

The Administrative, Legislative and Judicial Aspects of the Urhobo Consensus System of Government

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ABSTRACT The Urhobo consensus system of government is built around certain social and political structures namely, gerontocracy and plutocracy. There exist different age-groups which include Ekpako, Ivwraghwa Otuorere, Ekwokweya, Emete, Emetogbe Otuorere and Imitetete age-grades. For the purpose of administrative, legislative and judicial administration, each kingdom is divided into the village and town levels. Also, each kingdom is divided into clans for effective administration. Each kingdom has a system of government that is similar to others. This paper attempts an analysis of the administrative, legislative and judicial aspects of the Urhobo consensus system of government. The aim is to show that the principle of consensus is an important aspect of the administrative culture of the people. The paper concludes that for effective administration and development of the Urhobo communities, there is the overriding need to continue to promote the doctrine of consensus in all matters and actions that confront the Urhobo people as a whole.

INTRODUCTION

There has been the call for democratic practice in Africa to be fashioned after the traditional culture of democracy by scholars. Very early in the history of Independent Africa, the argument was made that enduring democracy on the continent needs to be inspired by the indigenous form of democracy, that has been in existence before the advent of colonialism (Abraham 1962). Today, scholars which include Wiredu (1995) have renewed this call and presented arguments on the need for a traditionally founded system of democracy in Africa. Wiredu's argument for example, is based on the need to discourage the practice of western model of politics in Africa. He says that multiparty democracy is the bane of contemporary African society and is responsible for the failure of the previous projects of democratization on the continent (Owolabi 2003). He argues that the Principles of Consensus is the best indigenous form of democratic practice for Africa that is capable of taking Africa on the path of political and economic development. He argues further that traditional Africa society is democratic which can be transmitted to contemporary society. He canvasses the view that in traditional African society decisions as a matter of rule, are reached by consensus. Traditional African society represents Africa that was, that is, before, it became dislocated by colonialism. To Wiredu (1995), the African political system and those of some African tradi-

tional societies which include the Swazi and the Zulus of Southern Africa, reflects the notion or principle of consensus. He is categorical that the doctrine of consensus has worked in the Ashanti kingdom and that this is enough proof that the doctrine is a workable one which can be recommended for all of Africa.

According to Wiredu (1995), the basic political unit among the Ashantis is the kingship. Since the Ashantis are a matrilineal group, the unit consists of all the people in a town or village having a common female ancestor, which as a rule, is quite a considerable body of persons (Wiredu 1995). Every village or town has a governing council. All heads of the units are members. Age, wisdom, logical persuasiveness and sense of social responsibilities are what qualify a person to be the head of a lineage member of the lineage unit. These qualities are often united in the most senior, but non - senile, member of the lineage (Wiredu 1995). But there might be few cases where elections are conducted to pick the head. Such elections involve "prolonged and painstaking" consultations and discussion with a view to reaching a consensus (Wiredu 1995). The election of the lineage head in this case is by consensus and not through any act of formal voting. The office is for life. The head being the representative of the lineage unit in the town council, he or she usually holds consultations with the other adult members of the lineage on important municipal issues or matters before attending council meetings (Wiredu 1995).

The town council is also headed by a chief who is regarded as a natural ruler of a sort. He is the symbol of the unity of his people. Unlike the lineage head of the village, the chief is "elected" from the royal lineages, which makes the office to be hereditary. The council works by consensus among the various representatives from the village lineage groups (Wiredu 1995).

At the council meetings, representatives are expected to express their views on local and municipal matters. The council is highly representative of the content of its decision and in its composition. Divisional councils are presided over by paramount chiefs while the *Asantehene*, presides over the national council. The national council is the highest level of government in the kingdom. At each level of administration whether at the divisional or national, decisions are reached by consensus. This is clearly put by Wiredu (1995) when he wrote:

The town or city councils were the most basic theatre of political authority. Representatives from these councils constituted divisional councils presided over by 'paramount' chiefs. These latter units also sent representatives to the national council presided over by the Asantehene, the king of the Ashantis, at the highest level of traditional government. It is at this state that decision was by consensus at all these levels.

