

Exploring *Gumaa* as an indispensable psycho-social method of conflict resolution and justice administration

Tamene Keneni*

Abstract

Oromo as a society, like many African societies, is rich in indigenous institutions of conflict resolution and justice administration. *Gumaa* is one of the multitude of Oromo indigenous institutions that has exclusively been used to settle blood feuds of various types. In spite of its wider utilisation and its multi-disciplinary nature, psycho-social analysis of *gumaa* is lacking in literature. With an aim of helping to fill this gap and of maximising *gumaa*'s potential contributions to conflict resolution, justice administration and peacebuilding, this article offers a psycho-social perspective on *gumaa*. Having analysed combined data from multiple sources regarding *gumaa* within psychological and social frameworks, the author identifies and highlights six interrelated theses (themes) about the key roles *gumaa* plays in conflict resolution, justice administration and peacebuilding (in cases of homicide). Finally, based on the themes identified and highlighted and other pertinent elaborations and case material, the author theorises *gumaa* as a vital psycho-social method of conflict resolution, justice administration and peacebuilding and calls for its official recognition and revitalisation as per article 78(5) of the Constitution of Ethiopia.

* Tamene Keneni has a B.A. (Educational Psychology) and an M.A. (Developmental Psychology). He has been teaching at higher educational institutions in Ethiopia. Currently, he is a Ph.D. candidate at the School of Psychology, Addis Ababa University.

Introduction

Many African societies apply indigenous approaches and laws to settle conflicts of all types and levels. The Oromo as one of these African societies are particularly rich in indigenous approaches and laws meant for conflict resolution, justice administration and peacebuilding. The Oromo are one of the largest nations (or ethno-nations) in Africa (Gow 2002) and Oromia, the country of Oromo, is the largest and most populous region in current Ethiopia (Gedafa 2008) with its total population of about 35 million according to the 2007 Census (Central Statistics Agency 2008). The Oromo people had been using several different indigenously developed approaches to settle both internal and external conflicts (Etefa 2002) and they were totally dependent on their own indigenous mechanisms until their forceful incorporation into the empire of Ethiopia in the late 18th and early 19th centuries (Holcomb 1999). In concurrence with Holcomb's assertion, Etefa (2002) opines that these various indigenous dispute handling methods played key roles in Oromo's success in their territorial expansions of the 16th and 17th centuries – by strengthening their internal unity and cohesion and allowing the incorporation of external forces. Following their incorporation into the Ethiopian empire, especially since the enactment of the criminal law of the imperial Ethiopia in the 1930s, the Oromo have been using two sets of administration of justice in parallel – the state court system and the Oromo indigenous system of justice – either separately or in combination (Gemetchu 2002). That the latter, the Oromo indigenous system of justice, has undergone some changes may be due to internal dynamics and external influences. Nonetheless, a handful of such methods of justice administration survived the internal and external influences and are actively at work today (Dibaba 2012; Gemetchu 2002; Zeleke 2010). *Gumaa* is one of the Oromo indigenous institutions of conflict resolution, justice administration and peacebuilding that was able to persist and function to date. These prevailing indigenous institutions of conflict resolution, justice administration and peacebuilding have mostly been analysed from anthropological and mythical points of view. In other words, analysis by these methods has been left to anthropologists and literary scholars, who

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may not be able to see or may not be interested in the psychological and social aspects of these approaches, and the interface between the two sets of aspects. The effective use of these valuable, locally available approaches requires both anthropological and psycho-social analyses, but unfortunately the psycho-social analyses are lacking. With an aim to help fill this apparent gap and maximise the services that can be rendered by these approaches, this paper analyses the *gumaa* within psycho-social frameworks and then draws implications for conflict resolution, justice administration and peacebuilding that might be put in place either in combination with state court systems or independently.

An overview of '*gumaa*'

Better understanding of *gumaa* may require some familiarity with the *gadaa* system and thus let me briefly introduce this first. The *gadaa* system is a complex and holistic system that permeates the political, social and economic aspects of the Oromo people's lives. It is a complex and comprehensive institution that the Oromo people have been inventing since time immemorial to deal with the hurdles and intricacies of their communal lives (Jalata 2007). Sisay Asefa (2008:53) describes the Oromo and their *gadaa* system as follows: 'The Oromo have one of the most open and democratic cultures among Ethiopians. Their system of African Democracy known as Geda is a well known African indigenous political system that governs social order, politics, as well as peaceful conflict resolution'. In short, *gadaa* is a unique social, cultural, political and economic institution of the Oromo people and it permeates all aspects of their life. In addition to Asmarom Legesse's seminal work on this subject (Legesse 1973), there are a number of relatively recent works. Lemmu Baissa (2004) gives a wonderful account of the *gadaa* system. Daba S. Gedafa (2008) provides a very interesting comparison of the Oromo's *gadaa* system and the Maasai's age-set system, and gives various definitions of the *gadaa* system and the elements that make it up. Since the space available does not allow for extensive discussion of the *gadaa* system, interested readers are referred to the above-mentioned sources.

