

# Deliberative Democracy in Traditional Village Councils of Arunachal Pradesh

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## Abstract

Among different approaches used in academic research, the application of contemporary concepts to understand, explain, and interpret traditional practices is a crucial area of investigation. This methodological engagement makes a distinction between revival (or continuity) and innovation of analytical concepts in academic discourse. A contemporary concept capable of explaining a phenomenon of historical past or an existing one, bracketed as traditional, shows that it is not a new invention. Taking this theoretical position as the backdrop, the present article attempts to investigate the governance system in traditional tribal village councils of Arunachal Pradesh, applying the concept of deliberative democracy, which gained popularity in academic discourse following Habermas's 1984 work entitled *The Theory of Communicative Action*. The article argues that deliberative democracy is not an innovation and, as such, it is applicable of making critical scrutiny of traditional process of decision making in tribal village councils of Arunachal Pradesh.

**Keywords:** Deliberative Democracy, Collective Decision, Participation, Village Council, Kebang Cephalous, Acephalous

## 1.0 Introduction

In any society, whether developed or traditional, one of the primary concerns of the people is to establish harmony, peace, security, and prosperity. This concern is addressed with good governance. While attempting to ensure a proper machinery of governance, a variety of challenges are encountered. But the society develops its own internal mechanisms and various institutions and apparatus to address the challenges, and to

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ensure justice, equality and progress, which are supposed to be just, reasonable, and citizen/people-caring.

The variety of challenges encountered by a society can be broadly divided into two areas pertaining to (i) social control and (ii) socio-economic development. In the context of both the types of challenges, a basic question arises – what to do? And how to do? To find solutions to these questions, a variety of decisions are made. The decisions to arrive at the solution could be found out through two ways. One is pre-occupied with private reasoning and rationality, while the other is collective decision making (*see* Elster 1997). While at times decisions through private reasoning may find a solution to a particular type of problem, there may be inherent risk. As there is no public participation, it may remain confined to private interests. In that context, the argument is constrained to be formally impartial (Elster 1998b:100ff). In contrast, public reasoning, because of its very nature, which ensures mass participation, it ensures obedience and adherence. Hence, collective decision making is considered superior, informed, and the context for the solution of problems as well as the advancement of society<sup>1</sup>. This is what Habermas would like to call “the force of better argument” (cited in Elster 1998b:101).

The trend of private reasoning and collective decision making is not unknown to tribal communities. Tribal individuals make decisions with regard to family matters, individual hunting, fishing, and so on. At the same time, collective decision making is a quintessential characteristic of a tribal system of governance, because a tribe is by definition a collective social entity. It is reflected in several institutions and practices<sup>2</sup>. The present essay is a preliminary attempt to have a theoretical understanding of the process of decision-making through deliberations in village councils in the tribal communities of Arunachal Pradesh. The essay consists of two parts. The first part of the essay deals with the theoretical postulation of deliberative democracy as a mechanism of collective decision making; the second part makes an attempt to understand the nuances of the deliberative democracy in the context of Arunachal Pradesh.

The essay is based on both primary and secondary sources of data. While secondary data are from published works, the primary data are author’s observations and investigations over a period of forty years among different tribes of the state. The study argues that features of deliberative democracy as theorised in the context of modern democracy exist in one form or another in tribal village councils of Arunachal Pradesh, India.

## 1.2 Theoretical Postulation

The idea of deliberative democracy or decision-making by discussion among free and equal citizens is having a trend of revivalism all over the globe. Largely under the influence of J. Habermas (1984), the idea of democracy has taken a new theoretical position. In this new position that democracy takes, *transformation* rather than the *aggregation* of preferences assumes centrality by focusing on deliberative devices in the decision-making process (Elster1998a:1). The idea of Habermas is further carried

forward for theoretical and conceptual advancements by several scholars<sup>3</sup> through their individual contributions available in journals, as book chapters and as individual works.

