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Restorative Justice among the Macha Oromoo of Noolee Kaabbaa: *The* case of Dilaa Koobii Warqee

Keresa Tasisa Oromo Folklore and Cultural Studies

Email: karreesatasisa@gmail.com

Dejene Gemechu (PhD)*

Associate professor in Social anthropology at the Department of Social Anthropology, College of Social Sciences and Humanities, Jimma University, Ethiopia

Email: sachekebo@gmail.com,

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Abstract

This article focuses on a Dilaa Kobii Warqee Qaalluu that is situated in Wollega, particularly in Noolee Kaabbaa. Despite the fact that this Qaalluu center is active, it remains marginal in Oromoo literature. Thus, this article aims at discussing how the Dilaa Koobii Warqee Qaalluu addresses the case of homicide through gumaa (blood price payment). To achieve this objective, we collected data from primary sources through key informant interviews, focus group discussions, and observations. Interviews and FGDs with purposively selected informants were conducted. In addition, various indigenous dispute resolution procedures that were addressed by the Qaalluu Dilaa Koobii Warqee were observed. The findings of this article indicate that the Dilaa Koobii Warqee of Noolee Kaabbaa is one of the indigenous justice systems for addressing disputes and promoting relative peace, security, and social order among the Oromoo of this area. This institution deals with disputes involving corporate responsibilities for offenses such as homicide. In homicide, both the clan of the killer and the clan of the victim take responsibility for resolving the dispute. This indigenous institution primarily targets restoring the ruptured relations between the parties in dispute to maintain social order and peace rather than punishing the offender and compensating the victim.

Key Terms: Dilaa Koobii Warqee, gumaa, homicide, qaalluu, restorative justice

Haqa Deebisuu Oromoo Maccaa kan Noolee Kaabbaa: Dilaa Koobii Warqee irratti Xiyyeeffachuun

Axereeraa

Qorannoon kun kan xiyyeeffatu Dilaa Kobii Warqee (Qaalluu) Wollaga Lixaa, keessattuu, Noolee Kaabbaatti kan argamu irrattiidha. Qalluun kun naannoo Noolee Kaabbaatti hojiirra kan jiru ta'us, qorannoolee Oromoo keessaatti hinhammatamne. Kanaafuu, qorannoon kun akkaataa Dilaa Koobii Warqee dhimma ajjeechaa karaa gumaatiin furu kan ilaaluudha. Kayyoo kana galmaan ga'uufis, odeeffannoon maddoota jalqabaa irraa karaa hirmaattota ijoo (od-himoota ijoo) /key informant/, marii garee xiyyeeffataa fi daawwannaadhaan funaanameera. Hirmaattonni (od-himtoonni gaaffii afaanii fi marii garee qorannoo kana keessatti hirmaatan kaayyoodhaan filatamaniiru. Dabalataan adeemsa maloota xabboo garaagaraa fayyadamuun Dilaa Koobii Warqee akkaata itti wal dhabee furu daawwatameera. Argannoon qorannoo kanaa akka agarsiisutti, Dilaa Koobii Warqee Noolee Kaabbaa keessatti sirna haqaa xabboota wal dhabdee furuu fi Oromoota naannoo kanaa biratti nagaa fi tasgabii sirna hawaasummaa sirrii ta'e dagaagsuuf kan gargaaran keessaa isa tokko ta'uu isaa ibsa. Jaarmiyaan kun hawaasa kana gidduutti yoo ajjeechaan raawwaate ni hordofa; ni ilaala. Ajjeechaan yoo raawwate, rakkoon kun kan ilaalamu sadarkaa gosa isa ajjeese fi gosa isa namni duraa miidhamee gidduutti ta'a. Kanaaf, qaalluun wal dhabdee kana furuuf itti gaafatamummaa fudhata. Jaarmiyaan xabboo kun kallattumaan yakkamaa adabuu fi miidhamaaf beenyaa kaffaluu caalaa sirna hawaasummaa fi nagaa eeguuf akkasumas hariiroo qaamolee hawaasaa sababa wal dhabdee uumameef addaan cite deebisuu irratti kan xiyyeeffatedha.

Jechota ijoo: *Dilaa Koobii Warqee, gumaa, ajjeechaa, qaalluu, haqa mirkaneessuu*

1. Introduction

1.1. The concepts of Conflict and Dispute

The field of conflict and dispute resolution is multidisciplinary and draws its central concepts from law, political science, philosophy, sociology, anthropology, psychology, economics, game theory, deliberative democracy, and more (Menkel-Meadow, 2012). Zerihun (2020), who reviewed literature on the use of the concepts of conflict and dispute, discusses the various definitions of these concepts. Primarily, the concept "conflict" refers to a clash, incompatibility, disagreement, and a condition of disharmony in an interaction process that is caused by competitions over scarce resources and power, the incompatibility of values or goals, ideologies, cultures, differences in benefits, beliefs, thoughts, etc. between the adversaries. According to Gemechu (2007), it is very natural to see people engage in various forms of interaction, including clashes of interests in which one's actions may violate the interests of others and cause them harm. These damages of interest can be physical, material, or moral. While discussing the differences between conflict and dispute, Zerihun (2020) referred to Abel (1974) and Gulliver (1969), who discussed how conflict changes into dispute when the matters become public and the disagreements are communicated to another person. In other words, a clash of interests, values, or needs may manifest itself in the form of a dispute.

In this regard, the concepts of conflict resolution and dispute resolution are also interrelated. According to Zerihun (2020), the concepts of dispute resolution and dispute resolution are often

used interchangeably. On the contrary, the academic discourse on dispute makes a distinction between the two. In this particular article, the term "dispute resolution" is used.