Also derived from the *gadaa* system, or working in parallel with it, are other non-violent methods of conflict resolution, justice administration and peacebuilding such as *michuu*,¹ *harma-hodhaa*,² *luba-baasa*,³ *waadaa*,⁴ *siiqqee*⁵ and *moggaasaa*⁶ (Dibaba 2012; Etefa 2002; Gemechu 2007; 2002). Etefa gives a good account of *michuu*, *harma-hodhaa*, *luba-baasa* and *moggaasaa*. The meanings of *waadaa* have been well addressed by Assafa T. Dibaba (see Dibaba 2012). Dejene Gemechu (2007; 2002) gives a detailed account of *gumaa*, including its rituals and purification ceremonies. Dibaba (2012) also makes some good points about the *gumaa*. Edossa and his colleagues have discussed *jaarsummaa*⁷ at some depth (Edossa et al. 2005). In her seminal work, *The Siiqqee Institution of Oromo Women*, Kuwee Kumsa (1997) details the Siiqqee institution.

What makes *gumaa* unique, however – among the Oromo indigenous conflict resolution methods (a few of which have been mentioned here) – is its pervasiveness across all locales of Oromia and among all tribes and clans of the Oromo, and its persistence to date, in spite of internal dynamics and external pressures. *Gumaa*, as a miniature subset of the parent *gadaa* system, is therefore the focus of this paper.

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- 1 It was a bond of friendship by which the Oromo used to solve conflicts and establish cultural tolerance with other ethnic groups with whom they came into contact in one way or the other.
 - 2 Literally translated as ‘sucking the breast’. This system was used to establish a kind of parent-child relationship between the Oromo and other groups, but without complete absorption.
 - 3 *Luba-baasaa* may be translated as ‘to set free’ or ‘to make free’. It was a mechanism by which the Oromo used to incorporate members of other ethnic groups, especially those captured in battle.
 - 4 Equivalent words for *waadaa* among other Oromo clans include: *irbuu* and *kakuu*, as among the *Borana* and *Macca* respectively. All these terms mean to swear or take an oath to forgive and forget what happened and guarantee not to take revenge of any kind for the sake of *Waaqa* (God) and *Lafa* (earth).
 - 5 An Oromo Women’s institution that parallels the *gadaa* system. This is still used in some parts of Oromia by women to object against men’s domination and to uphold women’s rights and positions in the Oromo nation.
 - 6 An adoption mechanism very similar to *luba-baasaa*.
 - 7 *Jaarsummaa* is the process of reconciliation between conflicting individuals or groups by a group of *jaarsaas* (elders).

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It has to be borne in mind, however, that the term *gumaa* carries multiple meanings (Gemechu 2002). This is why it has often been misunderstood by scholars not well versed in Afan Oromo, the language of the Oromo, and Oromo culture. For example, in her article, 'Ye *Shakoch Chilot* (the court of the sheikhs): A traditional institution of conflict resolution in Oromiya zone of Amhara regional state, Ethiopia', Meron Zeleke (Zeleke 2010:65), referring to Huntingford (1955:63), depicts the term '*gumma*' as if it refers solely to killing for revenge. In connection with this Zeleke (2010:65), referring to Pankhurst and Getachew (2008:68), states that killing for revenge is a cultural value of the Oromo. This, however, is not implied by the term '*gumma/gumaa*'. The word '*gumaa*', alone and in combination with other words, carries different meanings in different parts of Oromia. For example, '*warra-gumaa*' means parties at blood feud; '*gumaa-baasuu*' means killing for revenge, '*gumaa-nyaachuu*' means receiving blood price, '*gumaa*' means feud, and '*gumaa*' may also refer to a hunk of meat. Furthermore, the term '*gumaa*' is most often used to refer to compensation and rites of cleansing and purification following homicide and this latter meaning of the word is much more common. So, contrary to Zeleke's understanding, it should be emphasised that the Oromo regard peace (*nagaa*) and forgiveness (*yaa hafuu/oofuu*) as higher values than revenge and retaliation (Dibaba 2012). This is evinced by the existence of numerous indigenous methods of conflict resolution, justice administration and peacebuilding among the Oromo.

