

Social Order: Voluntary Agreement and Consent in Pre-colonial Somali Society

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I. Introduction

In 1993 Mancur Olson wrote: "While there have been lots of writings about the desirability of "social contracts" to obtain the benefits of law and order, no one has ever found a large society that obtained a peaceful order or other public goods through an agreement among the individuals in the society."¹ The preceding assertion is as accurate today as it was when put forth by Olson.

The first part of this paper reasons that pre-colonial Somali society constitutes an example of a large society where social order was garnered, and where public goods, (i.e., law and order, security, and protection of property rights) were provided by voluntary agreement among individuals in society. That is, in the absence of formal authority, coercion, hierarchy, or utilization of selective incentives. In arguing that social order was obtained, and public goods provided by voluntary agreement among individuals, much focus is put on the complementary relationship between the Somali genealogical structure and the *xeer* system. The former being the principal form of social organization with the latter adding governance to it. Through a discussion on the complementary relationship between the two systems, it is shown that collective action was feasible both within and between communities, making pre-colonial Somali society the sole known large society characterized by feasibility of collective action in the absence of coercion, hierarchy, utilization of selective incentives, and authority.

While Hobbes, Locke, and Rousseau disagree on the nature of man in the state of nature, the common denominator of their theories is that authority, capable of exercising coercive power, is necessary for the establishment of a civil society.² Locke, for instance, wrote that “the great and chief end, therefore, of men’s uniting into commonwealths, and putting themselves under government, is the preservation of their property; to which in the state of nature there are many things wanting.”³ Put in other words, the state is considered the safeguard of man's life, liberty, and estate.

For this reason, the state is considered irreversible in the modern world, as Buzan put it, “there is no real option of going back.”⁴ Even if we accept that man, in the state of nature, was rather reasonable and rational would his reason and rationality not become an implacable enemy of collective action? Against this backdrop, it is quite remarkable that men, free and equal amongst one another, produced a peaceful social order in pre-colonial Somali society by voluntary agreement, i.e., in the absence of structured authority to decide disputes and punish offenders. What, then, explains the presence of a command-obedience relationship in the absence of central power or even hierarchy? Why did people consent to norms and obey the rules and laws? What constitutes the source of the moral authority that enabled the *xeer* system to issue commands and demand obedience in the absence of coercive power?

The second part of this essay is more analytical and bears the burden of answering these questions. A revised version of David Beetham's (1991) theory on legitimacy is used to analyze the obtainment of social order in a context devoid of authority and hierarchy. The *xeer* system is considered a regime and it is theorized that social order may be obtained without formal authority if society is characterized by feasibility of collective action and uniformity of shared beliefs. If a regime, understood in this context as a system of governance, conforms to the shared beliefs in society and the latter is typified by uniformity of shared beliefs, a likely result is that it becomes indistinguishable from them in terms of legitimacy. Consequently, the laws, rules, values, principles, and norms that constituted the *xeer* system were considered legitimate. Hence, the *xeer* system could issue commands and demand obedience.

The *xeer* system was, in other words, a normative and moral authority that could issue commands and demand obedience because it derived its greater legitimacy from society's external and internal ultimate source of authority, i.e., Islam and Somali culture. By providing an account of why the *xeer* system worked, i.e., what enabled it to issue commands and demand obedience in the absence of authority capable of exercising coercive power, this paper is an effort to deepen our understanding of governance in pre-colonial Somali society. Since the main contention put forth is that the pre-colonial Somali people constituted an example of a large society where social order was obtained by voluntary agreement, a working definition of a "large society" is needed before we proceed. The definition offered here focuses not on quantification of population size. Suggesting a fixed number, say e.g., a million-plus people, is evidently arbitrary in nature. A "large society" is understood in this essay as a human community where knowledge of commonality between its members is not acquired through face-to-face relationships as is characteristic of 'primary groups,'⁵ but a human association in which commonality between members is imagined⁶ and where members are dispersed across an extensive territory, rendering tight intimacy with most other members improbable. The Somali people inhabit a large territory on the Horn of Africa of about 643.7376 square kilometers.⁷ Even if one assumes that the genealogical and *xeer* system were confined to the pastoralists, which there is hardly any evidence to suggest, who mainly inhabit the area currently known as Somaliland and as British Somaliland Protectorate during colonial era, one is referring to an area of about 137.6000 square kilometers or about the size of England and Wales put together.⁸

