominant role played by three social categories: first, the *nyamakalaw*, or ‘caste people’, who enjoyed, as they do today, relative freedom of speech and immunity.

Then there were the *kòrè duga*, sacred buffoons who were unstoppable in their criticism of society; and finally there were the women, who took great pleasure in praising the benefits of the hunters’ law in the courtyards of their homes, in the market places and even in the “places where dead wood was collected”. In their speeches at ceremonies (weddings, birth, funerals, etc.), in their songs and

15 The Manden Charter, Volume 1, p. 161.

16 Ibidem.

17 As the very story of Sounjata’s mother attests.

18 The Manden Charter, Volume 1, p. 51.

through their antics, all these social categories appealed to the conscience of their people about the iniquity of slavery, a ‘terrible thing’, *ko dyugu*, an odious crime if ever there was one in this world”.

As mentioned above, in ancient Manden, all types of power have its origins in the brotherhood of Donso-hunters who were the founders of villages, cities, principalities, kingdoms and empires. From time immemorial, warlords have been initiates of the Donsoya (hunting), with its internal organisation, rules and ethics serving as a compass for all types of power (political, spiritual, economic and socio-cultural). It is important to highlight the ascendancy of spiritual power over political and administrative power. This is how we can understand the validity of the saying, “in Manden nothing is lost”.¹⁹ In fact, everything was written there beyond the artefacts specifically ritual, such as masks. From music to dance steps, from hairstyles to clothing and ornaments, from architecture (layout, “sacred geometry” to utensils (shapes and decorations, etc.). The Manden is definitely a land of writing. That said, in times of turbulence, the tree must become a reed if it is to bend without breaking.

This is why, faced with so-called “revealed” religions and colonialism, the most senior officials opt, sometimes lucidly, to adapt their positions in the expectation of a more favourable conjunction. Externally, professional communicators such as griots will bend to the circumstances and adapt their messages to the public, so that they can continue to practise and exist in the Muslim context and perpetuate the memory of the key players in our history. To pass on the immensity of the humanism and bravery of the *So-Djata*, the “Lion Horse” and the Sphinx, he must be raised by these memory transmitters to the level of a prophet. He was therefore made a direct descendant of Bilal, the prophet’s close companion, who was entrusted with the cardinal task of calling for prayer! . . . and so on. It was the task of the griots to keep the general public’s memory alive, however vaguely, and to work towards stabilising the social edifice, maintaining order and cohesion as best they can. Not everything can be said everywhere and to everyone. It was the mission of the *Donso* to maintain this heritage, to challenge any order that deviates from justice, and to fight to find ways of bringing back the legacy of fraternity and freeing everyone to speak out.²⁰ This is how we should understand the phrase used by the

¹⁹ Man-den, which can be understood differently depending on the level of information available. As with Kongo, for example, and so many other names in Africa, beyond the geographical territory and the language/culture practised by those who live there, it refers to the site of incarnation, at a specific time, of governance by a group of initiates of a given degree.

²⁰ It was to this task that Youssouf Tata Cissé set himself when he promoted the ARSAN meetings on oral tradition, held in Bamako and Niamey from 1975 to 1981, took part in the *Mémoire d’un continent* programme on RFI, then directed by the Guinean historian Baba Kaké, and worked to have the Manden Charter registered as a UNESCO World Heritage Site.

great Master Fa-Djimba Kanté, patriarch of the blacksmiths of Tèguè-Kòrò and head of the hunters' brotherhood of this locality 120 kilometres south of Bamako, when he handed over the Manden Charter to Youssouf Tata Cissé in 1965: "This is not a DJELI (griot) story, it is the Word of the DONSO".

6 Emerging from clandestinity to revitalise this heritage

Since the middle of the twentieth century and the gradual reconquest of our sovereignty, generation after generation, there has been an endogenous desire to emerge from the colonial assimilation and reconnect with the deep values of our society. However, funding and cooperation agreements from foreign states and international institutions tend to support a process of acculturation in which Islamisation and Westernisation compete.

Donsoya today

As a *Donso* myself, I can confirm that our brotherhood of the Children of Sanene and Kontron, which extends throughout West Africa, continues to offer, to this day, a space where everything can be discussed without taboos, in countries faced with the development of religious fanaticism largely financed from abroad. In this society, power is held by a college of grand initiates who are led by a leader called *Donsokuntiki* (the one at the head of the Donso) or *Donsonyèmòko* (the one in front of the Donso) who is the oldest initiate in the group. He does not take any decisions without consulting the members of the college. After discussion, the *Donsokuntiki* proclaims the final consensual decision, which is immediately transmitted to all the disciples of the various members of the college. In terms of hierarchy, the *Donsokuntiki* is at the head of the brotherhood, followed by the other masters called *Donsoba* (those who have disciples to train), then the *Donso* (those in training) and finally, at the bottom of the ladder, all the *Kalanden* (newly initiated learners). The real power lies with the *Donsokuntiki* and the other *Donsoba* forming the college of advisers. However, in assemblies and meetings, once the *Donsokuntiki* has stated the question to be debated in order to reach a decision, the floor is given to the donso-hunters, from the youngest to the oldest. Everyone has a chance to speak and give their opinion. At the end of these exchanges, the *Donsokuntiki* speaks last, adopting a median position that puts an end to the debates. Very often, the chief's decision reflects the opinion of the majority and is binding on everyone. This is the expression of "democracy" in

the way of the donso-hunter. The same decision-making process is rigorously applied throughout the village, especially in the vestibule of the village chief. It is this organisation of donso-hunters that is always responsible for applying the provisions of the Charter. The Grand Masters are the holders and custodians of the Charter, and it is their duty to apply and ensure respect for the fundamental principles, values and methodologies of the Charter. Alongside this organisation of the donso-hunters, each village and town have its own chief, who is the first person in charge and representative of the entire community. He is assisted by several councillors, who are generally all hunters, active or not, and initiates belonging to the brotherhood. Here, power belongs to a family and is devolved by primogeniture.

However, as the donso-hunters constitute the armed force of the region, they are not allowed to hold multiple positions of responsibility. A *Donsokuntiki* cannot become village chief until he has publicly relinquished his responsibilities as chief of the donso hunters. It should be noted that these two village leaders act in concert and according to the rules of the brotherhood, since they are initiates. Moreover, in the brotherhood of donso-hunters, it is difficult to talk about sharing power and delegating it. As this power is of an initiatic nature, it can only be devolved between initiates of the highest hierarchy. On the death of the *Donsokuntiki*, grandiose ceremonies are organised at the Dankun and in the home of the deceased on the seventh and fortieth days of death; these events are always an opportunity to share teachings and exchanges. Then, a year later, the mourning period, known as the *Konsi* or *Kalakari*, is lifted. This consists of a series of rituals, sacrifices and evening gatherings of donso-hunters over three successive nights. At the end of these ceremonies, the most senior initiate of the brotherhood is installed as *Donsokuntiki*. The organisation, expression, sharing and delegation of power are a continuation of the system of governance put in place in the early days of the donso hunters' oath, in the 13th century.

West African hunters' meetings

In 2001, there was a pressing need to mark Mali's entry into the millennium. A number of international events were organised, including the West African Hunters' Meeting, which I had the honour of chairing. For ten days, more than 3,000 hunter-donors met on the banks of the Djoliba River (Niger). It was an opportunity for colleagues from seven West African countries to mix and mingle as they travelled through four major regions of Mali. A symposium was also organised, entitled "Traditional hunting in West Africa from yesterday to today", which brought together nearly twenty researchers from a wide range of backgrounds. The aims of the meeting included

- affirming the antiquity and authenticity of the brotherhood of traditional hunters, custodians and guardians of our civilisational values;
- promoting the positive, age-old aspects of hunters' knowledge, skills and know-how;
- raising awareness of a thousand-year-old civilisation with timeless values, which can have its place in modernity;
- playing a full part in the cultural integration of the peoples of the sub-region;
- revitalising fundamental research about African traditions, particularly those of the traditional hunters, the *Donso*.

The proceedings of the 2001 conference were published. A second gathering of hunters was organised in 2005. However, apart from the erection in Bamako of a monument in honour of hunters and the construction in Yanfolila (4th region) of a hunting museum (now abandoned), little consistent action has been taken following the great initiative of the “West African Hunters’ Meeting”, which was supposed to be the starting point for a return to our authentic values of civilisation.

Reclaiming this heritage, implementing the African Union’s Charter for cultural renaissance

At national level, we would have expected that the Manden Charter, which for us is the flag, would be included in the national heritage, and engraved on the walls of every school. We expected that the Manden Charter or excerpts would be written on appropriate materials at the National Assembly and in our embassies, that a major cultural and research institution (university, research center) be named after the visionary Karamoko Youssouf Tata Cissé. This heritage deserved to be included in secondary and university curricula to facilitate its transmission. The different concerned countries should have come together to synthesise the knowledge at the basis of this African humanistic philosophy, as for Ubuntu, in order to pass them on to new generations. Finally, we expected that the notion of the oath and its endogenous practice (which has little to do with the parody now in use) would attract more attention, be studied and analysed, and if necessary, reused to underpin the commitments of those holding positions of great responsibility.

But the maneuvering of hostile forces at work [frightened in particular by the injunction to make reparation, which is at the basis of endogenous criminal law as it appears in Article 2 of the Charter], combined with the ignorance of many, have not yet allowed this to happen. At international level, we also note the obstacles posed to the implementation of the major principles and texts adopted by the African Union, including the Charter for Cultural Renaissance.

Yet, there is throughout Africa an urgent need to revisit all the traditional institutions of proven historicity, permanence and importance, such as the *Donsoya*, and to institutionalise their teaching,²¹ in order to counter any attempt to subvert or recuperate the message of these institutions, and to catalyse the anti-slavery movement. We should develop a network of institutions and organisations engaged in the titanic struggle for cultural renaissance, in order to work towards rebuilding a form of governance that is in tune with the culture and expectations of the people. There is also a need to erect monuments in all capitals dedicated to the memory of the founding acts of resistance to oppression in general and to slavery in particular, and to set up commissions to review the signage. We must build multiform spaces and rituals dedicated to the reconnection of the continent with its diaspora, in other words, to the reconstitution of the African body dismembered over the last two millennia.

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Ali Moussa Iye

Chapter 5

The Issa Xeer: Learning from the wisdom of the tree

Introduction

Today, the world is facing a global and multidimensional crisis of the dominant models of law, governance, economy, and society which raises legitimate epistemological, philosophical, and political questioning. An increasing number of studies have been undertaken over the last decades to critically review the theories on which the dominant system is based (Mair, 2007). This looming crisis provides a new opportunity to revisit, from a transdisciplinary perspective the so-called indigenous knowledge and practices on sociability and governmentality that were generally relegated to the category of anthropological research. Their re-exploration from both, transdisciplinary and endogenous perspectives freed from the Eurocentric gaze, can help broaden our understanding of governance and the related notions of power regulation, rule of law, and socio-economic order (Jalata, 2012).

Models of governance are not only the result of dialogue between stakeholders and confrontations between competing forces. These models inform us about societies' responses to the primordial questions regarding the teleology of relationships between humans, with the transcendence and other living entities (Descola, 2005). The comprehension of the cosmogonic, ontological, and spiritual dimension of socio-political organisations allows to reconceptualize the dominant perspectives, categories, paradigms, and concepts about governance systems. Governance is indeed much more than a form of government that takes its presuppositions from democracy theories and from market economics and whose aim is to achieve transparent processes, a better management of power, rule of law and greater efficiency in the production of public services (Stoker, 1998). Neither is governance reduced to the sum of formal and informal modes of regulating social processes (Héritier 2002). Instead, governance is to be considered as a system of interpretations of the connection with the divinity, the finality of social order, the nature of authority, and the legitimacy of power exercise, decision-making, and resource sharing.

In this paper, I present a concrete example of an African response to the abovementioned primordial questions, the Issa Xeer (Xeer Ciise in Somali language),¹ and analyse its historicity. I examine the foundations of this “Pastoral Democracy” (Lewis, 1961): the Constitutional laws and the Penal Code, which regulate power exercise, decision making process and conflicts resolution and preserve the physical integrity, honour, and property of individuals and groups. In December 2024, the Issa Xeer was inscribed in the UNESCO’s Representative List of the Intangible Cultural Heritage of Humanity.

In light of the recent political development in Africa and particularly in the Horn of Africa (Markakis, Schlee and Young, 2021), I discuss the potentials and challenges of such African endogenous systems of governance for the restoration of “compatible cultural democracy” (Osabu-Kle, 2000) and rule of law in African countries. More particularly, I discuss the lessons to be drawn from the political philosophy of such endogenous system that could inspire the reconceptualization of fundamental principles, values and dispositions of democratic governance such as the processes and practices of consensus building and decision-making, the spiritual and philosophical framework guiding these processes, the control of power exercise, the modes of representation and selection of leadership, the protection of minority groups, and the management of the common good.

1 The Issa: a federation of pastoralist communities bound by law

The Issa community that developed this system of governance constitutes one of the clan families of the Somali people. They share the same morphological, cultural, and socio-economic characteristics as other Somali groups. They occupy a territory characterized by extreme aridity that extends over three countries: the south of the Djibouti Republic, the northern region of Somalia, and eastern region of Ethiopia. Despite its hostile climate, the Issa land is integrated in a region of strategic and economic significance. It covers a large part of the 784-kilometre railway linking Djibouti to Addis Ababa, Ethiopia.

During the era of the Muslim Sultanates from the 8th to the 17th century, some of the greatest historical routes of the Horn of Africa passed through this

¹ The Issa Xeer is pronounced “Xeer Ciise” in Somali language whose Latin transcription uses the letter x for the voiceless pharyngeal fricative [ħ], and the letter c for the voiced pharyngeal fricative [ʕ]

territory, making it a significant axis for trade and exchange. The importance of this territory has further increased over the last decades since the Djibouti port became the sole gateway of Ethiopia (a country of more than 120 million people) following the war with Eritrea from 1998 to 2000 which forced Ethiopia to abandon the Eritrean ports of Assab and Massawa (Brenton and Edjigu, 2021). The Republic of Djibouti, considered as a state dominated by the Issa, hosts important military bases of competing international powers such as the United States, China, France and Japan (Besabeth, 2023). Issa pastoralists are scattered in an area with a high concentration of infrastructure in the Horn of Africa. It is a strategic region coveted since the Abyssinian-Muslim wars of 13th to 16th centuries (Cuoq, 1981), and still subject to frequent conflicts to this day.

As it is difficult to estimate the total Somali population living in Somalia, Kenya, Ethiopia and Djibouti, establishing the numbers of Issa equally remains subject of debate and controversies. No serious census has been carried out so far by the authorities of the countries in which they live today (Ethiopia, Djibouti, Somalia). According to rough estimates based on partial census undertaken in Djibouti, Somali Regional State of Ethiopia, and Somalia, the Issa population is considered to range from 2.5 to 3 million individuals, of which the majority live in Ethiopian territory, in the Sitti District, in the West of the Somali Regional State of Ethiopia (see figure 1 and 2 below).

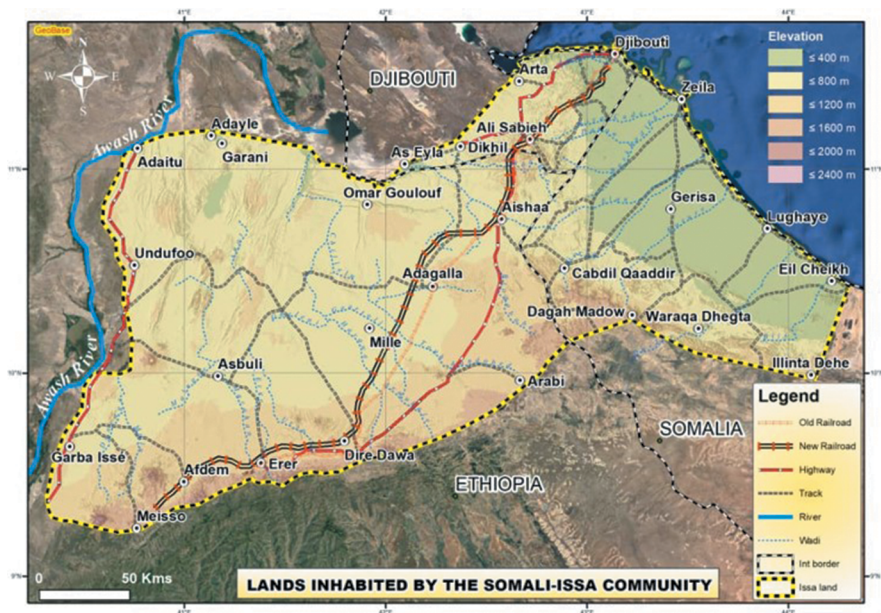


Figure 1: Territory inhabited by Somali-issa communities. Source: Géobase, 2015, Djibouti.

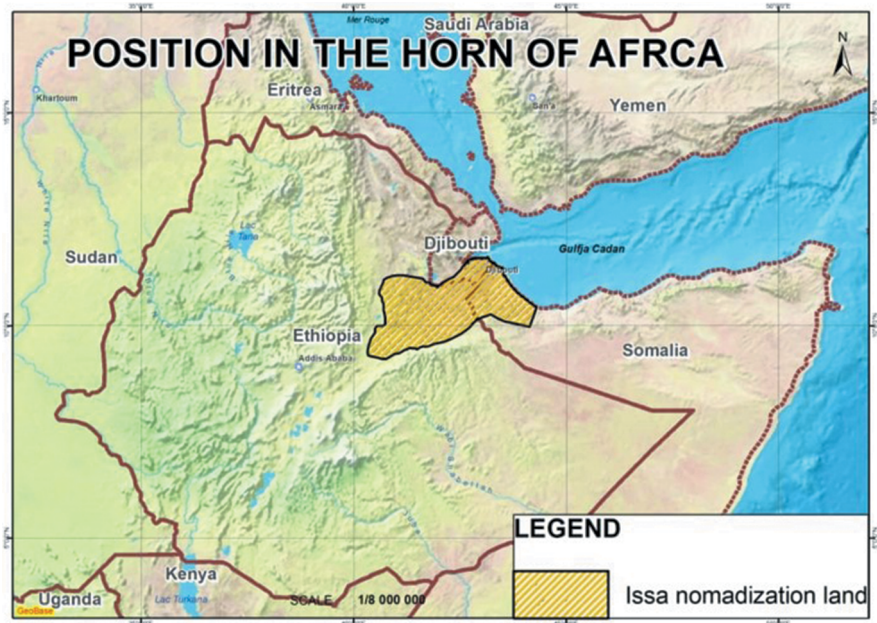


Figure 2: Position of Somali-Issa land in the Horn of Africa. Source: Géobase, 2015, Djibouti.

The Issa community is one of many Somali groups comprised primarily of pastoralists. However, a few numbers of them, especially those living close to the sedentary Oromo people practice farming while also managing their livestock. Depending on the seasons and the whims of the heavens, the Issa groups move between the Red Sea and the Ethiopian foothills. Many members of this community are also involved in trade and services business, taking advantage of the important commercial routes that pass through their territory, which is crossed by the train and asphalted roads between Djibouti and Ethiopia. Like the other Somali groups, the Issa are divided into numerous smaller groups of clans, sub-clans, and factions, which claim the same name of their legendary founder named Issa.

2 The historical background of the Issa Xeer

The Issa Xeer is an example of the creativity of African societies to cope with historical, socio-political, and economic transformations which challenges the assumption of static nature of African traditional structures.

According to my historical and genealogical investigations (Moussa Iye, 2014), the Xeer emerged in the 16th century, a period considered by some historians of the region as a turning point for the peoples of the Horn of Africa (Rirash, 1986).

The second half of the 16th century was marked by a series of natural disasters and human upheavals that profoundly changed the social, political, economic and demographic configurations of the Horn of Africa. The region has gone through a long and harsh period of setbacks and violent conflicts between the competing powers and peoples of the region. The existing region's political structures, in particular the Muslim Sultanates along the Red Sea and the Indian Ocean, had collapsed. It was during that century that the rich and prospering Islamic City-States of the region (such as Harar, Zeila, Berbera, and Tadjoura) experienced a process of decline under the pressure of the Abyssinian Christians. The socio-political system that was developed in the Islamic cities since the 11th century fell apart (Braukamper, 1977). The process of de-tribalisation and the construction of new identities and citizenship inspired by the development of trade in these City-States were interrupted (Rirash, 1986). These walled cities lost their capacity to defend themselves against external threats. The climate of insecurity perpetuated by the internecine struggle among the rulers' families (Imams, Sultans and Garaads), reactivated ethnic and clan atavisms within the different urban communities (Chihab El-Din, 1897).

During that period the Horn of Africa also experienced important migratory movements that aggravated the collapse of the governance and citizenship model that have emerged in the walled cities (Turton, 1975).

The demographic mapping of the region as well as the relationships between its different peoples significantly changed. Certain groups did not survive this turmoil, while others joined new alliances of communities to ensure their survival. Phenomena of re-tribalisation and re-nomadisation of urban populations occurred during this troubled century. In search of security and solidarity, many citizens abandoned the unsafe cities which became targets of regular looting, and joined their ethnic groups or clan of origin or the new clan regroupings that emerged from the ruins of older ones (Rirash, 1986).

The Issa Xeer is a result of the decline of the socio-political order that was in place in the Horn of Africa. It was a response to a challenging period marked by the weakening of consensual governance, the emergence of authoritarian rulers, important migratory movements, the increase of insecurity in cities, the spread of pandemics such cholera, and the instrumentalization of religions and ethnicity (Chihab el Din, 1897). The Issa Xeer was an attempt to initiate a new socio-political contract, which aims at establishing a society based on the rule of law and reconciling individual aspirations with collective duties to protect common good (Rousseau, 2011). It is a political response to a situation of anarchy, mistrust, moral crisis and

violence, which might be compared to what is going on today in Somalia (Kapteijns, 2013).

The Issa Xeer brought together scattered groups, with or without blood relationships, to form a new alliance of communities around a constitutional law to regulate power exercise and a system of justice to protect the life and individual and collective properties. It offered to these desperate communities a new set of metaphysical, ethical, political and social foundations to defend themselves against external threats, maintain cohesion, preserve peace, protect their environment and share resources (Moussa Iye, 2014).

3 The Issa Xeer: a holistic system of social and political regulation

The Xeer is part of the African heritage that often aroused the curiosity of foreign observers without encouraging serious studies (Burton, 1894). The bias that consists in overestimating written law has often led foreign observers to relegate the Xeer to the category contemptuously called oral customary laws (Lippman, 1953). Nevertheless, despite its oral nature, the Xeer is a solidly structured socio-political contract which differentiates itself from the other corpuses of knowledge of the Somali-Issa community. It has rigor in its structure and precision in its codification.

The Xeer is an example of sophisticated systems of solidarity developed by pastoral communities organised around the rationalisation of the meagre resources available in their environment. Due to periodic movements from one place to another within their space of transhumance, pastoral communities are often confronted with other groups with whom they may enter into conflict because of competition over water and pasture. This is why pastoralists are generally warriors who are taught the art of combat. However, pastoral societies are not violent or unlawful societies as they are erroneously depicted by state administrators following certain clichés inherited from colonial ethnology (Bernus, 2014). On the contrary, societies of warriors in Africa, as well as in other regions of the world, have generally developed remarkable methods of conflict prevention and resolution, consensus-building and reconciliation (Chelhod, 1972).

In addition to their traditional mechanism to regulate and moderate conflicts, Somali pastoral communities have established surprising rules of war which consist of identifying certain categories of the population that ought to be protected in case of war (Rirash, 1997). These categories, called *Birmageydo* which means “those who do not deserve the sword”, include women, children, old persons,

men of knowledge and religion, guests, and all those who are not parties of the conflict. The wounded and war prisoners are also guaranteed the recognition and protection of their humanity, dignity and rights. This guarantee is made possible by the strict respect of certain moral values and by a code of honour that prevents transgression. The Somali civil war that erupted in 1992 has shown the limits of such traditional mechanisms when they are dissociated from their ethical and spiritual grounding and when they are subjected to the manipulations of political entrepreneurs and warlords. (Farah and Lewis, 1993).

However, this civil war has also shown the potential of such traditions, when properly used, to settle sustainable peace and reconciliation, as for instance in the case of Somaliland where a lasting socio-political consensus was built among communities after a genuine and very long community-owned process (Ali, Mohamed, Walls 2007).

The Xeer consists of an ensemble of values, norms, and laws that form a coherent system within pastoral culture. It has its own history, doctrine, literature, and jargon. Like any system, it has its own institutions and specialists, its own logic and autonomy vis-à-vis the other pillars of pastoral society.

It shares many similarities with the “Gada System” which was developed in the 16th century by the Oromo people and analysed in this book (Legesse, 1973).

The Issa Xeer is a holistic system of institutions, rules, and regulations which integrates in its corpus the metaphysical and spiritual beliefs of Somali people responding to critical questions of human existence. These questions revolve around the dynamic interactions between 1) culture and nature, 2) individual rights and collective obligations, 3) ethics and politics, 4) temporal power and spiritual force, and 5) authority and power. The Xeer articulates this through a conceptual framework which guides the operations of its system of governance.

Although the Issa Xeer is oral, it has managed to survive the turmoil of history, precisely because it is based on orality and, in particular because it was engraved in the very rigid rhythmic rules of Somali poetry. According to Somali researchers, Somali poetry is constructed on rhythm and balance (*miisaan*) which depend on the relationship between the number of syllables and the number of vowels, and more precisely, the relationship between long vowels and short vowels in a verse (Galaal, 1975). This rule called “*mora*” explains the rigor prevalent in the composition of Somali poetry which some researchers considered to be structured as if it were written even though it ignores writing (Lewis, Adam, Gesheker, 1995).

The codified structure of the Xeer, in particular its Penal Code, and the underlying conceptual framework suggest that its founders were literate individuals from the Islamic cities around the Red Sea in particular Harar in Ethiopia; Zeila

in Somalia, who were familiar with the legal literature written in Arabic. Those cities were centres of knowledge where religious and intellectual exchanges occurred in the region (Cuoq, 1981). The founders of the Xeer likely used this knowledge to craft a system of governance compatible with their pastoral life. Moreover, they purposely chose orality to facilitate the transmission of the Xeer, knowing the structure of Somali poetry and other oral literary forms and their power to spread ideas and feelings.

The term *Xeer* in Somali language gives an indication of its socio-political function. It comprises two related meanings:

- *Xeer* can be used as a verb describing the action of building a safe shelter to protect oneself against external danger such as floods. By extension, the word *Xeero* means the enclosure where animals are kept protecting them from wild beasts.
- *Xeer* can also be used as a noun to refer to the rope that is used to put together the two central arches that support the Somali circular house.

Therefore, the concept of Xeer implies protection, safety, and togetherness. The term is frequently used to designate social situations related to legality, fairness, uprightness, and equity. For example, a common saying among Somalis is: *War Xeerka uu kaaga jooga*, which literally means “He is closer to the law than you”, or in other words, he is more right than you are. The Xeer, fundamentally, symbolizes the law, insofar as it delimits and specifies the rights of each person. This is encapsulated by another common saying among Somalis: “*Xeer umaad lahed*”, meaning “you have not the right to do this”. Moreover, the common Somali expression “*Xeer diid*” means “outlaw”, and by extension, an asocial person. The Xeer as law is sacralised. Likewise, “*Xeer diid waa Alla diid*”, means “He who refuses the Xeer, refuses God”.

Despite the importance of agnatic kinship in Somali Issa community, the Xeer gives primacy to legality and respect of law over the dictate of blood relationships. This is articulated in this precept: *Walaalkaa markhaatiga ku fur, magtana la bixi*. “Testify against your brother (if he is wrong), but then help him pay the fine”. Moreover, the Xeer recognises the universality and inalienability of human rights as illustrated by another precept, *Gaalka dil, gartiisana sii*. which says “Fight the foreigner, but recognise his rights”.

4 Fundamental principles of the Xeer

The fundamental principles which form the basis for the political philosophy of the Xeer are couched in a poetic and metaphorical style in order to facilitate their memorisation and transmission. They constitute what might be called a rhythmic preamble to pastoral democracy (Andrzejewski, 2011).

We have selected the following five principles to illustrate the depth of the political thought of the Xeer founders.

Principle of human origin of the law

Eebbahey xogun buu iga abuurey, Aabbahayna xeer buu ii dhigay

(God creates us from semen and our ancestors establishes the Xeer for us).

This principle sums up the founders' concern with the debate on the distinction between nature, culture, divinity, and humanity. For them, God is the creator of the universe and is responsible for the perpetuation of human species, while human beings are the authors of their own laws. This affirmation may appear to be obvious today. But we should bear in mind that in the 16th century most peoples across the world believed in the divine origin of law promulgated by kings and chiefs in order to justify their power (Haye, 2015). The modern relevance of this principle resides in the fact that it introduces a new conception of law and emphasises its historicity and temporality. The founders' recognition of the human origin of law implies the possibility of questioning the exercise of power and challenging it if necessary. This principle illustrates the philosophical preoccupations of the founders of the Xeer.

Principle of equality

Ciise waa wada ciise, ninna nin caaro ma dheera.

(The Issa are all equal, and no one is more equal than another)

This principle institutes equality among all the members of the Xeer community. The second part of the sentence, *Ninna nin caaro ma dheera* (no one is more equal than another) highlights the aspiration to an effective equality, which characterizes the egalitarian values on which the Issa society is based.

Principle of the inviolability of the law

Xeerka Ciise waa geed Jeerin ah.

(The Issa Xeer is like the Jeerin tree).

The metaphor of the *Jeerin* tree is meant to illustrate the inviolability of law. The *Jeerin* is a small bush tree of the wild with two characteristics: it is very low and at the same time covers a large area. It is difficult to either pass under or jump above it. This tree is also characterised by its robustness when it comes to clearing land.

Principle of the necessity of law

Xeer waa kab lagu socdo.

(The Xeer is like the shoes which help to walk).

The metaphor of shoes is very important in Somali culture. In an environment covered with all sorts of thorn bushes, shoes appear as indispensable tools to move around. The absence of footwear is therefore seen as a sign of extreme poverty in Somali culture. For reasons of economy, the traditional shoes of nomads have no right or left foot to avoid changing both if one shoe is damaged. It is worth noting, in this respect, that the different articles of the Xeer are called *dha-galey*, meaning “laces” or the straps used to fasten the footwear of nomads, which are camel-skin sandals.

Principle of the rule of law

Ciise xaragga iyo xeerba wuu isku dilaa. Ciise boqol ama buulo maahee, biili maha. (The Issa may come to fight each other for right or for wrong, but, once a conflict is resolved through the rule of law, no act of retaliation is permitted).

This principle, which is asserted in an explanatory manner, highlights the recognition of the existence of conflict within the community, the utility of the law to resolve it and the monopoly exercised by the Xeer system to enforce justice

5 The Xeer as a political constitution

The Issa Xeer is a holistic system that intervenes in all aspects of the social life to safeguard order, peace, consensus, cohesion, and solidarity among Issa community. As a constitution, it defines the attribution of power to four different bodies and establishes the process of decision-making between the different components of the federation of communities.

The Guddi

Considered as the supreme organ of the Xeer system, the *Guddi* is an Assembly of Elders or Body of Judges with an extensive set of powers. It plays the triple role of legislative power, court of justice, and law enforcement. It has responsibility to deal with the social, political, and economic matters of the community. It also deals with the problems and conflicts with neighboring communities.

The *Guddi* comprises 44 members, chosen as follows:

- 24 representatives from the 12 clans of the Issa federation with 2 representatives per clan;
- 20 members selected in their personal capacity by the 24 representatives of clans for their wisdom, moral integrity, and knowledge.

The Gande

The main role of this body is to protect the spirit of the Xeer and safeguard its authenticity and application. It is also composed of 44 members, with the same representation that the *Guddi* but chosen through a specific process of selection and set of criteria. It has three different functions:

- as a Constitutional Court, it controls the constitutionality of the decisions of the *Guddi* and discusses any modification of the Xeer laws proposed by this assembly or by the *Ugaas (the king)*;
- as a Supreme Court, it handles exceptional cases that were not resolved by the other bodies of the Xeer, notably those cases that have passed through the procedure of the 12 “Trees” or appeals without leading to the necessary consensus.

The Xeer offers twelve possibilities of appealing against a judgement or a decision. In this function, the Gande also handles conflicts among clans that threaten the peace and unity of the federation.

- as a Training Institution, it shares the experience of those who served in the *Gande*. Each member is requested to transmit the knowledge and expertise acquired during his service to the community and serve as a trainer and adviser when he ends his term.

The Ugaas

The third institution of the Xeer is the *Ugaas*, the King of the Issa. He is the spiritual father of the community, the symbol of the law, and the guardian of the unity of the federation of the Issa clans. Despite the sacralization of his position, the *Ugaas* neither takes decisions concerning the community without the *Guddi* and *Gande* nor possesses any force of coercion to impose his will. A precept of the Xeer defines the essence of Ugaas's royal power: *Ugaas wuu gudoonshayee ma gooyo* (The Ugaas chairs but does not decide).

The Ugaas's task is to facilitate the decision-making of the two Assemblies (*Guddi* and *Gande*) and to bless and promulgate the decisions they take. Like some Amazonian chiefdom, for example for the Guaraní communities in Brazil and the Guayaki communities in Paraguay (Castres, 1975), the *Ugaas* has in fact more obligations than privileges. He is given three main roles by the Xeer:

- Guardian of unity and consensus: he plays the role of arbiter in conflicts within the Issa community, and also with other groups not affiliated to the Xeer;
- Political symbol: he gives his blessings to decision making process and promulgates the decisions taken by the *Guddi* and the *Gande*;
- Spiritual leader: the *Ugaas* prays for his people and uses his supernatural power to call for rain through different rituals and to protect his people against natural calamities.

It is important to highlight that the position of Ugaas is neither hereditary nor elective. The *Ugaas* is chosen after a long process of collective search by the *Guddi* and *Gande* together to find the "Blessed One », which mobilises all the meta-physical, astrological and psychological knowledge of the community (Moussa Iye, 2010)

The *Ugaas* is chosen among young boys of a particular sub-clan of the *Wardiiq* clan, composed of thousands of people, according to a set of criteria related to his personal genealogy, the date and condition of his birth, and his relationship with other humans, domestic animals, and environment. The chosen young *Ugaas* has to pass through a series of steps (initiation journey through the Issa territory, learning of the specific knowledge that a king has to know, test of his

capacities, charisma and leadership etc) before his legitimacy is confirmed. The *Ugaas* can be dismissed at any time by the *Guddi* and *Gande* if he lacks the expected integrity, charisma, ethics, and competence. (Moussa Iye, 2010)

The current *Ugaas*, Mustapha Mohamed Ibrahim, was chosen and crowned in 2010. This happened sixteen years after the death of the previous *Ugaas*, Hassan Hirsi, in 1994 who reigned for 64 years. Ugaas Mustapha is the 19th *Ugaas* since the foundation of the Issa Xeer in the 16th century. The Issa *Ugaas* is established in the city of Dire Dawa, Ethiopia since 1930.

