



IJSSHE-International Journal of Social Sciences, Humanities and Education
Volume 3, Number 3, 2019
ISSN 2521-0041

SOME COMMON FEATURES OF CUSTOMARY CONFLICT RESOLUTION MECHANISMS OF HOMICIDE IN ETHIOPIAN SOCIETIES: A REVIEW

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ABSTRACT

Homicide takes place when one human being causes the death of another. It can be broadly classified as lawful and unlawful homicide. These different types of homicides are often treated very differently in human societies. Unlawful homicide is considered as a crime. But, lawful homicide may be considered as justifiable and excusable. Sometimes lawful homicide is ordered by the legal system. Homicide is a crime which victimized not only the victim, but also the victim's family and the general public. Its consequence further affects the slayer. The crime leads the killer to face lots of problems. For instance he may face problems like: - the insecurity of his family, a potential of revenge by the family of his victim, the social and economic crisis and hardship he may face in exile, the compensation he may pay, the social exclusion he may face and so on. Homicide is a crime condemned by many societies all over the world. The consequence of homicide is long lasting if it is not resolved using proper mechanisms of conflict resolution. Hence, one of the imperative issues related to homicide is how to resolve a conflict that ends up in homicide to tackle the protracted consequences that follow in the aftermath of committing homicide. Different societies resolve conflicts using customary conflict resolution mechanisms and modern/court system. This review particularly focuses on some common features that are found in customary conflict resolution mechanisms to resolve a conflict that resulted in homicide among the Ethiopian societies.

KEYWORDS

Homicide, Conflicts, Traditional Conflict Resolution Mechanisms, Ritual

1. INTRODUCTION

The term “homicide” means either the act of killing of one human being by another or a person who kills another (Webster, 1996). It is the killing of a person by another person which is criminal or not criminal, intentional or accidental. It may also cover deaths that occur as a result of injuries sustained from encounters that precede deaths by long stretch of time (Dobrine, 2016)

Homicide is an exceptional crime. This is for the reason that the society in general and the law in particular consider it as a severe crime. Societies consider homicide not only as infringement of the law but also, as a crime against humanity (Wallace, 1986). It is a hectic, social evil and a hated crime which is against the best interest of the society at large. Homicide has undesirable effects from the grass root level of family to the society as the whole. It further harms the offender (Brookman, 2005, Karmen, 2010). Homicide is old as human societies themselves and against physical integrity of man (Jazi & Hajidehabadi, 2015).

Homicide is committed because of biological, psychological and sociological factors. Some group of scientists associated gender, age, height, and anger, and jealousy, physical and mental disorder as the leading factors for committing homicide. Other group of experts thought that homicide is inflicted by external and social factors. It can also be committed by individuals who have deviating behavior, who fail to adapt environmental intricacy and who face economic problems. Besides, it can be also committed by those who have unsuitable family conditions, who lack kindness and who are weak in moral-religious beliefs (Jazi & Hajidehabadi, 2015).

Offenders of homicide make use of different weapons to kill their victims. It is vital to know that not all occurrences of homicide involve the use of weapons. But usually, weapons play considerable role in facilitating homicide due to their fatal capacity. Firearms are the most widely used lethal weapon for homicide, accounting for (41 percent) of the total global homicide rate in 2012, which represents 177,000 out of the total of 437,000 homicide. The use of physical force and blunt objects among others killed over a third of homicide victims. Sharp objects were responsible for the killings of under a quarter (24 percent) of the total global victims of homicide for the same period. The technique apply to slay the victim of homicide depends on various factors. The factors include: - the will of the offender, the socio-demographic characteristics of the victim and the offender, the accessibility of the weapon and the legislation for controlling them. These results in wide variations in the type of weapons used to commit homicide at the regional level (UNODC, 2013).

Homicide can be committed intentionally or unintentionally. Once the death happens the remaining families should lead peaceful and stable life. The blood feud as a result of homicide should be resolved before it leads to the lingering conflict between the victim’s family and the slayer’s family. Like for other types of conflicts, there are two common types of conflict resolution mechanisms for homicide. They are the modern/court system and customary conflict resolution mechanisms. The focus of this review, as presented in the subsequent sections is on some common features that exists in customary conflict resolution mechanisms of homicide in Ethiopian societies.