It should be noted that the adoption of the principle of consensus at all levels of government is a deliberate one, it is like a way life of the Ashanti people. The process is based on the assumption that the interest of the Ashanti people is the same even though their immediate perceptions of such interests may vary (Wiredu 1995).

For Wiredu, the Ashantis elected to use the consensus option in place of a system based on majority rule or opinion. This is because majority opinion scuttles minority rights such that their rights are not reflected in decision-making process. The Ashantis believe that there is no problem that cannot be resolved by dialogue leading to consensus agreement (Eze 2009). But there are instances where there may be intractable divisions in reaching decisions. In this case, consensus may not be helpful.

Wiredu uses the metaphor of a two-headed crocodile with the same stomach to buttress the view that the Ashanti people have identical interests even though their immediate percep-

tions of those interests vary. According to Wiredu,

If two headed crocodile with the same stomach that are in conflict and struggling for the same food could see that the food is in any case, destined for the same stomach, the irrationality of the conflict would be manifest to them. But is there chance of it? The Ashanti answer is eventually to cut through their difference to the rock bottom identity of interests. And, on this view, the means to that objective is simply rational discussion (Eze 2009).

From the foregoing, Wiredu has strong faith in human beings and especially in his Akan people to navigate the difficult waters in individuated desires and conflicts through consensus to the "rock bottom identify of interests". What Wiredu seems to be saying here is that reaching a consensus in Akan politics is made easier because of their identity of interest (Eze 2009) and the need to promote the common good of the Akan society.

The discussion of the application of the principle of consensus in the Akan traditional society by Wiredu is incomplete and one-sided, because attempts are not made to extend such discussions to the legislative and judicial aspects of the government. He concentrated on the administrative aspect of governance of the people. The paper intends, therefore, to examine the application of the principle of consensus in the administrative, legislative and judicial aspects of the Urhobo people government. We argue and conclude that the principle is an important feature of these aspects of administration of the people.

THE ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL ASPECTS OF GOVERNANCE OF THE URHOBOS PEOPLE

The consensus system of government of the people is erected on political structures. For the purpose of effective administration, there exist many levels of government. The village (town) and the clan (Kingdom) administrations are easily identifiable. Also, the kingdom is structured into units which include the Okpe, Agbon, Ogo and Ujevwe, clans amongst others. This means that each Kingdom is made up of clans which are composed of villages and towns.

For example, Agbon clan is made up of the following towns and villages: Isiokoro, Kokori, Eku, Igun, Okpara Orhokpor and Ovu (Ogome 2009). Each clan has its own but related system of Government which revolves around the *Ovie*. This implies that each clan has its own natural ruler known as the *Ovie*.

The village or town governments are basically gerontocratic. There are two types of governments under the village administration namely, the family and that of the community. Government at the family level represents the basic and one of the most effective political units of government at the grassroots where it enjoys the royalty and support of the family members and the villages or the community at large.

The *Ekugbe* is an important process for the actualization of the religious, social and political ideals of the individual, family, community and the society as a whole. An analysis of the structure of the *Ekugbe* is therefore necessary for its importance for this thesis. It is important to note that there exist different types or genres of *Ekugbe*, each of which takes care of an aspect of the life of the Urhobo people. It should also be noted that there is no necessary uniformity among their modes of procedure. We may now discuss them one by one.

The Healing *Ekugbe*

This form of *Ekugbe* takes place formally where there exist cases of sick people in the community. In Urhobo traditional belief system, illness is taken to have a community dimension. For example, reported cases of illness, are usually taken as signs of something wrong in the community which necessitates the conveying of the *Ekugbe* of healing. This can be convened by any member of the family, the sick person himself and the chief priest of the community. Illness is not taken as a matter for doctor and patient alone; it is an issue for the whole community in its two dimensions of the living and the dead.