II. Collective Action

Collective action theory was first formulated by Mancur Olson in his now seminal book, *The Logic of Collective Action*. The fundamental assumption that constitutes the point of departure of collective action theory is one based upon the conflict between individual rationality and collective rationality.⁹ That is, rational individuals do not voluntarily pursue action with the aim of achieving the collective interest of their respective groups. In a nutshell, what is rational on an individual level is not rational on a collective level, rendering voluntary cooperation in large groups, in the absence of coercion or outside inducements, virtually impossible.¹⁰ As Olson puts it:

In a large group in which no single individual's contribution makes a perceptible difference to the group as a whole or the burden or benefit of any single member of the group, it is certain that a collective good will not be provided unless there is coercion or some outside inducements that will lead the members of the large group to act in their common interest.¹¹

The literature on collective action is now vast, rich and far more complex than the brief introduction provided here.¹² However, it remains the case that no one has hitherto been able to identify a large society where collective action was feasible, allowing for obtainment of social order by voluntary agreement among individuals in society. The following sections bear the burden of showing that collective action was feasible, both within and between communities, in pre-colonial Somali society, rendering obtainment of social order by voluntary agreement possible.

III. The Genealogical System

The Somali genealogical¹³ structure,¹⁴ a very complex and sophisticated system of social organization and social identity formation, constitutes the main source of division within an otherwise largely homogenous nation.¹⁵ The genealogical structure consists of five main genealogically related communities: the Dir, Issaq, Darood, Hawiye, and Rahanweyn. Each of these can be further divided into major sub-groups, primary lineage groups and mug-paying groups.¹⁶ In other words, each major group and sub-groups are further divided into various smaller groups based on common descent all the way down to the smallest collective entity possible. Thus, an individual, in Somali society, embodies different kinship-based social identifications, any one of which will become salient depending on the context. Moral proximity and genealogical proximity are closely intertwined within this structure. All the agnatic groups between the major groups and the nuclear family are essentially in-groups, characterized by a strong sense of fellow feeling. The closer the genealogical ties are between individuals and/or sub-groups, the stronger is the sense of fellow feeling between them. Conversely, moral proximity fades and peters out as the genealogical distance grows, stressing the centrality of genealogy within the Somali genealogical structure. The Somali word for genealogy is "*Abtirsiiinyo*" and means a recitation of agnation. Somalis bear their father's first

name as their own surname, enabling them to trace their ancestors patrilineally in the male line. As Lewis observes:

It is a matter of family pride to teach children their father's genealogy. This duty usually bestows mainly on the mother and the ease with which small children of eight or nine years can recite their genealogies up to their clan-family ancestor is astonishing, especially since the genealogy may include well over twenty names, some of which are repetitive. Everyone knows his genealogy up to the eponym of his clan-family.¹⁷

Thus, memorizing one's genealogy allows individuals to easily establish proximity in relation to others and determine the membership of kinship-based in-groups all the way to the main genealogical community.

IV. Governance (*Xeer*) and Conflict Resolution

Characteristic of the Somali genealogical-structure is the complete absence of hierarchy both within and between groups,¹⁸ setting it apart from other so-called traditional social organizations that are normally characterized by formal and stable hierarchy, e.g. chief structures and the like. In pre-colonial Somali society, no single individual had the authority to make unilateral decisions on behalf of a group or sanction unacceptable behavior. All important decisions were reached collectively by agreement, made possible by a set of publicly negotiated and universally accepted laws, values, norms, principles, ideals, and codes of conduct that combined define the *Xeer*-system.¹⁹ In Somali, *Xeer* can mean, although related, different things depending upon the context within which the word is used. When translated to English, *Xeer* means custom or contract.²⁰ Based on Somali cultural values, principles, and elements of Islam,²¹ the *Xeer* system defined acceptable behavior, and thus regulated both intra- and inter-group relations in an otherwise non-hierarchical context.²²