Nagaa and *oofuu* or *yaa hafuu* are two very interrelated and interdependent themes that pervade all aspects of the Oromo life. In fact, *oofuu* (forgiving) is a non-violent means to *nagaa* (peace). *Nagaa* has a special place and value among the Oromo and it is expressed in greetings, songs, prayers, proverbs, blessings, folklore, and public speeches. The place and value of *nagaa* among the Oromo has been well described in the Oromo Studies Association (OSA) Newsletter: 'Peace is central to Oromo ritual and ceremonial activities, to administrative and legal functions, to traditional religion, morality, and social life, and the conduct of politics. For the Oromo, *nagaa* is an essential key to an orderly universe and societal well-being that humans must pursue' (Oromo Studies Association 2008:2).

It is vividly noticeable from the quote above that the Oromo's world view of *nagaa* (peace) transcends short-lived conflict management. *Nagaa* (peace) largely concerns an orderly universe and societal well-being. Among the Oromo, an orderly universe and societal well-being are prioritised over individual or personal well-being and interest. Therefore, the ultimate goal of any type of *nagaa* is communal well-being in an orderly universe. In short, for the Oromo there cannot be an orderly universe and societal well-being without *nagaa* and thus *nagaa* is highly valued among them. Since *nagaa* is so valued among the Oromo people, there are a myriad of mechanisms to restore *nagaa* when it is lost for whatever reason. *Gumaa* is one of such many mechanisms for the restoration of peace.

Dibaba (2012:1) defines the core meaning of the word '*gumaa*' as follows: '*...guma* is a general institution of settling blood feuds ...'. Therefore, following Dibaba (2012), the word '*gumaa*' is used here in its strictest sense to refer to the general institution of settling blood feuds between two persons, families, groups, clans, communities, or even nations. In short, *gumaa* is an indigenous institution of settling blood feuds between parties (*warra-gumaa*).

Some scholars tend to view conflict resolution and peacebuilding mechanisms drawn from and grounded in African and other non-western cultures as traditional approaches vis-à-vis those from the western cultures (Edossa et al. 2005; Etefa 2002; Gemechu 2002; Zeleke 2010). Although the very purpose of the usage of the adjective 'traditional' in such literature is not clear, the mere existence of the adjective conveys the message that indigenously developed approaches are inferior, or less effective, or non-scientific, compared to western approaches. To avoid such unintentional disregard that the adjective 'traditional' may convey, I use the adjectives 'endogenous' and 'indigenous' instead of 'traditional', because *gumaa*, as a vital model of conflict handling, justice administration and peacebuilding drawn from the cultural knowledge of the Oromo, has been able to serve the very purpose for which it was meant since its inception and is as applicable contemporarily as, or even more applicable than, models imported from western cultures in addressing homicide in context.

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It is endogenous because it is a wisdom that grew from within the Oromo since immemorial time, and it is indigenous because it is rooted in and has emerged from local contexts, experiences, and practices.

Theses emerging from data on *gumaa*

Data concerning ‘*gumaa*’ came from three sources. The first source of data was my own personal observation. I had the opportunity to observe ‘*gumaa*’ rites of purification and take notes in October 2009 in my birth village (see the case below). I was so impressed with how the elders in the village wisely handled a complex case of homicide in an extended family and I took extensive notes by asking for additional clarification when necessary. In fact, this encounter was the starting point for this paper. A second source of data regarding *gumaa* was found in prior case studies that were available. Dejene Gemechu (2002) produced more than a dozen of interesting case studies of *gumaa* rites that yielded rich data for this paper. Indeed, Dejene Gemechu’s work remains a valuable source for prospective researchers interested in *gumaa*. The third source of information for this paper was my own informal interviews with fellow-students of social anthropology who had had opportunities to observe *gumaa* rites either incidentally or on purpose. The data obtained from the three sources were combined and analysed thematically. Having read the case studies produced by Gemechu (2002), notes from own personal observation of *gumaa* rites and interviews held with fellow-students several times, I have produced six interrelated themes (theses). The notes from my personal observation of the *gumaa* rites in October 2009 have been developed into a case study to furnish readers with a mental picture of the *gumaa* rites. Each of the six themes produced have been elaborated and discussed in relation to literature available on the subject. The sections below present the themes produced along with their elaborations and discussions.

1. *Gumaa* provides restorative justice

Conflict destroys not only physical property and resources, but also psychological and social capital. Whether it is interpersonal or intergroup, conflict leaves

a history of mistrust and animosity between the parties involved. At the psychological level, it can be traumatising and horrifying for the victims and the offender as well as for the group(s) to which they belong. For example, in Oromo culture homicide results in parties being at blood feud. Individuals or groups in ‘*warra-gumaa*’ are not allowed to eat together, attend the same school, church, meeting, market, or even to see each other. So, following homicide, at least the slayer, and sometimes his/her entire family, is required to disappear from the sight of the victims since their presence may intensify victims’ grievances and may trigger retaliation from the victims’ side. Feud between families resulting from homicide automatically changes to feud between lineages or clans (Gemechu 2002). The phenomenon may become interethnic when a person from another ethnic group assassinates an individual Oromo. When this is the case, imprisonment of the slayer does not mean the end of the feud between persons or groups. Even if the conflict has subsided, it can resurface when the slayer returns home upon finishing his/her jail term of, say, ten years. His/her close relatives can also become the target of retaliation while he/she is still in jail, especially when the homicide was intentional.