In relation to the issue under discussion, the concept of 'customary mechanisms of dispute resolution' is also important. Customary methods of dealing with offenses are common throughout the world and are especially prevalent in traditional societies (Macfarlane 2006:488). The customary dispute resolution mechanisms are deeply rooted in the different cultural values of different ethnic groups in Ethiopia and have regulated the relationships of the people (Regassa et al. 2008:58). They are associated with the cultural norms and beliefs of the people and gain their legitimacy from community values instead of the state (Jembere 1998:39). Thus, this article focuses on a customary dispute resolution mechanism among the Macha Oromoo of Noolee Kaabbaa, the case of Dilaa Koobii Warqee *Qaalluu*, which is backed by a belief system and aims at the restoration of peace and harmony. According to the Restorative Justice Handbook (2006), in developing countries, restorative justice is practical through traditional practices and customary laws. The customary dispute resolution under consideration is also compatible with restorative justice.

1.2. Restorative Justice: Meaning, and core principles

Despite the absence of a common definition for the concept of restorative justice, Cormier (2002) provides the most comprehensive working definition of restorative justice. It is a type of justice in which the primary goal is to repair the damage caused by an offense, and the offender is held accountable for the offense. The offender, the community, and the victim take part in the process of seeking a resolution that affords healing. The Restorative Justice Handbook (2006:6) states,

Restorative justice refers to a process for resolving crime by focusing on redressing the harm done to the victims, holding offenders accountable for their actions and, often also, engaging the community in the resolution of that conflict. Participation of the parties is an essential part of the process that emphasizes relationship building, reconciliation and the development of agreements around a desired outcome between victims and offender. Restorative justice processes can be adapted to various cultural contexts and the needs of different communities.

Some of the basic features of restorative justice include the fact that it is an alternative dispute resolution approach to state court. It is the acceptance of the community's role as a major site for preventing offenses and social disorder. It addresses offenses by respecting the dignity and equality of each person, as well as promoting social harmony by healing the victims, offenders, and communities. Further, it is an approach that can use the traditional justice system and sanctions. In restorative justice, the offender recognizes his or her offensive behavior and its effects; as well as taking meaningful responsibility. In the meantime, it entails addressing victims' harms and needs.

Similarly, scholars discuss some of the basic principles of restorative justice. According to Zehr (2008), the first principle emphasizes repairing the harm resulting from an offense. In the process of amending the harm, the offender is responsible for recompensing the victim (Van Ness and Strong 2010:87). The second principle, according to Zehr (1990:22), is "engagement," which enables all stakeholders, including the victim, the offender and their families, and the community, to play roles in the justice process. Thirdly, restorative justice demands the free will and participation of the stakeholders to settle the case peacefully (Luna 2003:291). Regassa et al. (2008) discuss how, after gaining the willingness of the victim or his or her family to engage in the customary dispute resolution process, the community elders organize some sessions for the deliberation of the case.

They sit with the victim or victim's family members, the offender, and the offender's family members to discuss the matter. This stage constitutes the heart of the customary dispute resolution process in which the details of the dispute, such as the root causes, the manner of its commission, its consequences, and how it can be settled, are discussed.

The fourth principle of restorative justice presupposes a collaborative decision-making and sanctioning process (Schmid 2002:96). It is a flexible process in which the stakeholders fully agree upon the processes and the outcome (Zehr 2002:24). The fifth principle of restorative justice aims to restore ruptured relations and reintegrate the disputing parties as well as the offenders and the community. For restorative justice, offenses cause harm to both the victim and the larger community. Thus, it aims to heal the ruptured social relations at all levels (Zehr 2005:128). The community condemns wrongdoing and expects the offender to express regret for his or her actions. In response, the community is expected to forgive the offender and reintegrate him or her into the community (Braithwaite 1989:55; Luna 2003:231). Similarly, a portion of the community also takes on the corporate responsibilities of the offense. Accordingly, the offender's family or his or her clan members may be required to contribute to the compensation determined by the elders. This collective responsibility to pay compensation is common in Ethiopia and plays an important role when family or clan members have to be monitored for their compliance with community values (Fiseha et al. 2011:30). The current topic under discussion is relevant to some of the basic features of restorative justice. It is a customary mechanism of dispute resolution that focuses primarily on the restoration of peace and the maintenance of social order in the community. It is also a mechanism in which the community plays important roles in compensating the victim side, organizing rituals of purification and reintegration of the offender and victim sides, as well as the reintegration of the offender into the community.

According to Pankhurst and Assefa (2008), the use of religious values and faith by society in enforcing indigenous dispute resolution mechanisms is widespread in many communities. For instance, the edited volume by Yntiso Azeze and Fiseha (2011) contains nineteen different customary practices that are exercised in different parts of Ethiopia. The Gurage's Yajoka Qica, the Oromoo's *siinqee*, the Amhara's *wofa legese*, the Oromoo's *gumaa*, and the Boro Shinasha's *neema* are just a few examples. Many institutions use oaths, blessings, cursing, and many other spiritual mechanisms to prove and accept the decision of the disputing parties. In addition, stigma and ostracism are also used as enforcement mechanisms in addressing disputes in the community.

1.3. Customary Dispute Resolution among the Oromo: the case of *Qaalluu* Institution

Gemechu (2007; 2011) discusses various institutions of dispute resolution among the Waliso Oromoo, focusing on the *jaarsummaa* system, *ilaaf-ilaamee*, and blood price payment. He also shows that the major *Qaalluu* centers in Eastern Macha have courts to settle disputes and maintain social order in line with the guiding principles of Oromoo culture. It is common to see a large number of people attend the *Qaalluu* centers to have their cases heard. The *Qaalluu* courts are believed to be in sacred places, under the supervision of the spirits that are possessed by the *Qaalluu*.