Three equally important and inextricably linked pillars constitute the fundamental building blocks of the *Xeer* system. First, the *Xeer* system is, as mentioned above, based on a mixture of Somali values, laws, principles and elements of Islam.²³ Through these laws, values and principles, normative questions such as what ought to be considered

“right” or “just” are answered, providing a publicly negotiated and universally accepted moral and normative framework for co-existence. Second, the *Xeer* system provides guidelines and procedures for decision-making and conflict resolution.²⁴ Characteristic of these procedures is that they are non-hierarchical and democratic; decisions are reached by voluntary agreement between disputant parties.²⁵ Third, decisions reached are considered “legally” binding and are normally honored and upheld voluntarily by involved stakeholders,²⁶ stressing the self-regulatory nature of the *Xeer* system. Historically, and to some extent presently, conflict resolution and reconciliation was sought for at ad hoc community meetings (*Shiir* in Somali) between disputant parties on virtually all imaginable issues and topics,²⁷ These community councils allowed for contesting parties to present their case in front of the wider community and collectively selected arbitrators. Steered by Somali cultural values, principles and Islam,²⁸ the main goal of these ad hoc *Shiir*-councils was to seek justice (*Xaqq* in Somali) and reach a voluntary agreement between involved stakeholders by peaceful negotiations.²⁹ Compromises reached were considered “legally binding” and the involved communities were responsible for ensuring that they were respected and upheld, not merely in the present but also in the future, creating a sort of “legal” precedence for future generations.³⁰ Another significant feature of *Shiir*-councils is that they were somewhat democratic, allowing all adult men equal access and participation irrespective of their social status³¹. Another component of the *Xeer* system in relation to conflict resolution and reconciliation was the “*Guurti*,” an informal ad hoc panel³² whose members were collectively selected, not because of their social background or because they held titles or could enforce decisions by coercive means, but mainly because they were experienced, wise, knowledgeable, and widely respected. It is important to stress that *Guurti*-members were essentially arbitrators and had no authority to either make or enforce any decisions. As Lewis notes,

This informal court of arbitrators has no means of enforcing its findings, in these circumstances, settlements thus ultimately depend upon the readiness of the disputants to make peace and to some degree on the skill of the arbitrators in obtaining an acceptable compromise.³³

Distinguishing a *Guurti* council from ordinary *Shiir* councils is that the former would normally only be arranged in circumstances of seri-

ous inter-group crisis.³⁴ While both *Shiir* and *Guurti* councils were vital conflict resolution and reconciliation mechanisms and undeniably added significant structure and governance to the loose community-based system, compromises were reached by voluntary agreement through peaceful negotiations. Collective action was, in other words, feasible both within and between communities. Even when an acceptable compromise between disputant parties proved unobtainable, the violent conflicts that ensued would normally not exceed the frame of publicly negotiated and broadly accepted codes of conduct. In other words, virtually all aspects of both intra- and inter-group relations were managed and regulated within the realm of the collectively negotiated and broadly accepted normative and moral foundation of the *Xeer* system. Consequently, man's life, liberty, and estate³⁵ were guaranteed in the absence of any type of over-arching authority capable of exercising coercive power. Hence, the contention that pre-colonial Somali society might be the sole known large society to obtain social order by voluntary agreement among individuals in society. What, then, explains the presence of a command-obedience relationship in the absence of authority or even hierarchy? What constitutes the source of the moral authority that made people obey the rules? Although formulated in the context of formal power (e.g., government), David Beetham's theory of legitimacy is useful in answering these questions.