The healing *Ekugbe* proceeds by means of dialogue. Admittedly, the dialogue is between the doctor and the sick patient if he is still capable of conversation or between any members of the family of the sick who is conversant with the history of the illness. This does not mean that any other member of the family or commu-

nity is excluded from the *Ekugbe* meeting. In fact, it is open to all members of the family and the community who are willing to attend. There is no other requirement or qualification for attendance other than being a member of the family or community.

Like the Socratic dialogue, the process begins with a sequence of questions and answers by the doctor and the sick person respectively. Firstly, the doctor challenges the sick person not only to supply information about his illness but also, if need be to give an opinion about it (Bujo 2001). In turn, the sick person gives background information about his illness. He may, for example, trace his suffering back to his own incorrect behaviour vis – a – vis a deceased member of the family. In this case, the sick person confesses his guilt and accepts his own responsibility. He is also willing to be reconciled with the family member whom he has hurt (Bujo 2001). If the cause of the illness lies with any member of the family or community, such persons are made to confess their guilt in order for a permanent healing relationship to be established.

It should be noted that the healing *Ekugbe* can take a non – verbal form apart from the verbal one described above. This means that the communicative community implies also a non-verbal form of dialogue. Take for example, a patient who offends his deceased father and relates his concern at his grave by asking for forgiveness, may be interpreted to be carrying on a dialogue; for the grave is regarded as a symbol which represents the deceased father himself, and the nonverbal presence summons the patient to “Unload” the burden of his problems and thus come out of his shell (Bujo 2001). The hidden presence of the deceased father makes the grave so living that its existence takes on the character of speech. Even in verbal dialogue, the gods and the dead play important roles in the healing process. Their hidden presence is necessary for a permanent healing to take place.

The Urhobo community in the process of healing bears the illness of any member of the community in common as brothers and sisters. The sick person is not abandoned in his suffering. The word that is exchanged between the doctor and the patient and the rites of reconciliation that follow the healing, are the real therapy and medicine which the patient needs

for recovering. The word spoken has the power of life and death. Bujo (2001) was right when he says that in Africa, the word possesses such tremendous power that it can either create or destroy the community.- After the healing process, there are rites of reconciliation. This may take different forms. The person hurts, may utter words of forgiveness to the patient and this may be accompanied with bodily embrace of both parties or shaking of hands. Such words of forgiveness are therapeutic which establish real healing.

From the above analysis, it is clear that the form of dialogues that takes place between the healer and the patient involves a communicative community of both the parties concerned, the gods, the ancestors and generations yet unborn. It is the consensus generated from such dialogue that leads to effective healing. This implies that the dialogues are not dependent on the argumentative power of reason of participants as in the Akan society. Besides this form of *Ekugbe*, we have the family one.

The Family *Ekugbe*

This concerns the family life of the Urhobo people. Under the Urhobo traditional society, there is no distinction between nuclear and extended family systems. Family is understood to include both the two types of family. The nuclear family includes only the parents and their children while the extended family embraces more than the nuclear family.

The *Ekugbe* family meeting is convened by the family head on varied agenda which includes contraction of marriage, division of inheritance, installation or deposition of a family head, conduct of wars, resolution of family conflicts, intra – family matters and other issues which ensure the common good of the family. The family head invites representatives of the extended family to the *Ekugbe* meeting when any of such situations occur. But attendance is not exclusive of all other members of the family who are not officially invited by the head. The representatives are mostly elders and wise persons, men and women who have sufficient experience of life and who are conversant with the history of the family tree. Their main function is the recollection of events of the family past.

