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Fig. 23.4 United States Courthouses built or renovated 1998-2008; US General Services Administration (2009). Provided courtesy of the US General Services Administration, Office of the Chief Architect. Photographs taken by Taylor Lednum, Thomas Grooms, and Frank Ooms.

Left to Right: Top: John Joseph Moakley US Courthouse (Boston, MA); Alfonse D'Amato US Courthouse (Central Islip, NY); US Courthouse (Tallahassee, FL);

Middle: Wayne Lyman Morse US Courthouse (Eugene, OR); William B. Bryant US Courthouse Annex (Washington, D.C.); Wilkie D. Ferguson US Courthouse (Miami, FL);

Bottom: Corpus Christi Federal Courthouse (Corpus Christi, TX); Roman L. Hruska US Courthouse (Omaha, NE); Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse (Richmond, VA)

"efficiency and economy,"[13] and architectural choices favored "safe" and "noncontroversial designs" (Id., 93). But pressed by criticism from the NEA's "Task Force on Federal Architecture" (Craig 1978) that worried about the lack of a distinctive "federal presence" and by congressional inquiries,[14] GSA retooled its processes. One model was the success of federal jurists Stephen Breyer and Douglas Woodlock, who had enlisted sophisticated consultants for planning the federal courthouse in Boston, designed by Harry Cobb and adorned with monumental monochrome panels by Ellsworth Kelly (Figs. 23.5 and 23.6).

By 1994, the GSA had developed its "Design Excellence Program" to attract prize-winning architects to federal projects. The federal courts were a major beneficiary of the new procedures. The courts' monthly newsletter described the results as a "Renaissance" for federal courthouses that had, before then, been "box-like structures" (The Renaissance of the Federal Courthouse, 1). The GSA reported that it had succeeded in providing "the American public with government office buildings and courthouses that are not only pleasing and functional, but that also enrich the cultural, social, and commercial resources of the communities where they are located. Such public statements of American culture are meaningful contributors to the vibrancy of our democracy."[15]

23.2.2 A New French Judicial Architecture

During the late 1980s, the French Ministry of Justice was similarly reviewing its 723 operating sites as it began a series of projects, defined by "a certain architectural ambition" to rationalize the services provided by courts through administrative reform and new construction.[16] The goals of modernizing justice and affirming the commitment to law and "the values of democracy" (*New French Judicial Architecture*, 3) entailed providing more space for judges,[17] improving conditions for decision making, reorganizing first-tier tribunals and courts (sometimes through consolidation into a single facility), creating efficient buildings,[18] reducing delay, coping

[13] *Growth, Efficiency and Modernism: GSA Buildings of the 1950's, 60's, and 70's* at 45.

[14] See, for example, *The Need for Architectural Improvement in the Design of Federal Buildings, Hearing Before the Subcomm. on Buildings and Grounds of the S. Comm. on Public Works*, 95th Cong. (1977).

[15] *Design Excellence: Policies and Procedures* 169 (Washington D.C.: US General Services Administration, 2008) (hereinafter 2008 *GSA Design Excellence Policies and Procedures*).

[16] *La nouvelle architecture judiciaire: Des palais de justice modernes pour une nouvelle image de la Justice* 3, 103 (*New judicial architecture: Modern Courthouses for a new image of Justice*) (hereinafter *New French Judicial Architecture*). This volume was produced in relationship to a colloquium held in Nanterre, France, in May, 2000.

[17] Between 1975 and 1995, caseloads tripled; during the 1990s, the number of magistrates increased 40%. Mengin, *Deux siècles d'architecture judiciaire aux Etats-Unis et en France (Two Centuries of Judicial Architecture in the United States and France)*, 11.

[18] L'Agence de Maîtrise d'Ouvrage des Travaux du Ministère de la Justice, 2004 *Rapport d'activité*, 29.

Fig. 23.5 John Joseph Moakley United States Courthouse, Boston, Massachusetts. Architect: Harry Cobb, 1998. Photograph Copyright: Steve Rosenthal, 1998. Photograph reproduced with the permission of the photographer

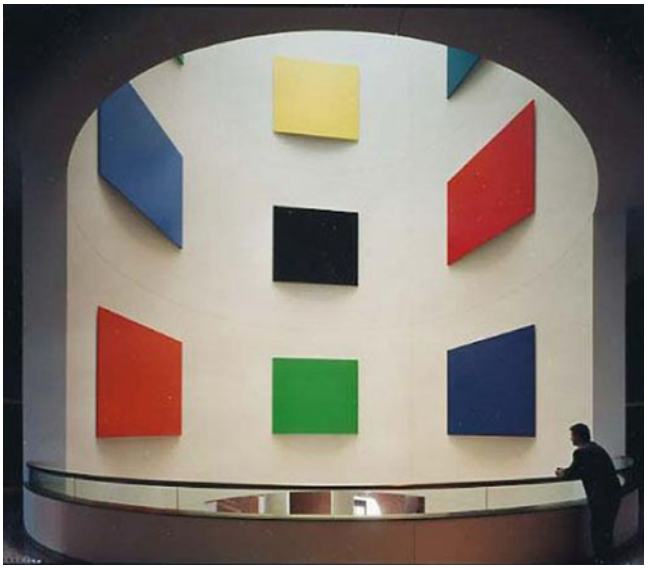

Fig. 23.6 *The Boston Panels*, Ellsworth Kelly, 1998, in the John Joseph Moakley United States Courthouse, Boston, Massachusetts. Architect: Harry Cobb, 1998. Photographer: Steve Rosenthal. Photograph Copyright: Steve Rosenthal, 1998, reproduced with the permission of the photographer and the artist

with rising filings, and providing more functional, secure, and welcoming facilities that would be readily legible to users (Id., 3, 97).

Historians, jurists, art critics, and administrators came together to ponder the shape needed to express an array of commitments—to the evolving nature of justice with its multiplication of laws and tasks, the diversifying culture, and transnational obligations of fairness.[19] As in the United States, concerns were raised that French public architecture had, during the twentieth century, become banal, producing undistinguished structures conflating justice with bureaucratic administration (Gouttes, 9–11). As one of the leading commentators, Antoine Garapon, put it: courthouses were often "indistinguishable from other public buildings"; this "architectural silence" was "dangerous" as the "erosion of legal symbolism . . . threaten[ed] the very foundations of the legal system" (Garapon, 142).

When undertaking the future planning ("imagining courts for the twenty-first century," as Garapon explained), commentators analyzed the output of earlier eras (Garapon, 1). Robert Jacob saw Medieval and Renaissance judicial architecture reflective of a fluid exchange between commerce and law (Jacob, 46–52), while, under Louis XII, courthouse space became more luxurious to denote the centralizing authority of regal power (Id., 48–51). Monumental entryways and dedicated doorways, "framed by columns" and long stairways, put law on an elevated plane that was both distant from the ordinary person and underscored the "extraordinary act" of "going to law" (Id., 39).

Similarly, Garapon saw the changing configuration of French courthouses as denoting the political shift from a sovereignty centered on the nation (and earlier, the king) to one committed to representative democracy. As Garapon schematized French traditions, under the ancien régime, courthouses were basilica-like, with courtrooms akin to chapels. Judges, priestlike, sat on high to superintend the confrontation between man and law. Thereafter, more democratic visions shaped courthouses to resemble parliaments, with judges like a chairperson overseeing exchanges that, through procedural commitments, acknowledged and valorized the autonomy of individuals in horizontal relationship to each other. One might then map successive eras of courthouse styles—those evocative of "le palais royal, le temple de Thémis et l'hôtel des droits de l'homme" (Lamanda, 69).

But what should a "Hall of the Rights of Man" look like? Jacob argued that traditions marking the isolation and grandeur of justice no longer fit contemporary commitments of the shared ownership of law's promulgation and application. Marc Moinard, secrétaire general of the Ministry of Justice, wanted viewers "to be able to identify the building as a place where justice is meted out" (Moinard, 142), a goal that Jacob ascribed to the "universal need . . . for a clearly marked place where good can be distinguished from evil" (Jacob, 43). Garapon called for architects and lawyers to "unite to find new ways to express a democratic legal process" that reflected that courts were "simultaneously a theatre, a temple and a forum" (Garapon, 142).

[19] One event, "Palais de Justice: héritage et projets" ("Courthouses: legacy and projects"), was convened in Paris in 1994. See Robert Jacob, *The Historical Development of Courthouse Architecture*, 14 *Zodiac* 31, 43, n. 2 (hereinafter Jacob, *Historical Development)*. Papers from that conference can be found in 265 *Archicrée* (1995).

Fig. 23.7 Exterior, Palais de Justice, Bordeaux, France. Architect: Richard Rogers, 1992–1998. Copyright: APIJ. Photographer: Jean-Marie Monthiers. Photograph reproduced with the permission of the APIJ and the photographer. Reproduction without written permission of the copyright holders is forbidden

In response to this mélange of goals, the Justice Ministry acquired more sites and sought accomplished architects.[20] With the goal of extending French justice properties from a footprint of about 1.7 million meters (approx. 5.8 million square feet) by another 500 million meters (approx. 1640.5 million square feet), the Ministry's administrative building arm developed detailed dossiers for each function within a courthouse, specifications on room sizes, and left general discretion to architects for the designs of entry areas and the exterior aesthetics (Bels 1995, 3). Like the leadership in the United States, French officials obtained significant funds. A budget of about 1.5 billion dollars (6 billion francs) supported the projects from 1995 to 1999 (*New French Judicial Architecture*, 103). Twenty-seven regions in France were flagged in the early 1990s for improvements to run through 2015. By the end of 2004, eighty-nine buildings (forty-seven related to prisons and forty-two for courts) were under construction or had been completed in both France and its territories abroad (Guadeloupe, Martinique, La Réunion, Mayotte, and French Polynesia) at a cost of more than 2 billion euros (about $3 billion).[21] As in the United States, the result is an impressive array of structures whose exterior shapes varied dramatically.

Commissions through competitions (the customary mode for public building in France) went to well-known architects, including Henri Ciriani for le Palais de Justice de Pontoise, Bernard Kohn for Montpellier's facility, Richard Rogers for Bordeaux's courthouse (Fig. 23.7), Henri Gaudin for the Besançon facility, Françoise Jourda and Gilles Parraudin for Melun's Palais de Justice (Fig. 23.8), and Jean Nouvel for the courthouse (Fig. 23.9) in Nantes. They produced monumental buildings, as a few details from Nantes make plain. Sited on a small Loire island accessible by a footbridge, the building is a square rectangle of almost 100,000 square feet, whose

[20] Interview with René Eladari, Director of the Ministry of Justice Long Term Planning Program, 265 *Archicrée* 79.

[21] L'Agence de Mâitrise d'Ouvrage des Travaux du Ministère de la Justice. *2004 Rapport d'activité* at 7, 28.

Fig. 23.8 Exterior, Palais de Justice, Melun, France,circa 1998. Copyright: APIJ. Photographer: Jean-Marie Monthiers. Photograph reproduced with the permission of the APIJ and the photographer. Reproduction without written permission of the copyright holders is forbidden

Fig. 23.9 Palace of Justice, Exterior View, Nantes, France. Architect: Jean Nouvel, 2000. Photographer: Olivier Wogenscky. Copyright: APIJ, April 2000, reproduced with the permission of the AMOTMJ/ Ministry of Justice, the photographer, and APIJ

dimensions (113.4 m or 372 ft by 81 m or 265.75 ft) befit the word "palais."[22] Paved in stone and clad in glass, the waiting room is said to express "the solemnity of justice through its transparent, clear, and balanced character" (Nouvel, *Commentary*, 28). The stone, the metal framing of the glass walls, and the interior walls of the open areas are all charcoal black, and the geometry relentless. The "immense lobby running the width of the building" (about 370 ft) permits entry into three boxlike contained areas, in which sit seven blood-red courtrooms as well as auxiliary offices (Gore, 71, 74).

Other facilities ranged from an "audacious" (Zulberty, 67) and novel conception in Bordeaux by Richard Rogers of cone-like modular units (Fig. 23.7)—described as looking like "wine casks, eggshells, or beehives" (Leers, 129) to a recycled parliament building in Rennes (Hanoteau, 28–34) and a renovated courthouse in Nice.[23] The courthouse in Melun (Fig. 23.8) is an imposing parallelepiped, 236 by 177 ft (78 by 54 m) with a two-story, glass-cloaked entry fronted by six treelike pillars supporting an overhang, some 80 ft or 24 m from the ground. The façade, sheltering pedestrains, references the role of trees in French justice iconography (Palais de Justice de Melun, 8–11). Inside, various tribunals are consolidated in an effort to make them visible and accessible.

Commentators found some buildings successful, "overturning customs and symbols . . . .[and] helping to bring about another kind of justice, one that is more open, more democratic" (Simon, 88), while other structures were criticized for failing to take those very concerns into account (Saboya, 75–77). As for the diversity, some thought it praiseworthy, and others argued undue fragmentation (Depambour-Tarride, 36–40), a concern also heard in the United States where the array of styles meant that none ensconced a "federal presence".