The Mirix

The fourth body of the Xeer as a political Constitution is the *Mirix*, the Military Chief. He is selected by the elders of the *Guddi* on the basis of his military and strategic abilities. In case of war or immediate threat facing the Issa community, the Xeer bestows full authority and leadership on the *Mirix*. In the event of a state of emergency, some dispositions of the Xeer concerning the decision making are suspended. When required, the *Mirix* decides on the safety of the community, the distribution of duties among its members. Such situation allows the *Mirix* to side-step the normal governance process of decision-making. In time of conflicts, the *Mirix* establishes the necessary military hierarchy and designates the different categories of warriors called *Buuto*, as follows:

The *Ul geydan*, the stick carriers who lead the battalions, organise the evacuation of the wounded warriors, and punish the deserting ones;

The *Illaalo* or the watchmen who ensure the observation of enemies;

The *Jilbaati* or suicide-commandos who sacrifice themselves to protect elders, women and children; and,

The *Ducayeeyaal* or the men of prayer who provide the spiritual strength to fight.

6 The Xeer as a penal code

The Issa Xeer promotes a justice that focuses on reconciliation and compensation and whose ultimate goal is not to punish, but instead to reconnect, reconcile and restore peace (Bidima, 1997). It is a community-based system of justice which targets the group rather than the individual. Its verdicts engage the responsibility of

the whole clan to whom belongs the person or group who may be found guilty, in violation of the Xeer.

As Penal Code that lays down consequences for offences committed against other members of the Issa community, the Xeer rejects the vendetta law, imprisonment, and the death penalty. When an offence occurs, the first preoccupation of the Xeer penal system is to compensate the victim without ruining the offender.

It offers a very formalised procedure including pleas, hearings and deliberation sessions to conduct a trial. The Xeer Penal Code is divided into three main technical categories according to the nature of offences and the associated penalties:

1. *Xeerka Dhiigga*, or the “Xeer of Blood”: This includes all offences and crimes regarding attacks on the physical integrity of a person, as well as all the corresponding penalties.
2. *Xeerka Dhaqaaqilka*, or the “Xeer of Property”: This concerns all the offences and corresponding penalties related to the usurpation, theft, or damage to private and collective properties and goods.
3. *Xeerka Dheerta*, or the “Xeer of Honour”: This addresses all the offences and corresponding penalties related to the honour, reputation, and dignity of a person.

The Issa Xeer included also another category called *Xeerka Dhiblaha*, or the “Xeer with Outsiders of Rules of Truce”, which concerns the rules of war, the management of truce and other peace agreements with neighboring communities and foreigners.

The Penal Code is the most popular aspect of the Xeer as it is still widely used in the countryside and the urban environment to fill in gaps and shortcomings of Westernized modern justice system, which is considered corrupt, slow, and unfair (Nuh Ayeh, 2015).

The Xeer Penal Code offers (i) a clear codification of the different offences and crimes; (ii) an extremely detailed table of fixed reparatory compensation in numbers of camels (or its equivalent in other herds or even in local currencies) according to the nature and seriousness of the offences; (iii) a understandable procedure to be followed in the investigation of offences including the call for witnesses and testimonies, to guarantee a fair trial; and finally (iv) a set of rituals to perform in order to facilitate the reconciliation of concerned parties and the prevention of future conflict.

7 The Xeer as a mechanism for conflict resolution, healing and reconciliation

As previously mentioned, the Issa Xeer is a complex mechanism for conflict resolution, healing, and reconciliation (CRHR). Although this mechanism primarily concerns members of the Issa community who adhere to this socio-political contract, some of its tools can be also used to resolving conflicts with other neighboring communities and populations.

Whether it acts as a Political Constitution or a Penal Code, the Xeer utilizes the same approach, methodology and rhetoric for resolving conflicts, repairing wrongs, healing wounds and reconciling parties, which follow four main different and sequential steps: 1) cooling of passions; 2) purging of rancor; 3) righting of wrongs and, 4) sealing of reconciliation (Moussa Iye, 1999).

In all of these steps the palaver considered as –“the jurisdiction of the spoken word” plays an essential role. It offers a public forum, a procedure to avoid face-to-face meeting between parties and a symbolic mediation to reconcile (Bidima, 1997).

Cooling of passions

In the case of disputes between individuals or groups of individuals within the Issa community, the CRHR process begins with the designation by both concerned parties of mediators who enjoy their trust and whose neutrality is known. The mediators are asked to lead the process. Their first function is to stop hostile acts and prevent the dispute or conflict from escalating. They must begin by “cooling the passions” on both sides. To do this, they use the resources of culture and religion to calm the conflicting parties. They appeal to the value of unity, as well as the culture of peace, the obligations of solidarity and cohesion, and the precepts of the Koran. They also sometimes appeal to the memory of ancestors and recall the power of their curse if they are not listened to stop the conflict. The aim of the mediators’ intervention at this point is not to identify the guilty parties, but to remind the parties of the need to reach a settlement through the Xeer law.

Any refusal to this mediation places the recalcitrant party in the uncomfortable position of “unlawful outsider”. At this stage of the process, the mediators’ psychological skills and above all their mastery of the spoken word are crucial to calming tempers and convincing the parties.

In the event of conflict between the Issas and another community, the mechanism of “*Dhible*” (the Xeer with Outsiders or the Xeer of Truce) is applied. The

Dhible is a mechanism for regulating armed conflicts between neighboring communities. It sets out procedures for negotiation and compensation, as well as sanctions in the event of a breach of the truce agreed by both parties (Moussa Iye, 2014). The *Dhible* is a safeguard against the vicious circle of vendetta that often leads warriors to violate the rules of war. As soon as a conflict erupts between the Issas and a neighboring community, the Elders of each community ‘take up the cause’ and force the warriors to relinquish to the negotiators. As such, within each camp, the consultation and decision-making process is activated. The hardest part is convincing the young warriors to lay down their weapons and respect the truce. It is in times of war that intergenerational conflict often manifests itself in these communities.

To maximize the change for a truce, the *Dhible* recommends sending a delegation of old women, mothers and grandmothers to signal the desire for peace. These women should take with them the “stone of peace” in the shape of a statuette, which they should hand over to the elder men of the opposing community. If the Elders agree with the message of peace, they smear the ‘stone of peace’ with butter and send the old women back with gifts and their wishes for the place, the date and terms of the talks between the two communities.

Purging of grudges

When the agreement of settling the conflict or dispute according to the Xeer is reached, the palaver can begin. It is a verbal jousting and pleading that can last for days and weeks, or even months. Far from being a useless palaver- and time-consuming exercise as considered by some modern negotiators obsessed with the quick fix methodology, this palaver approach is more than necessary and plays the role of group therapy for CRHR. The relevance and legitimacy of the agreements reached and the commitment taken by the parties depend on the quality of the palaver.

In the CRHR process, the manner in which negotiations are conducted is as important as the results themselves. These palaver sessions serve to “clear the ground”; go back to the origins of the problem; and express grievances, resentment, and suffering endured; and to revisit the history of conflicts and previous peace agreements signed. The art of rhetoric, gesture, poetry, and even humour are used to move hearts and strike spirits.

Palaver sessions operate like therapeutic sessions through which each side expresses its pain and frustrations, and in the process purges accumulated grudges. The term used in the Xeer to describe this process is quite revealing of its function: “*Calool-xaadhasho*”, which literally means “clearing or purging the stomach”. For

the Issas, the gut is not only the nerve centre of feelings and emotions, but also the home of the will and the breath of life. When parties are ‘satiated’ with words and have purged grudges, the discussion on how to right the wrongs can begin.

Righting of wrongs

This step of righting of wrongs is much more technical and consists, first of all, of determining who is responsible for what in the conflict that occurred. Each party identifies one or more ‘fathers’ (*Aabo*), a kind of lawyer who will defend their case, with the necessary eloquence to plead. The *Guddi* chooses a clerk (*Qore*) whose role is to record everything that is said by conflicting parties, question them to obtain certain clarifications, and finally draw up the minutes of deliberations. The *Guddi* may also employ oath-taking (*Marag iyo Imaan*), a procedure provided for by the Xeer, which regulates the involvement of witnesses.

The Xeer jurisdiction is based on the law of precedent. It has a body of case law that serves as a reference point. In the case of an internal matter within the Issa, the conflicting parties are asked to choose between the application of the strict law (Xeer) or an amicable settlement (*Xaagaan*) which refers to the socio-cultural code of ethics.

The first choice implies the strict adherence to the provisions of the Xeer and in particular its jurisprudence. The second choice of the amicable settlement appeals to the wisdom and fairness of the members of the *Guddi* without having to refer to specific dispositions of the Xeer.

In serious disputes and conflicts, the Xeer jurisprudence is generally applied. In such cases, the *Guddi* first determines whether the case has a precedent (*Curad*) and therefore requires a simple application of the established case law. If it is an unprecedented case (*Ugub*), innovation in addressing the case is permitted.

When the responsibilities of each party are established, the *Guddi* determines the level of compensation to be paid to right the wrongs and the corresponding obligations for both parties. During this step in the CRHR process, decisions are taken by the *Guddi* with the largest possible consensus. Each party is responsible for carrying them out and honouring their word. If a party is not satisfied with the verdict, it is allowed by the Xeer to appeal and ask for another “Tree” or court to be convened.

In theory, the Xeer offers the possibility of convening up to 12 “Trees” (*Geed*), which means the possibility of 12 appeals. It is very rare that cases require more than three “Trees”. Lack of confidence in the decision of the *Guddi* is generally considered to be an uncivil or antisocial behaviour.

Sealing of reconciliation

In the spirit of the Xeer, it is not sufficient to settle a conflict and repair the wrongs. It is equally important to prevent future conflicts. It is, therefore, important to “heal the wound” and safeguard social solidarity and cohesion.

The ritual to seal the reconciliation is, hence, a crucial step in the process. It is important to ensure that each party feels that it has been heard and has received fair justice. A specific ceremony is organised after the conclusions of the CRHR process to highlight the social significance and utility of the decisions taken in compliance with the Xeer. Certain types of cattle heads are sacrificed, during which the spirits of common ancestors, saints, and God are invoked to bless the verdict. Certain cuts of meat are exchanged between members of the conflicting parties, milk is shared in the same container, and verses from the Koran or ritual words are recited.

Sometimes congratulatory poems are exchanged to mark the moment and to leave memories for posterity (Jimale and Adera, 2008).

One of the common ways of sealing a reconciliation is to exchange wives between the conflicting parties. Each side gives a certain number of women of marriageable age to young men from the other side so that the reconciliation is reinforced by family ties. A Somali proverb explains the origin of this tradition: *Meysihii xinjiri ku bururtay hab baa lagu buririya* (A blood loss can be healed by the liquid of the foetus).

8 Political philosophy of the Xeer

As I mentioned above, the Issa Xeer was a response to a governance crisis that occurred in the Horn of Africa in the 16th century during which the existing powers structures of the region, in particular the Muslim Sultanates felt in serious decadence. This period was marked by the weakening of consensus- building mechanisms, the increase of insecurity in cities, the instrumentalization of religions for political legitimization, mistrust and fear among communities in Islamic states, violent power competition, spread of pandemics such cholera and huge migratory movements of populations (Turton, 1975).

The Founders of the Xeer have developed a philosophical framework to articulate the coherence of the principles and values of their system of governance. During my field research, I was surprised by the rhetoric used by the elders we interviewed, in particular their discourse to legitimate the political foundation and relevance of the Xeer. This supports my hypothesis that the founders of the

Xeer were familiar with the different systems of law and governance that existed in the Horn of Africa before the Xeer was elaborated. Certain similarities with Islamic Law such as the *Dhibile*, the Xeer with Outsiders, led us to advance the idea that the Xeer may be the result of an innovative adaptation of Islamic jurisprudence and laws to the specific context and needs of a Somali pastoral society. This revisiting of Islamic laws is very interesting to consider as compared to the current fundamentalist interpretations of Islam which characterise the debate in today's Somali societies (Hansen, 2013).

Beyond the astonishing rationality and technicality of the Xeer and its anthropological interest, the Xeer was built on a theory and a practice of power that introduced a genuine model of governance that could inspire current efforts to respond to democratic crisis in Africa.

Metaphysical and cosmogonic foundation

The Xeer is an African endogenous system of culturally and epistemologically compatible governability and rule of law. Its principles and processes of consensus building analysed above are based on metaphysical, cosmogonic and spiritual beliefs which link the social and political harmony to the balance in the invisible world inhabited by the ancestors and the spirits. The choice of the *Ugaas* as well as of the members of the *Gande* is determined by astrological and divinatory observations and consultations. Rituals to anchor governance in a wider web of interactions between humans and non-human entities, visible and invisible worlds are an important component of the Xeer. They are organised at every crucial moment in the decision-making, conflict resolution and law enforcement. For instance, the members of the *Gande* must practice every day specific rites and prayers in the morning and in the evening during which the role of each clan member of the federation is reminded. During their entire term, the life of the *Gande's* members is marked by a set of rites, gestures and words that recall the metaphysical function assigned to them.

Democracy versus Kritocracy

Although the Xeer institutes a system in which decisions are taken by consensus after lengthy public debates involving the participation of all the male members of society, it is not a "democracy" in the Western sense of the term. It ignores, for example, the idea of voting or election, which allows an individual to declare himself as candidate for a position and pretend himself to be the best. This pretention

is considered by the ethics of the Xeer as a manifestation of vanity that disqualifies the person. It is generally the communities that choose and designate the person they consider best suited to defend their positions and interests. The groups come together to agree on who among them has the qualities and skills to represent them in decision-making bodies. This procedure is not free from the risk of instrumentalisation, but it generally avoids the manipulation of crowds and the use of money and the media to impose on the people candidates put forward by parties or lobbies. The latest elections which took place in the Western countries embodying the model of liberal democracy are examples of these manipulations.

For all these reasons, the Xeer is an interesting example of what was called a “Kritocracy or Kritarchy” which means the Rule by Judges (MacCallum, 1998). The term comes from the Greek words “krites,” (judge) and “arkho (to rule). In a kritarchy system, judges are selected based on their knowledge, expertise, and experience in the field of law rather than their political connections, wealth or popularity. Their role is reduced to interpreting and applying the law, resolving disputes, and making decisions that affect the whole community. Kritocracy differs from other systems of government, such as democracy, oligarchy, or monarchy, in that it prioritizes the rule of law and impartiality over the misleading concepts such as “the will of the people”, the “leadership of a few” or the “divine power of a king”.

Kritarchy systems are often considered to be more just and fairer, as decisions are made based on the law and the facts of the case, rather than political or personal interests. As the knowledge by all of the laws is central in this system, a kritarchy ignores the usual political distinction between subjects and rulers and rejects the necessity of a government under the form of an organization with coercive powers that claims both the obedience of and the right to use the labour or property of those living in the area over which it effectively exercises control. (Makutchev, 2020).

The experience of the Xeer and in particular its application within models of state inherited from colonialism, show the vulnerability of such kritocratic system that can only exist in societies in which, and for as long as, a commitment to equal justice for all is sufficiently strong to discourage the efforts of persons who would use unlawful methods such as aggression, coercion, or fraud to further their ends or to evade responsibility and liability for wrongs they have caused to others. It is therefore important to address this vulnerability in any attempt to revitalising the Xeer (van Notten, 2005).

Participation, consensus building and decision-making processes

The Xeer establishes the principles of inclusion, representation, and participation as the fundamental pillars of the system. The two main institutions, the *Guddi* and the *Gande* are composed of the representatives of all the clans of the Issa federation. The Xeer brought together twelve major clans who created a kind of federation of communities united not only by blood but also by law. This is why we can say this: contrary to common belief, it was the Xeer that created the Issa and not the other way round. Each clan is given a specific symbolic, metaphysical, and political role in the process of decision-making as well as in the application, promotion and protection of the Xeer. Decisions are taken only when a large consensus is reached.

The Xeer does not apply majority rule in its mode of representation and its decision-making process. It privileges parity, direct participation, and seeking consensus. To that end, it offers the legal possibility to pass through 12 courts or ‘Trees’ in order to maximise the chances for consensus. But as soon as a decision is taken, the application engages the honour and the credibility of those who took it. There is no centralised power to lead or control this process. The decision-making is fully decentralised in the Issa territory, which is divided in twelve ‘Trees’ or districts. Each of this ‘Tree district’ has its own *Guddi* which takes decision at the local level in conformity with the Xeer. The *Gande*, Constitutional Court, ensures the constitutionality of decisions taken by *Guddis*. There is neither coercive force to implement decisions nor prison to punish condemned ones. Law enforcement is ensured through an ethical, moral and transcendental code of conducts based on the values of honour and respectability, on the fear of societal, ancestral and divine judgements.

It is important here to emphasise that the Xeer excludes women from the decision-making process. According to the Xeer, women and children are included in the category of legally irresponsible individuals (*Maaheys*) and in the group of vulnerable persons (*Maati*) to protect. They cannot sit at a meeting where decisions concerning the group are taken and cannot serve as a witness nor as ‘bail’ in a case or a ‘Tree’ session. The patriarchal structure of Issa community establishes a clear inequality between men and women that is also common in other pastoral societies which overvalue masculine activities such as defense, search of pasture and water, transhumance with herds. The laws concerning women falls roughly into two categories:

- The Xeer of ‘blood and honour’ which deals with all offences and crimes against the honour, reputation and physical integrity of women who are clas-

sified in eight different categories according to their age, social and marital statutes.

- The Xeer related to marriage and family obligations of men and women

Neutralising power

The Xeer is symbolised by the figure of *Ugaas*, the King. He is the spiritual leader of the community and the guardian of the unity and consensus within the federation. Despite the sacralisation of his position, the *Ugaas* does not exercise temporal power. The Xeer manages to neutralise the temptation of royal power towards absolutism. Thus, the latter is confined to the symbolic and magic/spiritual spheres, without being granted temporal power. Burdened by numerous obligations, the *Ugaas* is not given any room for coercion to impose his agenda.

The founders of the Xeer have even anticipated the inherent risks in the power race among the *Ugaas*'s family members and future pretenders to the kingship.

The title of *Ugaas* is neither hereditary (to avoid competition among the descendants) nor elective (to discourage any competition among the different clans of the federation). The *Ugaas* is chosen by the elders and custodians of knowledge from among the young people of a specific group, after a long search during which all kinds of knowledge and practices (such as astrology, divination, dream interpretation, psychological testing, and so forth) are used to find the young man who shows the signs of being the “blessed one”. Three criteria are particularly used to observe the behaviours of the future *Ugaas*: the type of the relationships he developed with other (i) human beings, with (ii) domestic animals and with (iii) the environment. The elders observe in particular whether he often plays the role of mediator and adviser among the young people of his age, whether he manages to calm domestic animals with his magnetism, especially the she-camel that has just given birth, and whether he protects the fauna and especially the trees.

In order to make the title less attractive and to show the sacrifice it implies, the Xeer institutes an amazing ritual: the symbolic rapt (or abduction) of the future *Ugaas* by the community against the will of his family. He is to be “captured” (*waa la qabtaa*) by his community. At dawn, a large delegation of Elders of *Guddi* and *Gande* invades by surprise the settlement where the chosen boy lives. They seize him before the members of his family react to protect him by trying to wound him with a dagger. If he is wounded and loose blood, he become unfit to be an *Ugaas*. This symbolic and theatrical scene is intended to show that it is the community that chooses the one who will lead it against the wishes of his rela-

tives. His family is solemnly informed that if they have lost a son, the community to which they belong has gained a Chief (Moussa Iye, 2009).

Transcending blood ties

The Xeer has invented a new form of social relationship which transformed the traditional blood-based kinship into a law-based relationship. It recognises and limits the blood ties to specific domains (family affairs, clan solidarity etc) while imposing a rule-based interactions between the different groups of the Issa federation. The blood-based traditions which sustain the linkages within the different clans and subclans are counterbalanced and contained at the community level, through the Xeer rule of law. This dialectic between blood ties and rule of law is clearly illustrated by the aforementioned precept that obliges Issas to testify against members of their own family if they violate the Xeer, but recall their family obligation to help them pay the compensation as defined by the law.

Accountability

The issue of accountability is crucial in the Xeer's decision making process. For instance, the *Ugaas* is directly accountable to the community who can dismiss him for incompetence, lack of charism or even lack of magic power. Through the history of the Xeer, some *Ugaas* have been dismissed for various reasons such as: incitement to war, partiality, greed, inability to call for or stop rain. The act of impeachment is a ritual gesture, which consists of removing the turban he wears on his head. A particular clan is entrusted with this heavy responsibility. Moreover, the representatives in the assemblies (*Guddi* and *Gande*) can be changed by their clans if they are considered incompetent or corrupt. As the decision-making sessions are opened to all males above 15 years old, communities can follow the deliberations and control the achievements of their representatives.

Adaptability of the Xeer

Contrary to the common belief shared by members of the Issa community themselves, the Xeer is not a static tradition: it is opened to change as it is based on judicial precedent. In their deliberations, the *Guddis* have to respect the existing jurisprudence when taking a decision. They should first determine if the case in question is "known case" (*Curad*) and only requires the application of the law of

precedence, and therefore of dispositions that have already been established, or if it is a new and unknown case (*Ugub*) that requires innovation, adaptation or the introduction of new dispositions which will serve as a precedent and new jurisprudence. A precept establishes this adaptability of the Xeer to new situations. It says “An unseen case requires an unheard verdict” (*Waxaan la arkin waxaan la maqlin baa lagu magaa*)

Education about Xeer

In the pastoral context, knowledge of the Xeer was inculcated from an early age in all members of the community, through a solid civic education. The laws and accumulated experiences about the Xeer were transmitted to the young generations through different pedagogical tools such as tales, proverbs, games, poetry as well as through the rituals of initiation. Different forms of oral literature (stories, anecdotes) and poetry are generally used to keep the records and popularise the principles and values of the Xeer as well as important verdicts of the different bodies. From the age of 15, every young man was encouraged to attend the deliberations of the Assemblies to train himself for his future role as an active member. This civic education about Xeer may explain the strong awareness of, and commitment to notions of legality and respect for the rule of law among the Issa community. However, this intergenerational transmission was challenged by the introduction to Western system of education inherited from colonization. Their adoption of the model of nation state and its discourses about development and modernization has greatly changed this endogenous civic education and its way of ensuring the ownership of the rule of law.

Conclusion: lessons to draw from the Xeer

In this chapter, I provided a critical analysis of an endogenous system of effective, legitimate, and cohesive governability and rule of law in Africa. I demonstrated why the Xeer can be considered as a concrete example of the significant contributions of Africa to human civilization by offering a sophisticated art of living peacefully and equally together without a state. It is an endogenous governance system that is “culturally compatible” and could inform the current search for appropriate models of governance for Africa.

African contemporary societies have experienced the irrelevance and failure of the different exogenous models of government that were imported and im-

posed since their so-called independence. African peoples are today aware that the dominant models are in crisis in the very countries where they emerged. They are getting out of the illusion about the universality and even morality of the models of governance developed by the same countries who enslaved and colonised them. The lessons of history to be learned from the current political situation in Africa would therefore be themselves historic if they allow to explore endogenous political alternatives.

The exploration of governance systems and practices such as the Issa Xeer would not only challenge the paternalistic and racist analyses on the capability of African people to make good use of Western liberal democracy. It would also help African people to recover their agency and sovereignty and to focus their energy and intelligence on the real issues at stake: How can Africa revitalise, readapt, modernize its endogenous systems of governance that survived slavery and (neo) colonial domination in order to face its current democratic crises?

What steps need to be taken and what are necessary conditions to ensure the revitalisation of African endogenous systems of governance? What kind of innovative and coordinated actions are expected from various African actors (political leadership, intellectuals, creators, professionals, and activists) to regain their agency?

More than a cosmetic political change, this necessitates an ontological, epistemological and philosophical undertaking that requires a deep rethinking of all models of sociopolitical and economic models inherited from European colonization. This includes the problematic model of “nation state”, which continues to prevent African peoples from drawing inspiration from the different models of multiethnic and multicultural socio-political entities that Africa had invented and experienced throughout its history.

This exploration of the potential of endogenous systems of governance should also go beyond generalities and emphasize both the conceptual and pragmatic aspects of these systems by identifying and analyzing the concepts, the mechanisms, the representations as well as the tools used to represent, share, and exercise power.

The point here is not to reproduce socio-political institutions and rules that were designed centuries ago for a particular community living in a specific environment, but rather to draw inspiration and lessons from the wisdom, rationality and ingenuity of endogenous governance systems to imagine new responses to today’s critical issues such as:

- The integration of African cosmogonic, ontological, and spiritual principles, and beliefs that could reinforce the understanding and respect of the rule of law;

- The redefinition of symbolic representations of authority, power, justice, and togetherness that show the role of all the components of society, in particular women and minority groups;
- The consolidation of the rule of parity and mode of representation that facilitate the inclusion and empowerment of all members of the society without hierarchy and discrimination;
- The promotion of practices of participative processes of decision-making and mechanisms of consensus building that allow the expression of all opinions before adopting binding decision;
- The identification and selection of leadership that place integrity, knowledge, and moral authority above heredity, wealth and power;
- The introduction of endogenous civic education that prepares the young generations for their roles as future active members of their community.

Engaging in this undertaking to revisit and revitalize Africa's endogenous systems and practices of governance would not require more sacrifice, time or energy than forcing African societies to adopt imported exogenous models.

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Chapter 6

The Oromo Gadaa: Revisiting the African political philosophy

Introduction

Africa is the home of ancient civilizations and indigenous political systems – nevertheless, often considered as “backward” or “uncivilized” (Ayitey, 1992). What has been promoted at the global stage has been the liberal democracy ideology, as panacea for the developing world problems (Dahl, 1996; Fukuyama, 1992; Huntington, 1984; Rustow, 1990). Nevertheless, it is important to problematize such meta-narratives and excavate the endogenous/indigenous political philosophy imbedded in African societies cultures (Roxanne, 1997 quoted in Melissa and Warren, 2014: 30).

Long before the emergence of the modern African state, African indigenous communities had socio-political and economic governance systems. The purpose of this contribution is neither to discuss the African primordial governance systems nor to respond to hare-brained narratives, it rather aims to introduce one of the ancient endogenous institutions of governance, the Gadaa of the Oromo people.

The Oromo people are one of the largest nations of East Africa. Today, the Oromo nation makes up of one-third of the Ethiopian population. Afaan Oromo is the most widely spoken language in Africa and ranks first in Ethiopia¹ (CIA, 2024). Under the current Ethiopian political administration, the Oromoland is constitutionally recognized as sub-national state (Figure 1). The capital city of Ethiopia, Addis Ababa/Finfinnee is found in Oromia and it also serves as a capital of Oromia.

The Oromo people are known for the invention of the Gadaa, an endogenous social, political, economic, and cultural system. The Gadaa is one of the African civilizations the Oromo has offered to the world. The Oromo Gadaa is an egalitarian socio-political, and religious system practiced among the Oromo nation of East Africa. It was inscribed as UNESCO intangible cultural heritage in 2016.²

1 See: <https://www.cia.gov/the-world-factbook/countries/ethiopia/> (Accessed 26 January 2024).

2 See: <https://ich.unesco.org/en/RL/gada-system-an-indigenous-democratic-socio-political-system-of-the-oromo-01164>



Figure 1: The Location of Oromia Regional State (Ashton et al. 2011).

The Oromo's understanding and place in the cosmos shows the kind of guiding philosophical principles they follow. The Oromo considers their socio-economic activities as part and parcel of the natural world, and as such promotes eco-centric than anthropocentric understanding of the world. In the human-nature interaction, the Oromo believes that two fundamental notions, *safuu*³ (morality) and *nagaa* (tranquility), are the foundations for the existence of *Oromummaa* (Oromo-ness) (Gemetchu, 1993). *Namummaa* refers to the “the purpose of human existence” – the yardstick of humanness.

This worldview is anchored in *namumma* (humanity), a holistic philosophy that frames an Oromo person role in a hierarchically constituted cosmos which extends from the creator (*uumaa*) and its creatures (*uumamaa*). According to Oromo worldview, the peacefulness of human-human relation fundamentally depends on the depth and quality of nature-human (*uumama-nama*) relationship. Where the nature-human relationship is healthy, the human-human relationship will also be healthy.

³ *Safuu* is a moral concept that serves as the ethical basis for regulating practices in order to ensure a high standard conduct appropriate to different situations. It helps individuals to avoid morally wrong actions. *Safuu* is, thus, what makes humans different from other animals. According to Oromo elders, abiding with *safuu* helps us to maintain reverence for *Waaqaa* . . . (God), and *safuu* demands ‘distance and respect’ between mother and the daughter, the father and the son, between generations, between humans and nature, between God and Earth (Kalbessa, 2011).

The vice versa also holds true. Hence, the maintenance of societal harmony depends on the balanced relation with nature.

The Gadaa guides the Oromo life routines (*jirufi jireenyaa*), congruent with the ‘natural law’. For instance, the Oromo has the system of adoption (*guddifachaa*), and naturalization of aliens (*moggaasaa*). Hence, a foreigner can become an Oromo, and given all the privileges of Oromo culture. Both *mogaasaa* as well as *guddifachaa* involves the *moggaasaa* ceremony. Hence, the Oromo nation has special place not only for Africans but also for any human being.

For this book chapter, I used the primary data and secondary data sources. It has also been a privilege to closely study the custodians of the Gadaa system. As a native speaker of Afaan Oromo language, the Oromo terms, concepts and constructs are translated to make it understandable to the readers.

The overarching goal of this chapter is to introduce and clarify the pillars of the Gadaa. To accomplish this paramount objective, the initial sections focus on understanding the plethora of Oromo’s political philosophy and defining the Gadaa. Subsequently, the following section delves into two pivotal concepts – Gadaa grades and Gadaa classes – that serve as the system bedrock. Moreover, the changes and continuities in a relation to the functioning of the Gadaa across Oromia is discussed in the result and discussion section. In particular, it highlights the emergence of *Gumii Abbootii Gadaa* (Council of Gadaa Leaders) and its fates, the establishment of *Mana Murtii Aadaa* (customary courts) and its limitations, and the role of women in the Gadaa. The last section closes the chapter with brief concluding remarks.

1 The Oromo’s political philosophy

As a system of governance, the Gadaa is articulated in age-sets and class structure often accompanied by rites of passages. It has four main bodies: the executive (*adulaa*), legislative/general assembly (*caffee*), judiciary (*mana murtii aadaa or gaaddisa*) and religious leadership (*qaalluu*). Moreover, it can be compared with the consensual indigenous systems of governance found in ancient African countries such as Ghana, Uganda, South Africa and others. For instance, Helen Lauer (2007: 15) rightly said:

African primordial systems of governance are non-confrontational, non-competitive. They have developed since the origin of civilization itself, featuring very good notions of judicial process, third party arbitration, executive authority by council sanctioned by the impartiality of ancestral power, and consensual decision making fueled by the will to accommodate every view point via compromise rather than the will to dominate via the tyranny of the majority opinion.

Needless to say, the Gadaa is one of those primordial systems of governance that functioned well for millennia. It is rooted in the Oromo philosophy/wisdom/world view which is intertwined with the understanding of the cosmos and their place in it (Gemetchu and Kassam, 2018). In his book titled “*World Philosophy: an east west introduction*”, Gene Blocker writes:

In so far as each society or culture has its own idea of itself, its own conception of what is important in life, and its notions of what the world is like in general terms, there is a sense in which each society or culture can be said to have its own philosophy (or world view) (Blocker, 1999:2).

The Oromo’s understanding of the world and its environs rests on a precursor of consciously designing the course of human lives through an age-set system than leaving it to the mercy of the so-called destiny. The inventors of the Gadaa are conscious of the time and space dimensions, and the role of humans in it. “The Western thought the life cycle (which is bracketed by birth and death) time (which is well demarcated with mechanical devices and history (which is also mechanically recorded by chroniclers) are reasonably discrete phenomena” (Asmarom, 2006: 108). Therefore, the Gadaa is a life-long system where the life – time – history intersect (Asmarom, 2006).

According to the custodians of the Oromo tradition and knowledge system, the Gadaa is a component part of the holistic Oromo philosophy, and it is an outcome of deliberations that required significant time and energy (Gutema, 2023). It came out of a collective deliberation that functions with the conviction that society can [only] thrive in peace and harmony with proper institutions and the accompanying activity (Gutema, 2023). The Oromo believes that the God-given rules (*seera Waaqaa*) guides human-made laws (*seera namaa*). Rules of *Waaqaa* (God) are above human laws (*seera namaa*). The Oromo often state that “*Abbaan Heera Uumaa Waaqaa, Seeri Waaqaa Seera biyyaa immo’a*”, meaning “the author of natural law is God, God’s law prevails over national rules” (de Salviac 2005: 229).

The Gadaa has five cyclical political organizations that orderly succeeded each other every eight years in assuming political responsibilities. The Authority in power is headed by the president (*Abba Gadaa*). *Abba Gadaa* and his council change with the ruling group. The Gadaa General Assembly takes place under the sycamore tree (*Odaa*) once every eight years. This paper has benefited from diverse sources published on the Gadaa, complemented by ethnographic works conducted on the Borana and Guji people of the South Ethiopia. Currently, the Gadaa functions parallel to the state political institutions. Nevertheless, the Oromia Regional States’ attempts to accommodate the Gadaa customary court system (*mana murtii aadaa*), and the introduction of the Gadaa into the curriculum are commendable activities.

2 What is Gadaa?

There is no clear evidence to tell exactly when and how the Gadaa system started. However, it is certain that the prototype of the Gadaa system is rooted in ancient Cushitic peoples' civilizations in Northeast Africa. For instance, Verharen (2008) rightly suggested that the Gadaa and ancient Egyptian civilization can safely be compared as well.⁴ Hence, it can be stated that the Gadaa is an ancient black people's civilization that survived through this date through transformation, adaptations and adjustments.⁵

Tsegaye Gebre Medhin, one of the Ethiopian renowned poet and playwright excavated the etymology of the term “Gadaa” and described it as the amalgamation of two primordial terms: “Ka” and “Aadaa.” He posits that “Ka” was the ancient Cushitic people's name for the creator (*Uumaa* or God), and “Aadaa” refers to norms or rules. He argued that through time and usage, *Ka-daa* become *Ga-daa*, indicating that Gadaa is derivative of “God's norm” (Tsegaye, 1964). However, in terms of chronology, the term “gadaa” signifies an eight-year cycle wherein a Gadaa class holds authority (Asmarom, 1973: 81). That is, it denotes the duration of the sixth Gadaa grade, which each Gadaa class must go through once within a forty-year period. In this respect, Gadaa functions as a time-reckoning system. Events and histories are remembered according to the *Gadaa* group ruling at the time (Selina, 2011).