In short, in collective societies such as the Oromo, an individual’s criminal act is likely to be attributed to the entire immediate group to which he/she belongs. In contexts such as this, modern state intervention may not work and hence *gumaa* may become a more reasonable solution. State interventions mostly focus on penalising or correcting only the wrongdoer, thereby situating the problem solely in the individual. By doing so, state interventions fail to reach and heal the psychological and social capital that the incident of homicide has destroyed. Reconstructing and strengthening the social relationships and harmony among the parties involved appear to be more essential than punishing or correcting the wrongdoer as a separate entity. State court/justice systems lack or have little ability to reach citizens’ emotional, cognitive, and behavioural processes at all the levels concerned, thus making it difficult to bring about restorative justice. In concurrence with this, Meron Zeleke (2010:70–71, 82) avows that state legal systems’ lack of focus on reconciliation and reestablishment of social harmony among the disputants is a key reason for people’s preference of the sheikhs’ court over the state court. *Gumaa* has managed to heal the victims and the slayer

at psychological and social levels which the state legal systems fail to manage. In other words, state legal systems strive to bring about retributive justice by simply chastising the criminal person whilst *gumaa* strives to bring about restorative justice by focusing on restoration of psychological and social capital destroyed in a case of homicide. By doing so, the *gumaa* institution among the Oromo represents a unique model of restorative justice that state courts and legal practitioners cannot afford to ignore. Therefore, it can be considered as a possible alternative or supplement to a state legal system that is exclusively retributive in nature, since it can manage the likely cycles of vendetta following homicide.

2. *Gumaa* works towards family reintegration

Conflict, including homicide, at the very least leads to family disruption and disintegration and at most to abandonment of the murderer's premises. Among the Oromo, as I have pointed out earlier, a murderer automatically transforms the identity of the group (e.g. lineage, clan, ethnic) to which he/she belongs; and causes the group of the murdered one to take up the responsibility to revenge. The first target of revenge, if any, is the family of the murderer. The responsibility to avenge on behalf of the murdered is shouldered by the immediate group to which the deceased belongs, and the protection of the murderer and his/her family members and close relatives from a possible retaliation attack is the concern of that group. In most cases, even when the individual slayer is imprisoned under the state legal system, other family members who are innocent and left behind are required to go into exile at least until the victim's group cools down. It is this situation that leads to, at least, disintegration of the family of the murderer. In fact, going into exile for some time to mollify the anger of the victim's group is required from the slayer's group and is culturally acceptable. The assumption is that the presence of the slayer or his/her immediate family members and close relatives fuels the victim group's grievance and thus is likely to trigger impulsive retribution. So, at least the slayer and his/her family members need to seek a place of refuge and disappear from the sight of the victim group for some time to allow their grievance to decrease.

Homicide and its subsequent impacts are the worst and most complex when it happens in a family and between close relatives. Killing one's family member (e.g. wife, husband, child) or close relative (e.g. brother, cousin, sister) is a possible though not frequent incident. When this does happen, things become complex because the group to which the killer and the killed belong becomes both the slayer and the victim group at the same time. The case material below vividly illustrates this kind of incident. (The case is a real one I encountered in October 2009 while I was paying visit to my family of origin. I used initials of the first names of persons involved for the sake of confidentiality.)

B and W were heads of two households living in the same compound. W was B's uncle and indeed the two households were more a type of extended family than separate families. Both were fathers of three and they depended on each other for many things. Their children spent time together mostly playing in a playground near a maize farm and protecting the maize from wild animals such as monkeys and apes. In the village, children are made to carry spears with them probably to encourage their support in protecting family farms from wild animals such as monkeys. One day, while playing with a spear in a playground from where they were protecting both families' farms, W's son who was three years older than B's son, accidentally speared B's son on his leg. Since the wound was not serious B's son was treated at a nearby small clinic and both households continued with their daily routines. After two weeks the wound changed to serious infection as a result of which B's son was hospitalised; but he could not survive the re-infection for which he was hospitalised and finally died in the hospital. When B's son died, W, the father of the slayer and uncle of B, who was already in bed, became terminally ill. W's household was largely dependent on that of B but now they became 'warra-gumaa' – households at blood feud. W's household was in critical need of B's household help but they were not allowed to see each other, let alone to help each other. B has the responsibility to hospitalise his uncle and he volunteered to do so; but the custom prohibits him because they were in blood feud. It was amidst this quandary that the elderly sat down and decided to undertake gumaa instead of reporting to the legal system – which they knew would not help. The gumaa rite of purification requires preparation and it cannot be performed instantly. It needs 'farsoo' (home-made beer), slaughtering of sheep, and other things that the