V. Legitimacy

Max Weber is broadly considered one of the founding fathers of twentieth-century social science and has influenced numerous disciplines.³⁶ His definition of the state, for instance, as the "form of human community that (successfully) lays claim to the monopoly of legitimate physical violence within a human community,"³⁷ remains the most widely used definition of the state in the study of politics. Together with Jean-Jacques Rousseau, Weber has profoundly influenced the study of legitimacy, where he is considered the *locus classicus* of the "belief theory on legitimacy."³⁸ The emphasis on "belief" in his approach to the study of legitimacy has influenced countless subsequent thinkers,³⁹ while at the same time generating fierce critique from others.⁴⁰ For instance, Carl J. Friedrich sees legitimacy as a question of "whether a given rulership is believed to be based on a good title by most men subject to it or not."⁴¹ Peter Stillman on the other hand, writes that "the legitimacy or illegitimacy of a government is a matter not of popular opinion nor of

belief about the 'appropriateness' or 'good title' of the government"⁴² and defines legitimacy as "the compatibility of the results of government output with the value patterns of the relevant systems."⁴³ In *The Legitimation of Power* (1991)⁴⁴ David Beetham launches a fierce attack on Weber's conception of legitimacy by arguing that Weber reduces legitimacy to a single dimension, i.e. belief in legitimacy, thereby voiding the concept of objective and moral content. Moreover, Beetham contends that elements such as legality and consent are independent of beliefs.⁴⁵ In amending Weber's definition, Beetham asserts that "a given power relationship is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs."⁴⁶ Beetham's own definition of legitimacy is based on three inextricably linked and, according to him, universal components: conformity to rules (legal validity), the justifiability of rules in terms of shared beliefs, and legitimation through expressed consent.⁴⁷ For Beetham, power can be considered legitimate when it conforms to these components. For the moment, however, attention should be drawn to the third dimension, which, as will be shown in what follows, is only applicable to governments and not regimes.

VI. Consent and Regimes

According to Beetham two conditions are necessary for action, at least in a western-liberal context, to be considered an expression of consent. The first is the absence of coercion and the second is presence of choice between alternatives. As he writes: "it is making an agreement to subordination under conditions of choice between alternatives that confers legitimacy on the exercise of power, and a corresponding obligation to obey."⁴⁸ While he concedes that what counts as consent is culturally specific and is thus not absolutely definable, he maintains that "the convention within contemporary liberal democracies is that it is the act of taking part in elections that legitimates government and secures the obligation of citizens in principle to obey it."⁴⁹ A regime can be understood "as the formal and informal organization of the center of political power, of its relations with broader society. A regime determines who has access to political power and how those who are in power deal with those who are not."⁵⁰ In addition, a regime tells us something about the type of political system in place, e.g. authoritarianism, totalitarianism, and democracy.⁵¹ A regime is merely understood as a system of governance in the present context. Government,

however, can be understood as "the actual exercise of political power within the framework of the regime and, more specifically, to those organizations and people charged with the duty of governing."⁵²

It is by now evident that Beetham does not distinguish between governments and regimes in his discussion of consent. This has far more serious implications for the applicability of his theory of legitimacy to regimes than one might think at first glance. To say that citizens express consent and confer legitimacy on governments by actively and freely taking part in elections and thus choose between alternatives, e.g. political parties, is a line of reasoning that is hard to contest. The same line of reasoning is far less convincing when applied in the context of regimes. If the choice between alternatives is a necessary condition for expression of consent, then virtually no regime can claim to enjoy the consent of citizens. In which society do people choose a regime among alternatives and thus express their consent to that regime? Equally important is how efficiency, stability, and continuity can be ensured if a regime can be altered by a majority in society every four years or so? While presence of choice between alternatives may be significant in relation to legitimation of governments, it is clear that the same cannot be the case for regimes. An important distinction between a government and a regime is that the former is the latter's agent of action, which can exercise power. A regime cannot exercise coercive power independent of a government. The relationship between a regime and citizens is therefore not one characterized by direct dominance and subordination. Consequently, absence of organized public protests against a regime can be considered expression of consent, especially when the regime conforms to society's normative order/shared beliefs from whence it derives its legitimacy in the first place.