However, since Gemechu's focus was on the *gumaa* (*gumaa* is briefly discussed in the subsequent part), the discussion of the *Qaalluu* institution is marginal in his work. He focused on the role of *gadaa* leaders in *gumaa* practice, and little has been said as far as the link between *Qaalluu* and *gumaa* is concerned. Aredo and Ame (2005) have also reported on several dispute resolution practices and methods, including the *Qaalluu* among the Oromoo. Despite this, the role of *Qaalluu* in blood price payment was not discussed. One of the early writers, Lepisa (1975), presents the

Oromoo legal system and the values that guided it. Lewis (1984) shows Oromoo indigenous procedures for dispute resolution among the Macha. Knutsson (1967) discusses the role of the *Qaalluu* institution in dispute resolution among the Eastern Macha. Tolera (1997) discusses the role of *Qaalluu ofa-sarba* in dispute resolution among the Machaa-Oromoo of Ginda Beret. Abaye (1995) also studied the *Qaalluu* as a dispute-settling institution among the *Machaa-Tuullamaa* Oromoo. Morton (1973) wrote on spirit-sanctioned adjudication in Shewa *Oromoo*.

Etefa (2002) gives a good account of *michuu*, *harma-hodhaa*, *luba-baasa*, and *moggaasaa* ways of maintaining peace and reconciliation among the Oromoo and their neighboring Shinasha, Gumuz, and Berta in Western Ethiopia. The elders settle disputes among neighboring groups and individuals and apply the laws dealing with the distribution of resources, criminal fines and punishment, protection of property, theft, etc. However, the role of *Qaalluu* in *gumaa* practice is not part of the above discussions.

Specific to *gumaa*, it is a process of dispute resolution in which the offender compensates for his or her wrongdoing. It is one of the Oromoo indigenous ways of dispute resolution, justice administration, and peacebuilding that has survived and functioned to date (Gemechu, 2007). The term "*gumaa*" has different meanings among the Oromoo. It refers to compensation paid for some wrongdoing. It also refers to revenge. On the contrary, it means the reintegration of people who were in dispute with each other because of some incidents of wrongdoing, such as homicide (Gemechu, 2007; Adem, 2014). According to Jalata (2012), *gumaa* is an indigenous practice that uses blood price payment to settle blood feuds. Gemechu (2007) also provided a list of different meanings for the term "*gumaa*," which vary depending on how it is used. Apart from others, this term can be used in three important senses. For the speakers of the Oromoo language, the term refers to a vendetta, vengeance, and revenge. It also means a blood price payment that follows homicide or serious bodily injuries. Similarly, it refers to the ritual of purification that follows homicide. In this paper, the term is used to mean blood price payment and pertinent rituals of purification as well as reintegration (see also Keneni, 2013: 45).

This paper focuses on the role of *Dilaa Koobii Warqee* in resolving homicide through *gumaa* practice. Many scholars have written on the role of the *Qaalluu* institution in dispute resolution among the Oromoo. However, little has been known about *Dilaa Koobii Warqee Qaalluu*, and it has not been covered in Oromoo literature. Even Bartels (1983), who wrote on Oromoo religion with special attention to western Oromoo, did not see the role of *Dilaa Koobii Warqee* in dispute resolution. Therefore, this paper aims to fill the existing research gap on the role of the *Qaalluu* institution in *gumaa* practice. The article tries to respond to the following questions: What is *Dilaa Koobii Warqee*? What are the procedures followed and the guiding principles of *Dilaa Koobii Warqee* to resolve disputes? How does *Dilaa Koobii Warqee* resolve disputes? Who are the people involved in the *Dilaa Koobii Warqee* dispute resolution process? What kinds of disputes are addressed at *Dilaa Koobii Warqee*?

2. Methods and materials

2.1. Brief description of the study area

Noolee Kaabbaa is one of the districts situated in the western part of the Oromia National Regional State of Ethiopia. Administratively, it is found in the West Wollega Zone. It has a border with Illubabor Zone in the south, Kelem Wollega Zone in the west, and Yubdo District in the northwest. Bubbee is the administrative center of the Noolee Kaabbaa district. Coffee is an important cash crop

in this district. According to the 2007 national census report, the total population for this district was 59,826 in 12,004 households, of whom 29,189 were men and 30,637 were women; 5,096 or 8.52% of its population were urban dwellers. The majority of the inhabitants observed Protestantism, with 77.04% reporting that as their religion, while 16.31% observed Ethiopian Orthodox Christianity. About 4.99% were Muslims. The two largest ethnic groups reported in Noolee Kabbaa are the Oromoo (97.82%) and the Amhara (1.75%); all other ethnic groups made up 0.43% of the population. Afaan Oromoo is the first language of 99.28 percent of the population (CSA, 2007).

2.2. Research Approach

This article employed qualitative research methodology mainly due to the very nature of the research, which focuses on indigenous institutions, pertinent cultural values, and practices that can seldom be quantified. This approach also enables us to have a critical and deeper understanding of the social phenomena that are often studied in a natural context. It is the best approach to digging into the deep knowledge and skills used by indigenous dispute resolution institutions.