However, the idea of deliberative democracy is not a contemporary innovation; its practice is as old as democracy itself in various social types. It is maintained that the practice came into being in Athens during fourth-fifth century B.C. (Fishkin 2009:11)<sup>4</sup>, though acephalous tribes and indigenous communities of bygone days practised this type of democracy through village councils whose historicity cannot be ascertained due to their pre-literate tradition. Understandably, engagement with deliberative democracy in our contemporary time is a study of the revival idea rather than innovation (*see* Elster 1998a:1)<sup>5</sup>. The idea of ‘revival’ holds meaning in the engagement with its prior practice which can be found in several tribal traditions where its prototype continues in community-based institutions (*see* Elwin 1965). The present study is an attempt to examine the practice prevalent among tribes of Arunachal Pradesh within the conceptual framework of deliberative democracy.

Deliberation has been described mainly as “a conversation whereby individuals speak and listen sequentially” before making a collective decision (Austen-Smith 1995; cited in Gambetta 1998:19). It is a form of discussion intended to change the preferences on the basis of which people decide how to act. “Deliberation is “political” when it leads to a decision binding on a community” (Przeworski 1998:140). In a democracy, the effort to persuade others is a process. According to Cohen (1998b:33), “a deliberation aims to arrive at a rationally motivated consensus – to find reasons that are persuasive to all ....”

Deliberation is not the only mode to be deployed in collective decision-making. It is not in exclusive domain of free, equal, and rational individuals. There are alternative choices of collective decision-making. Decision-making through discussion or deliberation by a group of free, equal, and rational individuals, even though they are of concern to all of them, may not reach a consensus. In that situation, a consensus on the decision can be arrived at by deploying three different ways: (i) arguing, (ii) bargaining, and (iii) voting. Groups can reach a decision by using one of the three procedures, two of them in combination, or all three together (Elster 1998a:5-18).

Each of the trichotomous methods listed above is not an exclusive device in a process of collective decision-making; these are interrelated. The process also entails preferences of the members (voting method, for example); and their preferences are subject to three operations: aggregation (synonym for voting that also includes bargaining), transformation (focus on the goal of arguing), and misrepresentation (for details *see* Elster 1998a:6 & 1998b).

In addition to the above trichotomy, three further motives of the members of decision-making group play crucial role. A later trichotomy involves the motives of the members of the group. For this purpose, it is required to distinguish among reasons, interest and passion. Reason is impartial, both disinterested and dispassionate. Arguing is intrinsically connected to reason in the sense that anyone who engages in argument must appeal to the impartial values. This appeal may at times be a misrepresentation of the true

motives. Bargaining and voting (cf. Usher 2012) can be motivated by, and present themselves as motivated by, any of these attitudes.

Political decision-making usually utilizes all the above three procedures of intermixing, which we can distinguish as arguing and voting without bargaining, arguing and bargaining without voting, and bargaining and voting without arguing (ibid). But among the acephalous tribes like Nyishi, Tagin the ‘bargaining’ along with ‘arguing’ at the time of negotiation is an instrument in the hands of *gingdung* (the middle man) (see Elwin 1988, Nyori 1993, Roy 1997 and Hina 2012).

Arguing aims at the transformation of preferences, while there could be instances of arguments to misguide; it is also true that it employs facts. Individuals have fundamental preferences over ultimate ends and derived preferences over the best means to realize those ends. The gap between the two is drawn from the alternative available in that context and within the time and space (Elster 1998a:7 and 1998b).

Deliberation is dynamic; there is no single means to provide a convincing argument in the discussions aimed at problem-solving and conflict-resolving exercises. The deliberations are comprehensive in the sense that they could resort to manipulations through oratory and rhetoric. This is evident when a speaker employs a number of devices, including benefits and risks involved in the proposals of opponents, to persuade an audience or petitioner (see Riker 1986). The same line of argument, that there is no single way to persuasion and that there could be manipulation, is found in Riker’s reference to egalitarian societies. He emphasises on authority, not power to persuade and define authority as the “ability to channel the behaviour of others in the absence of the threat or use of sanctions” (ibid.:13).

Knowledge is a prerequisite for participation in any effective deliberation. In addition to knowledge, understanding of the participants in the decision-making process contributes towards meaningful discussion. However, individual knowledge and understanding are not always all-encompassing. This is a limitation in making effective decisions. But society has its own ways. According to James Howe (1986:177-178), there is a strong tendency among the influential *Kuna* to speak on the whole spectrum of village concerns. In this respect, the *Kuna* contrast strongly both with the pattern of task-specific and non-transferable leadership. Fried (1967) finds in simple egalitarian band societies, and with one of the principal conclusions of the pluralist school in political science, namely that in modern communities in the United States, different groups and individuals have different scopes of influence.