2. MATERIALS AND METHODS

This article is based on secondary data. To get inputs for the article intensive literature review of published and unpublished data sources was carried out. To this review different databases were

searched and various literatures were collected. Once an initial body of literature was collected, further literature were identified by reviewing the reference lists of the literature at hand and by screening manuscript titles related to homicide and its customary conflict resolution mechanisms. As a result, a great deal of literature was reviewed to create a snapshot of common features of customary conflict resolution mechanisms for homicide in Ethiopian societies.

3. RESULTS AND DISCUSSION

3.1. Societal Views on Committing Homicide

The sanctity of life falls within the framework of universal law. Life is created by God and deemed as sacred. Thus, taking anyone's life on purpose and illegally is an act perceived as a serious crime not only by God but by human beings as well (Lawrence, 2015). Correspondingly, the reviewed literature revealed that homicide is a violent and condemned crime. It is condemned in different societies of Ethiopia. For instance, according to the tradition of the Oyda society, raising a weapon or an attempt to kill others is an act condemned by the society. Trying to kill a person by pointing a spear or using other weapons in the society is not only as an attempt to kill an individual, but also as a test of the society, the culture and the tradition. Pouring the blood of another person is an act hated by the Oyda society (Yewubneh, 2016). Likewise, homicide in the Erob society produces great grievance and condemned by the society. If it happens, it needs a great deal of effort to convince the deceased family to settle the dispute. The community elders reconcile the disputants after monotonous processes (Solomon, 2014). In addition to the above cases, claiming a life in Libido-Mareko society is viewed as a high crime. Consequently, the conflicting parties should not meet face-to-face from the beginning of the conflict until the final ritual of conflict resolution process takes place (Daniel, 2016). By and large, among the Gofa society homicide is one of the crimes which the society categorizes as a very severe crime. As a result, it needs a strict procedure while conducting purification ritual. Killing somebody else is considered as a sin. The society believed that if the sin is not purified, it will cause epidemic to the slayer and the community at large. For the fear of the sin, the Gofa usually refrain from killing any human being (Esayas, 2015).

As presented in the above paragraph, in almost all societies of Ethiopia which are covered in this review, homicide is viewed as unwanted, sinful and a condemned crime.

3.2. Elders Participation as Conflict Resolvers and Binding Decision Makers

In various societies of Ethiopia homicide is regarded as a very serious offence. As a result, attempting revenge on the slayer or his relatives is a common practice. One of the major avoidance mechanisms of the possible revenge is resolving the dispute using customary conflict resolution mechanism. In the mechanism elders are the main actors and resolvers of the conflict. They take the key position as mediators who pass the final and binding decision. They make decisions after investigating the claims from the disputing parties.

To make successful decision elders have to be trusted by the disputants. In order for this to happen, the mediator must be the one who is respected in the society. He must be also able to help the conflicting parties in resolving their differences. As a result, mediators are chosen based on some indispensable criteria. The criteria include:-the honour of the elder in the community, wisdom and experience in solving conflict, the commendable conduct in the society, patience, fairness and

knowledge of societal rules. Elders that fulfil the criteria are respected by the society. Thus, their judgment is appreciated and executed (Horowitz, 2007).

Among the Oromo of the Rayitu Woreda, elders resolve conflicts using traditional methods. Elders who are persuasive public speakers and who use proverbial and wisdom phrases to persuade the attendants of the conflict resolution ceremony or the disputants are recruited to mediate the parties and make the final decision (Endalkachew&Girma, 2016). Similarly, in kusmie society an elder is elected to reconcile the disputants based on some criteria which include: - conduct trustworthiness in the community, ability to lead the people, ability to unify the people and ability to preserve peace. The society assumed that someone should be older than 40 years old to serve as an elder. This is because of the society's belief that if his age is over 40, he is able to pass a fair and convincing judgment. The decision of an elder who have the stated necessary qualities is considered in the society as binding (Biruk, 2006). In similar way, in the Oyeda society elders who resolve conflict that include homicide are expected to be highly regarded by the society. As a result elders who are supposed to resolve conflict are chosen using the criteria set by the norms and traditions of the society. The criteria include membership to a specific clan, good knowledge of conflict resolution process, truthfulness, neutrality, conduct, social status, age and acceptance by the society. Additionally, elders ability to refrain themselves from unethical activities is also considered as a criteria (Yewubneh, 2016).

While priority is given to seniors, any matured individuals who are accepted by the disputants, any individual who is able to resolve conflicts can serve as conflict resolver in some cases.