23.3 Access, Usage, and Isolation

We have argued that courthouse architecture narrates the political capital of adjudication as well as the symbiosis of the independence of the judge and the dependence of the judicial apparatus on the state for its financial wherewithal and materialization. Builders of courthouses claim that new structures make other statements—reflecting democratic courts' commitments to their citizens.

The Nantes Palais de Justice is but one of many buildings clad in glass. The German Constitutional Court, for example, has an "extensive transparent glass skin," admired for providing an "open face to the public" for courts (Bürklin, 15–42). In the United States, glass is also said to signify the "new openness and accountability of the court to its community (Greene, 63, 65)," as well as the justice system's "principles of *transparency, accessibility*, and *civic engagement*" (Id., 63). In the spring of 2008 when a new courthouse in Manchester, England, opened

[22] Commentary, Jean Nouvel, *Courthouse in Nantes* (hereinafter Nouvel, *Commentary*), 28.

[23] See *Palais de Justice de Nice* (Ministère de Justice, 2004).

("the biggest court building to be constructed in Britain since the Royal Courts of Justice in London opened in 1882"), Europe got its "largest hung glass wall."[24]

But equating glass with access to justice is simplistic, for courthouses are not the only structures for which glass is claimed to be especially appropriate. During the nineteenth century, glass was celebrated for its use in train stations, commercial arcades, and exposition sites, including the Grand Palais in Paris and the Crystal Palace in London (McKean). Technology is foundational to the "crystal metaphor" (Bletter 1981, 20–43); during the nineteenth century, steel and glass manufacturing changed. In the twentieth century, when environmental concerns became acute, coatings were developed to reduce "the cost of interior climatological systems" (Fierro, 27). Similarly, when questions of security and terrorism rendered vulnerable the glass walls of courts, embassies, libraries, and other government buildings (Loeffler 1999, 1998), "ballistic-resistant level" glass was developed, as were "gradations of clear, transparent, and opaque" glass (Greene, 66)—producing real what art critics have termed "opaque transparency" (Bletter, 115–120).

Political explanations of glass's import vary depending on a building's use. Great nineteenth-century greenhouses displayed the "nurturing" qualities of glass, providing a habitat that brought plants to life (Ersoy, 38–39). During the Cold War, glass in US embassies was equated with democracy's openness, an explanation also proffered for the "*Grand Projets* of François Mitterand" in the 1980s and 1990s (Fierro, viii–ix). In 2008, the glass in a baseball stadium in Washington, DC was attributed to baseball's special relationship to the "transparency of democracy" (Nakamura, B1). In courts, glass is evidence of law's accessibility and transparency, although one architect also noted that glass renders courts "open to public scrutiny, inclusive of public participation, and dependent on the support and protection of its community" (Greene, 66).

Yet art theorists remind us that glass can functions as a "blockage" distancing the observer (Riley, 26; Vidler, 4); a viewer may look at a mirrored reflection rather than see what lies through or beyond the glass. Moreover, glass is a mechanism for transferring voyeuristic control to a distant viewer. Indeed, complaints were leveled against the Bibliothèque Nationale de France for "putting scholarly readers on display, as if 'animals in a zoo,' exposed to scrutiny from a general public who were too distant . . . to engage reciprocally and meaningfully" (Fierro, 29). That point is reiterated in "high-security" courtrooms in which defendants sit in a glass box.

23.4 Zones of Authority

Whatever transparency may be provided by glass skins often ends at the courthouse door. Once inside, the aim is—to borrow from commentary on recent Italian courts—"to keep the various users of the building (magistrates, judges, lawyers,

[24] Rozenberg, *Civil Justice Centre Shines in Court Gloom*, Telegraph, (Apr. 19, 2008), http://www.telegraph.co.uk/news/uknews/1584453/Civil-Justice-Centre-shines-in-court-gloom.html. Rozenberg noted that the glossy new court, with six "specialist commercial judges," was hoping to "drum up more work."

public, prisoners) as separate as possible" (Aymonino, 128). Would-be entrants are screened, and those admitted sent off on separate paths. While efforts are made to convey a sense of "free movement," boundaries are everywhere (*1997 US Courts Design Guide*, 3–10, *2007 US Courts Design Guide*, 3–10).

Segregation of space inside a courtroom has a long history. While seventeenth-century buildings once permitted intermingling, courtroom layouts evolved into divided space, represented in some jurisdictions by a literal "bar" between the area reserved for the professional jurists and the public (Mulcahy, 384–385). A deeper segregation throughout the building is a twentieth-century artifact, produced as tragic shootings of judges and bombings of courthouses brought security to the forefront. The result is that three "circulation patterns" have become a common feature of courtroom construction in the United States, France ("les trois flux"[25]), and elsewhere.

Denominated "public, restricted, [and] secure" zones, the distinctions entail separate entries, elevators, and corridors for the public (including civil litigants), for judges, and for criminal defendants (*US Courts Design Guide 2007*, 3–10). Hierarchies—or stacking—are commonplace; the public enters and remains on the bottom floors, and judges and administrators occupy higher levels. Passage in and out of courthouses may also be secured so that judges enter through "a restricted parking structure within the confines of the building . . . to a restricted elevator system that transports them to their chambers and courtrooms" (*GSA Design Excellence Policies and Procedures* 2008, 168). Prisoners are likewise walled off, entering a secured sally port and held in cellblocks.

Security is predicated on perceived needs both physical and visceral, warding off what one critic called the "contamination" emanating from criminal defendants and potentially disruptive spectators (Hanson, 58). Patterns of segregation are argued as politically apt—that judges ought not have to confront those whom they must judge, and that ordinary persons ought not have to see "defendants walked, in shackles, through public corridors in the presence of other citizens who may be there merely to pay a traffic ticket" (Phillips, 204).

Because the three circulatory patterns buffer against the possibility of contact, "circulation space often accounts for 30–50% of the usable space in a building" (*2007 US Courts Design Guide*, 3–5). The multiple paths add significant expense. In 1993, estimates of cost in US courthouses were about $160 per gross square foot, "at least $44 per gross square foot more" than the costs of building "a comparably sized federal office building."[26] In short, remarkable amounts of space and funds are devoted to people not meeting each other inside courthouses.

Other problems emerge when the focus turns to hallways. One courthouse architect explained: "It is remarkable how many existing court facilities have no adequate waiting space outside the courtrooms" (Phillips, 221). While the buildings were to express that "you, your liberty and property, are important," they were not

[25] An overview of several projects is provided in *Les Nouveaux Visages de La Justice*, 1–5.

[26] *More Disciplined Approach Would Reduce Cost and Provide for Better Decision making, Testimony Before the Subcommittee on Oversight of Government Management and the District of Columbia*, GAO/T-GGD-96-19 at 3 (Testimony of William J. Gadsby).

accompanied by "clear and generous lobbies, corridors, counters, and waiting areas," nor do they denote anything of the "bond between the individual and the justice system upon which all depend" (Id., 223, 224). Below, we detail the emptying of courtrooms, but, in many jurisdictions, hallways can be crowded with people. Yet for those with resources to do so, new technologies provide "virtual" alternatives, as litigants file documents electronically, download record data, and "meet" via video or telephone (Lederer, 190, 196).

23.5 The Signification of the Courtroom

Although modern design specifications separate populations, the courtroom is offered as the "interface" among the differently routed individuals. Like the glass metaphor, however, the idealized courtroom is problematic in practice. Not only is that space internally segregated (as users enter through different doors and sit in designated areas[27]), it is often underutilized.

During the 1980s and 1990s, the practices of judging were shifting. Enthusiasm for mediation, arbitration, and other modes of dispute resolution grew into the "alternative dispute resolution" (ADR) movement. In the United States, new rules and statutes produced "managerial judges," some of whom saw trial as a "failure" of the system (Resnik 1982, 2000). In England and Wales, Lord Harry Woolf spearheaded similar reform efforts. His 1996 report, *Access to Justice*, insisted on prefiling exchanges to avoid courts entirely and then judicial case management if that route was pursued (Woolf 1996). As Professor Simon Roberts explains, "In England, this 'culture of settlement' has been advocated by the higher judiciary, adopted as government policy, enshrined in a new regime of civil procedure and increasingly realized in court practice," resulting in the replacement of rule-based adjudication with "negotiated agreement" (Roberts, 1). At the transnational level, the 2008 European Directive on Mediation calls for EU members to promote mediation and permits member states to make mediation "compulsory or subject to incentives or sanctions."[28]

Many factors contribute to these changes, as well as to the results, which is the decline of courts as venues for public dispute resolution. On both sides of the Atlantic, trial rates are down. In federal courts in the United States, fewer than two in 100 civil cases start a trial—prompting debate about whether the "vanishing trial" is a problem (Galanter 2004, 259). While the *US Court Design Guide* insisted that each judge needed a courtroom of his/her own, congressionally chartered studies investigated usage rates in several courthouses and found, in 1997, courtroom lights

[27] See *1997 US Courts Design Guide*, 4–39.

[28] Directive 2008/52/EC of the European Parliament and of the Council (on certain aspects of mediation in civil and commercial matters)(21 May 2008) at Art. 1, sec. 1 and Art. 5, sec. 2.

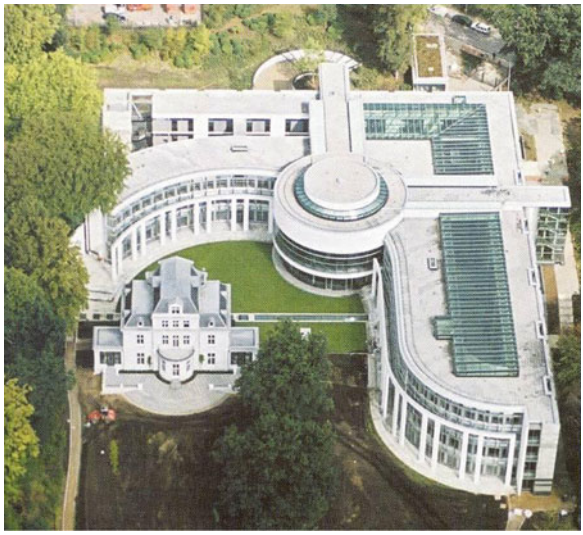

Fig. 23.10 Aerial view, International Tribunal for the Law of the Sea, Hamburg, Germany, 2005 photograph. Architects: Baron Alexander and Baroness Emanuela von Branca, 2000. Photograph copyright: YPScollection. Photograph reproduced courtesy of the International Tribunal for the Law of the Sea

were "on" about half the time.[29] Dame Hazel Genn provided data on declining trial rates in England, (Genn, 34–35) where Professor Roberts described how "often empty courtrooms" produced a growing "dislocation" between the "form" of the Gothic buildings and the "substance" of the exchanges transacted within (Robert, 23).

The unintended consequence of shifting from oral proceedings in courtrooms to an exchange of papers and discussions in chambers, as well as to outsourcing to private providers, is that some of the grandest courthouses are "lonely," if secure (O'Mahony 2004). Consider the International Tribunal for the Law of the Seas (Fig. 23.10). As of 2008, this treaty court has 160 member states. Its new courthouse, designed by Baron Alexander and Baroness Emanuela von Branca, opened in 2000. From the tribunal's inception in 1994–2008, however, 14 cases were filed. Even as courts lay claim to an architecture of openness made plain through glass, some are relatively infrequently used—seeming to be more like "fortresses," replete with both perimeter and interior surveillance (Phillips, 207), than lively sites of activity.

Thus, as a US federal judge Brock Hornby put it, the public image of a judge on a bench is outdated. He suggested that, instead, "reality T.V." ought to portray judges in "an office setting without the robe, using a computer and court administrative staff to monitor the entire caseload and individual case progress; conferring with lawyers (often by telephone or videoconference)." A judge on bench was, he said, an "endangered species, replaced by a person in business attire at an office desk surrounded by electronic assistants" (Hornby, 462). Antoine Garapon proffered a

[29] See General Accounting Office, *Courtroom Construction: Better Courtrooms Use Data Could Enhance Facility Planning and Decision making* GAO/GGD-97-39 at 42–43 (1997).

parallel description of the decentralization of judicial activities in France—research and discussions often take place in offices, and interventions veering toward the therapeutic are also held in private settings (Garapon, 56). For a brief time in the United States, ADR was built into federal courthouses, as *US Court Design Guides* called for "alternative dispute resolution suites"—with roundtable layouts and several areas for consultations (JCUS 1995, 98).[30] But as conflicts with Congress about building funds have emerged, the guidelines dropped the specifications for ADR suites.

23.6 Reading Political Spaces

Are there "alternative" building designs to capture these new functions? In France, discursive courthouse planning explored questions of signification. How does a building reference judicial roles ranging from educators, interpreters, experts, conciliators, and mediators to adjudicators? Could one materialize judicial obligations for conciliation while creating courthouses, "the only institution that bears the name of a virtue" (Lamanda, 74). What ought to be the shape of courthouses, given that (in the words of a World Bank consultant on Courthouse Development) "the greater percentage of the modern courthouse is composed of general-purpose office space – perhaps 80–85%"? (Thacker, 3).