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culture prescribes, which requires at least five days to prepare. Also, according to my informant, there is a preferred day for the gumaa ritual. Thursday is preferable among the Mecha Oromo. Once the gumaa was performed, B was able to hospitalise his uncle though he was not able to save him. Now, B is responsible as a breadwinner for both households.

The case clearly evinces that *gumaa* is an irreplaceable method with which the Oromo were and are still able to address cases of homicide, even in a tight spot as the one given above. Had it not been for *gumaa*, W's family would have disintegrated and his premises would have been abandoned. The state legal systems lack flexibilities with which to handle cases as complex as the one given above. In Ethiopia, where juvenile court systems are lacking, W's son who was responsible for the death of B's son would have been tried at an adult court and sent to an adult jail, had the case not been handled by *gumaa*. The killer was about ten years old at that time and may not even have been eligible for trial. So if *gumaa* is able to manage issues of femicide and homicide which are perplexing as the one given above, and which the state legal systems might not be able to handle, how can one afford to ignore *gumaa*? The answer is left to audiences and other stake-holders of the so-called modern state legal and justice systems who try to outlaw indigenous institutions and laws such as the *gumaa*.

3. *Gumaa* restores and strengthens relationships and rebuilds mutual trust

Restoring interpersonal, intergroup or intercommunity relationships and reintegrating offenders into their communities are important goals of any sustainable conflict-resolving, justice-doing, and peacebuilding process (Christie 2001). But, these goals are hardly attainable by individualistically oriented legal systems and other conflict management methods that work within such frameworks. For example, in Ethiopia where ethnic conflict is commonplace, the government often uses legal interventions such as trials, for individuals suspected of organising and initiating conflict, and other approaches that work within the country's legal frameworks (e.g. referendums, boundary demarcations) for short-term peacemaking. The government appears to be preoccupied with the 'hardware' components such as infrastructure and economic development to

bring about sustainable peace to the neglect of psychological, 'software' aspects of the process. But, what is not contestable is the notion that the peacebuilding or conflict resolution process should be holistic enough to bring about enduring peace. That is, the process should be able to address the problem at the physical, economic, social and psychological levels. This is because conflict, especially vituperative violent conflict that often happens between ethnic groups in Ethiopia, destroys much more than physical property as in the case of cattle raiding or burning of houses; rather it destroys social relationships, harmony and mutual trust. The same is true when the conflictual homicide is between individuals, families, or small groups.

Therefore, any peacebuilding and conflict management effort should include healing the social and psychological aspects of the conflict, for complete healing of injuries inflicted by conflict is impossible when these aspects are neglected. The psychological aspect of healing is imperative because those who have experienced the pains of violent conflict are often injured emotionally and left traumatised. In addition, healing at the psychological level allows for the repairing of broken relationships and rebuilding and restoring of mutual trust lost, which is necessary for the human society to remain an integral and functional unity. For the Oromo, as for many African and other non-western societies, life is a network of relationships. Life without community and relationship is deemed as meaningless and empty. Scholars and practitioners contend that psycho-social healing is an effective way to reconstruct and rebuild society with an improved quality of life, and that physical and economic reconstruction is necessary but not sufficient without the psycho-social aspect.

In line with this, Zeleke's (2010:63) statement, '...the ideology of the state legal system is drawn mainly from the western legal philosophy which is highly influenced by an individualistic orientation and does not fit the strong social orientation on the ground where it is being implemented', rightly illustrates Ethiopia's legal system's neglect of the psycho-social aspects of conflict resolution, justice administration and peacebuilding. And it is obvious that the less the relevance of conflict resolution approaches to the socio-economic and cultural contexts in which they are applied, the less their effectiveness to bring about the desired sustainable peace. In accordance with Meron Zeleke's assertion above,

Edossa and his associates make a good point about the importance of a customary institution such as the *Gadaa* system in managing conflict, particularly conflict that arises from the usage of natural resources (Edossa et al. 2005:11). They state that ‘limited understanding of the role played by the *Gadaa* system by the state has diminished the efficacy and relevance of this customary institution in conflict management in Oromia in general and in Borana in particular’ (Edossa et al. 2005:11). Furthermore, they call for the incorporation of the *Gadaa* system into conflict resolution measures put in place to curb conflicts that arise from the usage of the limited natural resources between the Borana and neighbouring ethnic groups and communities and they foresee the ineffectiveness of conflict resolution policies and measures that disregard conflict resolution strategies drawn from indigenous knowledge and cultures (Edossa et al. 2005:11).

