
| RESEARCH ARTICLE

Creating Discursive Conditions for Constitution Reforms in Tanzania

Masatu Julius Malima¹ and Asteria Gabriel Ngaiza² ✉

¹Lecturer, Department of Business Management, Moshi Co-operative University, Moshi, Tanzania

²Lecturer, Department of Human Resource Capital Management and Administration, Moshi Co-operative University, Moshi, Tanzania

Corresponding Author: Asteria Gabriel Ngaiza, **E-mail:** asteria.ngaiza@mocu.ac.tz

| ABSTRACT

There has been low public participation in discursive constitutional reforms in Tanzania. However, the discursive conditions shaping such low public participation were still unknown. The current study examined discursive conditions for constitutional practices. The study employed Mactayres' legitimation theory (1998) of the common public good to extract discursive conditions of reconstitution debates in Tanzania. A documentary review was used to extract data, and transcription and translation were later done. Four data sets were involved in the analysis: two public discursive forums, telephone public deliberation opinions and television interviews of politicians. Attride-Stirling (2001) thematic qualitative analysis guided the systematic methodological analysis of the study. The findings show four main discursive conditions for constitution debates in Tanzania: lack of inclusive public discursive participation, lack of normative values for discursive critiques and inquiries, lack of public discursive constitution consciousness and inappropriate public discursive setting and structures. It is recommended that public constitution awareness requires total involvement of civil societies, government organs, politicians, professionals, media and individuals; secondly, public constitution awareness-raising should be held before engaging the public in public deliberation of constitution reform; thirdly, the nature of public awareness should reflect appropriate platforms that suit public discursive settings and involve a wide public agenda (economics, health, education, agriculture, human rights) to allow a wide public deliberation; fourthly, during constitution debates public should be informed on the values of public discourse that involve rational arguments, tolerance respects and public consensus to achieve a common understanding. Fifthly, where there are no discursive structures (discursive layout), public consensus must be on the road map toward the new constitution. Finally, those responsible for collecting public opinions should arrange and conduct constitutional debates in an informal setting with no time constriction to make it easy for majority participation and to achieve data saturation of public opinions. While the study contributed to democratic discursive conditions as the party of Critical Discourse Analysis, future studies can focus on power relationships and reconstitution practices in Tanzania.

| KEYWORDS

Critical Discourse Analysis, Discursive condition, Common good, Constitution Reforms.

| ARTICLE INFORMATION

ACCEPTED: 01 June 2023

PUBLISHED: 08 June 2023

DOI: 10.32996/jpda.2023.2.1.8

1. Introduction

Public discourses have been a matter of interest in contemporarily democratic governments, which have inherent democratic practical challenges. In that case, the political community requires convenient discursive environments to discuss the common good and protections of the pluralistic good against the interests of the narrowly self-individuals such as politicians (Geren, 2001). In such self-interests over pluralistic interests, public discourses enable masses of people as active individuals, under good discursive environments, to debate on matters concerning their common good. While the term common good has been used interchangeably with public good or public interests, its meaning has been used by modern liberal politics under the communitarian approach to mean matters of commonalities that benefit all members. It is also perceived as good to the community that takes place through their talks or written forms as the discursive ground. Such discursive conditions may be

Copyright: © 2023 the Author(s). This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC-BY) 4.0 license (<https://creativecommons.org/licenses/by/4.0/>). Published by Al-Kindi Centre for Research and Development, London, United Kingdom.

organised through public forums, interviews, discussions, conferences, referendums, or national assemblies to reach what is good for them through substantive justice (Geren, 2001; Jaede, 2018). In that case, the public discourse becomes a free arena for public deliberation to reach a consensus on the best practices of the common good.

A common understanding of what is suitable for the common public requires an excellent discursive environment with broad public agenda under discussion, inclusive discursive participation, free from time restrictions, and free of discursive critiques and inquiry (Cahoone, 1996b; Dewey, 1916b; Geren, 2001). Other discursive environments involve liberal institutions like public schools, civil societies and advertising agencies that create discursive environments to question the political authorities and answer questions through rational reasoning and debates without social disorders (Smith, 2006).

A constitution is a common good which requires an excellent discursive environment for its reforms. As a legal sanctity which sets the framework and principal organs of the democratic state with its declaring principles governing the operations of those organs (Wade & Yamamura, 1965), it takes a simple meaning of common good or public interests. Its legitimation requires the public as the centre through public deliberation. In Tanzania, constitution reforms as a common good take its historical account into two phases: the constitution as a private good and the constitution as a public good. The first phase of the constitution as the private good involved the exclusion of public legitimation by considering them as passive citizens. The concept of passive citizens has been referred to by Dewey (1916a) as 'inchoate' to mean ignorant. In the first phase of the constitution, all fourteen amendments from 1965 to the present did not involve public participation. The non-participation of the public was also reflected during the launching of the 1964 union constitution, 1965 interim constitution and 1977 permanent constitution (Masabo & Wanitzek, 2015). The second phase is the public good when the discursive environments involve active discursive democracy by the public. This phase (public interest) can be traced from 2011 when the Constitution Review Act 2011 established the legal basis towards the common good of constitutional reforms in Tanzania (Masabo and Wanitzek, 2015). The constitution reforms in Tanzania came following the constitution of 1977, which has been enacted like other legislative statutes serving political interests, unlike the public interests.