Nevertheless, etymologically and chronologically attempting to define the term Gadaa may not feature the full picture of the Gadaa structure. Professor Asmarom Legesse, an Eritrean born anthropologist deserves recognition and acknowledgement for his contribution to the Gadaa studies (Asmarom, 1973, 2006). Asmarom tried to define Gadaa as follows:

The Gadaa is a system of generation segments or gada classes that succeeded each other every eight years in assuming political, military, judicial, legislative and ritual responsibilities. Each active *gada* class – Gadaa Grades beyond the first three grades – has its own internal leadership (*adulaa*) and its own assembly (*ya'a*), but the leaders of the class become the leaders of the nation when their class comes to power in the middle of the life cycle – a stage of life called Gadaa among the Borana or luba among the central Oromo. The class in power is headed by Abba Gadaa in Borana, Abba Bokku elsewhere (Asmarom, 2006 quoted in Sirna, 2012: 56).

⁴ See: Verharen, C. (2008). Comparing Oromo and ancient Egyptian philosophy. *Journal of Oromo Studies*, 15(2), 1-32.

⁵ Although the Gadaa system has been significantly weakened under the Ethiopian imperial regimes, it has survived to this date and still functional in many areas across Oromia (for example, Borana, Guji, Karrayyuu, and other Oromo communities).

Nonetheless, Bonnie Holcomb, given Oromo name Qabane, describes the Gadaa as a “repository, a storehouse of concepts, values, beliefs and practices that are accessible to all Oromo” (1993: 4). In fact, Gadaa is everything for every culturally conscious Oromo person. It is a system that governs the life and works (*jiruufi jireenyaa*) of an Oromo person from birth to death (Melbaa, 1988). Hence, structurally speaking, the Gadaa is holistic, complex and well-organized structure that passes from generation to generation based on clear rules and guidelines. In this sense, Gadaa embodies the social, political, economic, cultural and military principles which most modern constitutions grapple with.

The pillars of the Gadaa

Several scholars have studied the Gadaa and described it as a complex socio-political system of Africa (Asmarom, 2006; Bassi, 1996; Baxter, 1978; Jalata, 2012; Leus 2006; Nikolas, 2010). The following core principles of the Gadaa structures can be discerned from the literature as well as the observation of the Gadaa practices among the Borana and Gujii communities in southern Ethiopia. It is important to note that the main Gadaa pillars are critical in forming consensual leadership, check and balance each other’s activities and build peace among the Oromo communities.

Gadaa cycle (mara Gadaa)

The Gadaa is a time conscious socio-political organization. Hence, the Gadaa is cyclical and yet open cyclical system. In principle, the Gadaa cycle is founded on 5 – 8 – 11 formulae. That is, 5 represents the five Gadaa classes, 8 represents the eight years of passage, and 11 represents the eleven Gadaa grades that each Oromo person is expected to pass through, from childhood (*dabballee*) to retirement (*gadamoojjii*) stage. Since the Gadaa cycle is often expressed as “*Afrutama Abbootii*” indicating that the father and son relation in assuming the Gadaa leadership is usually forty years (5 X 8) apart, because, one can only assume the Gadaa leadership at the age of forty. Whereas the distance between the son and grandson will be eighty years, and it is often referred to as “*Saddeettama Akaakayyuu*” (Ujulu, 2018).

A son to be initiated (with his peers and form a generation set) must be five Gadaa grades away from his father’s Gadaa set or class. That is, in principle, a son always enters the system exactly forty years (i.e. five Gadaa grades) behind the father. Hence the rightful son (*ilma kormaa*), what Leus Ton calls “elite children” that are born during “fatherhood” stage, is the one born when his father is

at fifth Gadaa grade, the Raba Gadaa grade (between 32-40 years) (Cerulli 1957; Asmarom 1973: 122).

It has to be understood that one Gadaa cycle refers to 40 years, i.e. five Gadaa classes ascending to leadership once in every eight years ($5 \times 8 = 40$). The ninth rounds of Gadaa cycle make full circle (360°) of the Gadaa cycle. That is, $9 \times 40 = 360$ years – and the Oromo calls this stage *jaatama*, as Gadaa reached the level of marginality and once again it rejuvenates itself (Gemetchu and Kassam, 2019). Just as the annual round marks, the end/begining of a year, so the great round (*jaatama* Gadaa) marks the end of an epoch or era, and initiates a new chapter in the collective Oromo history.

The five fundamentals (*yaayyaa shanan*)

The Oromo pentadic system of symbolic classification is an attempt to emulate this universal pattern at the cultural level. In the Borana expert knowledge traditions, the pentad is denoted by the phrase '*yaayyaa shanan*' (the five fundamentals or founders). According to Gemetchu and Kassam (2019) the term *yaayyaa* derived from the term *yaayyuu* – meaning to lay the foundation for or to be the foundation for. Moreover, the *Yaayyaa Shanan* also refers to the five legislators who founded the Gadaa, i.e. the five ancestral jurists. Traditionally, the names of these five legislators were: Yaayyaa Golloo Goboo (legislator of family laws), Yaayyaa Boruu Billo (legislator of succession laws), Yaayyaa Mana Leeqaa Jaarsoo (legislator of humanitarian laws), Yaayyaa Galle Aannoo (legislator of domestic animal rights), and Yaayyaa Baabboo Gaalessaa (legislator of the Oromo calendar and ritual system) (Benti, 2018).

The Gadaa grades or age-sets (*hariyaa*)

Age is one of the basic elements for age-group formation among different East African communities (Asmarom, 1973; Baxter, 1978). However, in principle, the Gadaa has eleven grades – each grade is regimented into eight years' span. The passage from one grade to the next is implemented through rites of passage. Moreover, in entering into the higher level grades, the Oromo individuals assume new responsibility. The diagram (Figure 2) indicates the order of the Gadaa grades – the left side from Daballee to Raabaa Doorii (0-40) represents the active Gadaa cycle; and the right side from Yuuba I to Gadamojjii (49-81) represents “the passive”

Gadaa cycle.⁶ Where the left side is incremental, the right side declines. For both, the Gadaa stage is the highest of all the Gadaa cycle – a stage where the Abbaa Gadaas rule their community.

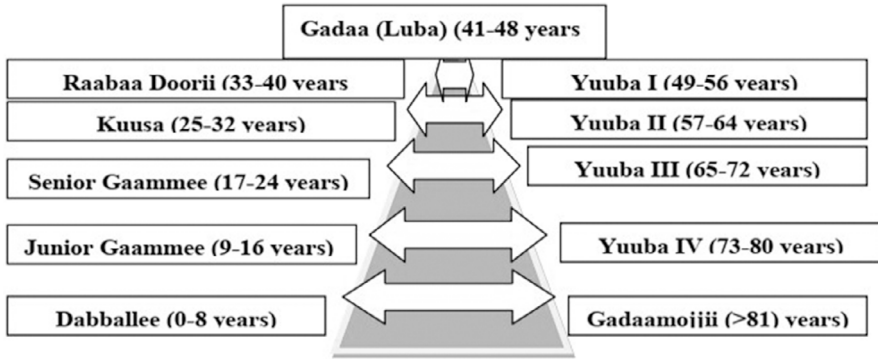


Figure 2: The Active and Passive Gadaa grades from early childhood and retirement stage (Teso et al (2016: 102).

The Gadaa generation-sets

Gadaa has not only age-set system, but also generation-set structure. Here, the concept of generation-set refers to the distance a son and his brothers would have from their father. In principle, a ‘right born’ (*ilmaan kormaa*) son is the one born when his father is at Raba Gadaa stage. A son born before the father reaches the Raba stage is known as ‘early born’ and he would have the opportunity of joining the right born sons, despite being older in terms of their age (Nikolas, 2010). Those who are born after the father crosses the Gadaa stages are known as “*ilmaan jaarsaa*”, and they would have the probability of joining the right born sons, despite being younger in terms of their ages. Therefore, there is high possibility to find right-born, late-born and early born individuals in one Gadaa age-set.

⁶ It is not the purpose of this chapter to delve into the intricacies of each Gadaa grades and give detail accounts. Hence, readers may refer Asmarom, 2006 and Sirna, 2012 for further understanding of the Gadaa grades and their respective roles.

The Gadaa classes (*Lubaa*)

Classes refer to the group of people who share the same status and who perform their rites of passage together. The concept of Gadaa class refers to the five Gadaa parties that assume political, social, economic, and military power once in eight years. The Gadaa class or Gadaa party is often referred to as the *Lubaa* among the Maccaa and Tulamaa Oromo, it is known as *gogeessaa* among the Borana, and it is called as *Muudana*, *Halchiisa*, *Harmufa*, *Michillee*, and *Roobalee*; nonetheless, all signifies the unity and plurality of the Gadaa parties. According to the Oromo worldview all the five Gadaa classes were established by divine will. The Oromo oral tradition holds that the five cyclic Gadaa classes are derived from five natural governments: “that of men or of reason (1); that of running water or progress (2); that of sheep or quietude (3); that of lion which represents strength and domination (4); that of vulture which presides over the spoil and quest (5) (De Salviac 2008 (1901): 222). The Oromo believe that “each Gadaa class in ascending to political power bring into all affairs the inclination, which is appropriate to it, that is, each Gadaa class leads the people according to its natural tendency” (Sirna, 2012: 62). It is then believed that the coming to power of each Gadaa class once within forty years (i.e. 5 X 8) consolidates not only Gadaa system but also contributes to the maintenance of good governance.

The Gadaa election

The election of the Gadaa leaders takes place at the time of the rite of passage of the senior *gaammee* to Kusa, i.e. between 24-32 years of age. The election process is known as *lallabaa*. To be nominated as a candidate as well as to be possibly elected, the Borana consider the following criteria:

- Personal qualities (skills such as courage, patience, open mindedness, reconciliatory and orator).
- Competence of the candidate among his peers and his knowledge (commitment for) of cultural values.
- Antecedents such as betrayal, fraudulence, untruthfulness and others preclude him from competing.
- Historical achievements of his forefathers (the more his forefathers had accomplished positive deeds to his people and to the Gada System; the more the candidate has high probability to be elected).
- The candidate must have a positive image before his own clan and other clans; and recommendation from religious institution (the *Qaalluu*) (Dirriibi 2011: 226; Asmarom 1973: 209).

Therefore, it is important to note that, the leaders of the Gadaa class who assume the power at the sixth Gadaa stage are elected when they reach the Kuusaa Gadaa stage. Hence, the future leaders had to wait for sixteen years to become ‘the leader of the people.’ Moreover, the competition will be not between Gadaa classes but within the Gadaa class – and hence, there is no conflicts between Gadaa classes – which is common to observe in the post-election human rights crises in many countries in Africa.

The Gadaa confederacies and moieties

Age-sets and Gadaa classes operate within the binary territorial and binary social structure known as confederacies and moieties, respectively. The Oromoland is naturally dissected by the Great East African Rift Valley the Oromo calls *fugug*.

The Oromo population that lives west of the Rift Valley are known as Boranaa/*Boro-anaa*, and those on the east side known as Barentu/*Barii-aantuu*. In turn, the Borana confederacy has two moieties: Tulamaa-Maccaa (1) and Raayyaa-Aseebuu (2); the Barentu confederacy has three moieties: Siikkoo-Mando (3), Sabboo-Goonaa (4), and Ittuu-Humbanna (5).

The Gadaa council (*adulaa*)

The Gadaa Council (*adulaa*) is a body of executive Gadaa leadership, and it consists of six members. The Gadaa embraces the government of many-heads than one head. Hence, the Gadaa council has six but equal leaders: 1 president, 2 vice-presidents, and 3 senior councilors (Asmarom 1973: 63). Any attack, be it physical, psychological or verbal on the Gadaa council is considered as an attack against the whole Oromo people. In the same way, any positive thing achievements of the Gadaa council is also regarded as the achievement of the whole Gadaa class and the whole Oromo community. It is important to note that, the six Gadaa council members live together and always expected to travel together – as a “mobile capital of the entire Gada class” for not less than twenty-four years (i.e. from the time of their election up to the end of their term office) (Asmarom 1973: 64). It is also important to note that the Gadaa council has auxiliaries – particularly designed to help the Gadaa administration. These officers are often known as *jaldhabaa* (executive officers) and *hayyuu garbaa* (junior officers). The total number of the officers would be nine, i.e. at least three for *jaldhabaa* and six for *hayyuu garbaa*. Their role is to “accompany the Gadaa counselors in their movement from place to place (for public services) across Borana, guarantee the smooth running of the

Gadaa Council's daily businesses, serve as agents of the Gadaa counselors especially in dealing with clan leaders and moiety representatives; and they look after the personal properties of the Gadaa counselors" (Asmarom, 2006; Sirna, 2012). One may be curious of the powers and functions of the Gadaa Council. It is the executive body of the Gadaa government. The Gadaa president (*Abbaa Gadaa fiixee*) presides over the Gadaa Council, and is the commander in chief (Sirna, 2012). The Gadaa council shall oversee the peace, security, and collective well-being of their community. Above all, the Gadaa Council is expected to protect and defend the Oromo culture and preside over the Gadaa general assembly.

The Gadaa general assembly (*caffee/yaa'a*)

The Gadaa general assembly is the highest legislative body of the Gadaa government. It is also a place of deliberation (*dubbii*) and legislation (*seeraa*). It sits once in eight years in the middle of the Gadaa Council term. Thus, as the highest legislative body, it has the mandate to review laws, question the Gadaa class in power and where it finds the Gadaa Council inefficient and corrupt, it may uproot (*buqqisuu*) them from the office. Since the ex-Gadaa leaders would continue to serve as the Gadaa general assembly members, the Gadaa Council in power reverses and obeys the Gadaa general assembly's decisions.

The Gadaa general assembly is often opened and closed with prayers. Asmarom reports the traditional blessing as follows: "praise to be God, who has brought us to gayo. May we fulfil His laws in peace; peace to the land, peace to the multitudes, peace to the Multitudes of *gayo*; let there be peace in our deliberation, let there be nothing but rain and peace" (Asmarom 1973: 94). It is important to reiterate that, the major Gadaa general assembly takes place once in eight years to proclaim, revise, amend, repeal and enact new laws for the whole Oromo community; and yet, depending on their peculiar socio-economic and cultural context, specific rules and procedures are allowed to be deliberated over and enacted in different parts of Oromia.

The Gadaa general assembly is known for its consensus building space, where any conflict that arises within the community and could not be settled at lower levels of Gadaa structure will be resolved at this stage. A verdict of the Gadaa general assembly is final, and yet until all parties reach a consensus the deliberation may take days and weeks.

The Gadaa judiciary (*Gaaddisa*)

The Gadaa justice system favors restorative justice, and the offenders will not be victimized – rather their criminal responsibility is born among his/her clan members. Therefore, the justice system promotes social cohesion without compromising individual needs. The Oromo believe that an Oromo offender(s) and/or victim(s) remain part and parcel of the community, and “even if conflict or a crime committed by a member of the community today, they know that they definitely want each other in near future” (Sirna, 2012). Hence, any civil and criminal matters are often “faturized” – and ultimately the conflicting parties will be made to shake hands through traditional rites known as *gumaa* (in criminal cases) and *jaarsummaa* (in civil cases). Imprisonment of offenders is alien to the Oromo culture, and the mode of punishment often takes the line of ostracism, shaming, banishing from the land, and compensating the family of the victim. In cases of murder, an offender and his relatives are often sanctioned to stay away from the family and relatives of the victim – until the *gumaa* ceremony is performed. Ultimately, the payment of the compensation for the victim’s family will also be shared among the clan members of the offender (Zelalem and Eshetu, 2019).

The Qaalluu (*religious institution*)

Qaalluu refers to the religious institution which functions as the spiritual symbol of the Oromo nation. Before the Oromo were subjected to the Abyssinian rule in the late 19th century, the *Qaalluu* institution had a leader known as *Abbaa Muuddaa* (father of anointing) – and his homestead was in Finfinnee/Addis Ababa. Where the Gadaa leaders assume political power for specific period of time, the *Qaalluu* leadership passes through succession and thus it is for life. Thus, where the Abba Gadaa actively engaged in political, military, social and other conflicts, the *Abbaa Qaalluu* abstains from such matters. The *Abbaa Qaalluu*’s fundamental role in the Gadaa is that when the *Abbaa Gadaas* assume the Gadaa power, they have to receive blessings and recognition from the *Abbaa Qaalluus* – without which the rites of power transfer would not be successful.

3 Results and discussion

The Gadaa is not simply a matter of the past – but it is the matter of the current and future generations. The Oromo and the Gadaa are inextricably linked – wherever the Oromo people live, there is Gadaa. Despite the internal-colonization and marginalization, the Gadaa endured to this date. Since the Oromo people could not be exterminated, the Gadaa survived. Three major developments took place in Oromia in a relation to the Gadaa: the establishment of *Gumii Abootii Gadaa* (the Council of Abbaa Gadaas), the introduction of Gadaa in the curriculum, and the establishment of *Mana Murtii Aadaa* (customary courts) across Oromia, among other things. These developments have twisted the traditional Gadaa and attempted to appropriate within the current politico-legal landscape. Nevertheless, the issue of Gadaa and the Oromo women participation into Gadaa leadership, the unwritten nature of the customary laws and its limitations remain the points of discussions.

The consortium of Gadaa leaders (*gamtaa abbootii Gadaa*)

The consortium of Gadaa Leaders was established in 2014 – constituting 250 members from across Oromia. Originally, the consortium was named as “Gumii Abootii Gadaa” (the Council of Abbaa Gadaas) and in 2019 it was changed to “Consortium of Abbaa Gadaas”. To change the nomenclature and replace the chair of the consortium, a meeting was held in Asalla. Nevertheless, some Gadaa leaders perceived that that development was meant to sow division among the Gadaa leaders for they had a plan to mediate the OLF (Oromo Liberation Front) with the government.⁷

In place of Abba Gadaa Bayyana, Abba Gadaa Jilo Mandho (2016-2024) was replaced, under the pretext that the head of the council term of office was over. Although it is understandable that the one who chairs the Consortium of Abba Gadaas shall be from the incumbent Gadaa leaders, the procedures through which the forum was convened, and finally closed was antithetical to the Oromo’s tradition of consensual democracy. Since then, the spirit of the unity of Abba Gadaas and their influence in Oromia and beyond remained insignificant. These days, the roles of Abba Gadaas have been reduced to appearing wherever the gov-

⁷ See: Abba Gadaa Bayyana Sanbato’s interview with BBC Afaan Oromo <https://www.bbc.com/afaanoromoo/oduu-48037893> (Accessed September, 2024).

ernment and non-governmental organizations call them and open the gatherings with blessings.⁸

One of the vulnerabilities of the Gadaa leadership, if not the system, is the leaders' susceptibility to cooptation and often trapped to the political elites' rhetoric. Hence, the public trust towards the Gadaa leaders has dwindled in recent times. For instance, in a negotiation between incumbent Ethiopian government (Abiy Ahmed administration) and the OLA (Oromo Liberation Army), the Abba Gadaas could not be taken seriously by the former and at the same time they could not win the confidence of the OLA. The abuse and misuse of the Gadaa negatively affects its capability to transform conflicts in a meaningful way.

Obviously, there was tension between the TPLF-led EPRDF (1991 to 2018), and after the establishment of Gumii Abbootii Gadaa in 2014, the council strived for change until 2019. It seems that the Government led by Prime Minister Abiy's Prosperity Party, choose to accommodate the customary courts and want to keep the executive Gadaa branch under check. It seems that the government wants the Gadaa executive branch (adulaa) to function under its instructions, and at the same time the people demand them to be the leaders of the people – and this fact seems to have pulled the Gadaa leaders from two sides. On the celebration of the Gadaa for its registration by UNESCO in 2016, as intangible cultural heritage, the ex-president of Ethiopia, Mulatu Teshome stated that “Gadaa and the government should work hand-in-hand”, and yet both seems to have drifted apart. One may recall the extra-judicial killings of sixteen Karrayyuu Abba Gadaas in December 2021.⁹ This event seems to have paralyzed the Gadaa leaders' hope and action for peace in Oromia and beyond.

Nevertheless, what has been done to the *Gaaddisa* (customary court) could be a good experience for the executive body to draw lessons from. The Oromia judiciary does not consider the establishment of the *Gaaddisa* as a competitor, rather it sees it as an accompanier and thus it gives full support for the success of *Gaaddisa*. For instance, in the process of establishing the *Gaaddisa* across Oromia (both at primary and appellate level), the Supreme Court of Oromia and the *Caffee*

⁸ Some even argue that the Abba Gadaas were co-opted by the government and thus they could serve the best interests of their society. However, this author differs from this positions. In a conversation with the Tulama Abba Gadaas and other Gadaa leaders, what I have learned is they are entangled between the fact that the one in power and the one fighting in the bushes are “their children” (Interview with Abba Gadaas, 2023). It is recalled that the extrajudicial killings of the Karayyuu Abba Gadaas might have

⁹ See: <https://addisstandard.com/news-members-of-karrayu-gadaa-leadership-killed-several-others-missing-amid-conflicting-narratives-in-east-showa-zone-oromia/> (Accessed in September, 2024).

Oromia have played indispensable role. However, it has become ‘abnormal’ to envision similar complementarity between the Oromia executive body and the Gadaa executive body. Thus, this chapter recommends that the distance the Supreme Court of Oromia has went to enact proclamations, regulations and directives to establish the customary court should be a major lesson for the Oromia executive branch.

Gadaa education

In 2020, the Gadaa education was introduced to the elementary school curricula (from grade 1 to 8). Moreover, the Gadaa course is being given to freshman students in universities and colleges across Oromia. The Gadaa course is meant to equip the students with the knowledge of Gadaa, understand the ethical duties that the Gadaa teaches and respect it as well. These days, there are plenty of Gadaa teachers and well-organized Gadaa textbooks were designed and published in a way that promotes the Oromo cultural values and institutions. Undeniably, this is a milestone development in the history of the Oromo people. In this respect, the decision of the Oromia Regional State and the efforts of the senior teachers and university professors in the development and implementation of the program has been extraordinary.

Moreover, the master’s and Ph.D. Degree in Gadaa Studies are being initiated in some Universities in Oromia. For example, Bule Hora University has launched master’s and Ph.D. program in Gadaa and Development Studies. Besides, Mettu University has launched Gadaa studies in MA program, and recently Salale University is also launching B.A Degree in Gadaa and Indigenous Knowledge Systems. Furthermore, almost all Universities in Oromia have active Oromo Cultural Studies centers or institutes that mainly concerned with the culture studies within their geographic reach. Although these developments are encouraging, the issue of Gadaa education quality and its implication on the behaviors of the Oromo nation remains to be seen.

The establishment of the customary courts (*mana murtii aadaa* or *Gaaddisa*)

The establishment of *Mana Murtii Aadaa* or *Gaaddisa* (*Customary Court*) is one aspect of the revitalization of the Gadaa. It is important to note that *Gaaddisa* is the mix of both the ‘modern’ and ‘customary’ court system. The *Gaaddisa* is established at the *kebele* level (the smallest unit of the local administration) and at district level

(as an appellate). The establishment of *Gaaddisa* has the backing of the Federal Democratic Republic of Ethiopia (FDRE) Constitution, i.e. Art 34(5) and Art 78(5) do not preclude the adjudication of the personal and property matters. The decision of establishing *Gaaddisa* is the milestone development in the country's politico-legal history. The *Gaaddisa* was established with the Proclamation No. 240/2021 and followed with the Regul. No. 10/2021. The *Gaaddisa* bench has to be presided over by five *Gaaddisa* judges – two among them must be woman and secretary. The very purpose of the establishment of *Gaaddisa* across Oromia is “to support the growth and enrichment of cultures that are compatible with fundamental and human rights, democracy and the provisions of the Constitution” (Preamble of the proclamation no. 240/2021). Moreover, it is to increase access to justice through simple and flexible procedures, and strengthen the social cohesion through restorative justice rooted in the culture of the local people.

The Proclamation No. 240/2021 Art. 2(12) and Regulation No. 10/2011 Ar. 2(7) define customary court as “a court established to adjudicate disputes based on customary laws or a customary institution given recognition.” For the *Gaaddisa* to accept and entertain cases presented to it, it shall make sure that both parties (especially the defendant) accept the customary court jurisdiction. This requirement stems from the clear principle of the FDRE Constitution Art. 34(5) which reads “this Constitution shall not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, *with the consent of the parties* to the dispute. Particulars shall be determined by law” (italics added). Following the footstep of this constitutional standard, Proclamation 240/2021 clearly stipulates in its preamble “that parties to a dispute may consent to the resolution of their case by Customary Courts established and recognized in accordance with the regional Constitution.” Moreover, Art. 8(2) of the Proclamation reads “The Customary Court may assume jurisdiction *only* if the disputing parties give their consent.” In the same manner, Art. 25(2 and 3) reads:

The defendant who appeared after the summon is duly served upon him shall be asked his consent to verify whether he desires his case be adjudicated by a Customary Court before letting him present his statement of defense. A plaintiff or a defendant who gave his consent to the jurisdiction of the Customary Court may not revoke it.

Therefore, it is obvious that the consent of both the plaintiff and defendants are required for the *Gaddisa* assume jurisdiction over the cases. Nevertheless, it is common to hear arguments from the customary court judges that the “principle of consent” shall be waived or repealed so that the *Gaaddisa* shall have unconditioned jurisdiction over cases presented to it. This is a constitutional requirement and unless it is amended, the requirement of consent remains intact.

It is important to reiterate that in adjudicating cases the customary courts rely on customary laws. Although customary laws are known to the customary law specialists (Gadaa councilors), it is not obvious to the general community whose conduct it regulates.

Thus, the unwritten nature of customary laws makes the outcome of the customary court cases unpredictable. Moreover, it is also not obvious to the lawyers who had to advise their clients. One may argue that this would not be a problem since the Proclamation No. 240/2021 Art. 27(15) stipulates that “No party may be represented by legal attorney on any case proceeding before the Customary Court.” Nevertheless, the customary court cases will inevitably reach the regular courts through appeal procedure, and in such circumstances the regular court judges and lawyers will eventually grapple with the decisions of customary courts (which of course relied on customary laws). The indeterminacy of the customary laws may not only have an implication for the community of the regular courts, but it will also pose challenges to the customary court community. Because, Oromia covers large territory, diverse customary practices and at the same time people from different ethnic background live in it. Hence, the diversity and complexity of the local customs and practices poses the issue of uniformity and predictability in decisions of customary courts. Restatement or codification of customary law principles and procedures may help to alleviate the problem of legal indeterminacy and uncertainty of adjudication. The main problem with this line of thought is that it has a tendency of rigidifying or fossilizing the customary rules. Moreover, it may negate the dynamic nature of customary law and its continuous adaptation to new developments. The right approach to address this paradox may be the organization of customary court decisions and selectively publish them. In the long term, the customary court judgments (volume after volume) will eventually develop into binding rules for all customary courts across Oromia.

Gadaa and the women

The Gadaa is often criticized for the exclusion of the Oromo women from the Gadaa leadership (Asmarom, 2006). In defense to these critics, some attempt to argue that the Gadaa promotes the rights of Oromo women through the *Siinqee*, *Ateetee*, *Rakoo* and plenty of the other institutions (Kumsa, 1997; Hussein, 2004; Ostebo, 2009; Debsu, 2009). It is undeniable fact that there are several women institutions that are exclusive to Oromo men. And yet, it does not mean that the Gadaa takes the Oromo women into its structures. Denial does not help, understanding and taking action to make the Gadaa a system that gives equal opportunity for Oromo boys and girls to be introduced to the Gadaa structures. In the

twenty-first century, every Oromo parents would wish to see their daughters and sons to be the Gadaa councilors, Gadaa leaders, and others. This would require the transformation of the Gadaa principles and praxis in a way that fits into the current and future generations.

Conclusion

The essence of Oromo life and existence, known as (*“jiruufi jireenya”*) finds its very foundation in the intricacies of the Gadaa. This ancient system governs the political, economic, social, cultural, and religious spheres of Oromo society. Through its structure, the Gadaa government organizes Oromo people into generation-sets, age-sets, assemblies, and councils, creating a framework that reflects the collective wisdom and tradition of the Oromo people. Thus, it can have rightly concluded “Oromo people created Gadaa, and Gadaa created the Oromo nation” (Asmarom, 2006: 116).

However, as discussed in this chapter, the introduction of the council of Abba Gadaas, the establishment of customary courts across Oromia, and the introduction of Gadaa education into the elementary curriculum are the milestone changes. However, these new developments are not without challenges. For instance, the friction between the council of Abba Gadaas and the political leaders of the Ethiopian government; the unwritten nature of the customary laws and its implication on the certainty of the customary court adjudications; and the limited role of women in the Gadaa.

Lastly, but not the least, it is often questioned whether the Gadaa could be adapted to the contemporary political system. Sirna has analyzed meticulously and positively approved that the Gadaa could be utilized in XXI century (Sirna, 2018). The introduction of the customary courts across Oromia is a good lesson for the other branches of the government – to realize that whether it is formal or informal, endogenous or modern – all are meant for efficiently serving the people. In this regard, the democratization of the state executive branch, and opening political space that allows the Gadaa leaders from across Oromia may once again create a space for dialogue. The author recommends that the State of Oromia should undertake rigorous studies on how the Gadaa could be used and amend its Constitution accordingly. Following this, the proclamation for the establishment of the Gadaa Council (detailing its powers and functions) shall be enacted.

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**Part II: Experiences of revitalization
of endogenous governance practices
in Africa and the diaspora**

David Sebudubudu

Chapter 7

Revisiting Botswana's endogenous system of governance: is it a source of political stability?

Introduction

This chapter offers a critical account of Botswana's innovative and distinctive endogenous governance system that has been integrated in the state system. This system has been made to complement the modern governance system, and this unique Tswana endogenous system of governance, has been sustained since the country's self-rule 58 years ago in 1966, without interruption. It is not only considered a pillar of the country's governance system, but it is central to its process of consultation and consensus building. Botswana's governance system integrates endogenous and modern systems of governance, which renders it peculiar – compared to countries that ditched endogenous systems of governance at independence. It is the retention of Tswana specific practices that render it dissimilar. Although Botswana has since independence functioned as a parliamentary democracy, the country did not embrace a pure British parliamentary democracy. The country modified the British system, and assumed a mixed system of governance that was designed to suit local conditions, but accentuated towards representative democracy. This system has been sustained to date. Thus, this chapter argues that it is the fusion of the endogenous system of governance and the western liberal democracy that has played a critical role in shaping and influencing the country's system of democracy and its governance features that sought to promote participation, consensus building, and consequently self-preservation of the state. It is further argued that this endogenous system has contributed to the country's relative political stability and associated political culture. We further contend and conclude that Botswana's democratic governance that has integrated two opposing values (endogenous and modern) has aborted because of the endogenous system of governance. It has aborted because it has stagnated and failed to grow to meet demands of a highly demanding, educated and urbanizing population especially women and youth, and language, ethnic and cultural minorities.

Until the early 1990s, governance was usually taken for granted. Since then there is a plethora of research that suggests a positive relationship between governance and successful economic development (Kaufmann, Kraay and Zoido-

Lobaton 1999; Kelechi, Maiangwa and Peter 2019). A World Bank study entitled ‘Governance Matters’ by Kaufmann, Kraay and Zoido-Lobaton (1999: 1) declared that “there is a strong causal relationship from good governance to better development outcomes such as higher per capita incomes, lower infant mortality, and higher literacy”. Kelechi, Maiangwa and Peter (2019: 634) postulate that governance has steadily “become a major concern for the success of any development initiative”. Simply put, it is difficult for any country to contemplate positive development without first ensuring that better governance is in place. Kaufmann, Kraay and Zoido-Lobaton (1999: 1) offered a sufficiently wide definition of governance when they said “as the traditions and institutions by which authority in a country is exercised”, and these involve the following: “(1) the process by which governments, are selected, monitored and replaced, (2) the capacity of the government to effectively formulate and implement sound policies, and (3) the respect of citizens and the state for the institutions that govern economic and social interactions among them”. This chapter adopts this definition as it captures the essential facets of governance.

Despite, the evident utility of governance in facilitating development, Africa, has in the main, been bedeviled by political instability and disorder, arising out of a crisis of governance (Animashaun 2009). Towah (2019: 1) affirmed that “In Africa, good governance has been quite elusive and attaining sustainable development has remained a mirage”. In Africa, the effects of bad governance were quite evident in countries that were sufficiently endowed with natural resources such as minerals and oil yet today these countries are still struggling to take-off. Take for instance Nigeria and the Democratic Republic of the Congo (DRC). Kelechi, Maiangwa and Peter (2019: 641) stated that Africa was “endowed with human and material resources that are capable of improving socio-economic status and living standards of the people. The inability of African leaders to harness the nation’s vast resources and reserves towards socio-economic development continuously calls to question the composition of the fabric of governance in Africa”. In fact, bad governance including poor leadership has been a major contributor to Africa’s developmental morass, which calls for a need to review its governance structures that are dominated by a powerful and unaccountable executive. There is extensive literature that supports this line of thought, which was telling on the nature of governance that prevailed in most African countries, devoid of accountability, transparency and rule of law.

This chapter does not intend to revisit that debate as there is sufficient literature that advances the importance of governance to development, and why African countries have generally failed to ensure economic transformation despite abundance of resources, owing to bad governance. Having said this, this chapter considers Botswana’s endogenous system of governance. It unravels the opportu-

nities, experiences and the challenges it faces and possible lessons it could offer other countries in Africa and other continents.

1 Botswana's distinctive system of governance – a modified and diluted democracy

Botswana offers an interesting and distinctive experience of a democracy – that has attracted an interest of observers and analysts alike. As much as it functioned as a British Protectorate for an extended period from 1885, before it attained self-rule in 1966, the Botswana model of democracy departed from the Westminster system of government in terms of structure and functions. Holm (1987: 21) postulated that “the [Botswana] government structure varies from the Westminster model in that all executive power is vested in the president. The cabinet advises the president while the president has an obligation only to consult with the cabinet”. Sebudubudu (2017) affirms that Botswana did not introduce a pure British parliamentary system despite its historical relations as a former colony of Britain. Rather, the country modified the British parliamentary system to accommodate its peculiar circumstances (Sebudubudu 2017). In short, it is beyond doubt that the Botswana's system of democracy departed from that of Britain, and this has been fairly documented in the literature.