Gumaa operates in accordance with the Oromo’s belief that crime, including homicide, is basically a violation of relationships in a community; and it is crime committed against not only the individual but also the community to which the victim belongs. Hence, it strives primarily to address the problem at community level as opposed to the western-derived state legal interventions that often tend to individualise the conflict as well as its resolution.

4. *Gumaa* is used to get through inaccessibility and felt inadequacy of state legal systems

About 83% of Ethiopia’s population resides in rural areas (Central Statistics Agency 2008) and the corresponding figure may go well beyond 85% when it comes to Oromia, the most populous regional state in Ethiopia. Socio-politically, the present Constitution of Ethiopia (1995) allocates sovereign power to the people and extensive powers of self-rule and administration to regional states. The regional states are, in turn, sub-divided into zones, districts and kebeles for the sake of decentralisation of power and governance to the grassroots level as stipulated in the Constitution. Kebeles (*ganda* in Oromo) or literally ‘villages’ are the fundamental units and the lowest recognised level of local government having administrative and judiciary structures. The judiciary organ of the kebele is known as ‘*mana murtii hawaasummaa*’ in Oromia and it literally means ‘social

court'. This social court, as its name implies, is mandated to handle non-criminal offences or civil disagreements and it is run by a panel of social judges nominated by the residents of that kebele under the auspices of district administration. The lowest possible level of a judiciary organ mandated to handle criminal offences and civil issues beyond the mandate of a social court is a district court.

My interview with a prosecutor revealed that mandates of social and district courts are limited. Social courts are entitled to handle non-criminal matters such as property disputes, private, family and civil issues. They are not even mandated to see property cases exceeding 1500 Ethiopian birr. District courts are mandated to handle simple crimes, but attempted and completed homicides are beyond the mandate of district courts. Interstate and interethnic conflicts are beyond the mandate of State-level Supreme Courts and are solely mandated to the Federal-level Supreme Court.

Despite the promised reforms towards ethnic federalism of a secular kind at both central and state levels and decentralisation of governance and justice to the grassroots level following the change of government in 1991, in practice governance and justice still appear aristocratic in Ethiopia in general and in Oromia in particular. Such centrality and aristocracy of governance and justice at zone level and beyond, which may be due to lack of resources and capacity, or political commitment, denies the people access to justice and may erode their confidence in the state legal systems. In fact, the present government has shown remarkable interest and commitment to ensure people's access to good governance and justice and other public services such as education and health. However, a lot has to be done as far as justice and good governance is concerned.

In addition to inaccessibility of governance and justice at grassroots level, for whatever reason, there are some shortcomings in the prevailing state legal system that erodes public confidence in it. Meron Zeleke provides a good point in this regard. She underscores the strength of customary institutions vis-à-vis the state legal system and public doubts in the effectiveness and trustworthiness of the state legal system as two basic reasons for the public's preference of the former over the latter. She further points out that the longer time state courts require for processing a case, the expenses incurred at the state court, the undue emphasis on testimony and verification, and the possibility of corruption are additional

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reasons for the preference for customary institutions such as the sheikhs' court over the state-based legal system (Zelege 2010:82).

Article 34(5) of the Constitution of the Federal Democratic Republic of Ethiopia limits the mandates of customary and religious institutions to private and family civil matters. Nonetheless, they operate in domains beyond those mandated to them by the constitution; they handle diverse issues of conflict ranging from civil to criminal offences and interethnic conflict across the country (Zelege 2010:81–82). *Gumaa* is one of these customary mechanisms that has been and is currently exceptionally in use across Oromia in handling cases of homicide. In fact, Dibaba is of the opinion that the exceptional utilisation of customary laws such as *gumaa* in Oromia and among the Oromo, in lieu of the state legal systems, is an expression of resistance and confrontation to externally imposed laws and laws without justice (Dibaba 2012). I concur with both Dibaba (2012) and Zelege (2010) that when a legal system is not easily accessible or when the prevailing accessible legal system is unable to do justice to the public's expectation and win credibility among them, the public opts for what is available as alternative. Opting for customary laws on the part of the public might be telling the government that the state legal system has limitations – it is a law without justice, it is an alien system, and it is not accessible to the public. The government should realise that the society is dissatisfied with the law at work and is demanding context-based and terrestrial laws that do justice to them.