### **1.3 Deliberative Nature of Village Councils in Arunachal Pradesh**

Arunachal Pradesh is endowed with rich cultural heritage with a plurality of ethnic groups. (Behera & Misra 2013 and Chowdhury 1992). Individual ethnic communities; all the groups have the structural arrangement or council in one form or another (see Elwin 1965, Pandey 1999, Pandey et al. 1999, Talikdar 2002 and Behera 2018.) for conflict resolution and developmental activities. Elwin, in the context of the Adi Kebug, lists

administrative, judicial, and developmental functions (Elwin 1988:158, Nyori 1993:136-138 and Gao 1999) of the village councils. However, the procedure is not exclusive to Adi councils. The author has observed all the village councils in Arunachal Pradesh mainly engaged in these three types of functions<sup>6</sup>.

Elwin (1965) has mentioned the village councils and their functions in terms of democracy in Arunachal Pradesh (also see Pandey 1999 and Pandye et al 1999). But structurally, the traditional councils in Arunachal Pradesh, which still exist and continue to function, can be broadly divided into three types: democratic, gerontocratic, and chieftaincy (Behera 2018). The *Kebang* of the Adi, *Nyele* of the Nyishi, *Keba/Dopam* of the *Tagin*, Mongjontana/Tsorgen of the Monpa *Abbala/Pharai* of the Mishmi, *Tsongo* of the Meyor, and so on are essentially democratic councils (see Roy 1997:218 for Adi *Kebang*, others). Membership is not hereditary, and in principle, all free-born adult males are its members (cf. Nyori 1993:133). Dalton (1872: 23-24) with reference to the *Kebang* of Adi Padam, writes that “no one is permitted to arrogate the position of the chief” (ibid.:23). Not only structurally, but functionally the councils of the Adi, Nyishi, etc, are democratic. Again, in the context of *Kebang*, Dalton maintains that the most important and the most trivial “matters are discussed” there and “nothing is done without a consultation” (ibid.24). Deliberation is a crucial dimension in *Kebang* session (Roy 1997:220), with the aim of making the parties come to an agreement without enforcing any judgment (Nyori 1993:135). It is therefore argued that “success in deliberation is dependent on convincing others about the cogency of one’s reasons and on judging the cogency of the contributions of others” (Bohman 1997: 337) which is a normal practice in democratic village councils of Arunachal Pradesh.

*Jung* or *Jumba* of the Sherdukpen and *Buliang* of the Apatani are gerontocratic institutions due to the hereditary nature of members from upper strata of the community. The members of *Jung* belong to Thong clans or the higher class (Sharma 2013: 41). Thus, membership is hereditary within the upper class, and once selected, one continues for a lifetime (ibid.:39). In the Apatani council, a member of the village council comes from a family of wealth and status or is appointed on account of his personal influence in the community (Haimendorf 1947: 22), and membership is hereditary in the family (Tado 2001). *Mukchum* of the Khamti, *Ngtothum* or *Lowang* of the Nocte, *Tra/Tungdair* of the Singpho, or *Wangchu-Wangsa* of the Wancho are cephalous village councils (Behera 2018). In these councils, the chief, who is hereditary head, has a council of members selected/appointed following customary norms. He takes decision after due deliberation on the issue by the members of the council. (see Kamjai 2004, Datta 1959, 1978 & 1990, Bhuyan 2004 and Behera 1994).

Apparently, these councils, both in cephalous and acephalous village communities, act as the deliberating and decision-making platforms for addressing specific issues related to social control and progress. Traditional egalitarian communities functioning as acephalous entities encouraged discussion, deliberation and argument for decision making. The arbiter’s deliberation and argument to reconcile disputes among parties in Nyishi and *Tagin* tribes are also a form of deliberative democracy. The council converses or an arbiter is engaged when a conflict is reported. The speaker begins with

and introduction (Roy 1997:220) and justifies their participation<sup>7</sup> in the deliberation. This is the procedure followed in almost all village councils in cephalous and acephalous communities.