In terms of the Botswana system, the president derives considerable power(s) from the country's independence Constitution, as provided for in terms of Section 47 of the Constitution. It could be that the decision to concentrate power on the president was possibly influenced by the state of underdevelopment at the time or was in line with the general trend in the continent where power revolved around the president or even the party in power in some countries – with the belief it would aide or achieve development. This clustering/concentration of power on the presidency is consistent with pre-colonial Tswana states that condensed power and authority on one leader, especially chiefs who reigned during that time. Maundeni (2002: 123) states that historically “the long Tswana state tradition of concentrating power on an executive leader who surrounded himself with disciplined people”, influenced the design of the Constitution of the ruling, the Botswana Democratic Party (BDP), which won the country's first pre-independence elections in 1965, and has been in power since then. Maundeni (2002: 116) avers that this pre-colonial Tswana culture facilitated the primacy of the state “in the process of economic accumulation, regarded economic accumulation as a worthy function, and fused the state and economic owning class. The Tswana chieftaincy was the trunk from which new leaves sprouted. It was the wide, milk-pail, and breast of the na-

tion". Put differently, "Tswana state culture and traditions emphasized the intimacy of political and economic elites in which the state was the senior partner" (Maundeni 2002: 117). To this extent, this system made chiefs central pillars of the ancient Tswana political culture "as controllers of economic resources – over long term, mainly land, labour, and cattle – and became individual accumulators of wealth (Maundeni 2002: 116 quoting Good 1992). As a result, they commanded considerable influence, power (economic and political) and a significant following, using the kgotla (traditional assembly) social structure to direct and shape proceedings. Under the ancient Tswana state, Molutsi and Holm (1990: 326) asserted that the kgotla was structured and directed in the following ways:

The chief set the agenda. Before the meeting, he discussed the items to be considered with his close relatives and a council of headmen. Both advisory groups would, if at all possible, come to a consensus on the decision to be adopted. When the chief then convened the assembly, the first and most prestigious speakers would be the same advisors. The result was that by the time others spoke, the position of those with the authority was clear. Opposition was bound to be cautious, if there was any at all. At best, the kgotla served to warn the chief that an action he was contemplating would so infuriate his subjects that political necessity demanded a more palatable alternative. For the most part, however, the kgotla was a vehicle to mobilize public support for decisions already made by the community's political elite. Ordinary citizens were left largely outside the struggles determining policies.

This is telling on how the kgotla institution was historically structured and functioned, and has been sustained as an unequal social structure. This suggests that the outcome and position of the meeting was, in the main, predetermined even before the kgotla meeting took place, by those close to the chief. Therefore, it could be argued that the actual meeting was meant to legitimize the position of the chief, his headmen and advisors – giving rise to an appearance / semblance of participation in decision making by the community yet the actual decision makers were the chief and his associates. According to Ngwenya and Kgathi (2011) the kgotla is used to realize a consensus on community projects/programmes, to deliberate, exchange and seek views from the community, to apprise, as a judicial structure and for the community to express divergent views and come to an understanding. The foregoing roles advanced by Ngwenya and Kgathi (2011) defined the parameters of state-citizen interaction at the kgotla. As a result, the kgotla and Tswana political culture became the basis and context under which Botswana's post-colonial state was built and shaped, under which the chief continued to play a critical part as a gatekeeper in the governance of the country thus facilitate and sustain the 'dominant position of the state in the policy making process . . .' and this is aided by a political culture that discourages 'resistance to a political authority' (Molutsi and Holm 1990: 329). In essence, the kgotla institution functions in a

way that mutes or minimizes criticism against the state as it is an insulated structure and thus conceals the inherent inequalities of the Botswana system.

Since it attained self-rule, the country operates a modified and diluted democracy that is founded on and influenced by its traditional (endogenous) system of governance because its governance system espouses both traditional and modern values. The nature of its governance system renders it dissimilar. Its democracy has been based on a political culture of participation, building consensus, and in turn promotes stability, as we demonstrate below. Sebudubudu (2017: xix) posits that “Botswana’s democracy ensured a blending of modern and traditional institutions but with greater emphasis on the features of a modern representative democracy”, thus making it a hybrid system of governance. Although the integration of endogenous aspects (traditional institutions) in the state system hence a foundation of the country’s democracy renders it innovative and unique, the endogenous system made its democratic governance abort because it was intrinsically deficient and thus failed to reform to higher levels of participation by women, youth and minority ethnic groups and disadvantaged sections of Botswana society. To this extent, this sustained the hidden inequalities that threaten the stability of this system as historically disadvantaged sections of society are making demands, and thus putting pressure on it. We note that the Botswana system of governance presents the contradiction between the modern multiparty system of democracy based on confrontation of ideas and political programmes, and the endogenous system of consensus building as represented by the Kgotla which is supposed to facilitate consensus and harmony. How this endogenous system works is explained below.

2 Endogenous system as an instrument of participation, consensus building and stability

Botswana’s endogenous system especially the Kgotla and Ntlo ya Dikgosi, and associated political culture have been a fundamental anchor and pillar of its democratic governance system. This is supported by Molutsi and Holm (1990: 325) who observed that “Botswana’s politicians claim that their country’s parliamentary democracy is founded on traditional political structures, most particularly the kgotla”. In fact, its endogenous system has been at the core of its democracy, a clear demonstration that Botswana’s post-colonial state evolved out of the ancient Tswana state. Having appreciated the role of the kgotla and Tswana traditions and culture played

during the pre-colonial period, the new elites that assumed power under the post-colonial state decided to sustain the Kgotla institution and bogosi (chieftainship) and its tradition and culture. Building on the work of Schapera (1970), Molutsi and Holm (1990: 325) locate the origins of the Kgotla to around the early nineteenth century, and opined that the kgotla was a gathering place of adult males to consider issues raised by the chief or a local headman in the case of the subdivisions ethnic group. Women were largely excluded, and younger males (30 or below) and minority groups which did not have commoner status were not expected to contribute to the discussion.

In the main, the Kgotla continued to function as it did during the earlier period, but with the powers of the chiefs diminished and transferred to modern institutions such as the power to preside over and allocate land, which was transferred to land board authorities. However, the new state was strategic in reducing or taking away some of the critical powers the chiefs used to command because they were accorded some figurative roles in return, as a way not to antagonize them. Maundeni (2002: 125) postulates that “the BDP state set up modernizing institutions such as parliament, cabinet, land boards, town and district councils and village development committees that supplanted the chiefs. So that the supplanting of chiefly institutions would not alienate the old Tswana state elites, the [chiefs were made] ex-officio members of local institutions by virtue of their office as chiefs. They were appointed to the chairmanship of these local institutions which were wholly composed of modernizing politicians and officials”. Good and Taylor (2008: 756) affirmed this when they argued that “while traditional elites were seemingly incorporated into state structures in independent Botswana, the potency of their new found roles was profoundly circumscribed. This meant both that potential opposition to the new government was dissolved and a potential site of alternative power removed”. This clearly suggests that the roles of the chiefs were carefully crafted under the new state, thus reducing their control and dominance. In short, the chiefs were systematically but less antagonistically reduced to figurative leaders under the new state. This co-option and coercion strategy was seen by one or two stronger chiefs like Bathoen II and Linchwe II who decided to resist it. As Good and Taylor (2008: 755–756) put it “chiefly threat to the new state’s legitimacy was nipped in the bud: the Chieftaincy Act of 1965 meant that power was granted to the president to recognize a traditional leader, making all chiefs subordinate to the central government”. However, some chiefs, especially youthful chiefs, that had been exposed to modern values have over the years decried the decision to take away the powers of chiefs and reducing them to the role of a civil servant (De Jager and Sebudubudu 2017). Chiefs who did not toe the line were suspended from their positions, risked losing their positions or were derecognized by the state. This strategy seems to

have worked in favour of the state as only a handful of chiefs presented some resistance, with limited success. Some chiefs quit their positions for politics.

Owing to the nature of the post-colonial state that evolved out of the ancient Tswana state, the endogenous system was sustained and accorded a figurative role to ensure stability. This was possible because the BDP which ultimately won elections in 1965, and the subsequent ones that followed every five years, was perceived as accommodative to the chiefs while other parties such as the Botswana Peoples Party (BPP) with strong anti-colonialism, anti-racism and anti-traditional authorities' overtones, were considered as radical and anti-chiefs. Consequently, "the old and new Tswana elites were in full command in pre- and post-protectorate Botswana, . . ." and the BDP, largely because of its royal leadership of Seretse Khama and a number of other aristocratic elements from other communities, was regarded "as the party of chiefs and therefore the rightful inheritor of their legitimacy and institutions" (Maundeni 2002: 125). With chiefs transformed into agents of the government under the new state, the new leaders (political) ruled with confidence as the political opposition was very weak, and the way the Kgotla institution was structured and functioned contributed to a weak opposition as the Kgotla was declared a place to discuss development and not politics – thus excluding the opposition from addressing the Kgotla save for when they were elected as members of parliament or council. To this extent the opposition was excluded from the kgotla.

Under the new arrangement, chiefs became facilitators of development as opposed to obstructers by presiding over the Kgotla institution, which has become the pillar of the country's development process and governance system – owing to the role it plays in state-citizen interaction. Yet this endogenous system was intrinsically deficient in that it was characterized and sustained by patronage, gerontocracy and patriarchy. These three aspects have manifested themselves in patronage of the modern state, dominance and exclusion of the youth and gender inequality in politics and the economy. These aspects potentially present major challenges to the stability of Botswana's democracy today. It is therefore critical that the system is reformed to take it out of the abortive state in order to make it more accommodative and relevant.

Interestingly, the Kgotla was also declared a neutral and/or non-partisan place where politics was prohibited. The Kgotla, through the chief, acts as a gate-keeper. It was made a forum for consultation, "public participation" and consensus building mainly by politicians (President, Ministers, Members of parliament and councilors) and civil servants in matters of development and other issues of national importance with the chief presiding over. This arrangement has been sustained to date with the government recognizing the role of chiefs in governance but with limited powers to decision making or even with regard to court

fines to cases tried under customary law by chiefs. In short, chiefs were made government advisors, and the government has consistently deferred to chiefs on matters of tradition and culture – through the institution of Ntlo ya Dikgosi (the House of Chiefs) – demonstrating that the modern state has been accommodative to chiefs and defined the parameters for them within which to function – and actions have been meted to chiefs who refused to cooperate i.e. Kgosi Sediegeng Kgamane in Serowe in 2022, and others in the past. In this sense, the kgotla institution became a revered/sacred place, where the country's new democracy culture was anchored. Holm (1987: 23) was categorical that: “. . . traditional Tswana political norms have greatly facilitated the BDP's democracy. The BDP has been most assiduous in preserving the tradition of the kgotla, a community meeting in front of the chief's or headman's residence and presided over by him. Traditionally, these leaders did not make major decisions without consulting the kgotla and, if possible, achieving a consensus”. Evidently, a semblance of consultation has been the foundation of this endogenous system. The BDP government has steadfastly held on to this tradition and practice, thus endearing itself to chiefs. Holm (1987: 24) asserts that “the BDP has, if anything, amplified on this tradition in that government officials – both civil servants and politicians – discuss all new policies with the local community in kgotla before any local implementation. They also seek a consensus behind their proposals. If one does not emerge, the program is likely to be reformulated or sometimes terminated”. Thus, it was improbable in terms of Tswana traditions and values to initiate projects and policies without the involvement and support of the community. It is in this context that Lekorwe (1989: 213) considers it as a tool for “two-way communication”. Even new leaders got accustomed to these traditions and values, which play a critical role in shaping and influencing the country's system of governance. This assured political stability for the system.

However, some scholars see and interpret things differently. Molutsi and Holm (1990) suggest that the kgotla is not a two-way but it is used as a one-way communication process to dominate political communications. They contend that one of the ways this dominance is evident is at the kgotla social structure that “is now used primarily for explaining government policies. In so far as kgotla participants criticize government programmes, they are required to do so in a non-partisan manner. This means that activists cannot organize who comes and who speaks in kgotla” (Molutsi and Holm 1990: 28). As an insulated social structure, we contend that the kgotla gives rise to a semblance of ‘two-way communication’ because in the main it is only the chief and his advisers who dominate and influence the participants to say what has been predetermined – evident of the embedded inequalities hidden in the system. The other way the state constricts political communication is through state media (Molutsi and Holm 1990: 28),

which is under tight government control. Furthermore, as much as the kgotla is considered as a useful instrument of communication, there are inherent inequalities associated with this endogenous system. For instance, women and youth have a limited role in the kgotla. This is supported by Somolekae (1998: 5) who noted that historically “participation at the kgotla was limited to elderly males from the tribe. Women, the youth, and people from the dominated tribes such as the Basarwa were not allowed to participate”. Although Somolekae (1998: 6) posits that those that were traditionally kept out from taking part in the kgotla discussions “such as members of enslaved tribes, women, and the youth are now allowed to participate”, inequalities in relation to sections of the population such as women and youth are still evident. This is affirmed by Ngwenya and Kgathi (2011: 249) who noted that as much as the kgotla is considered as a critical social structure of participatory governance, “participation is still determined by several factors such as gender, location, socio-economic status and individual agency”. This suggests that despite a positive role played by the kgotla structure (traditional institutions) in the country's nascent democratic process, this is a democracy founded on an unequal social structure that perpetuates inequalities as it is defined by gerontocracy, patriarchy, and patronage. These elements have prevented a reform of the system and where reforms were introduced, as in 2005, they were superficial and failed to address these core elements that render the system unequal.

The 2005 constitutional amendment expanded the size of Ntlo ya Dikgosi (the House of Chiefs) up to 35 members in terms of section 77 of the Constitution (Constitution of Botswana, 1966), in an effort to address concerns of inequality and discrimination particularly against minorities. Ntlo ya Dikgosi has been a critical institution of Botswana's mixed system of governance whose role is advisory to the National Assembly, especially on customary matters (tradition and culture), and its functions are as defined by section 85 of the Constitution. Although the size of Ntlo ya Dikgosi has been enlarged, concerns of inequality remain as some Dikgosi/chiefs still enjoy automatic entry while selected and/or appointed to Ntlo ya Dikgosi. Despite sustained challenges of inequality and discrimination against certain communities and their chiefs, the government has accorded chiefs a symbolic recognition and status even though they enjoy limited powers and roles.

A democratic system provides for accountability and transparency in running the affairs of a country. In Botswana, despite being a source of participation, consensus building and promoting stability, the country's endogenous system appear to manifest traits that were considered to be consistent with a democratic system – but it is used to rubber stamp government policies and programmes because the system is devoid of genuine consultation. Holm (1987: 24) posits that “Tswana values of public discussion, community consensus, non-violence, and

moderation are critical elements of a democratic political culture”, which in a way made up “for a lack of rigorous support for the legal rights of speech and press . . .”. Holm (1987) adds that the Tswana culture when compared to many in Africa was incompatible to violence. Thus he notes that in terms of Tswana culture “they commemorate the virtues of propriety, tranquility and a peaceful approach to interpersonal relations. The peacemaker, the wise man of words, and the conciliator are as likely candidates for herodom as the warrior . . . physical and verbal aggression . . . is sanctioned in very few contexts in current communal life”. Similarly, Maundeni (2004: 622) observed that Tswana political culture promotes ‘dialogue instead of confrontation with government’, and “street encounters and violent clashes are rejected in preference of mutual public criticism in meetings and conferences such as kgotla”. This does not suggest that violence does not erupts in some instances (Maundeni 2004). This clearly shows that Tswana culture rarely accommodates violence or extreme ideas. This is supported by Sebudubudu and Osei-Hwedie (2006: 44) who observed that the kgotla “complements modern democracy . . . with its openness and democratic customs”. On the face of it, this gives an appearance of a functioning democracy yet a closer assessment of its system reveals a number of deficiencies for it to warrant being considered as a real democracy. Having said this, the next section considers how the kgotla functions as an instrument of self-preservation.

3 The Kgotla structure as an instrument of self-preservation

In addition to being perceived as an instrument of participation, consensus-building and stability of the political system, the kgotla and the attendant Tswana culture has been used as an instrument of self-preservation by the government. In other words, it has been largely used to preserve the status quo, thus beneficial to the BDP government, much to the disadvantage of the opposition parties. This has been possible because the BDP has been regarded “as the party of chiefs and therefore the inheritor of their legitimacy and institutions” (Maundeni 2002: 125). This is in part because of the way it has been structured and functioned, and this has to be sanctioned by the chief of the area. The kgotla has been formulated as a non-partisan structure where matters of development and national importance were discussed, and not debated. According to Lekorwe (1989: 219) “the kgotla is supposed to be non-partisan in the sense that the participants are not to identify themselves as members of a party or present issues in a partisan manner. People are expected to focus on issues and discuss them with reference to community

concerns. Even elected officials avoid partisan attacks in the kgotla. Positions must be presented without reference to a party". In small societies such as Botswana's where people generally know each other, this was probably a positive decision, for the kgotla to facilitate rather than obstruct development. However, the kgotla is open to abuse. For instance, the opposition criticized President Mokgweetsi Masisi and his ministers for debasing the kgotla (i.e. in Ramotswa) where he was considered to have been talked politics or used the kgotla to campaign for his party in the build-up to/for the 2019 elections (The Botswana Guardian, October 2019; The Patriot on Sunday, January 2021). Former President Ian Khama has also been criticized for talking politics at the kgotla (i.e. in Kanye) (The Patriot on Sunday, January 2021). The kgotla is considered a sacred place where politics is disallowed.

The decision to make the kgotla traditional assembly non-partisan was strategic but had unintended outcomes. It could be that those who took this decision were well aware of what they intended to achieve. First, in terms of this decision, there are a limited number of officials who could address a kgotla meeting, with the chief presiding over. These are the president, ministers, members of parliament, councilors, and civil servants. Automatically, the majority of people were excluded from addressing the kgotla, including opposition politicians. Opposition members can only address a kgotla meeting if they were members of parliament or they were councilors. Sebudubudu and Osei-Hwedie (2006: 44) observed that "it is the ministers who use the kgotla frequently as they are the policy initiators". This automatically places the BDP ahead of the opposition. It is in this context that Molomo (2003) cautioned that kgotla was dominated by the BDP as a structure of consultation and this discouraged condemnation or disapproval of BDP policies and programmes. Secondly, as the kgotla has been declared as a place where development matters or issues of community or national importance were discussed, by addressing a kgotla meeting an opposition member of parliament and councilor automatically advances the policies of the government and by extension those of the ruling party. Thus by winning elections, an opposition member of parliament or councilor automatically becomes an agent to the government and the ruling party. Thirdly, it is improbable to separate issues of development from politics because development was political. It is in this context that Sebudubudu and Botlhomilwe (2013) opined that the Tswana culture has facilitated the sustained dominance of the BDP and in turn the fragility of the opposition parties, as there are a number of factors that aid the ruling BDP supremacy, and much to the disadvantage of the opposition parties.

As much as the Kgotla institution and Tswana culture promote self-restraint and tolerance in public discussions, they also facilitate preservation of the status quo as they encourage yielding or submitting to another's judgment out of respect

or reverence. Maundeni (2004: 622/624) called this “mutual public criticism’ or “mutual public interaction”. In addition, the Tswana culture discourages being critical of authority and those who are critical are not welcome and earn public rebuke as being disrespectful and uncultured. In short, the Tswana culture attaches special value to “deference and submissiveness to authority in decision-making” (De Jager, and Sebudubudu 2017). Thus, any suggestions that seek to change or challenge the status quo are viewed with suspicion, condemned, and are not welcome. To this extent, chiefs play a critical role as “the keepers of tradition for many and legitimizers of change for government”.

Despite playing a critical part in complementing and contributing to the sustenance of the country’s deviant democracy, Botswana’s endogenous system manifests some shortcomings. Some elements of the Tswana culture and the kgotla institution are considered undemocratic. Holm (1987: 26) cautions that “traditional political structures at the tribal level were highly authoritarian”. Equally, Sebudubudu and Osei-Hwedie (2006: 44) identified some flaws in the kgotla institution. For instance, they noted that some of the challenges it faces were “dwindling attendance, failure to listen to community’s views and respond to people’s complaints, the predominance of males as speakers at kgotla meetings and the silence of females or more appropriately the reluctance by women to participate, and actively centralized decision making”. This suggests that as much as the country’s endogenous system promotes public discussion, public discussion is guided and managed so that a desired outcome is always realized. This gives rise to a semblance of participation in decision making for the community and an appearance of a functioning democracy yet the intention was to preserve the status quo; a clear indication that the country’s political culture underpins its governance system.

Conclusion

This chapter has offered a critical account of Botswana’s endogenous governance system that has been integrated in the state system and thus played a central part in sustaining the relative stability of the Botswana state but in turn contributed to the stagnation of the country’s democracy. This is a system that is pregnant with contradictions as the modern multiparty system of democracy is based on a confrontation of ideas and political programmes while the endogenous system as represented by the Kgotla is based on consensus building – which makes the system susceptible to conflict. Botswana’s democracy is accentuated towards a modern system yet it uses endogenous institutions to meet demands of a changing / con-

temporary society. These institutions were created to serve a particular socio-cultural and historical context – yet the contemporary society has different expectations. This endogenous system has been made to complement the modern governance system, and a Tswana endogenous system of governance has been kept since the country's self-rule 58 years ago in 1966. Botswana's governance system integrates endogenous and modern systems of governance, which renders it peculiar – compared to countries that ditched endogenous systems of governance at independence. Although Botswana has since independence been considered as a parliamentary democracy, it is not a pure British parliamentary democracy because its system of governance was designed to suit local conditions.

Thus, this chapter argued that it is the fusion of endogenous system of governance and the western liberal democracy that has played a critical role in shaping and influencing the country's system of democracy and its governance features that sought to promote participation, consensus building and self-preservation of the state. It is further argued that this endogenous system has contributed to the country's relative political stability and associated political culture but failed to reform to higher levels of participation by women, youth and minority ethnic groups and disadvantaged sections of Botswana society. Therefore, Botswana's governance system is both defective and abortive in that it is frozen and stagnant because of the endogenous system. As a result of its stagnation, the system has failed to grow to meet demands of a highly demanding, educated and urbanizing population especially women and youth, and language, ethnic and cultural minorities. The system has proved difficult to deal with the widening gender inequality and disadvantages it presents to the youth and minorities. These inequalities threaten the stability of the system. The chapter proposes a need to reform Botswana's innovative endogenous system to make it more accommodative to women, the youth and minorities because as it stands it has outlived its power and utility. A reform of the system will not only revitalize it but will also make it more relevant. A reform of the system would go a long way in addressing the hidden inequalities that threaten its stability.

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Ndumiso Dladla

Chapter 8

Not yet Ubuntu: A philosophical essay on the history of government and the (ab)use of *Ubuntu* in conqueror-South Africa

Introduction

The thesis this article defends is that despite the association of post-Apartheid South Africa with *Ubuntu* in countless scholarly and popular writings and global popular consciousness, “it is not yet Ubuntu”. Conqueror South Africa¹ is by design a country founded against rather than through Ubuntu. The association of South Africa with *Ubuntu* has taken place because of several public relations exercises involving the Christian theologian and chairman of South Africa’s Truth and Reconciliation Commission Archbishop Desmond Tutu as well as Nelson Mandela its first post-Apartheid president. Both Mandela and Tutu were Nobel Peace prize winners, credited with using their leadership to direct the victims of South Africa’s history of racial violence towards peaceful resolution. The rendition of “*Ubuntu*” they are associated with also has as its distinction the prioritizing of unconditional “peace and forgiveness”. In terms of the actual force of Ubuntu in South African law and its political order – its instrumentalization was confined to the period of transition. This was because of the sinister collocation of *Ubuntu* with unconditional forgiveness. South Africa was understood as making a transition out of the famous white supremacist Apartheid political-legal system.² Much fear and concern were experienced by white South Africa and its international allies towards the vengeance the indigenous conquered people might mete out to their conquerors on the one hand. On the other

1 This discordant formulation “conqueror South Africa” used by some theoreticians of the Azanian philosophical tradition is an expression in writing of an even more discordant reality of a state founded upon the dubious right of conquest. In this text hereinafter we will use the inverted “South Africa” interchangeably with “conqueror South Africa”, the expressions are synonymous in this text and mark our protestation against conqueror sovereignty and title to territory over what when restored to its indigenous conquered peoples may be called Azania.

2 In truth the representation of the historical-political problem of South Africa as one of mere Apartheid was itself an ideological subterfuge with the function of shifting moral and political attention away from the country’s multi-century colonial sovereignty established during the conquest of its indigenous peoples in the unjust wars of colonisation since the mid-seventeenth century. See Dladla and Wesbter (2024) *Who Conquered South Africa ?*

hand, fear was directed at a truthful and complete effort towards historical justice encompassing economic consequences for the multinational capitalist powers who had enjoyed the multi-century exploitation of South Africa's natural resources and people. In this context Ubuntu was a convenient instrument and was temporarily juridicised through its inclusion in the transitional constitution Act No. 200 of 1993 and The Promotion of National Unity Reconciliation Act No.34 of 1995. The specific ends of this temporary force in law that "*Ubuntu*" was given was in order to eliminate the spectre of historical justice both in the realm of South Africa's political economy as well as in its legal sphere. It was to aid in the safe transition of white supremacy from colonial-Apartheid into neo-colonial democracy. Marking a transition from "slavery by coercion to slavery by consent" once tragically identified by Ali Mazrui as characterising Africa's independence from colonialism. *Ubuntu* was used in the manufacturing of the consent necessary for the ascendancy of the new conqueror constitution which would chain the indigenous people to a political and economic order founded and sustained upon the conquest of the indigenous peoples. It also had the effect of mystifying the bizarre continuity of historical injustice facilitated by the transition.

We have in previous work made the point at some length that the "*Ubuntus*" that have come to rise within the academic discourse in post-1994 "South Africa" and beyond are "*Ubuntus*" without and even against *abantu* (the indigenous conquered peoples who have been its repository since time immemorial (see Dladla 2017a). The point of that work was to show that the Ubuntu-industrial complex which has come to rise has been able to do so on the basis of a historically and anthropologically hollow caricature of Ubuntu philosophy. Its exoticism as a purportedly African export to global philosophy has been its selling point even if the careful critic can identify that it consists of little more than a thin veneer sloppily adhered upon various Western moral theories without regard for the actual philosophical substance of Ubu-ntu philosophy as understood and practised by the Bantu-speaking people. One of the tell-tale signs of this expedience has been the ubiquity of ignorance of the Bantu-languages among its professors.³

³ It is not uncommon even in Western philosophy that its students are required to develop a working command of the language that the philosopher they specialize on. The logic underpinning this standard is simply that considering the multiple translations for example of Immanuel Kant's Critique of Pure Reason into English. The English scholar of Kant would be entirely at the mercy of translators who are by no means unanimous in their translation of philosophically consequential components of the work. Without a working command of the language, the English philosopher would really be a student of the translator and not Kant himself. This matter is even more serious for a tradition like Ubuntu whose oral literary library is better described as orature.

In this chapter we will pay particular attention to the instrumentality and purpose of this abuse by focusing upon the work of one such professor of “Ubuntu” philosophy. There are multiple reasons for the selection of Leonhard Praeg’s work. He is a senior member of South African philosophy, extraordinary professor of philosophy at the University of Stellenbosch in “South Africa”. He was former chair of the University of Pretoria’s department of philosophy, a position he won as a result of his specialisation in African philosophy. Although there are numerous contemporaries of similar ideological orientation, his work is by far the most sophisticated and rigorous among his peers. He has to a much greater extent than his colleagues attempted to devise a philosophical justification in defence of Ubuntu as the foundational philosophical system of the “new South Africa” thesis. Whereas many white South African philosophers became protagonists of the Ubuntu-industrial complex later in their careers – with the transition to democracy finding their careers in Western philosophy well underway. Praeg’s specialisation in African philosophy began in his postgraduate years which coincided with “the transition” during which he wrote his doctoral thesis in “African philosophy”.⁴ He has also to a much greater extent than his contemporaries most sought to defend the idea that Ubuntu is indeed the philosophy of the South African constitutional order and has explicitly tied its ascendancy to the transition to democracy. He has written multiple articles and book chapters on “Ubuntu” which are well-cited as well as edited numerous essay collections on the subject and two monographs *African Philosophy and the Quest for Autonomy: A Philosophical Investigation* (2000) as well as *A Report on Ubuntu* (2014).

After providing a critique of Praeg’s earliest⁵ work on “Ubuntu” in the context of South Africa’s transition from colonial sovereignty to neo-colonial democracy (in section 1), section 2 will outline a brief history of government focusing on conquest and government before providing a historicised account of Ubuntu (section 3) and concluding with a section (4) on the actual implications of Ubuntu for governance in conqueror South Africa.

4 Our use of the sceptical quotation marks will become clearer once our critical examination of Praeg’s thesis is underway. Praeg’s alma mater Stellenbosch University is not known to have enjoyed specialization in African philosophy when Praeg conducted his research. His supervisor Johann Hattingh had never published a single work in African philosophy nor was he trained in it. The terrible conceptual and linguistic errors which seem to have evaded his examiners also raise serious doubt about their own competency.

5 To be sure Praeg has continued to write and develop his position until now however the strictures of time do not allow for an exhaustive treatment of all his work on Ubuntu. This will be left to a forthcoming book-length study. The advantage of studying his earliest work is that it is focused on the crucial period of the “transition to democracy” and provides a foundation for his later work. It is also the most concrete expression of the attempt in academic philosophy to defend the negotiated settlement by recourse to Ubuntu.

1 The transitional (ab)use of African philosophy and Ubuntu

Praeg's first treatment of "Ubuntu" in English was in his Doctoral thesis completed in 1998, two years after South Africa's latest constitution came into force. It was eventually published as *"African Philosophy and the Quest for Autonomy: A philosophical Investigation"*, Rodopi, Amsterdam. (2000). In that book with four substantive chapters, Praeg promises to provide an exposition on the essence and meaning of African philosophy. According to him, African Philosophy is typified by a "transcendental concern with epistemological authenticity and autonomy – indicative of an oppressive (and ironic) desire for Western style autonomy" (Praeg 2000: back-matter). The true purpose of his enquiry and interest in "African philosophy" eventually becomes clear in the final chapter which, according to him, "situates the ethical framework within which th[e] question ["What is African Philosophy?"] arises in the context of the recently "completed" South African Truth and Reconciliation Commission (hereinafter TRC)" (ibid). For Praeg, African Philosophy is concerned predominantly with epistemology, with what he writes is an attempt at "representing a lost body of authentic African thought" (ibid). He finds in this supposed effort an "irony" which was to remain the uniting interest of his later work in African "philosophy". An irony whereby the "African subject finds itself when it has to establish and affirm a sense of apartheid (in order to confirm the assumption of difference) by inventing its own autonomy in a way that ironically conflicts with the African conception of the autonomous subject" (ibid). So, for Praeg the discursive and political efforts of African philosophers to establish their practice within the anti-colonial and post-colonial context are overdetermined by an irony of an epistemological "reverse-Apartheid". It is within the realm of "African ethics" that he conveniently finds African philosophy's authentic expression – namely in the 'ending of Apartheid' in the South African Truth and Reconciliation Commission. As with his predecessor in the Ubuntu-industrial complex, Augustine Shutte who published his *Philosophy for Africa (1993)* in the birth year of the interim constitution and his subsequent *Ubuntu: an Ethic for a New South Africa(2001)*, Praeg's ending or concluding chapter is concerned with the justification of the "new South Africa" and legitimating its establishment by recourse to "African Philosophy". We now turn to this text.

Ubuntu and the Truth and Reconciliation Commission (TRC)

TRC as social contract?

According to Praeg, the discourse on the TRC presented three distinct ideologies contributing a specific attempt to establish a “collective and inclusive South African identity” (Praeg 2000:220). He names and characterises these discourses as (i) the nationalist discourse charged with forging an inclusive South African Nationalism, the (ii) christian discourse advancing an ideal of *koinonia* “to effect much of the same solidarity and communality [as the nationalist discourse]. And finally, third (iii) to which “much more interesting but problematic discourse on ubuntu or African humanism” (ibid). Praeg goes on to submit that, while the discourses on nationalism and christianity are widely familiar, it is “the rhetoric of the ubuntu discourse that highlights the ethical dimension of the debate on African philosophy” (ibid).

Before discussing his three varieties of discourse, Praeg begins by advancing a thesis framing the TRC as an instance of *Social Contract*. In that perspective, he represents Apartheid as a Hobbesian state of nature. In his exact phrasing he describes the TRC as a forum established with the dedication of “telling the stories by all those who managed to stumble out alive from a condition that, certainly from one perspective, can only be described as a state of nature where everybody had every right and therefore none” (ibid). To strengthen his portrait of the TRC as social contract Praeg points us in the direction of the interim constitution Act 200 of 1993, the final clause of which provided a constitutional basis for the TRC. The clause reads:

[T]he adoption of the constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimisation (Interim Constitution of the RSA,1993;139–140)

Praeg’s comparison of Hobbes’ state of nature with Apartheid continues in his characterization of both states as typified by a “radical individualism”. The precise difference according to him, is that whereas Hobbes’ state of nature consists of radical individualism proper, “the state of apartheid [. . .] has been described in terms of a radical ethnic individualism” (Praeg 2000: 226). In both instances, Praeg writes “the conflicting interests are assumed to manifest a radical irreconcilability that can only be transcended through some kind of social contract or agreement on those conditions that will favour the realisation of the desire for

peaceful co-existence” (Praeg 2000: 226). He finds affirmation of the reality of his social contract in the comparability between the description of an “old South Africa” and a “new South Africa” which, he argues, correspond with a contractarian theory of a pre-political order [*status naturalis*] and the emergence civil state [*status civilis*]. He finds in these designations of old and new, contrasting notions of “violence and peace, the abuse of rights and the guarantee of rights” (Praeg 2000: 226). In the old “South Africa” Praeg writes “everybody had every right”. He argues thus to support this claim:

the oppressor [had every right] because they granted these rights including their own “right” to act in contravention of their own illegitimate laws. As for the liberation movement, already in 1975 the UN General Assembly reaffirmed the legitimacy of the struggle of the oppressed people of South Africa and their liberation movements, by all possible means for the seizure of power by the people [. . .] This general condition of a permanent state of emergency, of a low-key civil war was further reflected in the description of apartheid as a “continuous war”, its crimes as “war crimes” and its prisoners as “prisoners of war” (Praeg 2000:226).