A few pragmatic responses have been proffered. For example, Garapon worried that (à la Foucault) the diffusion of power risked it being everywhere and nowhere. He commended the elimination of standard offices and the creation of an intermediary space—something between a courtroom and an office—where bureaucracy was replaced with more public spaces that enable public discourse ("circulation de la parole") (Garapon, 12–16). The South African Constitutional Court, opened in 2004, has aimed to do some of what Garapon recommended for France, by creating glass walkways that make the administrative aspects of the court visible to the public.

The building challenges reflect that the goals of instantiating national and transnational legal regimes through buildings unmistakably understood to be "courts" are burdened by the instability of the word "court," now comprehending a range of practices both public and private. In some respects, new courthouses are fair representations of the mélange of authority, privatization, and public ideology currently promoted by law. The segregated passages, quiet courtrooms, and administrative square footage document these shifts. At the same time, the built grandeur also seeks to assimilate new rightsholders to great judicial traditions and visibly expresses the idea that courts, once protective of limited classes, are today significant spaces aiming to dignify an expansive community.

[30] The *2007 US Courts Design Guide* eliminated the dedicated ADR spaces, suggesting use of conference rooms and jury rooms instead. Id. at 1–2, 11–2.

Further, some of the grand courthouses demonstrate the movement of public and private sector actors across domains. For example, Jean Nouvel's Nantes Palais de Justice resembles his design for the Cartier Foundation in Paris, also a grid-based "ethereal glass and steel building" (Gibson, 6). In addition, the allocation of funds to a few grand buildings, while a great deal of the business of judging occurs in less well-appointed administrative facilities, is reflective of maldistributions of resources throughout state infrastructures and services.

Thus, while some read new courthouses as symbolically silent (Garapon, 7), they can also be understood as symbolically apt, as class stratifications are reflected in law, as courts are entwined in economies reliant on law's centrality, and as builders wish to speak to political aspirations for state protection of all persons. The loneliness and austerity materializes some of the struggle to develop actual practices instantiating rights through public hearings and accountings. Rather than see courthouses as masking the complex interaction by which "the law court institution really operates" (Bels, 145), one can find in them revelatory maps, commemorating affection for practices of open justice amidst a transformation of legal processes that devotes the vast bulk of usable space to offices. The stratification expresses, as Marie Bels put it, "the operation of an institution that superimposes the different and contradictory work methods represented by the … 'business' side of the legal system and the technical aspects that allow the justice 'machine' to function" (Id.).

But the issue is not only whether construction expresses current trends but what law should do. Thus, deeper problems come by way of a return to Jeremy Bentham, who underscored the relationship between publicity and responsive government—entailing public access to the exchanges between jurists and disputants. As currently formatted, conciliation procedures take place in private. Even if (as Simon Roberts has argued) the trip to the massive buildings to confirm a negotiated settlement serves to legitimate parties' decisions, it offers no opportunities for third parties to engage as participatory observers.

If couched only in terms of a decline in public performance, the concern could be read as focused on theatricality and miss the democratic potential within practices of adjudication. When meeting its aspirations, courts insist on equality of disputants, oblige respect, and discipline the judge who, through the public surveillance, must render dignified treatment and fair procedures. Of course, courts may fail to do so, but, when practiced in public, the weaknesses are also revealed.[31] Moreover, public practices display the indeterminacy of fact and law. Revelations of applications of legal parameters can prompt political efforts for change. Using the United States as an example, public trials altered understandings of "domestic" violence, as well as prompted additional punishments for sexual offenders. Democratic input into adjudication can result in legal shifts styled progressive or conservative, but, whatever the direction, law's plasticity enacts the democratic promise of providing routes to alter governing norms.

[31] For example, in the United States, state and federal courts in the 1980s and 1990s commissioned more than 50 reports on problems of gender, racial, and ethnic bias in the courts (Resnik 1996).

It is not only that the means of expressing universal values recognizing dignity remains elusive in courthouse configurations. Actually doing so—dignifying humans in their contestation with each other and the state, rendering fair hearings, and struggling to be just—is challenging. Despite legal and rhetorical commitments to access, despite the economic and political utilities of public activities for legitimating authority, and despite the invocation of transparency by the deployment of glass around the world, the rising numbers of persons entitled, as a right, to public hearings have been met by procedures routing them to private resolutions and administrative dispositions. Neither contemporary courthouses nor the rule regimes they shelter make accessible many of the processes and practices of judges.

Architectural critic Paul Spencer Byard understood these difficulties when describing new courthouse building as "intensely sad"—responding to the "huge weight of a system bent toward retribution" (Byard, 145, 147). He wrote of the "bind" for courthouse architecture—that the "political emphasis on criminalization, prohibition, and retribution as proper responses" puts the architect in a position of requiring "quantities of space for courtrooms and related functions—duplicated and even trebled by requirements for segregation and security—to accommodate all the required adjudication and punishment" (Id., 142). Byard objected that the "design exercise is reduced to an effort to bury very large volumes of space in symbols that will lend them some legitimacy" (Id.). Several of the new and monumental buildings had "nothing to say" other than attempting to lend authority through recognizably important architectural forms (Id., 142–143).[32] Rather, and "[l]ike our times, contemporary court architecture is about effect, not substance; . . . about how great we have been, not how great we might become" (Id., 151).

23.7 If Performed in Open Air

Our focus has been on the monumentality of new courthouses, as well as the fragility of public adjudication. We do not yet know whether the buildings will prove to be awesome monuments to the past or retrieved and inhabited as lively vectors of public spheres. What needs, however, to be underscored is that the shift toward settlement modalities need not inevitably end public engagement with law's force. Just as courthouses can no longer be equated with public exchanges, alternatives to courts ought not to be assumed as necessarily entailing complete privatization.

Thus, in closing, we provide a glimpse of alternative semiotics by way of a trip made by the Australian Federal Court in 2005 to the Great Victoria Desert. Almost two centuries earlier, Jeremy Bentham had commented that "if performed in the *open air* . . ., the number of persons capable of taking cognizance of [judicial proceedings] would bear no fixed limits" (Bentham, 354). That proposition was put

[32] Examples included a federal courthouse designed by Richard Meier in Islip, New York, that Byard called "striking and strictly beautiful" while "literally and figuratively a monumental white void." Byard, 142–143.

Fig. 23.11 Ngaanyatjarra Land Claims Open Court, Parntirrpi Bore Outstation in the Great Victoria Desert, Australia, 2005. Photographer: Bob Sheppard, Trial Logistics Manager, Federal Court of Australia. Photograph reproduced with the permission of the photographer and courtesy of the Federal Court of Australia

into practice at the Parntirrpi Outstation of the Great Victoria Desert when the Federal Court set up a makeshift tent (Fig. 23.11), some 725 arid miles northeast of Perth, the capital of Western Australia.

The photograph shows the ceremonial pronouncement of a settlement allocating land rights claimed by the Peoples of the Ngaanyatjarra Lands over a mass three times the size of Tasmania. Solicitous of the claimants' needs and resources, the Federal Court traveled thousands of miles to hold the session. (Bentham had recommended an equal justice fund that included paying the costs of travel to and of lodging near courts [Schofield, 310]). The event did not adjudicate but recorded the conclusion of a multiparty dispute among public and private entities. The agreement recognized the preexisting rights of indigenous peoples to a vast land area, as it also enabled uses by telecommunication and mining companies, as well as by state and national governments (Stanley et al. 2005). The court's opinion praised conciliation:

> Agreement is especially desirable in native title cases due to the importance, complexity and sensitivity of the issues involved. Agreements between the parties minimises cost and distress and establishes good will between the parties for future dealings. (Id., para 17)

Yet the proceedings depicted are also an antidote to the privatization, and the story of what produced the image provides an appropriate coda to this discussion

about the function and meaning of new courthouses. The court's ritual was an effort to legitimate the settlement not only by making it legally enforceable (through the court order) but by using traditions associated with courts to acknowledge the role played by law. Indeed, the event was law-drenched—the product of courts, legislatures and the executive, responding to twentieth-century human rights movements marking new recognitions of group and individual rights.

When approving the results of an alternative dispute resolution regime and turning it into an enforceable order, the court relied on rituals of law, complete with icons of the country's authority. We know from one of the participants—Chief Justice Michael Black—that the court took pains to specify the open-air tent as a court of law. The "symbols of justice" were, as Chief Justice Black wrote, "present just as they would be in one of our courtrooms in the capital cities."[33] The Chief Justice sat in front of a canvas rendition of the Court's symbol—the Coat of Arms of the Commonwealth of Australia. The canvas, which traveled with the court for its "on-country hearings," was "designed by an aboriginal artist following the Commonwealth's written protocol permitting replication of the coat of arms" (Id.). The Justice sat at the center, wearing a ceremonial robe of Australian merino wool, faced in red silk divided into "seven equal segments" to "symbolize the elements of our federation and also equality before the law" (Id.). Yet more didacticism was sewn in, for the black robe itself was made of seven segments deliberately "unequal in size, symbolizing the diversity of our nation and the circumstances that the elements of different size make for a unified whole" (Id.).

Riding circuit has been a practice of judges over many centuries and in various countries. While the Federal Court of Australia has a new major building in Sydney (Fig. 23.12), it occasionally decamps to temporary quarters. When doing so, the High Court shifts it locus to enable assemblies that are literally open rather than encased in glass. "[M]ore than 800 people made their way" to hear Chief Justice Michael Black read the court's discussion of "Australia's largest native title application,"[34] with the substance of the "reasons for the judgment" "translated simultaneously into the Language of the Peoples of the Ngaanyatjarra Lands."[35] The reading was thus a moment of recognition of traditions that were lawful but different from the patterns of English common law. The exchange sought to encompass a "culturally diverse deliberation" (Mohr, 87–102) that (depending on the quality of the exchanges, of which we know only the court's summary) could be read to have commemorated "consensus through deliberation" (Benhabib, 142–146).

By relocating to the Great Victoria Desert, the Australian government underscored that the relevant audience constituted not only those who could travel to one of the court's home bases, in Sydney, but also those for whom such a trip would be arduous. The simultaneous languages reflected that the agreement was forged

[33] Email from Chief Justice Michael Black to Judith Resnik, March 21, 2006.

[34] 2005 *Office of Native Title Newsletter*, Ngaanyatjarra Lands, 1.

[35] Mervyn/Ngaanyatjarra Lands v. Western Australia at para. 2.

Fig. 23.12 Commonwealth Law Courts, Melbourne, Australia. Architects: Tim Shannon, Paul Katsieris of HASSELL, 1995–1998. Photographer: Martin Saunders Photography. Photograph reproduced with the permission of the photographer and courtesy of the court

between peoples coming from different political and legal systems. And, in addition to the ritual in the tent that was, momentarily, the "Federal Court of Australia," the participants had shared another ritual. As the court's opinion records:

> The evening before, there had been a dance and song, performed last night at the place where the court sits today, about the emu and the turkey, who met up at a place called Yankal-Tjungku to the north of here, and continued on.[36]

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[36] Mervyn/Ngaanyatjarra Lands v. Western Australia at para. 15.

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Chapter 24
Saying the *Saffu* and Beating the Law: The Changing Role of Sacred Sites in the Oromo Politico-Juridical System

Pekka Virtanen

Abstract This chapter presents a semiotic analysis of the role of sacred sites and other physical features and objects in key political/religious rituals of the Oromo people living in the Horn of Africa. Theoretically, it builds on Jacques Derrida's deconstruction of the concept of 'archive' as an intersection of the topological and the nomological of the place and the law. For Derrida, the place of the archive is not a locatable place, but a *topos*, the marking of a discourse. In contrast to the European tradition based primarily on archives inscribed in writing and summarised in a codified law, for the traditional Oromo society, laws were part of the oral tradition – a mixture of religion, law and social custom – inscribed in ritual practice and the landscape. This made the aspect of consignation especially crucial: due to their inherent character oral laws must be systematically re-enunciated and revised. The power of consignation was reinforced by the iterability of ritual, which turns it into a repeatable chain of marks. The fact that there is no archive without an outside has been the basis for the survival of the key institutions of the Oromo: whilst the ritual practice provided a technique of repetition, it was the landscape which provided the *topos*, the commencement and an inexhaustible repertoire of signs which would carry the normative principles and practices (*nomos*) to new times and places. This chapter is divided into four parts. A discussion of the politico-juridical system and livelihood of the Borana Oromo, who have maintained the traditional Oromo politico-juridical system in a relatively coherent form, gives the background for an analysis of topography in the politico-religious rituals. The rituals, on the other hand, form the basis for the politico-juridical system. A brief return to Derrida concludes this chapter.

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24.1 Introduction

This chapter presents a semiotic analysis of the role of sacred sites and other physical features and objects in the key political/religious rituals of the Oromo people living in the Horn of Africa. The Oromo share a common language[1] but also basic values and other cultural elements. For example, the kinship relations and marriage customs of different Oromo groups are much the same, as is their concept of man and society. And whilst the Christian and Muslim faiths have, to a large extent, replaced traditional religion, the Oromo still share various elements of the latter, such as rites, ceremonies and forms of social intercourse. This people occupy vast areas of southern, central, eastern and western Ethiopia, regions varying geographically from arid desert to lush forested mountains. With approximately 25 million native speakers, they constitute the largest linguistic group in the country. In Kenya and Somalia, different Oromo groups total about 200,000 individuals living in the arid northern plains and along the Tana River (see, e.g. Bartels 1983, 16; Bassi 2005, 3; Baxter 1994, 167).