The meeting is presided over by the family

head. He invites participants to speak with a view towards the resolution of issue(s) on the agenda. But it should be noted that the meeting is not aimed only at the resolution of issues at stake but also looks for ways towards the reinvigoration of the vital force which animates the extended family of the living and those that have gone beyond. This means that the conversation which takes place includes the invisible community which include the dead ancestors who are consulted on matters affecting the community. This is done to save and preserve the family community. Thus, participants are conscious of the seeming presence of the ancestors. Their concerns, “voices” and experience are often expressed by participants who challenge them to ask and discuss issues that will augment life of the family community. The meeting attempts to deal comprehensively on any matter on the agenda for discussion such that recourse to appellate judicial authority is precluded. This implies that once a decision has been reached consensually by the *Ekugbe*, there is no right of appeal. This is partly because the extended family is a miniature judicial authority of its own from which the *Ekugbe* derives its judicial mandate. This further implies that the *Ekugbe* is the extended family personified. At this juncture, it is necessary to outline the advantages of the family *Ekugbe*. One of its goals is to keep firmly the family together and to give it a new lease of life. This means that the stability of the family community is very important in its mind and not just the strict adherence to tradition per se. For example, an *Ekugbe* about marital issue of a couple which involves one of them in adulterous relationship with another person, does not aim at saving the marriage couple alone or the institution of marriage as a whole in line with the “wishes” of ancestors but to act under the changed circumstances in the “spirit” of the ancestors, since what is at stake is the well – being of all the members of the marriage covenant, which embraces both the extended families, the husbands and the wives.

The *Ekugbe* which may last one or several days ends with one form of celebration or the other. This includes informal get together with a lot of food and drink to eat and drink respectively. There are instances where rites of reconciliation are performed especially where a conflict or quarrel has been resolved. Thus,

the *Ekugbe* is a place where peace is re – established and promoted, a place where people of the same family are formally brought together for the cultivation of healthy and harmonious relationship within the community. From this, they learn the art of listening to one another, cultivate the virtue of tolerance and forgiveness and embrace a new style of relationship. Like, the healing *Ekugbe* genre, it has a healing potential in addition to the above functions.

Origin and Sources of Law in the Urhobo Traditional System

The origin of law in Urhobo traditional society is uncertain. However, according to Chief Umukoro Amos, law in Urhobo land is as old as the Urhobo society itself (interview with Umukoro 2009). It may, therefore, be argued that other forms of social regulations and customary laws are as old as the Urhobo civil society itself.

The traditional Urhobo society is communalistic. There is one fundamental assumption in Urhobo land that the average Urhobo person is a man of activity and action. Since the people live in communities, they engage in one form of economic and political activity or the other. From this, competition is bound to occur. The result may be uneasiness and clashes of interest, which may, portend dire consequences for the individuals and the entire community. The traditional society decides to have some body of rules in place to take care of this.

From the perspective of the desire of men as the state of nature of Thomas Hobbes depicts, they form civil societies and live in groups and form the companionship of his fellow citizens. Aristotle once remarked that man by nature is a political animal and this is true of the Urhobo traditional political society where the people tended to form groups or society for the purpose of self – preservation, for the common good of the group or as a result of mere social instinct and other related prudential reasons. With the formation of groups, it becomes imperative to put in place system of rules or norms to regulate the behaviour of man in the group that is newly formed. This is primarily meant to ensure social order such that they can live and work together in an orderly and peaceable way in sharp contrast to the Hobbesian state of nature.

The Urhobo world view is peopled by invisible and visible forces. This means that it is made of the living, the dead and those yet unborn. It is a cosmogony in which all these forces interact. They play important roles in the sources of laws in Urhobo Kingdom.

Customs and traditions are the two main sources of law in traditional Urhobo society. For the Urhobos, customs originated with the ancestors, perhaps through a conscious need for a choice between two or more competing actions. For example, if a particular course of action is chosen instead of the other, then it becomes customarily binding on anyone in the society. Thus, most actions including social, economic and political relationships are regulated by customary rules. Deviants are punished. Sanctions come in various forms which include fear of public reprehension or a kind of supernatural penalty. The ultimate aim of sanction is not to punish the offender but to rehabilitate and bring him back to the community (Ekili 2005).

The council of elders is a body constituted to help interpret the customary laws. In this process, like the position of modern legal realists, they make new rules from time to time which are automatically binding on the people. These rules complement the existing ones. Thus, the council of elders is an important organ of law making in the Urhobo traditional society.