2.3. Methods of Data Collection

The article is based mainly on firsthand data collected during the fieldwork from February 2014 to the end of March 2014, mainly in different parts of rural *Noolee Kaabbaa*. The following data collection methods were used:

2.3.1. Key Informant Interview

In-depth interviews were conducted using semi-structured questions with selected key informants to get primary data regarding the structure, procedures, and actors in indigenous dispute resolution. A purposeful sampling technique was used to select the informants. There were 16 people identified, 10 men and 6 women, who were well-versed in indigenous dispute resolution mechanisms. Despite the original plan, the number of informants was determined by the saturation point. The participants were knowledgeable elders and clan leaders who had experience with indigenous dispute resolution mechanisms.

2.3.2. Observation

The authors observed two rituals of purification conducted in February 2014 at different places. One of the two rituals of purification took place in the Ganji area, and the other took place in the Homa area, where the Charo River is found. The Charo River is well-known in this area, and when such an event occurs, the ritual is always performed at this river. Therefore, the first author observed the whole setting, including procedures, decisions, prayers, blessings, oaths, and materials used on the occasion of the ritual.

2.3.3. Focus Group Discussion

Data were also collected through focus group discussions (FGD). Three focus groups, consisting of six to eight elders, were formed. The first main reason for using this method is to gain understanding of the respondents' attitudes, feelings, beliefs, experiences, and reactions. The researcher purposely selected elders who have much knowledge about *Dilaa Koobii Warqee*. This is to collect different information on the main principles, features, and procedures of customary dispute settlement mechanisms related to the *Dilaa Koobii Warqee*.

2.4. Methods of Data Analysis and Interpretation:

After collecting the data, the next step was analyzing and interpreting it through different qualitative data analysis methods. The data analysis began after transcribing the data into *Afaan Oromoo* language and translating it into English, and attempts have been made to maintain the originality of the research. The data were triangulated through key informant interviews, observations, and focus group discussions to maximize the trustworthiness of the findings. We analyzed and interpreted the data by segregating it into themes.

3. Result and Discussion

3.1. Meanings and Emergence of *Dilaa Koobii Warqee*

According to our informant, "*Dilaa Kobii Warqee*" is the name of the *Qaalluu* center situated in Noolee Kaabbaa. It is one of the centers of Oromoo *Qaalluu* institutions. As oral evidence confirms, *Dilaa Kobii Warqee* was the first *Qaalluu* that emerged in this place. Goobanaa Yaaddressa was the first *Qaalluu* to host the *Dilaa Kobii Warqee*. As elsewhere among the Oromoo, the term of office of the *Qaalluu* is lifelong. Since its commencement, the current *Qaalluu* has been the third person, and he is the grandson of Goobanaa. The term "*Dilaa*" has no clear meaning. However, it refers to something great and big. People say "*dilaa nuuf kadhadaa*," literally meaning "pray for us for abundance." Additionally, when individuals get in dispute, they say, "*Ati dilaa kan of jajju?*" meaning, "Why do you consider yourself as great or big as something?" So, the term has an implicit concept of *Waaqaa* (equivalent to "God" in English) rather than directly referring to the *Qaalluu*. The term "*koobii*" refers to a large pile or mound, and it is used to express giant things or a respectful person. For instance, '*inni guddaa hanga koobii ga'a*' means he is as big as pick land (a heap). Thus, these terms, *dilaa* and *koobii*, have similar meanings. The term "*warqee*" literally refers to gold. Thus, *warqee* in this context serves to show respect, quality, and affection towards the *ayyaanaa* (spirit) that the *Qaalluu* beholds.

According to the data from the field, the *ayyaanaa qaallummaa* came upon *Goobanaa Yaaddressa* from heaven. The spirit that descended upon him declared that "it is *Dilaa Kobii Warqee* that came from above for the people." Literature on the Oromoo who wrote on the *Qaalluu* institution shows that the *Qaalluu* is from heaven (Knutsson, 1967). Oral tradition shows that the *oditu Qaalluu* of the Borana 'came to earth from the sky'; the *Qaalluu* karrayu of the Borana came from a cloud of mist (Legesse, 1973). A similar story shows how the Abebe's Jijo Gabata of Macha Oromoo was from heaven.

The *Dilaa Kobii Warqee Qaalluu* center provides administrative and religious services to the Noolee Kaabbaa community in West Wollega. Aside from its religious mission, the *Dilaa Kobii Warqee Qaalluu* plays an important role in dispute resolution in this area.

3.2. The Court of *Dilaa Koobii Warqee (Qaalluu)*

Dilaa Kobii Warqee has a permanent court to hear disputes. The court has five elders to provide a verdict. Two of the full bench are permanent judges, and the remaining three are community elders who are temporarily selected to hear and resolve specific cases. The selection of the judges takes into consideration the elders' knowledge of the custom and traditional law of the society, their reputation, impartiality, commitment, willingness to serve the society, and their honesty.

3.3. How *Dilaa Koobii Warqee* resolves the case of Homicide

The case of homicide involves the slain, the killer, their respective families, clans, and the whole community. Thus, addressing the homicide case involves multiple actors and several steps. In this section, we discuss the steps, actors, and practices in resolving homicides at the *Dilaa Kobii Warqee*

ritual center. According to field data, homicide is one of the heinous acts that draws the attention of the entire community. It is among the serious offenses, primarily because it is a violation of the law of *Waaqaa* that causes the ritual impurity of the killer. Secondly, it is a serious breach of customary law that negatively affects the relationships between the clans and families of the victim and the offender.