In 2014, Tanzanians participated in the constitution reform by employing the white paper and the national conference as the methods of constitution reform. The Constitutional Review Commission was established according to the Constitutional Review Act 2015, chaired by Hon Joseph Warioba (CAP 83 R.E 2012). After all the efforts made by the Constitutional Review Commission 2013, the Commission released the report and the draft constitution. After the commission report on the draft constitution was released, it was followed by the Constituent Assembly held in Dodoma to discuss the Draft Constitution in October 2014. The Constituent Assembly completed the deliberation and finally devised the proposed constitution for the United Republic of Tanzania in 2014. The validation of the proposed constitution was to be done in two major steps. The first was through a referendum, and the second was through signing the proposed constitution (CAP 83 R.E 2012).

The above stages, however, did not yield positive results since the constitutional reform was buried to the unknown after the end of the fourth government regime. The constitutional overhaul had no more signs during the fifth regime. During the sixth regime, the constitutional reform agenda started to show its road map in March 2023 when the current President, Her Excellency Dr Samia Suluhu Hassan, agreed to begin the constitution reform process again.

Globally, studies on the common good believe universities must offer public education, research, consultancies, and social relationships for the public interest (Smith & Dunstall, 2022). Other observations on the common good were the Australian education policy that saved the public interest by creating productive and disciplinary students (Wardman, 2016). Further evidence in China and USA was also reported on the common good of the court adjunction and mediation practices (Murphy, 2017) from which resolution was public-centred. On the other hand, the empirical studies on constitution reforms in Tanzania have reported the lack of public participation in constitution reforms as the common good (Katundu & Kumburu, 2015; Shariff, 2014). They emphasised that the concept of the common good should represent the standards of normative practices which save the public interests. However, the available studies did not empirically justify discursive conditions for the common good, such as constitutional reforms in Tanzania. The current study, therefore, examined how discursive conditions for reconstitution practices might have influenced public participation in reconstitution reform in Tanzania.

2.0 Theoretical base

This study employed the Critical Discourse Analysis of MacIntyre's legitimating theory (MacIntyre et al., 1998) to achieve the study's objectives. The theory assumes that "what touches all must be approved". The term all means all members of the communities referred to as a political community subjected to the ongoing construction of their identity to solve problems of their own to arrive at the common goods of society (Smith, 2006). The theory is against the narrow sense of minimalist approaches whose common good involves deliberative procedures of law-making, repressive demands for conformity and exclusion of public opinions through individual political representations that preclude public legitimation. The thick sense of the legitimating theory of the common good assumes that political deliberation should be legitimised under deep inclusive deliberative activities in authentic contexts to arrive at the public law of the common good. The nature of public thinking in such a thick sense should

involve fundamental disagreement under critical reviews and inquiries to approve the just criticism that reflects the interest of individuals and the community's good.

On the one hand, the theory considers the values of tolerance as a common mind with common good to create environments for public consensus on the ground of "good conflict". Intolerance is viewed as a barrier to achieving the common good in public deliberation. On the other hand, liberal institutions (public schools, advertising and civil organisations) are considered school learning environments that teach shared understandings and create environments for individuals learning about their common good to question the political authorities and answer through rational inquiries and debates. Unlike the proceduralism justice of the communitarians, the theory assumes that public deliberations guarantee judgments of procedural requirements when substantive justice is under practice to define the standards of rationality and whereby disagreements are evaluated and resolved internally to traditional practices. Therefore, the theory is suitable for the current study since it assumes legitimating of the common good through public deliberations, which requires the following discursive environments: learning environments, critical reviews and inquiries, public consensus, tolerance, and inclusive, deliberative activities for the good of the individual, society and internal to practices.

3.0 Methods

The study employed a cross-sectional timeline to collect data from different political deliberations. Tanzania was used as a case study because of its long experience with the lack of constitutional public participation, its buried unknown proposed constitution of 2014, and the government's determination to resume constitutional reforms. The unit of analysis involved politicians who attended discursive forums, interviews, university students, professors, civil societies, professionals and the laity. Purposive sampling was employed to select three public deliberation data sets because it enabled the researchers to choose the richness of the data sets from many related data sets to achieve accuracy and understanding of the phenomenon in hand, as recommended by Flick (2022) and Neuman and Robson (2014). The data were collected from online YouTube channels. Their selection criteria were based on the relevance to the topic under investigation and the varied nature of participants' demographic characteristics. Such data sets collected from YouTube included i) two public discursive forums held on 7th December 2022 and 7th April 2022 hosted by the Legal Human Right Centre in Tanzania. The two forums were relevant to the current study following their mixed nature of participants who ranged from university students, professors, different calibres of politicians, the laity, experts from various fields and civil societies; ii) The third data set was collected from an online skype-meeting whereby the public opinions were obtained through telephone conversion on 11th September 2021; iii) and The last data set involved television interviews of two political icon figures in Tanzania, namely Joseph Warioba and Salim Ahmed Salim, on 7th April 2022, hosted by Taifa Digital Forum.