Therefore, it can be argued that the exceptional utilisation of the *gumaa* institution to settle blood feuds across Oromia can be an expression of resistance to laws without justice. Or it is a manifestation of inadequacies in the prevailing legal system for settling blood feuds in a manner the public wants. Or it is to communicate that the state legal system is not accessible or not able to do justice in accordance with Oromo's philosophy of conflict resolution and peacebuilding. In line with this, Dibaba (2012:1) states that '...to understand the choice people make, it is vital to see the world as they see it...', and reminds us not to ignore a meaning people attach to a particular phenomenon or reality. A legal system that does not take into account the Oromo view of blood feud cannot be able to settle such a feud to the satisfaction of the people and this may be the secret

behind the consistent utilisation and reenactment of *gumaa* for settling blood feud in Oromia independently or in combination with state courts.

Thus *gumaa* as a recurrent mechanism of handling homicide in Oromia appears to be one way by which the people react to the lack of administration of justice at community level and to the situation of law without justice that may have emanated from a lack of resources and capacity, or of political willingness and commitment. Moreover, *gumaa* is a community-owned institution meant for settling homicide and it is practised at community level allowing for the full participation of all family members and close relatives of parties involved in the homicide – which in turn might have maximised its trustworthiness and credibility among the larger public and its reenactment in lieu of state legal systems.

5. *Gumaa* addresses gaps and irrelevance in state legal systems

As touched upon in the previous sections, Ethiopia's present legislation appears to have been almost exclusively inspired by western conceptions of law to the neglect of locally available customary laws and institutions. Consequently, the state legal systems at all levels of government operate under an individualistic and punitive approach. The state legal system attempts to control crimes and conflicts of all types by punishing the accused evildoer, assuming that doing so not only corrects the wrongdoer but also deters crimes and conflict among the public. I am not arguing that punishing the accused evildoers does not correct them and does not deter criminality and conflict in the larger public. The point I am making here is that effective adherence to an individually oriented and punitive legal system in collectivist society where interdependence and social harmony are a priority over individuality is questionable. Individually oriented legal systems and laws bestow accountability and responsibility only on the accused offenders and work towards penalising them. But, in collective societies such as the Oromo, if one is guilty of killing another person, especially when the homicide is an intentional one, the kinship or clan to which the killer belongs is by default guilty. The incident, therefore, destroys social harmony between the groups concerned and is likely to lead to vendetta after vendetta. Customary institutions such as *gumaa* are well aware of such 'collectivisation'

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of an individual's offence and therefore work towards not only punishing the individual by means of fines, enforced compensations and social sanctions, but also restoring the social ties and harmonies through reconciliation, compensation, symbolic penalty and rites of cleansing and purification. State legal systems appear to disregard such cultural elements and tend to focus on punishing the individual found guilty, for example by imprisonment. State legal systems also fail to work towards avoiding further grudge and ending animosity between parties at feud with each other.

In Oromia, blood feud of any type cannot be settled without the *gumaa* rite of cleansing and/or purification. It is this rite of purification that marks the end of enmity and feud between the family of the killer and that of the killed. Even in state-intervened cases where the slayer is tried and imprisoned, *gumaa* needs to be performed between family members of the deceased left behind and those of the killer to protect the latter from imminent revenge by the former. Or the slayer is expected to beg for and secure apology from the victim family upon finishing his/her jail term, knowing that the imprisonment does not mean the end of the feud and grudge. Therefore, most cases of state-intervened homicides in Oromia are concluded by customary institutions such as arbitration, reconciliation and *gumaa* rites of purification. The slayer, who was convicted say five years for homicide, is required to show remorse and appeal to the elderly in his kin to initiate *gumaa* upon finishing the prison term. Then the elderly, together with elderly from the victim side, present the slayer's pleading and request for apology to the family of the deceased as culturally prescribed. With this the process begins. The *gumaa* involves a series of procedures ranging from fixing compensation (blood price) to symbolic penalty and the rite of cleansing and purification. *Gumaa* as a rite of cleansing and purification involves an elaborated process (see Gemechu 2002 for the entire process); however, it begins with the slayer's or his age-mates' appeal and culminates with an oath or pledge to end the blood feud. There are a number of rituals that the parties undertake under the dictation of the elderly throughout the purification. For example, the parties at blood feud feed each other honey to indicate the end of enmity and bitterness towards each other and the restoration of the once sweet relationship. The end of the *gumaa* rites of purification that announces the end of the vendetta and

the restoration of peace and harmony is called *Waadaa* (covenant, Dibaba 2012) or *Kakaa* (oath, Gemechu 2002). It is performed between the parties by the intercession of an elderly person of good reputation. In short, all points in this section speak to the fact that *gumaa* is still serving as a customary law in filling gaps and incompetencies of the state legal system to fully settle blood feuds in Oromia. It even has a capacity to address recurrent and catastrophic conflicts between the Oromo and neighbouring regional states and/or ethnic groups – such as the Somali, Gumuz and Gedeo – and to break the cycles of vendetta.