The Urhobos are familiar with the dictum, *E Liu iri ki iwho, o de hu who vwo ki rii*, which means “law is made for man and not man for law”. This shows that without the activities of man and his social nature law would seem to be non – existent. This communal solidarity is captured by Biko (1978) when he wrote;

We regard our living together not as an unfortunate mishap warranting endless competition among us but as a deliberate art of God to make us a community of brothers and sisters jointly involved in the quest for a composite answer to the varied problems of life. Hence, in all we do, we always place man first and hence all our action is usually joint community oriented action rather than the individualism...

The social, cultural, political, economic and religious dimensions of man which are depicted above by Biko form partly the sources of law in Urhobo traditional society and they are essentially the main purpose of law, which is to

secure and promote peace, order and harmony which are ingredients for the progress of the society “writ – large”.

Having discussed the origin and sources of law in traditional Urhobo society, we may now turn attention on how laws are actually made in the traditional society.

Law – Making Process in Traditional Urhobo Society

Law – making process in traditional Urhobo society is done first at each village level. It involves all the lineages and requires the political participation of all male adults. This means the village government is the business of all male adults. The village is autonomous in its affairs and accepts no interference from any other group.

The male adults meet in adhoc general assembly called *Ekugbe*. At such meeting public issues are thrown open for deliberation. Every villager who can contribute to the discussion is given a chance to speak. In fact, every adult male is given a right to speak, the people applauding popular proposals and shouting doom unpopular ones. The village *Ekugbe* was considered the birthright of the Urhobo man which guarantees his rights and shields him against oppression. When the matter has been thoroughly discussed or deliberated upon, the leader from each lineage in the village retires for *Ume* (consultation).

At the level of consultation, only the *Olorogun* (title holders) who are the representatives of each family, participate. All the *Olorogun* title holders form the traditional Council of Elders. These are men and women who have distinguished themselves in one way or the other in the service of the community and the village in general. They are believed to possess wisdom and “scholarship” to understand and interpret the various issues raised with a view to reaching a consensus which may be acceptable to the *Ekugbe* meeting when they are later presented. The Council of Elders is presided over by any member chosen by the council.

At the conclusion of consultation by the Council of Elders, any of the *Olorogun* title holders appointed for this purpose, announce the decision of the council to the *Ekugbe*. This is either accepted or rejected by the general

acclamation or shouts of derision respectively. This process shows the limited powers of the council of elders and gives credence to the egalitarian nature of the Urhobo society. In fact, the Urhobos are conscious of their legislative authority and not prepared to be subordinate or delegate it to the Council of Elders as such.

One of such decisions as narrated by Chief Umukoro Amos was about the payment of money by each lineage in the village to take care of the environment. At Okpara village, during the raining season, because of its peculiar terrain, was always flooded and overgrown with weeds. At that time, there were more women than able-bodied males. The few males available from year to year were inadequate to take care of the situation. There was then, the need to “hire” men from the neighbouring village, *Ovu*, who must be paid to do the job of cleaning the village during raining seasons. This was brought to the village *Ekugbe* for deliberation. *Omowho*, a male member of the *Ekugbe* was given opportunity to speak thus: *Eya Ve Eshare na e jo hi se lui iluelu a tan a. A Vwa le vhi igo la ka wha Eja da fen a whi igho nau* meaning “all women and the few males can do the jobs we don’t have money to pay”. We can source such money from the wealthy amongst us”. While others including *Edafe* were of the view that *Avwale ejo bi se whio who na I whi ejo bi sa ikpan uje* meaning that all of them cannot do the work and as a result, we are suggesting the payment of money to bring people to do the work.

The matter was exhaustively deliberated upon by the Council of Elders and the whole *Ekugbe* before decision was reached to the effect that all lineages in the village should pay a specified amount of money yearly.