Village councils, technically political institutions, though varied in their nomenclature<sup>8</sup>, are functionally engaged in reaching a specific decision through discussion. In the context of conflict resolution, the disputant parties present their sides; the aggrieved side presents the allegations, while the opposing side is equally given the opportunity to defend or counter the allegations. Evidences are presented during deliberation in the *Kebang* (Elwin 1988: 159). When the council does not arrive at a decision due to lie of one or the other party, then supernatural guidance through oath and ordeal is invoked (Soring 2004 and Roy 1997: 221-222). Such invocations are decided through discussion and deliberation in the presence of the priest, as the purpose of the council is to find the truth and bring the disputant parties into agreement. In the process, the task of deliberation continues without time restriction until all, including the conflicting parties, comes to a consensus (Nyori 1993:135); the supernatural indication normally comes after a lapse of time. The arguments and counter-arguments presented before the gathering guide the path for deriving the truth and reaching at a conclusion, which becomes valid and binding for the conflicting parties and thus for the whole village.

Decisions are taken in councils, not by a formal vote (i.e. not by the method of preference aggregation), but by general agreement (Elwin 1988:160). Despite consensus being the normal procedure of decision making, occasionally preference aggregation is being used as the alternative procedures<sup>9</sup>. Identification of guilty based on the oath and ordeal process may be considered an informal way of following a method of preference aggregation. The council's decision in the case of the *Mishmi* depends more on the personality of the chief; and when disputant parties cannot come to an agreement in *Chieftaincy* (Elwin 1988:160), the chief's decision comes as an alternative to the normal procedure of participatory deliberation. Here, the preference of status-based decision takes precedence over the normal agreement based on deliberated common reasoning. The deliberations are usually led by selected few from the contending parties endowed with the skill of oratory, traditional knowledge, and the ability to rationally adjudicate the contours of argument of opponent. Decision making is not only a process of choosing among given alternatives, but also a process of generating new alternatives through what Elster would like to call, 'arguing over arguing'. Deliberative democracy in acephalous tribal councils rests on argumentation in the sense that it proceeds by argument and is justified by argument (Elster 1998a:9). This is because argument goes beyond the concept of mere discussion in its concrete sense (see Fearon 1989 for concrete sense of discussion). As Cohen (1998a:186) maintains, discussion engages in the idea of "free and public reasoning among equals who are governed by the decision" (also see Knight and Johnson 1997 and Rawls 1997). The discussion as deliberation is "reasoned argument," and deliberation is "democratic to the extent that it is based on a process of reaching reasoned agreement among free and equal citizens" (Bohman 1997:321). The idea of equals and free and public reasoning in deliberation can be perceived in village council sessions of tribes like the *Adis*, *Nyishis*, and *Apatanis* of *Arunachal Pradesh* (see Elwin 1988, Roy 1997, Danggen 2003, Showren 2009 and Hina 2012).

In a deliberative democracy, citizens of the present nation-state or villagers of a tribe give themselves their own laws through a process of public discussion and debate (Bohman 1997: 322 and Elwin 1988: 160)

Deliberative democracy does not always mean that it is free from limitations. A member of the council may have valuable private information about the case, which could be exclusive, but may not be able to communicate it credibly in the council. The arbiter also does not allow this information to influence the process of decision making; his deliberation and arguments are based on what he learns from disputant parties and with reference to customs and traditions<sup>10</sup>. In the decision, private reasoning submits to public reasoning (cf. Hobbes (1948:102) as cited in Gaus 1997:325). In another situation, a speaker may possess limited information, but due to superiority of ability may take the audience with him and through fabrication, may indulge in presenting the points of view convincingly for the consumption of the mass. Despite such limitations in decision making, overpowering oratory of a concerned party, mass participation and prolonged deliberation, reference to customs and traditions make it possible to come to an agreement; the agreement derives its justification as the decision is considered to be the decision of all people of the community.