Once disputes are resolved by the mediation of elders, the terms of the agreement are respected with strict obedience. Such strict obedience to the terms of the agreement is due to the respect the communities have to the elders and the social sanction in it. Failure to respect the decision of such elders would result in being outcast from the society (Wolde, 2018). There is a public understanding that acting in opposition to the decision of elders may bring a bad omen or a curse. If one or both of the disputants disobeyed the decision, customary sanctions will be imposed for their refusal. These customary sanctions include: - prohibition the disobedient from attending cultural and social ceremonies, prohibiting the community from cooperating with the disobedient and community's refusal to support the disobedient in time of wedding, funeral ceremonies and other labor sharing activities (Yimer, 2018). Though homicide is a very humiliating crime that takes the life of someone, the relatives of the victim respect the decision of elders and refrain themselves from revenge.

3.3. Compensation Payment

Compensation is a cultural obligation to secure peace and security between the conflicting parties. It is also a state of assurance of peacemaking process after the conflict resolution. Customary conflict resolution institutions often need the offender to ask an apology. In line with this, the offender required to pay compensation for the wrong he has done. Compensation is often paid by the offender, his family or his clan as a form of restorative penalty. This enables the two parties to reconcile their dispute (Alula and Getachew, 2008).

The compensation for homicide varies from society to society. Moreover, it is paid in kind, in cash or both. This is stated in different literature.

Zelalem and Endalcachew (2014) confirmed that in the Ambo community, there is a tradition of payment of blood money as compensation for homicide. If a person kills another individual he is required to pay the compensation in cash. The amount of payment ranges from 50 to 60 thousand birr. Blood money is also paid for homicide among the Chaha Gurage and in Shnasha society (Besie and Lemessa, 2008, Wondwosen, 2015). In some societies compensation for homicide is paid in kind. This type of compensation is paid in heads of cattle. The number of heads of cattle paid as compensation varies from society to society. For instance, in the Nuer society the number ranges from 40 to 50 (Dereje, 2008). According to the tradition of the Halaba society 100 cattle is paid as compensation for planned killing (Elias, 2006). Among the Haramaya Oromos the one who commits homicide outside of his own clan obliged to pay 15 to 50 heads of cattle as blood compensation. But, if the person killed someone from his own clan the conflict is resolved without payment of compensation. The reason for resolving conflict devoid of compensation is due to the community's belief that the disputants are fraternal brothers. Consequently, there is no need to pay compensation for one's own fraternal brother (Shambel, 2017).

In some societies the means the killer pays the compensation differs to some extent from the other societies. For instance, in societies like the Derashe, the slayer required to pay 2 to 4 heads of cattle to the victim's family. Additionally, the family of the slayer provides free labor in the agricultural activities of the deceased family (Daniel, 2009). In rare cases, compensation is required to be paid as a form of exchange of individuals for marriage. For instance, according to the customary law of the Sheko, anyone who committed homicide is required to compensate the victim's family with a girl or a boy. The Sheko believed that the persons given to the deceased family will give birth to a child. And, that will help the family of the victim to overcome their mourning. If the slayer has no daughter or a boy of his own and his relatives, he has to report to the mediators in advance. If the mediators found the claim as true, then they will decide the compensation to be paid in heads of cattle which ranges from 10 to 12 (Mengistu, 2018).

3.4. Mutual Cooperation and Support to Pay Compensation

Customary conflict resolution institutions often consider not only the person in charge of the conflict, but also his family and community are accountable for the offence. As a result, particularly the close relatives of the offender are responsible for the execution of what is convicted on the offender. If the offender is required to pay compensation, they will take part in contributing their own share for the payment (Alula and Getachew, 2008).

Homicide is at the peak of all offences. Due to its severity, most societies require high amount of compensation in cash, in kind or both to resolve the conflict. The compensation payment is too difficult to pay by the slayer alone. As a result, the compensation is paid through mutual help. In most cases the family and the clan of the slayer contribute their own part in paying the compensation. Few studies also state that there are instances that communities at large take part in the payment of the compensation.

There are several examples in the reviewed literature which show the practice of mutual cooperation and support in paying compensation related to homicide. For instance, In Chaha Gurage the compensation for homicide is paid in cash. The money for composition is collected from the relatives of the slayer. The slayer collects the money from his family members and other

relatives by telling his bad deeds. Even though the slayer may be able to pay the money by him, the custom of the society does not allow him to pay (Wondwosen, 2015). Biruk and Jira, (2008) also revealed that in Harar the compensation is not paid by the killer alone. The members of the killer's clan and relatives also contribute in paying the compensation. In Halaba society, the offender receives help from his kinsmen and clan to pay compensation. There is the culture of cooperation and mutual help in the society (Elias, 2006). In the same way, the Derashe community members contribute their own part for the payment, if the killer's family cannot afford to pay the compensation (Daniel, 2009).