6. *Gumaa* serves as a rehabilitative psychotherapy

It is obvious that committing homicide inflicts psychological distress on the slayer, and that the distress may be even worse when the incident has happened between family members or close relatives. Feelings of guilt, fear of revenge, disintegration of family or worry about family members left behind, traumatic events arising from the incident, worrisome regret about imprisonment and being sinful, and remorse are some of the likely repercussions of committing homicide. In societies such as the Oromo where any misfortune that befalls an individual who committed homicide is taken for granted as a wage for evildoing, the slayer always lives under the shadow of fear of death. This firm belief makes committing homicide very distressing to a murderer and his/her family. Imprisonment has its own impact and it may exacerbate other psychological aftermaths already there. In short, an individual who has committed homicide, whatever the type of the homicide and regardless of whether the case was state intervened or customarily settled, requires rehabilitative counselling.

Indeed, undergoing *gumaa* rites of cleansing and purification by itself is rehabilitative counselling for the person and the family concerned, for several reasons. First, it clears away fear of vengeance from the victim side. Second, it clears away a sense of guilt and sinfulness that afflicts the individual. Third, it announces the person's reconciliation with and integration into the community, which leads to the enhancement of a sense of belongingness. Finally, it avoids or at least minimises traumatic experiences related to the incident of the homicide in one way or another. So it is reasonable to propose *gumaa* as a model of

rehabilitative counselling or psychotherapy for it offers valuable psychological healing required for rehabilitating murderers and survivors of homicide.

Summary and conclusion

The Oromo are one of the African societies rich in indigenous institutions of conflict resolution, justice administration and peacebuilding. *Gumaa* is such an indigenous institution that the Oromo have been using to settle blood feud since time immemorial. Even today, *gumaa* is being used either independently or in combination with state laws to settle blood feuds of diverse nature and complexity. In spite of its wide utilisation, *gumaa* has not yet been viewed seriously enough from a psycho-social point of view. In prior works, *gumaa* has been analysed either from an anthropological point of view (Etefa 2002; Gemechu 2002) or from a mythological point of view (Dibaba 2012). This article has addressed the contributions of *gumaa* to conflict resolution, justice administration and peacebuilding from psycho-social perspectives. Specifically, the article has analysed the contributions of *gumaa* to conflict resolution, administration of justice and peacebuilding within psychological and social frameworks.

To this end, *gumaa* has been explored as a viable psycho-social method of conflict resolution, justice administration and peacebuilding, and six of its key outcomes in interrelated psycho-social areas have been identified and highlighted. First, *gumaa* strives to bring about restorative justice by healing parties involved in conflict socially and psychologically. Second, it works towards family reintegration. It is obvious that violent conflict, whether interpersonal or intergroup, results in disintegration of families. The focus of post-conflict or post-homicide reconstruction is restoration of social institutions of which the family is the fundamental one. Likewise, *gumaa*'s priority in addressing blood feud is reintegration of the family of the slayer that might have been disintegrated following homicide and with this it perfectly converges with the ultimate goal of reconstruction. Third, *gumaa* restores and strengthens relationships and rebuilds mutual trust between parties involved in homicide. Conflict in general and homicide in particular destroy social and psychological capital and hence any post-conflict reconstruction effort cannot afford to ignore

this echelon of the reconstruction process. Fourth, *gumaa* provides and ensures access to governance and justice at grassroots level and by doing so it replaces state legal systems or else it soothes the public's grievances and felt injustice. Fifth, *gumaa* addresses gaps and incompetencies in state legal systems. State legal systems that are derived from western individualistic approaches might not be able to deal with vendettas associated with homicides in non-western cultures. *Gumaa* addresses and fills this apparent void in and irrelevance of imported laws by removing grudges and animosity between parties that penalisation of the slayer may not remove but leave behind. Finally, *gumaa* serves as a rehabilitative psychotherapy on the part of the murderer for it clears away clouds of fear of imminent retaliation from the victim side and heals traumatic experiences arising from the event of homicide.

Given these key roles that the *gumaa* institution plays in conflict resolution, justice administration and peacebuilding in relation to homicide and the support it provides to the efforts put in place to ensure access to good governance and justice, the author argues that the legal system cannot afford to preclude *gumaa* as traditional law. Further, the author recommends *gumaa* as an indispensable psycho-social method of conflict resolution, justice administration and peacebuilding which aims at ensuring social and restorative justice as its ultimate goal. Moreover, the author calls for official recognition of *gumaa* as per article 78(5) of the Constitution of Ethiopia and its revitalisation and incorporation into the existing criminal law of homicide.

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