As soon as such decisions received the popular acclamation of members of the village *Ekugbe*, they become law. Thereafter, they are given a “ritual binder” by the *Olorogun* title holders who invoke the following words; *Iri na na eje I neo ma lo ro ijobi re I who myoho ka iri na. I who li myoho ki iri na I ka lioja* meaning “the laws are made in accordance with our customs and have received the blessings of the ancestors. They must be obeyed. Those who refuse to obey the laws may be punished by the gods. Each time the native chalk is sprinkled on the ground, which is usually done in three consecutive times. The number three is very

significant in Urhobo epistemology. For most Urhobos, it is a symbol of unity, success and stability. After the law has been given a binding, the entire *Ekugbe* assents with the acclamation of *ise* (meaning amen). Thereafter, it becomes the sole responsibility of every family head or adult male and householder to explain the details of the legislation to the members of his family and to see to it that the law is respected and obeyed always.

Law and Sanctions in Urhobo Traditional Society

In the Urhobo traditional society, laws are not enacted mainly for penal purposes. They see law as one of the means of expressing and inculcating the values enshrined in traditions and customs. In other words, sanctions are the means whereby the customs are protected by making sure that any infringement of them is punished. Sanctions range from those believed to have been imposed by the deities and ancestors to those imposed by nature which include epidemics, death, famine, draught, floods, accidents and other natural disasters. Sanctions also include those imposed by the community on its erring members, which include death, sales into slavery, banishment, ostracism and ritual blockade.

The Judicial Aspect of Ekugbe

This concerns the life of a larger group other than the families or clan communities. It serves both as an appellate court and a court of first instance. This involves where a community *Ekugbe* has failed to resolve a case satisfactorily and an appeal is made to it by the dissatisfied party or where a completely new case is instituted before it.

Unlike the previous *Ekugbes* where the doctor, the family head and community chief preside, the *Ovie*, a chief appointed by the *Ovie* or a member of the Council of Elders preside. The agenda of the *Ekugbe* is prepared by the *Ovie* or any of the chief or members of the Council of Elders. The agenda may include resolution of matter referred to it from the community *Ekugbe*, wars and conflicts between communities. It is, therefore, a reflection of the cases previously adjudicated upon or new ones from the *Ovie* or any member of the public.

Attendance is open to all males and females of the public who can contribute towards the effective resolution of any of the matters on the agenda. This includes members of the village or council of elders who are delegates of the various communities. They act as counsellors of the *Ovie*, a chief or member of the council of elders. Verbal notices of meeting are set by the *Otota* on the directive of the *Ovie* and this is communicated to the public by the town criers or the *Ovies*'s special messengers (*Iboyi*).

The *Ekugbe* proceeds with the presiding officer inviting the parties to open their cases. This involves the asking of questions and counter questions as in previous *Ekugbes*. One important feature here is the use of proverbs, parables and fairy tales to convey information or messages. In fact under the Urhobo culture, proverbs are the "palm oil with which words are eaten". Proverbs are not accepted unless they are immediate by confirmed or supplemented by further proverbs by members of the council of elders who are highly experienced in the tradition of the people.

For example, there was a particular case between a woman and her husband that was adjudicated upon by the judicial *Ekugbe*. The story was narrated by Chief Umukoro Otejiri thus, the *Ekugbe* process is like a journey of exploration of ideas. For example, a woman who feels that her husband is neglecting her might complain as follows: "He refuses to buy me clothes and furnish my house... I have nothing at all at home". Only when demonstrating that the house of his wife is not all empty, will she go one step further in her statements and states as follows: "I'm not talking about things in the house – but I don't have any nice clothes" Bujo (2001). A counter question is then posed as follows: "But you are wearing beautiful clothes even in this *Ekugbe*, aren't you?" She replies thus: My husband didn't buy these beautiful clothes, I bought them myself. From this series of questions and answers, the truth and specific accusation against the husband would come to light.

In some occasions, in between the meeting, tensions may rise and the use of humour, songs, dances, allegories, pantomimes and narratives help to reduce them. This calms "down" excited and exuberant participants and parties alike, thus creating a conducive atmosphere in which discussions are brought to a close. As pointed

out in the healing and family *Ekugbe*, the meeting ends with a ceremony of reconciliation in which a privileged place is given to dead members of the community. This has a therapeutic effect for the whole community because of the avoidance and settlement of the tensions which could have made the community members sick.

