

# Gondooroo as an Indigenous Method of Conflict Resolution and Justice Administration

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## Abstract

Oromo as a society, like many African societies, is rich in indigenous institutions of conflict resolution and justice administration. *Gondooroo* is one of the multitudes of Oromo indigenous institutions that have exclusively been used to settle blood feuds. In spite of its wider utilization and its multi-disciplinary nature, psycho-social analysis of *Gondooroo* is lacking in literature. With an aim of helping to fill this gap and of maximizing *Gondooroo*'s potential contributions to conflict resolution, justice administration and peace building, this article offers a psycho-social perspective on *Gondooroo*. Having analyzed combined data from multiple sources regarding *Gondooroo* within psychological and social frameworks, the author identifies and highlights six interrelated theses (themes) about the key roles *Gondooroo* plays in conflict resolution, justice administration and peace building (in cases of homicide). Finally, based on the themes identified and highlighted and other pertinent elaborations and case material, the author theorizes *Gondooroo* as a vital psycho-social method of conflict resolution, justice administration and peace building and calls for its official recognition and revitalization.

## 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 peace building. 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 18<sup>th</sup> and early 19<sup>th</sup> 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 16<sup>th</sup> and 17<sup>th</sup> 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). *Gondooroo* is one of the Guji Oromo indigenous institutions of conflict resolution, justice administration and peace building (in case of homicide) that were able to persist and function to date. These prevailing indigenous institutions of conflict resolution, justice administration and peace building have mostly been analyzed from anthropological and mythical points of view. In other words, analysis by these methods has been left to anthropologists and literary scholars, who Exploring *Gondooroo* as an indispensable psycho-social method of conflict resolution 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 maximize the services that can be rendered by these approaches, this paper analyses the *Gondooroo* within psycho-social frameworks and then draws implications for conflict resolution, justice administration and peace building that might be put in place either in combination with state court systems or independently.

## An Overview of 'Gondooroo'

According to Dejene (2007:85), "Gondooroo/Gumaa in other Oromo groups is a widely practiced traditional way of resolving conflicts of homicide". Tsega (2002: 25) states 'Gondooroo/gumaa refers to the blood money that is paid to the slain's family.' He also states that Arsi Oromo had also used the term Gumaa to refer to the payment made to the seriously injured individuals and to the attempted murder. Besides, these concepts, among the

Oromo in general and the Guji in particular, there were and still are indigenous institutions and practices of dispute settlements. For instance, among Guji, for some minor disputes, local elders ('Jaarsoota'-plural form of Jaarsaa) at the level of neighborhood can act as mediators to reconcile the parties in dispute. "Serious cases which local elders have failed to solve or settle, and which from their very nature, call for the involvement of supernatural beings, go to the religious institution" (Knutsson, 1967: 110) cited in Dejene (2007: 86). Similarly, the issue is transferred to knowledgeable elders called 'Hayyoota' (plural form of Hayyuu). Hayyuu is the one who covers a large area to manage conflicts because of good knowledge of the people's norms and customary laws like the law of Gondooroo and of other types of law. For instance, some other offences, particularly heinous acts such as homicide, are dealt with Gondooroo through these Hayyoota (including Gadaa Leaders, legislators-etc.) Lewis (1984b: 92) reports that the majority of the disputes among Oromo people in general and Guji in particular were settled through traditional procedures. The Guji Oromo have been negotiating with the relatives of murderers and murdered through this Gondooroo tradition practices. Even nowadays, when the bureaucratic law is functioning, the Gondooroo has high value to settle disputes, especially when serious cases like killing each other have happened.

Better understanding of Gondooroo 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 Gadaa 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.

What makes Gondooroo unique, however – among the Oromo indigenous conflict resolution methods is its pervasiveness across all locales of Oromia and among all tribes and clans of the Oromo in different names, and its persistence to date, in spite of internal dynamics and external pressures. Gondooroo, as a miniature subset of the parent Gadaa system, is therefore the focus of this article.

The word 'Gondooroo', 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. But, the term 'Gondooroo' in Guji Oromo is purification following homicide. So, contrary to Zeleke's understanding, it should be emphasized that the Oromo regard peace (nagaa) and forgiveness (mucuca/dhiifama) as higher values than revenge and retaliation. This is verified by the existence of numerous indigenous methods of conflict resolution, justice administration and peace building among the Oromo.

