

## Between Myth and Meaning: Ethiopia's Fractured Constitutional Narratives and the Crisis of Legitimacy

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In his recent contribution to comparative constitutional thought, Theunis Roux invites us to consider the generative power of grand narratives in transitional context.<sup>1</sup> For countries like South Africa and India, he argues, constitutional legitimacy is not solely a matter of institutional design or legal text. It rests on the capacity of constitutions to embed themselves in collective memory—to serve as instruments of narrative, repositories of struggle, and promises of renewal.<sup>2</sup> But what becomes of constitutionalism when no shared memory exists, when history is not reconciled but weaponized, and when competing imaginaries pull a country in opposite directions? Ethiopia offers a sobering answer.

Ethiopia's modern constitutional history is not a chronicle of democratic evolution but a succession of ruptures—each constitution an emblem of ambition, yet each faltering under the weight of contested legitimacy. Unlike the anti-colonial transitions of India and South Africa, Ethiopia's constitutional origins are post-revolutionary, not postcolonial. No foreign empire departed; rather, one internal order succeeded another, often violently. Its constitutions emerged not from negotiated pacts among equals but from victorious assertions of power cloaked in the legal form. Consequently, Ethiopia suffers not from the absence of constitutional texts, but from their proliferation and dissonance—multiple orders, multiple narratives, none hegemonic, none secure.

The 1995 Constitution—the most recent and most radical of Ethiopia's foundational texts—lies at the heart of the country's contemporary crisis. Drafted under the direction of the Tigray People's Liberation Front (TPLF), acting through the broader coalition of the Ethiopian People's Revolutionary Democratic Front (EPRDF), the Constitution articulated a bold and unprecedented vision of ethnic federalism. It granted Ethiopia's "nations, nationalities, and peoples" the right to self-determination, up to and including secession.<sup>3</sup> For its architects, this was a charter of ethnonational liberation—an act of historical redress aimed at dismantling the legacy of imperial centralism and elevating long-marginalized ethnonational communities. Yet for many others, it was a document of dismemberment: an

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1 *Theunis Roux*, Grand Narratives of Transition and the Quest for Democratic Constitutionalism in India and South Africa, *World View Symposium*, *World Comparative Law* 57 (2024).

2 *Ibid.*

3 Constitution of the Federal Democratic Republic of Ethiopia, 1995; Preamble and Art. 39.

alien text imposed by victors who clothed their revolutionary dominance in the language of democracy and pluralism. What the drafters saw as emancipation, critics experienced as imposition. In this foundational ambiguity, Ethiopia's post-1991 constitutional order has remained suspended—radical in aspiration, but fragile in allegiance.<sup>4</sup>

Herein lies the constitutional paradox of post-1991 Ethiopia. Where India and South Africa grounded their foundational texts in inclusive national struggles, Ethiopia's was born of selective liberation. It was never a social contract; it was an instrument of rule. The narratives that sustain constitutional legitimacy elsewhere—a collective memory of oppression overcome, a vision of unity in diversity—found no purchase in a society fractured by ethnic mistrust, historical grievance, and mutual suspicion. As Roux suggests, even heuristic narratives can orient democratic debate. Ethiopia lacked even this. Its grand narratives clashed, calcified, and collapsed.

This failure is not merely ideological—it is institutional. For decades, the EPRDF's centralized dominance papered over constitutional contradictions. Its tight control allowed a semblance of order even as the foundational principles of federalism and unity pulled in opposing directions. But once the coalition began to unravel, the underlying tensions surged to the surface. Competing visions now jostle for supremacy: one seeking radical regional autonomy bordering on confederation, the other resurrecting a centralizing nationalism under ethnic majoritarian rule. Neither offers a viable path. One fragments the state; the other threatens to entrench permanent exclusion.