3.3.1. Ostracism of the Murderer and Interference of the *Qaalluu*

Among the *Noolee Kaabbaa Oromoo*, as elsewhere among the Oromoo (Gemechu, 2007), homicide is regarded as a serious act both legally and ritually. Thus, its settlement involves both jural responsibilities and ritual requirements. Both are processed by the *Qaalluu*, his judges, and elders from both the offender and victim sides. According to field data, killing someone is a violation of customary law and is punishable. As a result, a slayer seeks refuge at the *galma Qaalluu* to avoid retaliation killing from the victim side. The slayer stays at the *galma* as of the day of the murder, lasting until the *Qaalluu* and his judges complete the reconciliation and reintegration of the slayer and slain sides. However, this was the time when the *Qaalluu* center was working at full capacity. Since recently, the slayer may have surrendered or been arrested for the crime.

Secondly, to put someone to death is against the law of *Waaqaa*, the Creator. Thus, the one who murders is ritually impure and may suffer its consequences for generations if he or she does not get cleansed. A slayer has to observe a series of bans on his or her day-to-day activities. The person has to be excommunicated from his group, not allowed to get his or her hair cut, and have no or limited contact with family members and/or relatives. He or she lives alone, sleeps alone, and is not allowed to speak to anyone, not even to those who serve him or her food and drink. The slayer is offered a small amount of food on a broken plate. He or she permanently wears the same clothes he or she wore during the killing. Nobody shakes his or her 'dirty' hand that sheds human blood. The killer has to cover his or her face with clothes. These are all markers that the slayer is not a free person, to eat, drink, wear, clean, communicate, travel, and the like; rather, he or she is in custody for his or her act of killing. Basically, according to our informants, the pre-settlement measures against the slayer communicate Oromoo values for human life. They are also markers of the degree of severity of the offense. Furthermore, they are methods of controlling the vengeance killing against the slayer, who seeks refuge at the *galma Qaalluu*.

If the killer seeks refuge at the ritual site of the *Qaalluu*, he or she admits his or her misdeed and demands third-party intervention, mainly from elders and clan leaders. It also shows that the killer is ready to repair the harm resulting from his or her offense. As Zehr (2008) and Van Ness and Strong (2010) show, taking responsibility for the offense and compensating the harm are among the principles of restorative justice. Further, according to Braithwaite (1989) and Luna (2003), the community condemns the offense and expects the offender to show a sense of repentance for his or her actions.

3.3.2. The Initial Entreaty (*Sagada*)

To cool down and manage the most heinous act, homicide, the *Dilaa Kobii Warqee* judges and the elders immediately intervene and beg the family of the slain not to take revenge in any way. The slain side may seek vengeance by killing someone on the killer side or raiding and destroying their property. The *Qaalluu* and elders of the area work hard to prevent this from happening. The slain family must be supervised, as they may go for revenge against the family of the slayer.

There are procedures for begging for mercy and arranging a forum for dispute settlement. The entreaty is not directly done by the slayer family or relatives; rather, it is proxy begging done by the elders from the *Dilaa Kobii Warqee* and neutral elders of the area. The participants of the entreaty are the *Qaalluu*, his judges, virgin girls, and elderly women (*jaartii cifiree*). They also hold *kallacha* and *caaccuu*, which are sacred cultural materials among the Oromo, during the supplication performance. They made a strong demand for mercy and settlement of the case through *gumaa*. On this occasion, they have to show respect for the slain side, which is marked physically as well as ritually. When they beg, the elders and the *Qaalluu* in person stand in front of the residence of the family of the slain and say, "Oofuu/Izgoo...Izgoo...Izgoo. Connotatively, it means "excuse us!" Excuse us! The participants bow their heads. The pleading usually goes for five days. The pleading is done for three consecutive days; while the remaining two are done every other day. The pleading process takes place as follows:

<i>Adaraa lubbuu duute</i>	For the sake of the dead person
<i>Adaraa isa jiruu</i>	For the sake of the living
<i>Adaraa kallachaa</i>	For the sake of <i>Kallachaa</i>
<i>Adaraa waraanaa</i>	For the sake of the spear
<i>Adaraa alangee</i>	For the sake of law
<i>Gumaa isa du'ee nutu barbaadaa</i>	We shall ensure the <i>gumaa</i> of the slain person,
<i>Dura isa du'e awwaallaa</i>	First, let us bury the dead
<i>Adaraa jaarsaa fi jaartii</i>	For the sake of the elderly
<i>Warana irra hintarkaanfatiina</i>	Do not undermine our custom
<i>Jaarsa dura hinqaxxaamuriina</i>	Do not reject the elders' request

The slain side's representatives respond positively to the request. The representatives are usually respected and knowledgeable members of the victim's clan. The standard way of responding to the request is by saying "*harka maaraacadhaa*," which literally means "wash your hands." However, it connotatively means "cleanse your impurity." Once the pleading ritual is over and the slain side agrees to negotiate, the two parties remain under oath of promise not to opt for any other way to deal with the dispute.

This shows how this system of justice is part of what is usually termed "restorative justice." As it is discussed above, one of the principles of restorative justice is the participation of the stakeholders in settling the case peacefully (Luna 2003:291). The request for reconciliation usually comes from the offender and his or her side, with the willingness of the victim side (Regassa et al. 2008). Similarly, Zehr (2002) uses the term "engagement" to refer to the participation of the victim, the offender and their families, and the entire community to properly effect the justice process. Some empirical studies, like Fiseha et al. (2011), show that in some Ethiopian communities, a portion of the community, particularly the families and fellow clan members, takes corporate responsibility for the offense and is responsible for compensating the harm. Similarly, the victim's side is responsible for ensuring that the case is properly handled and settled.