The phrase “all people” has two implications: one is the participation of representatives of people in deliberation, when in principle all adult male members can take part, and there are no restrictions on the participation of community members to witness deliberation and decision making when the council is in session. There is no restriction for any male member of the community to participate in deliberation if he considers himself capable of doing so. While not all members present during deliberation may participate in the process, their presence makes the council members feel their responsibility toward the community, and they strive to be impartial and just in order to maintain their dignity and status as council members in the eyes of the public. The second one is the role of customs, norms, and beliefs of the community members, which are invoked in the process of deliberation. As Elwin (1988) writes, the council members “derive their authority from ancient times and the fact that they are the expression of the will and power of the whole people” as well as belief in supernatural (ibid.:160). No doubt, deliberative democracy is equated with participatory democracy by scholars like Fishkin (2009).

Understandably, participation is a crucial component in deliberative democracy which is in practice in traditional village councils in Arunachal Pradesh; in the absence of participation, deliberation and decision-making would lack the sense of equality and collective/public reasoning. It is noteworthy that participation does not imply absolute participation; therefore, deliberation and decision-making in participatory democracy do not “require that all decisions be made directly by the people (Fishkin 2009:76). The decision taken in such a way takes the “form of collective informed consent”, as everyone in the community “shares the views in question” (ibid.: 90) due to the preponderance of culture in deliberation and decision making.

What is important is commitment to people and a sense of equality, which are present in the adherence to customs and values of the masses by the members of the council. Sense of equality ensures political equality as no male member is barred from participation in deliberation. Political equality and participation are positive values placed in participatory democracy that reflect collective dimension (cf. Fishkin 2009:76-77). A decision arrived at without active participation of all the community members in the deliberation, but through representatives or a few knowledgeable persons where all the community members are theoretically eligible for participation as per customs is consent in proxy – a key feature in participatory and deliberative democracy, which holds that the decision is the result of the deliberation of “all” (cf. Manin 1987 & 1997). Representative members in the council draw their legitimate authority in making a decision “from the consent of those over whom it is exercised” and “the representatives deliberate through the consent of others” (ibid.:83 & 91).

Though works on deliberative and participatory democracy, as cited in the text, engage with modern democracy, i.e., competitive democracy and electoral behaviour, the key features outlined are present in village councils of Arunachal Pradesh in one form or another. The concept of aggregation, the core principle of competitive democracy, is not an exclusive idea; because, deliberation “is a condition of preference *formation*”; aggregation is a “property of the decision rule” by which those preferences “culminate in some kind of conclusion or decision” (Fishkin 2009:86).

In the case of the village councils of Arunachal Pradesh, due to strong adherence to culture and traditions, the deliberations have usually been held in healthy environment. The decision taken in councils comes from deliberation, argument, proxy consent, or alternative preferences, which are key features in deliberative and participatory democracy and reflect people’s will due to the nature of the structure and functioning of councils. But, with the passage of time and in changed socio-political environment, both deliberations and the binding nature of the decisions are under heavy pressure and are in the process of transition. The argumentative tradition in the village councils, which used to be predominated by indexical knowledge (IK) has gradually been subjected to analytical knowledge (AK). (For a discussion on IK and AK *see* Gambetta 1998:24-18 & 30ff). This has occurred due to various interfering agents like modern education, money power, intrusion of modern state and its agencies, etc., to name a few. Analytical knowledge is making its presence felt, which has brought in its train varieties of social and political evils, causing dilution of the rich argumentative tradition of deliberative democracy. The community ethos and cohesion in the villages have been subjected to income differences and commitment to political or religious ideology, which in turn work as an impetus for the erosion of the deliberations. No doubt, reinvigorated efforts are being made<sup>9</sup>; the future of deliberative democracy will depend on how people of Arunachal tribes organise their councils. Deliberation and argument still continue, the procedures are unquestionably followed, but not with a commitment to customs, community sense, traditional values, which are being replaced by analytical rationality and influenced by political ideology. Maybe a shift from traditional practice and instrumentality would take place, but deliberation will continue to accommodate the needs of changing situations.

## 1.4 Conclusion

In fine, the idea of deliberative democracy is not unique to the formal system of democracy adopted in nation-states following Great Britain and America. It existed in Athens and in India in BCE. What is unique is its existence in traditional tribal village councils and in informal ways. Though its historicity is not ascertained because of non-literate character of tribal societies, its existence can be traced to the informal lifeways and collective living of members in a tribe.