Andreas Eshete, coming full circle from his central role in the 1993 Symposium on the Making of the New Ethiopian Constitution, returned nearly three decades later—this time alongside Samuel Assefa—to deliver a sobering reappraisal of the 1995 constitutional project.<sup>5</sup> In a paper presented at the InterAfrica Group Conference in June 2021, the two scholars diagnosed the foundational tensions that have haunted Ethiopia's federal experiment. The 1995 Constitution, they observed, embodied both “coming-together” and “holding-together” models of federalism, as defined by Alfred Stepan. Yet their conclusion marked a decisive turn away from earlier optimism: both frameworks, they argued, had exhausted their political utility and should be abandoned as viable paths forward.<sup>6</sup>

What had once appeared a bold—if imperfect—attempt to reconcile Ethiopia's deep internal diversity with the imperatives of unity had reached the end of its narrative arc. In its place, Andreas Eshete and Samuel Assefa urged a principled disavowal of the two rival visions that have come to dominate Ethiopia's constitutional imagination: the centrifugal logic of confederalism and the exclusionary impulse of ethnic majoritarianism. Neither,

4 See InterAfrica Group. *Genesis of the Ethiopian Constitution of 1994: Reflections and Recommendations from the Symposium on the Making of the 1994 Ethiopian Constitution*, 17–21 May 1993, Addis Ababa, Ethiopia. Addis Ababa: InterAfrica Group, 1993.

5 *Andreas Eshete / Samuel Assefa, Rescuing Ethiopia's Integrity: Emergent Dilemmas Facing Ties between Federal and Regional Rule*, in: *Research economic-Socio Crucial And Ethiopia*, Addis Ababa 2021, pp. 18–20.

6 *Ibid.*

they contended, offers a just or sustainable foundation for the Ethiopian polity. The former reduces national unity to a tenuous *modus vivendi*—an uneasy cohabitation rooted in fear, isolation, and mutual suspicion. The latter reimagines federal authority not as a covenant among equals, but as an instrument of ethnic dominance masked by majoritarian rule. Both obstruct the pursuit of shared interests, mutual obligations, and the integrity of the state itself.<sup>7</sup>

What is required instead is the cultivation of a genuine common ground—one that affirms equal and free citizenship, respects the dignity of all cultural communities, and embraces solidarity not as a rhetorical flourish but as a civic ethic rooted in shared struggle and commitment.<sup>8</sup> This common ground, they argue, does not preempt debate over the design of future constitutional arrangements. Rather, it sets forth the minimal moral and political conditions for any legitimate public life: equal consideration of minorities, a principled pride in Ethiopia's cultural diversity, and a collective resolve to confront the twin enemies of disenfranchisement and poverty. The task is exacting, and the path uncertain. But precisely in that difficulty lies its promise. As Andreas Eshete and Samuel Assefa remind us, the very effort to forge this shared civic ground may itself revive the spirit of political maturity and patriotism in Ethiopia's fractured republic.<sup>9</sup>

In what echoes Theunis Roux's conception of the Liberal-Progressivist Narrative (LPN), Eshete and Assefa argue that the 1995 Constitution failed to satisfy what John Rawls famously called the "publicity condition"—the demand that political arrangements be justifiable in terms that all reasonable citizens can endorse.<sup>10</sup> The Constitution, they contend, offered power without persuasion, identity without solidarity, and institutional form without moral foundation. It did not generate allegiance, but deepened alienation. The result was not reconciliation through constitutional community, but a precarious truce among divided sovereignties—a federation in name, but a house still haunted by suspicion and estrangement.

Nor was this the first time Ethiopia's constitutions sought legitimacy through mimicry. The 1931 and 1955 imperial constitutions, inspired by the Meiji model, were instruments of monarchical modernization, not democratic governance. The 1952 Eritrean constitution—Ethiopia's only experiment with federalism—was imposed externally and swiftly abrogated, fueling Eritrea's long march to independence. The 1987 constitution of the Marxist-Leninist regime embraced the language of popular sovereignty while entrenching centralized control, using rights-based rhetoric to justify mass resettlement and economic

7 Ibid.

8 Ibid.

9 Ibid.

10 Ibid.

coercion. In each case, the constitution functioned as performance, not pact—designed to consolidate rule, not distribute it.<sup>11</sup>

Indeed, if one surveys Ethiopia's constitutional history, what emerges is less a tradition than a pattern: constitutions drafted at moments of regime consolidation, not transition; texts that mirror external models but ignore domestic realities; promises of pluralism betrayed by coercive centralism. These are not failures of technique. They are failures of legitimacy—failures to connect text to people, law to life, symbol to substance.