Data analysis was manually done, in which they were later subjected to both Mactyres' analytic Framework (MacIntyre, 1998) and Attride-Stirling's (2001) thematic qualitative analysis. The analytical framework guided the extraction of themes relating to discursive conditions ranging from public discursive consciousness, critical reviews and inquiries, consensus, tolerance, and inclusive and deliberative activities. Attride-Stirling (2001), six steps of thematic analysis were employed to code the basic, organised, and global themes to achieve systematic methodological analysis of the raw data. Before the analysis, the collected data sets were transcribed into the Kiswahili language, an official language in Tanzania and a lingua franca of a speech community. After the transcriptions, the researchers translated them into English for easy audience analysis and reading. The first stage of thematic analysis involved coding raw data guided by the theoretical lens, objective of the study and salient themes to avoid redundancy. The second stage involved identifying themes (specific and broader) from the raw data, and refinement processes were done to combine similar themes, separate different themes, discard irrelevant ones and develop the new one (see Table 1). The third stage involved the construction of a network for the designed themes to achieve their connections to the raw data. The fourth stage involved the network descriptions using transcribed materials data, and their underlying patterns were also explored (see the findings and discussion part). The fifth step involved summarising main or global themes to their related patterns. The last stage involved the interpretation of the themes using the theory, argumentations, and available past studies.

Table 1. Constitution Discursive Conditions in Tanzania

Basic themes	Organised Themes	Global Themes
A broad discursive agenda, all issues be discussed, political matters, left to the politician, permanent matters, we prioritise, Ronaldo, Mesi, Morison.	Lack of inclusive discursive participation	
Legal Human Right Centre, get into the class, preaching to the choir, education first, awareness, few will tell, ready to learn, seek the truth, find the language	Lack of public discursive consciousness	
Gongo la Mboto, Manzese, Gold Crest, Urafiki, air-conditioned rooms, Start a flesh, continue where we reached, starts from Warioba, starts from its grassroots	Inappropriate public discursive settings and structures	
Failed to reach common understandings, wafting by wind, filthy fen, tolerance, many youths, own mission, reasoned arguments, without any temper, the Sabayans, five years, respect and dignity	Lack of values on discursive critics and inquiries	Discursive conditions internal to constitution reforms

Trustworthy of the findings was achieved firstly through refinement of the themes (combining similar themes, separating different themes, discarding irrelevant ones, and even developing new themes), also pioneered by (Braun & Clarke, 2006); secondly, the saturation point was reached when no more new themes emerged during coding process (Calder, 1997; O’Leary & Cryan, 2014) and lastly, the research team had to employ inter-coder consistency whereby the coding was done by the two researchers independently, and the agreement was done on the common observations and salient themes (Harley et al., 2015; Saunders et al., 2009).

4.0 Findings and Discussion

4.1 Discursive Public Condition for Constitution Reforms

Four data sets-two public discursive forums, public telephone opinions and television interviews - were used for analysis. Table 1 shows that discursive conditions for constitution reforms in Tanzania had been shaped through four primary discursive conditions - lack of inclusive discursive participation; lack of values on discursive critics and inquiries; inappropriate public setting and discursive structure; and lack of public discursive constitution consciousness as presented in the subsequent sections.

4.1.1 Inclusive Discursive Participation

The findings on inclusive discursive participation show that this aspect is less practised in Tanzania. This study also found unsatisfactory practices regarding public priority set-up and emphasis; narrow public agenda; public opinions inquiry methodological irrelevance; broad political parties' participation; and time constraints on public deliberation. The findings mismatch those of Jaede (2018), who emphasised that the common good requires active and broad public deliberation. For instance, the priority set-up and emphasis in their constitution debates were less controlled by the public. This finding is justified by one of the participants who employed both the perceptual mental verb, such as "see", and hypothetical element, such as "if", to show the emphasis gap placed by the public on matters relating to constitution debates when compared to issues relating to sports entertainments as shown in excerpt 1(one) and translated below as follows:

1)Angalia pia leo hii tunapodai katiba mpya ni vitu gani tunavitilia mkazo. Kama tungekuwa tunajadili katiba kama tunavyojadili mpira tunavyojadili kina Mesi sijui Ronaldo, akina Morison akina Mayele pengine tungekuwa na maendeleo makubwa.

"You can see today when we ask for a new constitution, what issues we prioritise?" If we could be making the discussion of the constitution the same way we discuss football matters, the way we discuss famous football players such as Mesi, Ronaldo, Morison, and Mayele, we could have attained development."

The findings also show a narrowly public agenda since the constitution agenda did not widely cover other issues like human rights, good governance, economics, education, health, and fishing. Most of the agendas focused on the interests of politicians. Other agendas had limited the public deliberation on matters of public interest, as shown in excerpt four below. The participant used obligatory moods such as *lazima* "should" and phrases like *majadiliano mapana* "a wide discursive agenda" and *maswala yote*

yajadiliwe ", all issues be discussed" to communicate how the discursive constitution subjected to narrowly public agenda. See Excerpt 2 below:

2) *Katiba lazima ifate majadiliano mapana, mjadala huwe ni mpana ushiriki huwe ni mpana na maswala yote yajadiliwe sio tu muungano wa serikali tatu serikali mbili. Lakini maswala yote yanayohusu wananchi yajadiliwe.*

"The constitution should follow a broad discursive agenda, the participation should be widely inclusive, and all issues should be discussed not only concerning the two and three governments union. But all agendas which are a public concern be discussed.