VII. Social Order without Authority

If a regime, understood in this context as a system of governance, largely conforms to the shared beliefs in society, a likely result is that it becomes indistinguishable from them in terms of legitimacy. Once this happens, there is no need for citizens to confer legitimacy to the regime through directly expressed consent. Acceptance of the shared beliefs in society automatically translates into legitimation of the regime when and if it conforms to the shared beliefs in society and the latter is characterized by uniformity of shared beliefs. Since a regime cannot

exercise power independent of a government, the absence of organized public protest against it ought to be considered expression of consent on the part of individuals in society. For Beetham, actions that publicly express consent are important "because they constitute public expressions by the subordinate of their consent to the power relationship and their subordinate position within it; of their voluntary agreement to the limitation of their freedom by the requirements of a superior."⁵³ In the absence of a government or another authority, capable of exercising coercive power, individuals' acceptance of their subordinate position appears superfluous. How then can social order be obtained and maintained in a society where there is no formal authority that can exercise coercive power? Social order can be obtained, and public goods provided in the absence of authority (e.g. government) if two conditions are met. Uniformity of shared beliefs, while important, is merely a necessary condition but not a sufficient one. An equally important condition is feasibility of collective action. In a society characterized by feasibility of collective action and presence of uniformity of shared beliefs, the normative order in society turns into a moral authority with the capacity to issue commands and demand obedience. People then obey rules and consent to norms because of subjective moral obligations to obey rather than due to fear of sanction. In other words, people obey rules because they can be justified in terms of their beliefs.

VIII. *Heer* and Social Order in Pre-Colonial Somali Society

The critical and observant reader might at this point have noted that the preceding discussion on the obtainment of social order and provision of public goods in the absence of a formal government or any other type of authority is highly hypothetical. Evidently, collective action is normally not feasible in large groups in the absence of coercion, hierarchy or utilization of selective incentives, let alone in large societies.⁵⁴ While an established normative framework undeniably contributes to social cohesion, it is quite evident that the shared norms and values that underpin it do not simply obtain but must be constructed,⁵⁵ and it is hard to imagine how that could be done in the absence of a state and government. It is nevertheless the case that collective action, as discussed in previous sections of the present paper, was feasible both within and between communities in pre-colonial Somali society. Equally important for understanding the obtainment of social order and provision of public goods in pre-colonial Somali soci-

ety, by voluntary agreement and consent, is the uniformity of shared beliefs that characterized it.

To understand how the *Xeer* system could issue commands and demand obedience in the absence of an authority that could enforce rules, laws, and decisions by coercive means, we must look at the ultimate source of legitimacy in pre-colonial Somali society. Beetham argues that to understand justifiability of rules one must identify the authoritative source from which they stem. As he writes, "it is the impressiveness of the source from which they derive as well as the moral persuasiveness of their content that gives social rules their justifiability."⁵⁶ A distinction can, according to Beetham, be drawn between external and internal sources of legitimacy of rules. Pre-colonial Somali society derived the legitimacy of its rules from Islam (external source) and from its own cultural legacy, i.e. tradition. All Somalis adhere to Sunni-Islam⁵⁷ and are virtually culturally homogeneous,⁵⁸ stressing the uniformity of shared beliefs in society. There was, due to high level of cultural homogeneity, limited need for negotiating which values and norms that ought to be considered universal. Likewise, complete religious homogeneity meant limited need for interpretation of divine will. In other words, the *Xeer* system, a regime without a government, could issue commands and demand obedience because it completely conformed to the shared beliefs in society. For this reason, the laws, rules, values, principles, and norms that constitute the *Xeer* system were considered legitimate. Hence, uniformity of shared beliefs together with feasibility of collective action was sufficient for provision of public goods and obtainment of social order in a society characterized by the absence of formal authority and hierarchy.

IX. Conclusion

As has been shown in this essay, pre-colonial Somali society constituted a large society, where social order was obtained by voluntary agreement and consent among individuals, equal amongst one another. Man's life, liberty and estate was, in other words, guaranteed in the absence of hierarchy and authority, capable of exercising coercive power. Uniformity of shared beliefs in society together with feasibility of collective action, both within and between communities, enabled the *Xeer* system, a regime without a government, to demand obedience or rather duty. As the *Xeer* system completely conformed to the shared beliefs in society, its content

was considered legitimate. Consequently, might was turned into right and obedience into duty. As the present case suggests, it is possible to produce a civil society characterized by political liberty, where man is not subject to inconstant, uncertain, unknown, arbitrary will of another man, in the absence of formal authority to settle disputes, punish offenders and protect the wronged.