The key institution of the Oromo sociocultural nexus is a generation system called *gada*. This consists in a system of segments of generations (*gada*-set or *luba*) that succeed each other every 8 years in assuming political, military, judicial, legislative and ritual responsibilities. Each generation comprises five segments, and its duration is thus 40 years; each boy automatically becomes a member of the *luba* five sets below his father. Beyond the first three grades, each *luba* elects its own internal leaders (*hayyu adula*) and forms its own council (*yaa'a*). Traditionally, the leaders of the *luba* became leaders of the respective Oromo nation as a whole when they came to power as a group in the middle of their life course. The class in power (also called *gada*) was headed by an officer with the title of abba gada or abba bokku, depending on the Oromo group in question (Bassi 2005, 55–66; Legesse 2006, 30–31). Recently the *gada* system has also become a symbol of an autonomous ethnic and political identity for the nationalist Oromo movements (Bassi 2005, 3–6).

Lambert Bartels has described the traditional *gada* ritual by which one of the western Oromo groups, the Sayyoo Macha, reconfirmed their society's normative basis. It took place every eighth year, when it was the turn of a new *gada*-set to take over responsibility for their people's well-being. The physical surroundings of the ritual were rich in symbolic elements: it was performed on a sacred mountain called Gara Mao, thus closer to the sky god *Waqa* under an *odaa* tree (*Ficus sycomorus*), which is a symbol of truth, truthfulness and integrity. The ritual took place preferably during the rainy season, in the mist or drizzle in which *Waqa* is believed to come down to man. It was performed during the latter part of the night when

[1] Oromo (*Afaan Oromoo*) is, after Arabic, Hausa and Swahili, one of the most widely spoken languages in Africa. Along with such languages as Afar-Saho and Somali, it belongs to the Cushitic group of languages. Other groups belonging to the same Afro-Asiatic or Hamito-Semitic language family include Semitic, Berber, Egyptian and Chadic (Ali and Zaborski 1990, ix).

A Latin alphabet and orthography (called *Qubee*) for writing Oromo was formally adopted in Ethiopia in 1991, but other orthographies are also used. In this chapter the orthography used commonly in the written sources has been maintained.

people were awaiting the first light of dawn, a symbol of the new *gada* period about to begin (Bartels 1983, 335; Triulzi and Bitima 2005, 127–37).

Whilst the *gada*-set who were about to take over the ruling of the country were seated under the *oda* tree, two men would step forward. They took their stand opposite one another, kneeling down, one in the east, the other in the west. The one standing in the east – where, according to the myth, the Macha people were born – was then invited to recite the *saffu*, the moral code given to them by *Waqa*. The law of Makko Billi, the great lawmaker of the Macha, was proclaimed in the same way, by two men facing one another, but now standing. The proclamation of every law was confirmed by a crack of a whip made from hippopotamus skin. Being the toughest material possible, the hippopotamus skin symbolised the law itself and through its association with water, it also symbolised life. It may also be noted that when beating the law of men, the orators stood, but when saying *Waqa*'s *saffu* – which is of the nature of a prayer – they knelt. Whilst both parts were considered the bases of Macha society given by *Waqa*, the difference is that the *saffu* was given by *Waqa* himself in the very beginning, whilst the law of Makko Billi came through people (their great leaders), even though ultimately from *Waqa* (Bartels 1983, 334–337; cf. Triulzi and Bitima 2005).

Theoretically, the present analysis builds on Jacques Derrida's deconstruction of the concept of 'archive' as an intersection of the topological and the nomological, of the place and the law. The first aspect refers to the archive 'in the physical, historical, or ontological sense, which is to say to the originary, the first, the principal, the primitive, in short the commencement', whilst the second refers to the 'principle according to the law, there where men and gods command, there where authority, social order are exercised, in this place from which order is given' (Derrida 1996, 1–2). The concept derives originally from ancient Greece, where the archons (those who command, the superior magistrates) possessed the right to guard the archives of law, to make the law and to interpret it. In addition to a permanent localisation and legitimate hermeneutic authority, the concept also implies the power of consignation, or coordination of a single corpus of law. Thus, every archive is at once institutive and conservative: it keeps the law, but it also makes the law and makes people respect the law (Ibid, 2–3, 7). According to Derrida, 'there is no archive without a place of consignation, without a technique of repetition, and without a certain exteriority. No archive without outside' (Ibid., 11).

Within a culture, elements of the shared experience of activities of daily subsistence and their physical surroundings are often a source of widely recognisable paradigms and metaphors. Used symbolically in a different context, they can project back new meaning to the element or the activity which originally provided the symbol (Dahl and Megerssa 1990, 21; cf. Olwig 2002, 25–27). According to Claude Sumner (1994a, 726), in this kind of figurative reasoning, the movement of exemplification is primary. The path from what is known to new knowledge does not start out from concepts or mental entities, but from a familiar activity or element that has the value of an example. The discovery of something new is made when the sameness/difference of the example is recognised in a new situation. Keeping in mind the representative character of written communication – as a picture, reproduction or imitation of its content – such figures can be used as written signs. As Derrida notes (1982, 312–17), one key characteristic of a written sign is the ability to break away from the set of contextual premises which organise the moment of

its inscription. This is made possible by the iteration of the sign, which can always be separated from the interlocking chain in which it is caught or given without depriving it of its potential value for communication. The rupture may even give rise to other such values in it by crafting it into other chains. This potential is created by the spacing that separates the written sign from the other elements of each specific contextual chain but also from all forms of a present referent.

Compared with the 'modern' Western or the Abyssinian culture dominant in Ethiopia, elements of nature and the landscape are given a much more prominent place in the Oromo culture, where they appear in their own right, as physical realities in nature (Sumner 1994b, 430–31). According to Hermann Amborn (1997, 379–85; cf. Olwig 2002, 27), landscape refers to the immediate physical environment or space in which people think and act. Following Derrida, he argues that landscape should be understood as a constructive element of culture and of processes of cultural reproduction and cultural change. Information and experience from the past are coded in the landscape. This 'archive' can thus be read both as a visible document of ordered history and as a system of reference points for lived reality. It provides a guide to cultural practices in the present, which in turn interact with the landscape. Thus, landscape should be understood as an interactive process through which it and the meanings given to it are constantly recreated. This conception is qualitatively different from the static idea of place as something which comes into existence when humans give meaning to a part of a larger, undifferentiated geographical space through perception, analysis or some technical modification operated on it. According to the alternative view, the peculiar feature of a place is not furnished by a project, a pre-given collective identity or some eternal geographical features; a place should rather be seen as 'the outcome of temporary meeting up of cultures, history, political design, geological events, economic strategies, animal populations, technological products, information produced by every organisation and so on' (Certomà 2009, 328; cf. Gatt 2009, 110–112).

This chapter is divided into four main parts, including the introduction. The Borana Oromo, including their politico-juridical system and livelihood, are then briefly discussed. The Borana are important for the argument in that among the different Oromo groups, they have maintained the traditional politico-juridical system in a relatively coherent form. In the third part, the focus is on the role of sacred sites and other physical features and objects in the politico-religious rituals of the Oromo. The rituals, on the other hand, form the basis for the politico-juridical system. This section is followed by an analysis of the different roles of pilgrimage in the politico-juridical imaginary. This chapter concludes with a brief return to Derrida.

24.2 The Borana Oromo in Ethiopia

It is generally acknowledged that the traditional politico-juridical institutions of the Oromo have been most effectively maintained among the Borana pastoralists, who occupy a territory consisting mostly of semiarid savannah in southern Ethiopia and

northern Kenya (see, e.g. Legesse 2006). This continuity can be explained by various factors such as lack of organised armed resistance to the expansion of the considerably better armed Abyssinians at the end of the nineteenth century and the general unsuitability of Borana territory for agriculture. Thus, the interest of both the Ethiopian and the Kenyan governments in the area has been limited to control of the international border and the forced collection of livestock (Bassi 2005, 7–8; Zwanenberg and King 1975, 87–108). In this context, the Borana, different from most other Oromo groups, have been able to keep the traditional politico-juridical system separate from the Ethiopian state system, seen to be in contradiction to the interests and the well-being of the Borana. This reasoning induced the two *qallus*, the highest religious leaders of the Borana moieties, to reject the position of *balabbat*, or intermediate government chief, assigned to them by the Ethiopian authorities. By rejecting the title, they ensured a division of duties and were thus able to protect the internal social processes from external domination (Bassi 2005, 16, 78). Actually, the ritual and the political offices were still maintained in the same family, as another member of the family, usually the *qallu*'s brother, took the latter. This arrangement was finally ended by the socialist *Derg* regime, which demolished the *balabbat* institution as feudal soon after it came to power in 1974 (Hultin and Shongolo 2005, 160; Knutsson 1967, 143).

Until the fall of the *Derg* regime in 1991, the relationship between the Borana and the central Ethiopian government was based on the simultaneous existence of two relatively independent politico-juridical systems.[2] The Borana refer to the politico-juridical system of the Ethiopian state as *aadaa mangiftii* (the culture of the government), which is in practice restricted to urban contexts, where the administration is located and where most interethnic contacts occur. There, judicial proceedings were carried out in the Amharic language according to the Ethiopian civil, penal and procedural codes. The traditional system, on the other hand, consists of a range of assemblies operating in rural areas. In these assemblies, all the judicial and political-decisional procedures are conducted in the Oromo language and with exclusive reference to Borana customary law. Even the *Derg* regime permitted it to function, at times even actively encouraging it to solve disputes considered to lie within the ambit of the traditional system. The Borana have thus avoided disputing the supremacy of the Ethiopian state, which has left them relatively free to pursue their pastoral life without external interference (Bassi 2005, 13–17).

Under the current Ethiopian People's Revolutionary Democratic Front (EPRDF) regime's policy of ethnic federalism, the situation has changed, as the policy of regional self-government has (at least in theory) decentralised administration to the regions where most of the political and administrative posts are occupied by local people and the local majority languages have become the official languages. This

[2] During the *Derg* period, a relatively high number of Borana occupied positions in the local administration. They were, however, individuals with some formal education who had been converted to Coptic Christianity. Their nontraditional background excluded them from seeking a traditional office, and the relationship between the two systems remained distant if not strained (Bassi 2005, 8-15; cf. Helland 2001, 64–65).

has encouraged the creation of new ethnicity-based political organisations, whilst some older organisations such as the Oromo Liberation Front (OLF) were banned after they entered into conflict with the ruling coalition in the early 1990s (see, e.g. Berisso 2009; Vaughan 2003). The new policies have brought about considerable changes in the local sociopolitical constellation, including active campaigns by different actors (the ruling coalition among others) to enlist traditional Borana authorities on their side (Interviews in Negelle Borana, May 2009).

24.3 The Borana Sociopolitical Organisation

The Borana sociopolitical organisation consists of three principal institutions, namely, the generation system (*gada*, described above), the moiety organisation (*qallu*) and the legislative organ, the general assembly (*Gumi Gayo*). There is further a subsidiary institution called *hariya*, an age organisation which operates under the authority of the *gada* assemblies. The *qallu* institution is at the head of the two exogamous moieties, which cut across the age and generation sets, and until recently, the two major *qallus* had an important role in legitimising the election of the new *gada* officers. Each of the moieties is divided into clans (*gosa*) and further into lineages (*mana*, house) and sub-lineages (*balbala*, doorway). The clans and lineages are spread geographically throughout the Borana region. The six leaders (*hayyu adula*) of each *luba* are divided equally between the moieties, and the clans have an important role in their selection. The annual clan (or sometimes actually lineage) assemblies (*kora gosa*) provide the setting where most concrete political issues and legal cases are decided. The *Gumi Gayo* is made up of representatives of all the *gada* assemblies and councils, who meet as a single body once every 8 years, when it adjudicates legal cases not resolved at lower levels, evaluates the activities of the *gada*-set in power and revises existing laws, proclaiming new ones if needed (Bassi 2005, 55–77, 217–34; Legesse 2006, 30–32, 136–138).

In this system, the *gada* institution and the clan organisation are the key governance structures constituting what the Borana designate 'administration from above' and 'administration from within', respectively. The former term refers to the role of the *gada* in organising the Gumi Gayo and both safeguarding and revising the customary laws, *aadaa seera Borana*. 'Administration from within', on the other hand, relates to the autonomy of the clans in administering their internal affairs by applying clan law (*aadaa gosa*) within the limits set by the *aadaa seera Borana* (Tache and Sjaastad 2008, 10–11). In the socio-economic sphere, a second distinction is made between patrilineal descent groups, which are territorially dispersed, and residential groups. The former are relevant to the ownership of natural resources as well as decisions concerning the composition of the livestock and its use, the latter to the use of resources and concrete decisions concerning the herding of livestock (Bassi 2005, 265).