Contemporary tribes are in transition due to integration with the national ethos. The nature of traditional governance is changing. Nevertheless, traditional councils exist alongside modern institutions of governance. Deliberation exists in both formal and informal institutions, displaying its quintessential role in tribal life.

The discussion further substantiates the argument that the concept of deliberative democracy is not an innovation; rather, it appears as a revival of an old tradition in modern democracy. In a broader sense, it can be argued with fairness that several contemporary phenomena could also represent a change in continuity.

### Notes

1. In this regard, citing Hobbes (1948:291), Gaus (1997:325) argues that private reason must submit to public reason. Elster also argues (1998c) that public discussion discourages self-interested claims by injecting principled elements as in order to persuade others of their merit, or at least legitimacy.
2. Labour organisations like *patang* of the Apatani, community fencing like *etor kebang* or community hunting like *kiruk* of the Adi, cultural houses (dormitories) like *mushup* of Adi Padam, festivals like *Nyokum* of the Nyishi, *Drii* of the Apatani, *Sangken* of the Khamti, *Chalo Loku* of the Nocte are few examples which reveal community sense of tribal life.
3. Mention may be made of Elster (1986 & 1987), Riker (1986) Cohen (1989a&b), Manin (1987 & 1997), Fearon (1989), Dryzek (1990), Bessette (1994), Austen-Smith (1995), Nino (1996), Bohman (1996) and Fishkin (2009). When the tradition of deliberative democracy is traced to the democracy itself in Athens in four-fifth century BCE, the practice of public reasoning and deliberation in India dates back to as early as the fifth century BCE (Parthasarathy & Rao 2017:4). As earlier records are not available, it may be inferred that the tradition of deliberative democracy in India is older than that of Athens.
4. The present focus on deliberative democracy is a critique of competitive democracy and has its origin with the establishment of democratic form of government replacing monarchy consequent upon the establishment of the Parliament of England in 1215, Independence of America in 1776 and establishment of First Republic in France in 1792 during French Revolution. Deliberative democracy evolved within the democratic form of government to give meaning to the term “democracy” through participation in the process of decision making. It is a formal institution in contrast to informal village councils of tribes which evolved without any conscious efforts and without any need for an alternative system to monarchical form of governance.
5. These functions are for the village people. The village council also decide upon defence matter in case of inter-village feud in earlier days (Nyori 1993:136) or common issues having inter-village

- significance. The Bango Kebang is an inter-village council (see Nyori 1993:140 and Daggen 2003:).
6. The author attended several sessions in Rungong, the important one was on 27 February 1991 on the issue of Mithun theft. Mr. Toni Komut interpreted the theme of the speech when the author failed to understand with his little knowledge in Adi language.
  7. Preference for other methods like oath and ordeal is alternative to deliberation, but like deliberation it also brings disputant parties into agreement.
  8. Even within the Nyishi community, the political system varies from Dupam in Koloriang area (Soring, 2004) to Nyele in Seppa as well as in adjacent areas and in to the arbiter type. However, different tribal groups like the Mishmi and the Tagin have similar arbiter systems. Similarly, Khamptis and Noctes are different not only in their faiths and beliefs but also in their racial identity. The Khaptis while belong to Shan race (Behera, 1994:18), the Noctes belong to Naga group of tribes. Besides, the Akas in spite of being a single tribe, have two different political systems namely Nyele of the Khoro group and Mele of the Hrusso group (Hissang 2005). Thus, the existence of similar political systems under some heterogeneous conditions and different systems under similar conditions trigger the research interest of social scientists for an understanding of the phenomenon.
  9. See Elwin (1988: 159-160) and Danggen (2003) for example by some communities to revive the tradition of deliberation. The author was present at Convention cum Mega Festival of the Bongong Banggo Kebang held in the play ground of Government Secondary School Balek, Pasighat, East Siang district on 8-10 April 2013. Except cultural performances, speeches were delivered on various aspects of culture, need to conserve them and on Kebang system - evolution organisation, functionings, etc. and the need to strengthen it for preservation and conservation culture.
  10. The information is gathered from several discussions with Professor Tamo Mibang, Dr.Tai Nyori, Professor Tana Showren and Professor Ashan Ridi in 2005 and 2006 on the occasion of organising two seminars on *Traditional Village Councils* of Arunachal Pradesh.

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