Returning to support his argument that it was really a “war of all against all”, Praeg draws from Hay’s *Ukubuyisana: Reconciliation in South Africa*. He quotes it thus:

there were human rights abuses within the liberation movements, as well as human rights abuses that were perpetrated during the repression by members of the general population (Hay 1998:26) (Praeg 2000: 226).

He continues to assess this in his own terms “therefore as a spiral involving government, resistance fighters and ordinary civilians it can without exaggeration be described as a general condition of war from which everybody stumbled towards healing and peace” (Praeg 2000: 226–227). Leaving aside the glaring contradiction of a “state of nature” in which even Praeg identifies an oppressor and oppressed (as can be gleaned from the first citation on this page). His account conspicuously ignores and thereby erases the theories of the antagonism that would threaten his attempt at representing Apartheid as a state of nature and equal opportunity right to abuse and kill. The Pan Africanist Congress of Azania’s (hereinafter PAC) testimony to the TRC, for example, made it clear that in their conception of the struggle for liberation, there were no “ordinary white civilians” Mphahlele (1997). Their reasoning was two-fold. The first reason was that whites such as Praeg⁶ himself were

⁶ Praeg himself not dissimilarly to many other white South Africans was a member of the famous Apartheid military called the South African Defence force in the mid 1980s although he leaves this relevant fact of his biography out of his analysis to recreate himself as an objective

receiving military training precisely in light of what the state considered an ongoing war and were very widely armed. The second reason elaborated by Letlapha Mphahlele was that all whites benefited from the on-going maintenance of colonial conquest⁷ and the subjugation of the indigenous conquered peoples and were the direct beneficiaries of the injustices experienced by Africans (Mphahlele: 1997).

If one assesses the PAC's testimony to the TRC, the idea of Apartheid as a state of nature becomes untenable. Instead, what emerges is an immoral war conducted by the colonial conqueror against the indigenous peoples conquered in the unjust wars of colonisation. What the philosopher Charles Mills appositely described as "The Racial Contract" in a book of the same title published a year prior to Praeg's completion of his doctorate which goes uncited throughout his thesis. Mills' is a thoroughgoing treatise on the impact of slavery and colonialism on the idealised fiction of the Social Contract that Praeg would have benefitted from studying. It is quite a stretch to suggest that this was an instance of *bellum omnium contra omnes* when it is rather obvious that one belligerent and coherent political community, an *Aggressor* to use another contractarian John Locke's term, engaged in an unjust war for the purposes of the disseizin of territory as well as the extraction of labour power from the indigenous conquered peoples (which it used to finance its military expenditure towards the continued subjugation of). The conqueror also enacted an entire system of continual terror in order to maintain conquest and white supremacy that hardly accorded everyone equal rights (see Dladla 2023).

The ethically necessary resistance of the indigenous conquered peoples with meagre resources against the greatest military regime on the African continent during that period is hardly a sufficient conversion of an unjust war of *some against others* into a war of *all against all*. The attempt to fabricate this conversion can all be explained as a desperate attempt to obfuscate the injustice and unlawfulness of the war as well as the immorality of the belligerent party and its uneven enjoyment of deadly force. It also aims to conceal its retention of the spoils of conquest in the period supposedly succeeding the war. It is an obfuscation analogous to the theory of "reverse racism" enacted by Praeg (2019) in his later work to silence the anti-racist work of contemporary Black theoreticians and students who are raising objections to the status quo. His citation of Hay (1998) in order to strengthen his Hobbes-

and nonpartisan observer rather than a beneficiary of his own account. See: See Dale Shulz (2016) Military Service 1984–1985 in the SADF on <http://sadf.mixmox.com>

7 To be sure conquest is itself a term from the philosophy and law of war. The normative implications of the right of conquest which whites relied upon to assert their claim over the territory of South Africa and subjugate its people depend on the recognition of two parties to the war – the conqueror and the indigenous conquered people. (see Ramose 2003; Yves Winter 2011 and Dladla 2023)

ian fabrication including interpersonal conflict and criminal violence within the black community under colonial-Apartheid is equally untenable and morally reprehensible. In order to demonstrate this it might be pertinent to ask Praeg “whether the hypothetical fact that among Jewish prisoners at Auschwitz there were criminal elements who also preyed on an already victimised community of Jews could be plausibly used to support the hypothesis that the Holocaust was a war of all against all?” In other words, in the case of “South Africa’s” townships where the victims of colonial conquest no doubt committed crimes, including violent ones against one another – it would be dishonest not to consider the precise nature and function of townships themselves as already prisoner-of-war camps.

Townships exist historically precisely because the indigenous peoples were conquered and their land, freedom and ability to subsist forcibly taken from them so that they might be converted into forced wage labourers for the conqueror’s economy. With houses spaced thickly next to each other and complemented by socially and economically desperate living conditions, it requires no training in sociology or political philosophy to imagine why violence might be so rife in townships. Recognising this obvious reality led Steve Biko to famously describe surviving till adulthood in these places a miracle (Biko 2004). What at first glance or at further examination to the mischievous eye appears as a violence morally comparable with the racially justified elimination and subjugation of the indigenous conquered people is in fact itself an epiphenomenal violence of that self-same logic of elimination and subjugation. Therefore, Praeg’s claim that Apartheid was a Hobbesian “state of nature” in which each individual had an equal right to wage war against anyone else is logically and ethically unsustainable.

It is noteworthy also that Praeg considers only “Apartheid” under his discussion of an on-going state of war and excludes the fact that the unjust wars in which the indigenous peoples were first conquered began as early 1652 and that since that earliest conquest, their freedom, land, life chances and lives have been under the arbitrary will of their conquerors. In fact, a representative of the Pan Africanist Congress of Azania, Mr Letlapa Mphahlele who testified before the Commission made this argument explicitly while questioning the capacity of the TRC to establish any such contract. He, together with other PAC members, provided testimony that undermines Praeg’s theory and argued thus:

We did not attack white civilians, but we destroyed European invaders, dispossessors, criminals, because here you want to create a situation whereby our struggle is as recent as the PAC[1959] and that is not the case. Our struggle against colonialism is as old as when the colonialists set their foot here[1652] and showed their sinister motives of dispossessing our forefathers of the land and the whole struggle, the whole armed struggle was the continuation of that. Actually, we can draw the ancient wisdom from our forefathers when Dingaan said to the Zulu warriors, “Bulalani abathakathi!”. What did he mean? He meant that those

dispossessors, Abathakathi! [. . .] The Zulu warriors did not ask among themselves who were the abahakathi, who were the wizards, but they knew who the wizards were and they were Whites. When Moshweshwe, King Moshweshwe of Basuto, in his wisdom, said “Ditshewu aditshwani” meaning that the Whites will always have solidarity in oppressing the Africans, he drew that from experience, from the practical experience that was going on and, I dare say, that the TRC is more concerned with the White life, because even the questions are being feted by a man who benefitted hugely from the dispossession of our people, because, as far as I am concerned, he who benefits by crime is guilty of that crime and every White person in this country benefitted from the crime of dispossession, benefitted from the crime of colonialism, benefitted from the crime of apartheid, but now you want to extract yourself from this crime and it is so displeasing that the grandsons and daughters of Moshweshwe, of Chaka, of Sekukuene are now bearing the burden of their abusers, because you are the abusers and you cannot deny that. And I dare say this whole farce is doomed for failure! (to applause) (Mphahlele, 1997)

It is a wonder or perhaps no wonder why Praeg has ignored this perspective in his attempt to provide a support for the ethical justification of the TRC. Throughout the chapter he cites and discusses ANC politicians and thinkers like Kader Asmal, Dullar Omar, Alan Boesak, Oliver Tambo and Nelson Mandela but no one from other liberation movements of the indigenous conquered peoples. His disregard for other perspectives provides only partial truth and refutes the hallowed criterion of “objectivity” in science.

“Ubuntu” and the TRC

Praeg argues that in addition to the two discourses, namely, “nationalism” and “christianity”, there is another discourse on “African humanism or ubuntu” (Praeg 2000: 267). Although in his use in the book under discussion and in subsequent texts African humanism appears to be a translation of “Ubuntu”, Praeg does not provide us with any clue on how he comes to the translation or justifies his endorsement of it at all. He does not even pretend to engage in any etymological and morphological analysis of Ubuntu in order to come to his rendition. As we will show in a subsequent section of this chapter, this mistranslation is not at all trivial but a matter of utmost philosophical importance. He immediately moves from his mistranslation to a claim that “in this discourse [on ‘Ubuntu’], the communality suggested by the dictum *“I am because we are”* is a function among other things of a specific understanding that is neither conditional nor unconditional” (Praeg 2000: 267–268). Much as with his “mistranslation” of “Ubuntu” into African Humanism, Praeg does not disclose the origin of this dictum “I am therefore we are” but informs the reader that “from a conceptual analysis of the narrative I am because we are, it seems to follow that there is an ethical imperative to

forgive as there is to confess” (Praeg 2000: 220). We shall now turn to this purported “conceptual analysis”.

Before beginning his creative exercise in the “conceptual analysis” of his English dictum “I am because we are”, Praeg provides the reader with a disclaimer via a footnote that what will follow “is a purely conceptual or logical interpretation of the dictum with regard to forgiveness”. He continues and advises the reader that this ideally, has to be supplemented by anthropological information on the understanding of forgiveness in traditional Africa (Praeg 2000: 269) since “African culture has its own rituals of reconciliation and need not depend solely on Christian terminology of confession and forgiveness [. . .] If my reading can motivate further research in this regard, it will have served its purpose” (Praeg 2000: 269).

It is doubtful whether the purpose of Praeg’s contribution is the stimulation of further research in African culture or philosophy. It is a wonder why his conceptual analysis would ideally be supplemented by “anthropological information on the understanding of forgiveness in traditional Africa” at all – he certainly leaves no clues in the text. If it was scientifically necessary to conduct research into the understanding of forgiveness by Bantu speaking people, why did he not perform this research himself in the same way as he illustrates, he has in the book in relation to the philosophy of Thomas Hobbes and Jean-Francois Leotard? One wonders also, why it is ideal to study forgiveness in “traditional Africa” rather than in the contemporary Africa in which Praeg conducts his discussion. It is after all the Africans of Praeg’s time and not those of “traditional Africa” that he endows with this special capacity/compulsion to unconditionally forgive. What emerges from studying his text is the failure to even understand what forgiveness is at all in African languages and experience: *ukuxolisa*, *ukuxolela*, *ukucela uxolo*, *ukuhlawula*, *tshwar-elo*. These vernacular concepts are very much a continued part of the life of Africans even today. But we suspect they would rather inconveniently restrain the imagination of Praeg and undermine the tenability of his “conceptual analysis”; an “analysis” of a dictum in English, purporting to be a translation from an unidentified indigenous vernacular of the Bantu-speaking people. In his ahistorical and quite frankly imaginative “conceptual analysis” of the dictum “I am because we are”, Praeg undertakes to examine “the relationship between the individual (“I”) and the community (“we”) with reference to forgiveness” (Praeg 2000: 269) by the use of an imaginary example which goes as follows:

There is a community of ten people, nine of whom commit what in effect amounts to an historical injustice against the remaining person. Certain conditions come to light which indicate that the nine were wrong and the one right (Praeg 2000: 269).

Praeg quotes Sachs to assess his imaginary situation when he writes that:

“the one now needs to feel that basically [she] did right, [she] did not deserve what was inflicted upon [her]. [That this will give] a sense of rightness to the world, not just to [all ten] but to the future” (Sachs in Dowdall 1996:35). “They need to confess and she needs to forgive them.” (Praeg 2000: 269–270)

Praeg then sets out to counterpose this imaginarily conceived notion of forgiveness that he has called “an-other forgiveness” (Praeg 2000:269) [We will refer to Praeg’s doctrine as *forgivism*] to what must by implication be normal or ordinary forgiveness. He calls this ordinary or familiar forgiveness, conditional. He suggests that according to this conditional understanding of forgiveness, “there are at least two possibilities that arise here (in his imaginary scenario above) – either they confess and she forgives them, or they don’t and she doesn’t.” (Praeg 2000:270). (We should point out that there is also a third logical possibility which seems to escape him, which is that they do confess and she nevertheless *chooses* not to forgive them). Praeg’s latter option creates a problem according to him:

one that arises in light of the “because” that intimately links the I with the we in “I am because we are”. For if the ritual of confession and forgiveness is not performed, not only will she (continue to) not be a person, but the refusal to confess will perpetuate and repeat the additional historical injustice by not admitting her personhood. The existential vacuum which this will leave her contrasts sharply with the place occupied by the hypothetical Christian individual unjustly ostracised by fellow Christians. Here the person will in all likelihood evoke the individualist master trope of Christianity qua Western religion in order to narrate her condition in terms of *imitatio Christi*; in short, she will become more of a person not less. The person in the first example does not have this luxury. She will have to forgive them “unconditionally” regardless of whether or not they confess. For her, her existence is conditional only on one thing the ineradicable presence of the other. She is because they all are in as much as the calculus of exchange that is conditional forgiveness puts exactly this presence of the other at risk, she cannot risk not forgiving them; her forgiveness is “unconditional” (Praeg 2000: 270).

“I am because we are” is the English sentence around which the entire fictive enterprise of Praegian Ubuntu philosophy stems from, it therefore deserves some close attention.

- (i) Because Praeg does not inform us from which language he has translated this “dictum”, we are left to speculate. If we try to translate this formulation into a Bantu language like isiZulu for example, it is simply untranslatable to anything sensible. “*Ngikhona ngoba sikhona*” is the closest translation I can render but it would in English translate into “I am here because we are here”. This does not correspond to any known aphorism in ubuntu culture and does not make much practical sense.
- (ii) What is more likely is that Praeg is relying on an undisclosed rendition of “*umuntu ngumuntu ngabanye abantu*”. It is interesting that when translated

this aphorism specifically contains neither “I nor we” the two poles which Praeg’s conceptual analysis revolves around. Instead it is human being, umuntu that makes three appearances in the aphorism.

In addition to his English dictum, in order to support his imaginary theory of *forgivism* with some anthropological evidence in the form of would-be Bantu cultural artefacts – despite his earlier undertaking to leave that to future researchers, Praeg continues writing: “for she [his imaginary African forgiver] knows in the words of the Xhosa hymn *lizalise idinga lakho* – the forgiveness of sins makes a person whole”. (Praeg 2000: 270). We have now left the realm of philosophy into pure fiction. We find Praeg’s choice of Bantu anthropological artefact strange and hardly relevant let alone sufficient to support his theory of *forgivism*. Firstly, because he has spent some time trying to argue that an “Ubuntu” understanding of forgiveness is different from the christian variety. The choice of a christian hymn (even if it is written in isiXhosa) about Jehovah is hardly an adventure into the “traditional Africa” he hopes to inspire further research about. For Praeg’s *forgivism* to succeed he suggests that his traditional African *must* by necessity be christianized. It is also unclear what he is attempting to do. He simply writes that “the forgiveness of sins makes a person whole” after describing the first section as “the words of a Xhosa hymn”. The isiXhosa words he has chosen to inscribe have in fact got nothing to do with forgiveness. Praeg attributes this translation to Annetjie Krog in a text he cites as “(Krog 1989:26)” (Praeg 2000:270). To make matters worse, the source he relies upon does not exist. There is no Krog (1989) – the text does not appear outside of the in-text reference on page 270 – it appears neither in his references, bibliography and footnotes throughout his whole book. In our own research we found Antjie Krog’s only published work in the year 1989 was a poem *Lady Anne* as well as a collection of poems for children in Afrikaans bearing the title *Mankepank en ander Monsters*. The only Krog book which appears in Praeg’s references list is Annetjie Krog’s (1998) *Country of my Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*. In the book Krog does indeed write the words with a presumed translation in parenthesis “Lizalise idinga lakho (forgiveness of the sins makes a person whole) (Krog 2000[1998]:37). She, however, does not explain where she derived this translation from either. She, like Praeg who followed in her footsteps, appears to have been satisfied to write without verification and the aid of a translator what she was told, misunderstood or wished to be the case. She, unlike Praeg however, does not detectably seem intent on putting her mistranslation to nefarious use and grand deception. In the actual hymn itself written by the African writer and composer Tiyo Soga there appears only a single stanza which even mentions forgiveness, it reads “uxolel’ izoono zalo” (which could be translated as “[God] Forgive our sins”). Even then, however, the plea is directed to the christian

“God” rather than the hypothetical community of other persons or any community of persons. It is hardly an expression of any shared African beliefs on the nature of forgiveness. Praeg’s inclusion of it as the basis of his enterprise can only be described as strange. The reader is directed to the able translation of protestant theologian Dr Ben Khumalo (2013)⁸ for the glaring lack of linguistic support for Praeg’s forgivism.

His text moves on from his fabricated translation of a Xhosa Christian hymn to the test case study of a real live Bantu (also Xhosa speaking) Nelson Mandela. According to Praeg, the exercise he has just conducted revealing this Bantu conception of unconditional forgiveness through his “conceptual analysis” “would go a long way towards understanding, for example Mandela’s extraordinary conduct since his release from prison in 1990” (Praeg 2000:270). He then quotes Pietersen’s (1996:57) discussion of Mandela: “. . . what is being practiced by Mandela can only (sic) be described as a politics of grace – grace in the full-blown, unadulterated sense of forgiveness and restoration that is undeserved, unmerited and unearned.” He then quotes the man of extraordinary conduct, Mandela, from a text by Frost where he reported to have said: “I wanted South Africa to see that I loved even my enemies”. (Frost 1998:6 in Praeg 2000: 270). Praeg, throughout his discussion of Mandela as the ultimate forgiver, does not however appear to have any hymns or English dicta or ‘conceptual analysis’ to support the practice and validity of forgiving on behalf of others. He does not ever touch upon the subject of precisely what Mandela is forgiving his enemies for, who his enemies are or why his enemies are his enemies at all? Or by what logic he forgave some of his enemies and not others. The mother of his children, Winnie Mandela is along with other black politicians an example of someone who his “politics of grace” was never extended to. How is it that from Praeg’s pen Mandela emerges as in a position to forgive what he calls “his” enemies rather than “our” or “their” enemies on behalf of the indigenous peoples conquered in the unjust wars of colonisation? Praeg does not ever penetrate or care to establish the understanding of forgiveness among abantu. He does not even arrive at the question whether Mandela has succeeded in his vicarious forgiveness or, whether his enemies are the same as the enemies of the indigenous peoples conquered in the unjust wars of colonisation.

Even a casual perusal of the strategies and tactics documents of the various liberation armies and movements shows that the nature of the historical antagonism in “South Africa” was not interpreted in an identical fashion by all parties (see Pheko 1992), let alone, all individuals with their varied experiences. That is to

⁸ <https://kairossouthernafrica.wordpress.com/2013/02/01/another-english-translation-of-the-hymn-lizalis-idinga-lakho/>

say their conception of who or what the enemy, was not identical and sometimes even differed starkly. It seems clear after an examination of Praeg's earliest work on "Ubuntu" that his interest is purely instrumental (political). His aim is to provide a purportedly philosophical justification to what appears even to him to be a bizarre forgiveness, what he calls "an-other forgiveness" and we call *forgivism*. But as we have shown he does not so much justify *forgivism* but instead invents it by recourse to "Ubuntu". His aim in this first work and subsequent others was to defend "South Africa's" constitutional courts's and constitution's successful efforts at the constitutionalisation of historical injustice. The tenability of Praeg's *forgivism* (an ontological injunction enjoying exclusive force over Africans by the terms of which they are not permitted or able to withhold forgiveness for any offence committed against them and against any offender regardless of the factual situation) rests upon the invocation of an unknown and mystical "Ubuntu". The sole aim of Praeg's enterprise is to affirm by desperate fabrication that the negotiated settlement which oversaw the preservation of historical injustice suffered by the indigenous peoples ever since their conquest in the unjust wars of colonisation, is not only justifiable by the mystical standards of "Ubuntu" but necessitated by them. His attempt at buttressing this mystical "Ubuntu" serves the single aim of defending "South Africa's" constitutional order. Students of "South Africa's" jurisprudence have noted variously the vacuity of the conception of ubuntu invoked by its constitutional court. It appears mysteriously whenever it is that the gains of historical injustice need mystical justification and reinforcement. We hereunder turn to a brief philosophical account of the actual history of government of South Africa. We will use the philosophical account of Thomas Hobbes since his theory of social contract is the one relied upon by Leonhard Praeg.

A brief history of government

A theoretical introduction

Hobbes' Leviathan listed two methods by which sovereignty could be established, one he called sovereignty by institution while he described the other as sovereignty by acquisition. Hobbes' account of sovereignty by institution is the one he is famous for. According to Hobbes' prior to the establishment of a political order, human beings enjoy an absolute freedom which can be described as a state of war of all against all. In this condition might is right and the lack of legal or moral regulation means that survival depends on the capacity to wield violence effectively. Because the condition of life is so unstable, unsafe and violent in this state, human beings eventually come together to establish a sovereign. The sovereign enjoys a monopoly

over violence which the individuals surrender to him conditionally in exchange for protection from one another. This violence finds historical-political expression in the legitimate command over the police, courts and military for example.

Because our focus here is on the colonial situation in Africa, our focus is upon sovereignty by acquisition. Unlike sovereignty by institution, sovereignty by acquisition is no covenant amongst individuals, but a covenant between the conqueror and the conquered. Hobbes' basic idea was that conquest was not the victory in war itself. Rather, it was

the acquisition by victory of a right over the persons of men. He therefore, that is slain is overcome, but not conquered; he that is taken, and put into prison or chains is not conquered [. . .] But he that upon promise of obedience hath his life and liberty allowed him is then conquered and a subject and not before. (Hobbes: 1996:485 in Dladla and Webster 2024:12)

In this way it would appear in Hobbes's version, that conquest requires consent by the conquered, even if the choice was only between conquered life on the one hand or death on the other. If the conquered agreed to "choose life," then his conqueror had rights over him. These rights to command, to effectively bind by law and govern the conquered by the conqueror is what is referred to as "the right of conquest". In a study of the history of the right of conquest in international law, Sharon Korman defines the right of conquest as "the right of the victor, in virtue of military defeat over the conquered territory and its inhabitants." (Korman 1996 in Dladla and Webster 2024:13). More precisely, the right of conquest is the putatively legal acquisition of title to territory and sovereignty over it and its inhabitants by the conqueror following their defeat in war. The entire enterprise of colonialism and slavery, including in particular colonial and slavocratic government after all, has its foundations on the dubious right of conquest. Where colonialism was born out of the acquisition of the title to territory and sovereignty over the indigenous conquered people, slavery was born out of the transferrable right of sovereignty of these conquered and enslaved peoples by sale to a purchaser who would enjoy the right of conquest over them. The foundation of government under colonial-Apartheid was the conquest of the indigenous peoples in the unjust wars of colonisation. The right to govern the indigenous people even tyrannically was asserted on the basis of their successful defeat in war. It has been our argument more recently that the beginning of colonial government was not the conclusion of the war by any means but rather its continuation as lawfare (see Dladla 2023).

2 A brief historical discussion of the struggle for liberation and the establishment of government

Rather than Praeg's historically fabricated account of Apartheid as *bellum omnium contra omnes*, the colonial archive reveals that the indigenous peoples were fully aware that the colonial conquerors declared an unprovoked war and defeated them. It was following their defeat that the conqueror then claimed the right not only over the ownership of their territory but also the right to govern them at their own expense for his own welfare and life (*tyranny*).

Writing of as early as the mid seventeenth century, the historian Frieda Troup describes an encounter between the Dutch conqueror-settlers and the indigenous conquered people where the Khoikhoi people concerned about the increasing encroachments upon their fertile grazing land by the Dutch settlers sent a delegation to address their Commander Jan Van Riebeeck. They enquired: 'Have we then no cause to prevent you from getting more cattle? The more you have the more land you will occupy . . . who should give way, the rightful owner or the invader?' (Troup 1975:53). The response they received was unmistakably inspired by the doctrine of conquest in just war, Troup goes on: Van Riebeeck made it clear 'that they had now lost the land in war and therefore could only expect to be henceforth deprived of it . . . The country had thus fallen to our lot, being justly won in defensive war and . . . it was our intention to retain it (ibid).

Even the more honest among the jurists and legal historians of the conqueror admitted that the basis of its governance and legal order was a sovereignty built upon the right of conquest. Hepple (1961) wrote: 'So, by the right of conquest, entrenched in legislation, the principle of legal differentiation on racial grounds was the legacy upon which the Union of South Africa was constructed'.

The responses from the political movements of the indigenous conquered peoples were of two varieties. One response which was described as the South African school by one learned author (see Dube 1983) is given clearest expression by the ANC of Nelson Mandela. The South African school accepted that conquest was indeed a legitimate foundation for government and law giving and requested only to be considered full colonial subjects expressing great regard for the institutions of the conqueror.⁹ Put in Hobbesian terms they accepted that the sover-

⁹ There are countless historical episodes and documents and policies in the ANC's history which establish this point. One outstanding example is the 1914 petition written by members of the ANC's members to King George V in which they describe themselves as loyal subjects of the crown who wish to be treated like other subjects but cede both the title to territory over South

eignty of the conqueror over them was established by *Acquisition* and merely requested to be treated like those subjects of the crown for whom it was established by *Institution*. The other response is described by Dube as the Azanian school, elsewhere the Azanian philosophical tradition (see Dladla 2021). This tradition is best exemplified by the political praxis and thought of the Pan Africanist Congress of Azania of Mangaliso Sobukwe and the Black Consciousness Movement of Azania of Steve Biko. These movements and thinkers rejected a sovereignty and government legitimated by conquest. They considered the ANC to not be a liberation movement given its concession to the right of conquest. They conceived of liberation proper to consist of the wholesale repudiation of the right of conquest and as such require at minimum the restoration of title to territory to the indigenous conquered peoples as well as unencumbered sovereignty over it as the minimum condition for the establishment of liberation governance. Biko, a proponent of the Azanian School expressed the notion of liberation governance using the metaphor of the table. His argument was that the mistake made by liberals (and by extension proponents of the South African school) in their thinking about integration was to assume that the objective was for Black people to join whites by gaining seats at this table alongside them. Biko insisted instead that the objective of liberation was to impress upon the indigenous peoples the fact that the table was in fact theirs and that being so the objective was to regain unencumbered command of the table and then style it in the African fashion¹⁰ before inviting those who would abide with African sovereignty to sit at the table on the terms of the Africans.

Whereas the ANC /South African school always waged its political campaigning and protest on the basis of Western epistemology and praxis whether of the liberal, Christian or Marxist variety. The Azanian movements explicitly asserted that African philosophy, *isintu* was the basis of their struggle for liberation – they also formed explicit relationships with and took counsel from other African movements for liberation even before banning. This is to say long before the expedience of needing refugee camps and training they took historical and theoretical instruction from the broader Pan-African experience.¹¹ During the same period the ANC's allies

Africa as well as the right of sovereignty to the British Crown. Later the ANC also adopted the Freedom Charter which also ceded title to territory to the descendants of the conqueror surreptitiously. See Dladla and Webster (2024).

10 It is this styling in the African fashion that we will turn to in the final section on the Ubuntu tradition of governance which Biko was referring to.

11 Symbolic evidence for this can be seen in the very flag of the PAC itself which contains a Black Star (Garvey) shining from the location of Ghana, black rays across the continent of Africa and reaching South Africa.

and directives were being received from the Northern hemisphere and through its representatives in the settler populations who formed the Congress of Democrats and South African Communist Party who were The ANC's major allies before 1960. The Azanians' assertion that the territory's proper identity was Azania was also directed against the political epistemology attached to conqueror South Africa as part of the imagination of a polity different in South Africa not only ethically and culturally but even in its physical geography (see Dladla 2024, Forthcoming).

3 Ubu-ntu liberatory philopraxis and its implications for government in “(South) Africa”

This last and final section explores the liberatory philopraxis of Ubuntu in the context of government by examination of some of the proverbs and slogans which give expression to the political thought of the Azanian tradition.

Ubuntu as a philopraxis for liberation

The reader who is interested in a full historico-philosophical account of the African philosophical system of Ubu-ntu is directed to the erudite exposition of Mogobe Ramose's *African philosophy through Ubuntu* (1999). This is in our opinion the most thorough exposition on the subject. What is important to understand for the reader is that Ubu-ntu is a philosophical system which permeates the language-cultures of the Bantu peoples of the African continent. It is an all-encompassing system with its own ontology and epistemology as well as ethical, political and economic dimensions. Although much academic literature moves from the assumption that Ubuntu was only a precolonial phenomenon which requires retrieving for application in the post-colonial African reality. The truth is that the indigenous conquered people survived the advent of colonial conquest through the praxis of Ubuntu. Among their best liberation movements both on the continent and beyond, it was the persistence of Ubuntu which was at the root of their survival of colonial and enslaving enterprise because of its insistence on the primacy of the human being. Cedric Robinson writing in the context of the Africans enslaved in the Americas suggests that the Black Radical Tradition was itself a negation of Western civilisation. Nkrumah's consciencism, Nyerere's Ujamaa and Biko's Black Consciousness with its emphasis on the human face may be understood as expressions of Ubuntu, a philopraxis for liberation which conceived of liberation as consisting in part of the rehumanisation of

African people. The following section will give brief expositions of some of the aphorisms of Ubuntu with the aim of vividifying it for the reader.

Umuntu umuntu ngabanye abantu

We lack the talent to faithfully translate the above aphoristically and so an explanatory sort of translation is required after stating that although the version provided here for treatment is the isiZulu version, there exist equivalents for it in all the Bantu languages.

Ramose translates the aphorism thus “to be a human be-ing is to affirm one’s humanity by recognising the humanity of others and on that basis establish humane relations with them” (1999, 37). The core meaning of this aphorism may be expressed best philosophically by Benezet Bujo who writes: “For Black Africa, it is not the Cartesian cogito ergo sum but an existential cognatus sum, ergo sumus [I am related, therefore we are] that is decisive (Bujo 2001, 22).

The relatedness underlined by this aphorism means that *Ubuntu* as humaneness obliges one to be humane, respectful and polite towards others. The obligation to be humane towards others is an ethical imperative based on the principle that one ought always to promote life and avoid killing. Ubuntu as ethics is inseparably connected to the recognition that motion is the principle of be-ing. Thus the ethics of Ubuntu revolves around contingency and mutability. If the point is not clear then it should be made explicit that although killing is to be avoided, the promotion of life may require precisely that one kill when faced with hostility towards life. It is why for instance many of the sovereign kings such as uDingane kaSenzangakhona and Kgosi Sekhukhune among others were able to enter into wars of resistance which included the killing of the conquerors and their agents in defence of the sovereignty of abantu and the political order of Ubu-ntu. It is part of this reason why the “Ubuntu” of the transition defended and invented by Praeg is untenable not only on systematic philosophical grounds but also on ethical ones. It has the impact of defending the retention of the spoils of conquest by the conqueror and evasion of justice at the expense of the quality of life and freedom of the indigenous conquered people. It amounts from the perspective of abantu – the indigenous peoples conquered in the unjust wars of colonisation – to the promotion of their own death and the avoidance of life. It is a forced acquiescence to conquest on the basis of an alien philosophy wearing a native mask. Understood properly, Ubu-ntu is both the source as well as the embodiment of the ethics of the Bantu-speaking people. The implication is that be-ing a human being is simply not given or passive. Ubuntu is simultaneously gerund and gerun-

dive. As such it is an orientation to the practice of the philosophy of Ubuntu. It is in this sense a *philopraxis*. Simply being born of the species *Homo sapiens* may be a necessary condition to be a human being but it is not sufficient. One ought to become – in the ethical sense – a human being. This, in the philosophy of Ubuntu, is an indispensable complement to the ontological condition of being a human being. The be-ing of oneself is always dependant on one's doing in relation to others. That is precisely the recognition of their humanity and the establishment of humane relationships with them. It is also the case that the human order is distinctly social, beginning with the language which is one of the central instruments of our enquiry into the nature of being as well as the world we construct with that language as its basis. Everything about ourselves (as human beings) requires others to have any significance and so too our human constructions assume this. Everything from language, law and politics has no meaning if there are not 'others' (*abanye abantu*) in its description, definition and practice. What is critical then is "to prove oneself to be the embodiment of *ubu-ntu* because the fundamental ethical, social and legal judgment of human worth and conduct is based upon Ubuntu" (Ramosé, 2002: 43).

Ism-versus ness

Ubu is a *ness*. It is demonstrable by the close attention to both Bantu and English morphology that Ubu-Ntu cannot be faithfully translated as *-ism*. The prefix *ubu* for example used with other suffixes other than *Ntu* produces *nesses* and not *isms*. *Ubuhle* (*beaty*) *ubumyamba* (*blackness*), or its singular form *uku* (*ukuphila* – *life*).

Now so too forgiveness *ukuxola* (*forgiveness* or *coming to peace*) is not an *ism* but a *ness*. That motion is the principle of being as Ubuntu's philosophical mantra was at the root of Ramosé's critique of Metz in *But Hans Kelsen was not born in Africa* (2007). To essentialise *ubuntu*, to arrest it in motion and *ism-ise* it is to remove its capacity for improvisation. It is to convert its freedom to become into an instruction to be! In the case of Praeg's *forgivism*, it is to convert *Homo rationalis* the reasoning one who responds to the contingency of experience into *Homo ignosens* the forgiving one who is enjoined by mystical authority which supersedes reason.

Icala aliboli

Icala aliboli is an isiZulu rendition of a maxim from African jurisprudence found among all the Bantu languages. It literally translates into "a crime / wrong does

not decay/rot". Which means that the passage of time cannot turn an injustice into justice. Driberg (1934:238), M'baye (1974:149) Ramose (2005:87), and others confirm the principle in African law that extinctive prescription and statutes of limitation are alien to African jurisprudence. The political implications for governance in post-colonial "South Africa" of this misleadingly simple aphorism are far reaching. The injury and crime of the fact of conquest as well as the entitlements which were asserted upon its basis that is the title to territory and sovereignty over its indigenous peoples are an outstanding exigency of justice. From the point of view of Ubu-ntu, the crime of conquest in an unjust war was carried out on the racist assumption that the indigenous peoples were either not human or not equal in humanity to their conqueror at the time of conquest. It was because of this presumed ontological defectivity that it was justifiable to usurp their right of sovereignty as well as their title to territory. To found a purportedly "new" South African political order while leaving this monumental cala (crime) unaddressed is to condone the racism of the doubt about their humanity and also to violate the principle "icala aliboli". No political order claiming to be based on Ubu-ntu philosophy could conceivably proceed on the basis of such a violation and substitute for justice Praeg's *forgivism*. Such a surreptitious substitution would depend on the substitution of the *Homo Sapiens (umuntu)* which the indigenous conquered people are for *Homo Ignosens (umxoleli – the forgiving one)*. Instead, a just political and legal order with its basis on Ubu-ntu would require both the restoration of the title to territory and "reversion to unencumbered and unmodified sovereignty to the same quantum and degree lost at conquest ungoverned by law, morality, and humanity" (Ramose 2003: 573). It would also require the payment of reparations (*ukuhlawula*) to the indigenous conquered peoples in accordance with their norms of justice. The function of the reparations is to en flesh the substance of the plea for peace (*ukuxolisa*) by providing for the material necessary for its accomplishment. The material result of conquest in economic terms has been the unnatural impoverishment of the indigenous conquered peoples as their land, resources and labour have become the possessions of the conqueror used to enrich himself at their expense. Reparations will do the justice of putting them in a position to begin the construction of a human life, the basis of their rehumanisation – the only firm foundation for a polity which aspires to Ubuntu.