Within the three principal institutions, juridical and political decisions are taken in the various assemblies and councils, which can be divided into two groups. In the annual *kora gosa*s and the 8-yearly *Gumi Gayo*, as well as in the permanent (but itinerant) councils or 'ritual villages' (*yaa'a*) of the different *gada*-sets and

*qallu*s, participation is based on the patrilineal kin group. Whilst the function of the *yaa'a* councils is pre-eminently ritual, it is fundamental to the ideology and symbolism of the politico-juridical sphere. The other assemblies include the various meetings for pastoral coordination, for example, meetings for wells (*kora eela*), grazing (*kora dedha*) or for horses (*kora farda*), as well as *ad hoc* meetings organised to resolve disputes. These latter mainly involve residential groups. The procedural roles are usually assigned to institutional leaders who due to their training and experience have acquired a particular knowledge of Borana ethics, norms and procedures. Only men who are fathers of families (*abba warra*) are allowed to participate fully (Bassi 2005, 170–87, 255–81).

The *Gumi Gayo* is dominated by the leaders of the *gada*-set in power and their 'retired' predecessors. Other Borana citizens can attend and voice their opinions, but they should air their grievances in the preliminary sessions – in the main assembly they must speak through their *gada* representatives (Legesse 2006, 210–12). The actual general assembly consists of two consecutive events which take place in the vicinity of two different well sites in southern Ethiopia called Gayo and El Dallo. According to Aneesa Kassam and Gemetchu Megerssa (1994, 86–87), in the assembly taking place in Gayo, the focus is on affairs concerning the political community's internal relationships, whilst the other assembly concentrates on external issues such as man's relationship with nature, or the interaction of the Borana with neighbouring ethnic groups considered outsiders.

The ritual villages, *yaa'a gada* and *yaa'a qallu*, express crucial values of Borana society such as fertility, well-being, prosperity, peace and justice. In the *qallu* institution, the association with religion is direct: the divine source of the leader's legitimacy and the hereditary character of the title make him a unifying factor who upholds the continuity of the system. Whilst the *gada* institution upholds the same values through common ritual actions, its role in the maintenance of social harmony, *nagaa Borana*, is focused more on maintaining peaceful relations between the clans. This is crucial, as force and physical coercion can be used as a political or juridical instrument within the political community only exceptionally and even then mostly in a rhetorical or symbolic form (Bassi 2005, 269–271). According to Asmarom Legesse (2006, 212), in the Borana politico-juridical system, 'there is no concept of a majority that can impose its will on the minority'. In the same way as in the ritual, the underlying purpose is to resolve social tension. But unlike rituals, judicial proceedings take place in response to infractions of norms accepted as binding by the political community: in other words, when social harmony, *nagaa Borana*, has been violated. The process thus reflects a specific event, which often involves a new situation, and whilst the procedure is standard, the discussion always brings new contents (Bassi 2005, 215).

24.4 The Nomadic Livelihood System

The dynamic character of judicial proceedings reflects the needs of nomadic pastoral livelihood. The main objective of the traditional land-use system of the Borana is to cope with rainfall variability, which is the defining characteristic of the local natural

environment. The system is based on opportunistic movements within and across geographically distributed grazing units (*dedha*), composed of those households who depend on a common permanent water source. The grazing units consist of semisedentary camps (*warra*) where the elderly, children and women stay with milking cows and calves. The surplus herd, composed of dry cows, heifers and male animals, joins the mobile herd management unit (*fora*) herded by young men. The rangelands surrounding the *warra* are used by the milking herds, whilst the mobile herds use the more remote grazing lands. Unlike the *warra* herds, the *fora* herd movements are not restricted to a particular *dedha* but can cross the *dedha* borders depending on the availability of rainwater and forage production (Oba 1998, 16–18).

Sound management of the rangeland is guided through general norms of inclusion/exclusion known as *seera marra bisaani* (the laws of grass and water). Although no Borana can be directly denied access to grazing, the law differentiates between dry season pastures and wet season pastures. It encourages maximal use of wet season pasture whenever possible, thus minimising pressure on the more intensely utilised dry season rangelands served by permanent water points. Grazing on the wet season rangelands depends on temporary water sources in natural and man-made pools, and thus the herds have to move onto the dry season pastures relying on permanent water sources before grazing resources are overused. However, whilst access to surface water used in the wet season rangelands is free for all, permanent water sources (notably the deep *tulla* wells) belong to specific clans. The excavation, maintenance and continuous operation of the wells depend, however, on the coordinated efforts of all well users, who form a *kora eela*. Controlled access to water (and other key resources such as salt craters) thus provides the key mechanism for guaranteeing sustainable use of the grazing lands (Bassi and Tache 2008, 107–09; Oba 1998, 19–21).

The need for flexibility is reflected in the way the Borana relate to geographical space. The natural environment they inhabit is characterised by complexity, high variability and uncertainty. In such a ‘nonequilibrium grazing system’, pastoralists derive little advantage from having unquestioned control over a specific stretch of territory. What is crucial is mobility and access to pastures wherever the rain has fallen, which makes it beneficial to keep territorial boundaries porous and ill defined (Behnke 1994, 8–9; Robinson 2009, 445–46). Among the Borana and neighbouring pastoral groups, the natural landscape is thus not carved up into clearly bounded territorial units belonging to distinct groups of individuals. Instead, any given area is likely to be used by various groups of variable size and composition, often with parallel claims pertaining to different categories of resources and/or derived from particular historic events or claims. For a pastoralist, the extent of the group’s ‘territory’ thus encompasses those geographical areas in which they normally live and move. Some of these places may lie in areas typically regarded as belonging to other ethnic groups, but into which members of any particular group also take their livestock (Behnke 1994, 13; Wood 2009, 235, 240).

Within the Borana political community, there is a ritual/political centre defined by the *gada* system. Traditionally the designation of a new *gada* was followed by raiding against neighbours organised by the *gada* centre in order to maintain the

political space within which the peace of the Borana (*nagaa Borana*) could operate. This ritual/normative boundary was not, however, fixed in time or spatially rigid, but reflected the political centre's need to continuously assert its influence. For ethnic identity, on the other hand, boundaries were less important than core values linked closely to ideas of normality, morality and righteousness[3] (Dahl 1996, 165). Instead of fixed territories with boundaries defining where they may go or who they are, the Borana and some of their pastoral neighbours have focal points such as wells, springs, sacred sites and ritual villages. Such focal points locate, orient and identify the pastoralists in their nomadic movements (Behnke 1994, 24; Wood 2009, 238–39). Like their immediate neighbours, the Borana society is also open to other ethnic groups, as can be observed by studying clan or family genealogies, whereas this acceptance of ethnic difference remains hidden if we focus on spatial boundaries. Perhaps we should, borrowing an idea from John Wood, rather use the nomads' own metaphors, for example, doorway (*balbala*), which 'stresses the possible – though not absolute – openness between communities, and carries with it the sense of agency involved in opening and closing the gate' (2009, 240).

24.5 The Place and the Law in Oromo History

Most recent studies support the conception that the Oromo formed a single political community until the early sixteenth century, and migrants maintained contact with the original cradleland, 'the land of the Abba Muda', through regular pilgrimages even after the dispersal. Possibly the division into two moieties (the Borana and the Bareentuma) already existed, and this may have served to structure the linkages. The place of origin is subject to dispute, but it was probably situated in the region between the Genale and Dawa rivers south of the Webi Shebelle in what is currently southern Ethiopia (Hassen 2005, 144–48; Legesse 2006, 183–85). According to Oromo myth as interpreted by Mohamed Hassen (2005, 144), the land of Abba Muda 'was the place where all the important Oromo religious and political institutions developed; it was the rich source of their historical beginnings and of their view of the universe. In short, the land of the Abba Muudaa provides the cultural templates for Oromo religious beliefs, their political philosophy, based on Gada, and their knowledge of

[3] The *Gumi Gayo* is the political forum for restating what, essentially, it means to be a Borana. In 1972, for example, the assembly is said to have made the following edicts: (1) the Rendille (a Cushitic-speaking neighbouring pastoral group, which has some characteristics of both Oromo – e.g. a modified *gada* system – and Somali culture) are brothers of the Borana and should henceforth be called Borana and be accorded the privileges a Borana enjoys; (2) all Borana and all brothers of Borana must henceforth refrain from wearing the loincloth (a typical Somali garment), and any man who is found wearing such clothing shall be treated like a Somali (Dahl 1996, 165). The political history of the region is replete with examples of changing alliances between the Borana and the neighbouring ethnic groups and/or subgroups (see, e.g. Bassi 1997; Schlee 2009; Tache and Oba 2008).

themselves and their history'. For the Oromo, it is the topological place of origin of the 'archive'.

The Oromo perceive their origin as linked to the element of water. Among various Oromo groups, there are myths which refer to Lake Wolabo as the birthplace of the nation, where *Waqa* created the first *qallu* and gave the law (Bartels 1983, 62–63; Dahl 1996, 176; Hassen 2005, 143–44). Water is also a crucial element in the myths of origin of most current Oromo political communities. For the Macha Oromo, emergence from the water after crossing the Gibe River symbolises their birth as a people.

After leaving the joint ritual centre the Macha had with the Tulama at Odaa Bisil, the great lawgiver Makko Billi has crossed the river ahead of his people but ends up as prisoner of the strangers living on the other side. Even as a prisoner, he is allowed to address the Macha at the very moment they come out of the water, and he thus proclaims their law, given to him by *Waqa*. The law, which represents their identity as a people, is also his testament to the nation as he is subsequently killed by the strangers (Bartels 1983, 60; cf. Hultin 1991, 103–06).

According to one widespread myth, the Borana originate from *Horroo*, a well or mineral spring. The myth refers to the nine well complexes (tulla sallan) situated in the Borana cradlelands, which have a special ritual and symbolic relevance due to the particular qualities of the water and the surrounding environment. They are closely associated with the history of the Borana and their concepts of identity (Dahl and Megerssa 1990, 26–27; Oba 1998, 16–18). The Borana society thus has a core, symbolised by the tulla sallan, but no clear boundaries at the periphery. As a socio-political community, it exists as an ideological construct, an imagined community which is regularly recreated in the rituals of the principal institutions taking place in selected localities but also through the quotidian activities which make possible its socio-economic reproduction (Dahl and Megerssa 1990, 37; cf. Anderson 2006).

As empathically confirmed by Derrida (1982, 324), 'ritual is not an eventuality, but, as iterability, is a structural characteristic of every mark'. In his extensive analysis of the political and juridical processes among the Oromo Borana, Marco Bassi (2005, 215) notes that 'ritual concerns the creation of symbols, whose meaning is more or less ambiguous, which condition perception of reality'. This is because every being is itself and can become a sign of something else, a symbol. Symbols – as well as other types of figurative thought – contain the idea of a code, a set of culturally selected and fixed images. The code is usually perceived to be antecedent to the discourse that appeals to it. But actually the sense of these images is not prior to the use which can be made of it, because no context or code can close it. The unity of a signifying form is constituted by its iterability, by the possibility of being repeated in the absence of its referent and even by a determined signified or current intention of signification. Figurative reasoning consists in discovering 'different types of marks or chains of iterable marks' (Derrida 1982, 326) and in passing from one to another. Therefore, it is always inventing something new, and the chains that are culturally sanctioned at any specific time are but a small number when compared to those which are used daily (Derrida 1982, 318; Sumner 1994a, 728–32).

For the Borana, nature (the outside) and culture (the inside) constitute a principle of balanced opposition. As a people who have *aadaa* (custom or tradition) and *seera*

(the law), they belong to the inside, but at the same time, their very source of life depends on the outside. According to the Borana worldview, everything has its proper place in the world, and this order must be respected. This is because everything that exists in the world has its correspondence in the form of an immaterial principle (*ayana*) which is decisive for the character and fate of that entity.[4] To respect the invisible boundary between all things, their *ayana*, a certain moral and spatial distance must be maintained. It is especially important to maintain balance and harmony (and thus interdependence) within binary sets of complementary opposition such as culture and nature (Dahl 1996, 167; Kassam and Megerssa 1994, 88–89; cf. Kelbessa 2001, 34). It is, however, precisely from the outside that the images or symbols used to reflect on the cultural institutions are most often taken. One example are the *baddaa sadeen,* three large juniper (*Juniperus procera*) forests in the Borana landscape, which have an important function as a last refuge for grazing in the case of drought and as a reserve for medicinal and ritual plants. The forests are conceived as belonging to the outside and as being close to *Waqa*. They are also a metaphor for human society, as expressed by a Borana elder when referring to a recent forest fire: 'the juniper trees are like Borana elders (jaarsa): they stand taller than the others and have a long white beard (whitish lichen). Just as there cannot be Borana society without elders, the baddaa (forest) will follow into chaos when all the junipers are cut or destroyed. I was told long ago (in an oral prophetic text) that 1 day we would have seen a big light from very far and the baddaa would disappear' (quoted with explanations in Bassi and Tache 2008, 109).

The Borana also share with the other Oromo groups' cultural beliefs associated with particular tree species, of which the most important is the *odaa* (*Ficus sycomorus,* Fig. 24.1). It is a symbol of the *qallu*, and among the western Oromo, the *gada* laws were traditionally proclaimed under a big *odaa* tree[5] on the slope of a sacred mountain (Bartels 1983, 85; Bassi and Tache 2008, 107). For ecological reasons, in the hot lowlands, its place is sometimes taken by the *dhaddacha* (*Acacia tortilis*). The procedure of the Borana *Gumi Gayo* is characterised by the joint sittings of the entire assembly in the shade of a specific tree known as *Dhaddacha Gumi* (acacia of the multitude/general assembly), whilst separate gatherings of smaller groups take place during intervals in the shade of other trees scattered around the *yaa'a* encampment (Bassi 2005, 257; Kassam and Megerssa 1994, 89–91). Most lower-level assembly meetings are also held in the shade of such trees, and *gaaddisa* (shade) has become a symbol of the assembly (Bassi 2005, 177).