3.5. Rituals to Reconcile Homicide

One of the common features of customary conflict resolution for homicide is the performance of a customary ritual. The ritual is a sign of reconciliation and the ceremony shows the final result. It used to create a new and stable relationship between the slayer's family and the family of the deceased. It also eliminates the hostility between the them. The process wraps up the reconciliation process. It also enables the slayer to return to his normal social life (Daniel, 2016).

Yewubneh (2016) noted that a conflict resolution of homicide in the Oyda society concludes with the performance of a reconciliation ritual. The society thought that the slayer should go through a ritual ceremony to cleanse him from the sin. The ritual purifies the slayer and eases his incorporation into the community. It also resolves the conflict between the assassin and the family of the deceased. By the same token, conflict resolution in Libido-Mareko society is concluded by a reconciliation ritual. In the ritual ceremony, the murderer tells the truth and everything he said during that time considered as a truth (Daniel, 2016). In Harar a reconciliation ritual symbolizes that blood is dried and the two parties reconciled their dispute (Biruk and Jira, 2008).

In the majority of customary conflict resolution processes rituals take place on the day appointed by elders. Rivers, big trees and places for public gathering are usually preferred places to conduct rituals.

One of the common practices in rituals of customary conflict resolution process of homicide is slaughtering of animals. The slayer or his relatives slaughter animals as part of blood purification. The meat of the slaughtered animal is served among the attendants of the conflict resolution to symbolize the end of the conflict. The blood of the slaughtered animals sometimes used for the blood purification process. Animals slaughtered for the ritual differs from society to society. The most common animals that often slaughtered include sheep, goat, ox and cow.

For instance, in the Shnasha society the reconciliation ritual held on the day appointed by elders. The assassin does not take part in the dispute settlement process. The slayer's family brings an ox to be slaughtered. After slaughtering an ox, the two families hold their hands and put in to the blood prepared for the ritual. After that, the deceased family delivers an oath to do not revenge the killer and his family. (Besie and Lemessa, 2008).

In some others societies the conflict resolution ritual requires the slayer's family to slaughter an ox and distribute its meat to the attendants of the ritual (Biruk and Jira, 2008, Solomon, 2014). Sharing meat and eating together concludes the conflict resolution process. And, that is believed to purify the slayer from the blood he poured.

The blood of the slaughtered animal used for different purposes in the ritual. Daniel (2016) stated that in Libido-Mareko society customary conflict resolution ritual for homicide requires slaughtering of a black goat. In the ritual elders then take the bowel out of the goat and ties on the toes of the slayer and the deceased's close family member to bring peace between them. In the case of Oyda society, the ritual involves slaughtering a goat. The conflicting families wash their hands with the blood of the slaughtered goat to cleanse their enmity (Yewubneh 2016). Similarly, in the Chaha Gurage society red collared sheep is slaughtered as part of the ritual. Then, the conflicting parties wash their hands with its blood and rub their face by the lung of the sheep to avoid their enmity (Wondwosen, 2015).

Most conflict resolution rituals of homicide started by opening prayers and closed by the blessings of elders.

4. CONCLUSION

Homicide is regarded as a serious and undesirable crime in various societies of Ethiopia. It affects victim's family, the criminal himself and the general public. This forces the reconciliation to pass through tedious and strict conflict resolution process. A homicide based conflict can be resolved by the modern court system or by customary conflict resolution mechanisms.

The process of conflict resolution using customary ways is mostly lead by community elders. Elders are selected based on criteria like, age, wisdom, social status, conduct and trustworthiness to mention some. Once they are selected, they are responsible for probing the truth, mediating and resolving the conflict. The community as well as the conflicting parties has a high respect for elders and their decisions.

Customary conflict resolution for homicide consists of compensation payments. The compensation corresponds to the severity of the offenses and can be made in kind, in cash or in both based on the culture of the society. Once homicide is committed, accountability rests not only on the slayer but also on his family and his clan at large. As a result, there is community based cooperation in paying compensation payments.

Homicide based conflict resolution process is concluded by rituals. The rituals symbolized the resolution of the conflict. They further mark the restoration of peace and harmony between the disputing parties.