Izwe elethu!

Long the slogan of the Pan Africanist Congress of Azania. Izwe elethu is an assertion which considers the restoration of title to territory as the only firm basis of a legal and political order in Azania. That is that the territory of South Africa (Aza-

nia) belongs to the indigenous conquered people and is not shared with the conqueror. *Izwe elethu* rests on a different basis than the African National Congress' long held position expressed first in its petition to King George V in 1914 in which they confirmed their recognition of both his sovereignty and title to territory on the basis of the right of conquest. The ANC was later to modify the position to assert that the territory belonged to both the indigenous conquered peoples and their conquerors in the 1955 Freedom Charter which held "South Africa belongs to all who live in it – Black and White". To date in South Africa more than 70 percent of the land belongs to whites who make up a mere 10 percent of the population while only 4 percent belongs to Africans.¹² The *izwe elethu* of the PAC however means to refer not to property but sovereign title to territory. It includes the fish that swim in South Africa's oceans as well as the minerals beneath its soil. During the rule of the conqueror, the tyrannical government unlawfully sold and bound the country's mineral resources and rights over it to foreign multinationals like the Anglo-American Corporation. Because the ANC government ascended on the basis of government rather than state succession, they accepted not only a limping sovereignty but also a wounded title to territory in which much of the country's wealth was sold unlawfully to various parties. *Izwe lethu* means only that the land and its wealth belong to the sovereign indigenous peoples it is a call for state succession (sometimes called the Nyerere Doctrine) thereby restoring full sovereignty to them as the basis of governing them. This would certainly go some way together with reparations at placing the true wealth of the country at the disposal of its sovereign people.

Kgosi ke Kgosi ka batho

For a full philosophical exegesis of this maxim, the reader is encouraged to study Ramose (2020). Our purpose here is to explore its implications for the history and future of government. Kgosi ke Kgosi ka Batho is the SeSotho version of a maxim which is found in many Bantu-languages. The meaning literally is that the King is the King through the people. It may be understood as an expansion of *umuntu umuntu ngabanye abantu* and is a maxim concerning the nature of sovereignty among the Bantu-speaking people. It is clear from logic that a sovereign is sovereign within the boundaries of a particular territory and also enjoys this sovereignty over the inhabitants of that territory. The maxim communicates that the sovereignty is a bilateral relationship which although must enjoy *force* must of

12 https://static.pmg.org.za/140515state_land_audit.pdf.

necessity also enjoy *right*. The rightfulness of a particular instance of sovereign power may be recognised in the orderly cooperation and obedience of the people to the sovereign. When the sovereign's right was called into question historically he could be removed from the seat of power legitimately. It was on the basis of this understanding that conquest or usurpation was identifiable by the indigenous peoples as a foreign and wrongful imposition of rule following conquest. The conqueror was not their choice but a mere victor over them in battle. This foundation of white political rule was worsened by white supremacy which made integration between the foreign invader and its subjects legally impossible.¹³ But continued to rule over them at their own expense. Whereas the ANC surrendered to conquest as seen in its 1914 petition, the PAC and other members of the Azanian school rejected this colonial sovereignty having it that; Izwe elethu and asserting the basis of their own understanding of sovereignty that Kgosi ke Kgosi ka Batho. The succession of the conqueror's supreme parliament by a supreme constitution created by the conqueror in South Africa to restrict the sovereign power of the people to make binding law hardly answers to the exigency for popular sovereignty arising from Kgosi ke Kgosi ka Batho.¹⁴

Feta kgomo otshware motho

This final proverb may be considered as expressing the economic philosophy of Ubu-ntu which has obvious consequences for the governance of "South Africa". Feta kgomo otshware motho translates literally into leave the cow and choose the person. Its meaning however is that when one must make any decision in which the contending interests are money/profit on the one hand and human welfare on the other one is enjoined to choose the preservation and promotion of human

¹³ The point of this is that it may be possible to naturalise or indigenise conquest by integrating the invader and the victim but SA's situation instead the distinctions and divisions were sharpened through the installation of white supremacy in terms of which the conqueror created a political, economic and legal order which full legal subjectivity was attached to the possession of phenotypic characteristics of the European conqueror and at the same time descendants of the indigenous conquered peoples were condemned to a life of perpetual terror, dehumanisation, bondage and a life of poverty.

¹⁴ See Dladla and Webster (2024) the authors there discuss the negotiations strategies of the white political parties and business during the transition and shows that they were all united in the defence of conquest in that their negotiations strategies were focused on two elements. Namely 1. The defence of title to territory gained through conquest in the form of constitutionalizing property rights after almost 4 centuries of racially determined appropriation of land and other property. 2. The replacement of parliamentary sovereignty with constitutional supremacy.

life. One may see some of the implications of this for capitalism in Ramose's *Globalisation through Ubu-ntu* but it would mean the constitutionalising of the rights to land, food, water and healthcare without any condition.

Conclusion

We began our essay by examining the abuses of Ubu-ntu during the transition to democracy in “South Africa” before this attempt to turn Ubu-ntu into forgivism was subjected to critique. We then examined the actual history of governance in South Africa as a government of conquest before examining the implications and exigencies of Ubu-ntu against this prevailing order. What we did not mention was that although Ubuntu was included in South Africa's interim constitution,¹⁵ it was absent from the “final” constitution of 1996. With the continuity of a white supremacist state founded on a thriving conquest and prevailing at the expense of the indigenous conquered peoples – it should be no surprise that this order is contrary to Ubuntu. In the final section we explored the implications of Ubuntu for a new constitutional order in which would be the possibility condition of a humane order based on the recognition of the humanness of all Human beings.

Conqueror South Africa after its transition to democracy has claimed by appeal to its constitution to recognise indigenous African law however the hierarchy of its sources of law places indigenous African law beneath the law of the conqueror with the effect that decisions made in terms of this law may be overturned by recourse to even the lowest of the courts of the conqueror's law. It is clear that in order to achieve true liberation of *abantu* and unshackle Ubu-ntu so that it has force in law this hierarchy must be overturned placing Ubu-ntu at the zenith of the legal and political order.¹⁶ Its is our submission that a reversion to parliamentary sovereignty is the simplest path to this way. Ramose (1999, 2001, 2003) has spent lots of ink advancing this argument which may be seen even in the works of Western legal theorists (Hirshl 2004, Bellamy 2007, Loughlin 2021)

¹⁵ Although “ubuntu” did indeed appear in the interim constitution of South Africa, Act 200 of 1993. It not in the main body of the text but in the post-amble in a section about the need for forgiveness.

¹⁶ We have in a recent article entitled “Who Conquered South Africa?” (Dladla and Webster 2024: 27–29) shown in great detail that the extinction of parliamentary sovereignty and the installation of constitutional supremacy was chief among the negotiating aims of white political formations that participated in South Africa's negotiations known as the Convention for a Democratic South Africa(CODESA) which took place between 1990 and 1993 where they represented both the general white population and multi-national corporations.

that constitutionalism is not only not synonymous with democracy but may also come at its expense. Since the majority of South Africa's inhabitants are in fact the indigenous conquered peoples, the practice of government on the basis of popular sovereignty will inevitably give expression to their will in proportion to their number. In an order where legislators practice the art of governance uninhibited by an alien constitution their reasoning in producing law stands a better chance of becoming faithfully informed by philosophy of their constituency.

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Larissa Oliveira e Gabarra

Chapter 9

Palmares, Ambrosio, Congos: African governance in the diaspora in Brazil

*Estava do lado de lá. Nosso Rei,
mandou me chama. Passei para
o lado de cá. Coroei, coroei, coroa.
Viva o povo desse lugar.*

*I was on the other side. Our king sent for me.
I came from this side.
I crowned him, crowned him, crowned him.
Long live the people of this place.*

*Cantiga from the Kingdom of Congo in the State of Minas Gerais
Collected between 1997 and 2009 by the author.

Introduction

Dealing with Afro-descendant governance in Brazil necessarily involves talking about the theme of resistance, because this leads to the discussion of social movements, anti-hegemonic discourses, spaces of exclusion and silent agency. Until the late 1980s, the theme seemed to be approached from opposite academic perspectives: a reading emphasizing the passivity of enslaved men and women on the one hand, and another anchored in radical activism on the other hand (Reis and Gomes 1996). Initially, the history of the black population was considered from the angle of enslavement studies, that emphasised the commodity status of the enslaved populations (Costa 1999), but research has since progressed and shown how the black population itself wrote history, particularly its own. The aim is not only to broaden the debate, but also to deepen the analyses that shed light on the agentive capacity of enslaved men and women and their ability to revive the African systems of governance of which they are the heirs. The main player in this scientific breakthrough in Brazil was the United Black Movement (MNU), which introduced the issue of black agency into Brazilian history in the 1970s (Pereira, 2008). That is why the Black resistance has elevated Zumbi dos Palmares to the status of icon and reference. And for good reason: he did not give in to the peace agreement proposed by the Portuguese Crown in 1678. He died in battle in 1695.¹

¹ When the 1988 constitution was written, coincided with the hundredth anniversary of the abolition of slavery in Brazil, the United Black Movement – MNU – achieved the creation of a national day of black consciousness on November 20, the day of Zumbi de Palmares' death.

Although the Quilombo de Palmares has become the symbol of African resistance in Brazil, it is worth emphasising the silence to which other quilombos and systems of governance of African origin, which existed throughout the Portuguese colonial period and sometimes survive today, have been reduced. The Ambrosio quilombo, located in the captaincy of Minas Gerais, and an Afro-Catholic festival honouring the King and Queen of the Congo, associated with the brotherhood of Nossa Senhora do Rosário and São Benedito, are also included in this study.

Just as the enslaved trade was not uniform throughout its three centuries of existence, the number of enslaved fugitives and the diversity of forms of organisation used to escape slavery were considerable during this period and during the last century of the slave system. The quilombos were among the forms of organisation that most disturbed the Portuguese Crown. One of the reasons for their discomfort and consequent persecution was their opposition to the passive, inferior and submissive status that colonial society imposed on the enslaved. It has to be said that, at the time, the quilombos were seen as spaces par excellence for opposition to the slave system, both in the colony of Brazil and in the kingdom of Angola.² The brotherhoods, on the other hand, were seen as places of conformity and acceptance of the system. It is important to stress that the quilombos were not isolated territories, contrary to popular belief (Munanga, 2001), and that the brotherhoods were also built to resist the system (Gabarra, 2009). Evidence for such state of affairs can be found in the extremely dynamic commercial relations that the quilombo of Palmares maintained with the towns of the Pernambuco capitania,³ in particular the marketing of various agricultural products, often carried out by women, members of these brotherhoods.

Trade in Central Africa was the preserve of women called *quitadeiras* by the Portuguese, in reference to *Kitanda*, which means trade in the Mbundu language. In Luanda, according to Selma Pantoja (2001), the *quitadeiras* used to sell a range of foodstuffs, which supplied both the local trade and the transatlantic ships. Women were arrested for transporting products such as *massambala* – a type of maize – as was the case for the enslaved woman Vitoria de Paulo. Her seven *exeques*⁴ and

2 The Portuguese named this region *Abaca* and *Caconda*, located around the Kwanza River and made of Luanda and some fortified settlements called penitentiaries.

3 Capitaincies were Portuguese Crown administrative divisions. That of Pernambuco was much larger than the present state with the same name.

4 The *exeque* is a measure of 50-60 kg made of separate cloth bags packed separately in cloth bags.

three measures of massambala were seized.⁵ It was easy to find these women on the sertão roads, heading to Luanda or in the opposite direction. At various times, they had commercial or personal relations with the quilombos (Ferreira, 2014). In Brazil, many enslaved women were involved in local commerce, mainly in the towns, but also in the countryside. They were also known as *quitadeiras* or, in documentation on the quilombos of Minas Gerais, *negras de tabuleiros* – blacks with trays (Guimarães, 1996). The autonomous activity of the enslaveds, through the exploitation of small plots of land and informal trade, was at the origin of a peasant economy, to which the quilombolas – quilombo inhabitants – were connected by a network (emotional and monetary), conquering and preserving spaces of autonomy (Gomes, 1997).

What we need to remember from the various studies on the African heritage (systems of governance, forms of trade, cosmology) and on the slave trade of black men and women is that of the populations that arrived in Brazil continuously throughout the period of the enslaved trade, the vast majority came from the region then known as Lower Guinea or Congo-Angola. It is estimated that 80% of the enslaveds came from this region (Alencastro, 2000). While it can be said that there is an ethos of Bantu cultures in Brazil, more in-depth research into Palmares, Ambrosio and the Kingdom of Congo has uncovered traces of Ambundu, Ingambala and Bakongo (Slenes 1996). In the 16th century, the Congo-Angola region had a hierarchical social and political structure, which the Portuguese identified as forming kingdoms, attributing to the various social strata the functions of kings, nobles and vassals. The politically centralised and consolidated states in the region at the time were Kongo, Tio, Loango and Kuba. There were also other populations who, even though they were not politically centralised, recognised themselves as societies that participated fully in history, but were not mentioned by the Europeans as Kongo (Vansina 1990).

For the Ingambala and Kimbundo speakers, *kilombo* meant a state formation of warriors. As for the Portuguese, they associated the quilombo with a rebel group. The law of 1722 regulating the capture of enslaveds rewarded bounty hunters known as *capitães do mato* according to the number of captured individuals. The price per head was one ounce of gold. However, for a fugitive who took refuge in a quilombo, the price was nineteen times higher, i.e. twenty ounces of gold. It should be remembered that the Overseas Council defined a quilombo as a gathering of more than five fugitives (Fonseca 2021). The regulations criminalising rebel gatherings of fugitive blacks were a consequence of the large number of quilombos that sprang up across Brazil, after two hundred years of resistance by

5 Código 271-C-14-4 Arquivo Histórico Nacional de Angola; 219 fotograma Projeto Acervo Digital Angola Brasil.

the Palmares quilombo. The captaincy of Pernambuco is notable for the number of appeals it made to the government to contain the proliferation of quilombos in its hinterland. It was at that time that the regulations against quilombos were considerably expanded; ordinances, permits, decrees and patents became part of the territorial reorganisation of the colony. During that period, quilombos were a cause for concern for the Portuguese Crown, both in Brazil and in around Luanda and Benguela. In Brazil, after the fall of the Palmares quilombo, the Minas Gerais capitania experienced economic growth linked to the extraction of alluvial gold, which is why large numbers of enslaveds were brought there, beginning to spread terror among the *sesmeiros* – settlers who received land from the Crown to populate the interior. Settlers, farmers and gold and diamond miners were intercepted on the roads by the fugitive enslaveds. They populated the quilombos in such numbers that the councils of towns such as Rio das Mortes, Vila Rica, Mariana, and São João Del-Rey wrote to various authorities asking them to take action against enslaveds fugitives, who were constantly flocking to the quilombos. In some of these complaints, the quilombo of Palmares was cited as a case that spiralled out of control. Between 1737 and 1738, fourteen quilombos were destroyed in the region (Guimarães 1996:159). Enslaved fugitives' hunters were treated by the authorities as civilised pioneers, penetrating into the *sertão* – the interior - setting the boundaries of the Brazil colony.

In Luanda, on African soil, the majority of quilombos appeared in the 19th century, to the extent that in the second half of the century their existence was recognised by the colonial administration on the occasion of a recruitment campaign for military operations (Ferreira, 2014: 81). Roquinaldo Ferreira believes that this multiplication of quilombos at the end of the enslaved trade to America was caused by the increase in the slave population on the African coast and the attempts to create plantations in Luanda and Benguela as well as in the American colonies in the preceding centuries. But in the 18th century, quilombos were a constant source of concern for the Portuguese living around Luanda. In 1717, 1718, 1719, 1722 and the following years, several expeditions were launched against the quilombos located on the other shore of the Kwanza river. The region known as *Kissamã* (between Luanda and Benguela) was considered a haven for black fugitives (Ferreira 2014:76). The quilombos interrupted the enslaved trade by intercepting shipments on the trade routes from the *sertões* – the interior – to the fort of Luanda, or in the opposite direction, resulting in major losses of food products destined for the transatlantic trade. It is interesting to understand the link between the quilombos existing in the Brazilian diaspora and in Africa (in the vicinity of Luanda and Benguela) as a very similar phenomenon in terms of the break with the mercantile and capitalist system. The influence of Western colonisation on both sides of the Atlantic led to transformations in the way Africans lived. However, on both sides of the At-

lantic, Africans maintained a way of life that broke with the dynamics of the enslaved trade and the monoculture of the latifundia.

On both sides of the Atlantic, these fugitive enslaved communities, by guaranteeing their existence through their cultural and linguistic heritage, recreated endogenous forms of political organisation, even if in the eyes of the coloniser this political organisation was based on a king and queen, with a hierarchical military structure in which the captains stood out – the only form to which the Portuguese Crown (in this case) recognised an authority. Documentation on the quilombos of Brazil and Luanda consists mainly of accounts of military expeditions against groups of black people. This type of document requires to pay attention to the unsaid. The nomenclatures can be seen as clues to historical experience, but also as an obstacle to a real understanding of specific and hierarchical power structures. According to Arlindo Caldeira (2011), the word *mocambo* first appeared in Portuguese documentation in 1574 on the island of São Tomé and Príncipe. The term *quilombo* is sometimes used to designate a region with several *mocambos*, as if the *mocambo* was a small town within a large *quilombo*, like Palmares, for example. However, the term is sometimes used to designate a large region where there are other *quilombos*, such as the Ambrosio *quilombo*, which is located in the Campo Grande *quilombo* region. In Angola, *quilombos* are also known as *mutolos*. Apparently, the names *quilombo*, *mutolo* or *mocambo* depend on the size of the population and the territorial extent of the enslaved groups.

The methodological problem that arises is to read between the lines of an account that relates an experience from the Portuguese point of view. With regard to this centralised political organisation, the Europeans gave the chief the name of king and did the same for the other political functions they encountered, referring to them by the terms *marquis*, *captain*, etc according to the ranks with which they were familiar.

In Brazil, the nineteenth century incorporated the *quilombolas* into the country's black population, losing sight of their historically prominent role, until they reclaimed this position in the mid-twentieth century. *Quilombola* forms of governance were ignored by colonial and national histories. Under the tutelage of the Catholic Church, the cultural, linguistic and political heritage was preserved to some extent in secular brotherhoods such as *Nossa Senhora do Rosario* and *São Benedito*. The kings and queens of Africa, such as the Congos, remained around these brotherhoods. But it was mainly in a commemorative way that they were able to manifest their differences, their political hierarchies and some of their rituals in public spaces – streets or squares around churches. In the case of the state of Minas Gerais, the Kingdom of Congo, located on the site of the *quilombo* of Ambrosio, gathered around a king and a queen among other groups called *Mozambique* and *Congos*, organising a whole black society, visibly marginalised in Brazilian society, and certainly organised according to forms inherited from Africa.

1 The quilombo of Palmares

The quilombo of Palmares was home to between sixteen and twenty thousand people, i.e. 15% of the colony's population at the time, which is why it features on the topographical map of 1766 (Figure 1).



Figure 1: Topographical map of Pernambuco by José Gonçalves da Fonseca, 1766 (Bureau d'études archéologiques de génie militaire, 4586-3-38-52 (DSE) CART 247/203 apud Lara 2019, p.01).

Located in the Serra da Barriga, it repelled several Portuguese military expeditions between 1596 and 1757.⁶ It was made of ten mocambos, each with between eight hundred and fifteen hundred houses: Zambí, Acotyrené, Tabac, Dambrabanga, Subupira, Macaco, Osenga, Serinhaém, Amaro and Andalakituch (Gomes 2005). The king of Palmares was Ganga Zumba, who lived in the mocambo do Macano (with one thousand five hundred houses). The other mocambos were governed by a capitão-mor – a military administrator. One of these was the brother of Ganga Zumba, who governed the mocambo Subupira (with eight hundred houses). According to

⁶ The documentation on the quilombos comes from the reports of military expeditions. In the case of Palmares, there are also memoirists such as Brito Freire, former governor of the captaincy of Pernambuco, Domingos Loreto do Couto, a religious militant of the colonial era, Rocha Pita, a colonial chronicler. From this reading, it is possible to have more detailed overview of life in Palmares.

Silva Lara, there was another *capitão-mor*, ‘GangaMuissa, mestre de camp of all the inhabitants of Angola and son-in-law of the king, married to two of his daughters (2010: 10). One wonders whether the prefix Ganga, rather than a proper name, might be a kind of title of political power or a family identity. The presence of *línguas* – translators, mentioned in various places in the documents relating to the peace agreements with Palmares, supports the hypothesis that Ganga has its own significance in the local political system. The presence of *línguas* constitutes ‘recognition of the existence of distinct and perfectly characterised cultural fields’ (Lara, 2010: 11). The documentation of the time also includes what were known as ‘ministers of justice for the necessary executions and all the functions that would be found in any republic’ (Gomes, 2005). The quilombolas of Palmares maintained commercial relations with the *quitandeiros/as*, the *negras de tabuleiros*, the innkeepers of the region. They were not isolated (Pantoja, 2001 and Guimaraes 1996). They were also accused of committing theft on the roads.

2 The Ambrosio quilombos

There are two quilombos located within a larger one called Campo Grande. One is located in what is now Formiga and the other in Ibiá (Figure 2). The name ‘Ambrosio’, used by the two quilombos included in the Campo Grande quilombo, is a legacy from Central Africa, more specifically from the Ambundu people (Miller and Thornton 1990). This phenomenon can be explained by the migrations required to control population density. When the population of a territory grew, some of its inhabitants moved to a distant territory and gave the name of their original community to the new one they had just created. According to Jan Vansina, the increase in population in the villages of the rainforest peoples of Central Africa made it necessary to transpose the residences, which were thus frequently divided up or moved from one place to another. They take with them their ritual elements, the organisation and structure of religious institutions and cults, even if they are autonomous from the former. Residences need to be transposed in periods of high population density. A sustainable city with a familiar agricultural economy can function well with densities of around four people per square kilometre (Vansina 1990: 83–94). For the same reasons, agricultural production accounts for 40% of the products consumed by the population, which also makes these communities dependent on trade, food being bartered for other products in gift-giving exchanges.

The uncertain location of quilombos or the repetition of the names of localities, villages or houses had also been noted by the colonisers of Central Africa, as Linda Heywood and John Thornton state in a study of African tax systems as his-



Figure 2: 'Espia Mountain/ Quilombo de Ambrosio/ Ibiá/ Minas Gerais, 2008. Photo: Larissa Gabarra.

torical sources. While, on the one hand, the fact that settlements changed location disrupted demographic calculations, urban growth statistics and settlement strategies, on the other hand, make it possible to understand the relationship of these men with their native lands (Heywood and Thornton 1988: 99). Based on this data, we can understand that the use of the same name for several localities not only represents an endogenous form of relationship between the inhabitants and their land, but also responds to a need for non-isolation.

The Campo Grande quilombo was made up of thirty quilombos: Gondu, Kallunga, Quebra Sê, Boa Vista, Paiol, Cascalho, Ambrósio (now the town of Formiga), Ouro Fala, Pedras, Goiabeiras, Opeo, Boa Vista, Nova Angola, Pinhão, Caeté, Zondu, Cala Boca, Careca, São Gonçalo, Mammi, Ajudá,⁷ Indaa, Pernaiba, Marcela, Bambui, Santos Fortes, Salitre, Samambaia, Perdição, Ambrosio (currently the town of Ibiá). (ANJOS, 2006), each with ten to fifty houses. (Figure 3).

Although it had more mocambos than Palmares, its population was much smaller and less dense, being scattered over a vast territory. A comparison can be made with Benguela at the end of the 18th century. Roquinaldo Ferreira has in fact found, from enslaved capture permits, a quilombo run by a man called Cal-

⁷ Ajudá is also the name of one of the largest slave ports in West Africa in the 17th century, today Uidá – Ouhida – in Benin.



Figure 3: Map based on fieldwork at the archaeological site of the Ambrosio quilombo, located in the present-day municipality of Ibiá. DOS ANJOS, Rafael Sanzio. Relatório de Trabalho de Campo no Quilombo Campo Grande/Ambrósio 2008. Revista Eletrônica: Tempo – Técnica – Território, V.1, N.2 (2010),13:47 ISSN: 2177-4366. p.42.

umba, who had around twenty residences at the end of the eighteenth century (Frereira 2014: 78). Once again, the number of houses makes it possible to assess the demographics of these groupings. These quilombos in the Campo Grande region were subject to expeditions organised by the Crown between 1746 and 1779 (Gabbara 2009). What is certain is that as long as there were decrees regulating campaigns against the quilombos, they continued to exist.

Figure 4 shows the presence of protective trenches at the entrance to the São Gonçalo quilombo. It is important to compare this quilombo with the description of the Macaco mocambo in Palmares, which was also fortified with a large, thick, pointed wooden fence with openings so that the warriors could attack in complete safety (Gomes 2005). The image was taken by a bailiff who accompanied Captain Pamplona's expedition to Campo Grande in 1766 and who recorded the entire journey and the events that took place. He noted the arrivals and departures of the expedition's scouts, who made a point of destroying the quilombos they uncovered, the number of dead on their return, the quilombos they came across that had already been destroyed by other expeditions, the times they sang and prayed and the number of men they recruited along the way.

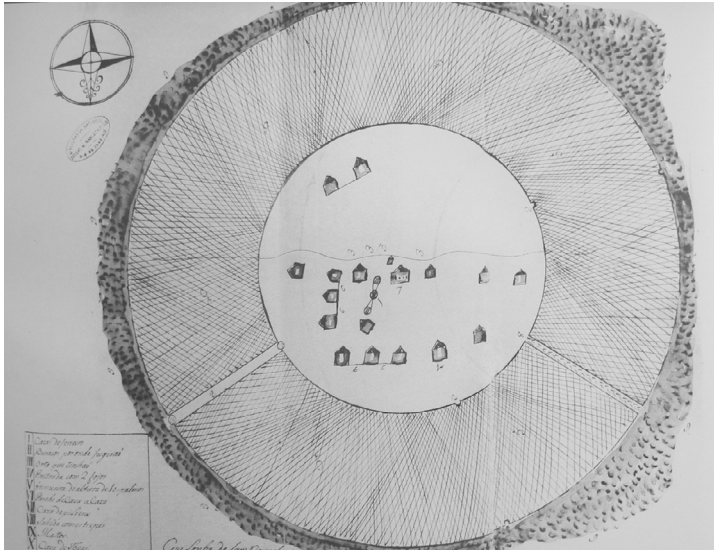


Figure 4: Quilombo of São Gonçalo. MANUSCRITO. Conde de Valadares. Código 12/3671 doc. Rio de Janeiro: Biblioteca Nacional. Ver também em GONÇALVES, Maria Figueiras e WENECK, A. Lúcia. “Transcrição da Expedição Quilombos do Campo Grande.” In: *Anais*. Biblioteca Nacional, Rio de Janeiro, 108:47-113, 1988.p.107.

According to Laura Melo e Souza, this description was apparently intended to highlight the contrast between barbarism and civilisation in order to justify colonisation. The Ambrosio quilombo was first listed as destroyed in a circular of 1746. Another expedition found its ruins in 1759. However, during the expedition of 1769, the Count of Valadares asked Captain Manoel Rodrigues da Costa to investigate enslaved people who gave information about the quilombo on the farms. It was not uncommon for the Crown’s vassal colonists to complain, asking for reinforcements to quell the black population. In the first decades of the eighteenth century, the Count of Assumar was horrified by what he called the vice of rebellion, indiscipline and insolence, which pushed the enslaved of Minas Gerais to live in a climate of revolt and freedom (Guimaraes, 1996: 158). In addition to the countless quilombos, which in themselves created this climate of freedom, the decrees regulating the movement of enslaved women working as independent vendors, known as *negras de tabuleiros*, allow to conclude that there was constant communication between the enslaved, fugitives, and freedmen in the various towns, farms and quilombos. There was an abundance of leaflets, circulars and decrees trying to prevent freedwomen and *negras de tabuleiros* from trading in the area, where they could get lost and where negotiations with the quilombolas

were possible (Guimaraes 1996: 154), not to mention the fact that enslaved people were forbidden to hold gold or to travel without the farmer's permission. These links between *negras de tabuleiros* and the *quilombolas* of Minas Gerais represented more than an act of resistance against the mistreatment inflicted by the enslavement system: like the *quitadeiras* and *quilombolas* around Luanda, they were a counter-colonial organisation.

3 The brotherhoods

By the second half of the eighteenth century, the economic cycle for gold in Minas Gerais had reached its peak, and although the economy was not declining, alluvial gold was becoming increasingly scarce. At the end of the 18th century and throughout the first decade of the 19th century, enslaved people from the island of Quelimane off the coast of Mozambique were brought to the region to try and cushion the negative impact of dwindling gold resources. The people of this region knew how to extract gold from the depths, and when they arrived in Minas Gerais, they had special skills to offer their owners. When these Mozambicans arrived at their destination, they found a social, linguistic and cultural amalgam that Robert Slenes describes as Bantu, but which I will call Congo amalgam here because it refers to the social construction of the Kingdom of Congo in Brazil. They found its most expressive manifestation in the state of Minas Gerais, where it was linked to the black brotherhoods that proliferated there at the end of the seventeenth century and the beginning of the nineteenth. At the same time, as the Mozambiques were arriving, the *quilombos* were being destroyed. The dispersal of the *quilombolas* and their regrouping in small towns coincided with the arrival of a new wave of enslaveds fresh from Africa, who, although they spoke Bantu languages, did not share the language of the majority of the local black population of the time, originating from the region of Congo-Angola where the enslaved trade was in full swing. It is no coincidence that the brotherhoods of Nossa Senhora do Rosário and São Benedito in the towns of Ibiá, Araxá, Patrocínio, Uberaba and Uberabinha (now Uberlândia), built where the *quilombos* of Campo Grande had previously existed, and set up their own Congo Kingdoms. They recorded their members in their minutes and register books as people – enslaved or free – who came from Benguela, Angola, Cabinda, Ambriz, Ambrizete, Congo, but also Mozambique.

In the case of Ambrosio, we can say that the presence to this day of a local culture, which pays homage to the Queen and King Congo, is nonetheless an indication of this capacity for cultural resistance based on an African system of gover-

nance, which has been transformed over time, without forgetting the essentials. The brotherhoods, specifically the Irmandade de Nossa Senhora do Rosário e São Benedito, which resisted and negotiated, constitute other forms of governance of African origin, or extensions of those experimented in the quilombos, such as the Kingdom of Congo – the phenomenon did not only occur in Minas Gerais but also in other provinces of the colony, such as Rio de Janeiro (Figure 5).

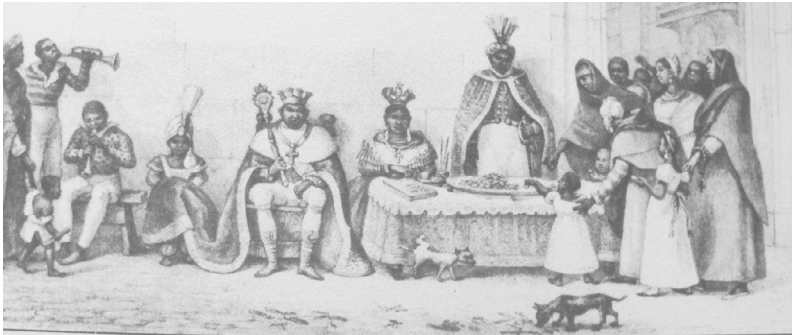


Figure 5: Fundraising for the Rosario Brotherhood. (c.1828) Jean-Baptiste Debret. DEBRET, Jean Baptiste. 1978 *Viagem Pitoresca e Histórica ao Brasil*. Tomo II. Belo Horizonte: Ed. Itatiaia; São Paulo: Ed USP.p.259.

The main difference between the documentation available on quilombos and confraternities is that secular confraternities, under the tutelage of the Catholic Church, operated in Brazil during the colonial and imperial periods right up to the present day with the legal approval of the State, whereas quilombos were criminalised. Two methodological aspects therefore emerge: first, lay brotherhoods of black men were authorised to carry out rituals of praise in honour of Catholic saints in the manner that suited them, and publicly therefore; second, it is possible on the basis of these rituals and their present-day extensions to identify a form of endogenous organisation specific to this type of grouping of the black population of the diaspora, using oral and ethnographic interviews. This documentation also complements and confirms the written documentation produced by the official governments for their control. The internal organisation chart of the brotherhoods, registered with the church, consisted of the kings and queens of the Congo, a procurator and his members. However, only the procurator was a white man, an important merchant in the town (Souza 2005). As for the procurator, his function was to negotiate the needs of the members of the brotherhoods with society, while the kings of the Congo constituted a parallel government in the towns, where they were honoured and recognised by the state police,

who sometimes persecuted them (Gabarra 2009). Even if the black brotherhoods had a white treasurer, all the rest of the organisation chart and the members themselves were black, whether enslaved or not, originating from African regions identified by the surnames recorded in the registers. These names referred either to the person's port of exit from Africa, or to the Senhor who owned them, or to both. In the case of the Rosário brotherhoods, they came from the Congo-Angola region, and in the case of the São Estebão and Santa Efigenia brotherhoods, the majority came from the Costa da Mina (corresponding to present-day Benin, Togo, Nigeria and Guinea Conakry).