3) *Mara nyingi ni maswala ya kisiasa ambayo ni mazuri sana sijui muungano, ni mazuri sana na yanafaa lakini hayo ni kama about ten percent. kuna yale ya "human rights" haki za binadamu tunazoziongelea ilikuwa ni asilimia kumi na tatu. Utawala bora sisi tunatoka mahakamani kama wataalam wa mahakama, ilikuwa ni asilimia sita. Watu walikuwa na hoja zao nyingi sana.*

"Usually, the issues of political matters are good. For instance, "the Union" is perfect and relevant, but they are about ten per cent. There are those relating to human rights, which we talked about, were thirteen per cent. Good governance, we are from the judiciary as law professionals, it was six percentages. People had a lot of their agenda."

The findings also reported that the public opinion inquiry was methodologically irrelevant. It implies that the methods used were not relevant to reach the various public platforms or capable of reflecting the wider population. One of the human legal activists employed a strategy of game number or statistics to legitimise her claim and rhetorical questions to allow the reflection of the methodological relevance of inquiries, as noted in excerpt four (4) below:

4) *Kwa mfano nitakupa data moja tu ya haraka ambayo nimeipata ya kwamba mkoani Kigoma waliohojiwa zaidi ya watu elfu ishirini na tatu na Dar es Salaam waliohojiwa watu zaidi ya elfu kumi. Lakini tumeona kuna watu milioni mbili na Dar es Salaam kuna watu milioni nne. Je hiyo representation na methodology zilizotumika ilikuwa kweli inatupeleka mahali?*

"For instance, I will give you one of a quick data which I received, that in Kigoma region, twenty-three thousand were interviewed out of two million while in Dar es Salaam ten thousand people were interviewed out of four million. Were the representation and methodology used valid to make us step ahead?"

Similarly, the findings show that wide political participation hampered the public's inclusive participation since the discursive constitution has been mainly left to political parties, especially major opposition parties. This turned the discursive constitution into a ground to serve political interests contrary to public interests. This can be justified by findings from other scholars, such as Jaede (2018). Findings also show that political parties had their agenda during the constitution reforms, which they believed once the new constitution was passed, they would enjoy democratic environments. In such doing, they found leaving other public vital matters, including education, human rights, health, and agriculture) behind in discursive debates. More concerns on the broad political participation are presented in the form of question-and-answer strategies by one of the participants (see excerpt 5), showing how the public left their constitutional agenda under the hands of the politicians who saved their interest.

5) *Hivi tunafikiri tulimwachia nani? Ukiangalia kimsingi tuliwaachia wanasiasa. Haijalishi wako wanasiasa wa chama gani chamai lakini wao ndio tuliwaachia. huwenda katika bunge la katiba wao ndio tuliowaweka wengi.*

"Do we think to whom did we leave the exercise? If you see, the exercise where primarily left to politicians. It does not matter if there were politicians from which political party, but those we left the exercise upon. It may be that even in the constitution assembly, they had high representation."

It is also reported that time constraints may have affected the inclusive participation of the public regarding the new constitution debates. Participants explained that the allocated discussion time did not involve the public in broad participation. They perceived the issue of the constitution debate as a permanent agenda and not an episodic event. They added that this issue should not have a time limit so as reach the saturation point for the better common good. For example, another participant used a clause, "ni swala la kudumu," meaning "it is a permanent agenda." On top of that, the issue of freedom of speech based on matters relating to the common good, excerpt 6 presents:

- 6) *Kwa swala la kujadili maswala ya katiba ni swala la kudumu na wala halitakiwi kupangiwa vipidi kwamba kuanzia mwezi huu mwezi wa kumi na mbili tutajadili katiba mpaka ikifika March basi hata kidogo ni mjadala wa kudumu. Kwa sababu tunataka kuboresha namna tunavyoendesha shughuli zetu.*

"The issue of constitution debate is a permanent matter and should not have a restricted time. It is a permanent matter because we must modify how we run our business."

4.1.2 Discursive Critics and Inquiries

The findings on discursive critics show four unsatisfactory discursive critics and inquiry practices: irrational arguments; lack of argumentative focus; lack of dignity, respect and tolerance; and lack of public consensus. These findings mismatch with those of Cahoon (1996a), who suggested that good discursive critics must involve self-reflections at individual and social levels to achieve public interests. Findings on irrational arguments have been presented using filthy words. This suggests that people are tired of politicians' fake promises. The use of offensive words is not supported by people like Habermas, who posits that discursive rationality is essential for social healthy (Geren, 2001). Findings on the use of irrational arguments have been justified by the participant who employed imagery language such as;

7) *Yaani nyie mkisemwa kidogo tu mnafungua propela za matusi hamuwezi kuvumilia*

"When someone speaks against you, you open a filthy fen; you don't have tolerance."