3.3.3. The Post-Pleading Deliberation

Since the primary mediator is the *Qaalluu* and his judges, the meeting place is usually under a sacred tree around the *Qaalluu* center. There are sacred trees that are considered holy and serve as a source of blessing and peace. These trees serve as a meeting place to see cases of homicide via *gumaa*. To begin with, they pray to God by saying, "*Yaa waaqa na gaanuu buusi! Nuuf dhiisi cubbuu keeyna.*"

"Oh God, let your mercy be upon us! Forgive us our sin." They invite *Waaqa* to take part in the deliberation. According to Gemechu (2007), elders begin their mediation with a prayer to the Creator (*Waaqa*) asking for help with the processes. According to the author, they believe that the ultimate mediator or conciliator is the creator, whose interests are possibly channeled through the words of elders. They often use the saying "*dhugaan ilmoo waaqati*," which means "truth is the son of the Creator. They also believe that, however trustworthy and knowledgeable a person is, *dhugaa* (truth) may be bent in his or her hands, for no one is masterful of it except the Creator.

In support of the very objective of resolving cases of dispute, elders may narrate a story or tell a proverb to encourage the disputants to come to terms with the agreement. For instance, according to our informant, the proverb "*gaariin gaafahunda; hamaan gaaf tokkicha*" means "success prevails, but bad fate happens one day." This is to show that people mostly live peacefully, but unfortunately, killing may also happen. In addition, they use the proverb "*dhugaa fi bishan utuu ittisanii yaati*," meaning "despite attempts to block, truth and water usually flow."

The standard way of starting the proceeding is by advising the disputing parties to be honest and ready to settle the dispute. In hearing a dispute case, the judges must be treated with the utmost respect. Failure to exercise patience and tolerance will lead to an immediate fine. It is required that proceedings take place in good order, with people talking only when asked to.

3.3.4. Decision of the amount of blood price

Data from the field revealed that the amount of the blood price depends on the severity of the offense and the context in which it occurred. The elders confirm that although there is no written document, the amount of the blood price at *Dilaa Kobii Warqee* varies across time. In the past, it was 100 head of cattle to be covered by the clan of the slayer. The payment has gradually decreased, eventually to some cattle and some money. As the community gradually became agrarian and abandoned their pastoralist livelihood, cash became the only form of payment. Currently, except for the ritual slaughtering, the blood price payment is purely done in cash.

Data from the field showed that there is no fixed amount of blood price payment; it is rather negotiable. The Elders and *Qaalluu* decide based on the nature of the offense, including whether it is a wanton homicide or an unintended one. The payment is higher if the killing is premeditated. There is no variation in the amount of payment based on the sex and age of the victim. The social ties between the killer and the victim side are also important; the more the two have social ties, the lower the payment is, and vice versa. Furthermore, due to the rapid depreciation of Ethiopian currency, the elders and *Qaalluu* constantly adjust and revise the amount of blood price payment. After the elders decide the amount of blood price that the killer side has to pay, the representatives of the killer must take an oath to pay as per the decision. The conventional method of promising is as follows:

<i>Gumaa baafna</i>	we shall pay blood price
<i>Yoo bassuu didne horiin nuuf hin horin</i>	if we do not pay, let our cattle be barren
<i>Dubartiin keenya hinoofkalin</i>	let our women do not deliver safely
<i>Dhalli nuuf hinguddatin</i>	let our children do not grow up for us
<i>Waraannii Waaqaa nu haaargatu</i>	let the spear of God harm us
<i>Waraanni namaa nu hindhabin</i>	let the spear of man hurt us
<i>Jiruun keenya haabadu</i>	let our live be destroyed

Following this oath of promise from the killer side, the *Qaalluu* and the mediating elders fix the decision as follows:

The first elder

Tumne seera

We have decided

Gumaan nibaha

Blood price will be paid

Kan ajjeese gumaa baasa

A killer will pay blood price

Kan du'ee gumaa fudhata

The victim receives blood price

Gumaa bahe haaloo yaaduun hinta'u

After blood price is paid, no revenge is thought

Wal miidhuun hin jiru

Do not harm each other

Wal himachuun hin jiru

Do not accuse each other

Gumaa baasuu diduun hinjiru

No one refuses paying blood price

Namni kana dide ni bada

He who refuses gumaa will disappear

Yoo nuganan waaqni isaan gana

If you betray us, God will betray you

Ilmoo duudaa dhalchu

They will beget a deaf child

Gumaan torba ittinaanna'a

Homicide will follow them upto seven generations

Yoo eeboon keenya dhabe kan waaqa isaan hindhabu

If our spear misses them, the spear of God will not miss them

The second elder

seera

it is a decision

dhugaadha

yes, it will be

dhugaadha

yes, they will pay

dhugaadha

yes they will do

dhugaadha

yes, it will not be

dhugaadha

yes, it will not be

dhugaadha

yes, they will not do

dhugaadha

yes, they will not refuse

dhugaadha

yes, they will disappear

dhugaadha

yes, they will be betrayed

dhugaadha

yes, they will

dhugaadha

yes, it will

dhugaadha

yes, it will not miss

Accordingly, they decide on the issue and fix it symbolically, they touch the earth on which the decision is made. The elders further invoke the participation of the spirit of the *Qaalluu*, in the name of *Dilaa Kobii Warqee* to take part in the execution of the decision. The offenders touch the land and say, "*yootumaan kun haalame, abbaan obdii kanaa nuuhaaqabu,*" which means, "Let the master of this land, *Dilaa Koobii Warqee*, betray me if I betray and reverse my promise."