The Urhobo community enjoys life through interaction as seen from the *Ekugbe*. There is the communal spirit of promoting life together. This is exemplified in the *Ovie* or his chiefs who are the custodians of the traditions and as links between the gods or ancestors and the living members of the community. One important feature of the *Ekugbe* is that it is conducted with the principles of justice which includes equality and impartiality as the guiding idea. In fact, there is no respect of persons in the *Ekugbe*. Any *Ovie* or chief who incurs the guilt of the community can be sanctioned or deposed by the people. The people are intolerant of any *Ovie* or chief who behaves arrogantly or in an authoritarian manner in or off the *Ekugbe*. Thus, the *Ekugbe* promotes good leadership as an ideal of political life. This makes dictatorship to be a rare phenomenon in the Urhobo traditional political system.

CRITICAL REVIEW

The Urhobo traditional system of Government revolves round the system of *Ovieship*. This means that the administrative, legislative and judicial functions of the kingdom are concentrated in one body- the *Ovie*. This is susceptible to abuse. There are instances the wishes of the *Ovies* are imposed on the people, thus rendering the prospects of consensus nugatory.

Like Kwame Nkrumah, Wiredu laments the imposition of Western culture on the African continent which, "co-exist uneasily" with traditional value systems. According to Wiredu (1995),

In traditional Akan political system for example, there is never an act of formal voting indeed, there is no longstanding word for voting in the language of the Ashantis. The expression which is currently used for that process (Abato) is an obvious modern coinage for the Modern culture import or shall we say, imposition.

Another example of such "cultural imports" represents the exploitation of democratic poli-

tical tradition of consensus to shore up support for their dictatorial regimes by some African leaders. This implies that the concept of democratic consensus is susceptible to abuse or manipulation. Wiredu points out that some African leaders, who rule under the guise of "consensus" or "national unity" under one - party system, are dictatorial, repressive and truly undemocratic. Thus, "the consensual democracy advocated by Wiredu is not that of one party exercising all the powers... it is, rather, a framework for sharing with every party the exercise of governing power (Eze 2000). It is, therefore, an alternative to the "imported" or "imposed" one party or multiparty dictatorship adversarial political practices. But how feasible this model of governance is, remains to be seen in light of current realities in Africa. However, one of the most important appeals of Wiredu's idea of consensus democracy "lies primarily in the fact that it promises not just formal, but substantive representation where the "principle of governance is the reconciliation of competing social interests" (Eze 2000). The major issue revolves around the notion of agreement of the few or of the majority party where the winner takes all. Put differently, Wiredu's consensus politics is against importation of adversarial politics such as the parliamentary and presidential systems of government.

In his discussion of the consensus politics of the Ashantis, Wiredu fails to develop coherently the Akan notion of power and authority. According to him, moral considerations such as age, wisdom and sense of social responsibilities are what qualify a person to be the head of a lineage unit or for political office. This shows by implication that moral degenerations are not special qualities for this purpose. But Wiredu also fails to show the sorts of conditions or behaviour that constitute or qualify as "moral degenerations" which stand as impediments to holding lineage positions. Furthermore, Wiredu believes that unlike the European monarchs of old that derived their political legitimization from divine rights, the Akan chief's source of political power and authority lies in his logical persuasiveness of idea. Wiredu made two important distinctions here. The first is the "sacred", the "divine", the "ancestors" and "the gods" as the sources of legitimization of political power, influence and authority. The second