Ethiopia's deeper constitutional malaise, then, is not the absence of law, but the absence of meaning. Its constitutional culture is marked by what Nietzsche, in *On the Use and Abuse of History*, called an excess of historical memory: monumental histories that glorify imperial unity, antiquarian fixations on ethnic purity, and critical histories that reduce the present to inherited injustice. This triad of memory has produced not a shared narrative, but a tragic dialectic of mutual resentment. Politics becomes a theater of competing victim-hoods; history, a ledger of grievance.

The recent civil war between the federal government and the TPLF (2020–2022) was not merely a political breakdown—it was a rupture of constitutional meaning. The Pretoria Agreement may have halted violence, but it did not restore legitimacy. The TPLF's legal status was revoked and its internal cohesion shattered. Meanwhile, the federal government oscillates between procedural fidelity and authoritarian drift. The war has left not just institutional wreckage, but moral exhaustion. What remains is not consensus, but silence.

If Roux's typology of Liberal-Progressivist and Culturalist Grand Narratives helps elucidate the postcolonial dynamics of Indian constitutionalism, Ethiopia demands a different interpretive lens: one shaped by the unresolved contest between pan-Ethiopian civic nationalism and ethnonationalist liberation ideology. Neither has secured narrative dominance; both remain haunted by histories of exclusion. Unlike South Africa's constitutionalism of reconciliation, or India's inclusive nationalism—however frayed—Ethiopia lacks a hegemonic ideal capable of anchoring constitutional reform. In the absence of such an ideal, constitutional discourse degenerates into a zero-sum struggle, where one identity's gain is perceived as another's loss.

A parallel may be drawn with India's own crisis of constitutional identity following the Emergency, which witnessed the rise of ethnic majoritarianism and the erosion of inclusive democratic norms. As Pankaj Mishra observes in his essay, the consolidation of Hindutva nationalism has transformed constitutional discourse into a vehicle for cultural dominance, rather than pluralist accommodation.<sup>12</sup> Though Mishra does not address the Modi government's revocation of Kashmir's autonomy, his account offers a cautionary analogue for

11 *Christopher Clapham*, *Constitutions and Governance in Ethiopian Political History*, in: *Genesis of the Ethiopian Constitution of 1994: Reflections and Recommendations from the Symposium on the Making of the 1994 Ethiopian Constitution*, 17–21 May 1993, Addis Ababa 1993; and *Christopher Clapham*, *The Horn of Africa: State Formation and Decay*, Oxford 2023, pp. 65–121.

12 *Pankaj Mishra*, *A Long & Undeclared Emergency*, *New York Review of Books* 66 (2019), pp. 32–35.

Ethiopia: when national narratives become instruments of exclusion, constitutions cease to mediate difference—they instead sharpen it.

Yet Ethiopia is not condemned to eternal fracture. The lesson from Roux is not that narrative ensures stability, but that its absence guarantees crisis. Ethiopia must craft a new constitutional story—not a return to imperial centralism, nor a doubling down on ethnic fragmentation, but a civic narrative of mutual dependence and political maturity. This is not merely a task for lawyers or legislators. It is a cultural project, a pedagogical one. It demands civic education that fosters coexistence; public rituals that honor collective struggle; political discourse that privileges dignity over grievance.

Ethiopia's tragedy is existential before it is institutional. Its constitutions have named power but rarely checked it; listed rights but seldom protected them. The task ahead is not to draft another text, but to cultivate a constitutional ethos—an imagination of political life grounded in restraint, reciprocity, and shared belonging.

As Camus warned, rebellion without limits leads to nihilism.<sup>13</sup> So too with constitutionalism: it must be more than a legal script. It must be a shared act of moral imagination. Ethiopia's future depends not on the next constitution it writes, but on the people, it dares to become.



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13 *Albert Camus, The Rebel: An Essay on Man in Revolt*, trans. Anthony Bower, New York 1991.