Nagaa and mucuco/dhiifama are two very interrelated and interdependent themes that pervade all aspects of the Oromo life. In fact, 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 prioritized 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 numerous of mechanisms to restore nagaa when it is lost for whatever reason. Gondooroo is one of such many mechanisms for the restoration of peace.

Therefore, following the word 'Gondooroo' is used here in its strictest sense to refer to the institution of settling blood feuds between two persons, families, groups, clans, communities, or even nations. In short, Gondooroo is an indigenous institution of settling blood feuds between parties (worra-dhiigaa).

Some scholars tend to view conflict resolution and peace building 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 Gondooroo, as a vital model of conflict handling, justice administration and peace building 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.

It is endogenous because it is a wisdom that grew from within the Guji 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 Gondooroo**

Data concerning ‘Gondooroo’ came from three sources. The first source of data was my own personal observation. I had the opportunity to observe ‘Gondooroo’ rites of purification and take notes in April 2013 while I was collecting data (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 Gondooroo was found in prior case studies that were available. Dejene Gemechu (2002) produced more than a dozen of interesting case studies of Gumaa/Gondooroo rites that yielded rich data for this article. Indeed, Dejene Gemechu’s work remains a valuable source for prospective researchers interested in Gumaa/Gondooroo. The third source of information for this paper was my own formal and informal interviews with local elders. 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 Gondooroo rites and interviews held several times, I have produced six interrelated themes (theses). The notes from my personal observation of the Gondooroo rites in April 2013 have been developed into a case study to furnish readers with a mental picture of the Gondooroo 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. Gondooroo 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 traumatizing 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 ‘worra-dhiigaa’ 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 is inter-tribal when a person from the same ethnic group assassinates an individual Guji. 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 Gondooroo 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 behavioral 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.

Gondooroo has managed to heal the victims and the slayer 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 punishing the criminal person whilst Gondooroo 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

Gondooroo institution among the Guji 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. Gondooroo 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 Guji, 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 April 2013 while I was collecting data. I used initial letters of the first names of persons involved for the sake of confidentiality.)

K and B were brothers-in-law living in the same village. K was B's brother-in-law whose wife was B's sister. They were a type of related family than separate families. Both were depended on each other for many things. Their children spent time together mostly playing in a playground near their farms and protecting the farms 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 with a spear in a farm from where they were protecting both families' farms, B accidentally speared K on his back. When K died, B's family became 'worra dhiigaa' – households at blood feud. K's family was in critical need of B's family help but they were not allowed to see each other, let alone to help each other. B has the responsibility to ask the father of his wife and his family (family of the murdered) and he was volunteered to do so; but the custom prohibits him because they were in blood feud. It was amidst this difficulty that the elderly sat down and decided to undertake Gondooroo instead of reporting to the legal system – which they knew would not help. But local community police reported the issue to the district court and then B sentenced for 8 years. Therefore the two families are not allowed to eat together, attend the same school, church, meeting, market, or even to see each other on the streets. It was when I was going to the purification site with the person called M, brother of the murderer, immediately we met his sister married to that family, he quickly run out of the road. I was shocked started to run with him. 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.

The Gondooroo rite of purification requires preparation and it cannot be performed instantly.

It needs 'Booka/daadhi' (home-made honey wine), slaughtering of sheep, and other things that the culture prescribes, which requires at least two to three days to prepare. Also, according to my informants, there is no preferred day for the Gondooroo ritual. But it is done very early morning at the time when the dark of the night is ending and the bright of the day is coming/emerging which pragmatically signify the bad is ending and the good is coming as darkness connote bad and bright connote good. Once the Gondooroo was performed, B was able to hospitalize the family of the murdered though he was not able to save him. Now, B is responsible as a breadwinner for both households.

The case clearly shows that Gondooroo is an irreplaceable method with which the Guji 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 Gondooroo, B's family would have disintegrated and his properties would have been abandoned. The state legal systems lack flexibilities with which to handle cases as complex as the one given above

So if Gondooroo is able to manage issues of homicide which are as confusing as the one given above, and which the state legal systems might not be able to handle, how can one afford to ignore Gondooroo? 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 Gondooroo.