Irrational reasoning is also emphasised by another participant who attempted to use the mental perception element "*think*" and use of the possessive relative clause "*many youths*" to express irrational youth who are unable to make reasoned arguments, as noted in excerpt 8:

- 8) *Nafikri hii ndo shida pia ya kizazi tunachokizalisha hapa Tanzania. Na ndo itatupa ugumu wa kupata Katiba mpya kwasababu tuna vijana wengi hawawezi kutengeneza hoja.*

"I think this is the problem of today's generation in Tanzania; it is a challenge to have a new constitution because we have many young adults who cannot make reasoned arguments."

Similarly, the findings captured the lack of respect, dignity and tolerance in public constitution debates. Smith (2006) emphasises that intolerance in discursive critics tends to prevent the achievement of public deliberations and advises eliminating such discursive participants from the deliberation. Geren (2001) adds that tolerance is the value of public discourse which keeps the discourse alive when strong disagreement exists.

In this study, a lack of healthy discursive habits is evidenced by the participant (see excerpt 9), who employed behavioural clauses of argumentative habits to show how discursive participants threaten one another in the discursive arena because of their official status. The findings contradict Yankelovich (1991), who emphasises that public discourse should not be subjected to distortion or domination. In highlighting the lack of respect and dignity in critical arguments, the participant also employed a symbolic strategy (excerpt 10) such as 'the Sabayans, ' a figurative language. Sabaya is the name of the former political figure in Tanzania who was fearful of his oppressive deeds. Excerpt 8 elaborates more:

- 9) *Tubadilishane mawazo tuwe na tabia ya kubadilishana mawazo bila kukasirikiana. Tumefika hali kwamba uwezi kutoa mawazo yako yakapingana na mwenzako halafu ukaondoka kwa amani.*

"Let us think together. Let us have a habit of exchanging ideas pleasantly with each other. We have reached a situation where you cannot peacefully give opposing arguments with the other discursive participant."

- 10) *Akina sabaya bado wamo ndani mwetu, wengi kwa sababu ni utamaduni waliopewa na wakaujenga kwa muda wa miaka mitano na watu wakaunywea na ukawa ndio utaratibu huo.*

"The Sabayans still exist among us; they are many because it is an ill-inherited practice of undermining the public, and they have been practising this for the past five years, depriving the people of freedom of speech."

Discursive critics and inquiries have also been found unsatisfactory because of the lack of argumentative focus among discursive participants. This is because the discursive participants have been narrowly discussing the agendas and jumping to different agendas inconclusively. This is contrary to what Habermas (1985) calls. He believes there should be a mutual understanding that requires complete knowledge whenever discursive critics exist. This argument can be justified by one participant who employed visual imagery such as "*tunakwenda na upepo*", meaning "we are wafting by the wind", to explain how Tanzanian citizens do not keep with agenda to the end. They are likely to jump to other newly emerged agendas and leave the past one inconclusively. This

also may imply that our social media platforms lack professionalism hence failing to host the public discursive agenda to its end. This is exemplified in excerpt 10;

- 11) It like tunakwenda na upepo. Upepo ukivuma huku tunaenda nao yaani imefika mahali hatuna tofauti na ambao wako, sijui nisemaje yaani tunaishi kwa matukio likija tukio hili tunalidaka juu kwa juu tunasahau mambo muhimu...

"It is like we are wafting by the wind. Moving to any direction where the wind blows has reached a point where we are not different from those ... I do know how to say. Indeed, we are governed by episodic events. When this episode comes, we capture it narrowly and forget our core agenda..."

There is also a lack of public consensus and public divide regarding the discursive critiques and inquiries of constitutional reforms in Habermas (1985). It has been found that the discursive constitution involved a lack of shared understanding among different political parties ending with dismissing and leaving the agenda inconclusively and public divided interest on whether the permanent constitution of 1977 should not be changed or the new constitution should be launched.

The public is reported to lack a joint mission and approach to a new constitution following the public divide among civil societies and political parties. In expressing the lack of consensus and the divided public, one of the participants employed the following existential clause when saying;

- 12) *"Na ndicho kilichotokea wengine wakaamua hili swala tumeshindwa kuelewana tunaondoka"*.

"This is what happened, and others decided that we have failed to reach a common understanding, and they dismissed."

Another participant used a reported verbal clause to express a lack of consensus. The participant said:

- 13) *Watu walikuwa wakisema tunataka kakatiba mpya ya nini mbona katiba hii iliyopo tu hatuitekelezi*

"I wonder when people say there is a need for a new constitution while even the existing one is not well executed."

Moreover, another participant is noted using possessive relative clause to emphasise public divided interests when saying;

- 14) *Kila mtu anamission yake hatuna mission ya pamoja*

"Everyone has his/her mission; we do not have a common mission."