Some tree species are also sacred to specific Borana clans named after them, whilst different tree species have a symbolic role in demarcating the life cycle,

[4] For Macha Oromo, *ayana* is something of *Waqa* in a person, an animal or a plant making them the way they are: a particular manifestation of the divine, of *Waqa* as creator and as source of all life (Bartels 1983, 118). Among the western Oromo, the relationship of respect is known as *saffu*, meaning respecting one another and respecting one's own *ayana* and the others' *ayana*.

[5] According to Antoine d'Abbadie, a European observer from the late nineteenth century, the Oromo custom concerning assemblies resembles the Basque tradition of holding parliament sittings under the Oak of Guernica, which also has strong ethno-political connotations (Bassi 1999, 27).

Fig. 24.1 An odaa tree (Ficus sycomorus) near Shakillo, Guji Zone, Ethiopia (Photo by the author)

accompanying rituals and consecrating sacred sites. All such holy trees, which are often situated in high places on mountains and hilltops, as well as the sites themselves, are protected from desecration. Some of these trees, for example, the *dhaddacha,* are also valued for the production of edible fruits or for their perceived ecological benefits (Bassi and Tache 2008, 107; Kassam and Megerssa 1994, 89–91; Kelbessa 2001, 43–44). Other trees are protected because their branches are used in rituals or to make staffs and other objects of high symbolic value. The symbolic relationships are however flexible, as different Oromo groups use different tree species depending on the resources available. Among the Guji Oromo, for example, the junior *gada*-set members cut their staffs from a branch of the *orooro* tree (*Ekebergia capensis*), whilst the members of the next set cut their heavier staffs from the *woddeesa* tree (*Olea europaea* var. *africana*). The ceremonial staffs or sceptres carried by the *gada*-set in power are called *bokku*.[6] They are cut from the *haroressa* tree (*Grewia mollis* var. *trichocarpa*) growing in the hot lowlands (Van de Loo 1991, 36–43).

[6] *Bokku* is a kind of knockberry, a short stick with a heavy head. It is carved from a suitable root and decorated. It is a traditional weapon but is also carried as a ritual object by the *gada* leaders. In some Oromo groups, the equivalent of the Borana abba gada is known as abba bokku (Bassi 2005, 48–49).

The *bokku* symbolises peace and social harmony created and maintained through *gada*; the whip, which is also carried by the gada leaders, symbolises domestic and social authority (Dahl and Megerssa 1990, 31; Hassen 2005, 149).

The *bokku* is also a symbol of the Warra Bokku descent group or section (which, however, is independent of the moiety system) linked to the *gada* system with certain ritual and political prescriptions, whilst the Warra Qallu is similarly linked to the *qallu* institution (Bassi 2005, 49, 242–43). On the symbolic level, these refer to the balanced opposition between *mura* (cutting, decision-making) and *ebba* (blessing) and the respective domains of politics and ritual. The Warra Qallu, representing the men with the highest ritual authority, are the men of blessing. As such, they are prohibited from bearing arms, making laws and imposing penalties (Legesse 2006, 118–21). The divine origin of the *qallu* institutions is clearly stated, for according to the myth, the two great *qallus* of the Borana either fell to earth from the sky or from a cloud (of mist) together with their ritual paraphernalia. The myth of the origin of the great *qallu* of the Guji confederation also emphasises his affinity with the *Waqa* and the sky, from which he once fell to earth (Bassi 2005, 74–76; Hultin and Shongolo 2005, 158–60; Knutsson 1967, 144–47).

The *gada* system, on the other hand, consists essentially of a set of rules regulating a complex ceremonial cycle (Bassi 2005, 245). *Gada*, like Derrida's archive, must be at once institutive and conservative. Its function is to keep the law but also to make the law and make people respect the law (Derrida 1982, 7). The aspect of consignation is especially crucial in the case of oral law. Due to their inherent character, oral laws must be systematically re-enunciated and revised in the different assemblies and in different contexts. Through this process, they inevitably become adapted to new situations and thus are modified. Consequently, oral law, which is subject to this continual process of revision, is more dynamic than statutory law (Bassi 2005, 100–04). This flexibility, however, also makes it more unstable and potentially easier to manipulate. In addition to the structure, continuity and legitimacy provided by the ritual through its iterability, the authority of the law is upheld by the assertive manner the outcome of deliberations is pronounced. This is well reflected in the concepts used by the Guji Oromo in this context, for example, *tuma* (from *tumuu* – to beat, strike), meaning legal decisions reached through exhaustive discussion and presented with a rhythmical beating of the earth with the staff of the speaker (Knutsson 1967, 131; cf. Triulzi and Bitima 2005).

At the same time, the flexibility created by the general character of the norms and their symbolic representations is crucial for the *gada* system's long-term viability. As noted by Bassi (2005, 100–04), with the general change in the economic system which characterises current Borana society, norms previously regarded as binding can in some situations be overlooked or ignored or formally changed. One example is given by changes in the rules concerning *buusaa gonofaa*, the traditional clan-based social security institution of the Borana. Under the customary rules, cattle are the only livestock species accepted as a direct medium of formal clan assistance. However, as a number of Borana households have recently acquired camels (traditionally linked to the Somalis, who are 'camel people') in order to adapt to deteriorating rangeland conditions, the rules were changed in order to

include those with large herds of camels but inadequate herds of cattle (previously considered too poor to make clan contributions) as donors. As livestock is nowadays cash convertible, even individuals with few cattle may be required to sell their camels or small stock to contribute cash, which is accepted as a symbolic representation of cattle. This new ruling was proclaimed as a *Gumi Gayo* resolution in 1972 (Tache and Sjaastad 2008, 14).

Consistent with their character as marks or signs, the symbols and rituals of the Oromo culture are, however, also open to use by other political institutions. In the context of the current political system of ethnic federalism, various political actors have attempted to graft them into their own chains of meanings. Immediately after the ceremonial inauguration of the new Borana gada in early 2009, for example, government representatives attempted to woo the newly elected *hayyu adula* to support the coalition in power (interviews, Yabello and Negelle Borana, May 2009). Both the Oromo regional state government and Oromo opposition parties have actively appropriated key Oromo cultural symbols such as the *odaa* tree in their insignia. A stylised picture of the *odaa* tree is also conspicuous in public edifices and other structures installed by the local government. Sometimes they are inscribed explicitly into a chain of symbols, as in the signpost erected in Kibre Mengist shown in Fig. 24.2. Here, hunting trophies, signs of male virility,[7] can be seen appended between stylised pictures of *odaa* trees. Among the Guji, the new *gada* class traditionally embarked on a hunt for big game after the transition ceremony was completed (Van de Loo 1991, 48).

According to Chiara Certomà (2009, 326), 'the political relevance of things is not just superimposed by human rationality but is the ongoing effect of a co-definition process among acting, thinking, repeating, projecting, speaking and interacting of different dynamic components. Politics takes place not necessarily in the place usually devoted to it: of course a parliament is a place for politics, but a local market is a place of politics, too, a scientific laboratory, a park, internet, a boiler, a compost holder, etc. Hybrid actors are the assemblies of mortals, goods, humans and non humans, science, technology, commerce, industry, popular culture, rocks…; they are both the subjects and the object of politics and define the forums where the political issues are pragmatically "discussed"'. In Certomá's understanding of politics, all signs and places are dynamic and linked to different paths marked by dislocation and migration through time; they are 'spaces of complicated and unexpected relations floating from material to virtual and back again' (Ibid, 327).

We can find the same key Oromo symbols all over the world grafted into chains which mix old and new, local and foreign elements. In a highly perceptive analysis of the Oromo diaspora in Australia, Greg Gow provides many such examples.

[7] In the Oromo ritual universe, death and vitality, killing and generation are metonymically related (Hultin 1991, 107). Traditionally, a man had to kill an enemy – or later a big-game animal such as buffalo – before he was allowed to beget children. Among the Macha Oromo, after the killer's death, the trophies were taken from the house and hung on a stand erected near the roadside (Bartels 1983, 273–74). Among the Guji, the killer of an enemy was honoured by a specific song and entitled to carry an ivory ring on his right arm. The hero himself was called *kut'na*, the killer (Van de Loo 1991, 48).

Fig. 24.2 A traffic signpost in Kibre Mengist, Guji Zone, Ethiopia (Photo by the author)

Selected elements of *gada* symbolism, for example, have been transplanted from Ethiopia to Australia, where they have been grafted into public ceremonies of a more popular kind. One example of such heterogeneous chains is a concert of a popular US-based Oromo artist in Melbourne, which culminated in the handing over to the artist of a (plastic) *bokku*, representing the traditional sceptre of abba gada, by local Oromo dignitaries following a carefully planned protocol where the key participants took the parts of traditional ritual officials in a *gada* ceremony (Gow 2002, 76–79).

The unexpected character of such links is even better illustrated by another example given by Gow (2002, 66), the cover of a music cassette by another popular

Oromo artist. The cover photograph on the cassette Laga Jaalalaa (river of love) shows the artist standing in a suit on the south bank of the Yarra River with the city of Melbourne in the background. As noted above, the river is a key cultural symbol for all the Oromo, reflecting their origin – and survival. At the same time, the cover highlights the ambiguities of the diaspora: whilst the title and the artist's ethnic identity refer to rural roots in Oromoland, his western suit and the modern metropolis behind him are foreign and urban. Between the artist and the cityscape flows the river. As noted by Gow, in the picture 'the signs are not merely translated from one setting to another; rather, they are given new meaning in their articulation with and within the urban metropolis' (Ibid, 66).

24.6 Remembering and Renewal in Oromo Pilgrimages

Pilgrimages are common in most of the different cultures of Ethiopia, to the extent that the very inclination to go on pilgrimages was declared a pan-Ethiopian trait by Donald Levine (1974, 50–51). However, whilst there are various aspects common to all pilgrimages (see, e.g. Pankhurst 1994), the Oromo pilgrimages linked to the *gada* system, which interest us here, bear an important (and explicit) political element which sets them apart from the more common, predominantly religious pilgrimages in which participation is essentially individual.

In his analysis of place and community as political phenomena, Kenneth Olwig (2002, 22–24) uses as a key figure the steps of a pilgrim's progress setting out from the homeplace, but gradually taking him/her back to the place of origin, transcending on the route the liminalities bounding the structures of daily life, whilst at the same time recreating the sense of political community. His idea of pilgrimage takes us away from the modernist idea of progress as linear development in time and space and brings us back to the places and communities from which our social existence derives substance. It brings us back to the questions of the role of origin, repetition and exteriority in law. According to Jonathan Boyarin (1994, 22–26), memory should be understood as a potential for creative collaboration between present consciousness and the experience (or expression) of the past. As such, it is not only constantly disintegrating and disappearing but also constantly created and elaborated. What we call 'collective identity' is actually the effect of such intersubjective practices of signification, neither given nor fixed but constantly recreated in a dynamic process of selection, reshaping, reinvention and reinforcement.

It is worth quoting Olwig's analysis at length here: 'when the Tudor Queen Elizabeth I (1533–1603) made her progress through England she made a customary circuit from place to place in which the local constituencies of the country were made manifest to the monarch, and the monarch to the country. She sat upon a throne, called state, and was carried in a stately procession through political landscapes shaped by different legal communities according to mutually acknowledged rights of custom. This was a ritual, seasonal process by which a larger and more abstract notion of England, as the place of a commonwealth, was generated.

The countermovement to the Queen's progress out into countryside was the movement of the members of the body of Parliament to their meeting in the capital, which also progressively reinforced the idea of a larger English society under a higher form of law. The abstract notions of justice expressed in common law were likewise generated through the circuitous progress of circuit court judges through legal realms rooted in local custom' (Olwig 2002, 24).

In the English context, the monarch's progress marked the mutual recognition of the legal status of the monarchy and the quasi-autonomous existence of the lands through which the monarch passed. The force of law was progressively renewed through this, and many other regularly repeated ritual circuits of movement on different scales. However, even though ostensibly based upon 'time out of mind' precedence, law was in fact progressively brought up to date through the reinterpretation of precedence in light of present circumstance (Olwig 2002, 25–27). In parallel with its English equivalent and contemporary from the sixteenth century, both the origin of law and its renewal are addressed in the two principal Oromo pilgrimages, notably the ritual progress of *yaa'a gada* through established ceremonial sites and the countermovement to receive the ritual blessings of the great *qallu*.