In terms of narratives, the oral account given by members of the brotherhoods can be summed up in the founding myth of Nossa Senhora do Rosário. Dolores (captain of one of the groups, called *Marinheirinho*) recounts: "Nossa Senhora do Rosário would make her appearance, so he would ask her and she would appear. That was back in the days of enslavement. So Nossa Senhora do Rosário appeared and they took her to the church, and then one day she was in the forest again, so they went to get her to take her back to the church, and another day she was in the forest again. So they called in the black Mozambicans and asked them if they could sing for her, you had to ask the owner of the mill. They sang for Nossa Senhora do Rosário, she went all the way to the church and never left. Each dancer, as the subjects of the Kingdom of Congo, linked to the Rosário brotherhoods, tells the myth in his or her own way. But they all agree that the saint does not like the way the whites praise her. She likes the drum. Similarly, she was found by the Congos, but it was the Mozambicans who managed to appease her in the chapel of the black community. There are three important things to learn from this story.

The first is that this story is not about the agency of the coloniser, the farmer or the hunter of fugitive enslaveds. It is the story of the black population of the region of the ancient quilombo of Campo Grande, who have survived for centuries despite the control and oppression of their bodies, lifestyles and political organisation. The text makes it clear that the saint did not choose the praise of the white man, but rather the drumming of the black man as her form of celebration. This circumstance highlights the leading role played by the Black man. The story shows the extent to which enslaveds, freedmen and fugitives had become aware of their condition and developed strategies for living and surviving on the shores of the Atlantic in the Americas. The second piece of information indicates that the Mozambiques arrived after the Congos, which is consistent with written customs documentation. Finally, the third piece of information is that the arrival of the Mozambiques marks a break in the process of internal organisation of this population – bearing in mind that the saint is an allegory of negotiations with the coloniser.

4 The Congo kingdom

An ethnography of the celebratory ritual specific to this regional culture in the state of Minas Gerais reveals other internal rules, such as the hierarchical arrangement of groups and the different social and political functions performed by these groups during the ritual. The procession may include the Congo King and Queen, Nossa Senhora do Rosário and São Benedito, with the various groups following in their wake (Figure 6).



Figure 6: Kingdom of the Congo in Uberlândia 2002 (Photo: Larissa Gabarra).

However, the Kingdom of Congo is organised around the figure of the king, his court and his vassals. They were divided into different nations, which could be un-

derstood as districts, since it was from these that the distinction between an ‘us’ and a ‘them’ was created (Ricoeur 2000). The Mozambique nation is made sacred by rituals that pay homage to the king through his court. Among the Congos (Figure 7), these rituals are performed by the vassals. There are also the *Marinheiros* – sailors, who represent the soldiers. The *Capotés* – an ethnic group originally from Brazil, and the *Vilões* – villains, each with their own specific characteristics, may also form part of the brotherhood.



Figure 7: Congo Bleu Clair in Monte Alegre (2007). (Photo: Rui Assubuji).

Each nation is called a *terno*, and today has between fifteen and three hundred members. The *ternos* refer to the *terços* – battalions of African mercenaries recruited to take part in what the Portuguese called the ‘Black Wars’ during the enslaved trade, mainly in the Congo-Angola region, but also used in Brazil for campaigns to destroy the *quilombos*. Two of these *terços* became very famous: one commanded by a man from the indigenous Brazilian *potiguar* people, the *terço des Camarões*, and the other by a former enslaved, the *terço des Henriques*: The *Potiguar* converted to Catholicism in 1614, after taking the name Antonio Felipe Camarão. Educated by the Jesuits, he achieved great fame by leading his nation’s fighters against the Dutch from 1630 onwards, winning victories that earned him honorary titles and decorations. After his death in 1648, members of his family continued to command the *terço* of the ‘*camarões*’ until at least 1730. The creation of autonomous military corps was not the result of an indigenous policy. The former slave Henrique Dias, another hero of the Pernambuco War of Independence, re-

ceived titles and honours and was appointed ‘Governor and Corporal of the Creoles, Blacks and Mulattos of Brazil’. He commanded the ‘terço of blacks’, generally known as the ‘terço of Henriques’, which included a number of black men, Africans who had come to Brazil not as enslaveds, but for that very reason, and other freed or free blacks (Lara, 2010:15). It is interesting to find in the terços the origin of the word ternos, as this helps to understand the appropriation by the black population of the coloniser’s means of control and oppression. In the Kingdom of the Congo, the colonial system was inverted. The ternos (or terços) of the Kingdom of Congo wanted to control and oppress the colonisers; in the worst-case scenario, they protected the Kingdom’s vassals. If there is any doubt as to whether the word terço or terno was appropriated, other elements corroborate this assertion. The headquarters of the ternos are called barracks and the members of the brotherhood refer to themselves generically as soldiers of the Kingdom or soldiers in the service of the Queen. These last two names clearly indicate that the brotherhoods, even though they were located in towns and considered to be areas of Catholic influence, were not in the service of the coloniser, but worked to protect and preserve the Kingdom of Congo. The living tradition recounts their experiences through its own filters, showing black agency and the endogenous way of remaining linked to African origins, but also telling its own story. As for the ternos, which represent the different nations and their specificities during the ritual, they are organised internally as a House, in the sense that Jan Vansina gives to this term when he refers to the Kingdoms of Tio and Kongo before contact with Europeans. In each terno – House – there is on the one hand the mfumu – the chief – who is the captain of the terno, and on the other, the healer, who is its godmother. (MacGaffey, 2000, Vansina, 1990). Both use a stick from which emanates a spiritual force from a disembodied being. It is to this ancestor that the group pays homage by making offerings and showing respect and obedience. It is common among some African peoples to use magical staffs, like among the Solongo (Figure 8). As with the Bapende, the sticks are consecrated with words. The words of the staff bearer reflect the wishes of the ancestor, thus representing the intention of the group. In the event of conflict, the words of the captain and godmother are listened to as if they were the words of the staff (Figure 9 and 10), and therefore of the ancestor (Strother, 2008).

Again, in this ritual of power at work in this Brazilian-style Kingdom of the Congo, the general can be seen as the Zomzi who, among the Bapende, has the function of maintaining a certain balance between the chiefs, the young and the old, the women and the children, who are all treated equally, with everyone’s voice having the same weight, for example (Strother, 2008). It is the details of accessories, ornaments, dances, hierarchical distinctions and ritual functions that allow to understand how they govern and reinvent themselves on American soil using specific African cultural tools. It is the linguistic traits, the preconceived



Figure 8: Solongo cane/ EO.1964.11.2, collection MRAC Tervuren; (Photo Larissa Oliveira e Gabarra, 2007).



Figure 9: Captain of the Terno Mozambique Quilombo de Uberaba, 2002 (Photo: Larissa Gabarra).



Figure 10: Godmother of the Terno
Mozambique Estrela Guia of Uberlândia 2003
(Photo: Larissa Gabarra).

ideas underlying patents, ordinances, decrees and reports that make it possible to analyse the system of endogenous African governance implanted in the diaspora. To make a comparison between the endogenous African systems known today and the local cultures of the black population of the diaspora in Brazil is methodologically slippery, because one can start from an African specificity putatively lost in the ethnic multiplicity, which has constituted the formation of local Afro-Brazilian cultures. The first step is to recognise the different waves of the enslaved trade, which occurred on both sides of the Atlantic over the centuries of inhuman practices. It is therefore necessary to know the time and space on each side of the Atlantic that came into contact. In the case of the local culture of Irmandade do Rosário and the Kingdom of the Congo in Minas Gerais, Brazil, the organisational systems of the peoples of west-central Africa are fairly obvious, but they are blended into a Bantu amalgam in which the Bakongo, Mbundu, Pende, Solongo, Soyo, Basegele, Bakuba, Mongo, Baluba and Balunda, among others, are present and brought their cultural baggage at different times between 1600 and 1850. In the specific case of Minas Gerais, Bantus from East Africa and Mozambique also arrived, in the late 18th and early 19th centuries. So, just as it is possible to list the function of the Bapende mihangas and the function of the bat-

ons of the captains and godmothers of the Rosario brotherhoods, it is possible to think of the dances of the nobles of the Kubas kingdom with some similarities to the royal court of the Congo Minas Gerais. See the clothing of the Kubas (Figure 11) and Mozambique nobles – pleated skirts and feathered headdress (Figure 12), rattle on the ankles (Figure 13). However, it is not possible to go beyond these small similarities, which say a lot about an African bodily and systemic memory in Brazil, but not about the specificities of African geopolitical regulations.



Figure 11: Court dance of the Kingdom of Kuba. (EP.0.0.9358, collection MRAC Tervuren; (Photo: Raymond Beeldens, n.d., All rights reserved).

It is thought that the greatest potential that can be understood is that the regulation of the community is very broad, or that people can be reorganised after a conflict that affects the community, which implies that the phenomenon is a justice that sees the result. The resolution of the conflict must first be legitimised within the small group involved and only then spread to other neighbouring communities. It is said that this is how, living as a dancer in the Kingdom of Congo, any type of conflict, of a social nature, even outside ritual issues, is resolved in group meetings, then the accused or the victim, whether they have or have not followed the resolution of the case, but everyone in the group, in one way or another, must be responsible for bringing the conflict to an end.



Figure 12: Terno de Mozambique Pena Branca in the city of Uberlândia, 2005 (Photo: Larissa Gabarra).



Figure 13: Terno Mozambique of Arturos in Belo Horizonte city, 2007 (Photo: Rui Assubuji).

Conclusion

Within the African diaspora in Brazil, free blacks (fugitives or not) and enslaved people reproduce their cultures, their systems of governance and their ways of life by relying on the possibilities offered by their new environment. Furthermore, the enslaved trade triggered a process of change in African areas that came into contact with this type of system. In the vicinity of the port of Luanda and Benguela, several quilombos were built with the same aim as the Brazilian quilombos: to break with a system based on the trade in human beings, latifundia and monoculture. On the Brazilian coast, the break was aimed directly at the plantations, while on the coast of the Congo-Angola region, it was opposed to the enslaved trade (which continued until the 19th century). Whatever the case, the slave trade and slavery, aimed at developing a single crop on a vast estate belonging to a single owner, were part of the same system; one could not exist without the other, they were more than complementary: they were parts of the same mechanism. It is interesting here to understand how these quilombos organised themselves in relation to colonial society and the transatlantic trade in human beings. Even if they were described as criminal organisations, outside or on the fringes of society, they were an integral part of slave society. In this sense, we can say with Paul Gilroy (2007) that the margin is merely the edge of a larger whole, in this case the capitalist system, itself made up of hierarchical places, more or less classified according to their proximity to the centre, considered to be the primordial core, the driving force of the system. According to this author, this classification is a trick of the capitalist system to disqualify people and keep them in places of submission. In other words, each of these places, whether classified as essential to social functioning or not, has the same importance in maintaining the system. Thus, the quilombos were essential elements of the colonial system, even if they were rejected on the margins of the system. Moreover, the quilombos and the network of people linked to them succeeded in breaking with the very structure of the system, by opposing with the dynamics of the plantations in the Americas and the caravan trade in Africa, while preserving the very elements of another system.

I shall call this other system ‘Bantu aquilombement’.⁸ Thus, both in Africa (an Africa mainly located around Luanda, Benguela and Kongo) and in Brazil (where most of the enslaved people, throughout the period of the slave trade, came from

⁸ Bantu Aquilombement is inspired by the concept “aquilombamento” by Abdias Nascimento (2019). In the case in question, we only added “bantu”, while retaining the original meaning, since for Abdias Nascimento this concept encompasses the peoples of the diaspora of all origins.

the ports of the Congo-Angola region), this ‘Bantu quilombment’ brought together and organised a black population made up of peoples with diverse languages and cultures, even if their vast majority belonged to the same linguistic family, Bantu. The idea of ‘Bantu quilombment’ also means in this case that not only the quilombos (as rural communities of fugitive slaves, according to the terms of the Portuguese Crown’s penal code dating from 1722), but also the confraternities (other forms of black groupings, but in urban areas) were gatherings of the black population whose aim was to strengthen and help each other on a day-to-day basis through regulatory rituals endogenous to the African regions from which they originated (Nascimento, 2019; Ratts, 2006). The need to band together was therefore a matter of survival and lifestyle, a matter of collective experience to be accomplished in itself. So whether one was a fugitive enslaved or a freed person, rural or urban, connection and interaction were achieved. Without doubt, the *quitadeiras*, or *negras de tabuleiros*, were key players in this reconnection and in the formation of these groups. Faced with a hostile environment, these communities needed to rebuild their lives, albeit in a different way – determined by historical and geographical circumstances. In the case of the African diaspora in Brazil, the official system of governance enacted rules, laws and decrees with the aim of controlling black people, their cultures and their bodies. The barriers, which were erected at all costs to inferiorise, devalue and delegitimise the lives and lifestyles of these individuals, have shaped the mechanisms of domination that have been in place for centuries, and continue to perpetuate inequality today. On the other hand, the black population also continues to create egalitarian relationships within itself in order to live with and combat this injustice. Insofar as it is structured around living well together, the endogenous system of governance is based on African cultural references that have been preserved and re-imagined. While quilombos still exist in Brazil today, the Rosário brotherhoods and the rituals of homage to the kings and queens of the Congo are also still very much alive.

It can be said that no culture, no people faced with an adverse situation, will forget the way of life that is most comfortable for them. They will fight relentlessly, whether directly or indirectly, to recreate spaces for living together, for security and protection. Even if there are exchanges between the quilombos and society, between the members of the brotherhoods and the inhabitants of the urban entities, the government and Christianity have worked to silence the worldviews and systems of governance of African origin. Even when criminalised, endogenous experiences have been maintained by Afro-Brazilians with the aim of strengthening each other and building a network of mutual support in various sectors. Today, through interdisciplinarity, and drawing on linguistics, archaeology, semiotics and orality, it is possible to rewrite the history of this

population. Such analyses are important in that they bring African experiences of agentivity into the academic field, breaking with the silence imposed by epistemological racism. We can also reflect on their practical importance and on the epistemological, socio-political and cultural lessons that can be drawn from such experiences. Community practitioners can thus understand that many of the systems, histories, rituals and knowledge transmitted orally are not myths or nonsense (as official politics would have us believe), and that they represent an example of resilience and a strength of resistance that have been maintained through the ways of being and living perpetuated by Afro-Brazilian communities. When people say that this is a myth, they often think that these counter-models are a meaningless invention. But according to Boubacar Barry (2000), oral traditions are reliable forms of memory about the past, because unlike written documents – saved and forgotten in an office – what is repeated is passed on and therefore not forgotten, thus carrying from mouth to mouth an essential part of the narrative about the past. Reflecting on the past through rituals and oral traditions also means reconnecting with endogenous African ways of life that have been preserved by the black population of Brazil over the centuries.

The quilombola from the state of Piauí, Negro Bispo (who died recently on 3 December 2023), constantly reminded us that the quilombo is in itself a counter-colonial agent, which has never given in to the capitalist system (2005). He explained how family farming, the care of forests and rivers, the relationships built from person to person, respect for the elderly and collective hospitality are ways of life that, through the living traditions of the community, maintain the strength of an African system, contrary to the capitalist Western system. Although the Brazilian government has drawn up a number of compensatory laws since 2003 (with the exception of the 2018–2022 period under Bolsonaro's government), which recognise the harm done to the black population throughout Brazil's history (including Law 10.639/2003 e Law 11.645/2007, Law 12.711/2012, Law nº 12.289/2010, Lei 14.723, de 2023), they have created a framework for debate on demystifying the idea of the existence of a 'racial democracy' in Brazil, and of compensation in kind in the form of livestock that did not take place. The majority of the country's black population still makes up the majority of the poor. Although there have been some positive actions to try and compensate for the epistemicide of African knowledge in the country, such as Law 10639/2003 – which requires the compulsory teaching of African and Afro-Brazilian history and culture in basic education – political leaders still do not understand that this historical knowledge and experience contains important socio-political values, principles and practices for building a more equitable future in Brazil. Political actors and decision-makers need to realise that there are other forms of governance that can offer alternatives to those imposed by Western culture and presented as universal

models of socio-political regulation. The decision to make the teaching of African and Afro-Brazilian history and culture compulsory is one of the governmental actions in Brazil in the 21st century that has brought about, in a diffuse but more effective way, changes in mentalities about the roots of racism, the importance of Africa and the contributions of African peoples to civilisation and to the general progress of humanity.

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Chapter 10

Governance system of Maroons communities in Suriname

Introduction

Since the conclusion of the peace treaties between the maroon groups – Ndyuka in 1760, Saamaka in 1762, Matawai in 1767 – and the colonial government, a climate emerged that offered the maroon societies the opportunity for stable development. Each group was assigned a more or less demarcated residential area. The peace treaties also recognized their own legislation and administration. This allowed further socio-economic, political and cultural-religious development. In the system they created, there was no strict separation between the various areas of life. The traditional government is democratic with the whole community involved in decision-making. It functioned well until the mid twentieth century (Scholtens 1994: 25–26). The following statement recorded by Andre Pakosie is from „*gaanman*“ Matodja Gazon, headchief of the Ndyuka from 1966 to 2011:

The moment I was assigned to be installed as *gaanman* and especially on the day of the installation itself, a lot of thoughts went through my head. I was full of emotions, but also worried about the rest of my life. You are no longer a free person. You become a public person, whose actions are bound by rules. All your doings are determined by the „*weyti*“ (laws, regulations and protocol) that apply to the people. As a person you are above the parties, but you actually no longer have your own opinion. It is the „*lanti*“ (comprised of the *kabitens*, *basiya* and *council of elders*) who decides. You are the head of the confederacy, the society, but it is the society that determines your life (Pakosie 1999).

This quote actually represents the governance system in Maroon society. There is a head, a leader, but the decisions are made by the entire society. It is the society that decides and determines. In this contribution, I focus on the traditional government of the Maroons in Suriname. I will discuss why and how this system is practiced by the Maroons; on which level and under what conditions these practices are applied and reused; the role of the Maroon women in this system; the limitations and challenges faced, and the main lessons and recommendations that can be drawn from these experiences for policymakers and community practitioners.

1 Historical background of the Maroons in Suriname

Rebellion was according to historian Ben Scholtens (1994) inherent to enslavement. One of the forms of rebellion was marronage, facilitated by the geographical location of Suriname. Marronage took place in all slave plantation colonies in the Americas. Only in a few cases the Maroons succeed in establishing permanent settlements, for example in Suriname, Jamaica and Brazil (Scholtens 1994: 148). Marronage defined most clearly the conflict between Blacks and Whites, the struggle between the forces of freedom on the one hand and the system of bondage on the other hand. From a Western perspective marronage appeared to be a chronic plague of New World plantation society. By escaping however, the Maroons showed their refusal of the system imposed by the enslavers.

Enslaved Africans who fled the plantation in the seventeenth and eighteenth centuries in Suriname settled in the jungle, along the major rivers, where they established new communities (Figure 1). Organized resistance against slavery took place from these communities. The descendants of these enslaved refugees are called „Bush Negroes“ or Maroons. The colonial government repeatedly sent troops to the inland to fight the Maroons, mostly without success continued until 1863, when slavery was abolished (Dragtenstein 2002: 197).

The Maroon communities evolved into organizations in perpetual state of war. The 1680–1720s witnessed the formation the *Saamaka* and the *Matawai*, the two oldest resistance groups. The *Ndyuka* and part of the *Aluku* came next in the first half of the eighteenth century. And finally, the rest of the *Aluku*, the *Kwiinti* and the *Pamaka* emerged in the second half of the eighteenth century. The continuous marronage which increased in size had destructive effect on the plantation economy. The costs for various penal measures and military patrols were high, but had slight effect. The colonial administration was forced, in the mid-eighteenth century, to conclude peace treaties with the three largest Maroons' groups, namely the *Ndyuka*, the *Saamaka* and the *Matawai*. These peace treaties, concluded between equal partners, gave the Maroons, called pacified Bush Negroes, their freedom, almost one hundred years before slavery was abolished. For the colonial administration, postholders (posthouders) were placed in the Maroon communities, and for the Maroons, hostages (ostagiers) were placed in Paramaribo. The treaties regulated a vague delineation of the territory of the Maroons with respect to the plantation areas (Scholtens 1994: 48).

The treaties were signed on the condition that the Maroons refrain from attacking the plantation and extradite new runaways. In return, the colonial administration would cease its actions against them and periodically allows goods to be

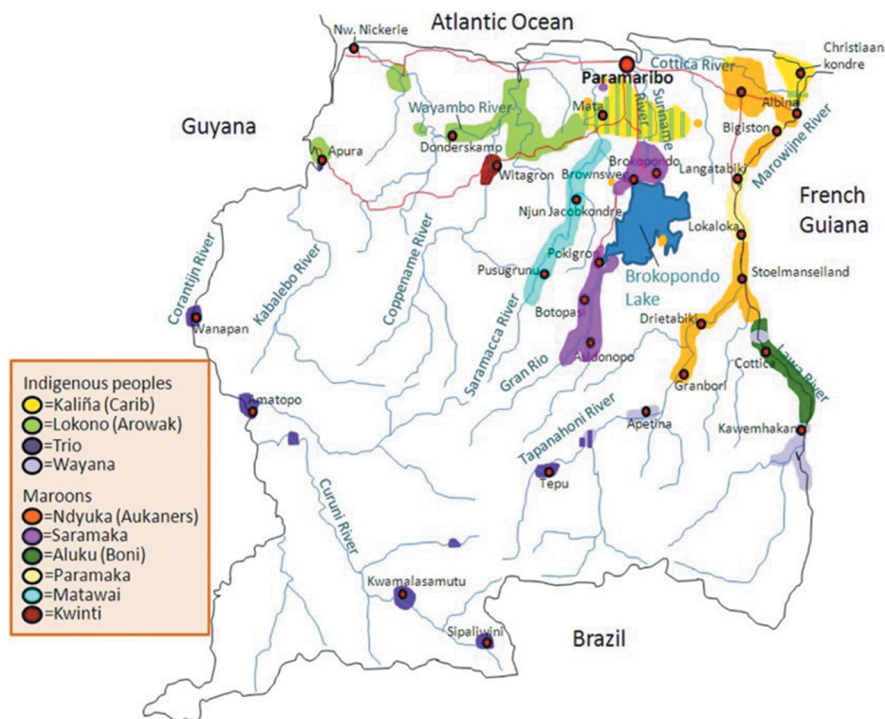


Figure 1: Residential areas of the Maroons in Suriname. Photo: Martina Amoksi. The city came to the interior (residential areas of Maroons). Historical analysis of the impact of the multinational SBM/Suralco on Maroon communities in Suriname 1922–1992 (2023) 37 (Source: Delvoe, K., 2023 Tribal communities living within the territory of Suriname).

delivered to the Maroons (Jagdeu 2017: 114). Since then, the Maroons have been able to build their society relatively undisturbed, although relations with whites did always remained tense (Figure 2). These communities eventually developed into six confederacies, which show greater or less differences in language and culture. These are: the *Saamaka* or Saramaccaners on the Upper Suriname, the *Ndyuka* or Aucaners on the Cottica-, Upper Commewijne-, Tapanahonyriver and Saracreek, the *Matawai* or Matuarriers on the Upper Saramacca, the *Kwiinti* on the Lower Saramacca, the *Pamaka* or Paramaccaners on the Marowijneriver and the *Boni* or *Aluku* in the Lawa area (Polimé 2007: 55).

According to De Groot (1974) the Maroons have made extensive use of their African heritage in building their communities, but this is not to say that their society has become a more or less faithful copy of the West-African models. The achievement of these people was that under extremely difficult circumstances

they have developed a new culture, the elements of which are largely African. The structure itself is original (De Groot 1974: 67).



Figure 2: Maroon village Manja Bong on the Cottica River 2024 (Photo: Thomas Joekoe).

The Maroons are a separate ethnic group in Suriname. They have their own language, traditions, religions, heroes, leaders and history. They are different from the other ethnic groups because of their culture, which is originally African, but which has developed in Suriname into a culture with its own characteristics. They form the second largest ethnic group in Suriname, according to the 2012 census with 117,567 members (Table 1). This is 22% of the total population.

Table 1: Population by ethnicity in 2012.

Ethnicity	2004		2012	
Creoles	87.202	18%	88.856	16%
Mixed	61.524	12%	72.340	13%
Hindous	135.117	27%	148.443	27%
Javanese	71.879	15%	73.975	14%
Maroons	72.553	15%	117.567	22%
Natives	18.037	3,7%	20.344	3,8%

Table 1 (continued)

Ethnicity	2004		2012	
Chinese	8.775	1,8%	7.885	1,5%
Europeans	2.899	0,6%	1.667	0,3%
Others	2.264	0%	7.166	1%
Do not know	1.261	0%	1.805	0%
No answer	31.318	6,4%	1.590	0,3%
Unknown		0,0%		0,0%
Total	492.829	100%	541.638	100%

(Source: J. Mencke 2016).

2 Characteristics of the Maroon community

The Ndyuka have a saying: „*Uman pikin na bee gudu*“, which means *the women are the treasure of the community*. Kinship is essential in the social organization of the Maroon community. The matrilineal kinship system took shape during the formation of the maroon groups in the enslavement period. The system influences the entire life of the respective collectivities: their mutual relations, settlement pattern, land ownership and distribution of political and religious functions. The Maroons, as noted earlier, consist of six confederations. Each has its own matrilineal structure, but they are nevertheless broadly similar (Amoksi 2023: 35).

Each confederacy is subdivided into a number of matrilineal, mostly exogamous clans, called *lo'* (matriclan). The *lo* includes the descendants of those who collectively fled a certain plantation area during the marronage period. Many *lo*'s therefore derive their name from a former plantation (owner). The term *lo* is therefore closely related to the period of the marronage. The *lo*'s inhabit different villages and are composed of a number of matrilineages, the *bee*, whose size is determined by the number of relatives belonging to the same ancestral mother. The members of a *bee* inhabit the same village. The *bee* (literally: belly) is a differentiation within the *lo* (Scholtens 1994: 25). The *mamapikin* comes from the *bee*. The authority of the *mamapikin* is formed by the matrilineal *ti* (uncles) and *tia* (aunts) (Polimé 2007: 61).

Each *mamapikin* consists of a number of *osus* (families). The *osu* comes from the ancestress. According to the maroon anthropologist Polimé, it must be stated that the concepts of uncle and aunt, as well as brother and sister, have different values in maroon society. Both the niece and nephew of both parents are also aunt and uncle to the children, because the term brother and sister also applies to first cousins.

According to Maroon law, the matrilineal uncle and aunt are also father and mother of the sister's children respectively. The uncle and aunt supervise that the sister's children are brought up correctly (Figure 3). According to this matrilineal order, the children are counted in the mother's line (Polimé 2007: 62–63). The woman is the founder of the family and the more female members the family has, the more certain its survival. The man in the family is only the keeper. His role is to protect the family, especially the women in the family against all negative influences (Amoksi 2023: 89; Pakosie 1999).

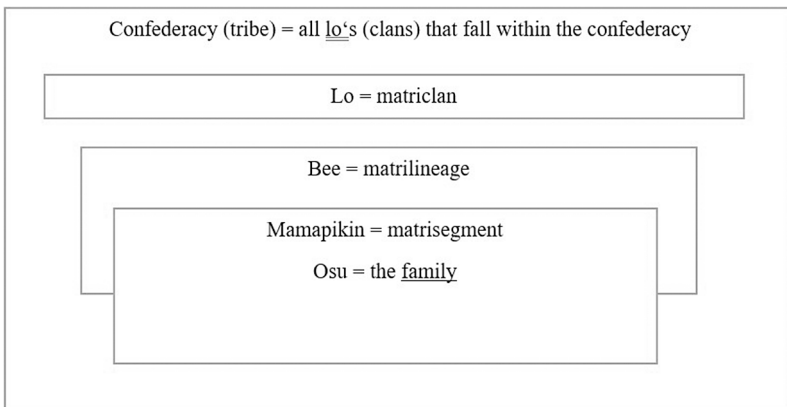


Figure 3: Schematic representation of the matrilineal kinship system (Polimé 2007 p. 63).

The Maroons live in villages and each village has a large degree of autonomy. The status of a village is determined by the presence of a shrine (*faaka tiki*) where the ancestors are venerated, a cemetery, and a morgue (*gaanwan osu*). Death rituals take place in the morgue. The villages are divided into various residential areas (*pisi*). In addition to the villages, there are permanent or non-permanent camps where the villages residents stay during certain periods of the year, during harvest time for example (Scholtens 1994: 26). Four groups can generally be distinguished in a Maroon village. First, the matrilineal kin who form the core of the village. The second group consists of the children of the men from the matrilineal group who have children with a wife of another *bee*, but live in their father's village. The third group is made of relatives. These are mainly young men who are married to girls from the village. The fourth group includes children born from an interlinear marriage. This is understood to mean a marriage between *bee* mates (Amoksi 2009: 15–16; Köbben 1979).

3 Main structures of Maroon system of governance

According to Scholtens, once the peace treaties were concluded, the Maroons communities acquired a certain amount of autonomy through the recognition of their own government system and own administration of justice. The Maroons created possibilities for a more stable development of their communities. The basic principle of structure is the early mentioned matrilineal relationship system, which was shaped during the period of marronage. Both this system of relationship and the religion influence Maroons' life. The two most important social units are the matriclan (*lo*) and the matrilineage (*bee*). The administrative system is also closely related to this system of relationships. It states that in the allocation of political functions, the historical rights, line of heritage, element of choice and rivalry among the different groups play a role (Scholtens 1994: 148).

The oldest political function that existed before the conclusion of the peace was that of *basiya*. Some of the leaders of the important *lo*'s enjoyed special authority and acted as „chieftains“ in the forest (Scholtens 1994: 25). With the peace treaties a central authority was forced upon the Maroon communities. According to Maroon cultural anthropologist Salomon Emanuels (2004), the traditional government among the Maroons has several administrative bodies. The most important administrative institutions being: *Lanti u Lio* or *Lanti fu Liba*, *Lanti u Kondee* or *Lanti fu a Kondee* and *Gaanwan* or Council of Elders.

Lanti fu Liba

This is the highest administrative and authority body within the society. The *Lanti fu Liba* includes the *kabitens* of all villages, the *basiyas* of all villages, as well as all *Councils of Elders* of all villages of the confederacy. They represent the *lo*'s (people) to the outside world and the *gaanman* is the head of the *Lanti fu Liba*. It is the body for making generally applicable laws. These laws are promulgated by the *gaanman* in the name of the *Lanti fu Liba*. The *gaanman* on behalf of the *Lanti fu Liba*, also represents persons from his confederacy who live outside his area. This is according to Emanuels closely related to a strong ethnic consciousness in which the reference to a common origin and history is central. He stated that the idea is always that, as member of a certain confederacy you can live elsewhere, but that the bond with your origin can never be cut during your life (Emanuels 2004: 7).

Lanti fu Liba can therefore be regarded as a forum in which family heads, family elders, village representatives, etc. represent their group interest. The *gaanman* is there among other things, to lead the process of representing group interests and to ensure that compromises are reached. He makes extensive use of „previous cases“, that had occurred before in a comparable situation and for which an acceptable solution had been found. He always moves between the micro level (the interests of the segments) and the macro-level (the interests of the wider environment, the entire group). As Emanuels points out, this requires a lot of knowledge of the entire history of the various families and the mutual political relationships. Possession of this historical knowledge and the skills to manage local political relations to the satisfaction of the people give a traditional leader a significant authority, respect and prestige. The *gaaman* can also apply sanctions on behalf of the *Lanti fu Liba* in the event of violations of laws and regulations or failure to fulfill duties (Emanuels 2004: 7).

Lanti fu a Kondee

Lanti fu a Kondee is the highest administrative body at village level. The *Lanti fu a Kondee* falls within the *Lanti fu Liba* and is responsible to it. It includes all *kabiten* and *basiya* of the village, the Council of Elders of the village and *Lanti (peoples)*. It is responsible for virtually the same tasks at the village level as the *Lanti fu Liba* at regional level. The *kabiten* is the highest official at this administrative level. He serves as chairman of the *Lanti fu a Kondee Kuutu* (village meeting). The *basiya* assists him in this. (Emanuels 2004: 6).

Council of elders

The council includes elderly people who are not *kabiten* or *basiya*. Every village has a *Council of Elders*. It consists of: village elders, family elders and religious leaders. They are often people who have certain specializations or expertise in the areas of religion, culture, traditional medicine and oral tradition. They usually act as advisors to the various chieftains and play an important role in resolving conflicts and making libations. In ancient times they were those who became *gaanman*, *kabiten* or *basiya* (Emanuels 2004: 7).

Anna Zandveld (92), a woman from the *Saamaka* confederacy interviewed about her position as village elder in 2022 by C. Paulus, a student of the Institute Teacher Training said:

I am one of the oldest female residents in the village. I was born here and have lived here all my life. There is nothing in the village I don't know, but I am not *kabiten* or *basiya*. I serve as a village elder in the village. I do not take the foreground, but if there is a topic going on, village authorities will send one or two people to me to ask for my advice, given my experience and knowledge of the village. Usually they come several times until they have come to a decision because to come to a good decision you have to be patient. And you have also to ask the Almighty for his knowledge and wisdom, to be able to study matters and to give the best possible advice (Paulus, 2022: 19).

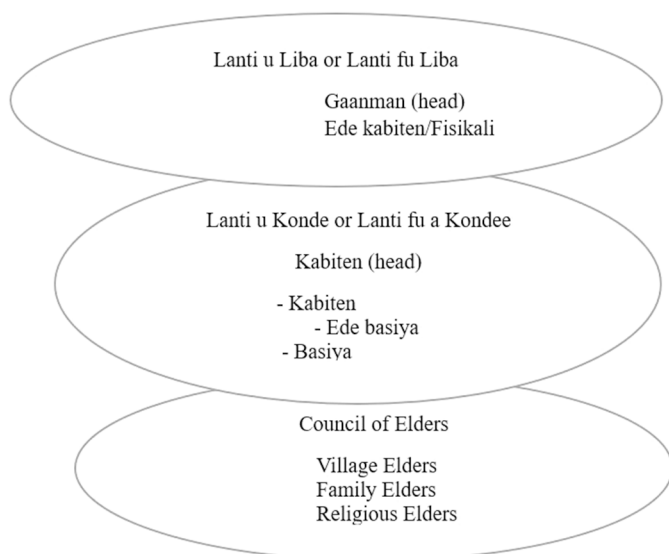


Figure 4: Schematic representation of the traditional authority (Martina Amoksi).

In addition to the above-mentioned institutions, there are a total of five different positions that individuals can hold based on the matrilineal kinship ideology (Figure 4). These are: the Paramount Chief (*gaanman*), *ede kabiten* (head captain), *kabiten* (captain), *ede basiya* (head basiya), and *basiya* (Landveld 2005: 45).