4.1.3 Public Discursive Consciousness

Findings show five unsatisfactory conditions regarding the public awareness of constitutional matters, such as lack of a public-centred awareness campaign; low public awareness; low learning habits; pedagogical irrelevance, and use of technical jargon. These findings are contrary to past studies of discursive democracy (Cerovic, 2016; Habermas, 1985), which imply that discursive condition is likely to be relevant when the public is aware of the discussion in hand through well-established liberal institutions such as public schools and advertisement media (Dewey, 1916a; Geren, 2001; Smith, 2006). The authors place the liberal institution as an essential tool for counteracting the manipulations of those in power. It gives the public inquiry mind habit and secure changes without endangering social orders. For instance, the lack of public centred awareness campaign is justified when the participant employed the possibility mood of the clause when saying:

- 15) *"Katiba lazima inaanza na awareness yetu sisi wenyewe"*

"The constitution should start with our awareness".

Moreover, low public awareness has been expressed using rhetorical questions to show a lack of understanding even to those who are involved in constitution debates, as noted in excerpt 12 below:

- 16) *lakini ukiwauliza hata walioko humu, why do we need katiba mpya?*

Hii tulioyonayo ina papungufu gani? mimi nadhahani niwachache sana watakwambia.

"But even when you ask those involved in the discussion, why do we need a new constitution? What is the weakness of the current constitution? I think only a few will be able to explain the need for a new one..."

Low public awareness is expressed using visual imagery such as 'preaching to the choir'. The metaphor of the "church choir" is equated to a few participants who attend the constitution debates compared to the majority public who don't attend debates and are also regarded to have narrow awareness and thus need to be reached using appropriate platforms: this is noted by the participant in excerpt 17 below:

17) *Kwa mtazamo wangu mi nikiangalia ni kwamba mpaka sasa hivi "we are preaching to the choir". Sio kwamba ni mbaya kuhubiria kwaya, ila ni kwamba kwaya mara nyingi wanahuduria misa or ibada. Kwa hiyo mara nyingi kwaya huwa wana upeo. Kwa hiyo tuendee kuhubiria kwaya lakini vilevile tuangalie jinsi ghani ya kuwafikia hawa ambao sio wanakwaya ambao hawako katika kila mjadala tunaoujadili.*

"From my point of view, it is like we are preaching to the choir. And actually, it is not bad to be tolerant of the choir, but the choir is the one that usually attends the mass; hence have a great understanding. So let us continue preaching the choir and see how to reach those, not choir members or those not in our daily discursive debate."

Moreover, low public consciousness is also characterised by a lack of public learning habits. The participants believed the citizens had no tradition of watching documentaries, watching different channels like CNN and Sky News, or reading books. To achieve the claim, the participants employed negative behavioural clauses and rhetorical questions such as;

18) *Hatupendi kutafuta ukweli
Je, tupo tayari kujifunza mambo mapya?*

*"We do not want to seek the truth."
Are we ready to learn new things?*

Other observations were found with the lack of total coverage and involvement in awareness raising. For instance, not all civil societies, political parties, and elite individuals are involved in public awareness raising for constitution debates. One of the participants from the Legal Human Right Centre claimed to have covered nearly all wards of Tanzania in public awareness raising on different human rights matters, contrary to what has been done in constitutional awareness raising.

The findings also depicted the use of pedagogical irrelevance, which has been used to mean the use of inappropriate discursive forums and the use of technical jargon. For instance, the participant choice of the word "platform" has been used to advise on the appropriate local means of an awareness campaign that can reach the masses and thus positively achieve peoples' participation and ownership of the discursive agenda.

Secondly, the participants strategically chose "pedagogical exercise" to emphasise the need to implement different discursive forums from local to national levels to widen public understanding of constitutional debates. Contextually, it should be remembered that during the fifth government regime, power control, domination, and suppression were in charge of open public debates and opposition political party meetings. The use of technical jargon has also negatively influenced public awareness. Geren (2001) posited that inappropriate vocabulary might constrain the public discourse. This is because the language used for public constitution debates has been characterised by technical jargon of the law, thus leading to poor understanding and poor participation by the common public when a constitution debate is held. This is justified by participants who employed mental affection elements such as "like" to give their opinions on the use of simple language for common public awareness, as exemplified in 16 excerpts below:

19) *Ningependa kutoa maoni kidogo tu kwamba tutafute lugha sasa ya kuzungumza na wananchi kiharisi. Hata sisi tulioko humu ndani mtu akizungumza katiba, inaonekana kuwa ni kitu cha watu fulani hivi, wenye upeo wa namna...*

"I would like to give a few opinions. Let us now find a simple language to communicate with the citizens. Even here, when someone speaks about the new constitution, it looks only for a few people with a specialised understanding...."

4.1.4 Public Setting and Discursive Structure

The findings on the setting of formalities have been reported to influence the constitution's discursive environment negatively. This research uses setting formality to mean where the discursive debates have been held, such as in hotels or public spaces like field square. The setting formalities have brought a challenging question for the public to participate in different constitutional debates. This is because the constitution debates held in various regions across the country were done in formal settings, which are also fancy and costly, making the majority fail to attend. None of the constitution debates were held in open public spaces which the commoners could easily reach. One participant used the affectional mental clause "like" to describe his wishes that debates occurred in informal settings. This implies that the citizens are concerned about the majority participation considering the places where these debates were conducted. This is exemplified in excerpt 15 below:

20) *Ningependa mkutano kama huu ufanyike kwa mfano Magomeni, au Gongo la Mboto lakini tunapokwenda Mwanza tukaenda Gold Crest, ee Mbeya tukaenda hotel gani ingine, Arusha tulikwenda....., Mbeya tulikwenda sijui Rafki sijui wapi huko.*

"I would like a meeting like this to be held at (common) places like; Magomeni, Gongo la Mboto, but when we go to Mwanza, we have them at Gold-Crest, ee... Mbeya we go to which hotel, Arusha we go.. Mbeya, we go. I don't know Urafiki; I do know where it is.