This finding is pertinent to one of the principles of restorative justice. Van Ness and Strong (2010) and Pankhurst and Assefa (2008) indicate that, in restorative justice, recompensing the harm inflicted by the offender is one of the basic principles. In addition, the amount of compensation is decided jointly, referring to the circumstances of the offense and situational analysis related to the economic and family backgrounds of the victim and the slayer. As Schmid (2002) and Zehr (2002) suggest, in all cases, the decision-making and sanctioning processes are collaborative and flexible. The *Dilaa Kobii Warqee* does not have written laws or a well-organized structure for resolving disputes and enforcing its decisions. Instead, it is highly dependent on the consents of the disputing parties, customs, norms, and spiritual beliefs of the community to decide and execute its decisions.

3.3.5. The Initial Ritual of Reintegration

Both disputant parties meet together at the riverside and perform the initial ritual of physical reintegration. The family members and relatives of the slayer and slain have to attend the ritual and go through the purification. The slayer and his scouts must march to the riverside together. The slayer, who is still unpurified, has to pull the *jirma gumaa* (trunk of *gumaa*) starting from his departure to his arrival. *Jirma gumaa* is prepared from the plant called *qobboo* (ricinus trunk), which the community also calls "*muka haraamuu*," "a taboo, bad, incestuous plant." *Muka haraamuu* symbolizes the cultural burden of committing a heinous act of killing. The slayer physically pulls the trunk, which represents his or her impurity. The slayer walks to the riverside in front of the ritual attendants. The killer drags the *jirma gmaa* to the river to represent the removal of the problems and difficulties caused by homicide from the house, clan, relatives, and society.

This ritual is the first public act of reconciliation and purification under the guidance of the mediating elders. The participants on both sides line up on opposite sides of a river. Yet, as a symbol of respect for the family of the slain and remorse for the act of killing, the slayer side remains unveiled. They put a barrier (a curtain) between the two groups, and they do not see each other. Staying in opposite directions shows that until the purification ceremony is performed, there is still tension between the two sides, and if they are in one place, a sense of revenge can be felt. A curtailment symbolizes, in this case, the difficulties and tension between the two parties.

When the elders are ready to perform the first physical reintegration of the parties, they tear out the curtain so that the two can see each other. This implies that the difficulties have passed and they have become one, able to eat with each other, and the enmity has ended. During this ritual, the attendants hold fresh grass. Each meditating elder also holds a glass of milk in his right hand and wet grass in his left. The *Oromoo* people believe that a green environment is a symbol of life (see Kelbessa, 2001). The reintegration ritual is relevant to one of the features of restorative justice. According to Zehr (2005), Braithwaite (1989) and Luna (2003), restorative justice aims at reintegrating the disputing parties as well as the offenders and the community. The principles of reintegration emanated from the idea that offenses such as homicide harm not only the victim but also the larger community.

3.3.6. The Ritual of Cleansing of Impurity

The firsthand data showed that the second step is the ritual of purification, which is also performed at the riverside. For this ritual, the elders collect *maraachaa* and *ulmayyii* leaves, which are used to sanctify both parties in dispute. The slayer provides three sheep for the ritual of slaughtering. One is slaughtered at the riverside, the second at the home of the family of the slain, and the third at the residence of the slayer or his or her family. The one that is slaughtered at the riverside is called "*hoolaa haraamuu*," "a sheep for purification" or "a sheep for cleansing impurity." It is slaughtered by the slain side, and the blood of the sheep flows into the river. This is taken as a symbol of killing the slayer in revenge for his or her act. They remove a femur bone and pierce the stomach of the sheep. Then the killer and the killer's immediate family shake hands through the stomach of the slaughtered sheep and wash their hands with the blood. Again, they say "*kun asumatti haadhumu*," which means "let it end here." When the stomach of the sheep is speared, it lets out a suffocating odor. This is to show that the tension between the two parties has been defused. The community calls this sheep "*Hoolaa Haaraamuu*" because it is killed instead of the killer who committed the most awful act.

Following the hand-washing ritual, the slayer removes and throws his old cloth into the river. The killer is immersed in the river as a symbol of dying and taken out of the water as a symbol of resurrection. He is washed by the elders, who lead the process of ritual purification. They use mineral water and medical leaves for washing. They shave the killer's hair and dress him or her in new clothes. They throw the body of the sheep and the knife that is used for slaughtering into the river. They also roll solanaceous fruits (*hiddii*) in the water. The wet grasses they hold are also thrown into the water. The throwing of all these items shows that the water takes away the problems and difficulties that they are not interested in anymore.

Once these rituals are performed, the elders conclude the ritual at the riverside by pronouncing and collecting the following words of promise. Both disputant parties shake hands with each other and repeat what the elders say as follows:

Elders

Warra tokkoo taaneerra.

We reunite

Warra afaan tokkoo taaneerra

We became people of the same ideas

Warra jireenyaan tokkoo taaneerrra

We would live together

Seexanni gidduu isaaniitii ba'eera

The evil spirit has gone out

Xuriin nuirraa dhiqameera

Our impurity is removed

Ija hamaan wal hin ilaallu

We will not see each other with ill will

Warra gaarii waliif yaadaniidha

We have good will to each other

Wajjin nyaatu

They share food

Wajjin dhugu

They share drinks

Disputant parties (both)

Tokko taaneerra

yes reunite

warra afaan tokkoo taaneerra

yes we became

warra jireenyaan tokkoo taaneerra

we would live together

seexanni gidduu isaaniiti iba'eera

the evil spirit has gone out.

xuriin nuirraa dhiqameera.

our impurity is removed

Ija hamaan walhin iiaallu

we will not see each other with ill will

warra gaarii waliif yaadaniidha

We have good will to each other

wajjin nyaatu

yes, they share

wajjin dhugu

yes, they share

At the end, the elders pray for the successful reintegration of the disputant parties and the help of *Waaqaa* to fix the decision. For instance, they say "*egaa Waaqayyo araara jaallataa, Waaqayyo araara haabuusuuf*". That means, "*Waaqaa* loves mercy; let his mercy be upon them."