Asserted earlier in the essay, the Somali people inhabit a huge area on the horn of Africa of about 643,737.6 square kilometers,⁵⁹ stretching from present day Djibouti in the north to present day northern Kenya in the south. There is consensus in the academic literature that the Somali nation has never been governed by a centralized authority prior to European colonization in the 19th century. It is therefore hard to explain how religious, cultural, and linguistic homogeneity was constructed in the first place. Even more difficult to comprehend is how uniformity of shared beliefs, stemming from cultural and religious homogeneity, was preserved in the absence of a central authority. It is likewise hard to explain why collective action was feasible. Evidently, collective action is not feasible in large groups in the absence of coercion, hierarchy or utilization of selective incentives, let alone in large societies.⁶⁰ While explaining why collective action was feasible is beyond the scope of this essay, it has been proposed that it was so both within and between communities, making pre-colonial Somali society the sole known large society characterized by feasibility of collective action. The intrinsic predicament of collective action is one revolving around a conflict between individual rationality and collective rationality. Put differently, what is rational on an individual level is not rational on the collective level, making collective action in large groups, in the absence of coercion, hierarchy or utilization of selective incentives, virtually impossible.⁶¹ If we assume that people are very reasonable and rational as assumed in classical social contract theories,⁶² is it not sound to suggest that precisely their rationality and reason will become an implacable enemy of collective action? It appears that people in pre-colonial Somali society were not merely reasonable enough to comprehend and appreciate the utility of civil liberty, they were at the same time prudent and provident enough to suspend their individual rationality, rendering collective action feasible.

Lastly, Somaliland, which unilaterally declared independence from Somalia in 1991 in the wake of the Somali civil-war and currently func-

tions as a de-facto sovereign state, is often referred to as one of few successful peace/state-building cases in the post-Cold War era.⁶³ By mixing Somali institutions of governance with constitutional democracy and by institutionalizing the former (the *Guurti*), Somaliland has created an organic and legitimate hybrid state rooted in society. In doing so, Somaliland has transcended the (semi) Weberian OECD-model of statehood⁶⁴ and given birth to the hybrid turn in the literature on peace and state building. Unique to the Somaliland case is that successful peace/state-building was achieved in the absence of foreign intervention, mediation or any other form of foreign aid. In other words, the processes of peace and state building in Somaliland were internally led and characterized by local ownership. A substantial body of scholarship brings attention to the instrumentalization of Somaliland's cultural-specific conflict resolution methods (e.g. *Shiir* and *Guurti* councils) in explaining successful peace and state building in Somaliland.⁶⁵ The scholarship on Somaliland's peace and state-building achievements is, however, characterized by lack of focus on feasibility of collective action and uniformity of shared beliefs in society. It is highly doubtful that peace and state-building could have been achieved without foreign intervention if collective action was not feasible within and between the different communities in Somaliland. Research that brings feasibility of collective action and uniformity of shared beliefs into the center of analysis could deepen and enhance our understanding of the internally led peace/state building processes in Somaliland and ultimately answer the question as to why Somaliland remains the sole known example of successful post-civil-war peace/state-building characterized by local ownership.⁶⁶ Furthermore, does Somaliland not constitute an example of company of men, independent and equal one amongst one another, that met together and set up a government and a state?⁶⁷

Notes

1. Olson, 1993, p,568.
2. See Locke, 1948; Rousseau, 1993; Hobbes, 2004.
3. Locke, 1948, p, 62.
4. Buzan, 1991, p, 39.
5. See e.g. Homans, 1950.
6. See e.g. Anderson, 1991.
7. Khayre, 2016.
8. Jhazbhay, 2003.
9. Olson, 1965.