Furthermore, the discursive structure has been one of the themes identified in the current study. It meant a general layout of the constitutional debates, which guides the road map for legitimising the national constitution when well organised. The findings showed unsatisfactory conditions for discursive structures that lacked a clear layout for constitutional debates. Results showed the participants were unaware of the common debate routine or layout. They showed dilemmas among the public as to whether to start the constitution debate fresh, continue with the Warioba proposed constitution, or go for a referendum.

Another discursive dilemma includes the exclusion of the proposed public opinions in the proposed constitution that may have negatively impacted the ordinary mind of the public in the decision-making process, thus making inclusion practically impossible (Smith, 2006). It should be noted that constitutional reform was buried unknowingly in the fifth regime. Since the available proposed constitution seems to lack public participation (Katundu & Kumburu, 2015; Shariff, 2014), participants request to start a new road map starting from total public awareness. This is justified by the participant from the Legal and Human Rights Centre (LHRC), who employed the verbiage clause "say" to propose the discursive structure as noted in excerpt 15 below:

21) *Nilisema kuna namna tatu ambazo zinaweza zikawezekana. Tuanze upya, kuna uzuri na hasara yake. Mbili tuendelea pale tulipoishia ambapo mimi kwangu sizani kama ni nzuri kwa sababu hata pale tulipo tulisema tunataka udhubutu wa watu na hata pale tulipo hapakuwa na ushiriki kuna wengine walitoka mengine yakaamliwa ambapo sio wananchi walikuwa wamependekeza. Kwahiyo njia hiyo mimi sijaipenda hata kidogo. Kwahiyo tuna hiyo changamoto kwamba tunaanzia wapi ambayo mimi maoni yangu ni kwamba eee tupate namna ya consensus.*

"I said there are three ways which can be possible, first is to start afresh. This has its strength and weaknesses. The second way is to continue where we ended, which I don't see if it is good since public participation was narrow or no majority participation. Some were quitted during the process, leaving decisions to be made out of public opinions, so I wouldn't say I liked the approach. So, we have that challenge of where to start, which I believe is that we need to seek a consensus.

This finding implied that the citizens were not very happy when they commented, "I don't see if it is good", meaning that they were sceptical with some of the discursive conditions for the new proposed constitutions. The discursive language could tell it all. However, the good thing was that they were still hoping as they offered new ways that could be used to make the discussion a fair one so that inclusivity is captured.

5. Conclusion and Recommendations

This study examined discursive conditions for reconstitution practices and their linguistic means in Tanzania. The leading assumption was that the country's available discursive conditions for constitution reform might have influenced public participation in constitution reform as a common good. The lack of discursive conditions for reconstitution debates in Tanzania was presented by four main discursive conditions employing various linguistic devices: technical jargon, visual imagery, existential clauses, and symbolic language.

The four discursive conditions were the lack of inclusive discursive participation among the public reflected under the following sub-themes: lack of public priority set up and emphasis, narrow public agenda, public opinion inquiry methodological irrelevance and time constraints on public deliberation. The second discursive condition was the lack of normative values for discursive critics and inquiries reflected under the following sub-themes: irrational arguments, lack of argumentative focus, lack of discursive dignity, respect and tolerance, and lack of public consensus. The third discursive condition includes the lack of public discursive consciousness reflected in the following sub-themes: lack of public awareness campaigns, low learning habits, and the last discursive environment was poor public discursive setting and structures. These discursive environments implied that there was no active public deliberation on constitution reform in Tanzania which jeopardised the common good practices of the general public.

Based on the findings, it is recommended that: firstly, since the constitution is a common good of the citizens, it requires constitutional awareness raising that should be done by civil societies, governments, politicians, professionals, media and individuals in an organised way using a variety of appropriate platforms that would suit all from grassroots level to national level before getting into public constitution debates. Secondly, the nature of constitution debates should constitute a broad public agenda (economics, health, education, agriculture, human rights), unlike the limited agenda that reflect political parties' interests with little time for public deliberation. Thirdly, during constitution debates, the public should be informed about the good values

of discursive critics and inquiries that include rational arguments, tolerance and respect, consensus, and learning habits. Fourthly, those who organise constitution debates or any public deliberation should arrange and conduct them in public open spaces to make it easy for majority participation. Lastly, where there are no discursive structures (discursive layout), there must be a public consensus about the road map toward the new constitution.

In terms of limitation, researchers accessed data from YouTube which were not the complete data sets of the debate forums conducted by the Legal and Human Rights Center of Tanzania (LHRC). However, Efforts to access all the data from LHRC were not successful. While the study contributes to the field of Critical Discourse Analysis as far as democratic discursive conditions are concerned, further studies should focus on power relationships and reconstitution practices in Tanzania.