The *yaa'a gada* are the mobile ritual villages of the Borana, which every 8 years (in the context of *gada*-set promotions) perform ceremonies at the sacred sites of the Liban region, their ritual country, following a set circuit. They are typically on hills or mountains, near particular rock formations or rivers, springs and pools; frequently, they are in the shade of a sacred tree or grove. The sites are usually protected from consumptive use outside the ceremonial context, and sometimes shrines or cairns have been erected[8] (Bassi and Tache 2008, 110–11; Knutsson 1967, 165–66). Instead of one, the Guji Oromo have a set of three pilgrimages (one for each *gosa*) which make their separate ways through the region in order to converge at the ritual site of the great *qallu* of the Guji. Prayers and sacrifices are held frequently at established sites along the route, frequently in the vicinity of sacred trees such as the *odaa*. The animal sacrifices performed at such sites are meant to re-empower these places and call down *Waqa*'s blessing on the pilgrims and the local community. Most households contribute something to the pilgrimage and the ceremonies held in their location. After the main ceremony at the place of the great *qallu*, the pilgrims separate again and progress to their specific places for the final gada ceremonies (Hinnant 1978, 236–40; Van de Loo 1991, 36–62).

A similar pilgrimage is made by each of the five *gosa* of the Gabra, a neighbouring Oromo-speaking group of nomadic pastoralists. Like its Borana and Guji equivalents, it provides a strong sense of continuity as the people return to the same places where their ancestors performed these ceremonies and where the leaders themselves were initiated in their youth and subsequently moved to the higher grades. Different from the Borana and the Guji, among the Gabra, each *gosa* makes its pilgrimage

[8] These are also the typical sacred sites among other pastoral groups such as the Gabra (Ganya et al. 2004, 66–67) but also elsewhere in northern and north-eastern Africa (see, e.g. Westermarck 1926, 51–88).

separately and has its own traditional mountain site for the main ceremony, which constitutes the climax of the pilgrimage. Before the main ceremony and after it, the pilgrims pass through a series of artificial gateways (*balbala*) set in the dry savannah between extinct volcanic mountains and perform subsidiary ceremonies in various places (Schlee 1991, 45–53; Tablino 1999, 76–79; Wood 2009, 234–40).

The ritual passage through the *balbala* takes the pilgrims not so much on a journey from one space to another, as from one time or status to another (Wood 2009, 235). As observed by Stéphane Mosès, 'tradition – the transmission of a collective memory from generation to generation – most inherently implies a break from time, the fracture between eras, the gaping void separating fathers from sons' (quoted in Boyarin 1994, 11). The break from time is perhaps most explicit in the Guji ceremonial sequence. When the moment comes to initiate the transition process, the withdrawing abba gada in each *gosa* orders procreativity to cease and then visits the sacred shrines in his area and removes his blessing from them. Subsequently, the three sets of *gada* leaders visit the great qallu and then assemble to settle any remaining legal or ritual problems before they terminate 'the law of Guji' for the current *gada*-set and hand over to the successors. Each new abba gada then proclaims his law and begins a year-long trek around the sacred shrines of his *gosa*, bestowing his blessings in each area and indicating the beginning of a new period of time (Hinnant 1978, 232–40; Van de Loo 1991, 36–41).

Among the Oromo, the countermovement to the pilgrimage of the *yaa'a gada* is provided by that to the *muda* ceremony, during which the participants receive *qallu*'s blessing. *Muda* refers to both this ceremony held every 8 years to honour the *qallu*, the herald of *Waqa*'s order,[9] and the pilgrimage to his shrine. As noted above, the *qallu* does not have a political or military role. Yet, by merit of his ritual authority and prestige, he traditionally oversaw the election of the *hayyu adula*, those responsible for leading the nation. The ceremony thus represents the main encounter between the two principal institutions of the Oromo, the intersection of the topological (the *qallu* institution) and the nomological (the *gada* system) (Hassen 2005, 144–45; cf. Derrida 1996, 3).

Among the Borana, the pilgrimage is still made by members of the *yaa'a gada* according to moiety, each going to its respective *qallu* (Bassi 2005, 249). The key event is, however, that performed in honour of the *qallu* of the Odituu clan, the senior religious leader of the Borana. It draws pilgrims from all over Borana (including other clans which have their own *qallu*) but also from other Oromo groups (Legesse 2006, 186). The different structural level of the two institutions (*gada* and *qallu*) is even more apparent in the case of the Guji, who are divided into three main territorial sections (*gosa*), each with their own *gada* system, but have only one *qallu* recognised by all. The position of the *qallu* above the *gada* institution, but outside it, is further emphasised by his physical exclusion from the territories of the three *gosa* (Bassi 2005, 277–78; Hinnant 1978, 232–35).

[9] According to Guji myth, when the first qallu came to earth from *Waqa*, he brought with him the rules of the social order, including *gada* (Hinnant 1978, 232–35).

The pilgrimage to the shrine of the great *qallu* (Abba Muda) from other Oromo regions represents even more clearly the return to origins. Old records show that the pilgrimages to honour Abba Muda in the mythical cradlelands came at least from among the Macha, Tulama, Arsi, Karrayyu and Itto groups even after the original Oromo confederation had already dispersed politically. It appears that even Muslim kings from the Gibe region sent gifts to the Abba Muda and recognised his ritual authority (Hassen 1990, 7–9, 153; Knutsson 1967, 135–36). Pilgrimages from the Macha had apparently ceased by the end of the nineteenth century (Bartels 1983, 64–65), whilst the journeys from Tulama had become rare by the 1920s; in the 1960s, old Borana still recalled how Oromo from other groups came to take part in the *muda* ceremony (Knutsson 1967, 147–151).

Outside the Borana and Guji regions, the gradual decline of both the *gada* institution and pilgrimages to the shrine of the great *qallu* was reflected in the growth of local sacred sites devoted to individual spirits, often with strong syncretist elements. Whilst pilgrimages are usually formed on the basis of a specific ethnic, religious or political unit, there is a tendency to spill over and cross such boundaries, especially where the religious identity is fluid or linked to a syncretist cult (Pankhurst 1994, 937–39).[10] This was not, however, the case with traditional Oromo sacred sites. Whilst some of them, particularly the shrine of the great *qallu*, the sacred sites of the *gada* ceremonies and trees under which shrines were erected, were sometimes attributed certain qualities of *ayana* due to the sacrifices which took place there, the natural features themselves were not adored. An *ayana* is something of *Waqa*, and therefore the prayers directed to *ayana* were ultimately addressed to *Waqa* (Bartels 1983, 112–13; Van de Loo 1991, 149–150).

Among the Macha Oromo, the disintegration of the traditional politico-religious complex led to the emergence of a new, localised *qallu* institution in the late nineteenth century. The new institution is visible in the landscape in the form of the sites of the *qallus*' ritual houses, which are usually situated on a hill or a hillside, often in groves of huge trees which since 'time out of mind' have served as places of sacrifice to some *ayana*, for rainmaking ceremonies, or for the great collective ceremonies in honour of *Waqa*. There is, however, a syncretist trait which, despite the traditional background, is an important ingredient in the new institution. This is the ecstatic ritual technique, involving the possession of the *qallu* by the *ayana* at the climax of the ceremonies. The new *qallus* are thus placed outside of the traditional politico-religious system, and during traditional ceremonies when *hayyu* or other *gada* elders lead the prayers to *Waqa*, a new *qallu* has no status differentiating him from ordinary people (Knutsson 1967, 56–69, 151–54).

The Oromo elements in the new *qallu* institution come through the concept of *ayana*. Whilst the earth herself is not considered to have an *ayana*, every stretch of

[10] There are, for example, important similarities between the Oromo pilgrimages and Muslim pilgrimages to the tomb of Sheikh Hussein of Bali, these including many restrictions and signs. A corresponding intermingling of *muda* tradition with Muslim forms of pilgrimage may also have taken place among the Islamised Oromo in the former Gibe states (Hassen 2005, 150-56; Knutsson 1967, 155).

land has its own *ayana*. Such an *ayana* is called *adbar*, to which sacrifices are directed. For example, the ritual observed when opening a new field is performed for *adbar*, the *ayana* of the new plot of land. During the ceremony, a ritual leader slaughters an animal or offers libations in honour of the *adbar* under a large tree (often an *odaa*) selected for the purpose. *Adbar* trees are also selected for various other more or less similar ceremonies (Bartels 1983, 349–52; Knutsson 1967, 57–58, 86). There are several parallels between the *adbar* ritual, the new *qallu* institution and the ecstatic *zar* ritual complex, which is nowadays widespread in Ethiopia. The cult has expanded rapidly since the 1940s and appears to be particularly widespread and intense in urban areas and correspondingly weaker in rural areas. Some peripheral rural regions, for instance, Borana, were still almost untouched by the cult in the 1960s (Knutsson 1967, 66, 151–54). It seems to have been conveyed to the Guji through Islamic influence (Van de Loo 1991, 292), whilst its spread among the Macha was mainly due to Orthodox Christian influence (Aspen 1994, 160–67; Bartels 1983, 120).[11]

The 'hybrid character' (Certomà 2009, 321–27) of the emerging new rituals and their sites has contributed to some interesting politico-religious phenomena in Derra, the region currently inhabited by some of the Tulama Oromo. Whilst the spread of Islam and Orthodox Christianity in the region has segmented the local communities, the *adbar* ceremony has become the site of tripartite syncretism with traditional religious beliefs as the uniting entity. In the case of Derra, the ceremony rather paradoxically brings together adherents of monotheistic religions to worship what could be called 'land spirits'. In preparation, each religious group prepares food according to their own rituals, but the actual feast takes place under a single tree, which is often the same tree under which the Oromo settlers performed the first *adbar* ceremony (Arnesen 1996, 234–35).

24.7 Place, Path and Territory Among the Oromo

The decline of the politico-juridical role of the gada system among the so-called western Oromo (Tulama and Macha) has been relatively well documented. In the mid-nineteenth century, the traditional gada authorities wielded only very limited authority in Macha. By the 1960s, only fragments of the gada system remained, including individual membership in the principal gada-sets and the 8-year cycle marked by key

[11] Whilst the *zar* and other such cults are common throughout northern and north-eastern Africa as well as the Middle East, they are usually described as external to the sternly monotheistic 'great' religions of Semitic origin. They are syncretist, that is, combining elements of Judaism, Orthodox Christianity and Islam with different non-Semitic religions such as the Oromo religion (which is also monotheist) (see, e.g. Dafni 2007 and Westermarck 1926, 50–51). Possible links between Sufism and religious practices of Cushitic-speaking peoples in the Horn of Africa have been discussed by Ioan Lewis (1984) and Thomas Zitelman (2005), among others. For a possible Hebraic influence on the *abdari/adbar* ritual, see, for example, Aspen 1994, 151–67.

transition ceremonies. Among the Tulama, some aspects of the system were preserved more faithfully than among the Macha, at least in rural areas. However, whilst most men were still aware of their position in the two still functioning gada-sets and membership in one of the five gada descent groups, this did not affect social life outside the narrow ceremonial context. Of the traditional gada offices, only hayyu still existed (Blackhurst 1978, 248–52; Knutsson 1967, 170–83). Whilst the decline was obviously caused partly by external political factors such as increasingly frequent conflicts between different Oromo groups and the southward expansion of the Abyssinian state with related banning or manipulation of the local political and ritual institutions[12] (see, e.g. Blackhurst 1978, 260–64; Knutsson 1967, 160–61), more basic reasons for the change in the politico-juridical domain can be found inside the political community.

In most parts of the Macha region, for example, the weakening of the gada system was already manifest before the Abyssinian conquest (1885–1888) through the rise of autocratic hereditary rulers from among the Oromo themselves. Through accumulation of landed property, but also warfare and control of trade routes, some such rulers had succeeded in dominating quite extensive territories (Bartels 1983, 15).[13] The break-up of the joint gada centre at Odaa Bisil at the beginning of the seventeenth century marked the separation of the Macha and the Tulama, and subsequently, each group – branching into still smaller local subgroups – established its own gada organisation and ritual site. With time, the originally pastoral and nomadic Oromo began to settle permanently among the local agricultural population whom they incorporated through ties of fictive kinship sanctioned by ritual. These originally polyethnic and ritually constituted communities gradually developed into coherent political units delimited by physical boundaries such as rivers (Hultin 1991, 97–98). Within each territorial unit people traced decent from a common ancestor, the first Oromo settler whose local descendants – either biological or ritual – constituted an exogamous patrilineal group. In this context, various elements of the gada system were increasingly used to structure collaboration between bordering territorial groups rather than mobile clans, which lost their political role (Ibid, 100; Bassi 2005, 277–78; Knutsson 1967, 204–05).

For the western Oromo, the period of Odaa Bisil constitutes the time when they were pastoral nomads with no territorially defined segments or set territorial boundaries. Instead, they were defined with reference to a common ritual organisation centred around the odaa tree of Bisil. As for the Gabra, Borana and Rendille today, their country was where they were (Hultin 1991, 103; cf. Wood 2009). As noted by Jan Hultin (1991, 103), the way they structured their environment did not resemble the political maps we are familiar with: 'it was a symbolic map of a moral state; its boundaries were ritual not physical'. The disintegration or 'destruction' of the central

[12] The Abyssinians saw the pilgrimages and *gada* rituals as nationalist and essentially political, not religious. Hence Menelik banned the pilgrimage to the Abba Muda in 1900 and later even the more local *gada* ceremonies (Hassen 1990, 149–54; Hultin 1991, 97; Van de Loo 1991, 25–26).