Our field data support the findings of Pankhurst and Assefa (2008), who found that religious values and faith in society aid in the resolution of disputes and the enforcement of final decisions. Religious elements such as oaths, blessings, and cursing are used both to prove the truth of cases and enforce the decisions by the mediators or conciliators.

Once the riverside rituals are over, all the attendants march to the residence of the family of the slain. On their way home, nobody is allowed to turn back and look at what they dumped in the river. One of the three sheep provided by the killer is slaughtered at the residence of the slain family and served to all the participants in the riverside rituals. This is the time when they start eating and drinking together. The source of the meat and the physical presence of everyone at the same time to eat from

the same dish imply a common meal. This is an additional and remarkable indicator of the reintegration of the disputing parties. Thus, it shows the reintegration of the killer and victim sides as well as the killer and the whole community.

The *Gumaa* rituals of blood price payment and purification serve to heal the psychological trauma of the offender and the disturbed relations between the offender and the victims as well as the community. The rituals imply that the killer is freed from the guilty act he or she committed, and by default, he or she is a new person who is not liable to vengeance from the victim side. The killer also rejoins his or her family and the community as a whole for day-to-day activities. Thus, the riverside and post-riverside rituals have multi-level reintegration roles.

The entire proceeding, as well as the rituals, are part of the judicial responsibilities and ritual requirements. Anyone who commits homicide may be arrested and sentenced to prison. However, this does not purify the killer from the impurity inflicted upon him or her by the act of killing. Similarly, the payment of the blood price alone does not purify the killer from the heinous act. Thus, both the payment of the blood price and the performance of the rituals of purification are important. The following cases show how individuals who were sentenced to prison terms appealed to the *Qaalluu* to get cleansed of their impurity and reintegrated into the community.

Case 1

Jote Bulti killed Guta Bushura in 2006 because of the escalating disagreement over ownership of farmland. The killer had been away on military duty for several years. When he returned home, his parents had already passed away, and their farmland was in the hands of the victim. The killer was adamant about reclaiming the land. However, the victim did not agree, claiming that he bought the land. The argument became heated, and the killer finally speared the victim and killed him. As soon as he received the news that the victim had passed away, the killer confessed to the act and surrendered to the police. The court ruled that Jote must serve a 12-year prison sentence. He was set free after eight years and went back home. But since he was still ritually impure, he went directly to the *Qaalluu* center and absconded to initiate the *gumaa* processes, which include both the culturally required blood price payment and ritual purification. It was performed in 2014 with its full package.

Case 2

Tura Tucho killed his violent and drunken father, who frequently abused his wife (Tura's mother). One day, as usual, Mr. Tucho Fedha came back home drunk and violently attacked his wife, who fell down and lost her consciousness. Her son was not able to control himself and retaliated by beating his father with a club. Even though the woman recovered, the father died after a while. Tura was arrested by the police and charged. He spent many years in prison. After he was set free through the intervention of *Dilaa Kobii Warqee Qaalluu*, Tura underwent the ritual of purification and reintegration into his family and the community. Since the killer and the victim were from the same family, the issue of payment was less important.

Data from the field also shows that the most important element of *gumaa* is the ritual of purification rather than the monetary aspect of blood price payment. Both cases above show that *gumaa*

primarily focuses on the ritual of purification rather than blood price payment. For instance, case two shows that the payment of the blood price was nearly irrelevant or less important because the killer and the victim were from the same family. However, the ritual of purification was important insofar as there was a killing.

5. Concussion

This article discusses how the *Dilaa Kobii Warqee Qaalluu* center, which is situated in Western Oromia, resolves disputes, particularly the case of homicide. It is one of the customary ways of resolving disputes that heals the ruptured relationships between *Waaqaa* and humans through rituals of purification and repairs the harm that results from an offense by the offender against the victim side. Finally, it repairs the ruptured social harmony in the community. Its basic principle is to ensure peace in the community while maintaining social and moral order. Contrary to modern legal theory, the study indicates that the case of homicide is not a criminal case that involves only the slayer and the slain, but the families and clans on both sides, as well as the laws of the Creator. Thus, homicide attracts the attention of the entire community because of its negative effects on the peace of the area and because it causes impurity for several successive generations if it remains uncleansed. In other words, homicide as an offense threatens an individual's right, the peace of the community, and is mystically dangerous.

In this context, the custom demands that an offender admit his or her wrongdoing and submit himself or herself to the *Qaalluu* ritual center (currently, the slayer may be arrested by the police). This is for seclusion purposes, where the offender remains under absolute exclusion from the community and day-to-day activities. The act of submission, primarily, marks a sense of remorse and a call for intervention to recompense the harm that results from one's offense. Secondly, it indicates that the center has the mandate and power to intervene to address the case both by deescalating the dispute and resolving it. The center intervenes to avoid revenge killing, processing the dispute resolution through its judges, punishing the offender, compensating the harm, performing a ritual of purification, and reintegrating the actors who are at odds with each other due to the offense.

In summary, the basic principles, processes, and structures of the *Dilaa Kobii Warqee Qaalluu* Center are relevant to restorative justice. The features of restorative justice are evident in this empirical study in that the offender takes responsibility for the offense and is willing to repair the harm inflicted on the victim. Secondly, the entire process demands the full engagement of the community, and decisions are collaborative. Finally, restoration of the peace of the land is marked by the reintegration rituals, in which the offender and the victim, as well as the offender and the community, are reintegrated.

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