Funding: Please add: "This research received no external funding."

Conflicts of Interest: "The authors declare no conflict of interest."

ORCID iD : orcid.org/0009-0009-7838-8846 , [0000-0001-8672-2925](https://orcid.org/0000-0001-8672-2925)

Publisher's Note: All claims expressed in this article are solely those of the authors and do not necessarily represent those of their affiliated organisations, or those of the publisher, the editors and the reviewers.

References

- [1] Attride-Stirling, J. (2001). Thematic networks: An analytic tool for qualitative research. *Qualitative Research*, 1(3), 385–405.
- [2] Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101.
- [3] Cahoone, L. (1996a). *Introduction; From Modernism to Postmodernism*. Cambridge, Mass., Basil Blackwell.
- [4] Cahoone, L. (1996b). *Introduction. From Modernism to Postmodernism: An Anthology*. Ed. Lawrence Cahoone. Cambridge, MA: Oxford University Press.
- [5] Calder, P. C. (1997). N-3 polyunsaturated fatty acids and cytokine production in health and disease. *Annals of Nutrition and Metabolism*, 41(4), 203–234.
- [6] Cerović, M. (2016). When suspects ask questions: Rhetorical questions as a challenging device. *Journal of Pragmatics*, 105, 18–38.
- [7] Dewey, J. (1916a). (1997). *Democracy and education: An introduction to the philosophy of education*. New York: The Free Press.
- [8] Dewey, J. (1916b). *Democracy and Education* by John Dewey. Project Gutenberg.
- [9] Flick, U. (2022). *An introduction to qualitative research*. Sage.
- [10] Geren, P. R. (2001). Public discourse: Creating the conditions for dialogue concerning the common good in a postmodern heterogeneous democracy. *Studies in Philosophy and Education*, 20, 191–199.
- [11] Habermas, J. (1985). *The theory of communicative action: Volume 2: Lifeworld and system: A critique of functionalist reason* (Vol. 2). Beacon Press.
- [12] Harley, J. M., Bouchet, F., Hussain, M. S., Azevedo, R., & Calvo, R. (2015). A multi-componential analysis of emotions during complex learning with an intelligent multi-agent system. *Computers in Human Behavior*, 48, 615–625.
- [13] Jaede, M. (2018). *Thomas Hobbes's conception of peace: Civil society and international order*. Springer.
- [14] Katundu, M. A., & Kumburu, N. P. (2015). Tanzania's Constitutional Reform Predicament and the Survival of the Tanganyika and Zanzibar Union. *The Journal of Pan African Studies*, 8(3), 104–118.
- [15] MacIntyre, A. (1998a). *Politics, philosophy and the common good*.
- [16] MacIntyre, A. (1998b). *Politics, philosophy and the common good*.
- [17] MacIntyre, P. D., Clément, R., Dörnyei, Z., & Noels, K. A. (1998). Conceptualising willingness to communicate in an L2: A situational model of L2 confidence and affiliation. *The Modern Language Journal*, 82(4), 545–562.
- [18] Masabo, J., & Wanitzek, U. (2015). Constitutional reform in Tanzania: Developing process and preliminary results. *Verfassung Und Recht in Übersee/LAW AND POLITICS IN AFRICA| ASIA| LATIN AMERICA*, 329–368.
- [19] Murphy, T. (2017). Justice and the common good in dispute resolution discourse in the United States and the People's Republic of China. *Law and Development Review*, 10(2), 305–339.
- [20] Neuman, W. L., & Robson, K. (2014). *Basics of social research*. Pearson Canada Toronto.
- [21] O'Leary, O. F., & Cryan, J. F. (2014). A ventral view on antidepressant action: Roles for adult hippocampal neurogenesis along the dorsoventral axis. *Trends in Pharmacological Sciences*, 35(12), 675–687.
- [22] Saunders, M., Lewis, P., & Thornhill, A. (2009). *Research methods for business students*. Pearson education.
- [23] Shariff, N. (2014). Factors that act as facilitators and barriers to nurse leaders' participation in health policy development. *BMC Nursing*, 13, 1–13.
- [24] Smith, A. B. (2006). *Discourse and the Common Good: Legitimation and Plurality in Habermas and MacIntyre* [PhD Thesis]. Institute for Christian Studies.
- [25] Smith, N. H., & Dunstall, A. (2022). Alasdair MacIntyre, universities, and the common good. *European Journal of Philosophy*, 30(3), 1173–1186.
- [26] Wade, M. A., & Yamamura, S. s. (1965). Microdetermination of Fluoride Using an Improved Distillation Procedure. *Analytical Chemistry*, 37(10), 1276–1278.
- [27] Wardman, N. P. (2016). 'Productive'and 'disciplined students for the 'common good': Globalised discourses of neoliberal and neoconservative responsibility in Australian education policy. *Global Studies of Childhood*, 6(3), 311–323.
- [28] Yankelovich, D. (1991). *Coming to public judgment: Making democracy work in a complex world*. Syracuse University Press.