The *gaanman*

The *gaanman* is the highest political official and sometimes also the highest religious leader. He is appointed for life and comes from a historically determined matrilineal clan. He has a protocol and representative task, exclusively regulates relations with the central government in Paramaribo and is in charge of the *gaan-*

kuutu, the community assembly. After being chosen by his people, he is sworn in by the president of the Republic of Suriname and receives compensation. He knows enough about his people's tradition, norms, values and religion. He represents his people in and out of court and has supreme authority over all tribe members within his area of competence. All administrative and social actions are performed in the name of the *gaanman*. He also receives some signs of dignity, including a peace stick with the coat of arms of the Netherlands. Furthermore, the recognized dignitaries received a certain type of costume derived from the military rank system and breastplate. In addition to the *gaanman*, chiefs of the various *lo* also received a peace stick. The appointment of the *gaanman* is officially endorsed by the government (Scholtens 1994: 26).

Furthermore, the *gaanman* gets free medical treatment and nursing, compensation for a necessary stay in Paramaribo, the capital of Suriname, allowance to help maintain his dignity, official clothing and footwear, a house for the *gaanman*'s residence and an outboard motor and gasoline (Figure 5). The *gaanman* has a secretary who assists him with all administrative activities. The central government takes care of the remuneration of *gaanman*'s assistants (Meulenhof 2002: 32).



Figure 5: Traditional Maroon dignitaries in Suriname. From left to right; kabiten, basiya, maroonwoman with pagni, kabiten, gaanman Lesley Valentijn of the Matawai Confederacy (middle in white), gaanman Ruben Clemens of the Kwiinti in traditional clothes and ede kabiten (right in white) 2024 (Photo: Thomas Joekoe).

Ede kabiten/Fisikali

This function was introduced in the twentieth century, as a result of the increasing government involvement in the Maroon communities. In recent decades, the *ede kabitens* (Figure 6, 7,) have in many cases been appointed on the basis of their personal qualities (including good conduct and knowledge of the Maroon community) rather than through inheritance in matrilineal sense (Scholtens 1994: 26; Polimé 2007: 59). The *ede kabiten* generally represents the *gaanman* in the administrative supervision of a particular region, when the villages are far from the residence of the *gaanman*. Sometimes there is also a *fisikali*. The difference between these two is that the *ede kabiten* is charged with administrative issues, while the *fisikali* is charged with jurisdiction (Joekoe 2024).

The *ede kabiten/fisikali* is head of the *kabiten*. He can call him to account and suspend him from his duty (for example, not to hold *kuutu*) for a certain period if he deems it necessary. When making decisions of general interest, the *kabiten* must first consult the *ede kabiten*. For example, he cannot set a date to hold mourning termination ritual (*booko-dei*) without the approval of the *ede kabiten* or the *fisikali* (Joekoe 2024).



Figure 6: Traditional Maroon dignitaries in Suriname. From left to right: Kabiten, kabiten, basiya with shoulder cloth, ede kabiten (in white), basiya with shoulder cloth, uman kabiten, kabiten (Source: Thomas Joekoe 2024).

Kabiten (captain)

The *kabiten* can be either a man or a woman. He/she is the representative of the *gaanman* in a village and has a certain independence. He is responsible to the

gaanman and *ede kabiten/fisikali* (Figure 7). The *kabiten* is nominated by the *bee*, but it is the *gaanman* who accepts this nomination or not. Each *kabiten* has two male and two female *basiya*'s and each *lo* has one or more *kabiten*'s depending on the number of *bee*'s that make up the *lo*. According to customs, one is appointed to such a position for life. As stated earlier, the functions of chief-captain and village chief belong to the matrilineage. This implies that fathers's children usually do not get this position (Scholtens 1994: 26). Thomas Joekoe asserts, that the *umankabiten* is more ceremonial. She cannot make decisions independently and openly (Thomas Joekoe 2024).



Figure 7: Gaankuutu at the village Poeketi. Source: Joekoe 2024.

Basiya (bastian)

The *basiya* (this can be also a man or a woman) is the oldest administrative position among the Maroons. He/She acts as an assistant to the *gaanman* and the (Chief) captain. The *basiya* acts as a jack-of-all-trades. Furthermore, the *basiya* helps the *kabiten* in fulfilling rituals and administrative obligations and has the task of publicly announcing general decisions of the *gaanman*, the *kabiten* or *lanti* (the central government). He/She ensures that the organization runs well and smoothly in official matters, and fulfills the role of police officers in the village

According to customs the *basiya*'s are appointed by the traditional authorities (Libretto 1990: 40). According to *kabiten* Thomas Joekoe, a *basiya* who has a lot of experience can be appointed as *ede basiya* (Joekoe 2024).

Each *kabiten* is assisted by two male and two female *basiya*'s. The female *basiya* is more concerned with household chores and supervises the preparation of food for rituals. Women do not act as village announcers because, according to Meulenhof (2024), woman *basiya* is not allowed to walk freely through the village at all times. For example during her menstrual period she is not allowed to go to certain parts of the village, such as near a house or a place where the gods or ancestors are worshipped. If an announcement is imperative, for example a death and there is no male *basiya* present, the *kabiten* will let a younger *kabiten* take on the task. Professor Frank Jabini who has spoken about this issue with several *gaanman*, also indicates that it is not intended negatively towards women. „It is more about protecting them, because then she doesn't have to scream through the village“, he states (Jabini 2024). Helewiese Pansa who is a female *basiya* of the village Nieuw-Lombè in the Brokopondo district, adds that in the Christian villages, the female *basiya* operates as village announcer, which is not the case in the non-Christian villages (Pansa 2024). So in my opinion, it is protecting, to not allow, woman to go anywhere in the village when she is menstruating.

Pakosie states, that the first female *basiya* was appointed in 1959 when at one point a residential community of the *Kwiinti*, one of the six Maroon confederacies, was without leadership. Mrs. Antoinette Bertha Wilhelmina, better known as *ma Kubikubi*, was then appointed *basiya*. Pakosie indicates that she led her people in an excellent manner for a number of years (Pakosie 1999: 50). It then turned out that in this system women can also hold their own in leadership positions.

4 The different levels and processes of decision-making

The peace treaties recognized the Maroon's own legislation and jurisprudence that are applied during public meetings held at village and confederacy level. Albert Helman (1977) highlights that it is unwritten legal rules and laws that can be called customary laws (*gwent*) based on Maroon traditions. They are applied with a certain flexibility for the sake of expediency. The traditional authorities are involved in, informed about important state affairs, when the interests of their communities and territories are at stake. Extensive exchange of views takes place in public meetings called *kuutu*'s (palavers) (Helman 1977: 150).

As the Maroon anthropologist Thomas Polimé (2007) points out, traditional authority regulates both governance and justice in the village. According to him, Maroons in Suriname follow a procedure, which is different from the codified legal system. In a Maroon society, justice is administered in the name of the *gaanman* and *lanti*, who together form the highest body. This body acts in the handling of serious crimes or important matters. Lighter (legal) cases are left to lower courts, which are formed as appropriate. These bodies can also consist of ordinary citizens (Polimé 2007: 63). Since the middle of the twentieth century, recognized dignitaries have received a financial allowance provided by the government and, depending on their function, a certain type of costume (Meulenhof 2002: 32).

At the village level

Daily transactions such as weddings, are handled in a small committee and family. The remaining and especially disputes are initially submitted to the village *kuutu* (Figure 8), under the leadership of the *kabiten* (Helman 1977: 150). In the event of conflicts that occur in a village and that cannot be resolved within the village community, the *kabiten* intervenes. If there is a conflict between members of one or two families, older relatives, especially uncles and aunts, are the ones who discuss the problem and look for solutions (Polimé 2007: 63–64). Polimé gave the following example:

suppose there is a disagreement about the use of a piece of land, the *kabiten* is usually involved. A court session then takes place with the *kabiten* as chairman, assisted by his *basiya*'s and the council of elders of the village. At the opening of the hearing, both parties are given the opportunity to explain how the problem arose. After they have told the story from their point of view, the *kabiten* can ask if there are any witnesses who can tell something about the conflict. After the witnesses have given their opinion, the *kabiten* can ask a jury to make a ruling. The *kabiten* pronounces the sentence and can impose a fine.

The offender may be sentenced to work on the land of the victim. He may also be fined in the form of drink or libation to the ancestors. If serious offenses are involved, banishment from the residential area may be imposed (Polimé 2007: 65). When it comes to conflicts between two or more villages, justice is administered by the *kabiten*'s. Polimé indicates that a third village could possibly be involved to help find a solution (Figure 11). If this does not help, the *ede kabiten* is called in (*ibidem*). If this is not successful, the matters will be referred to a *kuutu* chaired by the *gaanman* (Helman 1977: 150).



Figure 8: Kuutu at the village Adjoema Kondee 2024 (Photo: Thomas Joekoe).

At the regional level

The meeting that takes place at the regional level is the *gaankuutu* (Figure 8). It consists of the boards, *lanti*, of all the villages and is chaired by the *gaanman*. The *gaankuutu* generally takes place in the *gaanman*'s residence. It is aimed at consensus and should not give rise to dissension and disputation. The most important decisions have often already been taken during private consultations. During the *gaankuutu*, which can last for days, the parties regularly withdraw for mutual consultation. The sanctions available to the board in this respect vary from money and corporal staff and exile to punishments of a supernatural nature. Traditionally, only more serious crimes such as the death penalty have been left to the central government. With increased contact with the coastal area in the second half of the twentieth century, this changed (Scholtens 1994: 149).

In such a *kuutu*, the *gaanman* only speaks through the *basiya*, who repeats his words and, if necessary, summarizes them or makes the whole clearer and more understandable with short interruption and repetitions. Conversely, with the same course of events, the *gaanman* is only addressed via the *basiya*. It is a lengthy but very clear procedure, freely attended by all interested parties, young and old, women and men. And the opinion of the elders has the most authority. An attempt is always made to reach a consensus or an acceptable compromise, a form of arbitration. The Maroons go to great lengths to subordinate their sense of justice to the general urge not to endanger the well-being of the community (Helman 1977: 150).

Analyses of the system

The traditional administrative organization deeply affects the entire life of the Maroon. As stated earlier, decisions can be made at both village and regional level (Figure 9). Depending on the nature of the problem, different *kuutu*'s can be held at the village level. The most common forms are within the *mamapikin* and within the *bee*. According to Helman (1977), a *lo*, never meets, as is the case with the *bee*. Since a *lo* consists of various *bee*'s, problems are tackled at that level or in a *gaankuutu* (Helman 1976: 154).

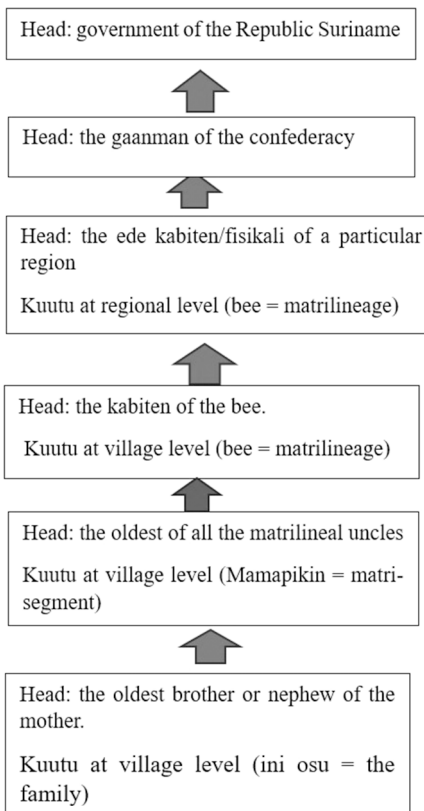


Figure 9: Schematic representation of the different levels of decision-making (Photo: Martina Amoksi).

Mamapikin kuutu involves a number of families who together form the *mamapikin*. Authority rests with the *gaan ti* (older aunts) and *gaan ti* (older uncles) of the maternal line. The chairman is the eldest son of the eldest sister. It usually concerns daily matters as marriage, family disputes etc. If the family is unable to find a solution to the case, it will be submitted to the *bee kabiten*. A village *kuutu* is

held chaired by the *kabiten*, assisted by his *basiya*'s and the Council of Elders of the village. A village *kuutu* can also be held where it is not specifically related to a family problem, but more to the representation of the interests of the entire village. For example, when a multinational want to exploit minerals in the village area. The entire village is involved and the chairman is also the *kabiten*.

At the regional level, one can also have different types of *kuutu*. If no agreement or solution is reached after the *kuutu* at village level, the matter will be submitted to the *ede kabiten*. This meeting is held in the village where the *ede kabiten* lives. May the *ede kabiten* also not succesful, the matters are referred to a *kuutu* chaired by the *gaanman* (Figs. 12 and 13). For example: In 1970 *ba Theo* of the village *Agiti-ondoo* on the Cottica River of the *Ansoe-lo* and the *Ndyuka* confederacy accused his mother-in-law of the *Pataa-lo* and the village *Langa-oekoe* of witchcraft. He stated that she allegedly made him impotent through her daughter, his wife. In the eyes of Maroons, accusations of witchcraft are very serious. Both the mother-in-law as his wife denied it. Attempts have been made within the *mamapikin*'s (his and that of his wife) to find a solution without success. The argument became very heated. A village *kuutu* at *Langa-oekoe* did not provide a solution either. The matter was submitted to *the ede kabiten*, but he too could not resolve the matter. In desperation, the matter was submitted to the *gaanman*. The family had to travel to the *gaanman* residence on *Diitabiki*. The *gaanman* had an investigation into the matter conducted by his *ede kabiten* and other assistants. After three months, a *gaan kuutu* was held in *Diitabiki* at which the *gaanman* ruled in the case. The mother-in-law and her daughter had to prove their innocence by taking an oath in *Diitabiki* (*diingi sweli*). After their innocence was proven, *Ba Theo* was fined. The woman also divorced him (F. Amoksi 2024).



Figure 10: Hierarchical relation between the Maroon dignitaries (Photo: Martina Amoksi).

The *gaanman* can also convene a *lanti kuutu* (general meeting) at his residence for important matters, in which all *lo*'s and representatives are represented, such as during the civil war of 1986–1992. The *ede kabiten* can chair a *gaankuutu* in the name of the *gaanman*, but does not have the authority to make decisions. Only the *gaanman* who also has the right of veto can do so (Joekoe 2024).

The *gaanman* can also convene a *gaankuutu* where *gaanman*'s from other confederacies are invited to help solve a problem. Only when they cannot find a solution is the problem presented to the government (Joekoe 2024).

5 The role of women in the system

Traditionally, the administrative positions were only held by men, with the exception of *basiya* and *ede basiya*. The other functions had to be in the foreground. According to Pakosie (1999), this is why women were not appointed to these positions. They would have to come to the foreground and would therefore be exposed to the evil eye (*ogri ai*) resulting in illness or even death. If a male in the family dies, according to the matrilineal philosophy, then a loner has died. When a woman dies, an entire generation disappears. It is for this protective purpose that the woman took a disadvantage position (Pakosie 2009). This idea was reportedly inspired by the fact that there has always been a shortage of women in the Maroon societies. For that reason, the women were protected and cherished, especially by the uncles who were responsible for their sister's children. For example, rattling a girl in a boat was almost equivalent to committing murder. It was reasoned that she had nowhere to run and the perpetrator could kill her. By committing such an act, the perpetrator created problems for his uncle and the rest of his family (Amoksi 2023: 93).

As a result of developments that took place in the Maroon societies, changes occurred in the administrative system and women were also appointed to political positions. Scholtens explains that this change was the result of rise of resource exploitation in the nineteenth century, which caused men to be absent from the villages for a longer period of time. As a result, women were also appointed to traditional positions (Scholtens 1994: 25). For Bakker the cause, derived from the 1920s agriculture generating migratory labor. The men stayed in Paramaribo and other parts of the country during certain periods of the year (Bakker et al 1993: 73). According to Polimé, the appointment of women to traditional administrative positions is the result of contacts with foreign countries. As he states, these travel experiences made *gaanman* Gazon of the *Ndyuka* confederacy decide in 1994 to appoint the first female *kabiten* in Suriname (Polimé 2007: 60). While Emanuels asserts that the change has been mainly influenced by the gender movement in



Figure 11: Maroon women in the village (Photo: Martina Amoksi).

which women in particular advocated equal positions for men and women. Various Non-Governmental Organizations that are/were active domestically have taken this message to the communities.

Considering the fact that the first female authorities were only appointed in 1959, we can say that this is a result of the experiences of the *gaanman*'s taking account of what happened in other countries as well as the influence of NGO's. Despite this change, the number of female authority leaders is still relatively low compared to men. The most important role of the Maroon woman in the political field is that she provides the successor to the board (*gaanman*). The man is chosen according to matrilineal succession principles (Figure 11). This gives her a strong position in the Maroon community. According to the Western view, it seems that the decision-making process among the Maroons is not very gender sensitive. Viewed through Maroon lenses however, decision-making is largely influenced by the women's vision. The man derives his status from the woman. Behind the scenes, women did play an important role in decision-making.

Those who make decisions hold sessions with older women from the *bee* before making a decision. The *gaan ti* (older uncles) and *gaan tia* (older aunts) of the *bee* together form the *gaanwan* (elders). The *tia*'s are not on the board, but consultations are held with them before the meeting. „Often, the *kabiten* even have to bow to the decision of the elders“, said *kabiten* Asoilobi of the village Langa-oekoe (Asoilobi 2009). Sometimes it happens that men temporarily leave the meeting to

consult their mother. Women speak only in marital matters, but their influence, especially that of the mother, is nevertheless great (Amoksi 2009: 30).

In Maroon society, it is the tradition that when the *gaanman* is installed, and very earlier also of a *kabiten*, a woman from the family is also installed as *umangaanman* or as *umankabiten*. The *umangaanman* is the woman in the matriline who is appointed to monitor the quality of the *gaanmanship* on behalf of the family. In the past, this also applied to the female family member who was also installed as such when the *kabiten* were installed. The duties of the *umangaanman* or *umankabiten* include (behind the scenes) guiding, addressing and correcting the *gaanman* where necessary. This is a tradition that according to Pakosie (1999) was brought from Africa (Ghana). It is the task and authority of the *umangaaman* to lead, address and correct the *gaaman* behind the scenes. It is the man who holds the highest administrative position, but it is the women in the family who manage the position. In principle, the woman also plays an important role in the appointment of a successor to the *gaanman*, *kabiten* or *basiya* in the family (Pakosie 2009: 119).

6 Limitations and challenges

Traditional government is democratic to the extent that the entire community participate in decision-making. According to historian Ben Scholtens, however, the democratic process is affected by the matrilineal succession procedure. Interference by the central government in the succession can lead to conflicts within the *lo's* regarding the leadership. Politics and religion are closely interwoven in the Maroon communities and the government, which acknowledge only the administrative authority has always underestimated the influence of spiritual leaders. Since the government interpreted the administrative system of the Maroon communities from its own political structures and, for instance, awarded a *gaanman* more power than the latter actually had, many a misunderstanding and conflict ensued (Scholtens 1994: 149). In the national legislation of Suriname, the position of the traditional-authorities is not recognized in the Constitution of Suriname. In fact, there is a contradictory situation. On the one hand, the administrative structure of the Maroons is informally recognized and on the other hand, this administrative structure is not officially mentioned in the Constitution (Meulenhof 2002: 59).

Nowadays we see that due to pressing developments confronted by the Maroon communities, the sense of collectivity lost its significance, especially after the 1960s. The focus on one's own self increased. Individuals are no longer inclined to suffer or apply collective punishment. They are more tempted than before to do their own thing, possibly against the will of the group. Traditional authorities

are often unable to respond to these developments. (Köbben 1979: 141; Amoksi 2023: 218). Emanuels (2004) also mentions the following bottlenecks the Maroon system is facing: Insufficient respect for authority figures by the population, especially young people; lack of knowledge and skills for the work; lack of cooperation; lengthy confirmation procedure with the government; crime in the villages; change in values and norms (Emanuels 2004: 15–16).

7 Main lessons and recommendations

First the Maroon governance system is effective in a fairly closed society (Scholten 1994: 26). Second, a middle way must be found between tradition and development. As Emanuels asserts, the population must be informed about the tasks of the traditional authority involved in governance in villages. Traditional authorities must be trained and informed about new developments. Programs must be also developed for information, education and work for the Maroons in villages (Emanuels 2004: 16). I believe that this will enable traditional leaders to keep up with contemporary developments and the expectations of their communities. The third main lesson that can be drawn from these experiences is about the relationship with the central government. This relationship must be properly arranged. A consultation structure must be set up between tribal authorities and the government. There must also be a clear division of tasks between governmental and traditional authorities according to Emanuels (2004: 16). It is recommended that more female traditional leaders should be appointed. Women can understand women's need better than men and represent their interest better. Since in some villages women are lagging behind in term of development (because girls were not allowed to go to school), female leaders can take the initiative to look for projects to further train other women.

Conclusion

The Maroon administrative system is a creation of Maroons in which African administrative elements and institutions they knew from the plantation are united, for example *gaanman* from Ghana and *basiya* derived from *bastiaan*, the black slave supervisor on a plantation. Since the establishment of the peace treaties and the recognition of the traditional authority by the colonial government, this system has been developed and expanded. This Maroon governance system takes place at both the village and regional levels. In addition, each *osu* (family) has its

own way of solving conflicts. If the elders of the family (aunts and uncles) are unable to arrange matters within the home, the collective institutions are consulted. In this system, women did not play an active role for years, because it was feared that if they came to the fore, evil would befall them. Behind the scenes, women played an important role. Those in the family who participate in the collective decision-making consult with the women before making decisions. The developments to which the Maroon communities were subjected have led to women also coming to the fore. First as *basiya* (1959) and later as *kabiten* (1994).

This system faces a number of limitations and challenges such as, the attitude of the central authority, lack of knowledge and skills for the work of traditional leaders and crime in the villages. However, this system was able to survive until the 1960s, because it involved small closed communities. But with the transformations from the second half of the twentieth century Maroon communities were confronted with (Civil War 1986–1992 and developments in the gold industry), changes are required. If this traditional system that has maintained Maroon society for years is to survive, it must be critically examined and adapted to contemporary situation. If that does not happen it will fall apart and that would be a pity. It is historically very important that it is preserved, because it remind us of a past when our ancestors showed that despite difficult circumstances, they were able to create their own system of government and survive.

Glossary

Basiya	assistants of a village chief
Bee	matrilineal kin group, in which the relationship is considered to be in the female line and whose members can indicate the mutual relationship precisely
Bendie a sé	holding consultations to determine a point of view
Boni (Aluku)	also called Boni Maroons after their first chief. They live along the upper Lawa and Saracreek. Many descendants of the Boni Maroons live in French Guiana
Da	Ndyuka term of address for older men, father
Dede-osu	funeral visit
Ede kabiten	head chief
Faakatiki	shrine where the ancestors are venerated
Gaanman	Paramount chief of a Maroon confederacy
Gaankuutu	confederacy meeting
Gaawan-osu of kee osu	crying house
Gudu	treasure
Gwenti	customary laws
Kabiten	traditional authority in a Maroon village

Kampu	Maroon settlement with a semi-permanent character
Kee osu	village mortuary, morgue
Kondee	a settlement that has a mortuary house and a faakatiki
Kuutu	public meeting in which administrative matters and legal disputes are discussed
Kuutu-osu	house where public meetings are held
Kwiinti	a Surinamese Maroon confederacy. They live on the Coppenamerriver
Lo	clan or matrilineal kin group often including a number of bee's generally considered to be descended from a common matriarch
Ma	Ndyuka term of address for older women, mother
Maroonage	was the ultimate form of active resistance to slavery which began with the colonization of the Caribbean and parts of South America at the beginning of the sixteenth century and lasted well into the nineteenth century. The word maroonage was used to describe the flight from the plantations
Maroons	the African slaves who fled from the plantations and chose to live in freedom in the inaccessible jungle.
Matawai	a Surinamese Maroon confederacy. They live in about twenty villages north of Kwakugron between the Upper Saramacca and Coesewijne rivers
Ndyuka (Aukaners)	also called Okanisi, are a group of Maroons based in the east of Suriname. They settled in 1757 at Mama Ndyuka Creek. Nowadays they live along the Tapanahoni River, Marowijne River and east of the Cottica River and along the Upper Commewijne River
Ogri-ai	The evil eye
Pamaka	a Surinamese Maroon confederacy. They settled at the Paramaka Creek at the beginning of the nineteenth century, but moved to the middle course of the Marowijne River near Langatabiki from 1876 onwards
Pangi	Traditional item of clothing of Maroons, which is worn by adult Maroonwomen
Pisi	neighbourhood
Saamaka	they are descendants of Maroons who moved into the forests of Suriname especially in the second half of the 17th century and initially settled at the upper reaches of the Saramacca River. Nowadays they live at the upper reaches of the Suriname River
Ti	uncle
Tia	aunt
Umangaanman	woman gaanman
Umankabiten	woman kkabiten
Umanpikin	girl
Towe wataa	bring libation

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Conclusion

Exploring and bringing to light the contributions of Africans and Afro-descendants to governance is a challenging task. However, this volume undertakes this endeavour through a longitudinal perspective on African historical experiences, articulated through ten case studies.

Initial and Ancient Africa feature diverse modes of social organisation, ranging from small scattered face-to-face societies to highly centralised and ranked social formations that still exist today. Fusion-Fission was the dominant mode of regulating group size to achieve optimal governance goals for most of African history. This system operated among past and present hunter-gatherer communities, mobile herders, and small-scale farming communities. As population concentrations grew, organisational innovation became inevitable. The handling of scalar stress led to the establishment of circumstantial and/or durable hierarchies, allowing for the formation of territorial governance structures.

Archaeological data representing past material culture highlight the multiple facets of “Living-together that occurred in Initial Africa and shaped human destiny. Self-awareness and empathy, the glues of social relations, connected people to larger social units. This is reflected in laborious processes of personal adornment, social gatherings, and burial practices. Ritual practices, organised in landmark installations like astronomical observation centres, assembled people from near and far in celebration of their common humanity. Such periodic gatherings were governed by agreed-upon, context-dependent rules.

The stability and longevity of the Pharaonic state can be explained by the confluence of powerful metaphysical, social, and political foundations anchored in customs and traditions embedded in the Nilotic land and society. Ancient African society practised equal rights for men and women, extended these rights to foreigners and children, and deemed human life sacred. Ancient Egypt did not have prisons or gallows. Justice, dispensed by tribunals known as “Qenebet Sedjemy” (the Court of those who hear/listen), was public and carried out in the name of Pharaoh, portrayed as the son of God. The Manden Charter that sealed the birth and formidable expansion of the Mali Empire in the early 13th century CE sanctified human life and was the first genuine declaration of human’s rights.

Therefore, there is an urgent need to revisit traditional institutions of proven historicity, permanence, and importance, to institutionalise their teaching, develop a network of institutions and organisations engaged in the struggle for cultural renaissance, and rebuild governance in tune with people’s cultures and expectations. Multiform spaces and rituals dedicated to reconnecting the conti-

ment with its diaspora are proposed to re-assemble the African body dismembered over the last two millennia.

For instance, the Issa Xeer highlights the potential of this pastoralist governance system that integrates cosmogonic, ontological, spiritual principles, and beliefs to reinforce the understanding of the rule of law. It represents inclusive conception of “togetherness”, authority and power without discrimination and hierarchy, as well as consensual decision-making processes. It also presents interesting ways to integrate all members of the community, including minority groups, in the distribution of duties and functions. The Xeer’s collegial procedures of decision making and its provisions of several consultations before taking binding decisions could also inspire the necessary overhaul of the vertical power structure inherited from colonial models of state.

The essence of Oromo life, known as “*jiruufi jireenya*,” is founded in the intricacies of the Gadaa system. This ancient system governs the political, economic, social, cultural, and religious spheres of Oromo society, organising the people into generation-sets, age-sets, assemblies, and councils. The introduction of customary courts across Oromia offers a lesson for other government branches to realise that both formal and informal systems aim to serve the people efficiently. In this regard, the democratisation of the state executive branch, and the opening of political space from across Oromia for dialogue may once again allow the Gadaa leaders to play a crucial role. However, using Gadaa, an unwritten customary practice, raises challenges in a country with a rigid penal code inherited from an oppressive imperial administration. The State of Oromia should undertake rigorous studies on how Gadaa could be used and how the regional Constitution should be amended accordingly.

Botswana’s system integrates both endogenous and modern systems of governance, which renders it unique compared to other African countries that abandoned endogenous systems at independence. Nevertheless, integrating governance systems is pregnant with contradictions. For instance, the modern multiparty system of democracy is founded upon a confrontation of ideas and political programmes; by contrast, the endogenous system as represented by the *Kgotla* is rooted in consensus building. In practice, it is very challenging to reconcile the differences between the two political paradigms. In addition, as a whole, the governance system has difficulty in addressing the widening gender inequality and disadvantages faced by youth and minorities. Thus it is necessary to reform Botswana’s endogenous system so that it can embrace contemporary values, such as respect for women, youth and people of minorities.

South Africa, after its transition to democracy, has recognised indigenous African law in its Constitution. However, the hierarchy of its sources of law places indigenous African law beneath that of the conqueror, allowing decisions made

under this law to be overturned by even the lowest courts of the conqueror's law. In order to achieve true liberation of *abantu* and unshackle *Ubu-ntu* so that it has force in law, this hierarchy must be overturned by placing *Ubu-ntu* at the zenith of the legal and political order.

In Brazil, the idea of 'Bantu aquilombment' refers to quilombos (rural communities of fugitive enslaveds) and the congregations of the black population aimed at strengthening and ensuring mutual help through regulatory rituals endogenous to African regions. The need to band together was therefore a matter of survival and lifestyle, a matter of collective experience to be accomplished in itself. The barriers erected to inferiorise, devalue and delegitimise the lives of the enslaved and free Black individuals have perpetuated inequality until today. The black population has since continued to create egalitarian relationships to confront this injustice. Insofar as it is structured around living-well-together, the endogenous governance systems, based on African cultural references, have been preserved and reimagined. Quilombos still exist in Brazil, and the Rosário brotherhoods and rituals of homage to the kings and queens of the Congo are alive.

In Suriname, the Maroon administrative system, created by Maroons using African administrative elements known from plantations, takes place at village and regional levels. Behind the scenes, women played an important role. This system was able to survive until the 1960s, because it involved small, closed communities, but now faces challenges due to transformations in the latter half of the twentieth century. For example, amongst the limitations are the attitude of the central authority, the lack of knowledge and skills to play the part of traditional leaders, and crime in the villages. The Maroon governance system needs to be critically examined and adapted to contemporary situations to survive. Preserving this historically important governance system reminds us of a past when Surinamese Afro-descendants created their own government system.

In sum, although Africa is the continent of cultural and sociopolitical diversity, the contributors to this book documented many commonalities of African endogenous systems and governance practices. They highlighted how African societies have invented specific notions, concepts and paradigms in their own languages to explain their visions and practices of governance. From the cosmogony of *Maat* (cosmic and social balance) of Ancient Egypt, the eschatology of *Namummaa* (the purpose of human existence) of Oromo, the ontology of *Ubuntu* (humanness) of Bantu, to the *kritocracy* of the Somali Xeer, the initiatic foundations of the *Mandem Charter*, and the geography of resistance of *Quilombos* and *maroonage* in Brazil and Suriname, the contributors discussed the epistemological and conceptual frameworks that African governance developed to define their political philosophies.

In doing so, the contributors identified various terms and notions expressed in African languages, providing an interesting glossary for re-engaging with the global

discourses on governance. These terminologies can be revisited and adapted to reclaim the vocabulary used to designate African sociopolitical realities. They would help for instance transcending the connotations in the problematic and inappropriate terms, such as *Chief*, *Lawer*, *King* or *Emperor*, borrowed from European lexicon to designate specific African sociopolitical figures in different power ontologies. This terminological shift is not just a wording replacement, it is an essential part of the effort to get out of the perspectives, schemes and categorisations imposed by the coloniality of knowledge.

Furthermore, the book also sheds light on some commonalities of these political ontologies, particularly the original sources of authority and power, the processes of consensus-building, decision-making, and conflict resolution that characterise these endogenous systems of governance. These processes were all based on holistic cosmogonies and inclusive theories of humanness, models of social interactions and collective well-being. The participatory consensus-building developed by African societies implies a specific epistemological understanding of the separation of powers, representation of constituencies, designation of leadership, collective and individual responsibility, and enforcement of laws.

The analysis of revitalisation experience highlights the political schizophrenia in current African societies that strive to accommodate different incompatible systems of governance. The authors stressed the risks of abuse and instrumentalisation of endogenous governance by some leaders to capitalise on their influence and power. The pressure of external actors who may consider endogenous governance as a threat to their economic and cultural domination should also not be overlooked as they may, through various means including the funding, discourage African leaders from exploring their endogenous cultural resources.

The book recalls the necessity to develop solid and coherent philosophical, ethical and spiritual frameworks rooted in the cultural specificities of concerned people for the revitalisation of endogenous governance systems. It highlights the urgency to transform and renovate the whole system of education inherited from colonisation and develop new contents and methods of learning and teaching to introduce and pass on the endogenous knowledge and experiences from an early age. To that end, the contributors suggested to launch national dialogue in interested African countries to critically examine this education towards the revitalisation of endogenous knowledge and the renovation of governance in Africa. Lessons can be drawn in particular from some clever methods developed by certain societies to neutralise power in its natural expansion to absolutism, limit the competition among power mongers, contain expression of individualism and impose the collective interest, transcend the blood ties, and ensure intergenerational sharing of knowledge, wisdom and authority.

All these inventions need to be seriously studied, beyond their anthropological or historical interest and reevaluated in light of the current situations of African societies and the aspirations of new generations. The revisit and revitalisation of Africa's endogenous socio-political heritage would certainly not require more sacrifice, time or energy than forcing African societies to adopt imported exogenous models of governance

Our Think tank AFROSPECTIVES wishes to play its part in this effort of reconceptualisation and in the necessary paradigms shift through the exploration of African endogenous knowledge and practices in all areas, by mobilising continental and diasporic research, intelligence and creativity. Beyond sterile opposition to dominant modes of thought and knowledge production, AFROSPECTIVES strives to participate in the acquisition of an autonomy of thought that is crucial for recovering the epistemological, intellectual and political sovereignty Africa has lost.

This book is the first in a series of publications that AFROSPECTIVES has launched to document and discuss the incredible diversity of African endogenous systems of governance across the continent and in the diaspora, as well as the commonalities of their visions of human/nonhuman relationships, social interactions, power regulation, resource sharing, and collective well-being.

There is yet a need to gather additional studies of these governance systems and analysis of revitalisation experiences in order to draw more comprehensive and evidence/experience-based conclusions. That could serve decision-makers and communities willing to seriously explore the potential of their endogenous governance to craft socio-political alternatives.

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