[13] The political history of the so-called Gibe kingdoms has been extensively studied by Mohamed Hassen (1990).

ritual site thus symbolises the collapse of the moral order and a social catastrophe (Hultin 1991, 103; Knutsson 1967, 180–83). The exodus from Bisil (or abandonment of the nomadic pastoralist livelihood) marked the birth of named, territorial groups with fixed boundaries. Each such group, usually based on one lineage, established its own shrine under a tree when it settled in a place. Ideally it would perform a sacrifice to the adbar under the selected tree already during the first night. The first adbar tree then remained the focal point of worship and sacrifices and was left undisturbed as a living signifier of the place of origin, the old gada institution and the lost moral state (Arnesen 1996, 219; Hultin 1991, 97, 103).

The loss may, however, have been inevitable.[14] Odd Arnesen, following Tim Ingold,[15] has analysed the changing relationship between livelihood and appropriation of space among the Tulama Oromo.

According to his interpretation, tenure in nomadic pastoral societies is zero- or one-dimensional (based on sites and paths within a landscape), whilst two-dimensional tenure (based on bounded surface areas) is a consequence of agricultural production. For the ancestors of the Tulama, the ritual sites were linked with paths of ancestral travel from the cradlelands of Oromo culture in the south of Ethiopia. The sites and paths had thus a past and a meaning, which was inscribed in an external place – the landscape (Arnesen 1996, 216–17; Ingold 1986, 147–48). The pilgrimage to Abba Muda, when the living descendants made their progress down the same route, represented an integrative movement linking together the commencement, the sacred place of origin, and the commandment, the institution and place of social order (cf, Derrida 1996, 1). According to Ingold (1986, 152), 'through such movement, paths in the terrain are caught up in the continuous process of social life, projecting an ancestral past into an unborn future'. In agricultural societies such as the current Macha and Tulama, for example, with a high degree of correspondence between descent and locality in the settlement pattern, social life is structured around territorial groups with fixed boundaries (Hultin 1991, 97).

24.8 Conclusion

As noted by Cornelia Vismann (2008, 43–44), for Derrida, the place of the archive is not a locatable place, but a *topos*, the marking of a discourse. In contrast to the European tradition based primarily on archives inscribed in writing and

[14] A similar process appears to be taking place currently among the Borana, where the trust and confidence in key elements of the *gada* institution such as the community wealth redistribution system is rapidly waning among settled Borana households, especially in peri-urban areas (Berhanu and Fayissa 2009). It will be interesting to see what kind of new combinations will emerge in the new socio-economic and political context.

[15] According to Ingold (1986, 147–48), there are three logically distinct kinds of tenure/appropriation of space: zero-dimensional (of places, sites and locations), one-dimensional (of paths or tracks) and two-dimensional (of the earth or ground surface).

subsequently summarised in a codified law in late Roman antiquity, for the traditional Oromo society, laws were part of the oral tradition – a mixture of religion, law and social custom – inscribed in ritual practice and the landscape. This made the aspect of consignation especially crucial: due to their inherent character, oral laws must be systematically re-enunciated and revised in different events and spatial contexts. The power of consignation was reinforced by the iterability of ritual, which turns it into a chain of marks or even a single mark, which can be repeated in different contexts. For the Oromo, the pilgrimage to Abba Muda represented the key integrative movement linking together the commencement, the sacred place of origin, and the commandment, the institution and place of social order: it was the intersection of the topological (the *qallu* institution) and the nomological (the *gada* system).

In a nomadic society, culturally sanctioned places and paths are more important than geographical borders. Even the most sacred places and paths of pilgrimage should not, however, be seen as static and given, but rather as elements in an interactive process through which the landscape and the meanings given to it are constantly recreated. Whilst the well site called Gayo and the mountain called Gara Mao exist as geographical locations which are subject to specific protective measures, they are better understood as symbols or marks inscribed in the landscape and as such iterable in other contexts. Aside from being a locatable place, Gayo is water, the symbol of the origin, whilst as a mountain Gara Mayo is also a symbol of the sky god *Waqa*. The iterability of the elements of the landscape as markings of the legal/religious discourse is even more evident in the case of sacred trees: every sycamore is potentially an *odaa* tree, a visual symbol of the *qallu* institution, but can also be substituted by another species such as the acacia known as *dhaddacha*. This is because the unity of a signifying form is constituted by the possibility of being repeated in the absence of its original referent – or even its physical equivalent.

The dynamic character of figurative reasoning, its potential to discover different types of marks or chains of iterable marks and pass from one to another, is also evident in the new meanings some elements of the landscape have taken on in new sociocultural contexts. One example is the ecumenical function given to the *adbar* tree in the lands of the Tulama Oromo, whilst the same visual symbols and chains of symbols may be used to reinforce ethnic group solidarity among the diaspora, as in the examples cited by Greg Gow. This capacity of figurative reasoning to find different paths characterised by dislocation and migration through time – or to navigate in ‘spaces of complicated and unexpected relations floating from material to virtual and back again’ (to paraphrase Chiara Certomá 2009, 327) is crucial for cultural survival. This is especially so for politically marginalised ethnic communities struggling with the postcolonial condition. The fact that there is no archive without an outside, as noted by Derrida (1996, 11), has been the basis for the survival of the *gada* institution of the Oromo. This ritual practice provided a technique of repetition. It constituted the landscape that provided the *topos*, the commencement and inexhaustible repertoire of signs that would carry normative principles and practices (*nomos*) to new times and places.

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Chapter 25
The *Mandala* State in Pre-British Sri Lanka: The Cosmographical Terrain of Contested Sovereignty in the Theravada Buddhism Tradition

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Abstract As far as contemporary debates about devolution from the centre in Sri Lanka are concerned, the Indian Asokan (Buddhist) State model need not be as disabling of State reform as it appears in contemporary parlance. In symbolic terms, Sri Lanka's recently ended civil war was about the organisation of space between the centre and the periphery, particularly those parts of the periphery occupied by minority Tamils. The Buddhist majority Sinhalese have defended the postcolonial centralised State by recourse to a highly *modern* and *fetishised* Buddhist nationalism that projects a simplistic understanding of sovereignty back onto the precolonial and particularly pre-British past. The idea of a *unitary* sovereignty however was the result of the administrative reforms initiated by the British colonial State in the mid-nineteenth century. The argument here suggests that classical Buddhist accounts of sovereignty which revolve around the imagery of a *cakkavatti* (wheel-rolling) universal king, once materialised within a given geographical territory, reveal an account of sovereignty (or kingship), which far from *unitary* manifests extraordinary devolutionary moments. In its Sri Lankan inscription, the cosmic order of Theravada Buddhism reveals phenomena which evolved over a number of centuries, harnessing the influences of both Mahayana Buddhist and South Indian Hindu cultural forms. The cosmic order of Sinhalese Buddhism, although hierarchical in intent, legitimised a number of highly decentralised administrative structures that characterised the daily routine of the *mandala* cum *galactic* polities that emerged in Sri Lanka, including that of the Kandyan Kingdom, the last of these *galactic* polities. Sovereignty then in its Theravada Buddhist incarnation in the Sri Lankan landscape reveals both centralising and devolutionary moments, moments that are captured in the Kandyan Kingdom's architectural, administrative and ritual representation.

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25.1 Introduction

While Sri Lanka's civil war between the Sinhalese State and the Tamil separatist *Liberation Tigers of Tamil Eelam* came to an end in May 2009, the discriminatory practices of the State remain in place.[1] In symbolic terms the civil war was about the organisation of space between the centre and the periphery, particularly those parts of the periphery occupied by minority Tamils. The Sinhalese Buddhist majority continue to defend the postcolonial unitary State by recourse to a highly *modern* and *fetishised* Buddhist nationalism that projects a simplistic understanding of sovereignty back onto the precolonial and particularly pre-British past. The idea of a unitary sovereignty however was the result of the administrative reforms initiated by the British colonial State in the mid-nineteenth century and was essentially alien to the Buddhist and Hindu rulers of the island in the pre-European period.

The reforms of the mid-nineteenth century are not my concern here (Scott 1999, 23–52). What I do want to explore is the aesthetic reproduction of Buddhist sovereignty in pre-British Sri Lanka. My argument points to an inherent tension between the *virtual* sovereignty that characterises the claims that Buddhist kingship makes, and the actuality of a decentralised bureaucratic State that was a feature of the Buddhist polities that emerged in the shadow of the Asokan phase of the Mauryan Empire in the third century BCE. Our understanding of sovereignty in Theravada Buddhism owes much to the period of Emperor Asoka's rule as well as canonical texts such as the *Agganna Sutta* (*The Discourse on What is* Primary) and the *Cakkavatti Sihanada Sutta* (The Lions Roar of the Wheel-Turning Emperor), and the fourth-century BCE text on Hindu statecraft the *Arthashastra* (Collins 1993, 301–393).[2]

Both the *Agganna Sutta* and the *Cakkavatti Sihanada Sutta* are parodies on kingship and its intimate relation to the State, and yet within these parodies resides a strong kernel of truth about the nature of State power that the Buddha probably intended to convey. It is clear from the *Mahaparinibbana Sutta* that what primarily concerned the Buddha was the timeless question of a transcendent truth associated with *nirvana* (Ibid, 436–445). Here the 'triviality and ephemerality of temporal goods are contrasted with the seriousness of the monastic life: nirvana is an achievement "for all time"' (Collins 1998, 445). This idealisation of the celibate monastic community does not however suggest that for classical Buddhism the monastic community stood as a paradigm for non-monastic communities (Id, 448). The latter were after all organised on monarchical lines, and kingship was integral to the society into which the Buddha was born into. That said, the Buddha was born into a political order that was disintegrating which may account for the tone of parody that in particular is a feature of the *Agganna Sutta* (Altekar 1958; Kulke 1995).

[1] http://www.colombotelegraph.com/index.php/people-in-the-north-should-have-the-same-rights/

[2] In the Hindu-Buddhist tradition, *cakka* signifies the king's wheel of power. A systematic comparative study of the Hobbesian-Schmittian account of sovereignty and the Theravada Buddhist account of sovereignty has yet to be produced. This I hasten to add is not that account.

While the Buddha parodied and rejected the foibles of kingship, Buddhism could not afford that luxury (Collins 1996, 442). Asoka's rule instead gave rise to a set of cultural and ritual practices (the *Asokan Persona*) that informed the historical vicissitudes of Buddhist kingship in the Asokan State and the wider Theravada world thereafter. The rituals of State that were associated with the *Asokan Persona* were integral to the encompassing logic of Buddhist kingship in Sri Lanka and in Southeast Asia (Roberts 1994, 57–72). These practices were oriented by a Buddhist cosmology whose logic while revealing 'fissiparous potentialities' (Id, 62) was fundamentally hierarchical. The rituals of State were not only an intrinsic part of the symbolic glue that contrived a form of *virtual* unity to a disparate and decentralised *galactic* polity but also refracted the spatial division of the cosmic order within the order of ritual. The multilayered division of the cosmic order was also refracted in the architectural design and geographical organisation of both the Asokan State and the subsequent polities of Theravada Asia. It imbued the division of space in the here and now with cosmological import granting it a certain ontological grounding that resulted in a causal link between the cosmic and the temporal, the polity and its architectural *form* and *content* becoming a repository of cosmic energy.

In its practical consequence, the cosmology which oriented the *Asokan Persona* legitimised a highly decentralised State structure that characterised the daily routine of the Buddhist polities that emerged in Sri Lanka. James S. Duncan's hermeneutic reading of the relationship between the Kandyan landscape, the cosmic order and kingship reveals how 'the landscape masks the artifice and ideological nature of its form and content' (1990, 19). Duncan suggests that a 'structural similarity between the city of Kandy and the city of the gods was created in order that Kandy could partake of the power of its allegorical representation' (Id, 20). Intrinsic to this allegorical representation was the narrative of sovereignty in which in terms of both *form* and *content* Kandy's liminal sense of a cosmic order on earth had the capacity to be internalised by its subjects by virtue that this cosmic order, as one of the every day, constituted a form of *habitus* that mediated the relation between objective structures (the State, economy, etc.) and the practices of the every day (healing rituals, storytelling, etc.) (Duncan 1990, 22; Bourdieu 1977).

The consequence however was not a unified reading of the city's text but rather a multiple reading which refracted the diverse ontological potential of the cosmic order and its contingent signification depending on the audience, laity, kings or monks. The cosmic order also had within it a devolutionary aspect, the figure of the Buddha been in a dynamic relation with the world of the gods so that the Buddha's subordination of the Hindu gods was never settled. While the architectural form of the Kandyan kingdom becomes a metaphor for the hierarchical aspect of the Buddhist cosmic order writ large, we also witness in its architecture devolutionary moments. Consequently the story that unfolds is one of a certain tension between the claims of *virtual* cosmic sovereignty, which was actualised in the hierarchical rituals of Buddhist kingship, and the actual administrative/bureaucratic practices of the Kandyan kingdom which generated and legitimated a number of highly decentralised centre-periphery relationships. It is precisely the varied meanings proffered by the cosmology of Sinhalese Buddhism that rendered a devolved *galactic* polity