REFERENCES

1. Alula Pankhurst and, Getachew Assefa 2008. Facing the challenges of customary dispute resolution: Conclusions and recommendations. In: Pankhurst and Assefa eds. 2008a, pp. 257-273.
2. Besie, Bayisa and Lemessa Demie 2008. Customary dispute resolution in Beni-Shangul Gumuz with emphasis on Shinasha society. In: Pankhurst and Assefa eds. 2008a, pp.123-131.
3. Biruk,H and Jira, M (2008). Customary Dispute Resolution in Harar. In: Pankhurst and Assefa eds. 2008a p. 155-168
4. Brookman, F. (2005) *Understanding Homicide*. London: Sage

-
5. Daniel, M. (2016). Traditional disputes Resolution Institution among Mareko ethnic group
 6. Southern Ethiopia. *International Journal of Arts Humanities and Social Sciences (IAHSS) Volume 1 Issue 1 | August 2016.*
 7. Dereje, F. (2008). Customary Dispute Resolution Institutions: The Case of the Nuer of the
 8. Gambella Region In: Pankhurst and Assefa eds. 2008a p. 133-154
 9. Dobrin A. (2016). Homicide Data Sources: An Interdisciplinary overview for Researchers. Springer Briefs in Criminology, ISSN 2192 - 8533. Classification Manual 2nd Edition San Francisco: Jossey-Bass
 10. Endalkachew Birhan and Girma Bekele(2016). Challenges and Opportunities of Indigenous Conflict Resolution Mechanism in Oromia Regional State: The Case of Rayitu Woreda, Bale Zone. *European Academic Research .Vol. IV, Issue 6/ September 2016.PP.5482-5499*
 11. Esayas, A. (2015). Indigenous Conflict Resolution Institutions: A Study among the Gofa People of the Demba Gofa District, SNNPR. Unpublished MA Thesis: Addis Ababa University.
 12. Jazi M. E. & Hajidehabadi M. A. (2015). Evolution of the role of individual and social factors effective on homicide. *International Journal of Humanities and Cultural Studies* ISSN 2356 – 5926.
 13. Karmen, A. (2010). *Crime victims: An introduction to victimology.* Belmont, CA: Wadsworth.
 14. Lawrence E. O. (2015), Nigeria and incidences of homicide. *American international journal of social science*, vol.4, No.5, university of Jos.
 15. Mengistu, F(2018). Traditional Conflict Management and Resolution Mechanisms: The Case of Sheko People in Ethiopia. Unpublished Phd Dissertation: AAU.
 16. Merriam-Webster, Inc (1996) Merriam-Webster's Dictionary of Law.
 17. Shambel, T (2017). Indigenous Dispute Resolution Mechanisms at Haramaya Woreda of Eastern
 18. Hararghe Zone, Oromia Regional State, Ethiopia. *IJRDO-Journal of Social Science and Humanities Research .Volume-2. Issue-7. July, 2017.*
 19. Solomon, B. (2014). Indigenous Democracy: Alternative Conflict Management Mechanisms
 20. Among Tigray People, the Experiences of Erob, Community. *Journal of Science & Development 2(2).* 2014
 21. United Nations Office on Drugs and Crime (2013). *Global Study on Homicide: Trends, Contexts, Data,* Vienna.
 22. Wallace A. (1986). *Homicide: the social reality.* New South Wales Bureau of crime statistics and research Attorney General Department.

23. Wolde, B. G. (2018). Traditional Conflict Resolution Mechanisms in Kaffa Society of Ethiopia. *Universitepark Bülten*, 7(2), 128-142.
24. Wondwosen, T. (2015). Documentation and Description of Traditional Conflict Resolution
25. Sebat Bet Gurage: The Case of Chaha Gurage. Unpublished MA thesis in Documentary Linguistics and Culture: AAU.
26. Yewubneh, Y. (2016). Indigenous Conflict Resolution Mechanisms among the Oyda People of Southern Ethiopia: An Exploratory Study. Unpublished MA thesis in Arts in Social Anthropology: AAU.
27. Yimer, A.M. (2018). Assessing the Role of Elders in Preserving Peace and Security: A Case Study in South Wollo, Ethiopia. *Advances in Applied Psychology Vol. 3, No. 2, 2018, pp. 29-33*
28. Zelalem, M. and Endalcachew, B. (2014). Traditional Conflict Resolution Mechanisms among
29. Ambo Woreda Communities. *International Journal of Research (IJR) Vol-1, Issue-11 December 2014*



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