10. Ibid.
11. Olson, 1965, p, 44.
12. For the logic of Collective Action see e.g. Olson, 1965; Sandler, 1992.
13. While I. M. Lewis's *A Pastoral Democracy* (1961) is frequently cited in sections dealing with the *Xeer* and genealogical system, it is imperative to stress that this is merely for descriptive purposes and should not be construed as validation of the Lewisian paradigm in Somali Studies. For critique (see Samatar, 1994; Besteman, 1996 a; Besteman, 1996b; Kapteijns, 2004).
14. It is important not to conflate kinship in pre-colonial Somalia with clanism. The former was largely a system of social organization based on kinship (tool), while the latter is a politicized and destructive version of kinship (see e.g. Ahmed Samatar, 1994).
15. Lewis, 1961.
16. Ibid.
17. Lewis, 1961, p, 128.
18. Lewis, 1961.
19. Samatar, 1992.
20. Lewis. 1961.
21. Samatar, 1992.
22. Lewis, 1961; Samatar, 1992.
23. Samatar, 1992.
24. Lewis, 1961; Walls, 2009
25. Lewis, 1961.
26. Ibid.
27. Richards, 2014.
28. Samatar, 1992.
29. Lewis, 1961.
30. Ibid.
31. Ibid.
32. Ibid.
33. Lewis, 1961, p, 168.
34. Richards, 2014.
35. Man's life, liberty and estate is to be taken to mean the same as 'property' as used by John Locke in 'The Second Treatise of Government'. See Locke, 1948 in the bibliography.
36. Beetham, 1991.
37. Weber, 2014.
38. For a comparison between Weber and Rousseau see e.g. Merquior, 1980.
39. See e.g. Lipset, 1960; Apter, 1965; Bendix, 1978; Friedrich, 1963.
40. See e.g. Beetham, 1991; Shaar, 1981; Merquior, 1980; Stillman, 1974.
41. Friedrich, 1963, p, 234
42. Stillman, 1974, p, 42.
43. Ibid.
44. For a general critique of Beetham's theory on legitimacy see e.g. O'Kane, 1993.
45. For a critique see Alagappa, 1995.
46. Beetham, p, 11.

47. Beetham, p, 20.
48. Beetham, 1991, p, 92.
49. Ibid.
50. Fishman, 1990, p, 428.
51. Fishman, 1990.
52. Alagappa, 1995, p, 27.
53. Beetham, 1991, p, 91.
54. Olson, 1965.
55. Alagappa, 1995.
56. Beetham, 1991, p, 70.
57. See e.g. Lulling, 1997.
58. While the Somali nation is often referred to as being homogeneous in terms of race, culture, language and religion, it is important to bring attention to the existence of both linguistic and racial minorities in Somalia see e.g. Besteman, 1999. Existence of such minorities is, however, not taken to be important in the present context. Their existence does not alter the fact that pre-colonial Somali society constitutes the sole known example of a large society where social order was obtained by voluntary agreement and consent among individuals.
59. Khayre, 2016.
60. Olson, 1965.
61. Ibid.
62. See e.g. Rousseau, 1993; Locke, 1948.
63. Boege, et al., 2008.
64. Ibid.
65. e.g. walls, 2009; Renders, 2012; Renders, Terlinden, 2010; Bradbury, Abokor & Yusuf, 2003; Boege, et al., 2008; Richards, 2014; Jhazbhay, 2003.
66. While the need for increased local agency and local ownership is discussed in critical scholarship on peace/state building (see e.g. Pugh, 2009; Richmond, 2009; Donais, 2009; Millar, 2014), it remains the case that nobody has yet explained how post-conflict societies can produce successful peace/state-building without foreign intervention. It appears logical and reasonable to propose that collective action must be feasible both within and between different communities if sustainable peace/state building efforts are to emerge sustainable in post-conflict environments.
67. In the *Second Treatise of Government* John Locke wrote “There are no instances to be found in story of a company of men, independent and equal amongst another, that met together and in this began and set up a government” see. Locke, 1948, p, 50.

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