### **3. Gondooroo 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 peace building 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, aspects of the process. But, what is not contestable is the notion that the peace building 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 abusive 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 homicide is between individuals, families, or small groups.

Therefore, any peace building 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 traumatized. 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 peace building. 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' (Edossa et al. 2005:11).

Gondooroo operates in accordance with the Guji'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 individualize the conflict as well as its resolution.

### **4. Gondooroo 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 decentralization 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 recognized 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.

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 decentralization 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 reasons for the preference for customary institutions (Zeleke 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 (Zeleke 2010:81–82). Gondooroo is one of these customary mechanisms that has been and is currently exceptionally in use across Oromia in different names such as gumaa in handling cases of homicide.

In fact, Dibaba is of the opinion that the exceptional utilization of customary laws such as Gondooroo/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 Zeleke (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 unfamiliar system, and it is not accessible to the public.

The government should realize 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 utilization of the Gondooroo institution to settle blood feuds across Guji 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 peace building.

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 utilization and reenactment of Gondooroo for settling blood feud in Guji independently or in combination with state courts.

Thus Gondooroo as a recurrent mechanism of handling homicide in Guji ethnic group 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, Gondooroo is a community-owned institution meant for settling homicide and it is practiced 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 maximized its trustworthiness and credibility among the larger public and its reenactment in lieu of state legal systems.

### **5. Gondooroo 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 disciplinary 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 penalizing them. But, in Guji 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 Gondooroo are well aware of such 'collectivization' 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, moral 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 hostility between parties at feud with each other.

In Guji culture, blood feud of the same tribe, Guji, cannot be settled without the Gondooroo 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 imprisoned, Gondooroo needs to be performed after finishing the time in jail and the slayer family is expected to beg for and secure apology from the victim family until the slayer finish 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 Guji are concluded by customary institutions such as arbitration, reconciliation and Gondooroo rites of purification. The slayer, who was convicted say ten years for homicide, is required to show regret and appeal to the elderly in his kin to initiate Gondooroo 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 Gondooroo involves symbolic penalty and the rite of cleansing and purification. Gondooroo 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 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 drink honey wine together and eat buna qale (roasted coffee) together to indicate the end of enmity and bitterness towards each other and the restoration of the once sweet relationship. The end of the Gondooroo rites of purification that announces the end of the vendetta and the restoration of peace and harmony is called eebbaa (blessing). 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 Gondooroo is still serving as a customary law in filling gaps and incompetence's of the state legal system to fully settle blood feuds in Guji Oromo.

### **6. Gondooroo 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 counseling.

Indeed, undergoing *Gondooroo* rites of cleansing and purification by itself is rehabilitative counseling 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 minimizes traumatic experiences related to the incident of the homicide in one way or another. So it is reasonable to propose *Gondooroo* as a model of rehabilitative counseling 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 peace building. *Gondooroo* is such an indigenous institution that the Guji Oromo have been using to settle blood feud since time immemorial. Even today, *Gondooroo* 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 utilization, *Gondooroo* has not yet been viewed seriously enough from a psycho-social point of view. In prior works, *Gondooroo* has been analyzed 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 *Gondooroo* to conflict resolution, justice administration and peace building from psycho-social perspectives.

Specifically, the article has analyzed the contributions of *Gondooroo* to conflict resolution, administration of justice and peace building within psychological and social frameworks.

To this end, *Gondooroo* has been explored as a viable psycho-social method of conflict resolution, justice administration and peace building, and six of its key outcomes in interrelated psycho-social areas have been identified and highlighted. First, *Gondooroo* 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, *Gondooroo'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, *Gondooroo* 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, *Gondooroo* 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, *Gondooroo* addresses gaps and in-competencies 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.

*Gondooroo* addresses and fills this apparent void in and irrelevance of imported laws by removing grudges and animosity between parties that penalization of the slayer may not remove but leave behind. Finally, *Gondooroo* 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 *Gondooroo* institution plays in conflict resolution, justice administration and peace building 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 exclude *Gondooroo* as traditional law. Further, the author recommends *Gondooroo* as an essential psycho-social method of conflict resolution, justice administration and peace building which aims at ensuring social and restorative justice as its ultimate goal.

Moreover, the author calls for official recognition of *Gondooroo* as per article 78(5) of the Constitution of Ethiopia and its revitalization and incorporation into the existing criminal law of homicide.

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