is the “secular” and logical beliefs in the “virtue of persuasiveness of ideas”. Wiredu elected for the latter. But we find it difficult to believe why the Akan chief and perhaps, his subjects believe that the only source of exercise of political power and authority lies in the logical persuasiveness of ideas and that the ancestors, spirits, the dead and the gods are mere participants in the political game. We feel that the distinctions above tend to “undermine the very belief system that made possible the “consensual” politics of the past – a political framework he now admires” (Eze 2000). Although Wiredu fails to explicate the concept of “consensus” in the text, essentially, it means “reconciliation”, “agreement”, “faith”, “belief”, “moral options”, “restoration of good will” and so on. To “what extent we should ask, do these ideas and notions make sense for the vast majority of African peoples without appeal to mythological, ancestral and religious scaffoldings” (Eze 2000) by frowning at such scaffoldings as mere suppositions and celebrating the rational persuasiveness of ideas as the only benchmark for the source of legitimate authority of the Akan chief, underscores our belief that Wiredu’s consensual democracy was based on the Akan understanding that “human beings have the ability eventually to cut through their differences to the rock bottom identity of interests through rational discussions (Eze 2000). The question may be asked here: what made the Akan believe that ultimately the interest of all members of the society are the same. The question can also apply to the Urhobo people. Is it the belief in the power of rational persuasiveness of ideas? We doubt as to whether in any given political society, we can speak of an ultimately converging “general will” of the people, a central theme of his political doctrine. We may still ask, “is the power of their belief in a shared and common past and future (carried forward in the myths of origins) that leads them to the employment of reason and rational discussion as a means of achieving and sustaining this shared life – form? (Eze 2000). In Africa, the exercise of political power and authority by the chief is based on frequent recourse to the dead, the spirits and the gods. In modern democratic practices, observation reveals that most political formations or governance, through the exercise of political power, relies on the motherland, the “party”, “God”, “freedom”, “lib-

eration”, “progress” and so on (Eze 2000). Most of these represent well – formed social, religious, ancestral or mythological fantasies which achieve great results with the people (such as opening of level – playing fields for political participation) without appealing to *apriori* method of logical persuasiveness of ideas. This is the essence of democracy (Eze 2000).

Wiredu uses different figures of speech to drive home his consensual idea of politics. For example, he uses the metaphor of a two headed crocodile with the same stomach to depict the fact that in Akan, there is the belief that ultimately the interest of all members of society are the same, although their immediate perceptions of those interests may be different (Eze 2000). This can be challenged. The only way “identical interests at rock bottom” can be attained is a situation where neither of the heads of crocodiles could develop individual inclinations. But we know this is difficult even in political circumstances where group interests are very difficult to attain.

As Eze (2000) puts it:

There is not much self – evident truth in the assertion that at “rock bottom”, all interests of members of a given society are, “identical”. This “rock bottom” level at which all “human” interest may be same... could not possibly be a human bottom, or at least not in the ordinary human world, where human experience themselves as individuals.

We believe therefore, that the faith in a “rock bottom” identity of interests in any civil society is itself a misconception and not the reverse.

Wiredu seems to elevate the principle of consensus in traditional African societies especially that of the Akan to the ultimate goal or end of democracy. We want to assert that “unanimity” or consensus is only one of the means towards the attainment of democratic goals. A democratic process is defined not by achievement of ideological or practical/programmatic consensus on specific decisions (or decisional representation), but simply by the orderly securing of a means or a framework for initiating, cultivating and sustaining disagreement and oppositional political activities which are nurtured and cherished for their sake and benefits as much as agreement and consensus are nurtured and cherished for their sake and benefits (Eze 2000). Democracy is one of the social frameworks human beings have put in

place to mediate competing conflicts and struggles which emanate from competitive nature of individuated desires and interests in societies. It is also a social compact with established rules or mechanisms according to which government are run. This is the spirit of democracy and not the conscious elevation of “reconciliation”, “agreement” or “consensus” to the axiomatic (Eze 2000). The above criticisms of the Akan society, we contend, equally apply to the application of the principle of consensus in the Administrative, Legislative and Judicial aspects of the Urhobo traditional system of government.

CONCLUSION

We have examined the administrative, legislative and judicial aspects of the consensus system of government of the Urhobo traditional political system of government. We find that the principle of consensus is an important feature of the administration of the Urhobo people, in spite, of the shortcomings of the application of the principle of consensus. The principle has the potential for promoting the common good of the kingdoms. We suggest, therefore, that

the doctrine of consensus should be cultivated always in order to achieve sustainable cultural and political development of the Urhobo people.

NAME OF INTERVIEWEE

Umukoro Amos 2009. Interview, May 28th, 2009 at Ovu-Inland. Age 96years

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